

The McCain Group

Canadian Privacy Code, Consumer Edition

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Introduction

The Personal Information Protection and Electronic Documents Act (“PIPEDA”) is a Federal Act, which received royal assent on April 13, 2000, and is one of a number of privacy laws in Canada. PIPEDA took effect on provincially regulated employers as of January 1, 2004. PIPEDA applies to all provincially regulated employers unless that employer resides in a province having what is deemed “substantial similar” legislation. PIPEDA is only excluded so long as the personal information remains within that province. Once an organization removes the information from the province for any reason, PIPEDA applies to that information. At the time of implementation of this policy (January 2005), Quebec, British Columbia, and Alberta are the only provinces to have implemented their own private sector privacy laws, which have been deemed “substantially similar”. Fortunately these provincial privacy laws have more similarities than differences, which should allow the spirit of this policy to remain relatively unchanged. This policy will be reviewed and amended on a regular basis to address necessary changes imposed by additional Provincial legislation.

The McCain Privacy Code is a formal statement of principles and guidelines for the protection of Personal Information. The objective of the McCain Privacy Code is for the responsible management of Personal Information in accordance with all applicable legislation.

Privacy Policy
McCain Foods Limited (“McCain”)

In short, protecting your privacy means:

- McCain will not transfer, sell or rent, your personal information or our consumer lists to anybody not directly associated with providing you with McCain products or services.
- McCain only collects your personal information with your knowledge and consent (expressed or implied). We will only use your personal information for the purposes that are obvious or for which you have given specific consent.

Our Privacy Commitment

McCain is known worldwide for providing very high-quality food products to its customers. We are also known for our high standard of customer service. As part of our commitment to the consumer, McCain has a commitment to protecting the privacy of the consumer.

McCain follows the ten principles of the Canadian Standards Association Model Code for the Protection of Personal Information, which is now a part of the Personal Information Protection and Electronic Documents Act ("PIPEDA") and provincial laws that are substantially similar.

This privacy commitment adopts the definition of personal information from PIPEDA:

"Personal information" means information about an identifiable individual, but does not include the name, title, or business address or telephone number of an employee of an organization or information that is publicly available.

This privacy commitment, therefore, applies to information about individuals – primarily the consumer.

What information we routinely collect and how we use it:

Because McCain sells its products to distributors and not directly to consumers, we seldom collect personal information related to our final customers. Ordinarily, McCain only obtains consumer personal information from consumers who choose to contact us through various methods such as: Our customer service center, letters to the company, our web sites, and from those who register for contests.

When a consumer contacts our customer service center, we may record the call so that we have a record of the call and to ensure the quality of our customer service. Consumers are never required to identify themselves so they can provide anonymous feedback. In circumstances where consumer communications are recorded (via our call center, for example), the individual will be informed of the recording and the purpose for the recording. This will be done via an automated announcement to the effect that "This call may be monitored or recorded for quality control and record keeping purposes" or by telling the individual directly.

At the time that consumer feedback is received over the telephone, no consumer shall be required to provide their name, address, phone number, etc. unless the consumer wishes to be contacted in response to their feedback. Unless the consumer wishes to remain anonymous, the customer service representative will ask for the caller's name, address, and phone number so that the Company can respond appropriately.

When consumer feedback is received through letters to the company, the personal information contained in the correspondence will be used to respond to their feedback unless the consumer wishes to remain anonymous.

The Company will not, as a general principle, use any personal information collected in the course of receiving feedback for any purposes other than receiving and responding to the feedback, as appropriate. It will not, for example, use customer feedback as a method of compiling marketing lists. Consumers whose information is collected in the course of contributing feedback will not be contacted for any purpose other than responding to that feedback, unless they specifically express an interest in receiving further information about McCain and/or its products or services.

When a consumer visits our web sites, personally identifiable information will only be collected if the consumer provides it to us voluntarily and knowingly. Our web sites contain check boxes for consumers to opt-in to receive further information about McCain and/or its products or services. Other information that maybe collected with your consent would be: Your email address, name, and phone number in order for you to participate in McCain programs, and sweepstakes.

The information that is collected voluntarily on the web site is added to the Registration Database and used for marketing purposes.

McCain web sites may use "cookie" technology to obtain non-personal information from its on line visitors. Cookies are information files that your web browser places on your computer when you visit a website. Most browsers accept cookies automatically, but can be configured not to accept them or to indicate when a cookie is being sent. We do not extract personal information in this process nor do we provide this information to third

parties. Cookies allow us to customize your user interface to speed up the navigation process and to make the site experience more efficient. If your browser is configured to reject cookies, you will not be able to use the features of our sites.

We use a temporary session cookie to enable you to use our shopping basket and play some of our games. These temporary cookies are eliminated when you exit your browser. Another type of cookie can be stored on your computer by your browser. When you log in, this type of cookie tells us whether you've visited us before or are a new visitor. We do use the cookie to help us identify site features, in which you have the greatest interest, so that we can provide more of what you may want.

McCain sometimes holds contests to promote its products. These contests are sometimes carried out in association with other companies that may not be a part of the McCain group of companies. It is almost always necessary to collect and use personal information about the consumer in the course of holding a contest, because winning entrants usually must be contacted to receive their prize. McCain will not use any personal information collected in the course contests for any purposes other than administering the contest in question, unless they specifically express an interest in receiving further information about McCain and/or its products or services.

On occasion, the Company may take advantage of a contest to better understand our consumers by asking them questions about demographics and preferences. This information is valuable in an anonymous form and it will be made anonymous as soon as reasonably possible after it is collected. Providing McCain with such additional information will be entirely optional and not providing it will not affect one's ability to win the contest.

Other purposes for which we may collect personal information are:

- To establish and maintain responsible commercial relations with consumers and to provide ongoing service;*
- To understand Consumer needs;*
- To develop, enhance, market or provide services;*
- To manage and develop our business and operations; and*
- To meet legal and regulatory requirements.*

Our Websites do allow individuals the opportunity to seek employment opportunities with McCain Foods. Individuals seeking employment with McCain Foods may submit their resumes and applications via mail or by emailing them to hrrecruiting@mccain.ca.

McCain Foods may in their discretion retain resumes or applications for future consideration. By retaining such documentation McCain Foods does not represent or warrant that the applications or resumes will be considered for future employment opportunities. McCain Foods will honour all requests to either not retain, or to destroy all submitted documentation.

Principle 1 – Accountability

McCain has designated an individual who is responsible for McCain's compliance with this policy and applicable legislation. Any inquiry related to our privacy practices may be directed to any of our customer service representatives, the “Contact Us” option on our web sites, or escalated to McCain Chief Privacy Officer:

Chief Privacy Officer
c/o McCain Human Resources Department
McCain Foods Limited
107 Main Street
Florenceville, NB E7L 1B
Tel: (506) 392-5541
Fax: (506) 392-2835

We seldom transfer personal information to third parties for processing, but when we do we obtain assurances from the third party that the personal information will be protected in the same manner as if McCain was processing the information directly. We also require that the third party abide by the McCain privacy policy.

Principle 2 – Identifying Purposes

At the time that any personal information is collected, McCain will take reasonable steps to inform the individual concerned of the purposes for which the information is being collected. In some cases, the purposes will be obvious from the circumstances. Individuals will be informed of the purposes in a manner that is clear, concise, and comprehensible. Our employees are able to provide any further information on the purposes of collection, if such information is required. Depending upon the circumstances of the collection, this information may be provided orally or in writing.

McCain does not use any personal information for marketing purposes except with consent and will not transfer, sell, or barter any consumer personal information to any third parties, except in the event of a sale of all or part of the business of McCain or as legally required. If we are contemplating the sale of all or a part of our business, McCain will provide the prospective purchaser and their professional advisors with limited access to such information for “due diligence” purposes.

At any time when it is proposed to use any personal information for a purpose that was not originally identified, the new purpose will be identified prior to use and the consent of the individual will be obtained, unless such new consent is not required under law.

Principle 3 – Consent

McCain will obtain consent of an individual for the collection, use, or disclosure of that individual's personal information, except as may be allowed or required by law. McCain will try to obtain consent for all anticipated purposes at the time of the collection of the personal information. In some circumstances this may not be possible, so McCain will obtain the informed consent of the individual before using the personal information. Also, if McCain proposes to use an individual's personal information for a purpose for which consent was not initially obtained, additional consent will be required.

For all purposes, consent means informed consent, either expressed or implied. At the time that consent is sought, McCain will make reasonable efforts to inform the individual of all purposes for which the personal information is being sought.

McCain will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond what is required to fulfill the specified or obvious purposes. This means that where consent is being sought for information that is not essential to the provision of the service, providing that information will be voluntary.

There may be circumstances where the consent of an individual may be implied by the circumstances. In such cases, the purposes for the collection and use of personal information will be obvious and McCain may only use the personal information for the obvious purpose.

In general, where the information being collected would reasonably be considered sensitive, McCain will attempt to obtain written consent. Where the information is less sensitive, written consent will not be required, but is generally preferred. If McCain is seeking consent to acquire personal information from a third party (seeking a credit reference, for example), consent in writing will be required so that we can prove the consent of the individual when asked by the third-party information provider.

Important Note to Parents Regarding Children

Several portions of our sites are dedicated to brands directed in whole or in part to kids under the age of majority. In communicating with minor children, McCain is especially mindful of the need to protect their personal privacy.

At the present time, we do not knowingly collect personally identifiable information from kids under 14 on our sites. Good industry practice dictates that websites directed to children under 14 are prohibited from conditioning a child's participation in an activity on the child's disclosing more information than is reasonably necessary. We comply fully with this requirement.

We do, however, permit minor children 14 years of age or older but under the age of majority in their home province to communicate with us by E-mail, enter contests, and register for promotions, newsletters, and other similar items. In doing so your child will be asked to provide parental information confirming your consent for him/her to do so.

If the parent permits a minor child's participation in a contest and the child wins, we contact the parent (not the child) for further personal information needed for any prize delivery.

An Individual may withdraw consent or unsubscribe to any of our programs at any time. More information regarding the implications of withdrawing consent may be obtained by contacting McCain through our customer service center or by the use of the "Contact Us" option on our website.

Despite the general presumption of this policy regarding consent, there are circumstances where McCain may collect, use and disclose personal information without consent, as allowed by law. For example, personal information may be collected and used without the consent of the individual if the information is reasonably required to investigate a breach of an agreement or a violation of the law and there is reason to believe that obtaining consent may compromise the availability or accuracy of such information.

Principle 4 – Limiting Collection

McCain will not collect any personal information that is not reasonably necessary for the legitimate purposes identified and for which consent has been obtained. In addition, personal information will be collected by fair and lawful means.

Principle 5 – Limiting Use, Disclosure, and Retention

McCain will only use, disclose or retain personal information for the legitimate purposes identified to the individual concerned (or which are obvious from the circumstances) and for which consent has been obtained. Personal information will be retained only as long as necessary for the fulfillment of those purposes, except where a longer retention period is required by law.

If McCain uses personal information to make a decision about an individual (for example, whether to grant credit), McCain will retain that information for a reasonable period of time to allow that individual access to the information.

Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. Some personal information may be retained incidentally as a result of routine computer backup operations. When this is the case, the personal information is not available for routine use by McCain.

Principle 6 – Accuracy

Personal information collected, used, and disclosed by McCain will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used. Information that will be used to make a decision about an individual should be as accurate as reasonably possible. If McCain does not have confidence in the accuracy of particular information, it will not be used to make any decisions about the individual.

Nevertheless, McCain will not routinely update personal information, unless the information needs updating to fulfill the purposes for which it was initially collected. In cases where McCain needs to update or confirm the reliability of personal information, a representative of the company will communicate with the individual concerned, unless it is inappropriate in the circumstances. Updating personal information will be the responsibility of the individual. Updating your personal information can be achieved by contacting the customer service department or by using the "Contact Us" option on our web sites.

Principle 7 – Safeguards

McCain protects personal information using security safeguards that are appropriate to the sensitivity of the information. All personal information is maintained on a "need to know" basis. All information will be secured by physical, technical and policy measures as are prudent given the sensitivity of the personal information concerned, including secure destruction when the information is no longer needed.

Principle 8 – Openness

As part of McCain's commitment to openness, it has made available resources such as this privacy statement. McCain's privacy statement is made widely available and will be provided to anybody upon request. We may amend this policy from time to time and any amended policies will be made available on our website.

Principle 9 – Individual Access

Upon verbal/written request to our customer service (see Index 1.0) or by a request made through the "Contact Us" option on our websites an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended or annotated as appropriate.

An individual requesting access to his or her personal information, or who is inquiring whether McCain holds any personal information related to him or her, will be required to provide sufficient identifying information and identification to allow McCain to search for his or her personal information and to confirm his or her identity. Such personal information provided to facilitate a search will only be used for the purposes of a search and will be destroyed as soon as practicable after conducting the search. McCain may charge a reasonable fee for photocopying costs, but will inform the individual of the fee, if any, soon after the request is made.

McCain will respond to an individual's request within a reasonable time. The requested information, if available, will be provided or made available in a form that is generally understandable.

When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, McCain will amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information will be transmitted to

third parties having access to the information in question. When a challenge is not resolved to the satisfaction of the individual, McCain will record the substance of the unresolved challenge. When appropriate, the amended information or the unresolved challenge will be transmitted to third parties having access to the information in question.

There are limited circumstances where McCain is unable to provide access to personal information or may refuse access. For example, McCain must refuse access to personal information that is intermingled with personal information of another person. McCain may refuse access where the information is subject to solicitor-client privilege or is confidential commercial information.

Principle 10 – Challenging Compliance

Any individual with concerns related to McCain's personal information handling practices or the manner in which his or her personal information has been collected, used or disclosed, will be able to address those concerns to a customer service representative or the "Contact Us" option on our web site. If the concerns are not promptly resolved to the satisfaction of the individual, it will be referred to the designated privacy officer for McCain. The privacy officer will investigate the individual's concerns and will attempt to resolve any complaint as expeditiously and as fairly as possible. If a complaint is found to be justified, McCain will take appropriate measures, including, if necessary, amending its policies and practices.

The complaint procedure will be made known to any individual expressing concerns and will be personally explained to the individual if circumstances warrant.

