

THE WAJAX LIMITED PRIVACY CODE

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Introduction

Wajax Limited (“Wajax”) is committed to protecting the personal information of our customers and employees. That is why we have developed The Wajax Limited Privacy Code (the “Privacy Code”) to promote responsible and transparent personal information management practices. The Privacy Code is a statement of principles and guidelines regarding the protection of personal information that has been provided to Wajax concerning its customers and employees. Wajax will continue to review the Privacy Code to make sure that it remains current with changing standards and laws.

For purposes of this policy, Wajax Limited includes all subsidiaries including Integrated Distribution Systems LP, doing business as Wajax Industries, Waterous Detroit Diesel-Allison and Detroit Diesel-Allison Canada East, and Kinecor LP doing business as Kinecor.

Scope and Application

The Privacy Code enunciates ten interrelated principles which should be read in conjunction with the accompanying commentary.

The Privacy Code applies to personal information collected, used, or disclosed by Wajax in the course of commercial activities, as well as employee information collected, used or disclosed for administrative purposes. The Privacy Code applies to the management of personal information in any form, whether oral, electronic or written.

The Privacy Code will not typically apply to information regarding Wajax’s corporate customers. However, such information may be protected by other Wajax policies and practices and through contractual arrangements.

Definitions

collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

consent: Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of Wajax. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

customer: An individual who purchases or otherwise acquires or uses any of Wajax's products or services or otherwise provides personal information to Wajax in the course of Wajax's commercial activities.

disclosure: Making personal information available to a third party.

employee: An employee of Wajax.

personal information: Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

Wajax: Wajax Limited and all its subsidiaries

third party: An individual or organization outside of Wajax.

use: The treatment, handling, and management of personal information by and within Wajax or by a third party with the knowledge and approval of Wajax.

Principle 1 - Accountability

Wajax is responsible for personal information under its control and shall designate one or more persons who are accountable for Wajax's compliance with the following principles.

- 1.1 Responsibility for compliance with the provisions of the Privacy Code rests with the Wajax Privacy Officer, who can be reached at 1-888-504-9941 or via e-mail at privacy@wajax.com. Other individuals within Wajax have been delegated to act on behalf of The Wajax Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information. Please see Wajax's commitment to Privacy at www.wajax.com for complete contact details.
- 1.2 Wajax is responsible for personal information in its possession or control. Wajax shall use contractual or other reasonable means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.3 Wajax shall implement policies and procedures to give effect to the Privacy Code, including:
 - (a) implementing procedures to protect personal information;
 - (b) implementing procedures to receive and respond to complaints or inquiries;
 - (c) training and communicating about Wajax's policies and procedures to staff; and
 - (d) developing information materials to explain Wajax's policies and procedures.

Principle 2 - Identifying Purposes for Collection of Personal Information

Wajax shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 If you are a Wajax customer, Wajax collects personal information for the following purposes:
 - To understand your needs and determine eligibility and suitability for services and credit programs on offer and to perform related credit checks for making sound credit decisions
 - For shipping, billing and collection purposes
 - To protect you and Wajax against error
 - For financial reporting and auditing purposes
 - As required to comply with legal requirements

If you are a Wajax employee, Wajax collects personal information for the following purposes:

- To communicate with you in a timely and efficient manner
- To administer and/or oversee the administration of pension and benefits programs
- For payroll and tax reporting purposes
- To comply with legal requirements
- For emergency contact purposes

Further reference to “identified purposes” mean the purposes identified in this Principle.

- 2.2 Wajax shall specify orally, electronically or in writing the identified purposes to the customer or employee at or before the time personal information is collected.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the customer or employee will be acquired before the information will be used or disclosed for the new purpose.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of customers or employees are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

- 3.1 In obtaining consent, Wajax shall use reasonable efforts to ensure that the customer or employee is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the customer or employee. Consent may be expressed in writing or be implied.
- 3.2 Generally, Wajax shall seek consent to use and disclose personal information at the same time it collects the information. However, Wajax may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 Wajax may require customers to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service if such collection, use and/or disclosure is required to fulfill the identified purposes.
- 3.4 In determining the appropriate form of consent, Wajax shall take into account the sensitivity of the personal information and the reasonable expectations of its customers and employees.

- 3.5 The purchase or use of products and services by a customer, or the acceptance of employment or benefits by an employee, may constitute implied consent for Wajax to collect, use and disclose personal information for the identified purposes.
- 3.6 A customer or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Customers and employees may contact Wajax for more information regarding the implications of withdrawing consent.
- 3.7 Wajax may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.
- 3.8 Wajax may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law.
- 3.9 Wajax may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 Wajax may use or disclose personal information without knowledge or consent to a lawyer representing Wajax, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

Principle 4 - Limiting Collection of Personal Information

Wajax shall limit the collection of personal information to that which is necessary for the purposes identified by Wajax.

- 4.1 Wajax collects personal information primarily from its customers or employees.
- 4.2 Wajax may also collect personal information from other sources including credit bureaus, employer or personal references, or other third parties who represent that they have the right to disclose the information.
- 4.3 Wajax may acquire or purchase customer databases for the purpose of obtaining new customer lists to be utilized with various marketing initiatives. These lists should be acquired from reputable organizations such as Public Libraries or supply companies engaged in database sales, the likes of Dun and Bradstreet, BJ Hunter or Info Canada to mention a few. A caveat should be placed on the Wajax Purchase Order stating “the supplier verifies that it has secured the information according to provincial and/or federal Privacy Legislation and that the purchaser is authorized to utilize the database information without liability”.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

Wajax shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. Wajax shall retain personal information only as long as necessary for the fulfillment of those purposes.

5.1 Wajax may disclose a customer's personal information in the following circumstances:

- To understand your needs and determine eligibility and suitability for services and credit programs on offer and to perform related credit checks and to provide credit information to credit reporting agencies, third party collection personnel and other existing or potential trade creditors
- For shipping, billing and collection purposes
- To protect you and Wajax against error
- For financial reporting and auditing purposes
- As required to comply with legal requirements

5.2 Wajax may disclose personal information about its employees in the following circumstances:

- To communicate with you in a timely and efficient manner
- To administer and/or oversee the administration of pension and benefits programs
- For payroll and tax reporting purposes
- To comply with legal requirements
- For emergency contact purposes

5.3 Only Wajax employees with a business need-to-know, or whose duties reasonably so require, will be granted access to personal information about customers and employees.

5.4 Wajax shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a customer or employee, Wajax shall retain, for a period of time that is reasonably sufficient to allow for access by the customer or employee, either the actual information or the rationale for making the decision.

5.5 Wajax shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6 - Accuracy of Personal Information

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

- 6.1 Personal information used by Wajax shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a customer or employee.
- 6.2 Wajax shall update personal information about customers and employees as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 - Security Safeguards

Wajax shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 Wajax shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 Wajax shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All Wajax employees with access to personal information shall be required to respect the confidentiality of that information.

Principle 8 - Openness Concerning Policies and Procedures

Wajax shall make readily available to customers and employees specific information about its policies and procedures relating to the management of personal information.

- 8.1 Wajax shall make information about its policies and procedures easy to understand, including:
 - (a) the title and address of the person or persons accountable for Wajax's compliance with the Privacy Code and to whom inquiries and/or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by Wajax; and
 - (c) a description of the type of personal information held by Wajax, including a general account of its use

Principle 9 - Customer and Employee Access to Personal Information

Upon request, Wajax shall inform a customer or employee of the existence, use, and disclosure of his or her personal information and shall give the individual access to that information. A customer or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon request, Wajax shall afford customers and employees a reasonable opportunity to review their personal information. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- 9.2 In certain situations, Wajax may not be able to provide access to all the personal information that it holds about a customer or employee. For example, Wajax may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, Wajax may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of the laws of Canada or a province.
- 9.3 Upon request, Wajax shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, Wajax shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a customer or employee may be required to provide sufficient identification information to permit Wajax to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 Wajax shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, Wajax shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 Customers and employees can obtain information or seek access to their personal information by contacting the Wajax Privacy Officer.

Principle 10 - Challenging Compliance

A customer or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Wajax's compliance with the Privacy Code.

- 10.1 Wajax shall maintain procedures for addressing and responding to all inquiries or complaints from its customers and employees regarding Wajax's handling of personal information.
- 10.2 Wajax shall inform its customers and employees about the existence inquiry and complaint procedures.
- 10.3 The person or persons accountable for compliance with the Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 Wajax shall investigate all complaints concerning compliance with the Privacy Code. If a complaint is found to be justified, Wajax shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A customer or employee shall be informed of the outcome of the investigation regarding his or her complaint.

Additional Information

For more information regarding the Privacy Code, please contact the Wajax Privacy Officer at 1-888-504-9941 or via e-mail at privacy@wajax.com.