

PRIVACY NOTICE

Effective Date: December 14, 2023

This privacy notice (the “**Privacy Notice**”) applies to Valley Fiber Ltd. and all of its subsidiaries and affiliates, hereinafter collectively referred to as “**Valley Fiber**”, “**us**”, or “**we**”.

We respect your right to control your personal information. That is why we have developed this Privacy Notice, which describes:

- the types of personal information we collect about you;
- the purposes for which we collect that information;
- how we use that information;
- with whom we share that information;
- how we safeguard that information;
- the choices available to you regarding how we use your personal information; and
- how you can contact us about our privacy practices.

This Privacy Notice applies to Valley Fiber and outlines our practices with respect to all personal information we collect, whether through our website www.valleyfiber.ca (the “**Site**”) or any other websites or microsites we operate (collectively and together with the Site, the “**Sites**”), offline (whether over the phone or in person), through our Equipment, our Software, in emails, texts or other communications, or in any other manner while providing the Services (collectively, the “**Valley Fiber Solutions**”).

By accessing or using the Valley Fiber Solutions you consent to the collection, use and disclosure of personal information by Valley Fiber in accordance with this Privacy Notice. You may choose not to provide us with personal information. You also have the right to withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. However, if you choose not to provide your consent or to withdraw your consent, we may not be able to provide you with the product, service or information that you request.

If you are an Organization subscribing on behalf of your clients, employees or users, you acknowledge that you have obtained express consent from your clients, employees or users for you to use the Valley Fiber Solutions. You will also continue to obtain such consent from future clients or users on whose behalf you are using the Valley Fiber Solutions.

We recommend that you read this Privacy Notice in its entirety to ensure that you are fully informed. However, you can access specific sections of this Privacy Notice based on the type of information you are looking for by clicking on the links below.

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1. Definitions

For the purposes of this Privacy Notice, the following words have the following meanings:

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

“consent” means voluntary agreement with 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, such as a parent or guardian. Express consent is permission that is granted by an individual taking a positive step to signify consent and may be given orally, electronically or in writing. Implied consent is the assumption of consent that can reasonably be inferred from a user's action or inaction.

“disclosure” means making personal information available to a third party.

“employee” means an employee of Valley Fiber, and for the purpose of this Privacy Notice only, includes agents, independent and other contractors performing services for Valley Fiber.

“Equipment” means any device, equipment or hardware used to access the Services or used in conjunction with the Services.

“non-personal information” means information that does not identify a specific individual and which we are unable to connect to other information in order to identify a specific individual.

“Organization” means a company, entity or organization, including any business, but does not include an individual.

“personal information” means information about an identifiable individual, but not aggregated information that cannot be associated with a specific individual.

“registered user” means a user who has created and registered an account or accounts with Valley Fiber, as well as an Organization that has created and registered an account or accounts with Valley Fiber.

“Service” or **“Services”** means any or all of the Valley Fiber Internet services, phone services, television services or other services or programming that you subscribe to under a transaction or service agreement with Valley Fiber or receive from or through Valley Fiber.

“Software” means any application, platform, software, firmware, operating system, driver or any other type of software whether installed on the Equipment or made available by Valley Fiber for use as a standalone product or with the Equipment.

“third party” means an individual other than the user, or the user's agent, or an organization other than Valley Fiber or an Organization, other than the user.

“use” means the treatment, handling and management of personal information by and within Valley Fiber.

“user” means an individual who or an Organization which visits, accesses or uses any of the Valley Fiber Solutions.

2. Personal Information We Collect

When you interact with us through the Valley Fiber Solutions, we may collect or receive the following types of information.

Personal Information You Provide to Us

You may provide us with your personal information in different ways. For example, we may collect any or all the following personal information if the information is reasonably required to provide the Valley Fiber Solutions to you:

- (a) information that you provide when you become a registered user or otherwise complete forms on the Sites, such as your name, company name, birth date, email address, postal address, telephone number, and country of residence;
- (b) your log-in and password details in connection with your Valley Fiber account(s) and any Equipment, Software, and Services you utilize;
- (c) information that you provide to Valley Fiber when you subscribe to the Services or purchase or rent Equipment, such as your address for Services, billing address, payment method, credit card information and/or pre-authorized debit information;
- (d) information about how you use and interact with the Valley Fiber Solutions, such as your calling destinations and patterns, call logs, security device data, billing records, and product and feature usage including viewing patterns and other usage patterns;
- (e) if applicable, information necessary to assess your creditworthiness, including but not limited to information about your credit history, employment, estimated income, paying habits, and outstanding credit obligations in accordance with the *Personal Investigations Act* (Manitoba) and for the duration of any transaction or service agreement between yourself and Valley Fiber;
- (f) your correspondence with Valley Fiber employees or independent contractors, including any questions, concerns or comments you may have about the Valley Fiber Solutions or problems that you report;
- (g) comments, videos, photographs, and any other content or information that you may submit to the Valley Fiber Solutions; and/or
- (h) details of your requests made through the Valley Fiber Solutions.

Technical Information We Collect Automatically

When you access or use the Valley Fiber Solutions, we may collect, using electronic means, technical information. This information may include:

- (a) the IP address of your computer and which browser you used to access the Valley Fiber Solutions;
- (b) operating system;
- (c) resolution of screen;
- (d) location;
- (e) language settings in browsers; and/or
- (f) the site you came from and searched for keywords if arriving from a search engine.

This technical information (some of which in certain instances may be considered personal information) is aggregated and used to measure and improve effectiveness of the Valley Fiber Solutions. We do not attempt to combine this technical information with other personal information we collect in connection with the Valley Fiber Solutions.

3. Purpose of Collection and Use of Personal Information

Valley Fiber collects your personal information and will use your personal information as is reasonably required for the following purposes:

- (a) if you are a registered user, to establish and maintain your Valley Fiber account;
- (b) to determine your eligibility for particular Services and to suggest relevant Services and/or Equipment;
- (c) to provide the Valley Fiber Solutions and/or the other services or information that you request;
- (d) to store your call logs, voicemails, call recordings and other information related to your Services as a convenience to you;
- (e) to ensure that your use of the Valley Fiber Solutions is consistent with any applicable transaction or service agreement;
- (f) to verify your identity if you submit comments, videos, photographs, opinions, or any other content or information to the Valley Fiber Solutions;
- (g) to respond to questions, comments, requests, job applications, or complaints that you submit to Valley Fiber;
- (h) to collect amounts owing from you to Valley Fiber, if applicable;
- (i) to process payments made by you to Valley Fiber;
- (j) to track communications with you;

- (k) to analyze use of the Valley Fiber Solutions and to improve the Valley Fiber Solutions;
- (l) to send emails, newsletters, regular mail or other communications you have consented to receive from Valley Fiber;
- (m) to provide announcements or notifications related to the Valley Fiber Solutions to you;
- (n) to aggregate your personal information resulting from the combination and/or aggregation of certain raw personal information collected from you with other data in a way that no longer personally identifies you;
- (o) to display advertising on the Sites or to manage and serve our advertising on other sites. See Section 16 on targeted advertising and how you may opt out;
- (p) to fulfill a purpose that we disclose to you when we request your personal information; and/or
- (q) to meet legal and regulatory requirements.

Your personal information will only be collected and used by Valley Fiber and our employees, independent contractors, agents, partners and service providers in a manner consistent with the activities of Valley Fiber. Access to your personal information by Valley Fiber employees, independent contractors, agents, partners and service providers is limited only to those authorized, based on their need to deal with the personal information for the reason(s) for which it was obtained, including to enable them to perform a business, professional or technical support function for Valley Fiber.

4. Disclosure of Personal Information

Valley Fiber may disclose your personal information to:

- (a) its employees, independent contractors, agents, partners, distributors, retailers and service providers as is reasonably necessary to enable these parties to perform a business, professional or technical support function for Valley Fiber;
- (b) a person who, in the reasonable judgment of Valley Fiber, is seeking the information as your agent; and
- (c) a third party or parties, where you consent to such disclosure, or the disclosure is permitted or required by law.

Corporate Reorganization and Business Transfers

Valley Fiber may also disclose your personal information in connection with a corporate reorganization, a merger or amalgamation with another entity, a sale of all or a substantial portion of our assets or stock, including any due diligence exercise carried out in relation to same, provided that the information disclosed continues to be used for the purposes permitted by this Privacy Notice by the entity acquiring the information.

5. Consent

Different types of consent may be appropriate in different circumstances. When you use the Valley Fiber Solutions, your consent to our collection, use and disclosure of your personal information in accordance with this Privacy Notice is implied. Where personal information is particularly sensitive, the purpose for which we collect it is outside of your reasonable expectations, or where it creates a meaningful risk of significant harm, express consent is required and will be obtained separately.

There are some limited circumstances where consent is not required for the collection, use and disclosure of your personal information. For example, we may disclose personal information without your knowledge or consent for the purpose of collecting a debt you owe to us. We will only process your personal information without your knowledge or consent where this is permitted or required by law.

You may withdraw your consent to the collection, use or disclosure of your personal information by Valley Fiber at any time, subject to legal or contractual restrictions and reasonable notice. In certain circumstances, your withdrawal of consent may result in the inability of Valley Fiber to continue providing aspects or optimization of the Valley Fiber Solutions to you. Please contact Valley Fiber for more information regarding the implications of withdrawing consent.

6. Change of Purpose

Valley Fiber will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another purpose and that purpose is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and obtain your consent to do so pursuant to Section 21.

Please note that we may process your personal data without your knowledge or consent where this is required or permitted by law.

7. Children

The Valley Fiber Solutions are intended for general audiences and is not directed to children under the age of 13. We do not knowingly collect personal information from children under the age of 13 without the consent of that individual's parent or legal guardian. In the event that we learn that we have collected personal information from a child under the age of 13 without such consent, we will take appropriate steps to delete that personal information. If you become aware or believe that a child has provided us with personal information without the consent of their parent or legal guardian, please contact us as provided in Section 18.

8. Safeguarding Your Personal Information

Valley Fiber is committed to safeguarding your personal information. Valley Fiber uses appropriate security measures to protect personal information against risks such as loss or theft, unauthorized access, disclosure, copying, misuse, modification or destruction, and any other unlawful form of processing of the personal information in our possession regardless of the format in which it is held. The methods of protection and safeguards used by Valley Fiber include, but are not limited to:

- **Administrative safeguards** such as privacy and security policies and procedures, privacy and data protection training for Valley Fiber employees, independent contractors, and agents;
- **Technical safeguards** such as security testing, vulnerability scans, and technological measures, including the use of passwords, encryption, firewalls, and secure coding frameworks;
- **Physical safeguards** such as locked filing cabinets, and need-to-know access for Valley Fiber employees, independent contractors, agents, partners, and service providers.

In any organization, failure to protect personal information can increase the risk of a privacy breach which can lead to things such as financial loss, reputational harm, fraud, or identity theft. While Valley Fiber cannot guarantee that a privacy breach will not occur, Valley Fiber will make every effort to prevent such occurrences by implementing the above security safeguards.

Valley Fiber also ensures that its employees, independent contractors, agents, partners, and service providers with access to personal information are made aware of the importance of maintaining the confidentiality of personal information.

Valley Fiber takes care in disposing of or destroying personal information to prevent unauthorized parties from gaining access to the information.

While Valley Fiber is committed to safeguarding your personal information, we cannot ensure or warrant the security of any personal information we collect either directly or automatically from you, and you provide your personal information at your own risk.

Valley Fiber can not guarantee that such personal information may not be accessed, disclosed, altered, or destroyed by breach of any of our security safeguards. To the degree that personal information is of a sensitive nature, in the event of a breach, there may be a risk of significant harm to you which includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property.

Valley Fiber also cannot guarantee that information sent or received over the Internet is secure and does not make any representation or warranty concerning the security of personal information communicated to or from Valley Fiber via the Internet or regarding the interception by third parties.

9. Cross Border Transfer of Personal Information

Subject to any contractual restrictions as between Valley Fiber and an Organization, your personal information may be stored and processed in any provinces and in any country (e.g. Canada, United States) where we engage third party service providers. While such information is outside of your country of residence, it is subject to the law of the country in which it is held, and may be subject to disclosure to the governments, courts, law enforcement agencies or regulatory agencies of such other country, pursuant to the laws of such country. For example, personal

information stored in the United States is subject to the USA PATRIOT ACT. However, our practices will always continue to be governed by this Privacy Notice.

Valley Fiber has measures in place to ensure that during cross-border transfers of your personal information the personal information is subject to appropriate safeguards in accordance with data protection laws. These measures typically include contractual safeguards stipulating the confidentiality of the information and the purposes for which it is to be used.

Where and when appropriate, we will transmit amended personal information to third parties having access to the personal information in question.

10. Retention of Personal Information

Valley Fiber will keep personal information only for as long as reasonably necessary to fulfil the relevant purposes set out in this Privacy Notice and to comply with our legal and regulatory obligations. To determine the appropriate retention period for your information, we consider the amount, nature, and sensitivity of the information, the potential risk of harm from unauthorized use or disclosure of your information, the purposes for which we process your information and whether we can achieve those purposes through other means, and the applicable legal requirements.

11. Non-Personal Information

Valley Fiber may collect, use, and disclose non-personal information, including aggregated data resulting from the combination and/or aggregation or certain raw data collected from you with other data in a way that no longer personally identifies you. We make no attempt to link this non-personal information with the identity of individuals. We may permanently archive non-personal information for future use in any manner whatsoever, including the publication of such non-personal information.

12. Accuracy of Personal Information

Valley Fiber is committed to keeping your personal information as complete, up-to-date, and accurate as is necessary for the purposes for which it is to be used. Valley Fiber will promptly correct or complete any personal information found to be inaccurate or incomplete. Where appropriate, Valley Fiber will transmit amended information to third parties having access to the personal information in question.

13. Access to Personal Information

Upon request, Valley Fiber will provide you with a reasonable opportunity to review the accuracy of your personal information. Such personal information will be provided within a reasonable time of the request and at a minimal or no cost to you.

Also upon request, Valley Fiber will provide an account of the use and disclosure of your personal information and, where reasonably possible, will state the source of the information. In providing an account of disclosure, Valley Fiber will provide a list of organizations to which it may have disclosed personal information about you when it is not possible to provide an actual list.

In certain circumstances, Valley Fiber may not be able to provide access to all the personal information we hold about you. In such a case, we will provide the reasons for denying access upon request. Such reasons may include:

- (a) if doing so would likely reveal personal information about another individual that cannot be severed, or the information could reasonably be expected to threaten the life or security of another individual;
- (b) if doing so would reveal any of our confidential information;
- (c) if the information is protected by solicitor-client privilege;
- (d) if the information was generated during a formal dispute resolution process; or
- (e) if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction.

Individuals can obtain information or seek access to their personal information by contacting our Privacy Officer pursuant to Section 18 of this Privacy Notice during regular business hours.

14. Cookies and Similar Technologies

The Sites uses “cookies”, which are small text files placed on your computer or other device when you visit a website. When you visit the site again, the cookie allows that site to recognize your browser. Cookies may store user preferences and other information.

There are three main types of cookies:

- (a) **Session Cookies** are specific to a particular visit and limited to sending session identifiers (random numbers generated by the server) so you do not have to re-enter information when you navigate to a new page or check out. Session cookies are not permanently stored on your device and are deleted when the browser closes;
- (b) **Persistent Cookies** record information about your preferences and are stored in your browser cache or mobile device and remain on your device between browsing sessions. For example, a persistent cookie may be used on a website to remember your log-in details so you will not need to enter those details each time you visit that website; and
- (c) **Third Party Cookies** placed by someone other than us which may gather data across multiple websites or sessions.

We use the below listed cookies to perform the following functions:

- (a) **Strictly Necessary / Technical Cookies** that are essential to enable you to move around a website and use its features. You cannot withdraw your consent to the use of these types of cookies because without them, the Sites cannot be provided.

- (b) **Analytical / Performance Cookies** that collect information in aggregated form about how users interact with the Sites so that we may improve functionality. These cookies are sometimes placed by third party providers which enable features or functionality provided by third parties in connection with the Sites. For example, advertising, interactive content, and analytics (see Section 17). The parties that set these third-party cookies can recognize your device both when it visits the website in question and when it visits certain other websites.
- (c) **Functional Cookies** that allow a website to remember choices you make, recognize you when you return and to personalize content.
- (d) **Targeting / Advertising Cookies** that track browser habits and used to deliver targeted (interest-based) advertising based on your browsing activities and interests. See Section 16 on how you may opt out of targeting advertising.

You acknowledge that where we allow third parties to drop cookies, we have no control over those cookies or the data generated. Please refer to the third party's privacy notice for information on what information they collect and how they use it. These cookies are likely to be analytical/performance cookies or targeting cookies.

Other Technologies

We may use other technologies similar to cookies like web beacons, which are sometimes called "tracking pixels" or "clear gifs". These are tiny graphics files that contain a unique identifier that enable us to recognize when someone has visited the Sites or opened an email that we have sent them. In many instances, these technologies are reliant on cookies to function properly, and so declining cookies will impair their functioning.

Right to Refuse the Use of Information Collection Technologies

We obtain your consent to our information collection technologies through our opt-in mechanism on the Sites. You have the right to object to the use of information collection technologies such as cookies. Regular cookies may generally be disabled or removed by tools that are available as part of most commercial browsers, and in some but not all instances can be blocked in the future by selecting certain settings. Each browser you use will need to be set separately and different browsers offer different functionality and options in this regard.

Please be aware that if you disable or remove these technologies you may find that certain functions and features will not work as intended on the Sites and that when you revisit our website your ability to limit cookies is subject to your browser settings and limitations.

15. Links to Other Websites

The Sites may contain links to other sites, such as Facebook, Instagram, YouTube, Twitter, and LinkedIn. This Privacy Notice only applies to personal information that we collect, use and disclose. We are not responsible or liable for the privacy practices of third parties, and we strongly recommend that you review their privacy policies before you disclose personal information to them.

16. Targeted Advertising and How You May Opt Out

We may use third party advertising partners such as advertising networks, exchanges, and social media platforms to display advertising on the Sites or to manage and serve our advertising on other sites. You have a variety of options to opt out of interest-based advertising ranging from browser controls, add on utilities such as ad blockers, and other opt out tools. Opt out tools may include organizations such as:

- Network Advertising Initiative: [https://optout.networkadvertising.org/?c=1](https://optout.networkadvertising.org/?c=1;);
- Digital Advertising Alliance (“DAA”) of Canada: <https://youradchoices.ca/>;
- DAA YourAdChoices: <https://youradchoices.ca/en/tools>.

17. Analytics

The Sites utilize Google Analytics, a web analysis service from Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (“Google”). Google Analytics uses “cookies,” which are text files placed on your computer, to help the website analyze how users use the Sites, compiling reports on the activity of the Sites for the Sites’ operators and providing other services relating to website activity and Internet usage. The information generated by the cookie (including the IP address) is transferred and stored on a Google server located in the United States.

Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google’s behalf. Google will not associate your IP address with any other information held by Google.

We may also use additional analytics programs from time to time to process non-personal information about you.

We make no attempt to link this non-personal information with the identity of individuals using the Sites. Non-personal information may be permanently archived for future use in any manner whatsoever by Valley Fiber.

Disable Google Analytics

You can prevent the collection and processing of cookie created data relating to your utilization of the Sites (including your IP) via Google by downloading and installing the browser-plugin available under the following link (<https://tools.google.com/dlpage/gaoptout?hl=en>).

Google currently offers this opt-out tool for Google Chrome, Mozilla Firefox, Apple Safari and Microsoft Edge.

Further information concerning the terms and conditions of Google’s use and data privacy can be found at <https://www.google.com/analytics/terms/us.html> or at <https://policies.google.com/privacy>.

18. Contact Us

To submit an inquiry, complaint, request a review of your personal information, correct or update your personal information, withdraw your consent or request more information or additional copies of this Privacy Notice contact:

Valley Fiber Privacy Officer

Mailing Address: 965 Highway 14, Winkler MB R6W 0L7

Telephone No.: 1-800-958-5698

E-mail: privacy@valleyfiber.ca

19. Complaints

Valley Fiber will promptly investigate all complaints concerning our compliance with this Privacy Notice and our dealings with your personal information. If a complaint is found to be justified, Valley Fiber will take appropriate measures to resolve the complaint, including, if necessary, amending our policies and procedures. You will be informed of the outcome of the investigation regarding your complaint.

20. Unsubscribe from Commercial Electronic Messages

We may send you commercial electronic messages (such as marketing or promotional messages) if you have:

- provided us with your express consent to receive these messages;
- recently purchased or leased a product or service from us;
- entered into a contract with us or some other form of business relationship with us;
- requested information from us; or
- applicable law otherwise permits us to send commercial electronic messages to you.

If you no longer wish to receive commercial electronic messages from Valley Fiber regarding our new products or services, promotions, or other similar communications, you may unsubscribe [here](#). Please note that, after you unsubscribe, Valley Fiber may still send electronic communications to you in certain limited circumstances, such as to provide you with the Valley Fiber Solutions notifications and billing information, or to provide information that Valley Fiber is legally obligated to provide you.

21. Privacy Notice Changes

We may modify this Privacy Notice to accommodate changes in our services, changes in technology and legal developments. If we make changes to this Privacy Notice, we will provide notice through the Sites, or by other means to provide you the opportunity to review the changes before they become effective. For example, we may place a prominent notice on the Sites or e-mail you to let you know of an updated Privacy Notice.

If we make significant changes to this Privacy Notice, we will provide at least 30 days' notice through the Sites, or by other means, to provide you the opportunity to review the changes and

provide your required consent before they become effective. A significant change may be using personal information for a new purpose or disclosures to new third parties.

As outlined above, consent may be express or implied. The type of consent required depends on the circumstances. Where the changes are such that we require your express consent, we will seek it. Otherwise, you acknowledge that your continued use of the Valley Fiber Solutions after we modify this Privacy Notice, publish or send a notice about our changes to this Privacy Notice means that the collection, use and sharing of your personal data is subject to the updated Privacy Notice.

If you object to any changes to this Privacy Notice you may close your account or notify us of your desire to terminate any business relationship with us, in which case we will close your account diligently in accordance with any applicable transaction or service agreement.

Whenever we update this Privacy Notice, we will change the date listed at the beginning of this Privacy Notice to indicate when the changes were made.