

**CALM AIR INTERNATIONAL LP.  
("Calm Air")  
PRIVACY POLICY**

Calm Air understands the importance of protecting your personal information and has created this Privacy Policy in order to explain its practices concerning the collection, use, retention, disclosure and destruction of personal information. This Privacy Policy applies to all personal information under the control of Calm Air, including both customer and employee information, that Calm Air collects, uses or discloses in the course of its commercial activities. Calm Air has also appointed a Privacy Officer who is accountable for its compliance with its obligations at law.

Calm Air only collects personal information in order to process reservations and flight bookings, to attend to customer service matters, for billing purposes and to process payments, and to send information to its customers, from time to time, concerning Calm Air and its services. Calm Air also collects personal information from its employees in order to accurately process and administer payroll, benefits and human resource duties.

Calm Air is committed to protecting the confidentiality of the personal information under its control and is dedicated to upholding certain confidentiality obligations at law, pursuant to the *Personal Information Protection and Electronic Documents Act and Regulations*, and as set out in this Privacy Policy.

If there are any matters that have not been expressly addressed in this Policy, or if (i) an individual requires clarification as to how to implement or interpret this Policy, or (ii) would like to request access to his or her personal information or to amend such information, such concerns should be brought to the attention of the Privacy Officer immediately.

The Privacy Officer can be contacted as follows:

Privacy Officer  
Calm Air International LP.  
90 Thompson Drive  
Thompson, Manitoba  
R8N 1Y8

Phone: (204) 778-6471

E-mail: [mail@calmair.com](mailto:mail@calmair.com)

## **I. Definitions**

1.1 The following definitions are to assist in the interpretation of this Privacy Policy and are subject to change given amendments to applicable legislation:

- (a) "**collection**" means the gathering, acquiring, recording, or obtaining of personal information from any source, including third parties, whether written or verbal;
- (b) "**commercial activity**" means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists;
- (c) "**consent**" means 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 Calm Air. Implied consent is consent that can reasonably be inferred from an individual's action or inaction;
- (d) "**disclosure**" means making personal information available to a third party;
- (e) "**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;
- (f) "**record**" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video-tape, machine-readable record and any other documentary material, regardless of physical form or characteristics, and any copy of any of those things; and
- (g) "**third party**" means an individual or organization outside of Calm Air.

## **II. Application of the Privacy Policy**

2.1 This Privacy Policy applies to all customer personal information collected, used, or disclosed by Calm Air, where Calm Air has collected, used, or disclosed such customer personal information in the course of commercial activities.

This Privacy Policy also applies to all personal information concerning employees, where the employee personal information was collected, used or disclosed in connection with the operation of its business.

2.2 Calm Air may collect customer personal information directly from the individual booking travel, from travel agents, or through the Calm Air website. In addition, Calm Air may also receive customer personal information from corporations, including employers, who make travel arrangements on behalf of employees, or certain medical authorities who book travel on behalf of patients. The customer may be subject to additional Privacy Policies with such third parties, which obligations in no way relate to or govern Calm Air.

Where such a third party arranges for travel on behalf of an individual, Calm Air assumes that the individual has consented to the collection and use of the information by Calm Air in association with the transaction. In such circumstances, Calm Air may disclose your personal information, including but not limited to changes to your itinerary or credits arising as a result of non-travel, to the third parties conducting the booking or to others authorized by the individual, in order to avoid double bookings or unused credits.

2.3 This Privacy Policy applies to all personal information, including all records of personal information, whether oral or written, photographed, recorded or stored in any manner, on any storage medium or by any means including by graphic, electronic or mechanical means.

2.4 This Privacy Policy applies to all personal information, regardless of whether it was received, collected or acquired prior to or after the implementation of the Policy.

2.5 This Privacy Policy shall govern the conduct of all employees and agents of Calm Air and each employee and agent shall sign a "Pledge of Confidentiality" in the form attached hereto as Schedule "A", acknowledging that he or she is bound by the terms of this Privacy Policy and is aware of the consequences of breaching the Policy.

2.6 Should Calm Air transfer personal information to a third party for processing or other permitted transactions, it shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

With respect to the personal information of its employees, Calm Air provides such information, under contract, to third parties for the purposes of payroll processing and the provision of employee benefits.

### **III. Access to Personal Information**

3.1 Upon request of an individual for access to his or her personal information contained within the records under the control of Calm Air, Calm Air shall, subject to certain exceptions at law, notify the individual of the following:

- (a) the existence of personal information concerning the individual under the control of Calm Air;
- (b) the purposes for which Calm Air has been using and is using his or her personal information; and
- (c) the names and the persons to whom and the circumstances in which the personal information referred to in clause (a) has been and is being disclosed. If possible, Calm Air shall specify the information disclosed.

An individual shall be able to challenge the accuracy and completeness of the information on reasonable grounds and have it amended as appropriate.

3.2 Where Calm Air's records contain information about a third party, Calm Air shall not provide access to such information unless the information applicable to the third party can be severed from the record.

3.3 All requests for access or amendment to personal information by the person who is the subject of the information shall be made in writing to the Privacy Officer and must provide

sufficient detail to enable Calm Air to identify the information in respect of which the request is made. Where an employee of Calm Air receives such a request, it shall be forwarded to the Privacy Officer forthwith.

3.4 The Privacy Officer shall respond to a request for access to personal information or requesting an amendment to such personal information within 30 days. Should the Privacy Officer determine, on a reasonable basis, that a request for an amendment to such personal information is appropriate, the Privacy Officer shall ensure that the personal information is amended accordingly and where appropriate, the amended information shall be transmitted to third parties having received access to the information in question.

3.5 If however, the Privacy Officer determines that, at law, no access to the record of personal information shall be granted, the Privacy Officer shall keep a record of the refusal, including reasons for refusal on file. The communication to the individual making the inquiry shall include the following:

- (a) whether or not the applicant is entitled to or will be given access to all or part of his or her personal information;
- (b) if the applicant is entitled to or will be given access, when access will be given (or enclose a copy of the record if requested); and
- (c) if access to all or part of the applicant's personal information is refused;
  - (i) of the reasons for the refusal and the provision at law permitting the refusal;
  - (ii) of the name and contact information of the Privacy Officer who can answer questions concerning the refusal; and
  - (iii) that the applicant may request a review by the Privacy Commissioner's Office of Canada.

3.6 When a challenge concerning the accuracy or completeness of personal information has been made, but has not been resolved to the satisfaction of the individual, the Privacy Officer shall keep a record of the substance of the unresolved challenge.

#### **IV. Purposes for Collection and Use of Personal Information**

4.1 Calm Air shall specify the purposes for the collection, use and disclosure of personal information at or prior to the time of collection. Calm Air collects only that information necessary to provide the services requested by its customers and necessary for the management of its employees, which purposes may include but are not limited to the following:

- to process reservations and flight bookings;
- to attend to customer service matters;
- for billing purposes and to process payments;

- to provide customers with information concerning Calm Air and its services from time to time;
- to collect information necessary for the assessment of employment suitability and advancement, and to maintain pertinent employee data; and
- to process payroll, employee benefits and track human resource information, and to fulfill human resources duties.

4.2 In certain circumstances, personal information can be collected, used or disclosed without the knowledge or consent of the individual. Calm Air will only engage in such conduct where required or permitted to do so by law.

4.3 The identifiable personal information collected will only be used for the specified purposes. For greater certainty, Calm Air may compile certain statistics using personal information and may provide such statistics to third parties upon request.

4.4 Except as otherwise noted in this Privacy Policy, and unless permitted by law, personal information will be collected directly from the individual who is the subject of the information. Calm Air shall, generally speaking, obtain consent concerning the collection and use of personal information.

4.5 A client may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. In the event that consent is amended or withdrawn, Calm Air shall advise the individual of the implications of such amendment or revision. With respect to employee personal information, Calm Air must make certain limited disclosures to third parties in order to have payroll and benefits processed.

## **V. Limiting Use, Disclosure and Retention**

5.1 Personal information shall not be disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law or as set out in this Privacy Policy.

5.2 Calm Air shall retain files containing personal information for a period of seven (7) years following termination of the customer or employment relationship.

5.3 Personal information that is no longer required by Calm Air to fulfill the purposes for which the information was collected shall be shredded or burned and disposed of in a manner that safeguards the confidentiality of the information.

## **VI. Accuracy and Safeguarding of Personal Information**

6.1 Calm Air shall take reasonable steps to ensure that personal information is accurate, complete and up-to-date for the purposes for which it is to be used.

6.2 Calm Air shall take reasonable steps to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification of personal information. All personal information under the custody or control of Calm Air in written form

shall be kept in locked filing cabinets or safely stored in staffed environments and access to such files shall be limited to those employees who require access in order to complete their duties. Personal information that is stored electronically shall be protected by an appropriate firewall and password encrypted.

6.3 The Privacy Officer shall, on a regular basis, ensure that such office policies are being adhered to and that all such personal information is being stored and safeguarded in accordance with this Privacy Policy.

## **VII. Challenging Compliance**

7.1 Should an individual have issue with the manner in which Calm Air, its employees or agents are collecting, using, storing, disclosing or destroying information, he or she may contact the Privacy Officer at the address previously set out above.

7.2 The Privacy Officer shall have 30 days from receipt of the complaint to investigate the complaint and to provide a response, including the remedy to be employed, if any.

## **VIII. Governing Corporation**

8.1 This Privacy Policy was adopted by Calm Air on the 18th day of May, 2004.

SCHEDULE 'A' TO CALM AIR INTERNATIONAL LP.  
PRIVACY POLICY

**PLEDGE OF CONFIDENTIALITY**

I, the undersigned, have been given a copy of the Privacy Policy (the "Policy") of Calm Air International Ltd. ("Calm Air"). I understand that the Policy reflects the principles as set out in the *Personal Information and Protection of Electronic Documents Act and Regulations* ("PIPEDA").

In compliance with the legislation outlined above and as an integral part of the terms and conditions of my employment, I hereby agree, pledge and undertake that I will not at any time, during my employment with Calm Air, or at any time after my employment with Calm Air has ceased, access or use personal information, or reveal or disclose to any persons within or outside Calm Air, any personal information except as may be required in the course of my duties and responsibilities as an employee and in accordance with PIPEDA and the Policy governing proper release of information.

I understand that my obligations concerning the protection of the confidentiality of personal information relates to all personal information which I become aware of as a result of my employment with Calm Air.

I also understand that unauthorized use or disclosure of such information may result in disciplinary and/or legal action being taken against me by Calm Air, including but not limited to the termination of my employment, the imposition of fines pursuant to PIPEDA, and a report to my professional regulatory body, if applicable.

I understand that my obligations, as outlined above, will continue after my employment with Calm Air ends.

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
Signature of Individual Making Pledge

\_\_\_\_\_  
Print Name of Individual Making Pledge

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
Signature of Individual Administering Pledge  
I have given the above named individual a copy of the Policy and discussed the Policy and the consequences of breaching the Policy with him/her

\_\_\_\_\_  
Print Name of Individual Administering Pledge