

PRIVACY POLICY

The Contemporary Art Galleries Association (AGAC) values your privacy. Protecting the personal information of our users is of utmost importance to us and we strive to keep your data safe.

We take your trust and your right to privacy very seriously, and we continually work to ensure your digital footprint remains small and under your control. Nevertheless, in order to authorize your data feed, and to enhance our services and ensure they are secure, we need to process some personal information.

This privacy policy (the “**Policy**”) of the Contemporary Art Galleries Association (AGAC), owner and operator of the websites accessible at agac.ca and papiermontreal.com, as well as the mobile application *Collecting—the App* is based on the principles set out in the *Model Code for the Protection of Personal Information* (CAN/CSA-Q830-96).

Nothing in this policy creates obligations for AGAC beyond those imposed by the applicable privacy legislation and regulations.

In this policy:

- “**Personal information**” means any information that relates to an individual and allows that individual to be identified.
- “**You**” refers to you as a client or employee of AGAC or as a user of one of its services (the “**services**”).

PERSONAL INFORMATION

AGAC collects, processes and stores the personal information you provide:

- contact information: your name and email address or email address(es) of the recipient(s)
- information about you: age, gender and city
- preferences: language settings, areas of interest, etc.

Personal information automatically collected

AGAC also automatically collects and uses personal information while you are using our services:

1. **Browser information:** type of browser, language settings, country and time zone.
2. **Information from cookies or Web beacons:** cookie ID settings.
3. **Device information:** type of device and operating system.
4. **Audience Identification Details:** ADiD (Android) or IDFA (iOS) or other unique user identifiers.
5. **Network information:** IP addresses and mobile network information.
6. **Location data:** data about your location. We will not use the precise GPS location of your device without your prior consent.
7. **Use of our services:** information about how you interact with our services, websites and mobile applications.

For what purposes do we use your personal information?

We use your personal information to provide, improve and advertise our services, to comply with legal obligations, and to ensure the security of our services.

The Privacy Policy contains the following sections:

- 1. Responsibility**
- 2. Purposes**
- 3. Consent**
- 4. Limitations on collection**
- 5. Limitations on use, disclosure and retention**
- 6. Accuracy**
- 7. Security**
- 8. Transparency**
- 9. Access by individuals to their personal information**
- 10. Non-compliance complaints**

POLICY SUMMARY

- 1. RESPONSIBILITY:** AGAC has designated a person or persons responsible for ensuring compliance with the Policy.
- 2. PURPOSES:** The purposes for which personal information is collected will generally be identified by AGAC at or before the time the information is collected.
- 3. CONSENT:** You must give your consent to the collection, use or disclosure of your personal information, except where such consent is inappropriate.
- 4. LIMITATIONS ON COLLECTION:** Personal information will be collected only for the purposes identified by AGAC, and by fair and lawful means.
- 5. LIMITATIONS ON USE, DISCLOSURE AND RETENTION:** Personal information will not be used or disclosed for purposes other than those for which it was collected, except with your consent or as required by law. Personal information will be retained only as long as necessary for the fulfilment of the identified purposes.
- 6. ACCURACY:** Personal information must be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
- 7. SECURITY:** Personal information will be protected by security measures appropriate to the sensitivity of the information.
- 8. TRANSPARENCY:** AGAC will make readily available precise information about its policies and practices relating to the management of personal information.
- 9. ACCESS BY INDIVIDUALS TO THEIR PERSONAL INFORMATION:** Upon request, you will be informed of the existence, use and disclosure of your personal information, and you will be given access to that information. You may challenge the accuracy and completeness of the information and make the appropriate corrections to it.
- 10. NON-COMPLIANCE COMPLAINTS:** You may challenge AGAC's compliance with the Policy by contacting the persons responsible for ensuring compliance.

MANAGEMENT OF PERSONAL INFORMATION

The name or title and the address of the person responsible for AGAC's policies and practices, and to whom any inquiries or complaints should be forwarded is:

- info@agac.ca, Attention: Director.

PRIVACY POLICY

1. RESPONSIBILITY

AGAC has designated a person or persons responsible for ensuring compliance with the Policy.

Responsibility for ensuring that AGAC complies with the Policy rests with the designated person(s), although other individuals within AGAC may be responsible for the day-to-day collection and processing of personal information. Other individuals within AGAC may also be delegated to act on behalf of the designated person(s).

The name(s) of the person(s) designated by AGAC to ensure its compliance with the Policy will be provided upon request, if not specified in this document.

2. PURPOSES

The purposes for which personal information is collected will generally be identified by AGAC at or before the time the information is collected, and AGAC will document these purposes. This may be done orally or in writing, depending on the manner in which the information is collected. For example, an online application form may identify these purposes.

Identifying the purposes for which personal information is collected at or before the time it is collected will allow AGAC to determine what personal information it needs to fulfill these purposes. AGAC will collect only the personal information that is necessary for the identified purposes.

The purposes for which AGAC may collect your personal information include:

- to provide, maintain, customize and improve services;
- to enable AGAC to carry out internal operations in connection with its services; and
- to send or facilitate communications between AGAC or its affiliated members and you in connection with the services.

Before using personal information for a purpose not previously specified, AGAC must identify the new purpose. AGAC will seek the permission of the individual concerned before using the information for this new purpose, unless this purpose is stipulated in legislation.

AGAC is committed to making available and accessible the purposes for which personal information is collected.

3. CONSENT

You must give your consent to the collection, use or disclosure of your personal information, except where such consent is inappropriate.

Your consent to the collection, disclosure or use of your personal information must be manifest, free and enlightened, and given for specific purposes. Such consent is valid only for the time necessary to fulfill the purposes for which it is sought.

Generally, AGAC undertakes to obtain consent when or before the information is collected. In certain circumstances, consent to use or disclose personal information may be obtained after it is collected but before it is used (for example, where AGAC wishes to use personal information for purposes not previously identified).

In order for consent to be meaningful, the purposes for which personal information will be used must be stated in such a way that you can reasonably understand how the personal information will be used or communicated.

AGAC will not, as a condition of the supply of a good or service, require consent to the collection, use or disclosure of personal information beyond that required to fulfil the identified purposes.

The manner in which AGAC seeks consent may vary depending on the circumstances and the type of personal information being collected. In general, AGAC will seek express consent if the personal information may be considered sensitive. Implied consent will generally be considered sufficient if the personal information is less sensitive. Consent may also be given by an authorized representative. Consent will not be obtained through subterfuge.

Consent may be given in a number of ways. For example:

- An online application form may be used to obtain consent, collect personal information and specify how that personal information will be used. By completing and returning the form to AGAC, you are consenting to the collection of information and the specified uses.
- A box on a form may be used to indicate your express agreement to our sharing your name and address with other organizations.
- Consent may be given orally when personal information is being collected over the telephone.
- Consent may be given at the time a product or service is being used.

You may withdraw your consent at any time, subject to legal or contractual restrictions and with reasonable notice.

You may inform AGAC of your consent to the disclosure of your personal information by a third party, so that AGAC may collect your personal information from that third party.

AGAC will collect your personal information only from you, unless you give your consent for AGAC to collect it from third parties. However, AGAC may collect this personal information from a third party without your consent, if permitted by law. It may also do so if it has a serious and legitimate interest and if either of the following conditions are met:

- the personal information is collected in your best interest and cannot be collected from you in a timely manner; or
- it is necessary to collect the personal information from a third party in order to ensure its accuracy.

4. LIMITATIONS ON COLLECTION

Personal information will be collected only for the purposes identified by AGAC, and by fair and lawful means.

AGAC will indicate the type of personal information collected in its information management policies and practices. The personal information collected may include, but is not limited to, your first and last name, street address, email address, telephone number, certain credit card information and order history.

AGAC may establish a file on you.

When AGAC establishes a file on you, or records your personal information in a file held by AGAC, it will make an entry indicating the source of any personal information collected from a third party when that third party is a person carrying on an enterprise. This entry is part of your file.

AGAC cannot reject a request for goods or services, or an application for employment, because the person making the request refuses to provide personal information to AGAC, except in the following circumstances:

- the personal information needs to be collected for the purpose of concluding or performing a contract;
- collection of the personal information is authorized by law; or
- there are reasonable grounds to believe that such a request is not lawful.

5. LIMITATIONS ON USE, DISCLOSURE AND RETENTION

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with your consent or as required by law. Personal information will be retained only as long as necessary for the fulfilment of the identified purposes.

AGAC will develop guidelines and procedures for the retention and destruction of personal information. These guidelines will specify minimum and maximum retention periods. (AGAC may be subject to legal requirements regarding retention periods.)

AGAC will not disclose your personal information to a third party except with your consent or if this disclosure or use is required by law.

For example, in the course of doing business, the employees, agents or authorized officers of AGAC, or suppliers having an employment or service contract with AGAC, may have access to personal information without your consent if the personal information is required in the performance of their duties, work or contract.

AGAC may, without your consent, disclose personal information contained in a file it holds to an archival agency that is a person carrying on a business whose purpose is to acquire, preserve and disseminate records for their general information value, provided that this personal information is disclosed as part of a transfer or deposit of the Association's archives.

Personal information may also be disclosed without your consent for research purposes, provided that the documents are not structured in such a way as to allow an individual to be identified by reference to his or her name, sign or symbol and provided there is no means of locating this personal information by using such a reference.

Any person who holds personal information on behalf of AGAC may, when it receives a request for access or correction to these records from an individual whose information is held, refer the request to AGAC.

6. ACCURACY

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

Personal information that is used on an ongoing basis, including personal information that may be disclosed to third parties, will generally be accurate and up-to-date, unless limitations on the accuracy of this information are clearly established.

AGAC will not routinely update personal information unless this is necessary for the purposes for which it was collected.

The extent to which personal information is accurate, complete and up-to-date will depend on the inputting of (i) your data and (ii) the data generated by your use of AGAC's products and services and the use of the personal information, taking into account your interests.

7. SECURITY

Personal information will be protected by security measures appropriate to the sensitivity of the information.

AGAC will take all necessary and reasonable security measures to safeguard the personal information it collects, uses, discloses, holds or destroys, taking into account its sensitivity, the purposes for which it is to be used, its quantity and distribution, and the medium on which it is held.

AGAC's security measures will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

The nature of the measures will vary depending on the sensitivity of the personal information collected, the quantity, distribution and format of the personal information, and the method of storage.

Safeguards include:

- physical measures (e.g. restricting access to offices);
- administrative measures (e.g. security clearances); and
- technical measures (e.g. use of passwords).

AGAC will make its staff aware of the importance of protecting the confidentiality of personal information. Special care will be taken when destroying personal information, to prevent unauthorized persons from gaining access to it.

8. TRANSPARENCY

AGAC will make readily available specific information about its policies and practices relating to the management of personal information.

AGAC is transparent about its policies and practices relating to the management of personal information. You will be able to obtain information on these policies and practices without unreasonable effort, in an easily accessible and understandable form.

This information will include:

- the name or title and the address of the person responsible for AGAC's policies and practices, to whom complaints and inquiries should be directed;
- a description of how to access the personal information held by AGAC;
- a description of the type of personal information held by AGAC, including a general explanation of its intended use;
- what personal information is disclosed to related organizations (for example, member galleries).

AGAC may provide access to its policies and practices relating to the management of personal information in various ways. The method chosen will depend on the nature of AGAC's activities and other considerations.

9. ACCESS BY INDIVIDUALS TO THEIR PERSONAL INFORMATION

Upon request, you will be informed of the existence, use and disclosure of your personal information, and you will be given access to that information. You may challenge the accuracy and completeness of the information and make the appropriate corrections to it.

Upon request, AGAC will indicate whether it is holding personal information about you and will be able to identify the source of this information. AGAC will generally give you access to this personal information. You may be required to provide sufficient details to allow AGAC to send you a report on the personal information held, and on its use and disclosure.

You are entitled to have any personal information about you deleted if it was collected in an unlawful manner.

A request to access, correct or delete personal information can be considered only if it is made in writing by you and you are able to prove that you are the person concerned by the request (or his or her representative, the heir or successor of the person concerned, the liquidator of the estate or the beneficiary of a life insurance policy or death benefit).

Where AGAC holds a file that is the subject of a request to access, correct or delete personal information, AGAC will respond within a reasonable time following receipt of the request. The requested information will be provided in an easily understandable form.

In certain situations, it may not be possible for AGAC to disclose all the personal information about you that it holds. Any exceptions to the access requirements will be limited and specific. The reasons for denying access will be provided upon request.

Exceptions include information that is prohibitively costly to provide, information that contains details about other individuals, the existence of legal, security, or business considerations that preclude communication of the information, and the fact that the information is protected by solicitor-client or litigation privilege.

AGAC may refuse to disclose personal information to you if this disclosure would impede an investigation relating to the prevention, detection or suppression of crimes or statutory offences.

AGAC will refuse to disclose personal information to you where (i) the disclosure would reveal personal information about a third party or the existence of such personal information and (ii) the disclosure would likely do serious harm to the third party, unless the third party consents to the disclosure of the personal information or the disclosure is in response to an emergency that threatens the life, health or security of an individual.

Reasonable fees may be charged for the transcription, reproduction or transmission of personal information.

10. NON-COMPLIANCE COMPLAINTS

You may challenge AGAC's compliance with the Policy by contacting the persons responsible for ensuring compliance.

AGAC has established procedures to receive inquiries and complaints regarding its policies and practices relating to the management of personal information. The complaint procedure is easy to access and simple to use.

AGAC will inform individuals who submit an inquiry or a complaint of the existence of the relevant procedures.

AGAC will investigate all complaints. If a complaint is found to be justified, AGAC will take appropriate action including, if necessary, amending its policies and practices.

Should a complaint not be resolved to your satisfaction, the unresolved issue will be recorded by AGAC.

Revisions to the Privacy and Cookie Statement

Please note that AGAC may revise this Privacy and Cookie Statement from time to time. Each revised version will be dated and posted on the website. AGAC recommends that you periodically check the website to take note of any changes. If you do not agree with this Privacy and Cookie Statement you should no longer access or use the websites and our services. By continuing to use the websites and services, you agree to any changes made to the Privacy and Cookie Statement.