

PRIVACY POLICY AND PROCEDURES

Table of Contents

Part 1 Purpose and Policy

1. Definitions
2. Purpose and Policy

Part 2 Collection & Protection of Personal Information

3. Collection of Personal Information
 - (i) limitations on collection
 - (ii) notification required for collection
 - (iii) withdrawal of consent
4. Use and Disclosure of Personal Information
 - (i) limitations on use or disclosure
 - (ii) use or disclosure of personal information
 - (iii) use or disclosure without consent
5. Care of Personal Information
 - (i) accuracy of information
 - (ii) protection of information
 - (iii) retention and disposal of information

Part 3 Access to Information

6. Access to and Correction of Information
 - (i) access to personal information
 - (ii) how to request a copy of personal information
 - (iii) time limit for responding
 - (iv) fees
 - (v) correction of information on file

Part 4 Reviews and Complaints

6. Filing a Complaint with FirstEnergy
 - (i) right to initiate a complaint
 - (ii) how to initiate a complaint
7. Appeal to the Privacy Commissioner
 - (i) right to request a review
 - (ii) how to request a review
 - (iii) notifying others of a review
 - (iv) inquiry by the Privacy Commissioner

Part 2 Protection of Personal Information

3. Collection of Personal Information (Cont'd)

(i) Limitations on Collection

FirstEnergy will not collect personal information unless the information is necessary for one or more of its business activities or in order for the organization to comply with regulatory or legal requirements. The two primary reasons we collect personal information are as follows.

- As a brokerage firm, we are regulated by a number of provincial Securities Commissions and self-regulatory organizations such as the Investment Dealers Association of Canada, the Canadian Investor Protection Fund, and Market Regulation Services Inc. These organizations require that we obtain certain personal information from our clients before we are able to open and maintain a trading account on their behalf. They also require that we obtain personal information from those employees seeking registration.
- As an employer, we are required to obtain certain information regarding our employees in accordance with Canada Customs and Revenue Agency reporting requirements.

(ii) Notification Required for Collection

Where personal information is to be collected directly from an individual, reasonable steps will be taken to ensure the individual is aware of the purpose of collection. When personal information is to be obtained from third parties (such as a financial institution), such information will be limited to that required for the identified purpose and will be collected by lawful and fair means for purposes directly related to FirstEnergy's activities.

An individual may give his or her consent in writing or verbally. At the time of account opening, clients will be asked to sign a document consenting to the collection, use and disclosure of their personal information.

(iii) Withdrawal of Consent

Clients will be given a reasonable opportunity to decline or object to the proposed collection, use or disclosure of their personal information. Such withdrawal of consent must be provided to FirstEnergy in writing upon receipt of which we will inform the client of the likely consequences to this action.

As a client of FirstEnergy, the most serious consequence to a withdrawal of consent would be that we would be unable to open or continue to maintain an account on a client's behalf given the regulatory and legal requirements FirstEnergy is subject to.

Part 2 Protection of Personal Information

4. Uses and Disclosure of Personal Information

(i) Limitations on Use or Disclosure

FirstEnergy will only use or disclose information regarding our clients or employees for the purpose for which it was collected or where a lawful exception applies. Employees, agents or contractors of the firm are only authorized to access or use personal information in the legitimate performance of their duties and strictly on a need to know basis.

The misuse of personal information is a serious offence and is not permitted by the Act. FirstEnergy considers that a failure by staff to comply with this policy will constitute serious misconduct and accordingly will give rise to disciplinary action which may include dismissal.

Agents and contractorss shall be contractually bound to comply with the Privacy law.

(ii) Disclosure of Personal Information

As noted previously FirstEnergy is regulated by a number of organizations. From time to time these bodies may demand that we produce, or make available for inspection, documents and information that clients have provided us for the following regulatory purposes:

- Surveillance of trading-related activity,
- Sales and financial compliance, trade desk review and other regulatory audits,
- Investigation of potential regulatory and statutory violations,
- Regulatory databases,
- Enforcement or disciplinary proceedings,
- Obtaining registration of employees,
- Reporting to securities regulators, and
- Information-sharing with securities regulatory authorities, regulated marketplaces, other self-regulatory organizations and law enforcement agencies in any jurisdiction in connection with any of the foregoing.

We also have relationships with other non-regulatory organizations that require us to share or make available information regarding clients and/or their accounts. Specifically, we are required to share and/or provide information to the following organizations:

- TD Waterhouse Canada Inc. - as part of our clearing agreement TD Waterhouse has access to certain information regarding client accounts for the purpose of processing trades, issuing tax receipts, producing statements, trade confirmations, etc.
- PriceWaterhouseCoopers LLP – as our financial auditors PriceWaterhouse may require access to information regarding clients and/or their account(s) as part of our annual audit.

Part 2 Protection of Personal Information

4. Uses and Disclosure of Personal Information (Cont'd)

- Canada Customs and Revenue Agency – under law we are required to provide the CCRA with any information they may request regarding our clients or employees.
- Ceridian Canada Ltd. – as the company responsible for processing our payroll, Ceridian requires personal information regarding our employees.

(iii) Use or Disclosure Without Consent

FirstEnergy may use or disclose personal information about an individual without consent under the following circumstances:

- a) a reasonable person would consider that the use or disclosure of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
- b) the use or disclosure of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the use;
- c) the use or disclosure of the information is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information;
- d) the information is publicly available;
- e) the use or disclosure of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;
- f) the use or disclosure of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization; or
- g) the disclosure of the information is for the purposes of protecting against or for the prevention, detection or suppression of fraud and the organization disclosing the information is permitted or otherwise empowered under an enactment of Alberta or Canada to carry out those purposes.

5. Care of Personal Information

(i) Accuracy of Information

FirstEnergy will use its best efforts to ensure that personal information is relevant, accurate, complete and up-to-date for the purpose for which it is to be used. Where personal information is collected directly from an individual, it will be presumed to be accurate and complete at the time of collection, unless there is other information which suggests it is not.

Personal information will be updated as required by the regulatory authorities.

Part 2 Protection of Personal Information

5. Care of Personal Information (Cont'd)

(ii) Protection of Information

FirstEnergy will take reasonable steps to protect the personal information it holds from misuse or loss and from unauthorized access, modification or disclosure.

In this regard FirstEnergy will document security, storage and disposal requirements for all personal information for which it is responsible. In documenting these requirements FirstEnergy will take into consideration the sensitivity of the information, its form and volume, its frequency of use and retention period, the circumstances of its use and storage, and any legal or regulatory requirements.

FirstEnergy staff has adopted a “clean desk” policy in relation to personal information. When not being used by staff, documents containing personal information are put away or stored in a manner which prevents them from being viewed by others. Staff is also required to exit from any internal computer programs containing personal information at the end of each business day. In addition, certain areas within our office are subject to restricted access.

FirstEnergy maintains third party agreements with those companies whose employees have access to our premises and/or personal information we collect as a result of our relationship with them (i.e. cleaners, offsite storage, etc.). In these instances, the companies have provided a written undertaking to keep this information confidential and to comply with the provisions of the Privacy Act.

(iii) Retention and Disposal of Information

As noted previously, FirstEnergy will document retention and disposal requirements for all personal information for which it is responsible, taking into consideration the sensitivity of the information, its form, the circumstances of its use and any legal or regulatory requirements.

When personal information is no longer required to be kept, such information will be destroyed or made anonymous in a controlled and secure manner in order to prevent any unauthorized persons having access to that information. Personal information which is the subject of a complaint, inquiry or legal process will not be destroyed until the resolution of that process.

Part 3 Access to Information

6. Access to and Correction of Information

(i) Accessing Personal Information

Individuals are entitled to inquire whether FirstEnergy holds personal information concerning them and, if so, to be advised of its use and disclosure. Individuals are also entitled to obtain a copy of the information we have on file.

(ii) How to Request a Copy of Personal Information

To obtain a copy of their information, clients must submit a written request to the Privacy Officers for our firm. In this regard, the request may be sent by Canada Post mail to:

FirstEnergy Capital Corp.
Attention: Privacy Officers
Suite 1600, 333 – 7 Avenue SW
Calgary, AB T2P 2Z1

(iii) Time Limit for Responding

FirstEnergy will respond to a written request for access, acknowledging the request within 14 business days.

If a request is straightforward, FirstEnergy will provide a copy of the information on file within 14 business days or, if the request is more complicated, within 30 business days.

There may be circumstances under which we may not be able to provide clients with certain information. For example the information may have been destroyed or, in our opinion, it is too costly or we are unable to retrieve the information.

(iv) Fees

FirstEnergy will not charge individuals a fee for access to personal information concerning them, unless requests are considered unnecessarily frequent or extensive.

(v) Correction of Information on File

Any individual may challenge the completeness or accuracy of personal information concerning them and request that the information be corrected. To amend any information we have on file, clients must submit a written request detailing the changes to be made. Our Privacy Officers will acknowledge the request and provide written confirmation that the changes or amendments have been made.

Part 4 Reviews and Complaints

7. Filing a Complaint with FirstEnergy

(i) Right to Initiate a Complaint

An individual who believes his or her privacy may have been interfered with or compromised by FirstEnergy may initiate a complaint requesting a review of the matter.

(ii) How to Initiate a Complaint

Individuals will be required to submit a written complaint to our Privacy Officers who will consider the complaint and attempt to resolve it. Our Privacy Officers will reply to the individual within 45 working days. If the complaint is not resolved in a manner acceptable to the individual, the firm will advise of:

- (a) the general reasons for that outcome, where appropriate; and
- (b) information on the further action that the individual can take under the Personal Information Protection Act, including his or her right to take the complaint to the Privacy Commissioner should he or she remain dissatisfied with the firm's handling and/or outcome of the complaint.

8. Appeal to the Privacy Commissioner

(i) Right to a Review or to Initiate a Complaint

As noted above, an individual who is not satisfied with FirstEnergy's handling of his or her privacy complaint may ask the Privacy Commissioner to review any decision, act or failure of FirstEnergy. The Privacy Commissioner has powers to investigate and make a determination on the complaint.

(ii) How to Request a Review of Initiate a Complaint

To ask for a review or in initiate a complaint an individual must submit a written request to the Commissioner within 30 days from the day he or she was notified of the firm's decision. Please note that a longer period may be allowed by the Commissioner.

(iii) Notifying Others of a Review

Upon receipt of such a request, the Commissioner must give a copy of the written request to the organization concerned.

(iv) Inquiry by the Privacy Commissioner

If a matter under review or relating to a complaint is not referred to mediation, settled pursuant to mediation or resolved, then the Commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry. The individual making the complaint and the organization concerned will be given an opportunity to make representations to the Commissioner and be represented by a lawyer at the proceedings.