

# Privacy Policy

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Last updated: July 2, 2020

At ECS Electrical Cable Supply Ltd., we are committed to providing our customers with exceptional service. As providing this service involves the collection, use and disclosure of some Personal Information about our customers, protecting our customers' Personal Information is one of our highest priorities.

We are committed to informing our customers of why and how we collect, use and disclose their Personal Information, obtaining their consent where required, and only handling their Personal Information in a manner that a reasonable person would consider appropriate in the circumstances. Our privacy commitment also includes respecting and protecting the accuracy, confidentiality, and security of our customers' Personal Information, and allowing our customers to request access to, and correction of, their Personal Information.

This Privacy Policy describes the principles and practices we follow relating to the collection, use and disclosure of Personal Information when customers use the Website and the Service.

## Interpretation, Definitions, and Scope

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### Interpretation

Capitalized terms used in this Privacy Policy have the meanings set out below. The following definitions will have the same meaning regardless of whether they appear in singular or in plural.

### Definitions

For the purposes of this Privacy Policy:

**Account** means a unique account created for You in connection with the Website or the Service.

**Affiliate** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.

**Cookies** are small files that are placed on Your computer, mobile device or any other device by a website, containing the details of Your browsing history on that website among its many uses.

**ECS, or We/Us/Our** means ECS Electrical Cable Supply Ltd.

**Personal Information** means any information that relates to an identified or identifiable individual. Some jurisdictions' local privacy laws use the terms "personal data" or "personally identifiable information", which for the purposes of this Privacy Policy are included in the term "Personal Information".

**Service** refers to the sale of ECS products, whether via the Website or otherwise.

**Service Provider** means any third-party companies, businesses or individuals used by ECS to facilitate the Service or the Website, to provide the Service or the Website on Our behalf, to perform services related to the Service or the Website, or to assist Us in analyzing how the Service or the Website is used.

**Usage Data** refers to data collected automatically, either generated by the use of the Website or the Service or from the Website or the Service infrastructure itself (for example, the duration of a page visit).

**Website** refers to ECS's website, available at <https://www.ecswire.com>.

**You/Your** means the individual accessing or using the Website or the Service.

## Scope

As ECS's corporate headquarters are located in British Columbia, Canada, this Privacy Policy has been drafted with the objective of complying with or exceeding the requirements of the privacy legislation applicable in British Columbia and Canada. However, as Our customers may be located in other countries, it is Our policy to comply with all applicable privacy legislation. Accordingly, this Privacy Policy sets out the minimum standards for ECS's collection and use of Personal Information. Where applicable laws include additional requirements, We will comply with those laws.

## Collecting and Using Your Personal Information

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### Types of Personal Information Collected

#### *Personal Information*

While using the Website or the Service, We may ask You to provide certain Personal Information that can be used to contact or identify You. Personal Information may include, but is not limited to:

- First name and last name;
- Address, including city, state, province, ZIP/postal code, and country;
- Telephone number; and
- Email address.

In addition, in connection with the purchase of ECS products, We may also collect the following:

- Your bank account details, including the name of Your bank, transit number, and account number; and
- The name, email address and telephone number of Your organization's accounts payable contact person.

ECS collects the above Personal Information through Website forms, Website logs, and credit application forms.

#### *Usage Data*

ECS uses Google Analytics to collect Usage Data and help Us understand how Our customers use the Website.

Usage Data may include information such as Your device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of the Website that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Website by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device

unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

ECS may also collect information that Your browser sends whenever You visit the Website or when You access the Website by or through a mobile device.

Please note that the Website does not respond to Do Not Track signals.

### ***Tracking Technologies and Cookies***

ECS uses Cookies and similar tracking technologies to track the activity on the Website and store certain information. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyze the Website and the Service.

You can instruct Your browser to refuse all Cookies or to indicate when a Cookie is being sent. However, if You do not accept Cookies, You may not be able to use some parts of the Website and the Service.

Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on Your personal computer or mobile device when You go offline, while Session Cookies are deleted as soon as You close your web browser. Learn more about cookies: [All About Cookies](#).

ECS uses only session Cookies for the purposes set out below:

#### **Necessary / Essential Cookies**

Type: Session Cookies

Purpose: These Cookies are essential to provide You with the Website and to enable You to use some of its features. They help to authenticate users and prevent fraudulent use of Accounts.

Without these Cookies, the services that You have asked for cannot be provided, and We only use these Cookies to provide You with those services.

By using the Website, You agree that ECS may place these types of cookies on your device.

### **Use of Your Personal Information**

Unless the purposes for collecting Personal Information are obvious and You voluntarily provide Your Personal Information for those purposes, ECS will communicate the purposes for which Personal Information is being collected, either orally or in writing, before or at the time of collection.

ECS may use Personal Information for the following purposes:

- To provide, maintain, and improve the Website and the Service;
- To verify identity;
- To verify creditworthiness;
- To identify customer preferences;
- To open and manage Your Account;
- To process and fulfill transactions, orders and returns, deliver requested products and services, and perform contracts;
- To contact You, including, without limitation, regarding updates or other informative communications relating to the Service, Your Account, or Your orders.

- To provide You with information about ECS's products and events, including, without limitation, news, newsletters, special offers, promotional and marketing materials, and general information about ECS (in accordance with applicable laws).
- To ensure a high standard of service to Our customers, including providing customer service, and responding to Your comments, questions, inquiries and requests.
- To analyze and manage ECS's business.
- To meet legal or regulatory requirements.

ECS will only use or disclose Personal Information where necessary to fulfill the purposes identified above or identified at the time of collection, or for a purpose reasonably related to those purposes. We will not sell Personal Information to third parties.

### Consent

ECS will obtain Your consent to collect, use or disclose Personal Information for any purpose other than as identified in this Privacy Policy (except where, as noted below, We are authorized to do so without consent). Consent may vary depending on the sensitivity of the information and the circumstances. It may be provided orally, in writing, electronically, or through an authorized representative, or it can be implied (subject to applicable privacy laws) where the purpose for collecting, using or disclosing the Personal Information would be considered obvious and You voluntarily provide Personal Information for that purpose. At times, consent for one use can fairly be implied to include consent for other included or related uses. When determining the appropriate form of consent, We will be guided by what a reasonable person would consider fair and appropriate in the circumstances.

If We intend to use previously-collected Personal Information for a new purpose that is incompatible with the original purpose, We will inform you of the new purpose, and We will seek consent from You prior to this new use.

Subject to certain exceptions (for example, where the Personal Information is necessary to provide the Service or the Website, or the withdrawal of consent would frustrate the performance of a legal obligation), You may withhold or withdraw Your consent for ECS to use Your Personal Information in certain ways. However, Your decision to withhold or withdraw Your consent to certain uses of Personal Information may restrict Our ability to provide a particular service to You. If so, ECS will explain the situation to assist You in making the decision.

We may collect, use or disclose Personal Information without Your knowledge or consent in the following limited circumstances:

- When the collection, use or disclosure is permitted or required by applicable law or regulatory processes;
- In an emergency that threatens an individual's life, health or personal security;
- When the Personal Information is available from a public source (e.g., a telephone directory or website);
- When We require legal advice from a lawyer;
- For the purposes of collecting a debt;
- To protect Us from fraud;
- To prevent or investigate a breach of a contract or contravention of applicable law;
- To protect and defend Our legal rights of, and to enforce contractual obligations; or

- In the event of a reorganization merger or sale of ECS.

### Transfer of Your Personal Information

Your information, including Personal Information, is processed at ECS's operating offices and in any other places where the parties involved in the processing are located. This means that Personal Information may be transferred across borders and maintained on computers or networks located outside of Your state, province, country or other governmental jurisdiction, where the privacy and data protection laws may differ than those from Your jurisdiction.

ECS will take all steps reasonably necessary to ensure that Personal Information is treated securely and in accordance with this Privacy Policy, and that no transfer of Personal Information will take place to an organization or a country unless there are adequate controls in place including the security of the Personal Information. ECS will comply with all applicable data transfer laws.

### Disclosure of Your Personal Information

ECS may share Personal Information with third parties in the following situations:

- **With Service Providers:** We may share Personal Information with Service Providers (including for payment processing, to ship products to You, and to contact You). Service Providers have access to Personal Information only to perform their tasks on Our behalf, and are obligated not to disclose or use it for any other purpose.
- **For corporate purposes:** We may share or transfer Personal Information in connection with, or during negotiations of, any merger, sale of Our assets, financing, or acquisition of all or a portion of our business to another company. In addition, We may share Personal Information with our Affiliates, in which case We will require those Affiliates to honor this Privacy Policy.
- **For Law Enforcement:** Under certain circumstances, We may be required to disclose Personal Information under applicable law or in response to valid requests by public authorities (e.g. a court or a government agency).
- **For other legal reasons:** We may disclose Personal Information in the good faith belief that such action is necessary in the limited circumstances set out at the end of the "Consent" section above.

As mentioned above, ECS may use third-party Service Providers for payment processing. If You purchase ECS products through the Website, at the time of payment you will be redirected to the third-party payment processor's online e-commerce platform to complete payment. ECS will not collect or store Your payment card details, and will only store a transaction reference. The third-party payment processors' use of Your personal information is governed by their Privacy Policy, not ECS's Privacy Policy. These payment processors adhere to the standards set by PCI-DSS as managed by the PCI Security Standards Council, which is a joint effort of brands like Visa, Mastercard, American Express and Discover. PCI-DSS requirements help ensure the secure handling of payment information.

### Retention of Your Personal Information

ECS will retain Personal Information only for as long as is necessary to fulfill the identified purposes, as required for Our legitimate business purposes (such as resolving disputes, and enforcing contractual obligations), and/or to comply with applicable legal, tax or regulatory requirements. If We use Personal Information to make a decision that directly affects You, We will retain that Personal Information for at least one year so that You have a reasonable opportunity to request

access to it. Personal Information provided on credit application forms will be retained by ECS's Credit Department for seven years.

We may also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of the Website or the Service, or where We are legally obligated to retain this data for longer time periods.

We may use and disclose aggregated and anonymous or de-identified information to third parties, but only after We have removed any Personal Information that would identify or be associated with any particular individual. This type of aggregated and anonymous or de-identified information can help Us to improve the Service and the Website. We will never sell this aggregated information.

### **Ensuring Accuracy of Your Personal Information**

ECS will make reasonable efforts to ensure that Personal Information is accurate and complete where it may be used to make a decision about You or disclosed to a third party. We do not routinely update Personal Information unless it is necessary to meet the purpose for which it is collected. We therefore rely upon You to keep Your Personal Information accurate and up-to-date.

You may request correction to Your Personal Information in order to ensure its accuracy and completeness. A request to correct Personal Information must be made in writing using the contact information set out at the end of this Privacy Policy, and provide sufficient detail to identify the Personal Information and the correction being sought. ECS will take reasonable steps to verify Your identity prior to fulfilling the request. If the Personal Information is demonstrated to be inaccurate or incomplete, We will correct the Personal Information as required and send the corrected Personal Information to any organization to which We disclosed the Personal Information in the previous year. If the correction is not made for any reason, We will note Your correction request in Our records.

### **Securing Your Personal Information**

ECS is committed to using reasonable security arrangements and appropriate technical and organizational measures to protect Personal Information from unauthorized access, collection, use, disclosure, loss, theft, copying, modification, disposal or similar risks. The security measures used will depend on the type of Personal Information being collected, and will be appropriate to the level of harm that might result from its improper use or disclosure. Such security measures may include using locked filing cabinets, physically security offices where Personal Information is held, the use of user IDs, passwords, encryption, firewalls, restricting employee access as appropriate, and contractually requiring Service Providers to provide comparable security measures.

We will also use appropriate security measures when destroying Personal Information, including but not limited to shredding physical documents and deleting electronically-stored information.

If We become aware of a breach of Personal Information held by Us, We will comply with all applicable laws, including notifying relevant individuals and regulatory bodies where required.

It is important to remember that no method of transmission over the Internet or method of electronic or physical storage is 100% secure. While ECS strives to use commercially acceptable means to protect Personal Information, We cannot guarantee its absolute security. We will review and update our security policies and controls periodically as technology changes.

## Access to Your Personal Information

You have a right to access Your Personal Information, subject to limited exceptions (including, without limitation, where disclosure would reveal Personal Information about another individual, where disclosure would give rise to health and safety concerns, or if solicitor-client privilege applies). A request to correct Personal Information must be made in writing using the contact information set out at the end of this Privacy Policy, and provide sufficient detail to identify the Personal Information and the correction being sought. We will take reasonable steps to verify Your identity prior to fulfilling the request.

Upon request, We will also tell You how We use Your Personal Information and to whom it has been disclosed, if applicable.

We will make the requested information available within thirty (30) business days (or sooner if required by applicable laws), or provide written notice of an extension where additional time is required to fulfill the request. A minimal fee may be charged (where permitted by applicable laws) for providing access to Your Personal Information. Where a fee may apply, We will inform You of the cost and request further direction from You on whether or not you wish to proceed with the request. If We refuse Your request in full or in part, We will notify You in writing, providing the reasons for the refusal and the recourse available to You.

## GDPR Privacy (European Union and European Economic Area)

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This section applies specifically to individuals who are residents of or located in the European Union or the European Economic Area.

### Definitions

For the purposes of this section:

**GDPR** means the EU General Data Protection Regulation.

**Personal Data** means any information relating to an identified or identifiable natural person, which means one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### Legal Basis for Processing Personal Data under GDPR

For the purposes of GDPR, ECS's legal basis for processing Your Personal Data will depend on the Personal Data concerned and the specific context in which We collect it. ECS may process Personal Data under the following conditions:

- **Consent:** You have given Your consent for processing Personal Data for one or more specific purposes.
- **Performance of a contract:** Provision of Personal Data is necessary for the performance of a contract between ECS and You and/or for any pre- or post-contractual obligations thereof.
- **Legal obligations:** Processing Personal Data is necessary for compliance with a legal obligation to which ECS is subject.

- **Legitimate interests:** Processing Personal Data is necessary for the purposes of the legitimate interests pursued by ECS and not overridden by Your privacy and data protection interests or fundamental rights and freedoms.

### Your Rights under the GDPR

If You are a resident of or located in the European Union or the European Economic Area, You have the right under this Privacy Policy to:

- **Request access to Your Personal Data.** The right to access, update or delete the Personal Data that We have on You. Where possible, You may access, update or request deletion of Your Personal Data directly within Your settings section of your Account. If You are unable to perform these actions yourself, please contact Us to assist You. This also enables You to receive a copy of the Personal Data We hold about You.
- **Request correction of Your Personal Data.** You have the right to have any incomplete or inaccurate Personal Data that We hold about you corrected.
- **Object to processing of Your Personal Data.** This right exists where We are relying on a legitimate interest as the legal basis for the processing of Your Personal Data and there is something about Your particular situation which makes You want to object to our processing of Your Personal Data on this ground. You also have the right to object where We are processing Your Personal Data for direct marketing purposes.
- **Request erasure of Your Personal Data.** You have the right to ask Us to delete or remove Personal Data when there is no good reason for Us to continue processing it.
- **Request the transfer of Your Personal Data.** We will provide to You, or to a third-party You have chosen, Your Personal Data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which You initially provided consent for Us to use or where We used the information to perform a contract with You.
- **Withdraw Your consent.** You have the right to withdraw Your consent for Us to use your Personal Data. However, if You withdraw Your consent, We may not be able to provide You with access to certain specific functionalities of the Website or to the Service.

### Exercising of Your GDPR Rights

If you are a resident of or located in the European Union or the European Economic Area, You may exercise Your above rights by contacting Us using the contact information set out at the end of this Privacy Policy. We will take reasonable steps to verify Your identity prior to fulfilling the above requests.

You have the right to complain to a Data Protection Authority about Our collection and use of Your Personal Data. For more information, please contact Your local data protection authority in the EU or EEA.

## CCPA Privacy (California)

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This section applies specifically to consumer customers of ECS who reside in the State of California.

### Definitions

For the purposes of this section:

**CCPA** means the California Consumer Privacy Act.

**Personal Information** means any information that identifies, relates to, describes or is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California consumer or household.

### Your Rights under the CCPA

ECS does and will not sell Personal Information.

The categories of Personal Information We collect about California consumers, together with our sources of this information, business purposes for collecting this information, and entities with whom We share this information are described above in the “Collecting and Using Your Personal Information” part of this Privacy Policy.

If You are a consumer customer of ECS who resides in California, You have the following rights:

- **The right to know.** You have the right to know about the Personal Information ECS collected and/or disclosed about You during the prior 12 months. Specifically, You have the right to know:
  - The categories of Personal Information collected;
  - The categories of sources from which the Personal Information was collected;
  - The business or commercial purpose for collecting and disclosing the Personal Information;
  - The categories of third parties with whom We shared the Personal Information; and
  - The specific pieces of Personal Information We collected about You.
- **The right to delete.** You have the right to request the deletion of Your Personal Information. By law, We may deny Your request to delete Your Personal Information in certain circumstances, including if retention of the Personal Information is necessary to:
  - Complete a transaction with You, perform a contract with You, or if Your Personal Information is reasonably anticipated within the context of Our ongoing business relationship with You;
  - Detect security incidents, protect against malicious, deceptive, or illegal activity, or prosecute those responsible for such activity;
  - Comply with the California Electronic Communications Privacy Act;
  - Enable solely internal uses that are reasonably aligned with Your expectations;
  - Comply with a legal obligation; or
  - Otherwise use Your Personal Information internally in a lawful manner that is compatible with the context in which You provided the information.
- **The right not to be discriminated against.** You have the right not to be discriminated against for exercising any of Your consumers’ rights under the CCPA.
- **The right to access.** You have the right, once a year, to request information regarding the disclosure of certain categories of Your Personal Information to third-parties for their direct marketing purposes. ECS reserves the right not to respond to requests submitted other than to the email or mailing address specified at the end of this Privacy Policy.

### Exercising Your CCPA Rights

If you are a consumer customer of ECS who resides in California, You may exercise Your above rights by contacting Us using the contact information set out at the end of this Privacy Policy. We will take reasonable steps to verify Your identity prior to fulfilling the above requests. We will respond to Your request free of charge within 45 days of receiving Your verifiable request, by mail or a readily usable

electronic format. We may extend this period once by an additional 45 days when reasonably necessary, in which case We will provide You with notice and an explanation of the reason.

If We deny Your request for any reason, whether due to the inability to verify your identity, or in the event of a conflict with US federal or state law, or pursuant to CCPA or otherwise, We will notify You and explain the reasons for the denial. We will also comply with Our obligations under CCPA in connection with any such denial.

## Use by Children

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The Website and the Service are not intended for use by minors. ECS does not knowingly collect Personal Information about minors. By using the Service or the Website, You represent to ECS that You are over the age of majority in your jurisdiction of residence. If You believe that We have mistakenly or unintentionally collected a minor's Personal Information, please contact Us using the contact information set out at the end of this Privacy Policy.

## Links to Other Websites

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The Website and the Service may contain links to other websites that are not operated by Us, including payment processors and shipping carriers. If You click on a third party link, You will be directed to that third party's site.

ECS has no control over and assumes no responsibility for the content, privacy policies or practices of any third party sites or services. Once You leave ECS's website or are redirected to a third party's website or application, You are no longer governed by this Privacy Policy.

We strongly advise You to review the Privacy Policy of every site You visit.

## Changes to this Privacy Policy

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ECS may update this Privacy Policy from time to time, including in response to changing legal, technical and business developments. We will notify You of any changes by posting the new Privacy Policy on this page. We may also notify You via email and/or a prominent notice on the Website, prior to the change becoming effective.

Please review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

## Contact Us

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ECS has appointed a Privacy Officer who is responsible for ensuring ECS's compliance with this Privacy Policy and applicable privacy laws. Any complaints, concerns or questions regarding this Privacy Policy, or regarding ECS's privacy practices, should be made in writing as follows:

ECS Electrical Cable Supply Ltd.  
3135 – 6900 Graybar Road  
Richmond, British Columbia

V6W 0A5  
Canada

Telephone: +1-604-276-9913  
Fax: +1-604-276-9915  
Email: [privacy@ecswire.com](mailto:privacy@ecswire.com)  
Attention: Privacy Officer

Specific details about the complaint, concern or inquiry must be provided. We will take reasonable steps to verify Your identity prior to fulfilling the above requests. We will investigate and respond in accordance with applicable laws. If ECS's Privacy Officer is unable to address Your concerns, the issue may be escalated to the relevant Privacy Commissioner, Data Protection Authority, or similar regulatory authority for Your jurisdiction.