

MD STAINLESS SERVICES

PRIVACY CODE – JUNE 2022

INTRODUCTION

MD Stainless Services (“MD”) is a California company that offers its pipe processing systems and services across North America.

This Privacy Code sets out our privacy commitment to the protection of personal identifiable information of our employees and personally identifiable information obtained through individuals accessing our website and how we manage personally identifiable information and comply with United States’ international obligations for data protection under General Data Protection Regulation (“GDPR”).

This Privacy Code is also intended to assist us to meet our obligations under respecting the personally identifiable information of our employees, contractors, clients, and vendors and suppliers.¹

Our Privacy Code is built on the following principles of fair information principles: accountability, identifying purposes, consent, limiting collection, limiting use, disclosure and retention, accuracy, safeguards, openness, individual access and challenging compliance.

The GDPR applies to organizations that have an established presence in the EU, offer goods and services to individuals in the EU or monitors the behaviour of individuals in the EU. The GDPR applies when personal data is “processed” and defines processing as “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.” Data controllers or processors must also respect the principle of data minimization, meaning that the processing of personal data must be limited to that which is adequate, relevant, and necessary to achieve the specified purpose. Personal data must be accurate, kept up to date, kept in a form which permits identification of data subjects for no longer than is necessary, and must be processed in a manner that ensures appropriate security of the personal data.

The Privacy Code is also intended to provide open and transparent principles, policies, practices and procedures by which MD can meet its privacy commitment to the protection of personally identifiable information. It is also intended to set out the choices available for individuals regarding our collection, use or disclosure and processing of their personally identifiable information.

The purpose of this Privacy Code is to articulate clearly our privacy practices respecting the management of personally identifiable information collected and used by MD and to ensure compliance with the federal and international privacy laws. At the same time, it recognizes the needs of MD to collect, use or disclose personally identifiable information for legitimate business purposes versus the right of individuals to protect their personally identifiable information. The standard for the collection of personally identifiable information by MD is one of what a reasonable person would consider appropriate in the circumstances and complies with applicable laws.

GUIDING PRINCIPLES

The following ten principles are the basis of MD Privacy Code and shall guide MD's management of personally identifiable information and its privacy practices together with the statutory requirements of *PIPEDA* and *PIPA*.

1. Accountability – MD is responsible for personally identifiable information under its control including personally identifiable information not in the custody of MD. MD shall designate one or more individuals to be responsible for ensuring that MD complies with this Privacy Code and shall make known the position name or title and contact information of each individual so designated.
2. Identifying Purposes for Collection of Personally identifiable information – MD shall identify the purposes for which personally identifiable information is collected at or before the time the personally identifiable information is collected.
3. Obtaining Consent for Collection, Use or Disclosure of Personally identifiable information – MD shall ensure that consent is obtained from each individual for the collection, use or disclosure or processing of their personally identifiable information unless inappropriate. MD shall recognize and act on any withdrawal of consent by an individual to collect their personally identifiable information.
4. Limiting Collection of Personally identifiable information – MD shall limit the collection of personally identifiable information to the purposes identified by MD and shall only collect personally identifiable information using appropriate, fair and lawful means.
5. Limiting Use, Disclosure and Retention of Personally identifiable information – MD shall not use or disclose personally identifiable information for purposes other than for the purpose it was collected unless MD has the consent of the individual or as provided by law. MD shall retain personally identifiable information for only as long as necessary to meet the purposes of the collection of the personally identifiable information.
6. Accuracy of Personally identifiable information – MD shall ensure that personally identifiable information collected, used and disclosed shall be as accurate, complete and up-to date as possible for the purposes for which it has been collected used and disclosed.

7. Security Safeguards – MD shall take all appropriate steps to protect the personally identifiable information collected, used and disclosed and use security measures appropriate to sensitivity of the personally identifiable information.

8. Openness Concerning Policies and Practices – MD shall ensure that information is made available to clients, suppliers, vendors, employees and contractors regarding this Privacy Code and our privacy practices regarding personally identifiable information.

9. Client Access to personally identifiable information – MD shall inform an individual of the collection, use and disclosure and processing of his/her personally identifiable information at the individual's request and shall grant access to the individual to such personally identifiable information. An individual shall be entitled to challenge the accuracy and completeness of the personally identifiable information collected, used or disclosed by MD and have it amended and or corrected as necessary or appropriate.

10. Challenging Compliance – This Privacy Code and our privacy practices shall include a clear process for responding to complaints that may arise with respect to our handling and managing of personally identifiable information of clients, suppliers, vendors, contractors and employees. A client or employee or contractor may make a complaint regarding MD's compliance with its privacy policies and practices to the designated individual in accordance with our complaint process.

APPLICATION OF THE PRIVACY CODE

MD is a private sector organization and therefore this Privacy Code sets out MD's policies and practices for managing personally identifiable information of individuals being collected, used and disclosed or processed from our clients, suppliers, vendors, contractors and employees or through our MD Website, whether collected, used or disclosed or processed orally, electronically or in writing in accordance with the above Guiding Principles. MD strives as an organization to be responsible for the protection of personally identifiable information and the fair handling of it at all times throughout the organization and in dealings with third parties.

PRIVACY POLICIES AND PRACTICES

Accountability

2.1 In order to meet its responsibilities for personally identifiable information under its possession or control, MD appoints Dawn Wattie and or her designate to be accountable for MD's compliance with this Privacy Code.

2.2 The contact information of persons designated to be accountable for MD's compliance with the Privacy Code shall be made known upon request.

2.3 MD does not provide personally identifiable information to third parties except as compelled by law.

2.4 MD has put in place procedures and practices to give effect to this Privacy Code and shall include:

- 2.4.1 Procedures and practices to protect personally identifiable information and to oversee compliance with this Privacy Code;
- 2.4.2 Procedures and practices to receive and respond to requests for personally identifiable information, inquiries and complaints;
- 2.4.3 Methods and means for training and communicating our privacy procedures and practices to employees; and
- 2.4.4 Methods and means for communicating our privacy procedures and practices to our clients and the public.

2.5 MD shall continue to update and enhance its privacy policies and practices on an as and when basis.

Purposes of Collection

3.3 MD collects, uses and discloses personally identifiable information of its clients, suppliers, vendors, contractors, employees or visitors to its Website but such personally identifiable information shall only be collected, used or processed and disclosed for legitimate business interests that a reasonable person would consider appropriate in the circumstances.

3.4 MD shall identify and specify orally, electronically or in writing to the client, supplier, vendor, contractor, employee or visitor to its MD Website the purposes for which personally identifiable information is collected, used, processed and disclosed at or before the time the personally identifiable information is collected.

3.5 MD shall not collect, process, disclose or use personally identifiable information for any purpose not identified or specified to an individual without obtaining their consent.

Consent

4.1 MD will obtain consent from an individual when collecting, using, processing or disclosing personally identifiable information of its clients, suppliers, vendors, contractors, employees, and visitors for the purposes outlined above.

4.2 Consent will be explicit for EU individuals and may be explicit (orally or in writing) or implied. Consent may be implied by MD where at the time consent is deemed as follows:

- 4.2.1 the purpose would be considered obvious to a reasonable person;
- 4.2.2 the individual has freely and voluntarily provided the personally identifiable information for that purpose; or
- 4.2.3 MD has given notice of the collection of personally identifiable information for a specified period in a form that can be reasonably understood of its intention to collect, use, process or disclose the personally identifiable information and the individual is given a reasonable period of time to decline or revoke and does not decline or revoke

and it is reasonable to collect, use, process or disclose having regard to the sensitivity of the personally identifiable information and that it is collected solely for legitimate business purposes.

4.3 Consent will always be obtained for EU individuals where it is not for legitimate business purposes and EU individuals will have the ability to revoke such consent at any time. Consent is not required for the following personally identifiable information which is permitted to be collected and used from an individual or from a source other than an individual without limitations:

- 4.3.1 is clearly in the interest of the individual and consent cannot be obtained in a timely way;
- 4.3.2 is necessary for medical treatment of the individual and individual is unable to give consent;
- 4.3.3 it is reasonable to expect that the collection or use with the consent of individual would compromise the availability or accuracy of the personally identifiable information and the collection is reasonable for an investigation or a proceeding;
- 4.3.4 organization is credit reporting agency and collection is for a credit report and individual consents at the time the original collection occurs;
- 4.3.5 is required or authorized by law;
- 4.3.6 personally identifiable information is necessary to facilitate collection of debt owed or payment of debt to an organization;
- 4.3.7 collection or use of employee personally identifiable information is reasonable for establishing, managing or terminating an employment relationship.

4.4 With respect to EU individuals, MD shall obtain explicit consent from the individual to the disclosure of personally identifiable information. With respect to the disclosure of personally identifiable information for all other individuals, MD shall obtain consent from the individual, with the exception of the following personally identifiable information which is permitted to be disclosed from an individual or from a source other than an individual without limitations:

- 4.4.1 is clearly in the interest of the individual and consent cannot be obtained in a timely way;
- 4.4.2 is necessary for medical treatment of the individual and individual is unable to give consent;
- 4.4.3 it is reasonable to expect that the disclosure with the consent of individual would compromise the availability or accuracy of the personally identifiable information and the collection is reasonable for an investigation or a proceeding;
- 4.4.4 organization is credit reporting agency and disclosure is for a credit report and individual consents at the time the original collection occurs;
- 4.4.5 is required or authorized by law;
- 4.4.6 personally identifiable information is necessary to facilitate collection of debt owed or payment of debt to an organization;
- 4.4.7 personally identifiable information is disclosed in accordance with a provision of a treaty that authorizes or requires its disclosure or is made under an enactment of United States;

- 4.4.8 disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personally identifiable information;
- 4.4.9 the disclosure is to a public body or a law enforcement agency in United States, concerning an offence under the laws of United States or a state, to assist in an investigation, or in the making of a decision to undertake an investigation;
- 4.4.10 there are reasonable grounds to believe that compelling circumstances exist that affect the health and safety of any individual and if notice of disclosure is mailed to the last known address of the individual to who the personally identifiable information relates;
- 4.4.11 the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual;
- 4.4.12 the disclosure is to an archival institution if the collection of personally identifiable information is reasonable for research or archival purposes; and
- 4.4.13 disclosure of employee personally identifiable information is reasonable for establishing, managing or terminating an employment relationship.

4.5 Wherever possible, MD shall seek consent to collect, use, process or disclose personally identifiable information from an individual, client, employee or service provider at the time in which the personally identifiable information is collected. In the event that this is not possible, MD will seek consent after the personally identifiable information is collected but prior to it being used, processed or disclosed for a different purpose that has not been identified or specified.

4.6 When determining whether express or implied consent is required for all individuals other than EU individuals where there must be explicit consent, MD shall take into account the sensitivity of the personally identifiable information and the reasonable expectations of the client/customer, individual, employee or service provider.

4.7 With the exception of EU individuals where explicit consent is required, MD will, generally, imply consent to collect, use or disclose personally identifiable information for its purposes, where an employee accepts employment or receives benefits.

4.8 When seeking consent for the collection of personally identifiable information from a client/customer, individual, employee or service provider, MD shall set out the choices available to individuals regarding MD's collection, use, processing or disclosure of the personally identifiable information at the time of collection or prior to the use or disclosure of such personally identifiable information.

4.9 Upon obtaining consent, MD may record such consent as via phone, by mail, the Internet, a note to file, copy of an email, copy of a check off box or entry in database field.

Withdrawal of Consent

5.1 MD will honor a request of an individual to revoke or withdraw his or her consent to the collection, use, processing or disclosure of personally identifiable information by email and when it receives email notice will immediately stop collecting, using, processing or disclosing that personally identifiable information unless it meets one of the exceptions noted above or would

frustrate the performance of a legal obligation or consent was given to a credit reporting agency or is for legitimate business purposes.

Limiting Collection of Personally identifiable information

6.1 When collecting personally identifiable information of a client, supplier, vendor, contractor, employee or visitor to the Website, MD shall disclose to the individual, verbally or in writing, the purposes for the collection of the personally identifiable information and shall limit the collection to the identified and specified purposes.

6.2 MD shall only collect personally identifiable information by reasonable, fair and lawful means.

6.3 MD generally, collects personally identifiable information from its clients, employees and subcontractors although in certain circumstances, MD may collect personally identifiable information from third parties, such as credit bureaus, employers or personal references but only from those third parties that represent that they have a right to disclose such personally identifiable information.

Limiting Use, Disclosure and Retention of Personally identifiable information

7.1 Other than where MD has explicit or implied consent of the individual or third party or by operation of law, MD shall not use or disclose personally identifiable information for purposes other than those identified and specified.

7.2 MD shall only retain personally identifiable information of an individual for the period necessary to fulfill the purposes identified and specified, by operation of law or where making a decision regarding a client/customer, employee or vendor or service provider as long as is reasonable to give such individuals the opportunity to access the personally identifiable information concerning the making of the decision.

7.3 MD shall limit the access of its employees to personally identifiable information to those who are participating in the collection, use, processing or disclosure of personally identifiable information as part of their duties or to those who have a need to know within MD.

7.4 MD shall maintain the means via reasonable controls, systems and practices whereby personally identifiable information that it no longer is necessary to retain is destroyed, erased or rendered anonymous.

Accuracy and Security of Personally identifiable information

8.1 MD shall make all reasonable effort to ensure that personally identifiable information collected is accurate and complete for the purposes in which it is collected, particularly where the personally identifiable information is likely going to affect the individual to who the personally identifiable information relates or is likely to be disclosed to another organization.

8.2 All personally identifiable information used by MD shall be as accurate and complete as possible and, where such personally identifiable information is being used to make a decision that directly affects an individual, such personally identifiable information will, where applicable, be retained by MD for no more than one year in order to provide a reasonable opportunity for access by the individual.

8.3 MD shall take reasonable security arrangements to prevent the unauthorized access, collection, use, disclosure, copying, modification or disposal of personally identifiable information in its custody and control in whatever form it is held. Such security arrangements will include protection from loss or theft and physical measures, such as, technological tools, such as passwords, encryption, firewalls and anonymizing software, and, limiting access on a need to know basis, staff training and confidentiality agreements.

8.4 MD shall destroy its documents containing personally identifiable information or remove the means by which personally identifiable information can be associated with the individual as soon as the purpose for which the personally identifiable information was collected is no longer being served by its retention or retention is no longer necessary for legal or business purposes.

8.5 MD shall not use deceptive or coercive means to collect personally identifiable information and shall not dispose of personally identifiable information with intent to evade a request for access to personally identifiable information.

8.6 MD shall protect personally identifiable information by ensuring that confidentiality provisions bind both third parties in which personally identifiable information is disclosed and employees who have access to personally identifiable information.

8.7 MD shall regularly review and update security measures for personally identifiable information where applicable.

Access to and Correction of Personally identifiable information

9.1 Where MD has collected, used, processed or disclosed personally identifiable information of an individual, that individual shall have the right to access and correct their personally identifiable information in accordance with the following access and correction procedure:

- 9.1.1 the individual may, in writing, make a request to MD or their designate concerning his or her personally identifiable information under the control of MD;
- 9.1.2 MD shall provide information concerning the ways in which personally identifiable information of the individual has been and is being used by MD or has been disclosed by MD;
- 9.1.3 the names of individuals and organizations to whom the personally identifiable information has been requested;
- 9.1.4 with the exception of the following personally identifiable information, MD will provide access to an individual's personally identifiable information:

- (i) personally identifiable information is protected by solicitor-client privilege; (ii) disclosure would reveal confidential commercial information that if disclosed could, in the reasonable opinion of a reasonable person, harm the competitive position of MD; (iii) personally identifiable information was collected where consent is not required for the purposes of an investigation or where proceedings have not been completed; (iv) where personally identifiable information was collected by a credit organization 12 months prior to the request from the individual; (v) where the disclosure would threaten the safety, physical or mental health of an individual, cause immediate or grave harm to the safety or physical or mental health of an individual, or would reveal personally identifiable information about another individual;
- 9.1.5 having reviewed the personally identifiable information requested, the individual may request MD to correct an error or omission in that personally identifiable information that is: (i) about the individual and (ii) is under the control of MD;
- 9.1.6 MD shall respond to an individual's request no later than 30 days from the date of an individual's request unless the individual has not given sufficient detail to enable MD to identify the personally identifiable information being requested or more time is needed given the large volume of personally identifiable information being requested which would unreasonably interfere with MD's operation or there is a need for more time to consult with another organization or public body to determine whether to give access to the requested document. In those circumstances, MD may extend the time an additional 30 days and will advise the individual of the extension in time, the time period of the extension and the rights of the individual to complain about the extension;
- 9.1.7 in responding to an individual's request, MD shall advise the individual when access to personally identifiable information in whole or in part is being refused, the reasons for the refusal and the contact information of the officer or employee of MD who can answer the individual's questions concerning the refusal;
- 9.1.8 MD shall make a reasonable effort to assist each applicant to respond accurately and completely as is reasonably possible to their request;
- 9.1.9 MD shall make the correction as soon as reasonably possible or send the corrected personally identifiable information to each organization which the personally identifiable information was disclosed during the year prior to the date the correction was made, where MD is satisfied that there are reasonable grounds for the request; and
- 9.1.10 where MD does not make a correction, it shall annotate the personally identifiable information under its control that a request was made but the request was not implemented.

Challenging Compliance

10.1 MD shall maintain a process for addressing and responding to complaints or inquiries regarding its compliance with this Privacy Code including, where appropriate, a process for seeking of external advice prior to responding to individual complaints or inquiries.

10.2 A client, individual or employee or contractor may make a complaint or inquiry regarding MD's compliance with this Privacy Code as follows:

- 10.2.1 An individual shall file a written complaint or inquiry to MD and or its designate outlining the failure of MD to comply with this Privacy Code and the specified section and or principle.
- 10.2.2 MD shall investigate all written complaints or inquiries regarding its compliance with this Privacy Code.
- 10.2.3 Where an investigation determines that a complaint is justified or action is required regarding an inquiry, MD shall take all appropriate steps to resolve the complaint or take appropriate action to address the inquiry including, where applicable, amending the policies, practices and procedures of this Privacy Code.
- 10.2.4 Wherever possible, MD shall respond to a written complaint within 30 days provided the written complaint or inquiry provides sufficient information to respond to. This response shall include details regarding the outcome of the investigation and individual's complaint or inquiry.
- 10.2.5 In the event that MD seeks external advice, the period to respond may be extended for a reasonable period necessary to obtain such external advice.

Transparency of Privacy Policies, Practices and Procedures

11.1 MD shall make its privacy policies, practices and procedures available on its MD Website and readily available to individuals in person, in writing, by telephone or as applicable in MD publications.

11.2 MD shall also make its policies, practices and procedures understandable for its individuals, employees and the public by identifying who within MD is responsible for compliance with this Privacy Code, how personally identifiable information can be accessed by individuals, what personally identifiable information is held by MD and how it is used.

The contact information for MD is as follows:

Dawn Wattie, CCO, Dawn.W@creotechgroup.com
www.mdstainless.com

Current contact information can also be found on MD's website.

Last Modified: June 10, 2022