

## **WEBSITE PRIVACY POLICY**

*Many businesses rely on the personal information of its customers, such as names, addresses, telephone numbers, age and a myriad of other types of information to identify existing and potential customers, to market and advertise their products. Private information has become a valuable commodity and the digitization of data, the ease of distribution via the Internet, combined with the increasing numbers of companies using websites for e-commerce or to collect personal information has led to increasing concerns about privacy rights. As of January 1, 2004, all Canadian organizations engaged in commercial activity are governed by Personal Information Protection and Electronic Documents Act (“PIPEDA”) unless they are located in a province that has enacted legislation that is substantially similar, in which case the provincial legislation will apply. As of the date of this writing, only Quebec has enacted its own provincial legislation. However, substantially similar legislation is pending in Alberta and British Columbia and other provinces are contemplating following suit. Therefore, companies located in provinces that have enacted or will soon have privacy legislation in force must ensure that their website’s privacy policy complies with provincial law.*

*Basically, PIPEDA sets out rules for how private sector organizations can collect, use or disclose personal information in the course of commercial activities. Since the legislation was introduced in phases starting with federally regulated businesses in 2001, broadcasting companies have already established privacy policies and systems to comply with the legislation and publish their privacy policies on their corporate website(s). However, small business owners, such as new media production companies, may not be aware that PIPEDA or, depending on where they are located, one of the provincial privacy acts will apply to them and govern the way they are permitted to collect and use the private information provided to them by their website users. Generally, PIPEDA requires that a company that collects private information from an individual must: (1) disclose the purposes for collecting the private information and the use that will be made of such private information (2) at the time that it seeks consent to collect such personal information (3) and upon receiving consent, only use such private information for the limited purposes identified at the time that consent was given (4) retain such personal information in a secure manner and only for the period of time necessary for the identified purpose and (5) destroy any copies of personal information upon the withdrawal of consent by the discloser. PIPEDA also requires companies to establish their own internal procedures to comply with its obligations, including the appointment of a privacy officer from its staff to administer its privacy policies and procedures and be available to answer questions and concerns of members of the public. The guidelines set out by PIPEDA can be onerous and failure to comply with PIPEDA could lead to an investigation by the office of the Privacy Commission. Penalties for failing to comply with PIPEDA can be serious, including fines levied against the company and its officers. Companies that intend to collect personal information on its website(s), even for promotional purposes like contest registration and subscriptions to online newsletters, must institute a privacy policy and corporate procedures to comply with PIPEDA or its provincial counterparts.*

*If the interactive new media production is web-based (the “Web Project”) and is to be exhibited on and accessible to visitors through the broadcaster’s website(s) the broadcaster’s privacy policy will likely apply. The producer and the broadcaster will want to ensure that the manner in which the Web Project collects, uses and discloses personal information conforms with the broadcaster’s privacy policy. In such a situation,*

*the producer will not be responsible for establishing a privacy policy and systems to support it. However, when the Web Project is intended to be hosted independently on independent servers, the owner and producer of the Web Project will be responsible for developing a privacy policy and publishing it on the website.*

*The following document is a sample of a privacy policy for a company that is located in a province that has not enacted its own legislation and therefore PIPEDA applies. In this fact scenario, it is assumed that the Web Project is to be hosted on servers independent from the broadcaster and therefore the producer is responsible for the privacy policy. The Website is intended for use by adults and is not targeting children. Since minors and other people who lack the legal capacity to give consent cannot provide their consent to collect, use and disclose their personal information, owners of websites targeting children will have to institute special procedures to acquire the consent of the legal guardians or parents of child visitors. Producers of websites that target children or other potential users that may not have the legal capacity to consent should be very careful to consult an experienced lawyer to assist in the development of its policy and procedures.*

*This sample privacy policy assumes a certain fact scenario and is not meant to be representative of, or intended to create standards for, every privacy policy. Privacy Policies are by nature customized for the particular use contemplated by the company collecting the personal information, the sensitivity and nature of the personal information being collected, the extent of the use to be made of it, the capacity and potential vulnerability of the individuals providing the personal information. A high degree of care must be taken in drafting privacy policies and instituting corporate practices. A failure to do so can be costly. The policy and comments provided herein are for educational purposes only and should not be construed as providing any legal advice whatsoever. Anyone contemplating using this template policy or in the process of developing and drafting a Privacy Policy is strongly advised to consult an experienced lawyer for advice and guidance. It should not be used as a substitute for consulting with legal counsel and receiving advice based on the circumstances of a particular website. Due to the pace of technological change, business practices, distribution methods and the law applicable to the Internet is constantly and rapidly changing. The legal principles discussed are subject to exceptions and qualifications that may not be mentioned and case law and legislation may vary from jurisdiction to jurisdiction.*

## **WEBSITE PRIVACY POLICY**

New Media Productions Inc. (“NMPI”) is committed to respecting the privacy concerns of its visitors to [www.strangerthanfiction.com](http://www.strangerthanfiction.com) (“the Website”). NMPI has created this privacy policy (the “Policy”) to establish guidelines that will govern the collection, use, protection and disclosure of the personal and non-personal information of its visitors.

NMPI collects three kinds of information from this Website: (1) your voluntarily provided personal information; (2) anonymous non-personal information; and (3) “cookie” based information.

(1) Personal Information: NMPI does not automatically collect personal information, such as name, address, phone number, email address and other personally identifiable information, from its visitors (“Personal Information”). From time to time, NMPI will collect

Personal Information that is voluntarily provided by its visitors in filling out contest entry forms and subscribing to newsletters and other activities carried out on the Website. NMPI will only collect and use such Personal Information solely for the purpose(s) disclosed by NMPI at the time of collection and only after the visitor has voluntarily agreed to such collection and use, by clicking "I agree" on the online form or in writing if entering via faxed or mailed form. NMPI also sometimes use email addresses that have been voluntarily provided by its visitors to respond to visitors who communicate with us, to inform winners of contests or to subscribe to newsletters. All emails from NMPI to its visitors include instructions on how to discontinue receipt of emails, newsletters and other communication from NMPI and visitors can discontinue such communication at any time. Email addresses from visitors who wish to discontinue receipt of NMPI's emails will be removed from NMPI's distribution list and data bases. All Personal Information that may identify a visitor and has been collected with the visitor's consent by NMPI is not disclosed in any identifiable form to any other party outside the company except for the fulfillment of the specific purpose identified to the visitor at the time of collection. However NMPI may disclose such information in anonymous, aggregated and non-personally identifiable form to other parties for marketing, advertising or other purposes and to better understand visitor's use of the Website. At any time, a visitor may send an email to [privacy@strangerthanfiction.com](mailto:privacy@strangerthanfiction.com) to request that Personal Information be changed, removed or updated in NMPI's databases.

Visitors should exercise caution when they disclosed personally identifiable information on bulletin boards or chat rooms on this Website or any other website. Such areas are accessible by anyone and may result in the visitor receiving unsolicited messages from other people and/or companies. Although NMPI is committed to protecting the Personal Information provided to it by its visitors in compliance with this Privacy Policy, it cannot guarantee the security of information, whether personal or otherwise, that visitors disclose online to publicly accessible bulletin boards or chat rooms.

(2) Anonymous Non-Personal Information: When visitors visit the Website, anonymous, non personal information about their visit is automatically collected. Such information may include the length and date of the visit, how the visitor navigated the Website, what pages the visitor viewed, the type of browser being used by the visitor, the type of operating system used by the visitor and the domain name of the visitor's Internet service provider. NMPI uses this Anonymous Non-Personal Information to track the success of its Website with its visitors and to better tailor the Website to visitors' needs and interests. This Anonymous Non-Personal Information may be shared with other parties, such as broadcasters, advertisers, sponsors and partners.

(3) Cookie-based Information: NMPI may use cookies on its Website. "Cookies" are pieces of information that a website transfers to a visitor's hard drive for record keeping and identification purposes. Cookies are used to make the visitor's use of a website easier by saving visitor preferences and passwords and to identify which areas of the Website are popular and which areas need improvement and how to target certain advertising to its visitors. NMPI does not use cookies to collect personally identifiable information except in connection with a password protected online registration for a contest or newsletter or other service and only with the visitor's informed consent. Visitors may visit the Website with its cookies turned off to avoid the collection of Cookie-based Information.

Protection of Visitors' Personal Information: NMPI protects the Personal Information it collects with appropriate technological, physical and administrative safeguards to protect it from unauthorized disclosure or use. Access to Personal Information collected by NMPI is limited to authorized individuals and stored on its databases, which are protected by firewalls and are password-secured. NMPI retains the Personal Information only for as long as is required for the purposes identified at the time of its collection and consented to by the visitor providing it or as otherwise required by law. Once Personal Information is no longer necessary for the purposes consented to by the visitor, it is NMPI's practice to delete it from its data bases or systems or make it anonymous.

Linked Websites: This Website may be linked to other websites. These linked websites are not under the control of NMPI and are required to have their own privacy policies. Visitors should ensure that they read and understand how their Personal Information may be collected, used, and disclosed by the linked websites as NMPI is not responsible for and shall not be held liable for any procedures, policies or activities of any websites linked to the Website.

Visitor's Consent to Privacy Policy: By visiting and using this website, the visitor agrees to the Privacy Policy and the terms of use ("Terms of Use") linked to this Privacy Policy. If you do not agree to the Privacy Policy do not use this Website or provide Personal Information to NMPI. If you wish to amend, update or remove the Personal Information already provided, contact [privacy@strangerthanfiction.com](mailto:privacy@strangerthanfiction.com).

Accountability: NMPI takes its commitment to securing privacy very seriously. From time to time, NMPI may amend or update this Privacy Policy to comply with visitor concerns, best practices and/or the law. NMPI has appointed a member of its management team to act as NMPI's Privacy Officer and who is responsible for reviewing, approving and administering this Privacy Policy and NMPI's commitments hereunder. If you have any questions, concerns or comments, feel free to contact the Privacy Officer at [privacy@strangerthanfiction.com](mailto:privacy@strangerthanfiction.com) or by telephone at 1-XXX-XXX-XXXX or in writing at: Privacy Officer, NMPI, X street, Postal Code, Canada.