**PRIVACY POLICY**

Gyro Group of Companies

Your privacy is important to Gyro Group of Companies and the purpose of this policy is to tell you what personal information we collect about you, how we use it, whether we disclose it to anybody else, how long we keep it, and how you can request access to your personal information or obtain more information about Gyro Group of Companies’ privacy policies.

**Personal Information:** Personal information means any information about you except your name, business title, business address, business email address, business telephone number or business facsimile number. It also does not include your home address and telephone number if these are published in a telephone or other directory.

**Accountability:** We are responsible for the personal information under our control and we have designated Brian Spivak who is responsible for our compliance with this policy and with privacy legislation. If you wish to contact Brian Spivak, you can do one of the following:

* By facsimile (416) 421-0822
* By email tbennett@gyrogroup.ca
* By mail Tamara Bennett

 c/o Gyro Group of Companies

 134 Laird Dr.

 Toronto, ON. M4G 3V7

**What Personal Information do we collect?** When you purchase or lease a vehicle from us, or when you have us service or repair a vehicle or if you finance the purchase or lease of a vehicle through us or purchase or lease other products or services from or through us or if you participate in one of our surveys, contests, or promotions, or if you test drive one of our vehicles or contact our dealership staff, we may collect some or all of the following personal information:

* your name, address and telephone number
* e-mail address and facsimile number
* your occupation
* Information about your driving habits (such as preferred car size, colour, type of vehicle, kilometers driven annually, etc.)
* information about your existing vehicle(s) and any trade-in
* details of your vehicle and its service history
* your driver’s licence number
* the name of your insurance company and agent
* your insurance policy number and details about your insurance coverage
* similar information about other members of your family
* your language preference
* your date of birth and/or the date of birth of other members of your family
* your social insurance number and/or the social insurance number of other members of your family
* financial and credit information about you and/or other members of your family (specific information is set out in the application for credit forms)
* the principle amount of your loan, interest and repayment schedule
* health information if you are applying for life, health, disability or accident insurance
* the amount of any life, health, disability or accident insurance and details of that insurance

Provision of your Social Insurance Number is optional. However, you should be aware that most Credit Reporting Agencies use the Social Insurance Number as a unique identifier to ensure proper identification when conducting credit reviews and preparing credit reports. If you do not wish to provide your Social Insurance Number, our ability to obtain a timely and accurate credit report may be affected.

**The Security of your Personal Information is Important to Us:** Your personal information is used by us only for the purposes identified below and access to your personal information is limited to those employees of Gyro Group of Companies who need to have access to it.

**How do we use your Personal information?** Your personal information may be used by us to provide products and services to you such as: to obtain a license for your vehicle, to obtain appropriate financing of your vehicle for you, to provide you with a reminder that your vehicle requires servicing and to provide you with updates and information regarding products and services that we have to offer and which we think will be of interest to you.

**Sometimes we have to Share your Personal Information with Others**

**We do not sell your personal information to third parties**. We may share some or all of your personal information with third parties such as the manufacturer of your vehicle and its related companies, the providers of products or services relating to your vehicle, credit reporting agencies, financial institutions or financing companies, your insurance agent or company and companies which provide or insure warranties relating to your vehicle. We may also disclose your personal information where we are required or permitted by law to do so.

**How long do we keep your Personal Information?**

We retain your personal information as long as we believe that you are still the owner of the vehicle. If the information relates to the financing or lease of the vehicle, we retain personal information relating to the financing or lease arrangements as long as those arrangements are in place. If the information relates to the service or repair of your vehicle we retain the personal information for as long as is reasonably necessary to address any issues arising from the service or repair of the vehicle or as may be required by law. If there are legal requirements relating to the period of time which we must retain your personal information, we comply with those requirements.

**What can you do if you want to limit the use to which we put Your Personal Information?**

Most of the personal information which we collect is necessary for us to sell or lease you your vehicle, to provide products and services related to the vehicle, assist you in the financing or lease of your vehicle or to provide service to your vehicle and we cannot do this without that personal information. Similarly, we must disclose your personal information as described above in order to sell you the vehicle, to provide products and services related to the vehicle, assist you in arrangements for financing or leasing or to provide servicing to your vehicle. If you do not want us to use or disclose your personal information in a particular way, please contact Brian Spivak as described above and we will be pleased to discuss with you how we can limit collection use or disclosure of your personal information.

**You can Request Access to Your Personal Information**

You have a right to access the personal information which we have about you and to request that personal information which you believe to be inaccurate be corrected. If you wish to access your personal information you should contact Brian Spivak who will be pleased to assist you.

**Questions? Concerns?**

If you have any questions or concerns about this Privacy Policy or about the collection, use and disclosure of your personal information by Gyro Group of Companies please contact Brian Spivak as set out at the beginning of this policy and we will try to address your concerns.

**Dear Customer:**

As you may be aware, in an effort to respond to the privacy concerns of Canadians, the federal government enacted the Personal *Information Protection and Electronic Documents Act* (“PIPEDA”). The purpose of PIPEDA, in general terms, is to regulate the private sector’s collection, use and disclosure of personal information.

As of January 1, 2004, PIPEDA applies to Gyro Group of Companies which will have to adhere to PIPEDA’S principles regarding the collection, use and disclosure of personal information. In order to be compliant with PIPEDA, Gyro Group of Companies has determined it would be prudent to ask that you read and carefully consider the following.

Protection of Personal Information Agreement

As a result of your purchase/lease/finance of a vehicle, or as a result of service or repair to your vehicle, or as a result of the purchase or lease of some other product or service or as a result of your participation in one of our surveys, contests or promotions or if you have test driven one of our vehicles or contacted our dealership staff, Gyro Group of Companies may have collected some or all of the following personal information from you:

* your name, address and telephone number;
* e-mail address and facsimile number;
* your occupation;
* Information about your driving habits (such as preferred car size, colour, type of vehicle, kilometers driven annually, etc.);
* information about your existing vehicle(s) and any trade-in;
* details of your vehicle and its service history;
* your driver’s license number;
* the name of your insurance company and agent;
* your insurance policy number and details about your insurance coverage;
* similar information about other members of your family;
* your language preference;
* your date of birth and/or the date of birth of other members of your family;
* your social insurance number and/or the social insurance number of other members of your family;
* financial and credit information about you and/or other members of your family (specific information is set out in the application for credit forms);
* the principle amount of your loan, interest and repayment schedule;
* health information if you are applying for life, health, disability or accident insurance;
* The amount of any life, health, disability or accident insurance and details of that insurance.

The personal information identified above may be used by Gyro Group of Companies, to provide products and to perform services as may be requested by you; and to provide more information regarding the products and services of Gyro Group of Companies. We may also disclose your personal information to third parties such as the manufacturer of your vehicle and its related companies, the providers of products or services relating to your vehicle, credit reporting agencies, financial institutions or financing companies; your insurance agent or company and companies which provide or insure warranties relating to your vehicle. We may also disclose your personal information where we are required or permitted by law to do so. By providing your information to us, you have consented to these uses and disclosures.

If you have any questions regarding this letter, or if you do not wish to receive information about our services or products, please contact Brian Spivak:

* By facsimile (416) 421-0822
* By email tbennett@gyrogroup.ca
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**Attachment D**

The purpose of this attachment is to provide dealers with some general suggestions as to how to deal with the consent issue as it might come up in a number of practical dealership situations. The following examples are meant to address typical scenarios that may have relevance for your dealership. While not all of the examples could realistically be expected to apply to the various kinds of dealerships that exist in the different parts of Canada we are hopeful that they can provide some assistance.

**Please note: We have tried to provide examples and suggestions with respect to the types of documents or situations that a typical dealer might encounter in their day to day operations. We are not suggesting that we have captured all of the situations that may be relevant to your dealership. If you have provisions in your Dealer Sales and Service Agreement relating to the provision of Personal Information to the manufacturer or another entity, or if you have a data sharing of personal information, you will need to pay particular attention to the terms of those agreements or arrangements in order to ensure that the privacy policy that you draft and the contract language that you use are consistent with the provisions of those agreements or arrangements. Arrangements and agreements relating to the sharing of data with manufacturers vary and you should consult with your individual legal advisor as the draft policy provided with this Guide may require modification to be consistent with the rights and obligations established by those agreements or arrangements.**

**You should only consider these examples as a general guide and reliance on them should not occur without consulting your individual legal advisors and considering your individual dealership situation. As well, please note that the suggestions we have made here and indeed throughout this guide only reflect a minimum standard for compliance.**

1. **Prospective Customer Contact:** Customer enters dealership and is greeted by Salesperson. Customer provides Salesperson with name and home phone number. Does the Salesperson need the customer’s consent to contact him? Our view of this situation is that the customer’s consent to the follow up by the Salesperson is implied in the giving of the name and phone number (remember as well, that the name, business title and business phone number is not personal information, so if instead the business number was given then consent would not be an issue at all). Further, if the prospective customer does not want the Salesperson to contact him after the follow up call or contact is made, then the customer could withdraw his consent at that time by so advising the Salesperson. What if this contact leads to a test drive? In this instance, consent can be implied by the voluntary provision of personal information – such as driver’s license information. We see no reason why

this information should be retained following the test drive.

2. **Salesperson’s Card**: In this example, assume that the Salesperson fills out a card that contains the prospective customer’s name, phone number (business and home), the date of the contact, the type of vehicle the customer is looking for, the price range, payment range, whether the prospective customer has a trade in, information about the trade in, and a follow up appointment time. While the prospective customer may give the salesperson this information voluntarily and for the purposes of making inquiries about the purchase of a vehicle, it is not clear that they would be consenting to the retention of the information by the salesperson. Again, the easiest way to deal with this is to have the salesperson ask “may I keep this information and contact you to follow up?” If the customer says “no”, then you cannot retain the card. If the customer says “yes”, then the card should only be kept for as long as it is reasonable to do so keeping in mind the purposes for which the information was collected.

3. **Salesperson’s Work Sheet** (the document that the salesperson would use to write up a prospective deal with a customer prior to having it approved and transferred onto a purchase and sale agreement): if the customer ends up purchasing or leasing a vehicle, then the privacy policy becomes part of the transaction (see below re the purchase and sale agreement) and the information collected on the worksheet would be captured by the consent language found in the purchase and sale agreement. However, if the customer does not purchase or lease a vehicle, the privacy policy has to be conveyed to the customer in some other way in order to address the personal information collected in the worksheet. The most practical way to deal with this problem may be for the dealer to post something on the wall (and perhaps at your reception desk, service kiosks etc) such as “Your privacy is important to us, Ask us if you would like information about Gyro Mazda’s Privacy Policy” The information collected as part of the work sheet must not be kept longer than necessary if the customer does not buy the vehicle.

4. **Trade-In Information Document:** This would be the document that many dealerships would use to document a prospective customer’s trade-in information. We suggest that this information be treated in the same manner as the worksheet example above.

5. **Salesperson Traffic Log** (this would be a document that logs the salesperson’s customer contacts perhaps by contact name and phone number): As noted in example 2 above, again, the practical approach is for the salesperson to ask “May I keep this information” and then rely on the facts that the customer has voluntarily given the information and that the reference to the privacy policy is on the wall. The main issue here is once again, retention, since the information is fairly low level personal information (probably name, and phone number), the important issue will be not to keep the information for a period of time that is unreasonable. It is difficult to know exactly what time frame this would be.

6. **Purchase & Sale Agreement** (Bill of sale or Lease of Agreement): we suggest that you include language to the following effect:

**“Privacy – The personal information collected on this form and on other documents relating to this transaction is collected in accordance with applicable privacy legislation and is governed by Gyro Group of Companies’ Privacy Policy. Most of the personal information which we collect or disclose is necessary for us to sell or lease you your vehicle, to provide products and services related to the vehicle, assist you in the financing or lease of your vehicle or to provide service to your vehicle and we cannot do this without that personal information. We may also use or disclose your personal information to provide you with updates and information regarding products and services that we have to offer and which we think will be of interest to you. You acknowledge receiving a copy of our privacy policy and consent to the use of this personal information in accordance with that privacy policy and for all purposes relating to this <<sale/lease>> transaction. If you do not want us to use or disclose your personal information in a particular way, please contact** \_\_\_\_\_\_\_\_\_\_\_\_\_\_ **as described in our Privacy Policy.”**

**Remember in this example, whether it is a lease or sale, the customer \_ must also receive a copy of your Privacy Policy. This clause may not be \_suitable if you have data sharing agreements or arrangements in place \_with other parties such as your manufacturer.**

7. **Insurance Applications, Warranty Documents, Aftermarket Product Documents:** Another example to consider would be other kinds of documents that deal with personal information and could form part of a purchase or lease transaction such as Insurance Applications or Warranty Documents (relating to the purchase of an extended warranty or some other type of aftermarket product). As these documents come from an insurance company or a vehicle manufacturer or supplier of the product then they are really the ones who are collecting and using and maybe further disclosing the information. In our view, the clause above in the bill of sale or lease agreement covers the dealer, although the other parties should be putting something in their documents about their privacy codes and practices.

8. **Service Documents and General Invoices:** These documents should also reference the privacy policy, but since the personal information is limited, we do not think that it is necessary to provide a copy of the policy. However, the documents that the customer signs should have a clause to the following effect:

 **Privacy – Personal information is collected in accordance with applicable privacy legislation and is governed by Gyro Group of Companies Privacy Policy. Your privacy is important to us. Ask us if you would like information about Gyro Group of Companies’ Privacy Policy.**

9. **Out-Sourcing Agreements** (call center, customer relationship management company): Remember to ensure that any agreement with a third party that deals with personal information you are disclosing must be addressed in the contract so that it is clear that the third party will protect the personal information in accordance with the Act.