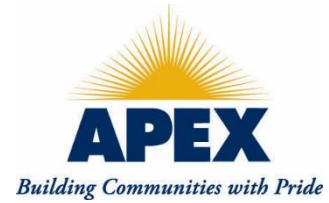


Apex Privacy Policy



Apex Limited Partnership by its General Partner Apex G.P. Ltd and or its related, associated, affiliated and subsidiary entities (collectively or individually referred to as “Apex”, and also is referred to in this policy as “we”, “us”, or “our”) is committed to protecting and maintaining the privacy, accuracy, confidentiality, security and ethical use of Personal Information entrusted to us by our consumers, customers, prospective customers and for residents of communities and developments for which we provide services as managing developer.

Our Privacy Policy applies to the collection, use, retention, maintenance and disclosure of Personal Information that Apex obtains from contact with consumers, its customers, prospective customers and for residents of land developments for which we are both the land owner and managing developer, or are acting as managing developer on behalf of another land owner or developer. When we process Personal Information, we do so in accordance with the standards required by provincial and federal privacy and data protection laws.

In addition, our Privacy Policy outlines the principles and practices we follow to protect Personal Information in accordance with the provisions of the applicable privacy protection legislation that Apex is subject to. It also provides procedures for our consumers, customers, prospective customers and residents to access or update their Personal Information or make a complaint regarding the handling of their Personal Information. Our Privacy Policy is also applicable to any person providing products and/or services on behalf of Apex.

We may choose to update or amend our Privacy Policy at any time to reflect changes in our legal or regulatory obligations, or in the manner in which we deal with your Personal Information. We will post any revised version of this Privacy Policy on our corporate website (www.apexland.com) and we encourage you to refer back to our website on a regular basis. This privacy policy will also be available on every active Apex land development website. This Privacy Policy was last updated on December 6, 2019.

WHAT IS PERSONAL INFORMATION?

“Personal Information” means information about an identifiable individual. This includes an individual’s name, contact and mailing information, residential address, building plan information, municipal and legal description of property and any preferences or information collected within surveys, registration or ballot forms.

We collect Personal Information to enable us to communicate and interact with you and also to provide our products and services to consumers, customers, prospective customers, and residents in the course of our business activities.

Advertising and Analytics

ABOUT OUR USE OF REMARKETING WITH GOOGLE ANALYTICS

We also use Google Analytics or other search engine optimization services to study the browsing behavior of visitors to our website site. This is a website analytics service provided by Google Inc. Google Analytics collects information (via cookies) on an anonymous basis, such as the number of visitors to our website, their country, region and city of origin, the type of browser and operating system they are using, the date, time and duration of visits, the pages consulted, and what other websites they visited prior to coming to this site. Our use of Google Analytics allows us to show remarketing advertisements for content or products that are most likely to interest you, through Google and other third-party sites. We also use Google Analytics to collect information to evaluate how successful advertisements are.

Please note that you may opt-out of Google Analytics by installing the Google Analytics opt-out browser add-on (<https://tools.google.com/dlpage/gaoptout>), or by configuring your browser settings to block the use of cookies.

The 10 Privacy Principles from the Canadian Standards Association - Model Code for the Protection of Personal Information

Apex abides by the Model Code for the Protection of Personal Information in collecting, using and disclosing Personal Information:

PRINCIPLE #1 - ACCOUNTABILITY AND PROTECTION OF PERSONAL INFORMATION

Apex is responsible for Personal Information under its control.

Accountability for compliance with our Privacy Policy rests with the Senior Management of Apex but, all employees are trained to appreciate the importance of privacy and confidentiality of Personal Information and are required to comply with the provisions of this Privacy Policy as a condition of their employment. Apex has designated the following person to act as Privacy Officer:

Stuart Craven, Privacy Officer
Apex Limited Partnership by its General Partner Excel Homes G.P. Ltd.
E-mail Address: scraven@excelhomes.ca

Senior Management and the Privacy Officer may designate other individuals to assist with compliance of this Privacy Policy.

PRINCIPLE #2 - IDENTIFYING PURPOSES FOR COLLECTION, USES AND DISCLOSURE

Apex collects, uses, retains and discloses Personal Information as necessary within the organization and with appropriate and reasonable third parties in its normal course of business to establish and manage our relationship with consumers, customers, prospective customers, and residents, in order to provide our products and services. Specifically, we may collect, use, retain and disclose Personal Information in the following ways and for the following purposes: (“identified purposes”):

- When you purchase a lot in a community where we are the managing developer;
- When you register or contact us through our corporate or community websites via an email message or other media;
- When you visit sales centres or show homes within a community where we are the managing developer, and fill out an event form, survey or draw so as to interact and contact us;
- To welcome you to Apex and communicate about any of our products and services as a managing developer, and/or to the communities where we are the managing developer;
- To thank you for contacting us;
- To conduct surveys, where applicable;
- To respond to an inquiry, or request for information for matters including (without limitation) related to information on lots, plans for the community in which the lot is located, inquiries respecting maintenance, noise, debris, construction activity, trees and fencing, architectural matters, complaints or warranty related matters;
- To provide you with updates and explanations regarding community development plans, product offerings and/or features of our services;
- To administer onsite services provided by Apex, its employees, contractors, consultants, agents, builders and trades;
- To share informational or promotional updates with you about our communities, including but not limited to: limited time offers, contests, draws, or other special events;
- To conduct market research and gather demographic information;
- To conduct and deliver marketing and remarketing campaigns;
- To comply with legal and regulatory requirements.

If you would like to receive further details regarding the “identified purposes”, please contact our Privacy Officer.

Apex does not use Personal Information to make automated decisions.

We do reserve the right to collate/process and disseminate statistics based on the aggregation of data held in our files, provided that information relating to any individual consumer, customer, prospective customer or resident will not be identified from the resulting analysis.

Certain Apex employees, contractors, consultants or agents may be given access to Personal Information in so far as their duties require access for the identified purposes. Their access to consumer, customer, prospective customer, or resident Personal Information is on a need to know basis.

PRINCIPLE #3 - OBTAINING CONSENT FOR COLLECTION, USE OR DISCLOSURE OF PERSONAL INFORMATION

Your knowledge and consent is required for the collection, use or disclosure of Personal Information, except where inappropriate, or where required or permitted by law.

Your consent

Your consent may be implied or express. Implied consent is consent that can reasonably be inferred from your action or inaction. For example, when you enter into a Contract with a builder within a community, you submit a community registration form, or complete a survey; we will assume your consent has been provided to the collection, use and disclosure of your Personal Information for all identified purposes as set out in this Privacy Policy.

Please note that Apex does not sell, trade or rent Personal Information to any organization for any purpose. However, we may share your information with builder(s), contractor(s), consultant(s) and/or trade(s) as necessary in order to provide you with information and/or services relevant to you.

If we plan to use or disclose your Personal Information for a purpose that is not one of the identified purposes, we will endeavor to advise you of that purpose and obtain your express consent prior to such use or disclosure. Your express consent may be provided orally, electronically or in writing.

Withdrawing your consent

You may withdraw your consent at any time to our collection, use or disclosure of your Personal Information, subject to any legal or contractual restrictions and with reasonable notice. In order to withdraw consent, you must provide notice, in writing, to the Apex Privacy Officer identified under Principle #1. Upon receipt of such notice Apex shall inform you of the implications of withdrawal, for example you may not be notified about new communities, upcoming events, associated developer or builder information, programs, maintenance initiatives, etc.

PRINCIPLE #4 - LIMITING COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Our collection, use and disclosure of Personal Information shall be limited to the purposes identified in this Privacy Policy.

Apex collects most Personal Information directly from its consumers, customers, prospective customers and residents, and occasionally from third parties such as builders, realtors, mortgage brokers, consultants or contractors.

Similarly, our customers' Personal Information may be disclosed for identified purposes to necessary third parties such as land owners for which we provide management services, builders, contractors, consultants and trades.

Under European Union privacy and data protection laws, the use of Personal Information of individuals situated in the European Union must be justified under at least one of a number of legal grounds. The principal legal grounds that apply when we use or disclose the Personal Information of EU citizens are as follows:

- performance of a contract (where your Personal Information is necessary to enter into or perform a contract with you);
- a legal obligation (where we require your Personal Information to comply with our legal obligations);
- a legitimate interest (where we use your Personal Information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your privacy and data protection rights);
- a legal claim (where your Personal Information is necessary for us to defend, prosecute or make a claim against you, us, or a third party); and
- consent (where you have consented to our use and disclosure of your Personal Information).

PRINCIPLE #5 - RETENTION

Personal Information shall be retained by Apex for as long as reasonably necessary to fulfill identified purposes, or as may be required by law.

PRINCIPLE #6 – ACCURACY

It is important that Personal Information collected by Apex and in its records shall be accurate, complete, and up-to-date as is reasonably necessary, for the purposes for which Personal Information is to be used. If your Personal Information changes during the course of your relationship with us, please keep us informed of such changes and we will update that record.

PRINCIPLE #7 - SECURITY SAFEGUARDS

Apex will use reasonable methods to protect the security of Personal Information in its custody and under its control, with physical, administrative and technological safeguards, as appropriate.

Apex shall protect Personal Information disclosed to third parties by requiring third parties to comply with our Privacy Policy and limiting the purposes for which the Personal Information can be used.

Apex uses service providers with servers located outside of Canada for the operation of some of its software and services, including for data processing and storage. As a result, some personal information may be accessible to law enforcement, national security services or regulatory authorities in accordance with the laws of these jurisdictions.

PRINCIPLE #8 - OPENNESS CONCERNING POLICIES AND PRACTICES

Apex shall make specific information about the principles and practices relating to its handling of Personal Information available on request. This Privacy Policy is available online or in hard copy format from our Head Office.

PRINCIPLE #9 – CUSTOMERS’ ACCESS TO PERSONAL INFORMATION

Upon request, you are entitled to access the Personal Information which we hold about you. You are entitled to challenge the accuracy and completeness of this Personal Information and have it amended, if appropriate.

How can I access my Personal Information?

You can make a written request to the Privacy Officer, and upon presentation of satisfactory identification, Apex shall take all reasonable steps to gather the Personal Information requested.

Within 45 days of receiving your request, Apex shall provide a written response detailing whether access will be given to all or part of the requested Personal Information and explain the reasons for the refusal, should any part of the access request be refused.

When an individual successfully demonstrates the inaccuracy or incompleteness of Personal Information, Apex shall amend the information as required, subject to any applicable legal limitations.

PRINCIPLE #10 - CHALLENGING COMPLIANCE, HANDLING CUSTOMER INQUIRIES

Apex shall investigate all complaints concerning compliance with this Privacy Policy. If a complaint is found to be justified, Apex shall take appropriate measures, including, if necessary, amending its policies and practices.

If you feel that your concerns have not been adequately addressed, Apex will provide you with information regarding alternative complaint procedures that may be available to you. You may be advised to seek advice from the Office of the Privacy Commissioner of Alberta at 1-888-878-4044.

Please note that Apex may seek external legal advice where appropriate before providing a final response to individual complaints.

ADDITIONAL RIGHTS YOU MAY HAVE IN RELATION TO YOUR PERSONAL INFORMATION

In addition to the right to access and update your Personal Information as set out in this Privacy Policy, under certain circumstances individuals situated in the European Union have additional rights in accordance with data protection laws to require us to:

- provide you with further details on the use we make of your Personal Information;
- upon request and in certain legally permissible circumstances, delete any Personal Information about you;
- port your Personal Information to another service provider upon request and where legally permissible;
- where data processing is based on consent, to withdraw your consent such that we stop that particular processing; and
- restrict how we use your Personal Information while a complaint is being investigated.