

Last revised: July 6, 2020

## **Kohan Kobayashi Canada Privacy Policy Highlights**

### **Scope:**

This Privacy Policy applies to Kohan Kobayashi Canada Inc., Kohan Kobayashi Canada Inc.'s customers in Canada, and to visitors of the <https://www.Kohan.com> or <https://www.Kohan.ca/>. A copy of our full Privacy Policy follows the summary below.

Our privacy practices may vary between the countries in which we operate to reflect local practices and legal requirements.

### **We collect personal information that may include:**

- name
- telephone number
- e-mail address
- mailing address
- IP information regarding your access to and use of the Services (as defined below), including your IP address, type of web browser and operating system used, and browsing history
- information you may submit to us voluntarily during your use of the Services and/or communications with Us
- information about you that may be provided to Us by third parties where they have your consent to do so or where permitted by law

### **We may use the information we collect to:**

- administer and manage the Services and Our business operations
- identify or contact customers of Services, respond to user inquiries and otherwise maintain relations with users
- provide customers and prospective customers with information about Our Services
- provide services requested by Our customers
- bill, process and/or collect payment
- help prevent or investigate fraud, theft of power or other breaches of the law
- comply with legal and governmental requirements
- perform statistical analyses of user behaviour and characteristics, in order to measure interest in and use of the various sections of a Service so as to improve design, navigation and experience of such Service
- fulfill any other purpose that would be reasonably apparent to the average person at the time that We collect it

### We may share your information with:

- service providers, including cloud service providers and subcontractors or suppliers, who in turn use the information in accordance with Our instructions and applicable law
- in the event of a sale, merger or amalgamation, prospective purchasers of Kohan Kobayashi Canada's business or assets and their agents, or Our business partners and their agents
- law enforcement agencies or officials where required or permitted by law
- other third parties with your consent or where required or permitted by law

### **You have the following choices:**

- **Access and Correction:** You can access your personal information and ask us to update, correct or delete any information we have about you.
- **Cookies and tracking technologies:** You may disable cookies and other tracking technologies through the settings in your browser. While doing so may negatively impact your experience using the Services, as some features of the Services may not work properly, disabling cookies will not prevent you from transacting with us.
- **Opt-Outs:** You may contact us to opt-out of further contact from us as well as certain other uses of your personal information, as explained in our full Privacy Policy.

### **How to contact us:**

- If you would like further information about your privacy rights, opting-out of the collection or use of your information, accessing or correcting your information, or to register a complaint, please contact our Privacy Officer at [sales1@Kohan.com](mailto:sales1@Kohan.com) or by phone at (519) 576-9700.

## **Kohan Kobayashi Canada Privacy Policy**

### **1. INTRODUCTION**

Kohan Kobayashi Canada Inc. ("Kohan Kobayashi Canada", "Us", "Our" or "We") is concerned about privacy matters and wants you to be familiar with how We collect, use and disclose your personal information.

This Privacy Policy has been designed to comply with the *Personal Information Protection and Electronic Documents Act* (Canada) and substantially similar provincial privacy legislation. This policy addresses the privacy and security of personal information (as defined below) obtained when you have a relationship with Kohan Kobayashi Canada as a user of one of Our Services (as defined below).

This Privacy Policy is incorporated into and forms part of our Website Terms and Conditions or use of any website or service operated or provided by Kohan Kobayashi Canada (collectively, "Services" and each is a "Service").

**By using a Service or otherwise providing Us with your personal information, you are accepting the practices described in this Privacy Policy, as they may be amended by Us from time to time, and agreeing to Our collection and use of your personal information in accordance with this Privacy Policy. The terms in this Privacy Policy may be changed so you should review it periodically for changes.**

## **2. WHAT IS PERSONAL INFORMATION**

Personal information means any information about an identifiable individual, which means any information that relates to you and identifies you personally, either alone or in combination with other information. Kohan Kobayashi Canada may collect various types of personal information about you, as explained in greater detail [below](#).

We may also use the personal information that we obtain to create aggregated or de-identified information that we may use for business purposes or disclose to our business partners.

## **3. WE ARE ACCOUNTABLE TO YOU**

Kohan Kobayashi Canada is responsible for all personal information within its possession or control, including any personal information that is transferred to third parties for legal, regulatory, processing, storage or other purposes permitted by law. We have employees who are accountable for compliance with these privacy and security principles. We are responsible for Our compliance and commitment to this Privacy Policy.

## **4. WE LET YOU KNOW WHY WE COLLECT AND USE YOUR PERSONAL INFORMATION**

Kohan Kobayashi Canada identifies the purpose for which your personal information is collected and will be used or disclosed. If that purpose is not listed below, we will do this before or at the time the information is being collected. All personal information collected by Us from Service visitors, registered users and other individuals (as applicable) is collected, for the following purposes:

- to administer and manage the Services and Our business operations;
- to identify or contact customers of Services, respond to user inquiries and otherwise maintain relations with users;
- to provide customers and prospective customers with information about Our Services;
- to provide services requested by Our customers;
- to bill, process and/or collect payment;
- to help prevent or investigate fraud, theft of power or other breaches of the law;
- to request user participation in surveys or contests;
- to comply with legal and governmental requirements;
- to perform statistical analyses of user behaviour and characteristics, in order to measure interest in and use of our Service so as to improve such Service; and/or
- to fulfill any other purpose that would be reasonably apparent to the average person at the time that We collect it.

## **5. WE WILL OBTAIN YOUR CONSENT TO COLLECT, USE AND/OR DISCLOSE YOUR PERSONAL INFORMATION**

Kohan Kobayashi Canada will obtain your consent before, or when, we collect, use, and/or disclose your personal information. By accepting services from Us, using the Service, or otherwise providing Us with your personal information, you will be deemed to consent to Our use of your personal information for the purposes outlined above. Otherwise, Kohan Kobayashi Canada will obtain your express consent (by verbal, written or electronic agreement) to collect, use or disclose your personal information for any additional purposes. You can change your consent preferences or withdraw your consent to the collection, use or disclosure of your personal information completely at any time by contacting Kohan Kobayashi Canada (please refer to the “How to Contact Us” section below).

Kohan Kobayashi Canada will not use or disclose your personal information for purposes other than those for which it was collected, except with your consent or as permitted or required by law or regulatory authorities. Your consent to the collection, use and/or disclosure of your personal information may be either express or implied, depending on the circumstances, the purposes for which such personal information is being collected and the sensitivity of the information.

## **6. WE LIMIT COLLECTION OF YOUR PERSONAL INFORMATION**

Kohan Kobayashi Canada collects only the information required to provide Our products and services to you. Kohan Kobayashi Canada will collect personal information only by clear, fair and lawful means. We will not, as a condition of supplying you with a product or service, require you to consent to the collection, use or disclosure of information beyond that required to fulfill the specified, legitimate purpose. We do not sell, rent or lease your personal information to any third parties.

## **7. WHAT INFORMATION DO WE COLLECT?**

As a general policy, we do not collect, use or retain any personal information from our customers. We may collect the following types of information from you:

- a. **Payment and Transaction Information:** Some of the Services may require payment. When you pay for such applicable Services, We will collect personal information, such as your name, email address, mailing address, and payment information.
  
- b. **IP Information:** We collect and use certain anonymous information and data regarding your access and use of the Services. When you visit Services via a web browser, Our servers record the information that your browser automatically sends whenever visiting or using any of the Services, including Your web request, the Internet Protocol (“IP”) address and browser configuration of your Device (as defined below), the date and time of your request, the uniform resource locator of the referring and/or exiting websites. In this Privacy Policy, “Device” means a computer, mobile phone, handset, tablet or other device enabled for internet access and/or communication.

c. **Tags and Analytical Tracking:** As part of making the Services available, We use tracking tools such as scripts, internet tags, cookies, graphic tags, web beacons and similar means (collectively, “Tags”) on the Services to enhance functionality and navigation for Our Service users. Portions of the Services may use analytical tools that are operated by Us and third-party providers (collectively, the “Analytical Tools”).

We may use Tags on the Services to count users and to recognize users by accessing Tags. Being able to access Tags allows Us to personalize the Services and improve your experience with the Services. We may also include Tags in HTML-formatted e-mail messages that We send to determine which e-mail messages were opened.

Information tracked through these mechanisms may include, but is not limited to: (i) your IP address and other IP information set out in (b) above; (ii) the type of web browser and operating system being used; (iii) the pages of Services that you visit; and/or (iv) other websites that you have viewed before visiting one of the Services. Some types of Tags, such as cookies, may be disabled whereas others may not.

**Disabling Cookies:** If you wish to disable cookies, refer to your browser help menu or our website to learn how to disable cookies.

In the case of Analytical Tools, the information generated by the Tags about your use of the Services (including your IP address) may be transmitted to and stored on servers located outside of Ontario including, but not limited to, other Canadian provinces and the United States. Note that such information may be subject to access or disclosure by foreign law enforcement authorities. The information generated by the Tags may also be transferred to third party providers of Analytical Tools. This information will be used for the purpose of evaluating your use of the Services, compiling reports on Services activity and providing other services relating to Services activity and Internet usage. The third party providers of Analytical Tools may also transfer this information to other third parties where they are required to do so by law, or where such third parties process the information on their behalf.

By using a Service, you consent to the processing of data about you by third party providers of Analytical Tools in the manner and for the purposes set out above. You may withdraw your consent to such use of your information at any time by contacting us.

d. **Information that You Provide:** We may occasionally request from You or You may otherwise voluntarily provide Us with information that personally identifies You (including, but not limited to, product or service purchases, customer service, feedback, surveys, etc.). We may receive personal information about You from a broad range of activities through the Services, including, but not limited to, general correspondence with Us. Depending on the service used, the personal information We collect may include contact information.

e. **User communications:** When You send email or other communications to Us, we may retain those communications to process Your inquiries, respond to Your requests and improve the Services and the Services.

## **8. WE LIMIT DISCLOSURE, USE AND/OR RETENTION OF YOUR PERSONAL INFORMATION**

**Collection, use or disclosure of personal information without consent:** Under certain exceptional circumstances, Kohan Kobayashi Canada may have a legal duty or right to collect, use or disclose your personal information without your knowledge or consent. In accordance with applicable laws, We will not disclose any consumer information (which may include personal information) without your written consent, except where consumer information is required to be disclosed: (i) for the purposes of completing a business transaction, such as billing; (ii) for law enforcement purposes; (iii) for the purpose of complying with a legal requirement; (iv) where information is public as permitted by law; (v) where it is reasonable for the purposes of investigating a breach of an agreement, or actual or suspected illegal activity; or (vi) where it is necessary to permit Us to pursue available remedies or limit any damages that we may sustain.

Where required or permitted to disclose personal information without consent, Kohan Kobayashi Canada will not disclose more information than is required.

**Disclosure of personal information to third parties:** We do not disclose personal information to any organization or person for any reason except as set out in this Privacy Policy and for the following purposes:

- (i) We may disclose your personal information to:
  - (a) Individuals or organizations who are our advisers, consultants or service providers or are involved in maintaining, reviewing and developing our systems, procedures and infrastructure; and
  - (b) Individuals or organizations who are Our subcontractors or suppliers involved in providing products to You.

**Cross-border transfer or storage of information:** We may use service providers located outside of Ontario, and, if applicable, your personal information may be processed and stored in other countries and therefore may be subject to access by or disclosure to foreign law enforcement authorities under the laws of those jurisdictions;

(i) in the unlikely event of a proposed transfer of Kohan Kobayashi Canada's business or assets (or a part thereof), or a merger or amalgamation of Kohan Kobayashi Canada with another entity, We may disclose your personal information to third parties, such as prospective purchasers of Kohan Kobayashi Canada's shares, business or assets, and to their lawyers, accountants, financial advisors, agents and other representatives as necessary for the purposes of such transaction and upon completion of such a transaction, your information will be one of the transferred assets; and/or

(ii) where We otherwise have your express consent.

You are deemed to consent to disclosure of your personal information for those purposes. If your personal information is shared by Us with third parties, those third parties are bound by appropriate contractual agreements with Kohan Kobayashi Canada to secure and protect the confidentiality of your personal information. You may withdraw your consent to such use of your personal information at any time by contacting us.

**Retention of personal information:** Kohan Kobayashi Canada will retain your personal information only for so long as is necessary to fulfill the purpose for which it was collected and to meet Our legal and contractual obligations. We will employ explicit retention periods for closed accounts, after which the personal information is destroyed or made anonymous.

## **9. THE SECURITY OF YOUR PERSONAL INFORMATION IS A PRIORITY FOR KOHAN KOBAYASHI CANADA**

We take steps to safeguard your personal information, regardless of the format in which it is held, by maintaining appropriate physical, procedural and technical security measures with respect to Our offices and information storage facilities and systems, including, but not limited to: (i) physical security measures; (ii) electronic security measures for computerized personal information; (iii) organizational processes; and (iv) contractual obligations with third parties who need access to your personal information requiring them to protect your personal information.

A “breach of security safeguards” is defined as the loss of, unauthorized access to or unauthorized disclosure of personal information resulting from a breach of an organization’s security safeguards or from a failure to establish those safeguards. In case of a breach of security safeguards involving personal information under Our control, we will notify the affected individual and the Office of the Privacy Commissioner of Canada, as well as any applicable provincial Information and Privacy Commissioner, if it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to the individual, including physical, financial or reputational harm. We will keep a record of any breach of security safeguards in accordance with our obligations under the applicable privacy legislation.

## **10. WE PROVIDE ACCESS TO YOUR PERSONAL INFORMATION STORED BY US**

You can request access to your information stored by Us so you can review and verify the accuracy and completeness and request changes to the information.

## **11. WE RESPOND TO YOUR QUESTIONS, CONCERNS AND COMPLAINTS ABOUT PRIVACY**

Kohan Kobayashi Canada responds in a timely manner to your questions, concerns and complaints about the privacy of your personal information and Our privacy policies and procedures.

## **12. HOW TO CONTACT US**

You may contact us by emailing Us at [sales1@Kohan.com](mailto:sales1@Kohan.com) or by phone at (519) 576-9700.

If your questions, concerns and complaints have not been resolved to your satisfaction or if you have further questions, you can contact Us by mail:

Kohan Kobayashi Canada Inc.  
Attention: President  
2365 Shirley Drive  
Kitchener, Ontario N2B 3X4