



BENTALL KENNEDY (CANADA) LP
EXTERNAL PRIVACY POLICY

Approved October 2009

(Amended December 2010 to reflect Bentall Kennedy Integration)



Bentall Kennedy (Canada) LP

Privacy Policy

Bentall Kennedy's Privacy Commitment

Bentall Kennedy (Canada) LP ("Bentall Kennedy") is a leading, fully integrated real estate services company providing investment management, property management, leasing and development services to clients across Canada and in select U.S. markets. While privacy has always been treated as a priority at Bentall Kennedy, we have now taken more formal steps to promote responsible and transparent practices in the management of Personal Information in accordance with various privacy information protection statutes. This Privacy Policy describes Bentall Kennedy's policies regarding the collection, use, disclosure, and retention of Personal Information.

We ensure that our employees sign a code of business conduct that requires the safeguarding and proper use of confidential information, including Personal Information. We also have appropriate controls on the protection of Personal Information within our systems and websites and ensure that our employees are trained to respect privacy of Personal Information at all times.

Bentall Kennedy will continue to review and amend its Privacy Policy to ensure it remains current with the changing environment and regulations and it may be supplemented or modified by agreements entered into between Bentall Kennedy and an individual or organization from time to time.

Summary of Principles

Principle 1 – Accountability

Bentall Kennedy is responsible for Personal Information under its control and shall designate one or more individuals who are accountable for the company's compliance with the Privacy Policy.

Principle 2 – Collection and Purpose of Personal Information

Bentall Kennedy shall identify the purposes for which Personal Information is collected at or before the time the information is collected.

Principle 3 – Consent for Collection, Use or Disclosure of Personal Information

The knowledge and implicit or explicit consent of the individual are required for the collection, use or disclosure of Personal Information, except where inappropriate or not required.

Principle 4 – Limiting Collection of Personal Information

The collection of Personal Information shall be limited to that which is necessary for the purposes identified by Bentall Kennedy. Information shall be collected by fair and lawful means.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information

Bentall Kennedy shall limit the use and disclosure of Personal Information to those purposes for which it was collected, except with the consent of the individual or as required by law. Bentall Kennedy shall retain Personal Information only as long as necessary for the fulfillment of those purposes.

Principle 6 – Accuracy of Personal Information

Personal Information shall be as accurate, complete and up-to-date as necessary for the purposes for which it is to be used.

Principle 7 – Security Safeguards

Bentall Kennedy shall protect Personal Information by the use of security safeguards appropriate to the sensitivity of the information.

Principle 8 – Openness Concerning Policies and Practices

Bentall Kennedy will make available to customers, employees and other parties with whom it does business, specific information about its policies and practices relating to the management of Personal Information.

Principle 9 – Access to Personal Information

Upon request, Bentall Kennedy shall inform an individual of the existence, use and disclosure of his or her Personal Information and shall give the individual access to the information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Principle 10 – Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the Privacy Policy to the designated individual or individuals accountable for Bentall Kennedy's compliance.



Scope and Application

The ten principles outlined form the basis of the Bentall Kennedy Privacy Policy and are interrelated. Bentall Kennedy shall adhere to the ten principles as a whole which must be read in conjunction with accompanying commentary which is tailored to reflect the specific circumstances of Bentall Kennedy.

The Privacy Policy applies to Personal Information about Bentall's customers, suppliers, employees or other individuals that is collected, used or disclosed by Bentall Kennedy and to the management of Personal Information in any form, whether oral, electronic or written.

This Privacy Policy applies to all Bentall Kennedy's operating groups including Real Estate Services, Retail Services, and Investment Management, as well as Bentall Kennedy's U.S. subsidiaries.

Bentall Kennedy's U.S. subsidiaries, including Bentall Kennedy Real Estate Services (US) Inc., may have more specific guidelines than outlined in this policy to ensure compliance with applicable U.S. legislation.

Fairwinds Real Estate Management Inc. is subject to its own privacy policies.

Definitions

Disclosure means anytime Personal Information is transferred to a third party outside Bentall Kennedy.

Personal Information means any information about an identifiable individual, such as a customer, supplier, employee or other individual, but does not include:

An individual's business contact information including the name, position name or title, business telephone number, business address, business e-mail, and business fax number of an individual

Other information about an individual that is publicly available information as designated under applicable laws, such as information available from a public registry.

Aggregated information that cannot be associated with a specific individual.

Purposes means the purposes for the collection, use, or disclosure of Personal Information that have been identified to an individual by Bentall Kennedy, including the purposes described in this Privacy Policy.

Use means use which occurs any time data about an identifiable individual is accessed, manipulated, altered or deleted within Bentall Kennedy.



Privacy Policy in Detail

Principle 1 - Accountability

Bentall Kennedy is responsible for the Personal Information under its control, and we have designated a Privacy Officer who is responsible for our compliance with this Privacy Policy and with applicable laws. Other individuals within Bentall Kennedy may be delegated to act on behalf of the Privacy Officer and Bentall Kennedy shall use appropriate means to provide a comparable level of protection while information is being processed by a third party.

You may contact our Privacy Officer as follows:

Bentall Kennedy (Canada) LP

Attention: Privacy Officer
Address: Suite 1800
Four Bentall Centre
1055 Dunsmuir Street
PO Box 49001
Vancouver, BC
V7X 1B1
Phone: (604) 661-5000
Fax: (604) 661-5055
Email: privacyofficer@bentallkenedy.com

Principle 2 – Collection and Purpose of Personal Information

Bentall Kennedy shall identify the Purposes for which Personal Information is collected at or before the time the information is collected. Bentall Kennedy collects Personal Information for the following purposes:

- To establish and maintain commercial relationships with customers and provide ongoing service;
- To manage and develop Bentall Kennedy's business and operations, including employee and personnel matters; and
- To meet legal and regulatory requirements.



Bentall Kennedy collects Personal Information for these purposes through various means including, but not limited to:

General

- email and other correspondence that is sent to Bentall Kennedy
- from service providers in connection with the Purposes
- web site forms
- verbal discussions

Property Management and Leasing

- applications for tenancy including credit applications (may collect credit-related or other information about the individual from a third party credit reporting agencies, banks, references, etc)
- applications for specialized services and memberships, such as parking, fitness facilities or golf club memberships
- leases and other associated agreements entered into with Bentall Kennedy
- commercial agreements entered into with Bentall Kennedy
- emergency or incident reporting including video and other surveillance for insurance and risk management purposes
- video surveillance, swipe cards and other information for general security purposes

Investment Management

- commercial agreements entered into with Bentall Kennedy

Employment

- resumes & personal references provided in applications of employment
- employment forms

Principle 3 – Consent for Collection, Use or Disclosure of Personal Information

The knowledge and implicit or explicit consent of an individual is required for the collection, use or disclosure of Personal Information, except where inappropriate or not required. Requirements for consent to collection, use, or disclosure of Personal Information vary depending on circumstances and on the type of Personal Information that is intended to be collected, used, or disclosed.



- In obtaining consent, Bentall Kennedy shall use reasonable efforts to ensure that an individual is advised of the Purposes for which the Personal Information will be used or disclosed.
- Generally, Bentall Kennedy will seek consent at the same time that it collects the information. However, Bentall Kennedy may seek consent to use and disclose Personal Information after it has been collected, but before it has been used or disclosed for a new purpose.
- Bentall Kennedy will require individuals to consent to the collection, use or disclosure of Personal Information as a condition of the supply of a service or employment if such collection, use or disclosure is required to fulfill the identified purposes.
- In determining whether consent is required and, if so, which form of consent is appropriate, Bentall Kennedy will take into account both the sensitivity of the Personal Information and the purposes for which Bentall Kennedy will use the information. Consent may be express or implied (including through use of “opt-out” consent where appropriate). For example, if an individual provides his/her mailing address and requests information regarding a particular service, consent to use the address to provide the requested information may be implied.
- In general, the use of services by an individual constitutes implied consent for Bentall Kennedy to collect, use and disclose Personal Information for all identified Purposes.
- Bentall Kennedy can collect, use and disclose employee Personal Information without the consent of the individual where the collection, use or disclosure is reasonable for the purposes of establishing, managing or terminating an employment relationship between Bentall Kennedy and the individual.
- On giving reasonable written notice to Bentall Kennedy, an individual may withdraw consent to the collection, use, or disclosure of his or her Personal Information subject to legal or contractual restrictions. Upon notice of withdrawal of consent, Bentall Kennedy will notify the individual of the likely consequences of withdrawing his or her consent and, except where otherwise required or permitted by law, Bentall Kennedy will stop collecting, using, or disclosing the Personal Information as requested.

If a person provides Bentall Kennedy or its service providers or agents with Personal Information about an individual, the person represents that it has all necessary authority and/or has obtained all necessary consents from such individual to enable Bentall Kennedy to collect, use, and disclose such Personal Information for the purposes set forth in this Privacy Policy.

Bentall Kennedy may collect, use or disclose Personal Information in certain limited circumstances without the knowledge and consent of the individual. Examples of this include:

- Bentall Kennedy may collect or use Personal Information if it is clearly in the interests of the individual and consent can not be obtained in a timely way, such as when the individual is seriously ill, mentally incapacitated, or in the case of an emergency where the life, health or security of an individual is threatened.

- Bentall Kennedy may disclose Personal Information without knowledge or consent to collect a debt, to comply with a subpoena, warrant or other court order, or as may otherwise be required or authorized by law.
- Bentall Kennedy may collect, use or disclose Personal Information without the knowledge and consent of the individual if seeking consent of the individual is reasonably expected to compromise the availability or the accuracy of Personal Information reasonably required for an investigation or a proceeding such as in the case of an investigation of a breach of agreement or contravention of federal or provincial law.

Principle 4 – Limiting Collection of Personal Information

Except where required or permitted by law, Bentall Kennedy will limit the collection of Personal Information to the Personal Information that is necessary to fulfill the Purposes. Bentall Kennedy will collect Personal Information by fair and lawful means.

- Bentall Kennedy primarily collects Personal Information directly from its customers, suppliers or employees.
- Bentall Kennedy may also collect Personal Information from other sources including credit agencies, employers or personal references, or other third parties who represent that they have a right to disclose the information.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information

Bentall Kennedy shall limit the use and disclosure of Personal Information to those purposes for which it was collected, except with the consent of the individual or as required by law. Bentall Kennedy shall retain Personal Information only as long as necessary for the fulfillment of those purposes.

Use of Personal Information

Bentall Kennedy uses Personal Information collected from customers, potential customers, and other individuals as follows:

- to respond to requests for information regarding Bentall Kennedy's products and services
- to determine whether to provide products or services to a customer or potential customer, such as assessing and confirming the accuracy of information provided in applications for tenancy and assessing creditworthiness, or to determine whether to establish a commercial relationship with suppliers or other third parties
- to communicate with customers when required, outside of regular business channels
- to establish, manage, or terminate our relationship with and to provide services and products to customers, including to issue invoices, to collect and process payments, and to fulfill contractual obligations

- to distribute any Bentall Kennedy publications that may be provided to individuals other than at business addresses
- to detect and protect against fraud, theft, breach of contract, or non-compliance with an obligation by customers, tenants, or others
- as required or permitted by law
- for additional purposes that may be identified at or before the time that the information is collected or for new purposes to which an individual has consented.

Access to Personal Information is limited to those employees and service providers of Bentall Kennedy who require access in connection with the Purposes.

Disclosure of Personal Information

Bentall Kennedy may disclose certain Personal Information to third parties or to affiliated entities as reasonably required in connection with the Purposes, as otherwise consented to by an individual, and where required or permitted by law, including as follows:

- to an organization or individual retained by Bentall Kennedy, inside or outside Canada, to assist in respect of any Purposes, such as service providers engaged by Bentall Kennedy to provide data processing services, facilities management services, call centre operations, processing and sending of mail-outs, or building maintenance
- a credit reporting agency
- references for customers
- to ClikFix, Bentall Kennedy's branded tenant service response system
- to an organization or individual retained by Bentall Kennedy to evaluate an individual's or organization's creditworthiness or to collect debts outstanding on an account
- to a financial institution in connection with the assignment of a right to receive payment, the provision of security, or other financing arrangements
- to a person who, in the reasonable judgment of Bentall Kennedy, is providing or seeking the information as the agent of the individual for which the information is sought
- to legal, accounting, financial, insurance, and other advisors as reasonably required in connection with the Purposes or the operation of its business
- to law enforcement agencies in connection with the investigation of unlawful acts
- to governmental or regulatory agencies as required or permitted by law
- to a third party in connection with the sale, reorganization, or financing of all or part of Bentall Kennedy's business or operations
- for additional purposes that may be identified at or before the time that the information is collected or disclosed or for new purposes to which an individual has consented.



Bentall Kennedy may disclose Personal Information about its employees:

- for normal personnel and benefits administration
- where the employee consents to such disclosure or disclosure is required by law.

In respect of Personal Information disclosed to third parties, Bentall Kennedy takes appropriate steps to ensure that such third parties use the Personal Information only in connection with the Purposes and safeguard the Personal Information against unauthorized use or disclosure.

Only Bentall Kennedy's employees, whose duties reasonably so require, are granted access to Personal Information about customers and employees.

Retention of Personal Information

Bentall Kennedy shall keep Personal Information only as long as it remains necessary or relevant for the Purposes or as required by law. Depending on the circumstances, where Personal Information has been used to make a decision about an individual, Bentall Kennedy will retain the information for at least one year so that the individual has a reasonable opportunity to obtain access to it.

Once Personal Information is no longer required to fulfill the Purposes and is no longer required or permitted to be retained for legal or business purposes, it will be destroyed or made anonymous.

Principle 6 – Accuracy of Personal Information

Bentall Kennedy will take appropriate steps to ensure that Personal Information collected by Bentall Kennedy is accurate and complete as reasonably required in connection with the Purposes, including where Personal Information is likely to be used by Bentall Kennedy to make a decision that affects the individual to whom the Personal Information relates or if the Personal Information is likely to be disclosed to a third party.

Principle 7 – Security Safeguards

Bentall Kennedy stores Personal Information at our premises or at the premises of our services providers and will protect this information by security safeguards appropriate to the sensitivity of the information.

- Bentall Kennedy takes steps to ensure the security of Personal Information, regardless of the format in which it is held, while in its custody is appropriate to the sensitivity of the information, including physical security measures (such as the use of locked cabinets and storage facilities) and technological security measures (such as the use of passwords and encryption).
- All Bentall Kennedy employees with access to Personal Information are required to respect the confidentiality of that information.

- Bentall Kennedy will take appropriate steps to protect Personal Information disclosed to third parties, such as by contractual agreements stipulating the confidentiality of the information and the purpose for which it is to be used.

Principle 8 – Openness Concerning Policies and Practices

Bentall Kennedy will make available to customers, suppliers, employees and other individuals specific information about its policies and practices relating to the management of Personal Information.

Bentall Kennedy will make a reasonable effort to assist individuals and respond as accurately and completely as practically possible.

Principle 9 – Access to Personal Information

Upon request, Bentall Kennedy shall inform an individual of the existence, use and disclosure of his or her Personal Information and shall give the individual access to the information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- An individual may, upon written request to Bentall Kennedy's Privacy Officer, access the Personal Information about the individual that is in the custody of Bentall Kennedy. Within 30 days of such request (or such longer time as permitted by law), Bentall Kennedy will inform the individual of existence, use, and disclosure of such information.
- An individual may, upon written request to Bentall Kennedy, request a correction to an error or omission in any Personal Information that is under Bentall Kennedy's control. Bentall Kennedy will, as appropriate, amend the information as requested and use its best efforts to send the corrected Personal Information to each third party to which it has disclosed the information during the preceding year.

The written request must provide sufficient detail to enable Bentall Kennedy, with a reasonable effort, to identify the individual and the Personal Information or correction being sought.

Principle 10 – Challenging Compliance

An individual may, upon written request, address a challenge concerning Bentall Kennedy's compliance with the Privacy Policy to our Privacy Officer.

If you have any questions or concerns about this Privacy Policy or about the collection, use, or disclosure of your Personal Information by Bentall Kennedy, please contact our Privacy Officer.