



## **Fifth Third Privacy Notice for Canadian Commercial Customers**

### **I. Introduction**

Fifth Third Bank, Canada Branch ("Fifth Third") is an authorized foreign bank under the Bank Act (Canada) permitted to carry on business in Canada. This Privacy Notice for Canadian Commercial Customers ("Notice") applies to Personal Information (as defined below) and Company Information (as defined below) about individuals and businesses and other entities that seek or obtain financial products or services from Fifth Third for business or commercial purposes through the Canadian branch ("Canadian Commercial Customers"). Please read this Notice carefully to understand the rights and responsibilities of you and Fifth Third with respect to the collection, use and disclosure of your Personal Information. This Notice is based on the Canadian Federal Personal Information Protection and Electronic Documents Act ("PIPEDA"). From time to time, without notice to you, Fifth Third may amend or update this Notice.

#### **A. What is Personal Information?**

For purposes of this Notice, "Personal information" is information about an identifiable individual such as a signing officer, director or material shareholder of a Canadian Commercial Customer or a loan guarantor of a Canadian Commercial Customer. Personal Information may include but is not limited to the individual's name, personal mailing address, personal telephone number, personal email address, age and gender.

Exceptions: There is an exemption from the requirement for consent for the collection, use and disclosure of business contact information when used solely for the purpose of communicating or facilitating communication with the individual in relation to their employment, business or profession. Business contact information is any information that is used for the purpose of communicating or facilitating communication with an individual in relation to their employment, including the usual data elements such as name or title, work address, work telephone number, work fax number or work email address.

#### **B. What is Company Information?**

For purposes of this Notice, "Company Information" means any information about a Canadian Commercial Customer from which the Canadian Commercial Customer could be identified, whether obtained directly from the Canadian Commercial Customer or from another source. Company Information may include, but is not limited to: (a) company name; (b) physical address, including street name and name of city or town; (c) e-mail address or other electronic contact information; (d) telephone number; (e) tax identification number; (f) credit history; (g) bank or credit card account number; (h) financial statements; (i) information about officers, directors, and other control persons; and (j) any other information from or about a Canadian Commercial Customer. However, the following is *not* considered Company Information: (a) aggregated or anonymous information that does not identify a customer and (b) information that Fifth Third obtains from a public source (or knows to be available from a public source).



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### II. How We Gather Information

We may gather and retain Personal Information about individuals associated with Canadian Commercial Customers from applications or other forms that you provide to us.

We may gather and retain Company Information about Canadian Commercial Customers from the following sources:

- Applications or other forms that you provide to us;
- Financial account activity and transactions (such as payment history, account balances and usage);
- Credit-related information from credit reporting agencies;
- Information from website visits (such as cookies, usage and transaction history, and other technical data that we use for security purposes and to enhance the online experience);
- Information we receive from third parties such as data providers or independent researchers.

### III. How We Share Information

Fifth Third shares Company Information among and between all of its affiliates. You may not opt-out of this sharing.

Fifth Third may share Company Information with non-affiliated third parties in order to offer you additional products and services. You have the right to opt out of such sharing, as described below in “How to Change Your Privacy Options.”

Fifth Third may also disclose Company Information to non-affiliated third parties for routine business reasons. For example, Fifth Third may disclose Company Information to service providers and other third parties as necessary to facilitate a transaction requested by a Canadian Commercial Customer, or to report to credit bureaus. Fifth Third may also disclose Company Information to non-affiliated third parties in response to a subpoena, warrant, or court order, or as otherwise required or advisable considering applicable law or regulation. You may not opt-out of this sharing. Further, Fifth Third may disclose Company Information to its banking, securities, or other regulators without any prior notification or any other restriction.

As indicated above, Fifth Third may collect Personal Information about individuals – such as business owners or loan guarantors – that Fifth Third receives in connection with providing products or services to a Commercial Customer. Fifth Third will not use or transfer such information for any purpose other than facilitating the commercial transaction for which the information was originally provided, except with the consent of the individual.

Please note that Fifth Third does sell loans and other obligations to third parties for a variety of reasons. Consent of the individual, guarantor(s) or borrower(s) is not required and notice will not be provided in the event of a sale of any loan or other obligation to a third party.



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### IV. Privacy Principles

When Personal Information regarding a Canadian Commercial Customer is provided about individuals to Fifth Third, Fifth Third adheres to Ten Privacy Principles, based on PIPEDA, to ensure that such Personal Information is protected. These principles are as follows.

#### *Principle 1 – Accountability*

Fifth Third is responsible for maintaining and protecting Personal Information under its control. In fulfilling this mandate, Fifth Third is required to designate an individual or individuals who are accountable for Fifth Third's compliance with the following principles. (See below, "Questions or Concerns"). In the event of a breach in security safeguards, Fifth Third is required to 1) notify individuals in cases of Personal Information breaches, and 2) report to the Office of the Privacy Commissioner ("OPC") of Canada using the OPC's PIPEDA breach form report, if it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to an individual.

#### *Principle 2 - Identifying Purposes*

The purpose for which Personal Information is collected shall be identified before or at the time the information is collected.

#### *Principle 3 - Consent*

The knowledge and consent of the individual is required for the collection, use or disclosure of Personal Information except where required or permitted by law. Meaningful consent may be obtained in a wide variety of forms and may be expressed or implied by the individual.

#### *Principle 4 - Limiting Collection*

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

#### *Principle 5 - Limiting Use, Disclosure and Retention*

Personal Information shall not be used or disclosed for purposes other than those for which it was collected except with the consent of the individual, or as required by law. Personal Information shall be retained only as long as necessary for the fulfillment of those purposes.

#### *Principle 6 - Accuracy*

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

#### *Principle 7 - Safeguards*

Personal information shall be protected by security safeguards appropriate to the sensitivity of the Personal Information.



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*Principle 8 – Openness*

Fifth Third shall make readily available to individuals' specific information about its policies and practices relating to the management of Personal Information.

*Principle 9 - Individual Access*

Upon request, individuals shall be informed of the existence, use and disclosure of their Personal Information, and shall be given access to that Personal Information. Individuals shall be able to challenge the accuracy and completeness of the Personal Information, and may have it be amended, as appropriate.

*Principle 10 - Challenging Compliance*

Individuals shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for Fifth Third's compliance.

**V. How to Change Your Privacy Options**

We will share Company Information as described above unless you direct us otherwise by taking one of the below steps. Note that based on the sharing practices above, there are certain instances of sharing for which you may not opt out.

- Contact Fifth Third in writing at either of the following addresses:

Fifth Third Bank, Canada Branch  
Attention: Canadian Chief Privacy Officer  
70 York Street, Suite 1253  
Toronto, Ontario  
M5J 1S9,  
Canada

Fifth Third, Customer Service, Privacy Administration  
Post Office Box 4444  
Cincinnati, Ohio  
45263-4444, United States

Please note that requests must include company name, address, contact telephone number, tax identification number ("TIN") and account number(s) (if applicable) for the business entity(ies) opting out. Incomplete information will delay or possibly prevent our ability to honour your request.

- Call a Fifth Third Customer Service Professional at 1-800-889-5269.



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## **VI. How to Access or Correct Personal Information**

In addition, we want to ensure that the Personal Information that we have about you is accurate, complete, and current. Please inform us of any change of name, address or other information that you have provided to us. If you have questions about the accuracy of the Personal Information that we have collected, you can request access to that information in order to verify and update it, subject to certain exceptions. If we have disclosed inaccurate information about you to a third party, we will be pleased to contact the third party in order to advise them of the error.

Our system will be updated to reflect your privacy preferences within thirty (30) days following receipt of the request with complete information.

You can verify the update by calling the Customer Service number listed above or inquiring at the Fifth Third Canadian Branch via email at [CanadaBranch.Bancorp@53.com](mailto:CanadaBranch.Bancorp@53.com).

## **VII. Security**

To protect Personal Information and Company Information from unauthorized access and use, we use appropriate physical, procedural and technical safeguards as required by law.

## **Questions or Concerns**

If you have any questions or concerns regarding this Notice, would like more information about the collection, use or disclosure of Personal Information by Fifth Third, or if you simply want to know whether we have any of your Personal Information on file, you may contact our Canadian Chief Privacy Officer directly at:

Albert Dell'Apa  
Canadian Chief Privacy Officer  
Fifth Third Bank, Canada Branch  
70 York Street, Suite 1253  
Toronto, ON M5J 1S9  
Fax: 1-866-719-0023  
Email: [Albert.DellApa@53.com](mailto:Albert.DellApa@53.com)