



**NOVA MERCHANT SERVICES™ and
NOVA INFORMATION SYSTEMS CANADA™***

PRIVACY STATEMENT FOR MERCHANT CUSTOMER PERSONAL INFORMATION

Protecting the privacy of our merchants is a matter of great importance to NOVA Merchant Services and NOVA Information Systems Canada (together with all successors and assigns, hereinafter "NOVA", "we", "us", "our"). We want our merchants to understand what personal information we collect and how we use it. To provide our merchants with transaction processing services and related products, including but not limited to credit card, charge card, debit card, loyalty card, gift card and stored value card transaction processing services, as well as other value-added products and services that we may offer or that a merchant may request from us and we agree to provide to merchants from time to time (collectively, the "NOVA Services") as effectively and conveniently as possible, we may provide our affiliates (and other organizations that help us serve our merchants) with access to personal information provided to us in the course of our relationship with our merchant customers.

"Personal Information" is information about identifiable individuals directly connected with the merchant, but does not include any such individual's name, title, business address or business phone number. The merchant and each such individual are collectively referred to herein as "you" or "your".

Your application for NOVA Services, and/or your continued use of the NOVA Services constitutes your consent to NOVA's collection, use and disclosure of your Personal Information, as set out in this Privacy Statement. Please be advised that if you withdraw your consent to our collection, use and disclosure of your Personal Information in accordance with this Privacy Statement, we may not be able to provide you with the NOVA Services.

1. Why We Collect Your Information

We gather your Personal Information so we can: (i) evaluate the merchant's application for the NOVA Services; (ii) underwrite the merchant's account; (iii) process the merchant's transactions; (iv) manage all billing processes; (v) enable fraud protection and risk management processes; (vi) provide merchant account servicing; (vii) offer you other products and services; and (viii) support NOVA's legal compliance obligations.

2. Confidentiality and Security

Within NOVA and our affiliates, we restrict access to your Personal Information to those employees who need to know that information to provide products and services to you. We have established physical, technical and administrative security processes that are commensurate with the sensitivity of the information collected to safeguard Personal Information and we employ an independent auditing firm to test the effectiveness of the systems and practices that we have in place. Recognizing that technology is continually developing, NOVA implements new procedures and technology improvements on an ongoing basis to further safeguard your Personal Information.

3. What Information We Collect and How We Collect It

* "NOVA Information Systems Canada" and "NOVA Merchant Services" are registered business names and trademarks of CanadaConex Company and are used under license from NOVA Licensing Company. CanadaConex Company is an affiliate of NOVA Information Systems, Inc.

During the course of our relationship with the merchant, we may collect the following types of Personal Information about you in the following ways:

- Personal Information, such as your date of birth, home address, home and mobile phone numbers, social insurance number, driver's license information and other identifying information that NOVA receives from time to time from the merchant on the application form, on other forms or otherwise;
- Personal Information that may be delivered in connection with the merchant's transactions with NOVA;
- Credit and financially-related Personal Information that NOVA receives from consumer reporting agencies, such as credit bureau reports and other information relating to credit-worthiness; and
- Credit and financially-related Personal Information that NOVA receives from other sources, such as the merchant's financial institution.

4. What Information We Disclose

Your Personal Information is disclosed to affiliates of NOVA and other third parties to provide you with the NOVA Services. For example, certain NOVA Services are provided to you through NOVA's affiliates, and it may be necessary to share your Personal Information with these affiliates. NOVA may also disclose your Personal Information to third parties in the normal course of business, including but not limited to: (i) payment networks, and the members of such networks, such as VISA Canada Association, Visa International, Inc., MasterCard International Inc., Amex Bank of Canada, American Express Company, Discover Financial Services, Inc. and its affiliates, Diner's Club International Ltd. and its affiliates; (ii) electronic funds transfer networks, including but not limited to Interac Association; (iii) clearing and settlement banks; (iv) service companies that perform business operations for NOVA, including but not limited to account statement preparation and mailing services; (v) NOVA's marketing partners who will advise you of new products and services from NOVA to assist in the growth and development of your business; (vi) courts, independent auditors, law enforcement agencies and other governmental authorities, bodies or agencies in response to subpoenas, to prevent fraud, during the course of an audit or examination or as required by law; and (vii) collection agencies, credit reporting agencies, business credit bureaus or other parties associated in collecting any debt owed by the merchant to us.

NOVA requires all such third parties to maintain the confidentiality of information provided to them by us. Service companies and marketing partners are also prohibited from using Personal Information for any reason other than to provide the specific products or services intended. NOVA reserves the right to transfer Personal Information in connection with the sale of all or part of its business or assets.

5. Retention of Information and Inquiry Rights

We will retain your Personal Information for so long as the merchant is our customer and, following the termination of our relationship with the merchant and the payment of all amounts owed to us by the merchant, we will retain your Personal Information and other records in connection with our relationship with the merchant for at least seven (7) years.

You may make inquiries about your Personal Information by calling us and asking for the NISC Chief Privacy Officer. In addition, you may request that NOVA correct any errors regarding your Personal Information, provided that you notify us in writing of such errors and provide us with a reasonable time to review and process your request. If your Personal Information is seriously inaccurate, we will amend your Personal Information.

6. Additional Rights and Modifications

This Privacy Statement does not apply to your relationship with your customers, your financial service providers or with your other vendors. We may amend this Privacy Statement at any time, and will post the amended Privacy Statement on our Web site at www.merchantconnect.com.

7. Want to Learn More?

If you would like to learn more about how we use your Personal Information to deliver you with the best services and products, please contact our NISC privacy officer during regular business hours.