

This policy establishes rules to govern the collection, use and disclosure of personal information collected by TransCanada in the course of business, in compliance with federal, provincial and state privacy and personal information protection statutes and regulations.

This policy applies to all personnel (employees, contract workers, contractors, consultants and others doing work on behalf of TransCanada) of TransCanada Corporation and its wholly owned subsidiaries and operated entities in Canada and the United States (“TransCanada” or the “Company”). This policy also applies to all individuals whose personal information TransCanada collects, uses or discloses in the course of doing business.

For the purposes of this policy, “personal information” means information about an identifiable individual, but does not include a person’s name, title, business address or telephone number.

Personal information also includes personal health information (“PHI”). PHI means all individually identifiable health information held or transmitted by the Company or its business associates, in any form. This includes information relating to:

- an individual’s past, present or future physical or mental health or condition,
- the provision of health care to an individual, or
- the past, present, or future payment for the provision of health care to an individual.

The following policy statements apply to all personal information that is collected, used or disclosed by the Company. The Company has designated a Privacy Officer to be accountable for the operation of this policy. Individuals may question or report any privacy concerns, breaches, violations or compliance issues to the TransCanada Privacy Officer.

#### **COLLECTION OF PERSONAL INFORMATION**

- The purpose for collecting and the retention period of personal information shall be identified at or before the time of collection.
- Any necessary consents shall be obtained before personal information is collected, used or disclosed.
- Security safeguards, appropriate to the sensitivity of the information shall be in place at or before the time of collection.
- Information will be collected by fair and lawful means.
- The amount and type of personal information collected by the Company shall be limited to what is necessary to fulfill the identified purpose.
- Individuals shall be informed of the purpose for the collection the personal information.

#### **Written Consent for PHI**

Written consent shall be obtained for the collection, use, or disclosure an individual’s PHI, except where not required by law. Where the Company self-insures, treatment, payment of claims, enrolment in or eligibility for a benefits program will not be made conditional on an individual granting consent, except in limited circumstances.

- Written consents for PHI must be in plain language and contain the following:
  - information to be disclosed or used,
  - the person(s) disclosing and receiving the information,
  - expiration,
  - right to revoke in writing, and
  - any other relevant data.

## USE AND DISCLOSURE OF PERSONAL INFORMATION

- Personal information shall only be used or disclosed for the purposes for which it is collected. Exceptions may be made with the consent of the individual or if authorized or required by law.

### Use and Disclosure of PHI

- In Canada, all specific individually identifiable medical information is accessed only by the Company's third party healthcare provider.
- In the U.S., PHI will only be accessed by the Company's Human Resources department for the purpose of benefits administration, by the Incident and Issue Tracking (IIT) administrators for investigation and reporting purposes, and by an individual's leader for modified work arrangements or other occupational requirements.
- In the U.S., the Company is required to disclose PHI to the U.S. Department of Health and Human Services ("HHS") when it is undertaking a compliance investigation or review or enforcement action regardless of whether consent has been obtained.
- In the U.S., individuals have the right to request that the Company restrict use or disclosure of PHI. If the Company agrees to request, the Company must comply with the agreed restrictions, except for purposes of treating the individual in a medical emergency.

### Obtaining Access to Personal Information

In addition to the resources listed in this policy, TransCanada personnel can contact their leader or Human Resources representative for information regarding access to personal information.

Upon request, individuals shall be informed of the existence, use, and disclosure of their personal information records and shall be given access to that information.

- Requests to access personal information held by TransCanada should be directed to the TransCanada Privacy Officer or a designated Company representative.
- Requests must be made in writing or by e-mail. Individuals may be required to verify their identity in order to access their personal information. Any such documentation provided shall be used for verification purposes only.
- TransCanada responds to requests for access to personal information within thirty (30) days of receipt of the request.
- A fee for reasonable costs incurred may be charged when responding to more complex requests. The individual will be informed of the fee in advance.
- Requested information will be provided in a form that is generally understandable.
- TransCanada will be as specific as possible when describing third parties to whom it has disclosed personal information about an individual. When it is not possible to provide a list of the organizations to which it has actually disclosed information, TransCanada will provide a list of organizations to which it is likely to have disclosed information.
- Individuals are permitted to view either the original record, or to request a copy, subject to limitations as permitted or required by law. To preserve the integrity of the record and ensure that documents are not removed from TransCanada, individuals wishing to view an original record will do so under the supervision of designated TransCanada personnel.

### Limitations to Access

In certain situations, TransCanada may not be able to provide access to all the personal information it holds about an individual.

In the event TransCanada refuses to provide access to information:

- An appropriately edited copy of the information may be provided to the individual instead.
- TransCanada will, in writing, inform the individual of the refusal, the reason(s) for the refusal, and any recourse the individual may have to challenge TransCanada's decision.
- If the information was collected as part of a Canadian investigation of a breach of agreement or contravention of law, then TransCanada will notify the Canadian Privacy Commissioner in writing.

## **MAINTENANCE OF PERSONAL INFORMATION**

- Personal information shall be kept as accurate, complete, and up-to-date as necessary for the purposes for which it is to be used.
- Individuals have the right to challenge the accuracy and completeness of the personal information that is maintained by TransCanada and have it amended as appropriate.

### **Correction or Amendment of Personal Information**

- Individuals seeking a correction or amendment to their personal information should direct their requests to the TransCanada Privacy Officer or, in the case of TransCanada personnel, their leader or Human Resources representative.
- All formal requests to amend personal information must be accompanied by appropriate supporting documentation. The Company's Privacy Officer will manage any exceptions. The amended information will be transmitted to third parties, as appropriate.
- If the individual is not satisfied with the results of the request, TransCanada shall internally document the issue, and provide a response. The existence of the unresolved challenge will be transmitted to third parties, as appropriate.

### **Security of Personal Information**

- Personal information will be retained only as long as necessary and will be disposed of in a manner that is appropriate to the sensitivity of the information.
- Personal information must always be protected by security safeguards, appropriate to the sensitivity of the information.

## **CHALLENGING COMPLIANCE**

Inquiries or complaints concerning compliance with this policy should be addressed, in writing, to the TransCanada Privacy Officer. Alternatively, a complaint may be directed through TransCanada's Code of Business Ethics Help-Line, or submitted in writing to:

- In Canada: the Privacy Commissioner of Canada or the relevant provincial authority,
- In the U.S: the U.S. Department of Health and Human Services.

The Company strictly prohibits reprisals or retaliation against anyone who files a complaint. If you feel you have been subjected to retaliatory or disciplinary action because you have filed a complaint concerning the protection of personal information, contact the TransCanada Privacy Officer or Code of Business Ethics Help-Line immediately.

## **COMPLIANCE / EXCEPTIONS**

Personnel are expected to comply with all aspects of this Policy and to support others in doing so. Matters of clarification and interpretation regarding this policy should be directed to TransCanada's Privacy Officer.