

Privacy Policy

Introduction

Welcome to the Heavy Montreal website located at <https://www.heavymontreal.com/en>, operated by Gestion Evenko Festival Inc. (“**evenko**”).

Evenko takes the privacy and security of your Personal information (as defined below in the section entitled [Definition of Personal Information](#)) very seriously. For this reason, we have taken steps to ensure that any Personal information we collect about you is protected by a range of robust business procedures and rigorous security safeguards to ensure that your information is kept confidential and used only for the purposes detailed in this Privacy Policy, unless otherwise authorized by law. **If you are located in the Economic European Area or Switzerland, please review the [additional terms](#) which apply to you in addition to the main terms of this Privacy Policy.**

We are committed to providing transparency with respect to our practices in handling Personal information. To that end, this Privacy Policy is intended to establish responsible and transparent practices for the management of Personal information and to satisfy the requirements of rules established by the *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”), as well as substantially similar provincial laws from Alberta, British Columbia and Quebec.

1. Application and Scope

This Privacy Policy generally applies to any Personal information evenko, or anyone acting as an agent on our behalf, collects about you through any website (“**Website**” or “**Websites**”) or mobile application (“**App**” or “**Apps**”) on which this Privacy Policy is posted, in person at our venues (“**Venues**”), or through any other interactions you may have with us. At any time that you do business with evenko, participate in a contest or promotion run by evenko or with anyone acting as an agent on our behalf, or interact with us in any manner, you are protected by the rights and safeguards contained in this Privacy Policy and you explicitly agree to its terms.

2. Definition of Personal Information

When used in this Privacy Policy, “**Personal information**” means any information that allows to identify an individual. This may include, for example, your name, contact information, email address, information relating to an account you have created with us, including your identity and the products and services (for instance, concert or game tickets) you have purchased or payment information. It may also include technical information, such as Websites visitors’ IP addresses, browsing history on our Websites and Apps, or information collected if you connect Wi-Fi at our Venues, but only when this information can identify you as an individual. Information that is aggregated and cannot be associated with an identifiable individual is not considered to be Personal information.

3. Collection of Personal Information

3.1. **Information you provide directly to us.** In many cases, we collect Personal information directly from you when you are interacting with us, for instance:

3.1.1. Contact information, such as name, email address, postal address, gender, date of birth, mailing address, phone number, facsimile number and mobile number when you create

an account on evenko Websites or Apps, make an inquiry or contact us in person or through evenko Websites or Apps or when you enter a contest or promotion;

3.1.2. Communications preferences and correspondence you send to us;

3.1.3. Information collected about you offline (including via facsimile, mail, or in person when you visit our Venues).

3.2. **Information Collected Automatically.** In some cases, we may collect information automatically which may not necessarily identify you as an individual. For instance, we may collect the following type of information:

3.2.1. **CCTV.** As a security measure and in order to ensure the safety of our guests, tenants and occupants of our Venues, we may use Closed Circuit Television (CCTV) at various locations in order to maintain the security of our Venues. This collection is subject to applicable privacy laws and may be shared only in limited circumstances, as detailed in section [Sharing of Personal Information](#) of this Privacy Policy.

3.2.2. **Traffic and Device Count.** We may use cameras and other technologies at our Venues to conduct anonymous video analytics and anonymous traffic analysis. These practices allow to track the number of individuals at a specific location and estimate certain demographic information such as gender and age, but not to identify them or store photos or videos of them. We may also track devices which have accessed our Wi-Fi, on an anonymous basis, for similar purposes. We may use statistical data about traffic at our Venues to help us manage our Venues, and we may share this statistical information with our business partners, including advertisers.

3.2.3. **Browser, Device and Technical Information.** When you visit our Websites, use our Apps or connect to our Wi-Fi at our Venues, we may collect, using electronic means such as cookies, technical information. This information may include information about your visit or usage, including the IP address of your device/computer (which is the number automatically assigned to your device/computer whenever you access the Internet and that can sometimes be used to derive your general geographic area) and which browser you used to access our Websites, Apps or Wi-Fi, your operating system, resolution of screen, location, language settings in browsers, the site you came from, keywords searched (if arriving from a search engine), the number of page views, as well as information you entered and advertisements you have seen. For information about your choices with cookies, please refer to the [Your Consent and Right to Withdraw Consent](#) section of this Privacy Policy. We may also collect unique identifiers (including mobile device identification numbers (e.g. Apple's Identifier for Advertising IP (IDFA) or Google's Android Advertising ID (AAID)), and connection information (e.g. mobile operator, ISP, Wi-Fi connection), which can identify the physical location of such devices, in accordance with applicable law. We may also be able to recognize that a specific device belongs to you if you are a member of Club 1909.

3.2.4. **Google Analytics:** We use Google Analytics which allows us to see information on user online activities including, but not limited to, page views, source and time spent on our Websites and/or Apps. This information is depersonalized and is displayed as numbers, meaning that it cannot be tracked back to individuals. You may opt-out of our use of Google Analytics by visiting the [Google Analytics opt-out page](#).

- 3.2.5. **Online Advertising.** We use advertising and remarketing services (such as Google AdWords Remarketing, Facebook Advertising, LinkedIn Advertising, Adobe Analytics and Localytics), to advertise evenko across the Internet and to advertise on third party websites (including Google) to previous visitors of our Websites. These services will display ads to you based on what parts of the Websites you have viewed by placing a cookie on your web browser when you visit our Websites. It could mean that previous visitors who have not completed a task on our Websites receive an advertisement on the Google search results page, on a site in the Google Display Network or on a social media platform. If you do not wish to receive such personalized advertising, you may opt out by changing your settings on the social media services you are using, through the advertising services (for instance by visiting [Google's Ads Preferences Manager](#)). You can also generally opt-out of receiving personalized ads from third party advertisers and ad networks who are members of the Digital Advertising Alliance of Canada. Please visit the [DAAC opt-out page](#) for more information.
- 3.2.6. **Geolocation Information.** If you choose to use our Apps, we may collect geolocation information if you have activated this functionality. For instance, we can recognize that you have entered our Venue and recognize you if you are a member of Club 1909.
- 3.2.7. **Social Media.** If you sign into one of our Websites or Apps using a social media account such as Facebook, Google, LinkedIn or Twitter ("**Social Media Platforms**"), we will collect information that you have added in your registration profile from those accounts and which is made available to us by default by Social Media Platforms. We may also collect Personal information about you from your use of Social Media Platforms, through which you allow us to collect (or the third party to share) Personal information about you, such as details of your friends/connections, "likes", comments you have shared, groups and location. In addition, we may receive Personal information about you if other users of a third party website give us access to their profiles and you are one of their friends/connections or information about you is otherwise accessible through your friends'/connections' web page, profile page, or similar page on a Social Media Platform or other third party website or interactive service. We may supplement the information we collect about you directly with the information we receive from third parties in order to enhance our ability to serve you, to tailor our content to you and send you details of promotions and/or offers which we believe may be of interest to you, although at all times, in compliance with applicable privacy laws.

3.3. **Information we obtain from other sources.** In some other cases, we may collect Personal information from third parties (for example, from the vendor through which you purchased a ticket to our event), with your prior consent and/or as authorized by law.

4. Use of Personal Information

4.1. Evenko generally uses Personal information for the following purposes:

- a) to provide our products and services to our customers, to establish and administer their accounts and to respond to their inquiries;
- b) to authenticate the identity and preserve the privacy of individuals contacting us by telephone, electronic means or otherwise;

- c) for internal training, quality assurance, risk management, fraud detecting and safety purposes;
- d) to meet legal and regulatory requirements;
- e) to understand and assess the interests, wants and changing needs of customers with a view to provide personalized products and services, improve our products and services and develop new ones (for instance, we may assess the types of events our customers prefer to determine which types of events to organize in the future);
- f) subject to your right to withdraw consent provided in this Privacy Policy: (i) to communicate with you for the purposes of providing you with advertising and marketing messages pertaining to additional products or services that may be of interest to you; and (ii) to conduct surveys on the quality of our products, services or customer service.

4.2. When possible, rather than using Personal information, we will anonymize and/or aggregate Personal information so that it no longer identifies an individual and use it for the purposes mentioned above or any legal purpose.

4.3. If you have applied for employment with evenko, we will use your Personal information for recruitment and other customary human resources purposes. For example, we may send you information about new job opportunities within evenko as well as other career development resources, subject to your right to withdraw consent provided in this Privacy Policy.

5. Sharing of Personal Information

5.1. Your Personal information may be made available by evenko to third parties or service providers to fulfill the purposes for which it has been collected or as set forth in this Privacy Policy. Evenko will not sell, rent or trade your Personal information to any third party. However, we may share your Personal information when authorized by law or as follows (please refer to the section entitled [Your Consent and Right to Withdraw Consent](#) of this Privacy Policy to learn about your options with respect to the sharing of your Personal information by evenko):

- 5.1.1. **Related entities.** Evenko, its related entities, such as its affiliates and subsidiaries, evenko G.P., Agence evenko Inc., L'Aréna des Canadiens Inc., L'Équipe Spectra Inc., Spectra Musique Inc., Le Festival International de Jazz de Montréal Inc., Les Francofolies de Montréal Inc., Festival Montréal en Lumière Inc., Nuit Blanche à Montréal Inc., L'Aréna du Rocket Inc., Club de hockey Canadien, Inc., Maison du Festival de Jazz Inc., Live Nation and our Venues may share your Personal information among themselves, for the purposes detailed in the section entitled [Use of Personal Information](#), including for advertising and marketing purposes (subject to your right to withdraw consent provided in this Privacy Policy), at all times in compliance with applicable privacy laws.
- 5.1.2. **Business partners.** In certain circumstances, we may share Personal information with our business partners. Such partners include: the NHL and Venues', festivals', events' and team's sponsors. We may also share Personal information with business partners with your consent or as authorized by law.
- 5.1.3. **Service providers.** We may hire service providers, which may be affiliates, to perform services on our behalf. This may include, without limitation, a person or an organization retained by evenko to perform work on its behalf (e.g. ticketing). We provide them with the limited amount of information necessary in order for them to provide the services

required. They are prohibited from using the information for purposes other than to facilitate and carry out the services they have been engaged to provide. These service providers are not permitted to disclose this information to others. Evenko will seek to protect Personal information disclosed to third parties by contractual agreements.

- 5.1.4. **As permitted or required by law.** From time to time, evenko may be compelled to disclose Personal information in response to a law, regulation, court order, subpoena, valid demand, search warrant, government investigation or other legally valid request or enquiry. We may also disclose Personal information to our accountants, auditors, agents and lawyers in connection with the enforcement or protection of our legal rights. We also reserve the right to report to law enforcement agencies any activities that we, in good faith, believe to be unlawful or to law enforcement, in an emergency or where required or permitted by law. We may release certain Personal information when we have reasonable grounds to believe that such release is reasonably necessary to protect the rights, property and safety of others and ourselves, in accordance with or as authorized by law.
- 5.1.5. **Business transaction.** We may disclose Personal information to a third party in connection with a sale or transfer of business or assets, an amalgamation, re-organization or financing of parts of our business. However, in the event the transaction is completed, your Personal information will remain protected by applicable privacy laws. In the event the transaction is not completed, we will require the other party not to use or disclose your Personal information in any manner whatsoever and to completely delete such information.
- 5.1.6. **Online advertising partners.** We may submit your email address to advertising partners, such as Facebook, Twitter, Google or LinkedIn, in order to determine if you are a registered user of these platforms and if that is the case for the purpose of displaying advertisements to you on these platforms which will be of interest to you. Use of your information by these platforms is subject to their privacy policy and you may manage your privacy settings directly through these platforms, including with respect to online advertising.

Only those employees of evenko or trusted third party contractors, who need access for business reasons, or whose duties reasonably so require, will be granted access to Personal information about customers.

6. Your Consent and Right to Withdraw Consent

- 6.1. In general, when you interact with evenko, either through its Websites or Apps, in person at our Venues or through any other interaction you may have with us (for instance, when you purchase a game or concert ticket), you are providing your consent to the collection, use and disclosure of Personal information as set out in this Privacy Policy. Personal information may be collected, used or disclosed without consent only as permitted by applicable laws. Consent may be withdrawn at any time, subject to legal or contractual restrictions and reasonable notice.
- 6.2. **Withdrawing your consent for integral purposes.** If you withdraw your consent for purposes that are integral to the provision of our products and services, we may have to limit the services or products we are able to provide. If you ask evenko to shut down your account or delete your information, we will disable your account within a reasonable period of time. Please note that evenko may need to retain some information about you in order to satisfy our legal and security

obligations. For example, some of your information may remain in back-up storage even if you ask evenko to delete it.

6.3. Withdrawing your consent for secondary purposes. Withdrawing your consent for secondary purposes will not impact the provision of such products and services. You may withdraw your consent to your Personal information being used and/or shared for the following secondary purposes:

6.3.1. to communicate with you for the purposes of providing you with advertising and marketing messages pertaining to additional products or services that may be of interest to you. You can always limit the electronic communications that evenko sends to you. To opt-out of commercial emails, simply click the link labeled “unsubscribe” or “opt-out” at the bottom of any commercial electronic communication we send you. Please note that even if you opt-out of promotional communications, we may still need to contact you with important information about your account;

6.3.2. to personalize our online advertisements and to ensure that such advertisements are of relevance for you. You may opt out with our advertising partners, as detailed in section 5.1.5; and

6.3.3. to conduct surveys on the quality of our products, services or customer service. You may advise opt out by contacting us using the information detailed in the [How to Contact Us](#) section below.

6.4. Your Choice with Cookies. You can block the use of cookies by activating the settings in your browser. The “Help” feature on most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. If you choose to withhold consent, or subsequently block cookies, you may not be able to access all or part of the content of our Websites. Additionally, you can disable or delete similar data used by browser add-ons, by changing the add-on’s settings or visiting the website of its manufacturer.

7. Children

We do not knowingly collect Personal information from children under 13 years of age without the consent of a legal guardian. To purchase our products and services, we must obtain the consent of your parent or legal guardian if you are under the age of majority and such consent is a requirement in the jurisdiction of your residence. If we learn we have collected or received Personal information from a child where parental confirmation was required, we will delete that information. If you believe we might have any information from or about a child where we should have obtained parental consent, please contact us using the contact information detailed in the [How to Contact Us](#) section below.

8. Privacy Policies of Third Parties

This Privacy Policy only addresses the collection, use and disclosure of Personal information by evenko. Other websites that may be accessible through evenko Websites have their own privacy policies and data collection, use and disclosure practices. We encourage you to familiarize yourself with the privacy statements provided by all third parties prior to providing them with information or taking advantage of an offer or promotion.

9. Personal Information outside your Country of Residence

Your Personal information may in some cases be transferred to jurisdictions outside your country of residence (if you are located in the Economic European Area or Switzerland, please review the [additional terms](#) which apply to you in addition to this section). As a result, you understand that your Personal information will be subject to the laws of other jurisdictions than your country of residence and may be available without notice to you to foreign government authorities under lawful orders and laws applicable in such jurisdictions. Regardless of the company or person who processes your information and where it is processed, we will take steps to protect your Personal information in accordance with applicable data protection laws and this Privacy Policy.

10. Security of Personal Information

We will use reasonable security measures to protect your Personal information against unauthorized access. Evenko has implemented security measures that contain administrative, technical and physical controls that are designed to safeguard your Personal information. Unfortunately, no collection or transmission of information over the Internet or other publicly accessible communications networks is 100% secure and we ask that you do not provide us with sensitive personal information such as credit card information by email.

11. Access and Correction

Evenko respects your right to access and correct your Personal information. If you have an online account with us, you can log into your account at any time to access and update the information you have provided to us. Additionally, evenko complies with all laws regarding access and correction. If you need assistance updating your Personal information, please contact us using the contact information detailed in the [How to Contact Us](#) section below.

12. How to Contact Us

If you have questions, concerns or complaints regarding this Privacy Policy or the Personal information that evenko has about you or that it may have disclosed to third parties, please contact:

M^e Patricia Brissette
Senior Vice President, Legal Affairs
c/o Gestion Evenko Festival Inc.
1275 Saint-Antoine Street West
Montreal (Quebec) H3C 5L2
legal@groupech.ca

13. Change of Privacy Policy

Evenko will review and update its policies and procedures as required to keep current with rules and regulations, new technologies and standards. Our Privacy Policy may therefore change from time to time. We will post any privacy policy changes on our Websites and, if the changes are significant, we will provide a more prominent notice.

This Privacy Policy was last updated on September 8, 2022.

Please note that both the English and French versions of our Privacy Policy have equal legal value.

ADDITIONAL TERMS FOR USERS LOCATED IN THE ECONOMIC EUROPEAN AREA AND SWITZERLAND

Last update on: September 8, 2022

If you are located in the EEA or Switzerland, these additional terms apply to you in addition to the main terms of evenko Privacy Policy. In case of a contradiction between the Privacy Policy and these additional terms, the latter will prevail.

1. Lawful Bases for Processing

We only process your Personal information if we have a lawful base to do so, which includes:

- a) Consent: where you have given your consent,
- b) Contract: where processing is necessary for the performance of a contract with you (e.g. to provide the products and services you have requested), or
- c) Legitimate interests: for example, we may process your Personal information to protect you, us, or others from threats (such as security threats or fraud), to comply with laws that apply to us; to enable or administer our business (such as for quality control, consolidated reporting, and customer service), to manage corporate transactions, (such as mergers or acquisitions); or to understand and improve our business or customer relationships generally.

If you have any questions about the lawful bases upon which we collect and use your personal data, please contact:

M^e Patricia Brissette
Senior Vice President, Legal Affairs
c/o Gestion Evenko Festival Inc.
1275 Saint-Antoine Street West
Montreal (Quebec) H3C 5L2
legal@groupech.ca

2. Transfer of Your Personal Information Outside of the EEA or Switzerland

We may process information outside of the EEA or Switzerland, including Canada and the USA.

3. Additional Rights Regarding Your Personal Information (Restriction of Processing; Deletion; Objection to Processing; Data Portability)

In addition to the rights mentioned in the [Access and Correction](#) section of the Privacy Policy, you may, subject to applicable law:

- a) have the right to restrict or limit the ways in which we process your Personal information for instance where you believe your data is inaccurate;
- b) have the right to object to the processing of your Personal information by us in certain circumstances, such as those described in the 'legitimate interests' section above. We may however continue to process your Personal Information unless your interests, rights and freedoms override our legitimate interests;

- c) request that we delete your Personal information, in which case we will carry out this request unless certain exceptional reasons arise permitting us to keep certain information about you; and
- d) obtain a copy of your Personal information in a machine-readable format. In certain circumstances, you can also request that we transfer some of your information to third parties.

Evenko will help you exercise these important rights. For assistance in exercising any of these rights, please contact:

M^e Patricia Brissette
Senior Vice President, Legal Affairs
c/o Gestion Evenko Festival Inc.
1275 Saint-Antoine Street West
Montreal (Quebec) H3C 5L2
legal@groupech.ca

If you have any questions or disagree with our data handling practice, please contact:

M^e Patricia Brissette
Senior Vice President, Legal Affairs
c/o Gestion Evenko Festival Inc.
1275 Saint-Antoine Street West
Montreal (Quebec) H3C 5L2
legal@groupech.ca

You also have the right to lodge a complaint with the Data Protection Authority of the region or country you are located.