



Confidentiality Notice and Commitment

Effective date: September 12, 2022

Canadian National Railway Company (“**CN**”) is committed to respecting and protecting privacy and the confidentiality of the information it collects about individuals and organizations that interact with CN in the course of its activities. The purpose of this Confidentiality Notice and Commitment (the “**Commitment**”) is to explain how and for what purposes CN collects, uses, shares or otherwise processes personal and confidential information and how the organization safeguards the confidentiality of information whenever individuals or organizations interact with CN.

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1. Scope and Application

This Commitment applies to any individual or business, enterprise, or other organization that interacts with CN, such as representatives of partners and businesses, users who visit CN websites, use CN mobile applications or create an account through CN websites and mobile apps, or a job applicant who applies for a career opportunity with CN. This Commitment applies to websites and mobile apps managed by CN and on which this Commitment appears. This Commitment does not apply to CN employees’ personal information, which is subject to a separate policy.

In this Commitment, CN describes its policies and practices with respect to the collection, use and disclosure of, and the measures taken to ensure continued protection of, Personal Information (as further defined in section 2 “Definitions”) as well as other confidential commercial information (“**Commercial Information**”, as defined in section 2 “Definitions”) (Personal Information and Commercial Information are collectively referred to as “**Confidential Information**”). The Commitment also describes the rights and choices individuals have regarding their privacy.

All CN employees, contractors and agents with access to Confidential Information are required to treat it in accordance with this Commitment and other applicable CN internal policies.

2. Definitions

a. What is “Personal Information”?

In this Commitment, “Personal Information” means information about an identifiable individual. This may include, for example, an individual’s name, contact information, home address, email address, birth date and information relating to any account with CN the individual might have. It may also include more technical information, such as an IP address, browser settings and device ID, but only when this information can identify an individual.

Personal information does not include “business contact information” (e.g. name, position name or title, work address, work telephone number, work fax number or work electronic address) when it is collected, used or disclosed only to communicate with an individual for business-related purposes.

Information that is aggregated or anonymized and cannot be associated with an identifiable individual is not considered to be Personal Information.

b. What is “Commercial Information”

In this Commitment, “Commercial Information” means all information and materials CN may be provided with or that CN may generate in relation with its business customers in the course of conducting business and providing services to its business customers.

3. What Categories of Information does CN collect?

CN limits the collection of Confidential Information to what is reasonably required to fulfill the purposes for which it was collected.

Depending on an individual’s or an organization’s interaction with CN, CN may collect contact information, transactional information, technical information related to the use of CN services (including the websites and mobile apps), and information provided when applying for an employment opportunity with CN. CN collects Confidential Information in a variety of ways detailed below under How does CN collect Confidential Information?

CN may collect the following Confidential Information about an individual or organization, depending on their interactions with CN (for instance, CN collects different categories of information about a website visitor than a business customer):

- **Identifiers**, such as the full name, email address, mailing address, telephone number and other information the individual provides to CN when contacting the organization;
- **Commercial information**, such as the billing and shipping address, details about the services purchased from CN and payment information;
- **Internet or other electronic network activity information (i.e. technical information when individuals visit CN websites or use CN mobile applications)**, including when individuals log in to use CN services. This information is collected via automated means, such as cookies, web beacons and similar technologies, and may include the IP address, device ID, browser type, data about the

web pages visited on the websites, the language preferences, email bounce backs and click-throughs. To learn more about how CN collect and use this type of information, see How does CN use the Confidential Information? below;

- **Professional or employment-related information and other information collected by CN as part of a job application process**, which may include some of the information described above, as well as letters of interest, resumes, references and any additional information provided by the individual in the application form or obtained by CN in the course of approval for employment (such as information obtained through pre-employment medical examination or a criminal background check);
- **Video surveillance footage**, which CN uses as a security measure for its properties (such as railways, train yards, etc.) and in order to ensure the safety of its employee on its properties;
- **Any other information the individual or organization provides to CN**, such as when individuals contact CN for customer support or otherwise interact with CN online, in-person or by phone (including audio recordings), or when individuals circulate around CN facilities;
- **Inferences drawn from the information identified above**, such as an individual's preferences and interests.

4. How does CN collect Confidential Information?

CN collects Confidential Information in a variety of ways, including directly from the individual or business, from third parties and through CN websites and mobile apps.

CN may collect Confidential Information from the following general sources:

c. Directly From the Individual/Organization

CN may collect Confidential Information directly from the individual or the organization in circumstances that include the following:

- through our interactions with our business customers and partners;
- when an individual or business creates an account with CN, including on our website or mobile apps;
- an individual or business submits a form on CN websites and mobile apps;
- an individual applies for a career opportunity with CN;
- an individual contacts CN with an inquiry or to report a problem with CN websites, mobile apps or CN devices;
- an individual or business uses the CN hotline or online form to report an issue, or contacts the CN Ombudsman; or
- an individual or business completes a satisfaction survey.

d. From Third Parties

In certain circumstances, CN may receive Confidential Information from third parties, such as business partners with whom CN works and/or that use CN services. For instance, a CN customer may provide CN with Personal Information about its employees if this is necessary for CN to perform services for the customer.

e. Automatically Through CN Websites and Mobile Apps

CN collects technical information (e.g. IP address, browser type and device ID) and information about devices and browsers (e.g. page views and clickstream data) that visit CN websites and mobile apps, using technologies, such as cookies, web beacons and analytics engines. Some of these technologies may be operated by third parties. This information supports the functioning of CN websites and mobile apps and helps CN understand how CN's websites and mobile apps are used, improves the content shown on these assets, and ensures that they are working properly.

For more information about the technologies CN uses to collect information through CN websites and mobile apps and how individuals can manage their choices, see [What are the individuals' privacy choices?](#) below.

5. How does CN use Confidential Information?

CN may use Confidential Information for the purposes detailed below. In certain circumstances, CN may also seek an individual's consent to use their information for additional purposes or may use it as permitted or required by law or by a contract:

a. General Business Purposes

CN may use Confidential Information for general business purposes such as providing or delivering a service requested, managing CN business, including CN websites and mobile apps, handling job applications, as well as for purposes relating to information, system or network security.

More specifically, CN may use Confidential Information for the following purposes:

- Processing transactions and delivering the services requested;
- Creating and managing an account or any other aspect of the services CN offers;
- Verifying identity and authority of the individual, or conducting due diligence review on potential customers or business partners;
- Responding to inquiries;
- Notifying organizations of changes to their account or other relevant information related to their use of CN services;
- Managing and facilitating the use of CN websites and mobile apps, which may include using cookies and other similar technology;
- Maintaining the security of the public, CN customers and CN employees;
- Maintaining the safety of CN's services;
- Detecting and preventing errors and fraud;
- Improving CN's services, websites and apps;
- Quality assurance and accuracy of information;
- Responding to emergencies threatening the life, health or security of an individual, in which case CN informs the individual as soon as possible of such use;
- Processing employment applications; and
- Meeting CN's contractual, legal and regulatory obligations.

b. Research and Data Analytics Purposes

CN may use Confidential Information to understand and assess customers' interests and changing needs with a view to improving CN services and developing new ones, as well as to evaluate potential improvements or other modifications to the functionality of CN websites and mobile apps. When required by law, CN will use aggregated or anonymized information for these purposes. Examples of research and data analytics include using third-party web analytics services to analyze how visitors use CN websites and mobile apps.

c. Marketing Purposes

CN may use Confidential Information to provide individuals and/or organizations with personalized content and services and to send commercial electronic messages. An unsubscribe procedure is included in each of these messages. For more information on this topic, see [What are the individuals' privacy choices?](#)

6. When does CN share Confidential Information with other organizations?

CN may share Confidential Information within CN, with CN business partners and CN service providers (companies that carry out activities on CN's behalf), and in the context of a sale or transfer of CN's business or similar transaction. CN may also share Confidential Information with the individuals' consent or in accordance with applicable law.

CN may share Confidential Information as set out below:

a. Affiliates and Related Entities

CN may share Confidential Information with affiliates and related entities for the purposes described in this Commitment. This allows each entity to comply with applicable laws, regulations and requirements, and ensures that the information is consistent, accurate and up to date. In addition, it increases the quality and relevance of the services clients receive and improves their interactions with CN through easier access to their information within the group.

b. Business Partners

Confidential information may be shared with businesses such as business partners with whom CN works and/or that use CN products, to the extent permitted by law.

c. Service Providers

CN may share Confidential Information with CN agents, vendors or other organizations that provide services on CN's behalf, for the purposes set out in this Commitment. These service providers help CN operate and manage CN websites and mobile apps, information systems, infrastructure and marketing. These service providers also provide services to CN, such as processing payments and completing transactions, delivering services, sending emails and postal mail, data hosting, survey administration, providing marketing campaign services, and analytics services (e.g. tracking effectiveness of CN campaigns and analyzing usage of CN websites and mobile applications).

When CN shares Confidential Information with its service providers, it ensures by contractual means that the transferred Confidential Information is used only for the purposes for which the service provider is retained and is protected to the same degree as it is when in CN's possession. CN service providers may

be located around the world, as further detailed in the Cross-border transfers of Confidential Information section.

d. Sale or Transfer of CN Business or Other Transaction

CN may decide to sell or transfer all or part of CN business to a third party, merge with another entity, secure CN assets or proceed with any other financing or other strategic capital transactions (including insolvency or bankruptcy proceedings), restructuring, share sale or other change in corporate control. CN may share Confidential Information when required for the purposes of such a transaction in compliance with applicable laws.

e. Other permitted reasons

CN may share Confidential Information when permitted or required by applicable law, for instance:

- With governmental authorities, law enforcement and courts when compelled by law;
- In the event of an emergency that threatens the life, health or security of an individual; and
- For the purposes of detecting or suppressing fraud or criminal activity, protecting CN assets and interests, conducting an internal or external investigation into any actual or suspected illegal activity or managing, defending or settling any actual or potential loss in connection with the foregoing.

7. What are the individuals' privacy choices?

Individuals have choices about the way CN handles their Personal Information.

a. Changing the Communication Preferences

Any person can always choose not to receive marketing or promotional messages from CN by email by clicking on "unsubscribe" in any email they receive.

If someone has indicated their choice not to receive commercial messages from CN, CN may still communicate with them in connection with its services, in accordance with applicable law (for example, to send them a customer service message or service notification). In addition, it may take up to ten (10) business days to register a change of preference across all CN records.

b. Changing Browser Settings on the Device

CN use technology to enhance experience on its websites and mobile apps. Through technologies such as cookies, CN websites and mobile apps recognize an individual when he or she uses or return to them and can provide the individual with a seamless experience. These technologies can be disabled at any time through the web browser, although this might impact some of the features of CN websites and mobile apps.

c. Restricting Collection, Use and Disclosure of Personal Information

Individuals may withdraw their consent to the collection, use and disclosure of Personal Information in accordance with this Commitment at any time upon reasonable notice to CN in writing, subject to legal or contractual restrictions. To withdraw consent, individuals can contact CN in writing using the relevant contact information listed in the Contact CN section below.

The withdrawal of the consent may affect CN ability to continue providing individuals with the services that they have or would like to receive where the continued use and disclosure of their Personal Information is necessary for the provision of such services. In certain situations, CN may be entitled to retain Personal Information in order to comply with applicable legal requirements, to establish, exercise or defend CN rights or legal claims, and for other legitimate business purposes described under How does CN use Confidential Information?

8. How does CN protect Confidential Information?

CN maintains appropriate policies and practices aimed at protecting Confidential Information.

CN implements, maintains, updates and monitors the following technical, administrative and organizational measures to protect the security, integrity, availability and confidentiality of Confidential Information, including:

- A comprehensive information security program including technical safeguards such as encryption, firewalls, passwords, antivirus software and similar measures;
- Securing CN's facilities using industry standard safeguards;
- Designated individuals responsible for monitoring CN's compliance with applicable privacy laws;
- A privacy framework governing the protection of Confidential Information through its lifecycle. This framework defines the roles and responsibilities of CN personnel, provides a process for dealing with complaints regarding the protection of the information, and addresses the retention and destruction of Personal Information;
- Privacy and security awareness training for all relevant CN personnel;
- Restricting access to CN's systems only to authorized CN personnel on a "need-to-know" basis;
- Procedures for receiving, investigating and responding to complaints or inquiries regarding CN's information handling practices, including any security incidents involving Confidential Information;
- Contractual protections and other measures to ensure that service providers with whom CN shares Confidential Information maintain adequate privacy protections and standards.

9. How long does CN keep Personal Information?

CN store Personal Information for as long as necessary to provide CN services to individuals, to manage CN business operations, and to comply with CN legal and regulatory obligations. Once no longer required, the Personal Information will be securely destroyed or anonymized in accordance with legal requirements.

10. Cross-Border Transfers of Confidential Information

In some cases, Confidential Information that CN manages may be accessed, transferred, processed and stored outside the countries where CN is located, including Canada and the United States, and therefore may be available to government authorities under lawful orders and laws applicable in such foreign jurisdictions. CN will strive to protect Confidential Information disclosed to third parties by contractual agreements requiring that those third parties adhere to confidentiality and security procedures detailed in CN internal procedures and as required by law.

11. Accessing and Correcting Personal Information

Individuals may be entitled to access their Personal Information and request the correction of information that is inaccurate, incomplete or no longer up to date, subject to limited exceptions set out in applicable laws. Depending on the jurisdiction where individuals reside, they may also be entitled to additional rights.

To exercise privacy rights, individuals are invited to contact CN in writing using the relevant contact information listed in the Contact CN section below.

Unless CN specifically contracts to do so as part of the provision of services to a customer, CN will not generally respond directly to access or correction requests or inquiries of customers' end-users (such as customers' employees or clients). CN will instead make reasonable efforts to direct such inquiries and requests to the appropriate customer.

12. Changes to the Commitment

CN may make changes to this Commitment from time to time. Any changes CN make will be effective when CN posts the revised policy on CN websites or mobile apps. CN will provide a more prominent notice where required by law. It is the individuals' and organizations' responsibility to ensure that they read, understand and accept the latest version of the Commitment. The "Effective Date" at the top of this Commitment indicates when it was last updated.

13. Contact CN

Any questions about CN's handling of Confidential Information should be directed to contact@cn.ca or 1-888-888-5909.