



Notice of Privacy Practices

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Approval History

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Purpose and Application of this Policy

Purpose of this Policy

This Express Scripts Canada (also referred to as ESC or We) Notice of Privacy Practices (also referred to as the “Policy”) describes our commitment to protect the privacy of individuals who participate in our services and the confidentiality and security of their Personal Information. Among other matters, it describes how we may collect, use, disclose, retain, and dispose of Personal Information (PI) and how individuals may access and/or correct their information. As used in the title of this document, “notice”, from a privacy policy perspective, provides information about ESC business activities and how it applies privacy principles in its conduct of these activities.

We operate different lines of business in Canada: Benefits Management and Health Claims Adjudication Services, and Pharmacy Healthcare Services, described in more detail in **Parts 1 and 2** respectively of this Policy. Depending on the line of business and the province in which that business operates, Personal Information may be subject to different Applicable Laws pursuant to which ESC has different roles and responsibilities.

This Policy is based on the CSA Model Code for the Protection of Personal Information (CAN/CSA-Q83096) (the “Model Code”). It describes how ESC subscribes to the 10 Fair Information Principles (FIPs) of the Model Code with respect to our Processing of Personal Information. The FIPs are included in some form or another in all global privacy laws, including those in Canada, and are included as Schedule 1 to Canada’s federal private sector privacy law, the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

Although the general principles of the Model Code are consistent across our different lines of business and in the provinces in which we do business, there are some differences in the role we play when providing Benefits Management and Health Claims Adjudication Services and Pharmacy Healthcare Services. For clarity, we have separated this Policy into two parts. **Part 1** (Benefits Management and Health Claims Adjudication Services) addresses the application of all 10 FIPs of the Model Code to this line of business. Because ESC takes a common approach to the principles of Accountability, Safeguards, Openness and Challenging Compliance in operations for all business lines, they are not repeated in **Part 2**, which specifically addresses the application of the privacy principles to our Pharmacy Healthcare Services.

The definitions of all capitalized terms not explained in the Policy itself are set out in Appendix A. This Policy applies to Personal Information both electronic and paper format.

Out of Scope of this Policy

Online Websites and Portals

In addition to the website at www.express-scripts.ca, ESC hosts a number of portals intended for specific uses. All online websites and portals are governed by internet privacy policies which are established by ESC's parent company, the Cigna Group. These policies are built and posted on those sites in accordance with enterprise-wide policies for specified uses as described in the portal. These policies align with this policy, but are owned, and maintained by Cigna Legal.

Business Confidential Information

This Privacy Policy does not apply to business confidential information associated with business-to-business activities of ESC. ESC protects the confidentiality of such information in accordance with the law, applicable contracts and under the provisions of its information security policies.

Part 1: Benefits Management and Health Claims Adjudication Services

Description of the Services

Claims adjudication is a business-to-business service operation. Individuals are Plan Members of Benefit Plans that provide insurance coverage for health claims associated with pharmacy, dental, vision, mental health and medical services and equipment. These plans are owned and sponsored by Private Sector Clients for which ESC provides benefit management services, including the use of our technical adjudication engine and expert services for benefits management, such as providing data reports to the Client about the quality of its plan. As part of these services, ESC enables Health Care Providers to submit claims automatically and facilitates the practical management of benefit claims submitted by HCPs, individuals and Plan Sponsors.

Facilitation of Claims Adjudication for Health Care Providers

This operation, which allows HCPs to submit claims automatically and facilitates the practical management of their benefit claims, is a business-to-business ancillary service to ESC's claims adjudication and benefits management services. ESC receives claim submissions on behalf of the insurance carriers, to facilitate payment of claims according to terms in insurance plans. Health Care Providers may subscribe to our portal services for that purpose. Even though claims transactions with Health Care Providers (HCPs) may contain Personal Information about their Patients, HCPs are not ESC employees; nor are they employees of any ESC sub-contractors. HCPs are independent health care professionals, who operate a business and who may submit claims or provide services via subscription to the ESC portals and network to facilitate benefit financial arrangements.

HCPs may submit claims electronically or manually to ESC in order to expedite processing and payment of their Patients' claims according to plan coverage. ESC's purpose-built system calculates the benefit coverage amounts based on the benefit plan and program policies of the respective Client. Plan Members may pay for their procedures directly at their HCP's office and may then submit their claims to ESC on paper. Alternatively, HCPs may use Electronic Data Exchange (EDI) transmission to submit the claim directly to ESC. Covered expenses are then reimbursed to the Plan Member, or to the HCP, according to the coverage permitted in the plan. As a service to ESC's Clients, ESC may also conduct value-for-service audits of those HCPs who submit claims to the ESC system for payment.

Application of the Privacy Principles

In providing Benefits Management and Health Claims Adjudication Services, ESC applies the principles of the CSA Model Code in the following manner:

Accountability

ESC is accountable for Personal Information in its custody or under its control, while that information is held or processed on behalf of Clients. The meaning of accountability is set out in the ESC *Privacy Program Governance and Oversight Policy*, which describes the privacy program structure including those to whom are delegated the day-to-day operations.

Privacy Governance

ESC has designated a Chief Privacy Officer who is accountable for a comprehensive set of policies and procedures that are appropriate for the management and protection of Personal Information, we have a detailed privacy program governance and oversight policy that, among other matters,

- speaks to the corporation's internal audience to establish the oversight structure of the privacy program designed to ensure that ESC fosters a privacy culture within the organization;
- establishes accountabilities and guiding principles to support decision making so that ESC will protect privacy and maintain the confidentiality of Personal Information;
- identifies core privacy responsibilities for ESC employees and contingent workers to foster co-ordination among ESC departments and teams in protecting privacy;
- establishes the Privacy Office that offers an internal consulting service to operational and development teams to enable them to build privacy into their business initiatives.

Privacy and Security Training

The ESC Privacy Office manages a privacy training policy and a privacy training program which is annually refreshed and mandatory for all employees and Contingent Workers. Contingent Workers receive privacy training directly from ESC; while organizations that provide services to ESC (Contractors) deliver privacy training to their own staff as required by their contract with ESC.

The ESC Privacy Office collaborates with the Information Security/Data Protection and Human Resource teams to offer information security and ethics training, which is also mandatory and revised on an annual basis.

Agreements

ESC enters into agreements with our Clients and Plan Sponsors for which we provide services. The terms of these contractual arrangements hold our Clients and Plan Sponsors accountable for the Personal Information that they collect from their Plan Members, so that ESC can manage claims adjudication and provide benefits management services on their behalf.

ESC's Client or Plan Sponsor may be a Private or Public Sector organization. They are responsible for obtaining a release or consent signed by the Plan Member authorizing the collection, use, and disclosure of their personal information in order for ESC to be able to provide the services described.

ESC enters into agreements with third party Service Providers who may need to access Personal Information to provide their services to ESC. The use of any information provided by ESC to third party Service Providers is governed by ESC's contracts with Plan Sponsors, which require their uses to be consistent with the purpose for which the consent was obtained by the Plan Sponsor and only use such information for the purposes outlined in its service contracts with ESC. Our agreements require third party Service Providers to process Personal Information in accordance with privacy and security measures that are equivalent or better than those implemented by ESC. ESC conducts formal privacy and/or security practice surveys of those third-party Service Providers' privacy protections for Personal Information.

Policies and Procedures

ESC has established a comprehensive privacy management program in order to implement and operationalize the privacy principles in this Policy, as well as its requirements under the Applicable Laws. These include, but are not limited to, procedures to direct privacy operations and incident response, to protect the privacy of individuals, the confidentiality and security of their Personal Information, and receive and respond to privacy inquiries and complaints. These procedures are described under the relevant principle in this Policy.

Identifying Purposes

In providing benefit management and claims adjudication services to its Clients, ESC does not communicate directly with Plan Members. It is the responsibility of the ESC Client to identify to the Plan Member the purposes for which ESC may use and disclose their Personal Information. The Plan Sponsor obtains this consent for ESC use and disclosure, as part of the individual's enrolment in an insured care plan.

ESC uses Plan Member Personal Information consistent with the terms of agreements with the Plan Sponsors who are our Clients. Such purposes include:

- the provision of fraud, waste, and abuse detection services that conduct audits of claims submitted by pharmacy, dental and extended HCPs to ensure accurate and timely reimbursement of claims;
- the accurate adjudication of Plan Member claims for products, services, and manage benefit coverage plans under contract with Clients;
- to enable the verification of the integrity of claims;
- to provide Clients with the information they require in order to evaluate our services or audit the administration of their benefit coverage plans;
- to satisfy legal and regulatory requirements; and
- to permit ESC to interact with HCPs in relation to services that Express Scripts Canada provides which may include contracted adjudicated services or pharmacy services.

In the event that a third-party Service Provider proposes additional purposes that are not in alignment with the purposes set out in its agreement with ESC, and where ESC provides Personal Information to a third party as part of the provision of services to Plan Sponsors, ESC requires that the third-party Service Provider use that information for specified purposes in accordance with required contractual and/or legislative safeguards.

Personal Information of Plan Members is collected and owned by the respective Client and provided to Express Scripts Canada to provide services explicitly described under the contract between ESC and the Client.

Consent

The knowledge and consent of an individual who is a Plan Member is required for ESC's access to, collection, use or disclosure of their Personal Information, except in certain circumstances when permitted or required by law. ESC requires the Client to obtain evidence of the Plan Member's consent, in the form of explicit contractual terms, for any ESC access to, collection, use or disclosure of Personal Information.

Where obtaining consent is inappropriate in the circumstance or not required by the Applicable Laws, ESC may be permitted to access, collect, use or disclose Personal Information of a Plan Member without the consent of the individual. For example, a Client may request that ESC provide it with a claims report that includes a granular level of detail about a Plan Member. The ESC Privacy Office will review these circumstances prior to the requested access, collection, use or disclosure of Personal Information. Requests made to ESC to access, collect, use or disclose without individual consent are authorized according to the Applicable Law and by the custodial Client in circumstances when legal or security reasons make it unreasonable or impractical to obtain consent.

When a Plan Member consents to access to, collection of, use or disclosure of their Personal Information to ESC for a pharmacy benefit plan, they may also provide consent on behalf of their family members who are insured under that plan. As part of their pharmacy benefit package, a Plan Member may also become a Patient in the Express Scripts Canada Pharmacy (ESC Pharmacy) in which they must enroll explicitly as a Patient. During the enrollment process, where the enrolling Plan Member (while also

becoming a Patient) is also enrolling their spouse and/or dependents, they may assert that they have obtained, from their family members, explicit consent for the collection, use and disclosures described in the *ESC Consent Statement*.

Limiting Collection

ESC limits the collection of Personal Information to that which is necessary for the identified purposes. As a Service Provider to a Client, ESC limits the collection of Personal Information of individuals who are members of the respective Plans that ESC administers in order to provide the services set out in the contractual terms under which the service is provided.

Where contractual terms permit, and ESC has direct contact with Plan Members or members of the public inquiring about those services, individuals engage with our interactive processes to ensure that they provide only the information necessary for ESC to provide services to them. Personal Information is collected according to documented engagement processes (for example: health claim status inquiries) using structured forms and scripts in which consents are collected by similarly structured processes using formal interactive scripts.

Limiting Use, Disclosure and Retention

ESC limits the use, disclosure and retention of Personal Information to that which is necessary for the identified purposes and permitted or required by law.

Limiting Use

Unless permitted or required by law, ESC limits its use of Personal Information in accordance with Client agreements for benefit management services, including adjudication claims processing and third-party services. This use limitation applies to both the volume of Personal Information it uses for these purposes, as well as to the number of individuals who have access to this information in the course of providing the ESC services.

Inquiries regarding the payment of specific claims are resolved with the fewest number of ESC staff members possible in the circumstances. ESC has established formal procedures to limit the volume of Personal Information that may be used in communications with HCPs, and Plan Members.

ESC may transfer a Plan Member's Personal Information to its own third-party service providers to do work on its behalf. When using Personal Information in this manner, ESC provides only the limited Personal Information required by the third party to complete the contracted services, and in accordance with the security terms of the contract with the third party.

ESC systems provide role-based access both within ESC and for Client users. Client users have access to the Personal Information of their own Plan Members according to the roles assigned to them by the Client. The Client maintains legal control of, and legal responsibility for the Personal Information of their Plan Members even when provided to a Service Provider. Once the control of processed claims information passes through from ESC to the Client, the Client is accountable for how it Processes the information.

ESC may use deidentified claims sales data derived from Processing pharmacy-related claims that has been deidentified in accordance with the *ESC Deidentification Privacy and Practice Policy*. Such outputs may be used for testing or for historical or research purposes, cost comparison, or other business purposes including analyzing trends and assisting Clients with business trends, all solely in accordance with the terms provided to ESC by agreement with the Plan Sponsor.

Limiting Disclosure

As a Service Provider, ESC discloses the Personal Information of Plan Members only on the specific direction of the Client, according to the terms of our contract with them, or as required by law.

Persons who make requests for Personal Information of Plan Members - including Plan Members and/or their third-party representatives, such as, lawyers, employers, supporting consultants or case workers, family members must have those requests directed to the Client. When such requests are received at the ESC Privacy Office, those requests are redirected to the Client.

In the event that ESC is required to disclose Personal Information pursuant to any Applicable Law, regulation, an order of any court, tribunal or administrative body having competent jurisdiction. We will promptly notify the responsible Client. Depending on the circumstances, if ESC is advised that certain Personal Information is the subject of a legal dispute or an access request, the information will not be disclosed but be retained on Legal Hold until ESC is notified that the issue is resolved.

ESC does not sell claims data containing identifiable Personal Information.

Retention

ESC retains Personal Information in electronic and paper media according to retention schedules provided to us by our Clients, for as long as directed by a Client for the purposes contracted by the Client and as set out in our agreements. If Personal Information is no longer required for the identified purposes, or required by law to be retained for a longer period of time, ESC has formal processes to action specific Client directives in order to destroy their Plan Members' Personal Information using secure methods, at the later of these directives or legal requirements.

Accuracy

ESC receives Personal Information related to Plan Members in data feeds from Clients and HCPs to provide benefit management services, and from HCPs to facilitate claims payments. We rely on these sources of the information in order to provide them with services in accordance with the terms of our agreement. ESC has processes in place to maintain Personal Information from these sources as accurate, complete and current as is reasonably necessary and appropriate for its' uses and disclosures identified in these agreements and as permitted or required by law.

Safeguards

ESC protects Personal Information with physical, organizational and technological safeguards in accordance with Applicable Laws. The Pharmacy is supported by Information Security/Data Protection as well as the Privacy Office. The safeguards described below apply Benefits Management and Health Claims Adjudication Services, as well as our Pharmacy Healthcare Services.

Physical Safeguards

Physical safeguards implemented by ESC include but are not limited to measures described in our *Safeguarding Procedures*, the *Clean Desk Policy*, the *Internet Use Policy* and the *Information Security Policy*. These protections include:

- locks on desk drawers, office doors and filing cabinets as appropriate
- controlled entry to data centres and role-based limits on access to storage areas and information systems
- locked and controlled entrances to all office locations
- programs to secure and shred discarded Personal Information in paper format

Organizational Safeguards

ESC treats Personal Information as highly confidential in accordance with its formal data classification policy and procedures. Our technical systems use data categories to ensure that confidential information, such as Personal Information, is stored and transmitted according to the terms of its classification. Organizational safeguards implemented by ESC include, but are not limited to:

- confidentiality agreements.
- regular privacy process reviews and practice audits
- our privacy and security Incident management program
- mandatory privacy and security training
- clean desk audits as conducted by the Privacy Office
- audits and investigations related to the collection, use and disclosure of personal information and personal health information ESC conducts internal practice audits and is audited in turn by Clients.
- the restriction by supervisors of Authorized Users' access to Personal Information on a need-to-know basis as required by their employment or contractual responsibilities
- the conduct of formal privacy and/or security practice surveys of Service Providers' privacy protections for personal information to ensure that they have implemented the privacy and security controls as required in their agreements with us.

Technical Safeguards

ESC maintains standards-based systemic controls, schedules and practices for the security, retention and destruction of Personal Information. ESC has documented technological safeguards as implemented in our *Information Security Policy*. They include, but are not limited to:

- controlled asset management processes for laptops
- enhanced network and systems security procedures and policies
- multifactor authentication including secure password selection criteria
- role-based access controls to information applications and systems
- password-protected screen savers are automatically activated
- encrypting transfers of personal information via e-mail internally and to third parties
- procedures to establish, document, modify and terminate a user's access to ESC's information systems
- user access audits and monitoring of access controls
- counts of user activities when tracking traffic patterns on internet web sites
- the requirement that Clients who access ESC's electronic claims administration systems for adjudication services must follow specific security protocols in order to uphold the integrity of Personal information processed in adjudication applications.

Individual Access

Access

In the event that a Plan Member contacts ESC for access to their information, ESC manages the request in accordance with the terms of agreement with the Client. We will direct the Plan Member to the Client or to HCP who collected that information in order to request access from these sources. To the extent that ESC is involved in fulfilling an access request made to ESC by a Plan Member, the ESC Privacy Office retains records of all access requests, actions taken and the response provided to the requestor.

Correction

ESC will update Personal Information as necessary only if authorized by the Client in accordance with approved processes.

If a Plan Member asserts that their Personal Information is inaccurate, incomplete, out of date or not material to the processing of the claim, ESC will direct the Plan Member so that they can request amendments to their information. Referrals are first to the Client, Plan Sponsor, and then to the HCP, or the relevant ESC contact as appropriate. We collaborate with these parties to make any appropriate or required corrections.

Openness

ESC provides information about its privacy policies available to Patients, Plan Members, Clients and employees and Contingent Workers by request to the Privacy Office. This Policy is available to the public through the corporate website at: <https://www.express-scripts.ca/privacy-policy> and by send the request to the Privacy Office at the co-ordinates below.

Challenging Compliance

Any inquiries, questions or concerns related to this Policy or how ESC complies with the principles in the Policy may be directed to the ESC Privacy Office at the co-ordinates below:

Email: ExpressScriptsCanada_Privacy@Express-scripts.com

Telephone: 905-712-8615 or 1 (888) 677-0111 and ask to speak to the Privacy Officer

Direct Mail:

Attention: The Privacy Office
Express Scripts Canada (ESC)
6985 Financial Drive, Suite 300,
Mississauga Ontario L5N 0G3

Plan Members may contact the Client for access to their Personal Information contained in their Plan records. If an individual is not satisfied with the way in which ESC responds to their matter, they may contact:

- their Plan Sponsor with respect to insurance plan matters
- their HCP with respect to claims processing

The Offices of the Information and Privacy regulators in their province (for health information) or the federal Office of the Information Privacy Commissioner (for Personal Information in general) with respect to privacy matters.

Part 2: Pharmacy Health Care Services

Description of the Services

Individuals who enroll in the Express Scripts Canada Pharmacy (ESC Pharmacy) are Patients of the pharmacy; ESC has a direct health care relationship with these individuals for whom ESC acts as a Custodian under the Applicable Laws. Clients may also require that Plan Members join the Pharmacy in order to benefit from group savings, but in that they are directly Patients of the pharmacy as well as Plan Members of the Client.

Although primarily a national online mail delivery service, the ESC Pharmacy operates retail brick-and-mortar facilities in Ontario, New Brunswick, Manitoba and British Columbia. These operations adhere to the Applicable Laws of the province in which we provide the pharmacy services. As a private sector company carrying out commercial activities, we also adhere to any Applicable Laws such as PIPEDA related to the sending of Personal Information outside of these provinces for Processing (e.g., to our data centre in Ontario).

Application of the Privacy Principles

In providing Pharmacy Health Care Services, ESC applies the principles of the CSA Model Code as discussed below, except with respect to those FIPs and/or components thereof, that we apply in the same manner to both our Benefits Management and Health Claims Adjudication Services and Pharmacy Health Care Services.

Accountability

The Privacy Program is described under Part 1.

ESC is accountable for all Personal Information in its custody or under its control. The meaning of accountability is laid out in the *ESC Privacy Program Governance and Oversight Policy*, which describes the program structure including those to whom are delegated the day-to-day operations.

The Privacy Program

The Privacy Program is described under Part 1.

Agreements

The ESC Pharmacy, wholly owned by ESC, acts as a Custodian in the provinces where the Pharmacy provides direct health care services to its Patients.

Identifying Purposes

The ESC Pharmacy responds to health care needs and maintenance medications requirements with pharmacy products and related services delivered to its pharmacy Patients. In this line of business, the purposes for which ESC collects, uses and discloses Patient Personal Information include:

- the collection of Personal Information from Patients who enroll with an ESC Pharmacy for healthcare purposes, including the processing and delivery of prescriptions and related pharmacy services and benefits, in accordance with Applicable Laws and regulations.

- unless required by law, ESC does not collect Personal Information for any purposes that have not been previously communicated to the Patient without first identifying and documenting the new purpose.

To the extent that Express Scripts Canada Pharmacy (owned by Express Scripts Canada) directly collects Personal Information from a Patient, purposes are identified by Express Scripts Canada before or at the time of the enrolment in accordance with purposes described in our consent brochure. Information about purposes and consent provisions are provided to individuals at the time of enrollment. Written agreement to that consent is required before the Pharmacy can begin to supply services.

Consent

The knowledge and consent of a Patient is required for the collection, use or disclosure of their Personal Information except in certain circumstances, ESC requires evidence of express consent, according to our formal enrollment procedures, for any collection, use or disclosure of Personal Information to provide our Pharmacy Health Care Services. The ESC Pharmacy requires explicit consent from a Patient (or the Plan Member) to use their data in order to provide services. Without that consent, no services can be provided.

The Applicable Laws may permit ESC to collect, use and/or disclose Personal Information without the knowledge and consent of the Patient. The ESC Privacy Office reviews these circumstances in advance of any collection, use or disclosure of Personal Information in the absence of a Patient's consent. Actions to collect, use or disclose the information without consent are authorized according to Applicable Laws, such as circumstances in which legal or security reasons make it unreasonable or impractical to obtain consent.

When the Patient consents to the collection, use or disclosure of their Personal Information by the ESC Pharmacy, they may also provide express consent for the Pharmacy to communicate with their family members. During the enrollment process, where the enrolling Patient is also enrolling their spouse and/or dependents, they may assert that they have obtained, from their family members, express consent for the collection, use and disclosures of their Personal Information and the purposes therefore, described in the *ESC Consent Statement*. The Patient's assertion that they have the consent of their spouse and dependents, permits the card holding Patient to access, through ESC, the prescription history and integrated claims data of any spouse and eligible dependents who use ESC's Pharmacy services. Patients who are adult dependents may request that Express Scripts Canada maintain their pharmacy records privately

Limiting Collection

ESC limits the collection of Personal Information to that which is necessary for the identified purposes. For our ESC Pharmacy, we limit the collection of Personal Information about individuals who enroll directly as a Patient for these services consistent with the terms of the Patient consent pursuant to which we provide the services.

Such information is collected according to documented engagement processes such as pharmacy enrollment, using structured forms in which consents are collected by structural processes using formal interaction scripts.

Limiting Use, Disclosure and Retention

Limiting Use

ESC Pharmacy provides health care pharmacy services in accordance with the direct consent of the Patient. The purposes for which the ESC Pharmacy uses a Patient's Personal Information are described in the *Express Scripts Canada Consent Statement*, which the individual signs in order to receive such services.

Limiting Disclosure

ESC does not disclose Patient Personal Information to third parties, including, but not limited to, lawyers, employers or Plan Sponsors, supporting consultants, case workers, and family members who make requests for disclosure of this information, unless the request is accompanied by written evidence of a Patient consent for the disclosure. Prior to disclosing the information, ESC validates the consent with the Patient or their Substitute Decision Maker.

When the ESC Pharmacy receives an order from a court or tribunal, order, a search warrant, or request from a law enforcement agency or the provincial College of Pharmacists for access to Patient Personal Information, the ESC Pharmacy works with the ESC Privacy Office to validate the request and identify the appropriate response in accordance with the Applicable Laws.

Limiting Retention

Each ESC Pharmacy retains Patient Personal Information according to the mandated retention schedule established by the Applicable Laws. If an ESC Pharmacy is advised that certain Patient Personal Information is the subject of a legal dispute or an access request, the information is retained until the ESC Pharmacy receives notification that the issue has been resolved, and secure destruction processes can be initiated.

Accuracy

The ESC Pharmacy collects Patient Personal Information from HCPs on whom it relies on to communicate accurate information. As a Custodian, the ESC Pharmacy maintains the accuracy of its own information as required by Applicable Laws. ESC Pharmacy considers its own records as accurate – with the appropriate checks. ESC accepts prescription related personal information received for processing from HCP (physician, retail pharmacy (specifically, name, address) as being accurate (notwithstanding clarifying handwriting, etc.) from the sender.

Individual Access

Access

Patients of the ESC Pharmacy may request access to their prescription history and integrated claims data of any eligible dependents, for which they have consent, and which are included in ESC's services, in accordance with Applicable Laws and Express Scripts Canada policy.

In certain circumstances, as permitted by the Applicable Laws, the ESC Pharmacy may deny a Patient's request for access to their Personal Information, in whole or in part. These circumstances include, but are not limited to:

- the Patient's Personal Information includes the Personal Information of other individual(s) the disclosure of which would result in an unjustified invasion of privacy of the other individual(s)
- is subject to solicitor client or litigation privilege; or
- cannot be disclosed for security reasons.

Correction

If a Patient claims that their Personal Information is inaccurate, incomplete, out of date or not material to the services provided by the ESC Pharmacy, we will redirect the Patient so that they can request amendments to their record to their HCP, or the relevant ESC contact as appropriate to request the correction to their Personal Information. ESC collaborates with these parties to make any appropriate or required correction.

Challenging Compliance

Anyone may challenge Express Scripts Canada's compliance with these privacy principles by directing inquiries to the ESC Privacy Office at the co-ordinates provided below:

Email: ExpressScriptsCanada_Privacy@Express-scripts.com

Telephone: 905-712-8615 or 1 (888) 677-0111 and ask to speak to the Privacy Officer

Direct Mail:

The Privacy Office
Express Scripts Canada (ESC)
6985 Financial Drive, Suite 300,
Mississauga Ontario L5N 0G3

If an individual who is not satisfied with the way in which Express Scripts Canada responds to their matter, they may contact the Offices of their provincial Information and Privacy Commissioner (for health information) or the federal office of the Information Privacy Commissioner (for personal information), for which contact information is widely available on the Internet and in each Province.

APPENDIX A - Definitions

Applicable Laws: means all applicable laws, statutes, regulations, judgments and (whether or not having the force of law) all applicable official directives, rules, consents, approvals, by-laws, permits, authorizations, guidelines, orders and policies of any governmental or regulatory agency having responsibility for the administration of privacy legislation and laws governing any of the entities defined in this Appendix, as they may be amended from time to time.

Benefit Plan: is a type of compensation that provides for plan member compensation that is a repayment of health-related expenses, that would otherwise be paid out of pocket or obtained by purchasing individual narrow-purpose insurance policies. These plans, offered by employers or group insurers, can include health benefits, life insurance, disability insurance, and more.

Carrier: is an insurer, a company that sells and manages insurance policies. They assess risks, set premium rates, and handle the claims process, providing financial protection against potential losses to policyholders. Express Scripts Canada's Clients are typically insurance carriers.

Client: means a business entity that is a Client of ESC to which We provide benefit management services; claims adjudication and associated benefits management services. These Clients are typically insurance companies, third party administrators ("TPA"), employers and government organizations that have principal financial responsibility for payment of covered medications, and/or dental services, and/or extended health care services provided to Plan Members under a benefit coverage plan.

Contingent Worker: means an individual who is retained by ESC to provide specific services pursuant to an agreement.

Contractor: means a company or organization that is retained by ESC to provide specific services pursuant to an agreement

Custodian: as the term is used in this Policy, means an individual, organization and/or program as defined in the Applicable Laws who has custody or control of personal health information (defined in this Policy as being included in the definition of Personal Information) as a result of or in connection with performing the person's or organization's powers or duties prescribed by their health care discipline. Express Scripts Canada Pharmacy is a Custodian.

Electronic Data Interchange (EDI) is the automated and standardized system that exchanges business documents electronically, computer-to-computer, between organizations. It replaces paper-based methods like mail and fax, enabling the automated and secure transfer of information like purchase orders and invoices

Health Care Provider ("HCP"): means a health care practitioner who offers private or public healthcare services to their Patients. The meaning is defined in Applicable Laws, and who is a Custodian. HCPs submit health care claims to an insurance plan, via ESC infrastructure, on behalf of a patient, for which that individual is a Plan Member. ESC adjudicates the claim according to terms of the prescribed coverage in the plan, calculating amounts due and distributing payment according to the terms of the insurance plan.

Insurer/Carrier/Third Party Administrators (TPA): means ESC Clients and Plan Sponsors who outsource benefit plan management to third parties. TPAs may also be ESC Clients. Various arrangements engage ESC or other third parties to provide degrees of benefits management and claims adjudication services (including data entry, claims processing, document management, and rating/pricing support) and including facilities for electronic submission of claims for adjudication and payment.

Patient: means an individual person receiving or registered to receive health care services from a Health Care Provider such as the ESC Pharmacy.

Personal Information: means information about an identifiable individual and includes the personal health information related to the individual, including, but not limited to, information related to the mental or physical health of the individual and information concerning any health service provided to the individual, including any prescriptions provided to the individual.

Plan Member: means an individual, their spouse or dependent, who participates in a health benefit coverage plan administered on behalf of a Plan Sponsor. Members join plans owned by the Insurer or Carriers. Carriers provide the plan data to ESC who administers these plans as a Service Provider to the Carrier. As part of their participation in an insurance plan, a Plan Member may also be a Patient of the Express Scripts Canada Pharmacy. Express Scripts Canada does not have a direct relationship with the Plan Member unless contracted services to the Client specifically include terms directly mandating that ESC contact Members.

Plan Sponsor: means a business entity that has a contractual Client relationship with ESC. A Plan Sponsor is a designated party—usually a company or employer—that sets up a healthcare or retirement plan for the benefit of its employees and who engages with ESC for supporting services from ESC. These are insurance carriers or organizations related to insurance carriers and may often be employers with very large payrolls for whom benefits management is a necessary service.

Private Sector: means privately owned companies with which ESC has a business-to-business operation. ESC's Clients include insurance companies and plan sponsors. The individuals who benefit from the insurance benefit plan is in an indirect relationship to ESC as "Plan Member," with respect to Claims adjudication operations.

Processing, Process, and Processes and grammatical variations thereof, means any use of or operation or set of operations which is performed upon or in connection with Personal Information by any means and in any form or medium including without limitation collection, recording, analysis, consultation, organization, maintenance, storage, adaptation, modeling, retrieval, disclosure or otherwise making available, combination, matching, erasure, or destruction.

Public Sector: means entities that operate in the public or broader public sector, such that ESC relationships with these entities are business-to-government. Federal government programs, such as the Non-Insured Health Benefits Program (NIHB), is a Client of Express Scripts Canada for which ESC provides services to the government department or agency. The individual who benefits from the government program (meaning the "Client" of the NIHB program as an example) is in an indirect relationship to ESC, similar to the "Plan Member," although some contracted processes may require or allow direct contact between ESC and the individual.

Service Provider: defines a relationship through which one entity contracts with another entity as a vendor or supplier to provide services. ESC is a Service Provider to insurance carriers and other business entities. In the process of providing such services, ESC also contracts with third-party service providers who supply services such as, paper printing, or records storage to ESC.