Privacy Policy
Overview

Smith Funeral Home and Family Centre Inc. is committed to protecting your privacy. This Privacy Notice ("Notice"), together with our website and any other documents referred to in it, sets out the types of personal information we collect, how we collect and process that information, who we share it with in relation to the services we provide and certain rights and options that you have in this respect.

Smith Funeral Home and Family Centre Inc. owns and operates this site https://smithfuneralhome.ca/.

Who is responsible for your personal data?

Smith Funeral Home and Family Centre is responsible for your personal data. Smith Funeral Home and Family Centre comprises Smith Funeral Home and Family Centre Inc. (incorporated in Canada, registered number ?) and its subsidiary undertakings (referred to collectively as "Smith Funeral Home and Family Centre" or "we" or "our"). For the purposes of applicable data protection law (in particular, the The Personal Information Protection and Electronic Documents Act (CA) 2018-01-31 (the "PIPEDA") and the General Data Protection Regulation (EU) 2016/679 (the "GDPR")), your data will be controlled by the Smith Funeral Home and Family Centre affiliate or subsidiary undertaking that you have instructed or that is providing services to you or communicating to you and each such entity is regarded as an independent data controller of your personal data. This Notice applies to all such entities.

Personal data we collect

We collect and process the following personal data from you:

Identity and Contact Data, including your first Name, last name, email address, type of email to send, and other personal data concerning your preferences relevant to our services;

Business Information, including type of subscription and email addresses to send to, as well as information provided in the course of the contractual or client relationship between you or your organization and Smith Funeral Home and Family Centre, or otherwise voluntarily provided by you or your organization;

Proÿle and Usage Data, including time on site, page views, country, website the user came from, type of device, internet speed, new or returning, language, operating system, as well as information of the decedent (photos, date of birth, data of death, location of funeral services, first name, last name), information of family admin (email address, first name, last name, phone number), information of contributors (first name, last name, phone number, email address, photos they submit), your preferences in receiving marketing information from us, your communication preferences and information about how you use our websites(s) including the services you viewed or searched for, page response times, timestamps, download errors, length of visits and page interaction information (such as scrolling, clicks, and mouse-overs). To learn more about our use of cookies or similar technology please check our cookies policy here;

Technical Data, including information collected during your visits to our website(s), the Internet Protocol (IP) address, login data, browser type and version, device type, time zone setting, browser plug-in types and versions, operating system, platform, user agent, endpoint accessed, and any errors that occurred.

Information about other people

If you provide information to us about any person other than yourself, your employees, counterparties, your advisers or your suppliers, you must ensure that they understand how their information will be used, and that they have given their permission for you to disclose it to us and for you to allow us, and our outsourced service providers, to use it.

How do we collect your personal data?

The circumstances in which we can collect personal data about you include:

- when you or your organisation offer to provide, or provides, services to us;
- when you correspond with us by phone, email or other electronic means, or in writing, or when you provide other information directly to us, including in conversation with our lawyers, consultants and staff;
- when you or your organisation browse, complete a form or make an enquiry or otherwise interact on our website or other online platforms;
- when you attend our seminars or other events or sign up to receive personal data from us;

If you fail to provide personal data

Where we need to collect personal data by law or in order to process your instructions or perform a contract we have with you and you fail to provide that data when requested, we may not be able to carry out your instructions or perform the contract we have or are trying to enter into with you. In this case, we may have to cancel our engagement or contract you have with us, but we will notify you if this is the case at the time.

How will we use your personal data?

We use your personal data only for the following purposes:

To fulÿll a contract, or take steps linked to a contract, with you or your organization. This includes: to register you as a client of Smith Funeral Home and Family Centre; to provide and administer services or products, as instructed by you or your organisation.

As required by Smith Funeral Home and Family Centre, to conduct our business and pursue our legitimate interests, in particular: to administer and manage our relationship with you, including accounting, auditing, and taking other steps linked to the performance of our business relationship including identifying persons authorised to represent our clients, suppliers or service providers; to analyse and improve our services and communications and to monitor compliance with our policies and standards; to protect the security of our communications and other systems and to prevent and detect security threats, frauds or other criminal or malicious activities;

For insurance purposes; to exercise or defend our legal rights or to comply with court orders; and to communicate with you to keep you up-to-date on the latest developments, announcements, and other information about our services and solutions (including briefings, newsletters and other information), events and initiatives or other promotional activities; and to collect information about your preferences to personalise and improve the quality of our communications with you.

For purposes required by law, including maintaining records, screening and recording. This can include automated checks of personal data you provide about your identity against relevant databases and contacting you to confirm your identity, or making records of our communications with you for compliance purposes.

Where you give us consent:

To communicate with you to keep you up-to-date on the latest developments, announcements, and other information about our services and products, events and initiatives; to send you client surveys, marketing campaigns, or other promo-tional activities, and to collect information about your preferences to personalise and improve the quality of our communications with you.

We will only provide you with marketing related information after you have, where legally required to do so, opted in to receive those communications and having provided the opportunity for you to opt out at any time.

We will not use your personal data for taking any automated decisions affecting or creating profiles other than as described above.

Disclosure of your personal data

We will not share your personal data, except in the following circumstances:

with our subsidiary undertakings and/or affiliates for the purposes of providing you with our services as described in this Privacy Notice; with third parties including certain service providers we have retained in connection with the contract services we provide, such as MongDB (https://www.mongodb.com), AWS (https://aws.amazon.com), Bugsnag (https://bugsnag.com), Sentry.io (https://sentry.io), Mailchimp (https://-mailchimp.com), Google (https://google.com), HotJar (https://www.hotjar.com), or other necessary entities; if we have collected your personal data in the course of providing services to you or your clients, we may disclose it to that client, and where permitted by law to others for the purpose of providing those services; on a confidential basis with third parties for the purposes of collecting your feedback on the firm's service provision, to help us measure our performance and to improve and promote our services; with courts, law enforcement authorities, regulators, government officials or attorneys or other parties where it is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim, or for the purposes of a confidential alternative dispute resolution process;

with service providers who we engage within or outside of Smith Funeral Home and Family Centre, domestically or abroad, e.g. shared service centres, to process personal data for any of the purposes listed above on our behalf and in accordance with our instructions only;

Information we transfer

When we transfer your information to other countries, we will use, share and safeguard that information as described in this Notice. To provide our services, we may transfer the personal information we collect to countries outside of CA and the EEA which do not provide the same level of data protection as the country in which you reside and are not recognised by Canada and the European Commission as providing an adequate level of data protection. We only transfer personal information to these countries when it is necessary for the services we provide you, or it is necessary for the establishment, or for the exercise or defence of legal claims subject to safeguards that assure the protection of your personal information, such as PIPEDA or European Commission approved standard contractual clauses.

For further information, including obtaining a copy of the documents used to protect your information, please contact us at smithfuneralhome@cogeco.net.

Security of your personal data

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, or from being altered or disclosed.

We have also put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

Updating personal data about you

If any of the personal data that you have provided to us changes, for example if you change your email address or if you wish to cancel any request you have made of us, or if you become aware we have any inaccurate personal data about you, please let us know by sending an email to smithfuneralhome@cogeco.net or use our contact form. We will not be responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

Your Rights

You have various rights with respect to our use of your personal data:

Access: You have the right to request a copy of the personal data that we hold about you. There are exceptions to this right, so that access may be denied if, for example, making the information available to you would reveal personal data about another person, or if we are legally prevented from disclosing such information. You are entitled to see the personal data held about you. If you wish to do this, please contact us using the contact details provided below.

Accuracy: We aim to keep your personal data accurate, current, and complete. We encourage you to contact us using our contact form to let us know if any of your personal data is not accurate or changes, so that we can keep your personal data up-to-date.

Objecting: In certain circumstances, you also have the right to object to processing of your personal data and to ask us to block, erase and restrict your personal data. If you would like us to stop using your personal data, please contact us using our contact form.

Porting: You have the right to request that some of your personal data is provided to you, or to another data controller, in a commonly used, machine-readable format.

Erasure: You have the right to erase your personal data when the personal data is no longer necessary for the purposes for which it was collected, or when, among other things, your personal data have been unlawfully processed.

Complaints: If you believe that your data protection rights may have been breached, you have the right to lodge a complaint with the applicable supervisory authority, or to seek a remedy through the courts.

You may, at any time, exercise any of the above rights, by contacting smithfuneralhome@cogeco.net or using our contact form together with a proof of your identity, i.e. a copy of your ID card, or passport, or any other valid identifying document.

Right to withdraw consent

If you have provided your consent to the collection, processing and transfer of your personal data, you have the right to fully or partly withdraw your consent. To withdraw your consent please follow the opt-out links on any marketing message sent to you or contact smithfuneralhome@cogeco.net or use our contact form.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose(s) to which you originally consented, unless there is another legal ground for the processing. Withdrawal of consent to receive marketing communications will not affect the processing of personal data for the provision of our general or legal services.

How long we keep your personal data

We will only retain your personal data for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any contractual, legal, accounting, or reporting requirements and, where required for Smith Funeral Home and Family Centre to assert or defend against legal claims, until the end of the relevant retention period or until the claims in question have been settled.

If you want to learn more about our specific retention periods for your personal data established in our retention policy you may contact us at smithfuneralhome@cogeco.net.

Upon expiry of the applicable retention period we will securely destroy your personal data in accordance with applicable laws and regulations.

Changes to our Privacy Policy

We reserve the right to update and change this Policy from time to time in order to reflect any changes to the way in which we process your personal data or changing legal requirements. Any changes we may make to our Policy in the future will be posted on this page and, where appropriate, notified to you by email. Please check back frequently to see any updates or changes to our Policy.

Contact Details

Questions, comments and requests regarding this Notice are welcomed and should be addressed to Privacy Team, smithfuneralhome@cogeco.net, or send a letter to Smith Funeral Home and Family Centre, Privacy Team, 1576 London Line, Sarnia, Ontario, CANADA N7T 7H2.

Data Processing Addendum

This Smith Funeral Home and Family Centre Data Processing Addendum ("Addendum") amends the Smith Funeral Home and Family Centre Privacy Policy (the "Agreement") by and between you (the User) and Smith Funeral Home and Family Centre Inc., a Canadian corporation with offices at 1576 London Line, Sarnia, Ontario CANADA N7T 7H2.

1. Deÿnitions

(a) "Data Protection Legislation" means The Personal Information Protection and Electronic Documents Act (CA) 2018-01-31 (the "PIPEDA"), and the European Directives 95/46/EC and 2002/58/EC, and any legislation and/or regulation implementing or made pursuant to them, or which amends or replaces any of them (including the General Data Protection Regulation, Regulation (EU) 2016/679);

(b) "Data Processor", "Data Subject", "Processor", "Processing", "Subprocessor", and "Supervisory Authority" shall be interpreted in accordance with applicable Data Protection Legislation;

(c) "Personal Data" as used in this Addendum means information relating to an identifiable or identified Data Subject who visits or engages in transactions through your website (a "User"), which Smith Funeral Home and Family Centre Processes as a Data Processor in the course of providing you with the Services. Notwithstanding the foregoing sentence, Personal Data does not include information that Smith Funeral Home and Family Centre processes in the context of services that it provides directly to a consumer; and

(d) All other capitalized terms in this Addendum shall have the same definition as in the Agreement.

2. Data Protection

2.1. Where a Data Subject is located in Canada or the European Economic Area, that Data Subject's Personal Data will be processed by Smith Funeral Home and Family Centre Inc.. As part of providing the Services, this Personal Data may be transferred to other regions, including to the United States. Such transfers will be completed in compliance with relevant Data Protection Legislation.

2.2. When Smith Funeral Home and Family Centre Processes Personal Data in the course of providing the Services, Smith Funeral Home and Family Centre will:

2.2.1. Process the Personal Data as a Data Processor, only for the purpose of providing the Services in accordance with documented instructions from the User (provided that such instructions are commensurate with the functionalities of the Services), and as may subsequently be agreed to by the User. If Smith Funeral Home and Family Centre is required by law to Process the Personal Data for any other purpose, Smith Funeral Home and Family Centre will provide the user with prior notice of this requirement, unless Smith Funeral Home and Family Centre is prohibited by law from providing such notice;

2.2.2. notify the User if, in Smith Funeral Home and Family Centre's opinion, the user's instruction for the processing of Personal Data infringes applicable Data Protection Legislation;

2.2.3. notify the User promptly, to the extent permitted by law, upon receiving an inquiry or complaint from a Data Subject or Supervisory Authority relating to Smith Funeral Home and Family Centre's Processing of the Personal Data;

2.2.4. implement and maintain appropriate technical and organizational measures to protect the Personal Data against unauthorized or unlawful processing and against accidental loss, destruction, damage, theft, alteration or disclosure. These measures shall be appropriate to the harm which might result from any unauthorized or unlawful processing, accidental loss, destruction, damage or theft of Personal Data and appropriate to the nature of the Personal Data which is to be protected;

2.2.5. provide the User, upon request, with up-to-date attestations, reports or extracts thereof where available from a source charged with auditing Smith Funeral Home and Family Centre's data protection practices (e.g. external auditors, internal audit, data protection auditors), or suitable certifications, to enable the User to assess compliance with the terms of this Addendum;

2.2.6. notify the User promptly upon becoming aware of and confirming any accidental, unauthorized, or unlawful processing of, disclosure of, or access to the Personal Data;

2.2.7. ensure that its personnel who access the Personal Data are subject to confidentiality obligations that restrict their ability to disclose the Customer Personal Data; and

2.2.8. upon termination of the Agreement, Smith Funeral Home and Family Centre will promptly initiate its purge process to delete or anonymize the Personal Data. If you (the User) request a copy of such Personal Data within 60 days of termination, Smith Funeral Home and Family Centre will provide you with a copy of such Personal Data.

2.3 In the course of providing the Services, the User acknowledges and agrees that Smith Funeral Home and Family Centre may use Subprocessors to Process the Personal Data. Smith Funeral Home and Family Centre's use of any specific Subprocessor to process the Personal Data must be in compliance with Data Protection Legislation and must be governed by a contract between Smith Funeral Home and Family Centre and Subprocessor.

3. Miscellaneous

3.1 In the event of any conflict or inconsistency between the provisions of the Agreement and this Addendum, the provisions of this Addendum shall prevail. For avoidance of doubt and to the extent allowed by applicable law, any and all liability under this Addendum, including limitations thereof, will be governed by the relevant provisions of the Agreement. You (the User) acknowledge and agree that Smith Funeral Home and Family Centre may amend this Addendum from time to time by posting the relevant amended and restated Addendum on Smith Funeral Home and Family Centre's website, available at https://www.smithfuneralhome.ca and such amendments to the Addendum are effective as of the date of posting.

The (Users) continued use of the Services after the amended Addendum is posted to Smith Funeral Home and Family Centre's website constitutes the agreement to, and acceptance of, the amended Addendum as well as the entire Privacy Policy (Agreement). If you (the User) do not agree to any changes to the Addendum, do not continue to use the Service.

3.2 Save as specifically modified and amended in this Addendum, all of the terms, provisions and requirements contained in the Agreement shall remain in full force and effect and govern this Addendum. If any provision of the Addendum is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of this Addendum shall remain operative and binding on the parties.

3.3 The terms of this Addendum shall be governed by and interpreted in accordance with the laws of the Province of Ontario, the laws of Canada, the European Directives 95/46/EC and 2002/58/EC, and any legislation and/or regulation implementing or made pursuant applicable therein, without regard to principles of conflicts of laws. The User irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of the Province of Ontario, Canada, and the European Directive, and any legislation and/or regulation implementing or made pursuant to them with respect to any dispute or claim arising out of or in connection with this Addendum.