

# ***PrivacyConsult Privacy Policy***

***February 1, 2004***

**The privacy-consulting firm of PrivacyConsult Inc. (PrivacyConsult)** recognizes the importance of the protection of personal information to its clients, its employees and to the public generally. We are proud to demonstrate our commitment to your privacy. We have designed this privacy policy to inform readers about the types of personal information PrivacyConsult collects, uses, manages and discloses. An additional purpose of the Privacy Policy is to promote responsible, transparent, and workable management practices consistent with the provisions of the federal *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5, as amended.

PrivacyConsult will continue to monitor rapidly changing statute and administrative decisions impacting the state of the law with respect to privacy. As the law's impact on Canadians, their businesses and their charitable organizations changes, PrivacyConsult will adapt its policies and procedures to ensure compliance with the law. This document is current as of the date noted above.

This Privacy Policy is our guarantee that we will maintain the confidentiality and privacy of personal information that you have entrusted to us.

## ***A. An Overview of the Policy***

From January 1, 2004, all entities engaged in commercial activities must comply with the *Personal Information Protection and Electronic Documents Act* (hereinafter, PIPEDA) and the Canadian Standards Associations Model Code for the Protection of Personal Information, which it incorporates. PIPEDA gives you rights concerning the privacy of your personal information.

PrivacyConsult is responsible for the personal information that we collect and hold. To ensure this accountability, we have developed this policy and have trained our professionals and support staff about our policies and practices.

As would be expected of us, we will continue to review the Privacy Policy to ensure that it remains relevant and current with changing laws, technologies and industry standards and practices.

## ***B. Definitions***

“Commercial Activities” includes every transaction, act or conduct that is of a commercial character, whether it is a single transaction or occurs in the course of business;

“Organization” applies to an association, partnership, person, trade union or a corporation. Equally importantly, there is no threshold size with respect to an association, regardless of the value of the organization’s assets or revenues or the number of its employees;

“Reasonable Purposes” is an important concept in the PIPEDA. The Act establishes a general limitation on the “collection, use or disclosure” of personal information, in addition to very specific limitations. This more general limitation is found in s.5(3) of the Act, which reads that, “an organization may collect, use or disclose personal information only for purposes that a reasonable person would consider appropriate in the circumstances”.

“Personal Information” is any information about an identifiable individual. So, it includes any information that identifies you, or by which your identity can be deduced.

This Policy covers our treatment of the personal information that we collect from you.

We require personal information in order to do business with you. PrivacyConsult collects personal information for the following purposes:

- (i) to represent you or advise you as our client;
- (ii) to establish and maintain our client list;
- (iii) to establish and maintain our mailing lists, both for contact and Privacy Updates;

Personal information is used by PrivacyConsult to provide the best service to our clientele. We regularly produce “Privacy Updates” in order to keep clientele up-to-date on legal developments that impact their operations. Maintenance of a mailing list, containing personal information to contact you, is required to provide these Privacy Updates.

PrivacyConsult does not sell, barter, trade or give away your personal information to any third parties. We do not provide our mailing lists to any other organizations or persons. We store and maintain information in conformity with the requirements of the PIPEDA and the Model Code for the Protection of Personal Information created and approved by the Canadian Standards Association.

### ***C. Application of the Canadian Standards Association Model Code***

The PIPEDA establishes the statutory regime that seeks to protect personal information. The Act enacts into law the 10 general principles and commentaries accompanying them contained in the Canadian Standards Association’s “Model Code for the Protection of Personal Information CAN?CSA-Q830-96 (the “Model Code”).

The essential principle is consent. More particularly, it is the requirement that knowledge and consent of an individual be obtained before an organization collects, uses or discloses personal information in the course of commercial activities

PrivacyConsult applies the Model Code as follows:

### ***1. Accountability***

PrivacyConsult is responsible for the personal information collected and maintained by it and which is under its control. In order to fulfil this responsibility,

- (i) We have designated an individual to be responsible for care and control of personal information, namely our ‘Chief Privacy Compliance Officer’;
- (ii) We have taken the following measures to ensure compliance with the law and this Privacy Policy:
  - (a) developed procedures to protect personal information;
  - (b) developed procedures to receive and respond to complaints and enquiries;
  - (c) training for our staff about the policies and practices respecting personal information; and
  - (d) continually developing information for our staff and the general public about our policies and procedures respecting personal information.

Further to the development of procedures to protect personal property, PrivacyConsult recognizes that it is responsible for personal information that has been transferred to third parties for processing. Thus, we have developed a consistent approach for dealing with such third parties, including the employment of contractual means to protect personal information.

PrivacyConsult will record exactly what information is possessed, what information is transferred to third parties, and the identity of the person to whom it is transferred.

Additionally, contractual provisions that will be employed to bind third parties to the same level of personal information protection will provide for the following contingencies:

- (i) the third party must be acting strictly on behalf of PrivacyConsult when it receives and processes data;
- (ii) the information must be used only for the defined purposes for which it was provided;
- (iii) the information must be adequately safeguarded;

- (iv) the third party must immediately rectify, delete or update the data upon receiving instructions to do so from PrivacyConsult;
- (v) termination of the agreement by PrivacyConsult (with all personal information to be returned or destroyed) immediately upon a violation by the Transferee third party;
- (vi) provision to the effect that PrivacyConsult may audit the third party's processing of data;
- (vii) the third party is made liable for the use made of the data; and
- (viii) the third party will indemnify PrivacyConsult for any breach of the contract.

## ***2. Identifying Purposes***

PrivacyConsult is committed to openness to you regarding its collection and use of personal information. We collect and use personal information for the following purposes:

- (i) to establish and maintain client lists;
- (ii) to represent or advise clients;
- (iii) to establish and maintain mailing lists both for contact and to provide 'Privacy Update' newsletters;
- (iv) to identify client preferences;
- (v) to verify creditworthiness; and
- (vi) to provide benefits to employees.

To demonstrate its commitment to this principle, we require the consent of our clients and mailing list subscribers prior to using their personal information for any purpose other than that for which it was originally collected, unless the new use is required by law or comes within the general exceptions to the consent requirement enumerated in section 7(2) of the Act..

Similarly, if any individuals wish to be advised of the personal information we have related to them, they can contact us at the address set out below.

## ***3. Consent***

PrivacyConsult is committed to this core principle of the PIPEDA, namely to ensuring that you are aware of how your personal information is used and consent to the collection, use or disclosure of personal information. We are dedicated to obtaining the consent of individuals who provide us with their personal information. To this end, all of our employees or agents are instructed to provide information about how personal information is used by us to all interested individuals who enquire, as well as obtain the consent of those who provide their personal information.

The right to withdraw consent is subject only to contractual or legal obligations. PIPEDA requires us to inform you of the implications of withdrawing consent.

Also, we may periodically request written confirmation from you to ensure that the personal information collected and maintained by us is up-to-date and accurate. We also may ensure that we have your continuing consent to the use and retention of your personal information.

PrivacyConsult will disclose your personal information, without notice, only if required to do so by law or in the good faith belief that such action is necessary to:

- (i) conform to the obligations imposed by law or statute;
- (ii) meet an emergency need; and/or
- (iii) as required pursuant to a criminal investigation.

#### ***4. Limiting Collection***

PrivacyConsult limits its collection of personal information only to that information that is necessary for the limited purposes noted above. We are committed to collecting personal information in a fair, open and lawful manner, in conformity with our information handling practices and PIPEDA, and shall never use deceptive or misleading practices. For this reason, PrivacyConsult does not indiscriminately collect personal information.

#### ***5. Limiting Use, Disclosure and Retention***

PrivacyConsult will not use personal information for purposes other than those for which it was originally collected, unless it first has obtained the consent of the person from whom the information was received. We retain personal information only for as long as it is needed, or for as long as required by law, and only for the fulfillment of the purposes for which it was originally collected. After that period of time, the information shall be made anonymous, erased or destroyed.

The PIPEDA requires that PrivacyConsult retain personal information that has been used to make a decision about an individual long enough to allow that individual access to the information after the decision has been made.

#### ***6. Accuracy***

PrivacyConsult is committed to maintaining information in a form as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used. If you become aware of changes to the personal information you have given to us, simply inform us of the changes and we will update our records accordingly.

The purpose of this principle is to minimize the possibility that inappropriate information will be used to make a decision about an individual.

You may check and correct your personal information by contacting the Chief Privacy Compliance Officer at the address below.

## ***7. Safeguards***

PrivacyConsult has developed and implemented security safeguards appropriate to the sensitivity of the personal information held by us. As much of the information that we obtain is of the highest sensitivity, we ensure the highest level of protection of that information. Our security safeguarding measures include the following measures:

- (i) physical security measures to restrict access to personal information;
- (ii) internal employee security measures, including restricted computer access, employee confidentiality agreements, firewalls and limited access to where personal information is stored;
- (iii) for clients requiring the highest level of security, management will utilize security clearances and very strict “need to know” access;
- (iv) technological measures to prevent unauthorized access, including the use of multiple passwords, encryption software and firewalls.

PrivacyConsult also recognizes the need to safeguard confidentiality of personal information in the disposal process; to ensure that unauthorized parties do not gain access to said information. Once it is no longer needed, personal information is destroyed or disposed of by us in a thorough manner.

## ***8. Openness***

PrivacyConsult ensures that specific information about its policies and practices respecting the collection and maintenance of personal information is available to all interested parties.

We are pleased to answer any questions that you may have regarding the collection, and maintenance of personal information. Please forward any questions in writing or e-mail to the Chief Privacy Compliance Officer at the address set out below.

## ***9. Individual Access***

You can request access to your personal information held by PrivacyConsult. However, we reserve the right to confirm the identity of the person seeking access to personal information before complying with any access requests. Please forward your access request in writing or e-mail to the Chief Privacy Compliance Officer at the address below.

Upon request, we will inform you if we have any of your personal information in our care and control, as well as provide you with the details of such personal information. In responding to your request, we may charge you a reasonable fee.

We are also committed to ensuring that the personal information that is collected and maintained by us is correct, accurate and complete.

You may challenge the completeness of your personal information under our care and control. Where you successfully demonstrate that an error in the accuracy or completeness of your personal information exists, we will amend your personal information accordingly. When a challenge is not resolved to your satisfaction, we will dispose of the personal information under our care and control.

If we are unable to provide you with access to all of the personal information we hold about you, then the reasons for the denial of access will be provided to you.

We will make every reasonable effort to respond to your written requests not later than thirty (30) days after receipt of such request. When applicable, we will advise you in writing if we cannot meet your requests with this time limit.

PrivacyConsult may extend this thirty day deadline by another thirty (30) days where fulfilling the request would unreasonably interfere with the activities of PrivacyConsult; or where the time required to make the necessary consultations to respond to the request makes the original time limit impracticable.

Certain information is not provided. Under PIPEDA, an organization is not required to provide access to personal information if:

- (i) the information is protected by solicitor-client privilege;
- (ii) to do so would reveal confidential commercial information;
- (iii) to do so could reasonably be expected to threaten the life or security of another person;
- (iv) the information was generated in the course of a formal dispute resolution process;
- (v) where access would reveal third party information

When applicable, you have the right to make a complaint to the appropriate Privacy authority in respect of this time limit or denial of access.

### ***10. Challenging Compliance***

As previously noted, PrivacyConsult has designated a Chief Privacy Compliance Officer who is responsible for the day-to-day control of personal information. This person will receive and respond to all information requests regarding our privacy policies or about your personal information under our care and control. Additionally, if you wish to be added or removed from any of the lists we maintain, be they informational or administrative, please write or e-mail your request to this officer.

We investigate all complaints received by us and will respond in writing in a timely manner. If any complaint is found to be justified, then we will take appropriate measures to resolve the matter to the satisfaction of the complainant.

***D. How To Add, Remove or Amend Personal Information – The Chief Privacy Compliance Officer***

If at any time you wish to amend your personal information with us or to remove your name from our mailing lists, please inform us in writing at the address below or by e-mail at [jmccully@privacy-consulting.com](mailto:jmccully@privacy-consulting.com)

PrivacyConsult Inc.  
Attention: Jeffrey H. McCully  
18 Nepean Street  
Suite 902  
Ottawa, ON K2P 2L2

Telephone: 613.230.1070  
Facsimile: 613.230-2422