



Sample Firm Privacy Policy

This Sample Firm Privacy Policy is provided by LAWPRO as a precedent and checklist to guide you as you examine your own firm's procedures for dealing with confidential information. The policy deals with a fictitious firm called Smith & Partners.

This Policy is a supplement to the LAWPRO Magazine articles 'Privacy and Your Clients: An Agenda for Every Firm' (Summer 2003) and 'Personal Information and Privacy' (Winter 2007). Electronic copies of the Policy and these articles are available at www.practicepro.ca/privacypolicy.

This Sample Firm Privacy Policy is provided by LAWPRO for your consideration and use when you draft your own privacy policy. It is NOT meant to be used "as is". It should be adapted for your practice, and may need to be modified to correspond to current law and practice in this area.

Smith & Partners Privacy Policy

Smith & Partners recognizes the importance of privacy and the sensitivity of personal information. As lawyers we have a professional obligation to keep confidential all information we receive within a lawyer-client relationship. We are committed to protecting any personal information we hold. This Privacy Policy outlines how we manage your personal information and safeguard your privacy.

Your Privacy Rights

From January 1, 2004, all businesses engaged in commercial activities must comply with the Personal Information Protection and Electronic Documents Act, <<hypertext to text of Act>> and the Canadian Standards Association Model Code for the Protection of Personal Information, which it incorporates. These obligations extend to lawyers and law firms, including Smith & Partners. The Act gives you rights concerning the privacy of your personal information.

Smith & Partners is responsible for the personal information we collect and hold. To ensure this accountability, we have developed this policy, and trained our lawyers and support staff about our policies and practices.

Why Does Smith & Partners Need Personal Information

Smith & Partners provides legal services and products to a wide range of clients. In doing so, it produces direct marketing materials concerning its services and developments in the law.

What personal information do we collect?

Personal information is any information that identifies you, or by which your identity could be deduced.

If we did not collect and use your personal information, we could not provide you with legal services.

How do we collect your personal information?

We collect information only by lawful and fair means, and not in an unreasonably intrusive way. Wherever possible we collect your personal information directly from you, both at the start of a retainer and in the course of our representation.

Sometimes we may obtain information about you from other sources, for example:

- your insurance company;
- your real estate agent in a property transaction;
- from a government agency or registry;
- your employer, if we are acting for you, at its request;
- your accountant.

Consent

In most cases, we shall ask you to specifically consent, if we collect, use, or disclose your personal information. Normally, we ask for your consent in writing, but in some circumstances, we may accept your oral consent. Sometimes, your consent may be implied through your conduct with us.

Use of Your Information

We use your personal information to provide legal advice and services to you, to administer our client (time and billing databases) and to include you in any direct marketing activities. If you tell us that you no longer wish to receive information about our services, or about new developments in the law, we will not send any further material.

Smith & Partners does not disclose your personal information to any third party to enable them to market their products and services. For example, we do not provide our client mailing lists to other law firms.

Disclosure of your Personal Information

Under certain circumstances, Smith & Partners will disclose your personal information:

- when we are required or authorized by law to do so, for example if a court issues a subpoena;
- when you have consented to the disclosure;
- when the legal services we are providing to you requires us give your information to third parties (for example a lender in a real estate mortgage transaction) your consent will be implied, unless you tell us otherwise;
- where it is necessary to establish or collect fees;
- if we engage a third party to provide administrative services to us (like computer back-up services or archival file storage) and the third party is bound by our privacy policy;
- if we engage expert witnesses on your behalf;
- if we retain other law firms at your request, and on your behalf;
- if the information is Publicly Available Personal Information, as it is defined under the *Personal Information Protection and Electronic Documents Act*.

Updating Your Information

Since we use your personal information to provide legal services to you, it is important that the information be accurate and up-to-date.

If during the course of the retainer, any of your information changes, please inform us so that we can make any necessary changes.

Is My Personal Information Secure?

Smith & Partners takes all reasonable precautions to ensure that your personal information is kept safe from loss, unauthorized access, modification or disclosure. Among the steps taken to protect your information are:

- premises security;
- restricted file access to personal information;

- deploying technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access;
- internal password and security policies.

Access to Your Personal Information

You may ask for access to any personal information we hold about you.

Summary information is available on request. More detailed requests which require archive or other retrieval costs may be subject to our normal professional and disbursement fees.

Correcting Errors

If Smith & Partners holds information about you and you can establish that it is not accurate, complete and up-to-date, Smith & Partners will take reasonable steps to correct it.

Can I be denied access to my Personal Information?

Your rights to access your personal information are not absolute. We may deny access when:

- it is required or authorized by law (for example, when a record containing personal information about you is protected by solicitor-client privilege);
- to do so would reveal confidential commercial information, and the personal information cannot be severed from the record;
- to do so could reasonably be expected to threaten the life or security of another individual, and the personal information cannot be severed from the record; or
- the information was generated in the course of a formal dispute resolution process.

If we deny your request for access to, or refuse a request to correct information, we shall explain why. Smith & Partners does not use your Social Insurance Number as a way of identifying or organizing the information we hold upon you.

Can I request anonymity.

Whenever it is legal and practicable, we may offer the opportunity to deal with general inquiries without providing your name (for example, by accessing general information on our website). The <*Proceeds of Crime (Money Laundering) and Terrorist Financing Act*> Act requires us to confirm the identity of all new clients. It may also require us disclose information to FINTRAC in relation to certain large cash transactions.

Credit Bureaus

To help us make credit decisions about clients, prevent fraud, check the identity of new clients and prevent money-laundering, we may – with your consent – request information about you from the files of consumer reporting agencies.

Communicating with Us

You should be aware that e-mail is not a 100% secure medium, and you should be aware of this when contacting us to send personal or confidential information.

Changes to this Privacy Policy

Since Smith & Partners regularly reviews all of its policies and procedures, we may change our Privacy Policy from time to time.

Requests for Access

If you have any questions, or wish to access your personal information, please write to our Privacy Contact at

<address>.

If you are not satisfied with our response, the Privacy Commissioner of Canada can be reached at

112 Kent Street,

Ottawa Ontario, K1A 1H3

1.800.282.1376.

Employment Inquiries

If you apply to Smith & Partners for a job, we need to consider your personal information, as part of our review process. We normally retain information from candidates after a decision has been made, unless you ask us not to retain the information. If we offer you a job, which you accept, the information will be retained in accordance with our privacy procedures for employee records.

Web Site

Our website contains links to other sites, which are not governed by this privacy policy.

On our website, like most other commercial websites, we may monitor traffic patterns, site usage and related site information in order to optimise our web service. We may provide aggregated information to third parties, but these statistics do not include any identifiable personal information.