

## **McMaster, McIntyre & Smyth, LLP Privacy Policy**

January 1, 2004

### **Privacy Policy**

McMaster, McIntyre & Smyth, LLP 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, 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 McMaster, McIntyre & Smyth, LLP. The Act gives you rights concerning the privacy of your personal information.

McMaster, McIntyre & Smyth, LLP 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 McMaster, McIntyre & Smyth, LLP Need Personal Information**

McMaster, McIntyre & Smyth, LLP provides legal services and products to a wide range of clients. In doing so, it may produce direct marketing materials concerning its services and developments in the law.

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

### **What personal information do we collect?**

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

### **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, 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;
- another lawyer that referred you to us;
- 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 may 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 our own 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.

McMaster, McIntyre & Smyth, LLP does not disclose your personal information to any third party to enable them to market their products and services.

## **Disclosure of your Personal Information**

Under certain circumstances, McMaster, McIntyre & Smyth, LLP will disclose your personal information:

- when we are required or authorized by law to do so, including the Rules of Professional Conduct of the Law Society of Upper Canada;
- when you have consented to the disclosure (that consent may be verbal, in writing or implied);
- 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, on your behalf;
- if the information is already publicly known;
- for the use of parties related to us, including but not limited to management companies, such related parties are bound by this privacy policy.

## **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 Your Personal Information Secure?**

McMaster, McIntyre & Smyth, LLP 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 McMaster, McIntyre & Smyth, LLP holds information about you and you can establish that it is not accurate, complete and up-to-date, McMaster, McIntyre & Smyth, LLP will take reasonable steps to correct it.

### **Can You be Denied Access to Your Personal Information?**

Your rights to access your personal information are not absolute.

We may deny access when:

- denial of access is required or authorized by law (for example, when a record containing personal information about you is subject to a claim of legal professional privilege by one of our clients);
- information relates to existing or anticipated legal proceedings against you;
- when granting you access would have an unreasonable impact on other people's privacy;
- when to do so would prejudice negotiations with you;
- to protect our firm's rights and property;
- where the request is frivolous or vexatious.

If we deny your request for access to, or refuse a request to correct information, we shall explain why.

McMaster, McIntyre & Smyth, LLP does not use your Social Insurance Number as a way of identifying or organizing the information we hold upon you.

### **Can you 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 requires us to confirm the identity of all new clients. It may also require us disclose information to FINTRAC in relation to certain large or suspicious 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 on occasion, 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 McMaster, McIntyre & Smyth, LLP 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

McMaster, McIntyre & Smyth, LLP

Attn: Privacy Officer

2777 Dundas Street West, Toronto, ON M6P 1Y4.

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 McMaster, McIntyre & Smyth, LLP 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**

If our website contains links to other sites, those other sites will not be 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.