

# KAY, MCVEY, SMITH & CARLSTROM LLP

## PRIVACY POLICY

### Introduction

Kay, McVey, Smith & Carlstrom recognizes the importance of privacy and the sensitivity of personal information we receive from our clients. As lawyers, we have a professional obligation to keep all of our clients' information confidential. Therefore, over the years we have developed policies and procedures, and have trained our lawyers and support staff, to manage and safeguard your privacy.

### Your Privacy Rights

As of January 1, 2004, all Alberta businesses engaged in commercial activities must comply with the provincial *Personal Information Protection Act* and, in some instances, the federal *Personal Information Protection and Electronic Documents Act*. These Acts give you rights concerning the privacy of your personal information, and the obligations they prescribe extend to lawyers and law firms, including Kay, McVey, Smith & Carlstrom.

### Why Does Kay, McVey, Smith & Carlstrom Need Personal Information?

In order to give legal advice to our clients, Kay, McVey, Smith & Carlstrom needs to collect all relevant facts and information relating to our retainer and to the representation of our clients. We may also need business and credit information so that we can ensure that we will be compensated for our services. This information will necessarily include personal information about our clients and individuals other than our clients.

In addition, Kay, McVey, Smith & Carlstrom creates direct marketing materials to keep our clients updated with respect to our 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?

Where practical, we try to collect personal information directly from the person to whom the information pertains. This means that, in most cases, we will collect your personal information directly from you. Where necessary, we may obtain information about you from other sources. For example, from:

- your spouse;
- your insurance company;
- your bank;
- your real estate agent in a property transaction;
- a government agency or registry;

- your employer, if we are acting for you at its request; or
- your accountant.

### **Consent**

The law provides that an individual is deemed to consent to the collection, use or disclosure of their personal information for a particular purpose, if the individual voluntarily provides the information for that purpose, and it is reasonable that a person would voluntarily provide that information.

We consider your retaining Kay, McVey, Smith & Carlstrom for legal advice or representation to constitute consent to our collection, use or disclosure of your personal information as is necessary to properly advise and represent you.

When we collect personal information about you directly from you, except when your consent to the collection is deemed, we will tell you the purpose for which the information is collected, and the name of a person who can answer questions about the collection.

The law also permits us to collect, use or disclose personal information about an individual in some circumstances without the individual's consent. Such circumstances include (but are not limited) to situations where:

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- the collection, use or disclosure is reasonable for the purposes of an investigation or proceeding;
- the personal information is available to the public from a prescribed source; or
- the collection, use or disclosure is required or authorized by a statute or regulation of Alberta or Canada.

### **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 to you.

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

### **Disclosure of Your Personal Information**

Under certain circumstances, Kay, McVey, Smith & Carlstrom 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 that we 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). In all cases, the third party will be bound by our privacy policy;
- if we engage expert witnesses on your behalf;
- if we retain other law firms in other jurisdictions, on your behalf; or
- if the information is already publicly known.

### **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?**

Kay, McVey, Smith & Carlstrom 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; and
- 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 and may be subject to our normal professional and disbursement fees.

### **Correcting Errors**

If Kay, McVey, Smith & Carlstrom holds information about you and you can establish that it is not accurate, complete and up-to-date, we 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. There are some situations in which the law requires that we must deny you access to your personal information. In addition, we may choose to deny you access in certain situations, including (but not limited to) situations where:

- the personal information is protected by legal privilege;
- the disclosure of the information would reveal confidential commercial information and it is not unreasonable to withhold that information;
- the personal information was collected by us for an investigation or legal proceeding;
- the disclosure of the personal information might result in similar information no longer being provided to us when it is reasonable that it would be provided; or
- where the request is frivolous or vexatious.

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

## **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.

## **Changes to This Privacy Policy**

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

## **Contacting or Communicating with Us**

If you have any questions with respect to our policies concerning the handling of your personal information, or if you wish to request access to, or correction of, your personal information under our care and control, please contact our Privacy Officer at:

Kay, McVey, Smith & Carlstrom LLP

600 Windsor Court 9835 – 101 Avenue

Grande Prairie, Alberta T8V 5V4

Phone: (780) 532-7771

Fax: (780) 532-1158

Email: [kayship@telusplanet.net](mailto:kayship@telusplanet.net)

If you are dissatisfied with our handling of your personal information, we invite you to contact our Privacy Officer in writing, setting out the reasons for your concern.

If you remain dissatisfied after our Privacy Officer has reviewed and responded to your concern, you may wish to contact the Office of the Information and Privacy Commissioner at:

410, 9925 – 109 Street

Edmonton, Alberta T5K 2J8

Telephone: (780) 422-6860; or Fax: (780) 422-5682

Or the Office of the Privacy Commissioner of Canada at:

112 Kent Street,

Ottawa Ontario, K1A 1H3

Telephone: 1-800-282-1376.

### **Employment Inquiries**

If you apply to Kay, McVey, Smith & Carlstrom 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 ([www.kayship.com](http://www.kayship.com)) may contain 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.