

KAY, MCVEY, SMITH & CARLSTROM LLP

PRIVACY POLICY FOR EMPLOYEES

Introduction

As of January 1, 2004, all Alberta businesses engaged in commercial activities must comply with the provincial *Personal Information Protection Act*, and, in some situations, the federal *Personal Information Protection and Electronic Documents Act*. These Acts regulate the way in businesses collect, use and disclose personal information. *Personal Information* means information about any identifiable individual.

At Kay, McVey, Smith & Carlstrom, we recognize our professional obligation to maintain the confidentiality of our clients' information, as well as our obligations concerning all individuals' personal information that we collect, use or disclose in our practice. This includes information about our employees. With these obligations in mind, we have developed this policy.

Employee Personal Information

An employee is someone employed by this firm or someone who performs a service for us and includes a volunteer, a student, a temporary employee, and those in a contract or agency relationship with us.

Employee personal information refers to an employee's personal information reasonably required by us, that is collected, used or disclosed for the purposes of establishing, managing or terminating an employment or volunteer relationship, but does not include personal information not related to that relationship.

Contact information refers to an individual's name and position or title, business telephone number, business address, business e-mail, business fax number and other business contact information.

Collection, Use and Disclosure of Personal Information

The law provides that we can collect, use and disclose an individual's employee personal information without consent if the individual is an employee of the organization or if it is for the purpose of recruiting a potential employee, but only if:

- the collection, use or disclosure is reasonable for the purposes for which it is being collected, used or disclosed;
- the information is related to the employment relationship with us; and
- we have provided notification, prior to collecting, using or disclosing the information, that we are doing so and our purposes for doing so.

Where practical, we try to collect employee personal information directly from the person to whom the information pertains. Where necessary, we collect personal information from other sources.

When collecting employee personal information from other sources, or when using or disclosing the personal information we have collected, we will, where required, first obtain the consent of the individual.

The legislation provides that an individual is deemed to consent to the collection, use or disclosure of personal information about that individual 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.

When we collect personal information about individuals directly from them, except when their consent to the collection is deemed, we will tell them 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.

When we collect, use or disclose employee personal information, we will make reasonable efforts to ensure that it is accurate and complete. The legislation allows us, for legal or business purposes, to retain personal information for as long as is reasonable.

Security of Personal Information

We recognize our legal obligations to protect personal information during the course of our practice of law. We have therefore made arrangements to secure against the unauthorized access, collection, use, disclosure, copying, modification, disposal, or destruction of personal information.

Requests for Access to Personal Information

The law permits individuals, including employees, to submit written requests to us to provide them with:

- their personal information under our custody or control;
- information about the purposes for which their personal information under our custody or control has been and is being used by us; and
- the names of persons to whom, and the circumstances in which, their personal information has been and is being disclosed by us.

We will respond to requests in the time allowed by the legislation, and will make a reasonable effort to assist applicants and to respond as accurately and completely as reasonably possible. We are not permitted to charge fees for requests for employee personal information.

An employee's ability to access his or her personal information under our control is not absolute. The law provides that we *must not* disclose personal information where:

- the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
- the disclosure would reveal personal information about another individual; or
- the disclosure would reveal the identity of an individual who has, in confidence, provided us with an opinion about another individual and the individual providing the opinion does not consent to the disclosure of his or her identity.

The law further provides that we *may choose not to* disclose personal information 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
- the personal information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act
 - under an agreement,
 - under an enactment, or
 - by a court; or
- the personal information relates to or may be used in the exercise of prosecutorial discretion.

The legislation indicates that it is not to be applied so as to affect any legal privilege. We will not disclose information that is privileged where the applicant is not the client in whom the information is vested.

Requests for Correction of Personal Information

The law permits individuals, including employees, to submit written requests to us to correct errors or omissions in their personal information that is in our custody or control. We will:

- correct the personal information and, if reasonable to do so, send correction notifications to any other organizations to whom we disclosed the incorrect information; or
- decide not to correct the personal information but annotate the personal information that a correction was requested but not made.

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 & CarlstromLLP

600 Windsor Court 9835 – 101 Avenue

Grande Prairie, Alberta T8V 5V4

Phone: (780) 532-7771

Fax: (780) 532-1158

Email: 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.