

PRIVACY POLICY

FARHOOD BOEHLER YULE (“FBY”) recognizes the importance of privacy and the sensitivity of personal information. As lawyers, we have a professional obligation to keep confidential all information and data that we receive within a lawyer and client relationship. We are committed to protecting your privacy and any personal information we hold. This Privacy Policy outlines how we handle your personal information and data to protect your privacy.

YOUR PRIVACY RIGHTS

Since January 1st, 2004, all businesses engaged in commercial activities have had to comply with the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) 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 FBY.

PIPEDA gives you rights concerning the privacy of your personal information. FBY is responsible for the personal information about you that 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.

PERSONAL INFORMATION

Personal information is defined in PIPEDA as information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization. In other words, personal information does not include the information that one might expect to find on a business card. 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 representing you throughout the retainer.

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

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

CONSENT TO OUR COLLECTION OF PERSONAL INFORMATION

In most cases, we obtain your consent to collect, use and disclose your personal information. Usually, if you retain our firm, we assume that we have your implied consent to our collection and use of your personal information. However, at times we may ask for your express consent, either verbally or in writing for this purpose. Generally, we collect your personal information directly from you at the start of or during the course of your retainer with our firm.

FBY will not use a client's personal information for any purposes other than that consented to by the client, either by express or implied consent. FBY does not sell, barter, or lease personal information it obtains from its client to third parties (i.e.: FBY would not provide our client mailing list to another law firm or business).

If a client requests additional services of FBY beyond that of the original retainer, the client is giving implied consent to FBY using the personal information already held for the original purpose, as well as any new personal information collected for the new purpose and no signature will be required on a new or amending retainer agreement.

DISCLOSURE OF PERSONAL INFORMATION

We do not generally disclose our clients' personal information or data to third parties without the client's consent unless permitted or required by applicable laws or court orders. The following are some examples where we may 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 such disclosure is necessary to collect fees or disbursements;
- when we contract with a third party to provide us with certain services such as archival file storage or insurance. (In such cases, we will use contractual or other means to ensure the third party service provider is bound by obligations regarding privacy which are consistent with this policy);
- when the legal services we are providing to you require us give your information to third parties (for example: a lender in a real estate mortgage transaction) your consent to the disclosure will be implied, unless you tell us otherwise;

ACCURACY OF PERSONAL 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 for our records.

Personal information contained in a client's file that has been closed, or pertaining to a client's matter that has been resolved, will not be actively updated or maintained. Closed files are retained

by us in a secure location for the period prescribed by relevant Federal and Provincial legislation and the directions stipulated by the Law Society of Upper Canada.

PROTECTION OF YOUR INFORMATION

FBW uses various safeguards to ensure that your personal information is protected against loss, theft, misuse, unauthorized access, disclosure, copying or alteration. These include: security of our physical premises; our professional obligations; security software and firewalls to prevent unauthorized computer access; and internal passwords that restrict access to our electronic files.

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.

You have a right to challenge the accuracy and completeness of your personal information and to have it amended, as appropriate. You also have a right to request access to your personal information and receive an accounting of how that information has been used and disclosed, subject to certain exceptions prescribed by law. For example, if the requested information would reveal personal information about another individual, your request for access may be limited or denied. If your request for access is denied, FBW will notify you in writing of the reason for the denial.

COMPLIANCE ISSUES

FBW will respond to inquiries about its policies and practices relating to its handling of your personal information. Inquiries should be directed to FBW's Privacy Contact using the contact information below. FBW will investigate all complaints and will respond within 30 days of receipt of a written inquiry. If the complaint is found to be justified, FBW will take appropriate measures to resolve it, including, if necessary, amending this Policy and its procedures.

WEBSITE PRIVACY

Like most websites, we may monitor traffic patterns, site usage and related site information to optimize your visit to our website. We do not use any electronic means to collect personal information from you or your computer; however, our website server will automatically collect IP addresses. We may view the IP log from time to time, for example, to maintain the security of our website. We do not link the IP addresses to other personally identifiable information.

COMMUNICATING WITH FBW

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.

INVESTIGATING COMPLAINTS

FBY will investigate all concerns or complaints respecting the handling of personal information under the control of FBY that are received in writing. As promptly as possible, we will report the results of the investigation and, where the complaint is found to be justified, steps will be taken to resolve the matter.

If any complaint or inquiry is not handled to your satisfaction, you may contact the Privacy Commissioner of Canada:

Privacy Commissioner of Canada
112 Kent Street
Ottawa, Ontario
K1A 1H3
Telephone: 613.995.8210
Toll free: 1.800.282.1376

PRIVACY CONTACT

If you have any questions or complaints about this Policy or the handling of your personal information, if you wish to withdraw your consent to our use of your personal information, or to request access to or update any information we have on file, please contact the lawyer or staff member with whom you are dealing, or contact:

E. Wayne Farhood
FARHOOD BOEHLER YULE
Suite 510 – 20 Erb Street West
Marsland Centre
Waterloo, ON N2L 1T2
t: 519.744.9949
f: 519.744.7974

CHANGES TO OUR PRIVACY POLICY

We may change this Policy in the future in the event of any legislative changes which require this. Any changes will be posted on our website at www.fblaw.ca. This Privacy Policy is effective as of September, 2013.