

Mabbott & Company Privacy Policy

Mabbott and Company is committed to maintaining the accuracy, security and privacy of Personal Information in accordance with the Personal Information and Protection Act ("PIPA"). The PIPA is the provincial legislation that regulates the way the private sector organizations within Alberta collect, use and disclose Personal Information. Personal Information is the information about an identifiable individual. Our firm recognizes the importance of privacy and sensitivity of personal information received by us in the course of our legal practice.

We recognize our professional obligation to maintain the confidentiality of our clients' information and also our obligations concerning all individuals' personal information which we collect, use or disclose in our practice. This policy has been developed with those obligations in mind.

Our need for Personal Information

To be able to give legal advice to our clients, we need to collect all relevant facts and information that relate to our retainer and to the representation of our clients. We may also need business and credit information so we can ensure that we will be compensated for our services. This information will necessarily include personal information about our clients and about individuals other than our clients.

Collection, Use and Disclosure of Personal Information

Where practical, we will try to collect personal information directly from the person to whom the information pertains. Where necessary, we will collect personal information from other sources. We will collect only the personal information necessary for the purposes stated in the previous paragraph.

The *Act* 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.

By retaining this firm for legal advice or representation, we consider that an individual consents to our collection, use or disclosure of the individual's personal information as necessary to properly advise and represent the individual.

It is our policy to collect personal information about individuals other than our client in accordance with the provision of the *Act*.

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 *Act* 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 where:

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- 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 personal information, we will make reasonable efforts to ensure that it is accurate and complete. The *Act* also allows us, for legal or business purposes, to retain personal information for as long as is reasonable.

Security of Personal Information

We recognize our professional and legal obligations to protect the confidential information of our clients. We recognize as well our legal obligations to protect the personal information we have gathered about our clients and about other individuals 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 to submit written requests to us to provide them with:

- their personal information under 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 *Act* and will make a reasonable effort to assist applicants and to respond as accurately and completely as reasonably possible. All requests may be subject to any fees and disbursements the law permits us to charge.

An individual'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 be 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 chose not to* disclose personal information where:

- the personal information is protected by any legal privilege;
- the disclosure of the information would reveal confidential commercial information and it is not unreasonable to without 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;
- 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 *Act* 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 privilege is vested.

Requests for Correction of Personal Information

The law permits individuals to submit written requests to us to correct errors or omission 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.

Contact or Communicating with Us

If you have any questions or concerns 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:

Contact: Randy R. Mabbott

E-mail: rmabbott@mabbott.ca

Telephone: 403.932.3066

Fax: 403.932.3076