

PRIVACY POLICY

At Gardiner Miller Arnold LLP (“**GMA**” or “**we**”), we recognize the importance of your privacy. We are committed to using your personal information responsibly and only to the limited extent needed to serve you better.

Application of Privacy Policy

This Privacy Policy regulates how we internally collect, use and disclose to third parties during commercial activities any personal information within our possession. It applies to our partners, employees, contractors and authorized representatives (“**Staff**”). It is at all times, subject to the requirements of the *Personal Information Protection and Electronic Documents Act (Canada)* S.C., 2000, c. 5 (“**PIPEDA**”). Any term not defined here has the meaning that PIPEDA attributes to it and this policy is meant to be consistent with PIPEDA.

Governing Law

This Privacy Policy is governed by the laws of Ontario and the laws of Canada as applicable herein. It is not a contract and will be treated as a non-contractual set of policies and practices meant to give effect to the principles set out in Schedule 1 of PIPEDA

Accountability for Your Privacy

Our Privacy Information Officer is responsible for ensuring that Staff complies with this Privacy Policy. He or she can be contacted at:

Gardiner Miller Arnold LLP
Suite 1202, 390 Bay Street
Toronto, Ontario, M5H 2Y2

Tel: 416-363-2614
Fax: 416-363-8451
E-Mail: gmainfo@gmalaw.ca

Attention: Privacy Information Officer

The identity of our Privacy Information Officer is available upon written request as required by Principle 4.1.2 (PIPEDA, Schedule 1). The Privacy Information Officer is always a single individual who is a GMA partner. He or she heads our Privacy Team and may delegate some of his/her duties to one or more members on that team from time to time.

Responsibilities of Privacy Team

The Privacy Team is responsible for,

- (a) implementing procedures contained in this Privacy Policy to protect personal information;

- (b) training our Staff to comply with this Privacy Policy and PIPEDA and communicating to Staff information about changes and updates to our policies and practices relating to personal information; and
- (c) enforcing this Privacy Policy and correcting any potential or actual instances of breach; and
- (d) reviewing and responding to any communication or notice relating to this Privacy Policy or PIPEDA.

When a Privacy Team member responds to a privacy-related inquiry, that response must be in writing and must include the name and contact details of the Privacy Team member providing the response. For more information, see below under the heading [Your Ability to Access Your Information](#).

Our Purpose

We are a law firm who collects, uses and discloses personal information in order to:

- Provide legal services to our clients including advice and representation in the legal practice areas set out at www.gmalaw.ca in accordance with the Law Society of Upper Canada's requirements and the common law rules governing a solicitor's duty of loyalty (or fiduciary duty) and duty of care;
- Prepare and distribute marketing materials and useful legal information to prospective and existing clients, and generally to develop business. We also use personal information to prepare an electronic subscription list for our newsletters and law blogs.
- Screen our clients and administer financial arrangements with them. This includes evaluating credit standing, avoiding conflicts of interest, preparing retainer agreements, issuing invoices, collecting and processing payments, maintaining records and enforcing our right to collect unpaid accounts;
- Evaluate new and prospective Staff, hire new employees and select new partners;
- To conduct market research and evaluate client satisfaction;
- To efficiently deliver services to our client, manage our operations and improve our service. This may include disclosure of personal information to outside printers, virtual legal assistants, virtual clerks, suppliers, landlords, legal suppliers, outside professionals and consultants.
- to detect and protect against error, negligence, breach of contract, fraud, theft and other illegal activity, and where necessary to meet our insurance requirements;

(“Purpose”)

If we change our Purpose we will post an updated Privacy Policy on our website.

Personal Information We Collect, Use and Disclose

To fulfill our Purpose, we collect the following kinds of personal information:

1. For all our individual clients, we obtain their name, home address, home telephone number, personal cell phone number and e-mail. We also acquire copy of their driver's license, passport, health card or other government identification that we need to identify and/or verify their identity under Part III (Client Identification and Verification) under By-Law 7.1 of the Law Society of Upper Canada;
2. When advising condominium corporations, from time to time we acquire the name, address, telephone and other personal information relating to unit owners within the condominium in connection with the matter.
3. In a real estate transaction, we obtain real estate broker information, banking details, transaction information in the agreement of purchase and sale and other financial information that relate to both the buyer and seller.
4. During estate planning and administration, we obtain detailed information about our client's bank accounts, social insurance numbers, financial standing and personal information about possible beneficiaries of their estate.
5. For our corporate clients, we acquire personal information about shareholders, directors, officers and employees and suppliers of our corporate clients, including, names, addresses, banking, financial information, e-mails and cell phone contact information.
6. During litigation, mediation or arbitration, in addition to collecting the above information about our client, we will routinely obtain names, addresses, financial and other personal information about the other parties to the dispute and use it to advance our client's claim.

We can collect and store this information on paper, either on standard forms or on documents we generate in the ordinary course of our business, all of which are placed in paper file. We can also collect information electronically (via the Internet, manually entered or scanned) and store this information on a secure server.

Obtaining Consent

Implied Informed Consent

When collecting, using and disclosing personal information about you, we rely on your implied consent when you give us your personal information on request of your own free will. This is provided that we collect that information in the ordinary course of our business in accordance with our Purpose.

Express Informed Consent

When PIPEDA allows us to proceed without consent, or we imply your consent (as discussed above), we do not seek express consent. In all other cases, our Staff will contact you (either by telephone, e-mail or in person), identify a new purpose for which we need your information and seek your express consent.

If we are collecting the information online, we will request that you supply personal information in fields on web pages containing a link to this Privacy Policy. You will be able to expressly consent by checking a checkbox and submitting the information electronically.

Information from Children

We do not knowingly collect personal information from children (anyone under 18 years of age) over the telephone or in person without a parent's express oral consent. When collecting personal information electronically (by web-form or e-mail) we do not verify the age of the person from whom we are collecting information. In the absence of any indication to the contrary, we will assume anyone supplying us with information online is over 18 years of age. Parents are strongly encouraged to discuss responsible Internet use and personal information disclosure with their children.

Withdrawing Consent

You can withdraw your consent at any time by sending an e-mail or a fax to our Privacy Information Officer at the contact information [above](#). We will inform you of any implications connected to withdrawing your consent.

Limiting Collection, Use, Disclosure and Retention

We use our best efforts to limit the personal information we collect, use and disclose solely those details we need to fulfill our Purpose. We have designed our standard forms only to collect the information that we foresee we will need. We do not collect, use and disclose personal information using deceptive, fraudulent or unlawful means, and we do not conduct video surveillance.

Need-to-Know Disclosure

When using and disclosing information to third parties like printers, consultants, professionals and suppliers, we only disclose on a need-to-know basis. Also it is our practice to disclose only after ensuring that the appropriate contractual safeguards are in place as contemplated in Principle 4.1.3 of Schedule 1 of PIPEDA.

Retaining Records

We keep records of the work performed and services provided by us in accordance with applicable regulatory requirements and professional standards. These records may include personal information. Our records are stored with safeguards against inappropriate or unauthorized access. We retain contact information about individuals for the period of time the individual subscribes to our newsletters, blogs and seminars and does not opt-out or continues to respond to such services.

Destruction of Personal Information

We destroy electronic information by deleting it and, when hardware is discarded, we ensure that the hard drive is physically destroyed. For information on paper, GMA complies with all file storage and destruction criteria established by the Law Society of Upper Canada.

Ensuring Accuracy

In order to fulfill our Purpose to a high quality standard, we ask you to update your personal information and maintain appropriate contact preferences from time to time. You also have the right to contact us in order to verify that the information we have on file is accurate.

We do not, as a practice, contact you in order to ensure that the personal information we have is accurate. We may take reasonable steps to do so when using that information in the course of providing you with an ongoing product or service, so long as our Staff is in regular contact with you. Otherwise, we strongly encourage you to contact us and ensure that the information we have in your file is up-to-date.

Our Safeguards to Protect You

We respect the privacy of our clients and Staff and will protect that privacy as vigorously as possible. The methods we use include:

- Storing personal information in electronic and physical files that are secure and to which access is restricted.
- Physical premises that are monitored by security 24 hours a day, 7 days a week; and
- Password-protected computers (including on laptops, desktops and smart-phones) and the use of technology safeguards, such as firewalls, encryption and intrusion detection, to prevent hacking or unauthorized computer access.

Unfortunately, no data transmission over the Internet or by electronic mail can be guaranteed to be 100% secure. As a result, we cannot ensure that any information transmitted to us electronically will always be protected.

Mobile Devices and Remote Access

When using laptops and mobile devices outside the office, Staff must take reasonable steps to ensure that these devices are not lost or stolen. These devices may not be stored in vehicles or left unattended for any reason while out of the office.

Staff may also remotely access the office network from a personal computer. Such access is only permitted if the computer has technology safeguards equal to, or better than, those on the computers belonging to our organization. Under no circumstances may Staff store data from our office network on a personal computer.

Regular Review of Safeguards

We recognize that technology and security measures evolve at a remarkable pace. So at GMA we annually review our personal information safeguards with our Information Technology consultants and in-house experts. We want to ensure that our safeguards exceed industry best-practice.

Open Privacy Practices

It is our practice to post the most up-to-date version of this Privacy Policy on our website at www.gmalaw.ca. You can also obtain a copy of this policy by sending an e-mail to gmainfo@gmalaw.ca.

Your Ability to Access Your Information

If you are a client, you may review any personal information we have on you in our files by contacting the lawyer working on the matter. If you are not a client, you can make a written request to our Privacy Information Officer at the [address above](#).

Please include sufficient details in your request about the type of information that you would like to see about yourself. Please sign your request and send it by regular mail and we will contact you within 30 days of receipt. We only respond if you are making a request relating to your own personal information. We will not grant access to personal information about someone else.

We will be pleased to provide you with access to your personal information as long as it does not fall within an express PIPEDA exception. Examples of such exceptions include information protected by solicitor-client privilege; information generated in the course of a formal dispute resolution process; information about another individual where disclosure would reveal confidential commercial information; or information disclosed to the police or other lawful authorities where we are required to withhold disclosure.

Please note that summary information is available on request, subject to the terms above, but more detailed requests requiring archive or other retrieval costs may be subject to our normal professional and disbursement fees.

Questions or Concerns

Should you have any questions or concerns about this Privacy Policy or how we handle your information-access request, please direct them to our Privacy Information Officer. He or she will be pleased to respond and if necessary investigate the matter.

We reserve the right to change our Privacy Policy at any time by posting a new version on our web site. In the event of a conflict between this version and another, the version that is later in time prevails.

Version of March 25, 2010 at 1:00 PM