

ALEXANDER HOLBURN BEAUDIN & LANG LLP

PRIVACY POLICY

1. Introduction

Alexander Holburn Beaudin & Lang LLP, Barristers & Solicitors ("Alexander Holburn") offers a wide range of legal services to our clients. This privacy policy addresses Alexander Holburn's compliance with the *Personal Information Protection Act* (British Columbia) (the "Act").

"Personal Information" means all information about an identifiable individual. This firm recognizes the importance of privacy and recognizes the 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 recognize our obligations concerning the personal information of all individuals that we collect, use or disclose in our practice. This policy has been developed with those obligations in mind.

2. Solicitor/Client Privilege

Much of the personal information collected, used or disclosed by Alexander Holburn is done in the course of the provision of legal services and continues to be governed by the law of solicitor/client privilege, regulatory requirements governing our profession and codes of professional ethics. Alexander Holburn will continue to treat all information in our legal files, including personal information, as confidential under the rules of solicitor/client privilege.

3. Collection, Use and Disclosure of Personal Information

In order to be able to give legal advice to our clients, we need access to all relevant facts and information that relate to our retainer and to the representation of our clients. This information will necessarily include personal information about our clients and about individuals other than our clients.

Certain personal information is voluntarily provided to Alexander Holburn by clients during the course of a legal retainer. In such circumstances, it is understood, unless specifically indicated to the contrary, that we have consent to collect, use and disclose this personal information provided to us for the purposes of the legal retainer, pursuant to our client's instructions and the Law Society of British Columbia's Rules of Professional Conduct.

During a legal retainer Alexander Holburn may also collect personal information, under our client's instructions, in the course of due diligence searches and other inquiries made of publicly available sources, such as government registries and the World Wide Web. This information is used and disclosed for the purposes of our legal retainer and to invoice clients for services rendered, pursuant to our client's instructions and the Law Society of British Columbia's Rules of Professional Conduct.

Alexander Holburn may also collect personal information as part of a legal retainer, without consent, where it relates to an investigation or proceeding. Collection may occur through third parties such as private investigators or retained experts. This information is used and disclosed for the purposes of the investigation or proceeding, pursuant to our client's instructions and the Law Society of British Columbia's Rules of Professional Conduct.

Information may be collected from sources such as clients' real estate agents, insurers, employers, accountants or other consultants or from other sources as necessary. Alexander Holburn may also collect, use and disclose personal information to establish or collect fees,

engage experts, retain local counsel in other jurisdictions, or as otherwise permitted by applicable law.

The *Act* deems that an individual has consented to our collection, use or disclosure of personal information about that individual if, at the time the consent is deemed to be given, the purpose would be considered obvious to a reasonable person. In such circumstances, we will collect, use or disclose personal information without obtaining a written or verbal consent to do so.

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

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- it is reasonable to expect that the collection or use of personal information with the consent of the individual would compromise the availability or accuracy of the information, and the collection or use of the information is necessary for an investigation or proceeding;
- it is reasonable to expect that the disclosure of personal information with the consent of the individual would compromise an investigation or proceeding, and the disclosure of the information is necessary for an investigation or proceeding;
- the personal information is available to the public from a prescribed source;
- the collection, use or disclosure of personal information is required or authorized by law.

4. Mailing Lists

We consider part of the value that we add to the client relationship to be the provision of commentary, newsletters and other items of interest on developments in the law or upcoming firm events. Client information will be added to our distribution and marketing lists as appropriate. If a client does not wish to receive this material, he/she can contact us to remove his/her name from our lists at any time, by contacting either his/her engagement partner or emailing us at marketing@ahbl.ca.

5. Security of Personal Information

Personal Information in the custody of Alexander Holburn is secured and maintained at our premises. Certain closed files are stored off-site in secure arrangements with contract service providers. Our computer systems and the information stored in them are protected by appropriate electronic security systems.

6. Accuracy of Personal Information

Alexander Holburn is committed to the accuracy of the personal information in its control.

7. Retention/Destruction of Personal Information

Personal information in closed files is retained for a number of years as required by law and in furtherance of contractual arrangements with the relevant clients. After such periods have expired, destruction of closed files occurs on a regular basis. Certain files (such as files relating to wills and estates) are retained for significantly extended periods of time for legal purposes.

8. Access to Personal Information

The *Act* permits individuals to submit written requests to us to provide them with:

- their personal information under our custody or control;
- information about how their personal information under our control has been and is being used by us;
- the names of the individuals and organizations to whom their personal information under our control has been 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 *Act* provides that we must not disclose personal information when:

- 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 can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
- the disclosure would reveal personal information about another individual;
- the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.

The *Act* further provides that we are not required to disclose personal information when:

- the personal information is protected by solicitor-client privilege;
- the disclosure of the personal information would reveal confidential commercial information that, if disclosed, could, in the opinion of a reasonable person, harm the competitive position of an organization;
- the personal information was collected without consent for the purposes of an investigation, and the investigation and associated proceedings and appeals have not been completed;
- 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:
 - i. under a collective agreement,
 - ii. under an enactment, or
 - iii. by a court.

9. Chief Privacy Officer

Our Chief Privacy Officer is Wayne H. Scott who can be reached at (604) 628-2721.

10. Inquiries and Complaints

If an individual has an inquiry or complaint, he/she should contact the Chief Privacy Officer in writing. As appropriate, the Chief Privacy Officer will consult with the engagement partner, relevant supervisory or management personnel or others. A written response will be provided normally within 45 days.