

PITBLADO LLP *PRIVACY CODE*

OUR COMMITMENT

Privacy is a fundamental value of Pitblado. We have adopted this *Privacy Code* to explain our responsibilities with respect to your information.

This *Privacy Code* forms part of the agreement that you, as a client, make with Pitblado when you retain us. It applies to both individuals and organizations, whom we have the honour to serve.

Confidential information: professional duty to our clients

Pitblado has a duty, within the limits of the law and ethical requirements, to represent its clients with diligence and vigor.

We are fully committed to honouring The Law Society of Manitoba's Code of Professional Conduct, Rule 4, which states:

"The lawyer has a duty to hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship, and should not divulge such information unless disclosure is expressly or impliedly authorized by the client, required by law or otherwise permitted or required by this Code [of Professional Conduct]."

Pitblado will consider, invoke and rely upon legal rules and principles concerning lawyer-client confidentiality and privilege, including rights protected by the Constitution of Canada, when exercising our duty.

Privacy legislation

This *Privacy Code* honours all applicable laws that protect your privacy, including the federal *Personal Information Protection and Electronic Documents Act* ("PIPEDA"). This *Privacy Code* is designed to comply with the privacy principles found in Schedule 1 of PIPEDA.

PRIVACY PRINCIPLES

Accountability

Pitblado is responsible for all personal information under our control and our Chief Privacy Officers oversee our firm's compliance with the principles described in this *Privacy Code*.

Identifying purposes for collecting information from clients

Pitblado collects, uses, retains and discloses information about our clients for the following purposes:

- to provide you with legal services in a lawful, ethical and effective manner;
- to administer the commercial aspect of our relationship with you, including obtaining payment;
- to evaluate our performance and to improve our overall quality of services, including, by sharing precedents developed within our firm;
- to respond to actual or potential complaints or proceedings against us that relate to the services we have provided you;
- to send you information about legal developments and to promote our own services;
- to invite you to attend social or educational gatherings;
- to manage and organize our business, including maintaining accounting and tax records;
- to meet legal, professional and regulatory requirements;
- to carry out any other purpose that you have expressly or implicitly authorized.

Information collected in the context of client representation is ordinarily available to Pitblado when reasonably required for any and all of the purposes listed above.

Consent from clients

Pitblado will proceed to collect, use, retain and disclose your information as a client, as reasonably necessary for the purposes identified above and subject to your specific instructions.

If you wish to expand, narrow or withdraw your authorization to our collection, use, or disclosure of your information, Pitblado will ordinarily record your request and honour it, provided we have reasonable notice and can do so lawfully. Your decision to alter or withdraw your authorization may in some cases, however, require us to withdraw from serving as your legal counsel.

In certain circumstances information about a client may or must be collected, used, retained or disclosed without the client's consent. For example, under Canada's money laundering and proceeds of crime laws we may be required to disclose "suspicious transactions" to lawful authorities, and may be prohibited from telling clients that we have done so.

We will be pleased to explain your options and any consequences of refusing or withdrawing your authorization.

Limits to the collection of information from clients

Pitblado will ordinarily obtain most of its information about you, as a client, directly from you. We may also obtain information from third parties when you have expressly authorized us to do so, or when we can reasonably infer your consent. For example, if you instruct us to close a housing deal, we ordinarily may obtain information from your real estate agent and financial institution on matters relevant to the closing.

Limits to the use, disclosure and retention of information obtained from clients

We will share information about you, as a client, among members of our firm and our staff only to the extent that is reasonably necessary to carry out the purposes identified above.

Pitblado may disclose information about you to third parties when you have expressly authorized us to do so, or when we can reasonably infer your consent. For example, if the legal services you have requested requires us to retain an expert witness or retain counsel in another jurisdiction, we will ordinarily provide them with the information necessary to carry out the task effectively.

Pitblado may disclose information, without your express or implied consent, where it is reasonably necessary to do so, in order to comply with the purposes identified above.

Examples include where:

- we are required by law to disclose information to The Law Society;
- we must disclose information to a collection agency or court to obtain payment;
- we have to respond in court to a legal action;
- we need to disclose information to our own

service providers, such as accountants or couriers.

We will not disclose more information about you than the legitimate purpose requires.

Whenever possible, Pitblado will obtain confidentiality agreements or credible assurances from any third parties with whom we share your information.

We do not sell, trade, barter or exchange any information obtained from you in the course of providing representation.

Maintaining privacy through personnel changes and reorganizations of the firm

If there is a fundamental reorganization of the partnership, such as a merger, responsibility for your information will ordinarily remain with the legal successor of Pitblado. If there is none, your file will ordinarily be transferred to the lawyer who was principally responsible for your matter, prior to the reorganization.

If you wish to retain counsel outside Pitblado, and we transfer your file and information in accordance with your instructions, we may retain some information, where necessary, for a purpose identified above, such as settling your account.

If a lawyer who has worked on your file leaves the firm, our firm ordinarily continues to represent you. We may, however, contact you to determine whether you wish us to transfer the responsibility and information to the lawyer who has left.

Accuracy of client information

It is important to Pitblado that we maintain the accuracy of any information in our possession on active matters.

If any of your information changes, or you discover any errors, please inform your lawyer immediately so we can take the appropriate actions.

Safety and security

Pitblado endeavors to take reasonable measures to ensure that your information is secure from unauthorized access.

Retention

Pitblado will retain your information only for so long as is reasonably required for one of the purposes identified above. We may in some cases retain information about clients whom we no longer represent. Our policy is to review files for destruction after they have not been active for ten years or more.

Access to your information

Upon request, we will ordinarily disclose to you, as a client, what information we have about you. We will let you know if any charges apply.

Pitblado may not be able to provide information about you from our records if it contains references to other individuals, is subject to legal privilege, contains information proprietary to Pitblado, is too costly to retrieve, or cannot be disclosed for other legal reason. If we do not disclose, we will explain why.

Pitblado will use every reasonable effort to respond to your request within thirty days.

Third party access considerations

In the context of client representation, Pitblado may collect, use, retain or disclose information about a third party without their consent, where doing so is reasonable for an investigation or proceeding or other lawful purpose.

Considerations of client confidentiality and privilege will often preclude Pitblado from revealing information to interested third parties. Effective client representation often requires us to compile differing or contested evidence or versions of events, and we cannot generally undertake to change our files to reflect the account that a third party considers most accurate.

Subject to the lawful constraints connected with Pitblado's duties and obligations to its own clients:

- Pitblado will observe the privacy principles of PIPEDA in respect of information it has in its control about third party individuals;
- specific commitments protecting privacy, set out in this *Privacy Code*, will generally be applied, with the necessary changes, to information about third party individuals; and

- Pitblado's interpretation and application of this *Privacy Code* will take into account that the special privilege and heightened standard of confidentiality attached to lawyer-client relationships does not necessarily extend to information about a third party.

Ancillary business purposes

In the context of conducting business, apart from client representation, Pitblado will identify the purposes for which it is gathering information whenever it is not already clear from the context.

Some examples of other business purposes include: contracting with suppliers of goods and services, promoting the image and goodwill of the firm, and conducting investigations and proceedings in the context of Pitblado's own legal rights and remedies.

Updating this *Privacy Code*

We reserve the right to make reasonable changes to this *Privacy Code* from time to time. Substantial changes will only come into effect after they have been posted for a reasonable period on our website. The revisions will be deemed to be an integral part of our agreement with you, as a client.

Handling inquiries and challenges

If you have any concerns about confidentiality and privacy, we want to know about them. Clients should address questions, concerns, or complaints involving privacy matters to the lawyer they are dealing with, or to one of Pitblado's Chief Privacy Officers.

- Judy Payne at (204) 956-3525, payne@pitblado.com, or
- Bryan Schwartz at (204) 474-6142, schwartz@pitblado.com

Effective: January 1, 2004
Last Revised: February 4, 2004

Pitblado's Privacy Law Group

Pitblado's Privacy Law Group is a leader in the provision of legal services relating to privacy, freedom of information and access to information law. We have the expertise to assist clients in all sectors - commercial, non-profit and governmental - to address privacy-related issues and to develop privacy policies and procedures that are geared to their specific legal and organizational needs.