

RICCI, ENNS, ROLLIER & SETTERINGTON LLP

**RICCI, ENNS, ROLLIER & SETTERINGTON LLP
PRIVACY POLICY AND PROCEDURE**

1. STATEMENT OF PRINCIPLE AND DEFINITION OF PERSONAL INFORMATION

1.1 This policy governs the collection, usage, storage and destruction of personal client information. It is our policy and practice to hold all client information in strict confidence, to collect only the personal information necessary to provide the legal services for which we have been retained, to safeguard that information to the best of our ability and to dispose of it when it is no longer required. This Policy and procedure is written in compliance with the requirement of the Law Society of Upper Canada and in compliance with the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”).

1.2 Personal Information is any information that is identifiable or directly attributable to an individual. It does not include information that is available from a public source such as a telephone directory, court record, or land registry office.

2. EXPECTATIONS

2.1 All partners, associates, employees, contractors and agents are required to comply with this policy and procedure in connection with our delivery of legal services to our clients.

2.2 Personal information from clients will be obtained only after consent (express or implied) has been obtained from the client. By retaining Ricci, Enns, Rollier & Setterington LLP, the client has provided consent to the collection, use and disclosure of personal information for the retained purposes.

2.3 Personal information may be obtained through client intake forms, personal interviews and office attendances, telephone inquiries, email communications, outside parties, etc. Personal information obtained by any manner will be held in the strictest of confidence.

2.4 Only the personal information required to provide the legal services for which retained will be obtained from the client.

2.5 Personal information will only be used for the purposes for which we have been retained and as disclosed to the client.

- 2.6 Personal information will be used to establish and maintain client lists for collection of legal fees, record keeping and statistical purposes of Ricci, Enns, Rollier & Settingington LLP.
- 2.7 Personal information may be used to establish and maintain mailing lists for newsletters, notification of workshops and seminars, or legal updates that Ricci, Enns, Rollier & Settingington LLP believes might be informative or of benefit to the client. Ricci, Enns, Rollier & Settingington LLP does not sell or otherwise provide its mailing lists to any third parties.
- 2.8 The accuracy of personal information will be maintained, as much as possible, however it is the client's responsibility to provide updated information when personal information has changed. Information stored in closed files will not be actively updated or maintained.
- 2.9 We endeavour to maintain adequate physical, procedural and technical security with respect to our office and information storage facilities so as to prevent any unauthorized access, disclosure, copying, use, or modification of a client's personal information.
- 2.10 Personal information will be kept for as long as required in the provision of the legal service. Personal information will be archived as part of a closed file after the completion of the legal matter. The personal information kept in an archived file will be disposed of in the manner and at such time as the responsible lawyer determines that the archived file is to be destroyed.
- 2.11 Under PIPEDA, Ricci, Enns, Rollier & Settingington LLP may disclose personal information without client consent to:
- a) government or legal enforcement agencies if Ricci, Enns, Rollier & Settingington LLP determines that the client has provided incorrect information for fraudulent or illegal purposes;
 - b) government or legal enforcement agencies if the information is collected in the midst of a criminal investigation;
 - c) legal enforcement agency if Ricci, Enns, Rollier & Settingington LLP determines that there is imminent risk of death or serious bodily harm, including psychological harm, to an identifiable person or group of persons;
 - d) disclosure to a third party individual or organization if so ordered by a Court or Tribunal of competent jurisdiction; and
 - e) defend against allegations of criminal or civil liability, or professional malpractice or misconduct, by the client or former client.

- 2.12 This policy and procedure is readily available upon request and is provided on our website in order to ensure that clients are aware of our privacy policy and procedures.

3. SPECIFIC PROCEDURES

- 3.1 As part of the file opening process/retainer process, our clients will be provided with a Consent to sign. Personal information will be obtained only upon receipt of the signed Consent.
- 3.2 Any personal information collected about a client, by whatever means, will only be used to complete the legal matter for which Ricci, Enns, Rollier & Settingerton LLP has been retained.
- 3.3 All partners, associates, employees, contractors and agents will hold any information obtained about a client in the strictest of confidence.
- 3.4 Personal information will also be used to establish client lists and information required internally for the collection of accounts, internal accounting purposes, statistical purposes, other internal administrative purposes.
- 3.5 Personal information will also be used to establish mailing lists in order to provide information to clients which they may find helpful. This may include invitations to seminars, notice of changes in certain areas of law which may be of interest to clients, etc. No mailing list shall ever be sold to or otherwise provided to an outside party. Any mailing list will only be used by Ricci, Enns, Rollier & Settingerton LLP for communications with clients.
- 3.6 Client personal information will be updated as soon as possible once a client informs us that their personal information has changed in order to keep client information as accurate as possible. Information will be updated in Amicus, PCLaw, on open physical files and any other areas appropriate for the particular information that has been updated.
- 3.7 Privacy of personal information will be safeguarded as much as possible by doing everything possible to prevent any unauthorized access, disclosure, copying, use, or modification of a client's personal information.
- 3.8 As much as practical, physical files containing personal information will be stored in filing cabinets and not kept on desks unless they are being worked on at the time.
- 3.9 As soon as possible, once a file is no longer active, it will be closed and archived. Personal information will be kept with the archived file as part of the archived file until the responsible lawyer has decided that the file can be destroyed.

- 3.10 Files to be destroyed will be shredded internally or by a contract shredder who provides confidentiality for such services.
- 3.11 Clients will be advised of the inherent risk of using electronic communications such as emailing at the time of file opening/retainer. Clients will be given the option of not receiving/sending email communications containing personal information. If a client requests that information not be emailed, no email address information will be linked to the electronic file and the fact that the client does not want to receive email communications will be written on the front cover of the physical file. If an email address is provided by the client, this will be considered consent to communication by email.
- 3.12 This policy and procedure will be available to anyone who requested it, in writing, by requesting a copy from the receptionist or any lawyer or staff person.
- 3.13 This policy and procedure will be available by posting it on our website.
- 3.14 Upon receipt of a client request for access to their personal information, the personal information will be provided to the client as soon as possible. Any questions, updates provided of the personal information will be responded to by the lawyer or staff person responsible for the information collected. Exceptions will be those provided for in PIPEDA or other relevant legislation/rules of practice.
- 3.15 Any privacy of information complaints are to be addressed to the Privacy Officer for Ricci, Enns, Rollier & Settingington LLP who will be responsible for receiving the complaint, investigating the complaint and replying to the complaint. Clients may contact the Privacy Commissioner of Canada with complaints that have not been addressed to their satisfaction by the Privacy Officer for Ricci, Enns, Rollier & Settingington LLP.

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