

Practice Resource

Model privacy policy

[Name of law firm], the “Firm”

The *Personal Information Protection Act* (“the Act”) regulates the way private sector organizations within British Columbia collect, use, keep, secure and disclose personal information. “Personal Information” means all information about an identifiable individual. The 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.

Our need for 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.

Collection, use and disclosure of personal information

Where practical, we endeavour to collect personal information directly from the person to whom the information pertains. When necessary, we will collect personal information from other sources.

By retaining this firm for legal advice or representation, an individual consents to our necessary collection, use or disclosure of the individual’s personal information in order to properly advise and represent the individual.

It is our policy to collect personal information about individuals other than our clients in accordance with the provisions of the *Personal Information Protection Act*.

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.

When we collect, use or disclose personal information, we will make reasonable efforts to ensure that it is accurate and complete.

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 *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:
 - a. under a collective agreement,

- b. under an enactment, or
- c. by a court.

Requests for correction of personal information

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

Contacting or communicating with us

If you have any questions 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:

If you are dissatisfied with our handling of your personal information, we invite you to contact our Privacy Officer in writing, setting out the reasons for your concern. If, after our Privacy Officer has reviewed and responded to your concern, you remain dissatisfied, you may wish to contact the Office of the Information and Privacy Commissioner at:

PO Box 9038, Stn Prov Govt
Victoria; BC V8W 9A4
Telephone 250.387.5629 Fax 250.387.1696