



PRIVACY POLICY

Cohen Highley_{LLP}

L A W Y E R S

COHEN HIGHLEYLLP recognizes the importance of privacy and the sensitivity of personal information. As professionals we have an obligation to keep confidential all information we receive within a lawyer-client relationship. Our relationship with our client is founded on trust and we are committed to protecting and maintaining that trust by protecting any personal information we hold. If we did not collect and use your personal information, we could not provide you with legal services.

As a result of our commitment, we have created the following privacy policy (the "Privacy Policy"). The Privacy Policy outlines how we manage your personal information in order to guarantee that we will maintain the confidentiality and privacy of the personal information that you have entrusted to us.

A. AN OVERVIEW

(1) *Privacy Rights*

From January 1st, 2004 all businesses engaged in commercial activities must comply with the Personal Information Protection and Electronic Documents Act, (PIPEDA) and the Canadian Standards Association Model Code for the Protection of Personal Information, which it incorporates. These obligations extend to lawyers and law firms, including Cohen HighleyLLP. The Act gives you rights concerning the privacy of your personal information.

Cohen HighleyLLP is responsible for the personal information we collect and hold. To ensure this accountability, we have developed this policy and trained our lawyers and support staff about our policies and practices.

B. APPLICATION AND ACCOUNTABILITY

(1) *Personnel and Confidentiality*

Cohen HighleyLLP has taken all steps to comply with the terms of the Privacy Policy. These steps include:

- Cohen HighleyLLP has appointed an Official Privacy Officer(s) to be responsible for the day-to-day care and control of personal information. Procedures have been developed to:
 - protect personal information;
 - receive and respond to complaints and inquiries;
 - train our staff about our policies and practices respecting personal information;
 - develop and distribute information to our staff and our clients explaining our policies and procedures respecting personal information.

(2) **Personal Information**

(a) **Purposes for collection of Personal Information:**

Cohen HighleyLLP provides legal services to a variety of clients and during this process collects personal information for the following limited purposes:

- to establish and maintain client and mailing lists;
- to represent you as our client; and
- to assess credit worthiness of clients and to enforce retainer arrangements.

(b) **Updating of Personal Information:**

Since Cohen HighleyLLP uses personal information on the client's behalf, it is important that the information is accurate and up-to-date. If any information changes, it is imperative that the firm is informed so that records can be updated.

(c) **How Personal Information is used:**

- Personal information is any information that identifies you, or by which your identity could be deduced. By retaining Cohen HighleyLLP you have confirmed your trust in us.
- We use your personal information to provide legal advice and services to you, to administer our client (time and billing) databases and to include you in any direct marketing activities.

- Cohen Highley LLP does not disclose your personal information to any third party for marketing purposes.
- Cohen Highley LLP regularly produces new newsletters and publications. Cohen Highley LLP sometimes holds seminars, charity functions and features marketing displays in which lawyers of the firm take part. To do this, Cohen Highley LLP maintains mailing lists containing personal information which is needed to contact prospective attendees.
- Cohen Highley LLP must collect personal information to assist in representing clients.
- Cohen Highley LLP may use personal information to assess retainer requests and in the enforcement of retainer agreements.

(d) **How is personal information collected?**

Cohen Highley LLP collects information only by lawful and fair means and not in an unreasonably intrusive way. Wherever possible, information is collected directly from the client at the beginning of the retainer and in the course of the representation. Sometimes information about a client may be obtained from other sources, for example,

- insurance company
- credit reporting agency
- real estate agent in a property transaction
- expert witnesses or consultants
- government agency or registry
- financial institution
- employer
- accountant
- doctor or hospital

(e) **Consent, Limiting Use, Disclosure and Retention**

In most cases, Cohen Highley LLP will ask the client to specifically consent, if information is collected, used or disclosed. This consent will normally be asked for in writing, but in some

circumstances, an oral consent may be accepted. Sometimes consent may be implied through the client's conduct with Cohen HighleyLLP.

Cohen HighleyLLP does not use personal information for purposes other than those for which it was originally collected, unless it has first obtained the consent of the person from whom such information was received. We retain personal information only for as long as it is needed and only for the fulfillment of the purposes for which it was originally collected.

(f) **How Personal Information is disclosed**

Under certain circumstances, Cohen HighleyLLP will disclose a client's personal information; for example:

- when the firm is required or authorized by law to do so, for example if a court issues a subpoena;
- when the client has consented to the disclosure;
- when the legal services which are being provided require the firm to give the client information to third parties (for example a lender in a real estate mortgage transaction) the consent of the client will be implied, unless stated otherwise;
- if an expert witness is engaged on the client's behalf;
- if the information is already publicly known.

(g) **Security of Personal Information**

Cohen HighleyLLP takes all reasonable precautions to ensure that your personal information is kept safe from loss, unauthorized access, modification or disclosure; for example:

- secure, restricted access, office space offers complete security;
- restricted file access to personal information;
- technological safeguards for software, for example firewalls to prevent hacking or unauthorized computer access;
- internal password and security policies;
- Third party access – If this is necessary, we will enter into a legal agreement which will require a third party to protect

our client's personal information in a manner acceptable to us;

- Cohen Highley LLP employees who deal with personal information are fully trained and are aware of the necessity for appropriate measures when dealing with personal information;

(h) **Access to personal information**

A client may ask for access to their own personal information. Access must be requested in writing and dated the day the request was made. All requests for access to personal information will be answered within thirty (30) days of the date the request is received. Requests which involve archived information may involve retrieval costs and the client will be subject to the normal professional and disbursement fees for the retrieval of this information.

(i) **Right to access own personal information**

A client does not have an absolute right to his or her own personal information. Access may be denied for the following reasons:

- denial of access is required or authorized by law;
- the granting of access would have an unreasonable impact on other people's privacy
- granting access may prejudice negotiations with you;
- we are protecting our firm's rights and property;
- where the request is frivolous or vexatious.

(j) **How to add, remove or amend your personal information**

We are committed to ensuring that the personal information that is collected and maintained by us is correct, accurate and complete. If at any time, you wish to amend your personal information with us or remove your name from our mailing lists, simply inform us in writing at the address below.

You should be aware that e-mail is not a 100% secure medium, and you should be aware of this when contacting us to send personal or confidential information. Cohen Highley LLP takes all reasonable precautions and implements all updates in order to ensure minimum risk to confidentiality.

C. **MISCELLANEOUS**

(a) **Changes to the Privacy Policy of Cohen Highley LLP**

Cohen Highley LLP regularly reviews all of its policies and procedures. These may be updated from time to time.

(b) **Credit Bureaus**

To help us make credit decisions about clients, prevent fraud, check the identity of new clients and prevent money-laundering, we may on occasion, request information about you from the files of consumer reporting agencies.

(c) **Web Site**

On our website, like most other commercial websites, we may monitor traffic patterns, site usage and related site information in order to optimise our web service. We may provide aggregated information to third parties, but these statistics do not include any identifiable personal information.

(d) **Employment Inquiries**

If you apply to Cohen Highley LLP for a job, we need to consider your personal information, as part of our review process. We normally retain information from candidates after a decision has been made, unless you ask us not to retain the information. If we offer you a job, which you accept, the information will be retained in accordance with our privacy procedures for employee records.

(e) **Openness**

Our firm has made information about its policies and practices available to all interested parties and can be viewed on our web site, www.cohenhighley.com.

All complaints must be received by Cohen Highley LLP in writing and appropriately dated. We will investigate all complaints within thirty (30) days after the date the complaint is received. Any queries should be directed to the Privacy Officer at:

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255 Queens Avenue
London, ON N6A 5R8