



PRIVACY POLICY

Clarks recognizes the importance of privacy and the sensitivity of personal information. As lawyers we have a professional obligation to keep confidential all information we receive within a lawyer-client relationship. We are committed to protecting any personal information we hold. This Privacy Policy outlines how we manage your personal information and safeguard your privacy.

Your Privacy Rights

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

Clarks 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.

Why Do We Need Personal Information?

Clarks provides legal services and products to a wide range of clients. We collect, use and disclose personal information about our clients and service providers in order to provide our clients with professional legal services.

What Personal Information Do We Collect?

Personal information is any information that identifies you, or by which your identity could be deduced.

If we did not collect and use your personal information we could not provide you with legal services.

How Do We Collect Your Personal Information?

We collect information only by lawful and fair means and not in an unreasonably intrusive way. Wherever possible we collect your personal information directly from you, at the start of a retainer and in the course of our representation.

Sometimes we may obtain information about you from other sources: for example,

- your insurance company;
- your real estate agent in a property transaction;
- from a government agency or registry;
- your employer, if we are acting for you;
- your accountant;
- your property manager;
- your engineer;
- your surveyor;
- your financial institution.

Consent

In most cases, we shall ask you to specifically consent, if we collect, use, or disclose your personal information. Normally, we ask for your consent in writing, but in some circumstances, we may accept your oral consent. Sometimes, your consent may be implied through your conduct with us.

Use of Your Information

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. If you tell us that you no longer wish to receive information about our services, or about new developments in the law, we will not send any further material.

Clarks does **not** disclose your personal information to any third party to enable them to market their products and services. For example, we do not provide our client mailing lists to other law firms.

Disclosure of Your Personal Information

Under certain circumstances, Clarks will disclose your personal information:

- when we are required or authorized by law to do so, for example if a court issues a subpoena;
- when you have consented to the disclosure;
- when the legal services we are providing to you requires us to give your information to third parties (for example a lender in a real estate mortgage transaction) your consent will be implied, unless you tell us otherwise;
- where it is necessary to establish or collect fees;
- if we engage a third party to provide administrative services to us (like computer back-up services or archival file storage) and the third party is bound by our privacy policy;
- if we engage expert witnesses on your behalf;
- if we retain other law firms in other jurisdictions, on your behalf;
- if the information is already publicly known.

Updating Your Information

Since we use your personal information to provide legal services to you, it is important that the information be accurate and up-to-date.

If during the course of the retainer, any of your information changes, please inform us so that we can make any necessary changes.

Is My Personal Information Secure?

Clarks takes all reasonable precautions to ensure that your personal information is kept safe from loss, unauthorized access, modification or disclosure. Among the steps taken to protect your information are:

- premises security;
- restricted file access to personal information;
- deploying technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access;
- internal password and security policies.

Access to Your Personal Information

You may ask for access to any personal information we hold about you.

Summary information is available on request. More detailed requests which require archive or other retrieval costs may be subject to our normal professional and disbursement fees.

Correcting Errors

If *Clarks* holds information about you and you can establish that it is not accurate, complete and up-to-date, *Clarks* will take reasonable steps to correct it.

Can I be Denied Access to My Personal Information?

Your right to access your personal information is not absolute.

We may deny access when:

- denial of access is required or authorized by law (for example, when a record containing personal information about you is subject to a claim of legal professional privilege by one of our clients);
- information relates to existing or anticipated legal proceedings against you;
- when granting you access would have an unreasonable impact on other people's privacy;
- when to do so would prejudice negotiations with you;
- to protect our firm's right and property;
- where the request is frivolous or vexatious.

If we deny your request for access to, or refuse a request to correct information, we shall explain why.

Clarks does not use your Social Insurance Number as a way of identifying or organizing the information we hold upon you.

Can I Request Anonymity?

Whenever it is legal and practicable, we may offer the opportunity to deal with general inquiries without providing your name (for example, by accessing general information on our website). The Proceeds of Crime (Money Laundering) and Terrorist Financing Act requires us to confirm the identity of all new clients. It may also require us disclose information to FINTRAC in relation to certain large cash transactions.

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.

Communicating with Us

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. If you send any information to us via e-mail, we will imply this action as consent to our replying in a like manner unless you specifically request us to reply in a manner alternate to e-mail.

Likewise, you should be aware that other people may access other communications, including, but not limited to, facsimile machines, and you should be aware of this when contacting us to send personal or confidential information. If you send any information to us via facsimile, we will imply this action as consent to our replying in a like manner unless you specifically request us to reply in a manner alternate to facsimile.

Changes to this Privacy Policy

Since *Clarks* regularly reviews all of its policies and procedures, we may change our Privacy Policy from time to time, and as such *Clarks* reserves the right to modify or supplement this Privacy Policy at any time. If we make a change to this Privacy Policy, we will post such changes on our website. However, *Clarks* will obtain the necessary consents required under applicable privacy laws if it seeks to collect, use or disclose your personal information for purposes other than those to which consent has been obtained unless otherwise required or permitted by law.

Request for Access

If you have any questions, or wish to access your personal information, please write to our Privacy Contact at our office address to the attention of "Privacy Officer".

If you are not satisfied with our response, the Privacy Commissioner of Canada can be reached at

112 Kent Street,
Ottawa, Ontario K1A 1H3
1.800.282.1376

Employment Inquires

If you apply to *Clarks* 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.

Web Site

Our website contains links to other sites, which are not governed by this privacy policy.

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

I have read, understood and I consent to the above *Clarks* Privacy Policy.

DATED at Windsor, Ontario this _____ day of _____, 200__.

WITNESS:

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By: _____

Print Name: _____

I have authority to bind the Corporation