

First XV Investigations is a declared operating name for McDonald Paralegal Services Ltd. in the Province of Alberta

## **STANDARD**

McDonald Paralegal Services Ltd. collects and stores personal information about its employees, contractors, suppliers, and clients. Subject to the disclosure obligations contained within the *Code of Conduct*, shall not disclose such information without the consent of the employee, supplier, contractor, or client, failure to do so could create a prejudice or breach of privilege recognized at common-law.

## **POLICY**

The collection, use and disclosure of data or information about individuals are subject to provincial and federal laws, including laws on the privacy of information. McDonald Paralegal Services Ltd. respects the rights to privacy of each individual's personal information and has adopted policies and procedures to protect those rights.

## **PROCEDURE**

### **ACCOUNTABILITY:**

- McDonald Paralegal Services Ltd. is responsible for all personal information in its possession or control, including information that has been transferred to a third party for processing. McDonald Paralegal Services Ltd. will use contracts to provide an appropriate level of protection when a third-party processes information on behalf of the organization.
- McDonald Paralegal Services Ltd. will, from time to time, establish procedures to implement its commitment to privacy, including:
  - Procedures to protect personal information
  - Procedures to receive and respond to complaints and inquiries
  - Communications and training programs to provide information to McDonald Paralegal Services Ltd.'s staff about privacy policies and practices.

### **IDENTIFYING PURPOSES:**

- McDonald Paralegal Services Ltd. identifies the purposes for which personal information is collected at or before the time the information is collected and documents those purposes.
- McDonald Paralegal Services Ltd. collects only that information necessary for the purposes that have been identified.
- McDonald Paralegal Services Ltd. specifies (verbally, electronically or in writing) and explains the identified purposes(s) to the individual at or before the personal information is collected.
- When personal information is collected for a purpose not previously identified, the new purpose is communicated to the individual prior to use. In such case, the consent of the individual is required before the information is re-used.
- McDonald Paralegal Services Ltd. collects personal information from individuals in order to:
  - Screen individuals for employment or contracting suitability
  - Manage and administer personnel (including performance appraisal, security and access control and discipline)
  - Administer payroll
  - Administer occupational health and safety programs

- Monitor and track skills and competency development
- Meet legal and regulatory requirements

## **CONSENT**

- McDonald Paralegal Services Ltd. uses reasonable efforts to ensure that individuals understand how their personal information will be use. McDonald Paralegal Services Ltd. obtains consent as required for the collections, use and disclosure of personal information, except where inappropriate.
- When determining the form of consent, McDonald Paralegal Services Ltd. considers the sensitivity of the information and the reasonable expectations of the individual. Express consent will be obtained when the information is likely to be considered sensitive; implied consent may be appropriate when information is less sensitive. Consent may also be given through an individual's authorized representative (such as legal guardian or a person having power of attorney).
- McDonald Paralegal Services Ltd. obtains consent for the collection, use or disclosure of information through various means, including verbal, written (e.g. signed forms) or electronic processes.
- In rare circumstances, McDonald Paralegal Services Ltd. may collect and use personal information without the individual's knowledge or consent. For example:
  - If it is clearly in the interests of the individual and consent cannot be obtained in a timely way (e.g. when the individual is seriously ill)
  - If obtaining prior consent would defeat the purpose of collecting the information (e.g. in the investigation of alleged criminal activity)
  - In the case of an emergency where the life, health or security of the individual is threatened
- McDonald Paralegal Services Ltd. generally seeks to obtain consent at the same time personal information is collected. McDonald Paralegal Services Ltd. may, however, seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose (e.g. before disclosing Board member information to a funding organization if this purpose was not previously contemplated).
- Consent may be withdrawn at any time, subject to legal or contractual restrictions and reasonable notice. McDonald Paralegal Services Ltd. informs individuals of the implication for withdrawing consent.

## **LIMITING COLLECTION:**

- McDonald Paralegal Services Ltd. limits the amount and type of personal information collected to that which is necessary for the identified purpose.
- McDonald Paralegal Services Ltd. collects information by fair and lawful means.
- McDonald Paralegal Services Ltd. may collect the following information from employees and contractors:
  - Demographic and contact information including home address and telephone number, date of birth, social insurance number and gender
  - Education and employment history
  - Banking or financial information
  - Health information
  - Security background checks, as required

- McDonald Paralegal Services Ltd. may collect personal information through the following means:
  - Solicited and unsolicited resumes and correspondence
  - In person and through telephone interviews
  - Possibly, on-line forms.

### **LIMITING USE, DISCLOSURE AND RETENTION**

- McDonald Paralegal Services Ltd. does not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by-law.
- Notwithstanding the above, McDonald Paralegal Services Ltd. may disclose personal information without consent:
  - To a lawyer representing McDonald Paralegal Services Ltd.
  - To a company or individual employed by McDonald Paralegal Services Ltd. to perform functions on its behalf (e.g. outsourced information processing function, administration of health services plan)
  - In order to collect a debt owed by the individual to McDonald Paralegal Services Ltd.
  - To comply with a subpoena, warrant, or court order
  - As required or authorized by law (e.g. Employment Standards legislation)
  - When the information is publicly available (e.g. telephone directory information)
  - To a public authority in the event of imminent danger to an individual
- McDonald Paralegal Services Ltd. obtains consent for all other disclosures of personal information for purposes other than those for which the information was initially collected (e.g. to provide references regarding current or former employees. McDonald Paralegal Services Ltd. does not require consent to confirm an individual's employment record (e.g. confirm years of employment, and position held).
- Only McDonald Paralegal Services Ltd.'s employees with business need-to-know, or whose duties require, are granted access to personal information.
- McDonald Paralegal Services Ltd. has developed guidelines and implemented procedures with respect to the retention of personal information. McDonald Paralegal Services Ltd. retains personal information only as long as it is necessary for the identified purpose, or as required by law.
- Personal information that is no longer required to fulfill the identified purposes or required by law to be retained is destroyed, erased or made anonymous.

### **ACCURACY**

- McDonald Paralegal Services Ltd. ensures that personal information collected, used and disclosed is accurate, complete and up-to-date as necessary for the intended purpose.
- Personal information is kept sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the subject individual.

- McDonald Paralegal Services Ltd. updates personal information as and when necessary to fulfill the identified purpose or upon notification by the individual who is the subject of the information.

## **SAFEGUARDS**

- McDonald Paralegal Services Ltd. protects personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, regardless of the format in which it is held.
- McDonald Paralegal Services Ltd. has developed and implemented information security policies and procedures that outline physical, organizational, and technological measures in place to protect personal information as appropriate to the sensitivity of the information.
- McDonald Paralegal Services Ltd. protects personal information disclosed to third parties by contractual agreements which addresses the following as necessary:
  - Identifying the types of records provided, collected, created, or maintained in order to deliver the service, and specifying any applicable privacy legislation;
  - Stipulating the confidentiality of the information and the purposes for which it is to be used (requiring the third party provides at least the same level of protection that McDonald Paralegal Services Ltd. does);
  - Identifying the organization(s) having custody and control of the records, including the responsibility and process for handling requires for access
  - Ensuring that third parties and their employees having access to McDonald Paralegal Services Ltd.'s information to adhere to McDonald Paralegal Services Ltd.'s information handling and security policies, including maintaining the confidentiality of personal information;
  - Ensuring that McDonald Paralegal Services Ltd. has access to information produced, developed, recorded or acquired by third parties as a result of the contract, including timely access in response to requests for information, and specifying that third parties shall not deny access to, or retain custody of, personal information because of late or disputed payment for services;
  - Requiring third parties to report breaches of confidentiality and privacy to McDonald Paralegal Services Ltd.'s Privacy Officer within 48 hours of knowing that the breach occurred; addressing disaster recovery and back up of any information assets and addressing the disposition (e.g. destruction or return) of all McDonald Paralegal Services Ltd.'s information assets (e.g. records, hardware, system documentation) upon termination of contract;
  - Specifying any audit or enforcement measures that McDonald Paralegal Services Ltd. will undertake to ensure that third parties comply with information handling and security provisions outlined in contractual agreements (for example, non-disclosure agreements, audit trails, regular review of third party access requirements, inspection of third party premises).

- McDonald Paralegal Services Ltd. ensures that all employees are aware of its privacy policies and procedures, and understand the importance of maintaining the confidentiality of personal information.
- Care shall be taken in the disposal or destruction of personal information to prevent unauthorized parties from obtaining access to the information.

## **INDIVIDUAL ACCESS**

- Upon request, McDonald Paralegal Services Ltd. provides individuals access to their personal information held by the organization. Individuals have the right to challenge the accuracy and completeness of their personal information held by McDonald Paralegal Services Ltd. and to have it amended as appropriate.
- All requests by individuals (e.g. employees, contractors) to access their personal information held by McDonald Paralegal Services Ltd. or to correct or amend their personal information, should be directed to the General Manager. Such requests should be in writing.
- McDonald Paralegal Services Ltd. responds to requests for access to personal information within 30 business days.
- Responding to an individual's request for information is usually done at no cost to the individual. However, a fee for reasonable costs incurred may be charged when responding to more complex requests, provided the individual is informed in advance.
- In order to safeguard personal information, McDonald Paralegal Services Ltd. may request sufficient information from the individual to verify that person's identity.

### *Limitations to Individual Access*

- McDonald Paralegal Services Ltd. provides individuals access to their personal information subject to limited and specific exceptions. McDonald Paralegal Services Ltd. will refuse access to personal information if:
  - McDonald Paralegal Services Ltd. has disclosed information to a government institution for law enforcement or nation security reasons;
  - It would reveal personal information about a third party unless there is consent or a life-threatening situation;
  - Doing so could reasonably be expected to threaten the life or security of another individual;
  - The disclosure would reveal confidential commercial information; or
  - The information is protected by solicitor-client privilege.
- If access to information is refused McDonald Paralegal Services Ltd. shall, in writing, inform the individual of the refusal, the reason(s) for the refusal, and any resource the individual may have to challenge McDonald Paralegal Services Ltd.'s decision.

### *Correction/ Amendment of Personal Information*

- McDonald Paralegal Services Ltd. corrects or amends personal information as required when an individual successfully demonstrates the inaccuracy or incompleteness of the information. Amendment may involve the correction,

deletion, erasure, or addition to any personal information found to be inaccurate or incomplete.

- Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, McDonald Paralegal Services Ltd. shall inform any third parties having access to the personal information in question as to any amendments, or the existence of any unresolved differences.

#### **CHALLENGING COMPLIANCE**

- McDonald Paralegal Services Ltd. investigates all complaints concerning compliance with McDonald Paralegal Services Ltd.'s Privacy Policy, Guidelines and practices, and responds within 30 days of receipt of a complaint. If a complaint is found to be justified, McDonald Paralegal Services Ltd. takes appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. Individuals shall be informed of the outcome of the investigation regarding their complaint.