



## The Colby McGeachy Professional Corporation

### Privacy Code

#### **Table of Contents**

Introduction

Summary of Principles

Scope and Application

Definitions

The Colby McGeachy Professional Corporation Privacy Code in Detail

Principle 1 - Accountability

Principle 2 - Identifying Purposes for Collection of Personal Information

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

Principle 4 - Limiting Collection of Personal Information

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

Principle 6 - Accuracy of Personal Information

Principle 7 - Security Safeguards

Principle 8 - Openness Concerning Policies and Procedures

Principle 9 - clients and Employee Access to Personal Information

Principle 10 - Challenging Compliance

Additional Information

## **Introduction**

At Colby McGeachy Professional Corporation, respecting privacy is an important part of our commitment to our clients and employees. That is why we have developed the Colby McGeachy Professional Corporation Privacy Code. The Colby McGeachy Professional Corporation Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by Colby McGeachy Professional Corporation to its clients and employees. The objective of the Colby McGeachy Professional Corporation Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection and Electronic Documents Act* (Canada).

Colby McGeachy Professional Corporation will continue to review the Colby McGeachy Professional Corporation Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws.

## **Summary of Principles**

### **Principle 1 - Accountability**

Colby McGeachy Professional Corporation is responsible for personal information under its control and shall designate one or more persons who are accountable for Colby McGeachy Professional Corporation's compliance with the following principles.

### **Principle 2 - Identifying Purposes for Collection of Personal Information**

Colby McGeachy Professional Corporation shall identify the purposes for which personal information is collected at or before the time the information is collected.

### **Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information**

The knowledge and consent of a clients or employee are required for the collection, use, or disclosure of personal information, except where inappropriate.

### **Principle 4 - Limiting Collection of Personal Information**

Colby McGeachy Professional Corporation shall limit the collection of personal information to that which is necessary for the purposes identified by Colby McGeachy Professional Corporation. Colby McGeachy Professional Corporation shall collect personal information by fair and lawful means.

### **Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information**

Colby McGeachy Professional Corporation shall 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.

### **Principle 6 - Accuracy of Personal Information**

Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

### **Principle 7 - Security Safeguards**

Colby McGeachy Professional Corporation shall protect personal information by security safeguards appropriate to the sensitivity of the information.

### **Principle 8 - Openness Concerning Policies and Procedures**

Colby McGeachy Professional Corporation shall make readily available to clients and employees specific information about its policies and procedures relating to the management of personal information.

### **Principle 9 – clients and Employee Access to Personal Information**

Colby McGeachy Professional Corporation shall inform a clients or employee of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. A clients or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

## **Principle 10 - Challenging Compliance**

A clients or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Colby McGeachy Professional Corporation's compliance with the Colby McGeachy Professional Corporation Privacy Code.

## **Scope and Application**

The ten principles that form the basis of the Colby McGeachy Professional Corporation Privacy Code are interrelated and Colby McGeachy Professional Corporation shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. As permitted by the *Personal Information Protection and Electronic Documents Act* (Canada), the commentary in The Colby McGeachy Professional Corporation Privacy Code has been drafted to reflect personal information issues specific to Colby McGeachy Professional Corporation.

The scope and application of the Colby McGeachy Professional Corporation Privacy Code are as follows:

- The Colby McGeachy Professional Corporation Privacy Code applies to personal information collected, used, or disclosed by Colby McGeachy Professional Corporation in the course of commercial activities.
- The Colby McGeachy Professional Corporation Privacy Code applies to the management of personal information in any form, whether oral, electronic or written.
- The Colby McGeachy Professional Corporation Privacy Code does not impose any limits on the collection, use or disclosure of the following information by Colby McGeachy Professional Corporation:
  - (a) an employee's name, title or business address or telephone number;
  - (b) information that Colby McGeachy Professional Corporation collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose; or
  - (c) other information about the individual that is publicly available and is specified by regulation pursuant to the *Personal Information Protection and Electronic Documents Act* (Canada).
- The Colby McGeachy Professional Corporation Privacy Code will not typically apply to information regarding Colby McGeachy Professional Corporation's corporate clients. However, such information may be protected by other Colby McGeachy Professional Corporation policies and practices and through contractual arrangements.
- The application of the Colby McGeachy Professional Corporation Privacy Code is subject to the requirements and provisions of the *Personal Information Protection and Electronic Documents Act* (Canada), the regulations enacted thereunder, and any other applicable legislation or regulation.

## **Definitions**

**collection:** The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

**consent:** Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of Colby McGeachy Professional Corporation. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

**clients:** An individual who purchases or otherwise acquires or uses any of Colby McGeachy Professional Corporation's products or services or otherwise provides personal information to Colby McGeachy Professional Corporation in the course of Colby McGeachy Professional Corporation's commercial activities.

**disclosure:** Making personal information available to a third party.

**employee:** An employee of or independent contractor to Colby McGeachy Professional Corporation.

**personal information:** Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

**third party:** An individual or organization outside of Colby McGeachy Professional Corporation.

**use:** The treatment, handling, and management of personal information by and within Colby McGeachy Professional Corporation or by a third party with the knowledge and approval of Colby McGeachy Professional Corporation.

## **The Colby McGeachy Professional Corporation Privacy Code in Detail**

### **Principle 1 - Accountability**

*Colby McGeachy Professional Corporation is responsible for personal information under its control and shall designate one or more persons who are accountable for Colby McGeachy Professional Corporation's compliance with the following principles.*

- 1.1 Responsibility for compliance with the provisions of the Colby McGeachy Professional Corporation Privacy Code rests with the Colby McGeachy Professional Corporation Privacy Officer who can be reached at 1-613-256-6415 or via email at [ecolby@porterhetu.com](mailto:ecolby@porterhetu.com). Other individuals within Colby McGeachy Professional Corporation may be delegated to act on behalf of the Colby McGeachy Professional Corporation Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.2 Colby McGeachy Professional Corporation shall make known, upon request, the title of the person or persons designated to oversee Colby McGeachy Professional Corporation's compliance with the Colby McGeachy Professional Corporation Privacy Code.
- 1.3 Colby McGeachy Professional Corporation is responsible for personal information in its possession or control. Colby McGeachy Professional Corporation shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.4 Colby McGeachy Professional Corporation shall implement policies and procedures to give effect to the Colby McGeachy Professional Corporation Privacy Code, including:
  - (a) implementing procedures to protect personal information and to oversee Colby McGeachy Professional Corporation's compliance with the Colby McGeachy Professional Corporation Privacy Code;
  - (b) implementing procedures to receive and respond to complaints or inquiries;
  - (c) training and communicating to staff about Colby McGeachy Professional Corporation's policies and procedures; and
  - (d) developing information materials to explain Colby McGeachy Professional Corporation's policies and procedures.

### **Principle 2 - Identifying Purposes for Collection of Personal Information**

*Colby McGeachy Professional Corporation shall identify the purposes for which personal information is collected at or before the time the information is collected.*

- 2.1 Colby McGeachy Professional Corporation collects personal information only for the following purposes:
  - Preparation of personal and/or corporate tax returns
  - Preparation of personal financial plan
  - Provision of income tax advice
  - Provision of estate planning advice
  - Controllership/bookkeeping services
  - Payroll services
  - Preparation of financial statements
  - Marketing of other professional services offered by Colby McGeachy Professional Corporation

Further reference to “identified purposes” mean the purposes identified in this Principle.

- 2.2 Colby McGeachy Professional Corporation shall specify orally, electronically or in writing the identified purposes to the clients or employee at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within Colby McGeachy Professional Corporation who can explain the purposes.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the clients or employee will be acquired before the information will be used or disclosed for the new purpose.

### **Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information**

*The knowledge and consent of a clients or employee are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.*

- 3.1 In obtaining consent, Colby McGeachy Professional Corporation shall use reasonable efforts to ensure that a clients or employee is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the clients or employee.
- 3.2 Generally, Colby McGeachy Professional Corporation shall seek consent to use and disclose personal information at the same time it collects the information. However, Colby McGeachy Professional Corporation may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 Colby McGeachy Professional Corporation may require clients to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified, and legitimate identified purposes.
- 3.4 In determining the appropriate form of consent, Colby McGeachy Professional Corporation shall take into account the sensitivity of the personal information and the reasonable expectations of its clients and employees.
- 3.5 The purchase or use of products and services by a clients, or the acceptance of employment or benefits by an employee, may constitute implied consent for Colby McGeachy Professional Corporation to collect, use and disclose personal information for the identified purposes.
- 3.6 A clients or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. clients and employees may contact Colby McGeachy Professional Corporation for more information regarding the implications of withdrawing consent.
- 3.7 Colby McGeachy Professional Corporation may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.
- 3.8 Colby McGeachy Professional Corporation may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law.

- 3.9 Colby McGeachy Professional Corporation may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 Colby McGeachy Professional Corporation may use or disclose personal information without knowledge or consent to a lawyer representing Colby McGeachy Professional Corporation, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

#### **Principle 4 - Limiting Collection of Personal Information**

*Colby McGeachy Professional Corporation shall limit the collection of personal information to that which is necessary for the purposes identified by Colby McGeachy Professional Corporation. Colby McGeachy Professional Corporation shall collect personal information by fair and lawful means.*

- 4.1 Colby McGeachy Professional Corporation collects personal information primarily from its clients or employees.
- 4.2 Colby McGeachy Professional Corporation may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

#### **Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information**

Colby McGeachy Professional Corporation shall 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 or permitted by law. Colby McGeachy Professional Corporation shall retain personal information only as long as necessary for the fulfillment of those purposes.

- 5.1 Colby McGeachy Professional Corporation may disclose a clients' personal information to:

- Canada Revenue Agency
- Respective provincial tax authorities
- Personal/commercial bank managers/officers
- Legal counsel
- Insurance agent

Other professional(s) or third-party processors as required by the nature of the engagement

- 5.2 Colby McGeachy Professional Corporation may disclose personal information about its employees to:

- \* Canada Revenue Agency
- \* Appropriate insurers (such as for the purpose of employee benefits) and Marsh Canada
- \* In the event of (suspected or alleged) unlawful activity, appropriate police personnel
- \* CGA-Ontario and the national CGA Association

- 5.3 Only Colby McGeachy Professional Corporation's employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about clients and employees.
- 5.4 Colby McGeachy Professional Corporation shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a clients or employee, Colby



McGeachy Professional Corporation shall retain, for a period of time that is reasonably sufficient to allow for access by the clients or employee, either the actual information or the rationale for making the decision.

- 5.5 Colby McGeachy Professional Corporation shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

## **Principle 6 - Accuracy of Personal Information**

*Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.*

- 6.1 Personal information used by Colby McGeachy Professional Corporation shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a clients or employee.
- 6.2 Colby McGeachy Professional Corporation shall update personal information about clients and employees as necessary to fulfill the identified purposes or upon notification by the individual.

## **Principle 7 - Security Safeguards**

*Colby McGeachy Professional Corporation shall protect personal information by security safeguards appropriate to the sensitivity of the information.*

- 7.1 Colby McGeachy Professional Corporation shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 Colby McGeachy Professional Corporation shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All of Colby McGeachy Professional Corporation's employees with access to personal information shall be required to respect the confidentiality of that information.

## **Principle 8 - Openness Concerning Policies and Procedures**

*Colby McGeachy Professional Corporation shall make readily available to clients and employees specific information about its policies and procedures relating to the management of personal information.*

- 8.1 Colby McGeachy Professional Corporation shall make information about its policies and procedures easy to understand, including:
- (a) the title and address of the person or persons accountable for Colby McGeachy Professional Corporation's compliance with The Colby McGeachy Professional Corporation Privacy Code and to whom inquiries and/or complaints can be forwarded;
  - (b) the means of gaining access to personal information held by Colby McGeachy Professional Corporation;
  - (c) a description of the type of personal information held by Colby McGeachy Professional Corporation, including a general account of its use; and

- (d) a description of what personal information is made available to related organizations (e.g., subsidiaries).
- 8.2 Colby McGeachy Professional Corporation shall make available information to help clients and employees exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from Colby McGeachy Professional Corporation.

### **Principle 9 - clients and Employee Access to Personal Information**

*Upon request, Colby McGeachy Professional Corporation shall inform a clients or employee of the existence, use, and disclosure of his or her personal information and shall give the individual access to that information. A clients or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.*

- 9.1 Upon request, Colby McGeachy Professional Corporation shall afford clients and employees a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- 9.2 In certain situations, Colby McGeachy Professional Corporation may not be able to provide access to all the personal information that it holds about a clients or employee. For example, Colby McGeachy Professional Corporation may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, Colby McGeachy Professional Corporation may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of the laws of Canada or a province.
- 9.3 Upon request, Colby McGeachy Professional Corporation shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, Colby McGeachy Professional Corporation shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a clients or employee may be required to provide sufficient identification information to permit Colby McGeachy Professional Corporation to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 Colby McGeachy Professional Corporation shall promptly correct or complete 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, Colby McGeachy Professional Corporation shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 clients and employees can obtain information or seek access to their individual files by contacting the Colby McGeachy Professional Corporation Privacy Officer.

### **Principle 10 - Challenging Compliance**

*A clients or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Colby McGeachy Professional Corporation's compliance with the Colby McGeachy Professional Corporation Privacy Code.*

- 10.1 Colby McGeachy Professional Corporation shall maintain procedures for addressing and responding to all inquiries or complaints from its clients and employees regarding Colby McGeachy Professional Corporation's handling of personal information.
- 10.2 Colby McGeachy Professional Corporation shall inform its clients and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the Colby McGeachy Professional Corporation Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 Colby McGeachy Professional Corporation shall investigate all complaints concerning compliance with the Colby McGeachy Professional Corporation Privacy Code. If a complaint is found to be justified, Colby McGeachy Professional Corporation shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A clients or employee shall be informed of the outcome of the investigation regarding his or her complaint.

## **Additional Information**

For more information regarding the Colby McGeachy Professional Corporation Privacy Code, please contact the Colby McGeachy Professional Corporation Privacy Officer at 1-613-256-6515 or via email at [ecolby@porterhetu.com](mailto:ecolby@porterhetu.com).

Please visit the Privacy Commissioner of Canada's web site at [www.privcom.gc.ca](http://www.privcom.gc.ca).