

The purpose of the *Personal Information Protection and Electronic Documents Act* is to provide Canadians with a right of privacy with respect to their personal information that is collected, used or disclosed by an organization in the private sector in an era in which technology increasingly facilitates the collection and free flow of information.

## Application

Legislation will apply to all personal information collected, used, or disclosed in the course of commercial activities, so that all Canadians, no matter where they live, will be assured of privacy protection. Where and whenever a province adopts legislation that is substantially similar, the organizations, classes of organizations or activities, covered will be exempted from the application of federal law.

## Privacy Principles

The privacy provisions are based on the Canadian Standards Association's *Model Code for the Protection of Personal Information*, recognized as a national standard in 1996. The Standard addresses the ways in which organizations collect, use and disclose personal information. It also addresses the rights of individuals to have access to their personal information and to have it corrected if necessary.

The code's 10 principles are:

- 1. Accountability:** An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
- 2. Identifying Purposes:** The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- 3. Consent:** The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except when inappropriate.
- 4. Limiting Collection:** The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
- 5. Limiting Use, Disclosure, and Retention:** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by the law. Personal information shall be retained only as long as necessary for fulfillment of those purposes.

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

**7. Safeguards:** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

**8. Openness:** An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

**9. Individual Access:** Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

**10. Challenging Compliance:** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals for the organization's compliance.

## **Exceptions**

Some groups, such as law enforcement agencies and journalists, have a lawful or investigative need to collect, use and disclose personal information without having to obtain the consent of the concerned individuals. For these reasons, certain exemptions are included:

- Personal information collected, used or disclosed solely for journalistic, artistic or literary purposes;
- if the action clearly benefits the individual or if obtaining permission could infringe on the information's accuracy;
- where such data can contribute to a legal investigation or aid in an emergency where people's lives and safety could be at stake; and
- if disclosure aids, in times of emergency, matters of legal investigation, or facilitates the conservation of historically important records.

## **PRIVACY COMMISSIONER'S ROLE**

### **Complaints**

Individuals will have the right to complain about any aspect of an organization's compliance with the provisions relating to the protection of personal information to the federal Privacy Commissioner. The Commissioner will have general powers to receive and investigate complaints, and to attempt dispute resolution.

## **Remedies**

Unresolved disputes relating to certain matters can be taken before the Federal Court. In addition to its normal powers, the Court may order an organization to correct its practices and award damages to the complainant. Punitive damages may not exceed an amount of \$20,000.

## **Public Information**

The Privacy Commissioner will have a mandate to develop and conduct information programs to foster public understanding of the privacy provisions of the Act.

## **Annual Report**

The Privacy Commissioner will report annually on the application of the provisions on personal information and the extent to which the provinces have enacted legislation.

## **ONE-TIME REVIEW**

The privacy provisions of the Act will be reviewed five years after the coming into force of the legislation by a Committee of the House of Commons, or of both Houses of Parliament.

## **Privacy Statement**

TW Hawes, Inc. believes that protecting your privacy is important. Our policies have been designed to meet your needs and as well, they conform to *The Personal Information Protection and Electronic Documents Act* which is Federal legislation that is now (effective January 1, 2004) applicable to all organizations in Canada unless exempted under the statute.

### **General**

The Code of Ethics and Rules of Conduct of the Certified General Accountants Association of BC and Canada require that partners and staff maintain the confidentiality of client and former client information, as well as the confidentiality of firm information, except in rare and very specific circumstances.

The Code of Ethics and Rules of Conduct of the Certified General Accountants Association of BC and Canada also require that partners and staff not use confidential information for personal advantage, for the advantage of a third party or to the disadvantage of a client, former client or the Firm, unless consent has been obtained from the client, former client or the Firm.

### **Cookies**

We may from time to time use certain information commonly called cookies on your computer to save you time as a visitor and user of our web site. We do not collect personal information in this fashion. If you do not wish this convenience, your browser will likely enable you to reject cookies.

### **Personal Information**

Personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as:

- age, name, ID numbers, income, ethnic origin, or blood type
- opinions, evaluations, comments, social status, or disciplinary actions
- employee files, credit records, loan records, medical records, existence of a dispute with a client, intentions (for example, to acquire goods or services, or change jobs)

Personal information does not include the name, title, business address or telephone number of an employee of an organization.

TW Hawes, Inc. collects personal information only for the following reasons:

- To provide the products or services that you have requested and maintain commercial relations with you;

- To understand your needs and recommend products and services accordingly;
- To manage our business which includes partnership and employment matters;
- To meet legal and regulatory requirements.

We will not use your personal information for any other reason without your consent.

## **Sharing of Information**

We only share your information with third parties to assist in completing the above uses. Any third party used must adhere to our privacy policies or be allowed by the legislation. Examples would include but is not limited to an outside payroll service, an agent hired to perform a service for you, a collection agency, a law enforcement agency or emergency services.

TW Hawes, Inc. policies are based on a model code for protection of personal information.

### **1. Accountability**

We have established a Privacy Officer who is part of senior management to ensure our policies are in force.

We inform and train staff on privacy issues.

### **2. Identify the Purposes**

We identify the purpose for collecting information before collecting it.

### **3. Obtain Consent**

We will obtain consent before collection of information.

### **4. Limit Collection**

We will only collect the information we need for the stated purpose.

### **5. Limit Use, Disclosure and Retention**

We use information only for the purpose of collection unless we receive consent or are required by law.

We have policies as to how long the information is kept.

We have policies for the safe destruction of the information.

## **6. Be Accurate**

We will use our best efforts to keep your information up to date.

## **7. Use Appropriate Safeguards**

We have policies to safeguard your information against unauthorized access, disclosure, copying, use or modification.

## **8. Be Open**

Our clients and employees are informed of our policies and practices for managing personal information.

## **9. Give Individuals Access**

We will give individuals reasonable access to their information and correct any personal information if its accuracy and completeness is challenged and found to be deficient. There are limited exceptions to this which are set out in the legislation.

## **10. Provide Recourse**

We will investigate all complaints. Address them to

Attention: Privacy Officer  
TW Hawes, Inc.,  
84 Moody Street  
Port Moody, BC V3H 2P5 or  
[privacy@terryhawes.com](mailto:privacy@terryhawes.com)

If we do not resolve the issue to your satisfaction you may contact

**The Privacy Commissioner of Canada**  
112 Kent St  
Ottawa, Ont., K1A 1H3