

# KERR & NADEAU

## Privacy Policy

Kerr & Nadeau (K&N) is committed to maintaining the accuracy, security and privacy of Personal Information in accordance with applicable legislation. K&N Privacy Policy is a statement of principles and guidelines concerning the protection of Personal Information of our clients, service providers, business partners and others individuals, including web-based visitors (“you”).

### **Consent**

BY SUBMITTING PERSONAL INFORMATION TO K&N OR ITS SERVICE PROVIDERS OR AGENTS, YOU AGREE THAT WE MAY COLLECT, USE AND DISCLOSE SUCH PERSONAL INFORMATION IN ACCORDANCE WITH THIS PRIVACY POLICY AND AS PERMITTED OR REQUIRED BY LAW.

Subject to legal and contractual requirements, you may refuse or withdraw your consent to certain of the identified purposes at any time by contacting the K&N Privacy Officer. If you refuse or withdraw your consent, we may not be able to provide you or continue to provide you with certain services or information which may be of value to you. If you provide K&N or our service providers or agents with personal information of another individual, you represent that you have all necessary authority and/or have obtained all necessary consents from such person to enable us to collect, use and disclose such personal information for the purposes set forth in this Privacy Policy.

### ***What Personal Information do we collect?***

“Personal Information” is broadly defined under Canadian law as information about an identifiable individual or as information that allows an individual to be identified about an identifiable individual as defined from time to time in applicable privacy legislation.

Generally speaking, Personal Information does not include what is considered business contact information: your name, title or position, business address, telephone number, facsimile number, or e-mail address. The types of Personal Information that K&N may collect about you includes your name, home address, telephone number, personal email address, billing and account information, information about a client's legal issue and other information incidental to providing legal advice and services (including Personal Information about witnesses, family members, beneficiaries, directors, officers, employees, adverse parties, parties-in-interest, investigators, decision makers, experts, other professional advisors, and our clients' business partners, investors, shareholders, competitors and customers whom are individuals).

### ***Why do we collect your Personal Information?***

In general, K&N collects, uses and discloses Personal Information about our clients and service providers only when necessary in order to provide our clients with professional legal services. More specifically, we collect, use and disclose your Personal Information for the following purposes:

- To establish and manage client relationships, provide legal advice, perform legal services, fulfill legal duties, and avoid conflicts of interest. This may include the sharing of Personal Information by and between K&N personnel and affiliated companies and partnerships for such purposes;
- To share Personal Information with third parties for the purpose of providing legal services. Such third parties may include, for example, government agencies such as Industry Canada or CIPO for purposes of making appropriate applications; opposing parties; parties in interest; opposing counsel; financial institutions, mortgage brokers and advisors; witnesses; decision-makers; and experts;

- To consider whether K&N should establish a commercial relationship with clients, suppliers or other third parties, including to evaluate credit standing and to match credit bureau or credit reporting agency information;
- To establish and maintain commercial relationships with clients, suppliers and other third parties, including to issue invoices, administer accounts, collect and process payments, and to fulfill contractual obligations;
- To understand and respond to client, supplier and other third party needs and preferences, including to contact and communicate with such parties and to conduct surveys, research and evaluations;
- To develop, enhance, market, sell or otherwise provide K&N's products and services;
- To market, sell or otherwise provide products and services of third parties with whom K&N has a commercial relationship;
- To distribute our K&N Legal Newsletters, conference information and other material to individuals on our mail and e-mail lists, including via third party mailing houses and e-mail service providers;
- To develop and manage our knowledge-management precedent systems and databases;
- To develop and manage K&N's business and operations;
- To detect and protect K&N and other third parties against error, negligence, breach of contract, fraud, theft and other illegal activity, and to audit compliance with K&N policies and contractual obligations;
- To engage in business transactions, including the purchase, sale, lease, merger, amalgamation or any other type of acquisition, disposal, securitization or financing involving K&N;
- As permitted by, and to comply with, any legal or regulatory requirements or provisions; and
- For any other legitimate purpose to which you consent.

***To whom do we disclose your Personal Information?***

From time to time, K&N may disclose your Personal Information to:

- Service providers, including organizations or individual retained by K&N to perform services on its behalf, such as marketing, data processing, document management and office services;
- An organization or individual retained by K&N to evaluate your creditworthiness or to collect debts outstanding on an account;
- A financial institution, on a confidential basis and solely in connection with the assignment of a right to receive payment, the provision of security or other financing arrangements;
- A person who, in the reasonable judgment of K&N, is providing or seeking the information as your agent;
- To our insurers and to regulatory agencies such as provincial law societies, insurers or others in connection with regulatory or other activities relating to the obligations of K&N and its practice of the profession of law;
- Any third party or parties, where you consent to such disclosure or where disclosure is required or permitted by law.

***Where do we store your Personal Information?***

Your Personal Information is stored in secured locations and on servers controlled by K&N, located either at our offices or at the offices of our service providers.

### ***How can you obtain access to your Personal Information?***

Upon your written request, subject to certain exceptions, K&N will inform you of the existence, use, and disclosure of your Personal Information and will give you access to that information. Access requests should be sent to the K&N Privacy Officer, using the contact information below.

### ***How do we protect your Personal Information?***

To help protect the confidentiality of your Personal Information, K&N employs administrative and technological safeguards appropriate to the sensitivity of your Personal Information. Where Personal Information is sent to a third party for processing we ensure, through our contacts with them, that all Personal Information is kept secure. We operate secure data networks protected by industry standard firewall and password protection systems.

### ***Privacy and our Website***

- Cookies - When an individual visitor accesses the K&N website, we may use a browser feature called a “cookie” to collect information such as the type of Internet browser and operating system the visitor uses, the domain name of the website from which the visitor came, date and duration of the visit, number of visits, average time spent on our website, pages viewed and number of cookies accumulated. A cookie is a small text file containing a unique identification number that identifies the visitor's browser, but not necessarily the visitor, to our computers each time our website is visited. Unless a visitor specifically informs us (e.g. by registering for an event or sending us correspondence from the website), we will not know who the individual visitors are. In addition to the identified purposes described in our Privacy Policy, we may use this website information and share it with other organizations with whom we have a commercial relationship to measure the use of our website, to improve the functionality and content of the website and to facilitate usage by a visitor. Visitors can reset their browsers either to notify them when they have received a cookie or refuse to accept cookies. However, if a visitor refuses to accept cookies, he or she may not be able to use some of the features available on our website.
- On-line Communications – In order to provide our website visitors with a service or information, visitors may voluntarily submit Personal Information to us for purposes such as asking a question, obtaining information, reviewing or downloading a publication, participating in a seminar or other event, and participating in contests and surveys. If you are known to K&N as a registered user of an on-line service, we may combine and store Personal Information about your use of our website and the online information you have provided with certain other online and offline information we may have collected.
- E-Mail Communications - Occasionally, we may send marketing or promotional e-mail communications to you with information that may be useful, including information about the services of K&N and other third parties with whom we have a relationship. We will include instructions on how to unsubscribe and inform us of preferences if you decide you do not want to receive any future marketing or promotional e-mails from K&N.
- Links - Our website may contain links to other websites which are provided as a convenience only. Visitors are advised that other third party websites may have different privacy policies and practices than K&N, and K&N has no responsibility for such third party websites.

### ***Changes to the Privacy Policy***

K&N 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 and make such revised policy and changes available upon request to the K&N Chief Privacy Officer. However, K&N 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.

### **Further Information**

K&N has appointed **Robert Nadeau** as Chief Privacy Officer to oversee compliance with this Privacy Policy and applicable privacy laws. For information on K&N's privacy practices, please contact the K&N Chief Privacy Officer at:

#### **Kerr & Nadeau**

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