

# Privacy Policy

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September 26, 2019

Address Update April 30, 2020

## Table of Contents

Introduction .....	3
Responsibilities .....	3
What is Personal Information? .....	3
Purposes for the Collection, Use and Disclosure of Personal Information .....	4
Collecting Personal Information .....	5
How does the Law Society Use and Disclose Personal Information? .....	5
___ Certain Matters Privileged .....	5
Consent .....	6
Collection, Use or Disclosure Without Consent .....	6
Safeguarding Personal Information .....	7
Retention and Disposal of Personal Information.....	8
Right to Seek Access to, and Correction of, Personal Information.....	8
Complaints.....	9
Website Privacy .....	10
___ Information Collected from the Website.....	10
___ Use and Protection.....	10
___ Cookies.....	10
___ Third Party Links .....	10
___ Terms and Conditions .....	10
Communicating with the Law Society.....	10

## Introduction

1. The Law Society of Alberta regulates Alberta's lawyers. Its authority comes from Alberta's *Legal Profession Act* ("Act"), RSA 2000, c L-8 and is given effect through the Rules of the Law Society of Alberta (the "Rules") and other documents.
2. The Law Society of Alberta recognizes the importance of privacy and the sensitivity of Personal Information it obtains in carrying out its regulatory functions. Personal Information is collected, used, disclosed and retained in accordance with the *Personal Information Protection Act* (Alberta), SA 2003, c P-6.5 ("PIPA") and the *Personal Information Protection Act Regulation* AR 366/2003 ("PIPA Regulation").
3. This policy outlines the principles and practices the Law Society of Alberta follows in dealing with Personal Information. It applies to the Law Society of Alberta and to the Alberta Lawyers Indemnity Association ("ALIA"), a subsidiary corporation of the Law Society established under the Act (collectively the "Law Society"). It also applies to anyone providing services on behalf of the Law Society.

## Responsibilities

4. The Law Society regulates the legal profession in the public interest by promoting and enforcing a high standard of professional and ethical conduct by Alberta lawyers within an independent legal profession.
5. The Law Society will fulfil all requirements to protect, collect, use, disclose and retain Personal Information under PIPA, the Rules of the Law Society of Alberta, the *Code of Conduct* and other applicable law.
6. The Law Society will ensure that it has reasonable security arrangements in place against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of any Personal Information in its custody and control. The Law Society's Privacy Officer is responsible for ensuring that the Law Society has the appropriate policies and practices in place to safeguard any Personal Information in its custody and control. The Privacy Officer will also monitor compliance of those policies and processes with the requirements under PIPA and other applicable law.

## What is Personal Information?

7. Under section 1(k) of PIPA, "Personal Information" is any information about an identifiable individual. This includes, but is not limited to: name, address, email address, phone number, age, gender, and financial information. Any reference to "Personal Information" in this Policy refers to Personal Information as defined by PIPA.

8. Regulatory information is not subject to the same duties and responsibilities as Personal Information under PIPA. For further clarification, see the 'Right to Seek Access to, and Correction of, Personal Information' section of this Policy.

## **Purposes for the Collection, Use and Disclosure of Personal Information**

9. The Act authorizes the Law Society to regulate the legal profession. Along with the Act, the Law Society Rules and Code of Conduct for lawyers and students-at-law in Alberta enable the Law Society to fulfil its mandate to protect the public interest.
10. Under PIPA, the Act, the Rules and the Code of Conduct, the Law Society collects, uses and discloses Personal Information in performing its regulatory functions. The purposes for such collection, use, disclosure and retention include:
  - to facilitate lawyer accreditation and continued membership, including those lawyers practising in Alberta under interjurisdictional agreements;
  - to assess applications for enrolment and admission of lawyers;
  - to publish notices of unpaid fees and levies in accordance with membership rules of the Law Society;
  - to administer indemnity matters by ALIA;
  - to investigate complaints and to conduct disciplinary hearings;
  - to provide practice advice and implement practice standards;
  - to conduct Assurance Fund investigations and hearings, which can lead to an individual being compensated for funds misappropriated or wrongfully converted by a lawyer;
  - to audit and investigate law practice accounts, records, and funds, and to assist in the prevention and detection of misuse of client funds;
  - to manage custodianships;
  - to conduct practice review proceedings, good character hearings, and any necessary investigations relating to those hearings and investigations;
  - to consider applications for reinstatement by disbarred, suspended and inactive members, and to conduct any relevant investigations;
  - to ensure compliance of Law Society members with continuing education standards, including continuing professional development;
  - to investigate complaints relating to the unauthorized practice of law;
  - to establish, manage and terminate employment relationships between the Law Society and its employees;
  - to receive and respond to requests for information and access to Personal Information;
  - to inform and protect the public in order to regulate an independent legal profession and fulfil all duties and responsibilities under PIPA; and
  - to collect, use and disclose Personal Information for any reasonable purposes as set out in the Rules of the Law Society of Alberta.

## Collecting Personal Information

11. When it collects Personal Information, the Law Society will:

- communicate the purpose for the collection;
- limit collection of the Personal Information to what is reasonable to achieve the purposes for collection or for a use that is consistent with those purposes;
- be open and transparent about the Personal Information being collected;
- inform individuals of their right under PIPA to request access to, or seek correction of, any Personal Information about them held by the Law Society;
- comply with PIPA, the Act, the Rules, the Code of Conduct, and this policy; and
- endeavour to collect Personal Information directly from the subject of the information. The Law Society will only collect Personal Information from other sources with consent from the individual or as authorized by PIPA.

12. When the Law Society collects Personal Information directly from an individual, it will inform the individual of the purposes for collection of the Personal Information, except when the individual voluntarily provides the Personal Information for an obvious purpose.

## How does the Law Society Use and Disclose Personal Information?

13. The Law Society will use and disclose Personal Information only for the purposes for which it has consent from the individual, except as authorized by PIPA. If the Law Society needs to use or disclose Personal Information for any new purpose, the Law Society will seek the individual's consent, unless consent is not required under sections 16 or 19(1) of PIPA.

14. Employees of the Law Society collect, use and disclose Personal Information during their employment with the Law Society. All Law Society employees complete the necessary training to appropriately handle Personal Information in accordance with PIPA, the Rules, and Law Society policies and processes.

## Certain Matters Privileged

15. In carrying out its regulatory functions, the Law Society handles privileged or confidential information between lawyers and their clients. When the Law Society obtains privileged or confidential information from a lawyer, it undertakes all the obligations the lawyer would have in relation to that information, subject to the Act and the Rules. Where the privileged or confidential information is also Personal Information, the Law Society also remains bound by its obligations under PIPA with respect to that Personal Information.

## Consent

16. The Law Society requires an individual's consent to collect, use, or disclose Personal Information, except in circumstances where it is otherwise authorized by PIPA. An individual's consent is established if:

- the Law Society obtains the individual's express written or oral consent;
- the individual voluntarily provides Personal Information for an obvious purpose;
- the individual does not object to the Law Society's collection, use, or disclosure of Personal Information within a reasonable time after the Law Society has given the individual clear notice of its intention to do so; or
- the individual's Personal Information was collected before January 1, 2004, in which case the Law Society can use and disclose the Personal Information for the purpose for which it was collected.

17. An individual may withdraw consent to the collection, use, and disclosure of Personal Information at any time, unless the Law Society needs the Personal Information to fulfil its legal and regulatory obligations, or if the collection, use, or disclosure without consent is authorized by PIPA. If an individual decides not to give consent, or if the individual withdraws or varies it, the Law Society may not be able to provide certain services.

## Collection, Use or Disclosure Without Consent

18. The Law Society may collect Personal Information about an individual without his or her consent in accordance with PIPA, including in the following circumstances:

- the collection is clearly in the interests of the individual, and consent cannot be obtained in a timely way, or the individual would not reasonably be expected to withhold consent;
- another Act or Regulation allows for collection without consent;
- the collection is necessary to comply with an audit or inspection authorized by a statute or regulation of Alberta or Canada;
- the collection is for the purposes of an investigation or a legal proceeding;
- the Personal Information is publicly available;
- the Personal Information is necessary to decide eligibility for an award or honour;
- a credit reporting agency requires the collection for a credit report and the individual has told the Law Society that it can disclose such Personal Information;
- the Law Society needs the Personal Information to collect a debt; and
- the organization collecting the Personal Information is an archival institution, the collection of that Personal Information is reasonable for archival purposes or research and meets the requirements set out in the PIPA Regulation.

19. The Law Society may use Personal Information about an individual without their consent for the same reasons listed above for collection, or if the use of the Personal Information is:

- authorized or required by a statute, regulation, bylaw or legislative instrument of Alberta, Canada or a legislative instrument of the Law Society as a professional regulatory organization;
- for a purpose for which the Personal Information was collected;
- necessary to respond to an emergency that threatens the life, health or security of an individual or the public; or
- permitted under section 20 of PIPA in the context of another organization's disclosure of Personal Information to the Law Society.

20. The Law Society may disclose Personal Information about an individual without their consent for the same reasons listed above for collection and use, or if disclosure is:

- in accordance with a treaty authorizing disclosure without consent (made under an Act or regulation of Alberta or Canada);
- necessary to comply with a subpoena, warrant, or an order;
- to a public body or law enforcement agency to assist in an investigation for a law enforcement proceeding;
- to the surviving spouse or adult interdependent partner, or to a relative of a deceased individual, and the disclosure is reasonable;
- for the purposes of protecting against fraud; or
- necessary to contact next of kin or the surviving spouse or adult interdependent partner of a deceased individual.

## **Safeguarding Personal Information**

21. The Law Society protects Personal Information in a manner appropriate to its sensitivity and in accordance with PIPA. The Law Society has reasonable security arrangements to prevent any unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of Personal Information.

22. When the Law Society collects, uses, or discloses Personal Information, it makes reasonable efforts to ensure that the Personal Information collected, used and disclosed is accurate and complete. An individual who is aware of any errors in their Personal Information may contact the Law Society to request changes to their Personal Information. The Law Society will make the requested changes where appropriate.

23. The appropriateness of a particular method of communication may be influenced by circumstances and by those whose privacy or confidentiality interests are involved.

24. Those working for or on behalf of the Law Society must:

- make reasonable efforts to minimize the risk of unintentional disclosure of Personal Information;
- take special care to ensure that Personal Information is not overseen, overheard, accessed, or lost when working from premises other than the Law Society's offices; and
- take reasonable steps to protect Personal Information when travelling between locations

25. The Law Society does not sell any information to third parties.

26. All contractors having access to Personal Information in the Law Society's custody or control will be advised of this Privacy Policy and other applicable policies and processes to ensure the security and protection of Personal Information. All contractors will agree to abide by the policies and processes prior to commencing work.

27. The Law Society reserves the right to contract out any services to third parties within its role as regulator of the legal profession. This contracting of services may include contracting out to third parties who are not located in Canada, including the United Kingdom and the United States. At all times, the Law Society will ensure that each third party contractor has the appropriate privacy safeguards in place in order to ensure all Personal Information is secure. If you have questions or concerns, please see the "Communicating with the Law Society" section below.

## **Retention and Disposal of Personal Information**

28. Under PIPA, the Law Society may retain Personal Information only for as long as it reasonably requires that Personal Information for business or legal purposes. Under its retention policy, the Law Society may securely destroy Personal Information when the Personal Information is no longer required or transfer the Personal Information as authorized by law to the archivist for permanent retention.

29. For further clarification, please contact the Privacy Officer of the Law Society of Alberta.

## **Right to Seek Access to, and Correction of, Personal Information**

30. Under PIPA, an individual is entitled to:

- seek access to their Personal Information in records in the Law Society's custody or control;
- ask about the Law Society's use of their Personal Information and the names of persons to whom, and the circumstances in which, the Personal Information has been disclosed outside the Law Society; and
- request a correction of an error or omission they believe to be in their Personal Information.



31. Access or correction requests must be in writing and directed to the Law Society's Privacy Officer. The request must provide enough detail to enable the Law Society to process the request. The Law Society will respond within 45 days, unless it extends the time as authorized by law, including under the terms of PIPA. The Law Society may charge a reasonable fee to provide access to an individual's Personal Information. No fee will be charged for a correction request. The Law Society will advise the individual of any applicable fees before processing the request.
32. The Law Society will not provide access to, or a copy of, Personal Information if:
- the disclosure of that Personal Information could reasonably be expected to threaten the life or security of another individual;
  - the Personal Information would reveal Personal Information about another individual; or
  - the Personal Information would reveal the identity of an individual who has provided an opinion about another individual in confidence and has not consented to the disclosure of his or her identity.
33. When conducting an access to information request, the Law Society will not provide access to, or information regarding, regulatory information. PIPA covers Personal Information only and, pursuant to the Privacy and Information Commissioner of Alberta's Order P2006-004, the Commissioner does "*not have jurisdiction over what information the Law Society decided to provide to ... or to withhold from [the complainant] under its own processes*". Any information collected and held in the course of the Law Society's regulatory duties and processes is therefore not classified as Personal Information under PIPA for the purposes of an access to information request.

## Complaints

34. If individuals are not satisfied with the way the Law Society has handled their Personal Information, they may submit a complaint to the Law Society. The complaint will be investigated by the Law Society's Privacy Officer, who will determine whether the handling of Personal Information complied with PIPA, Law Society policies, protocols, and practices, and any other applicable law.
35. The Privacy Officer will make every reasonable effort to resolve complaints. The individual making the complaint will be informed of any progress or outcome of the investigation within 45 days of submission.
36. However, individuals can seek advice from the Office of the Information and Privacy Commissioner of Alberta (oipc.ab.ca). If appropriate, an individual can file a written complaint with the Commissioner's office. Individuals are encouraged to submit a complaint to the Law Society's Privacy Officer before consulting the Commissioner.

## Website Privacy

### Information Collected from the Website

37. The Law Society only collects Personal Information that is given by a user in his or her direct communication to the Law Society through our website, such as when providing information about a lawyer, or when contacting the Law Society with feedback. This information is then stored in a secure database. Personal Information collected in such a situation may include: first name, last name, telephone number, address and email address.

### Use and Protection

38. Personal Information collected through the various functions of the Law Society is only accessible to members or employees of the Law Society. Personal Information will only be used for the purposes stated above by the Law Society. If you have any concerns over the use of your Personal Information, please contact the Law Society's Privacy Officer.

### Cookies

39. A cookie is a piece of data sent by a website and stored on the user's computer when that website is accessed. The Law Society website does not collect any cookies.

### Third Party Links

40. Any third party sites linked from the Law Society website have their own separate privacy policies. The Law Society therefore does not assume any liability or responsibility for the content and activities of these independent sites.

### Terms and Conditions

41. Through the use of this website, users accept the terms and conditions of this Privacy Policy. Any changes that are made to this policy will be posted to the "Privacy" page of the Law Society's website.

## Communicating with the Law Society

42. If individuals have questions or concerns about the Law Society's administration of their Personal Information, or if they wish to request access to or correction of their Personal Information in records in the Law Society's custody or control, they should contact the Privacy Officer at:

Law Society of Alberta  
Suite 700, 333 – 11th Avenue SW  
Calgary, AB T2R 1L9  
Telephone (403) 229-4700 Toll free 1-800-661-9003  
Fax (403) 228-1728  
Email: [privacy.officer@lawsociety.ab.ca](mailto:privacy.officer@lawsociety.ab.ca)

43. If the individuals are not satisfied with the Law Society's response or would like further clarification on a matter or complaint, they may contact the Office of the Information and Privacy Commissioner of Alberta, at:



Office of the Information and Privacy Commissioner of Alberta  
Suite 2460, 801 6 Avenue SW  
Calgary, AB T2P 3W2  
Telephone (403) 297-2728 Toll Free: 1-888-878-4044  
Email: [generalinfo@oipc.ab.ca](mailto:generalinfo@oipc.ab.ca)  
Website: [www.oipc.ab.ca](http://www.oipc.ab.ca)