

Privacy Policy

POLICY ON THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Objective and Scope of Policy

Benson Buffett PLC Inc. ("Benson•Buffett"), is one of the largest law firms based in the province of Newfoundland and Labrador. Benson•Buffett has a wide and varied clientele, providing legal services to individuals, corporations, and a variety of agencies and organizations. Our obligations as legal professionals are governed, in part, by the rules of professional conduct, that govern each of our professionals as members of the provincial law society. In keeping with our professional obligations, we recognize the importance of maintaining the confidentiality of our client information and our obligations concerning the personal information of all individuals that we collect, use or disclose in our practice. This policy statement has been prepared to supplement these existing obligations and to affirm our commitment to maintaining the privacy of our clients and all individuals, about whom we collect personal information, and to inform you of our practices concerning the collection, use and disclosure of personal information collected by Benson•Buffett.

For the purposes of this policy, "personal information" means any information, recorded in any form about an identifiable individual, or an individual whose identity may be inferred or determined from that information. This does not apply, however, to information including the name, title or business address or telephone number of an employee of any organization. This policy also does not cover any information about more than one individual, where the identity of any individual is not known, and cannot be inferred from the information (aggregated information). Benson•Buffett retains the right to use aggregated information in any way that it determines appropriate.

By using contractual or other arrangements, Benson•Buffett shall ensure that agents, contractors or third party service providers, who may receive personal information in the course of providing services to Benson•Buffett as part of our delivery of products and services, protect that personal information in a manner consistent with principals articulated in this policy statement.

Professional Relationship

As a general rule, all information concerning the business and affairs of a person or organization, acquired: 1) for the purpose of determining whether Benson•Buffett will enter into a professional relationship; or 2) in the course of a professional relationship, shall be held in strict confidence and not revealed to anyone, unless expressly or implicitly authorized by the person or organization concerned. A professional relationship develops when Benson•Buffett agrees to be retained to provides services to a particular individual or organization. In order to protect their own interests, individuals or organizations should not send confidential information to Benson•Buffett until they have had a direct discussion with a professional at the firm regarding their retention of Benson•Buffett to provide legal services.

Our Need for Personal Information

In order to be able to give legal advice to our clients, we need access to all relevant facts and information that relate to our retainer, and to the representation of our clients. This information will necessarily include personal information about our clients, and about individuals other than our clients. We collect personal information for the following purposes:

1. To determine whether Benson•Buffett can enter into a professional relationship with you;

2. With respect to the collection and use of third party personal information, in the course and scope of representing clients and providing legal services to such clients;
3. With respect to the collection and use of your personal information, to provide legal services or information to you;
4. To establish and maintain general and client mailing lists;
5. To communicate with you to inform you of legal developments, new services, or seminars and events put on by Benson•Buffett;
6. To ensure your satisfaction with our services;
7. For administration, billing, accounting, auditing and collection purposes in relation to you or your business and your relationship to us;
8. Through our website, for the purposes of tracking (for internal marketing and security purposes) access to and usage of the Benson•Buffett website; and
9. Generally, to fulfill our professional and legal obligations.

The Collection, Use and Disclosure of Personal Information

Where practical, we endeavour to collect personal information directly from the person to whom the information pertains. When necessary, and where permitted by the laws governing personal information, we will collect personal information from other sources. Your provision of personal information to Benson•Buffett, means that you agree and consent that we may collect, use and disclose your personal information in accordance with this privacy policy. If you do not agree with these terms, you are requested not to provide any personal information to Benson•Buffett. Unfortunately, certain services can only be offered, if you provide personal information to Benson•Buffett. Consequently, if you choose not to provide us with any required personal information, Benson•Buffett may not be able to offer you those services. It is our policy to collect personal information about individuals other than our clients, in accordance with the relevant laws governing collection of personal information. Benson•Buffett collects only such information from individuals or organizations as is required, for the purposes of providing services or information to them. Benson•Buffett does not sell, trade, barter, exchange for consideration or give away any personal information without your consent. Unless permitted by law, no personal information is collected about an individual without first obtaining the consent of the individual to the collection, use and dissemination of that information.

Benson•Buffett may disclose personal information to organizations that perform services on behalf of the firm. Personal information will only be provided to such organizations if they agree to use such information, solely for the purposes of providing services to Benson•Buffett, and under the instruction of Benson•Buffett, and, with respect to that information, to act in a manner consistent with the relevant principals articulated in this policy. Please note that there are circumstances where the use and/or disclosure of personal information may be justified or permitted, or where Benson•Buffett is obliged to disclose information, without consent. Such circumstances may include:

Where required by law, or by order, or requirement of the Court, administrative agency or other governmental tribunal.

- In emergency situations where Benson•Buffett believes, upon reasonable grounds, that it is necessary to protect the life, health or security of an individual.
- Where it is necessary to establish or collect monies owing to Benson•Buffett.

Where obliged or permitted to disclose personal information without consent, Benson•Buffett will not disclose more information than is required.

Accuracy

Benson•Buffett endeavours to ensure that any personal information provided and in its possession is as accurate, current and complete as necessary for the purposes for which Benson•Buffett uses that information.

Retention

Benson•Buffett keeps personal information only as long as it is required for the reasons it was collected. The length of time we retain information varies, depending on the product or service and the nature of the information. Retention of client information is also guided by the rules relating to file closure, retention and destruction created by the Law Society of Newfoundland and Labrador. The period of retention will extend beyond the end of a person's relationship with us, but it will be only for so long as it is necessary for us to have sufficient information to respond to any issues that may arise at a later date. When your personal information is no longer required for Benson•Buffett's purposes, we have procedures to destroy, delete, erase, or convert it into an anonymous form. Currently, Benson•Buffett holds personal information in our offices in CBS and St. John's, and in our storage facilities in St. John's.

Security

Benson•Buffett endeavours to maintain adequate physical, procedural and technical security with respect to its offices and information storage facilities, so as to prevent any loss, misuse, unauthorized access, disclosure, or modification of personal information. Benson•Buffett further protects personal information by restricting access to it to those employees that the management of Benson•Buffett has determined need to know that information, in order that Benson•Buffett may provide its services. In terms of communicating personal information to Benson•Buffett, you may wish to note that there is no method of transmitting or storing data that is completely secure. While the physical characteristics of each are different, mail, telephone calls, faxes and transmissions over the internet are all susceptible to possible loss, misrouting, interception and misuse of the information being communicated or transmitted.

As do many organizations, Benson•Buffett attempts to strike a reasonable balance between security and convenience. In communicating with clients and others, Benson•Buffett often requests the right to use a method of communication that is less secure than some of its less convenient alternatives. An example of this is e-mail. At this time, when we use e-mail, it is sent as unencrypted plain text. We do this because Benson•Buffett believes that many of our clients and others cannot readily process encrypted e-mail. This is done for their convenience, but has the security concern that if misrouted or intercepted, it could be read more easily than encrypted e-mail.

Access

You may make a request for information concerning any personal information that Benson•Buffett holds on you. Upon request, Benson•Buffett will inform you of the existence of any such personal information, and will provide you with details of the personal information. If requested, access will be given to your own personal information within a reasonable period of time. Benson•Buffett reserves the right to charge a fee for this access and will notify you of the approximate cost at the time of considering your request.

Benson•Buffett's Website

Our webserver may track general information about visitors, such as their domain name and time of visit.

Benson•Buffett' webserver may also collect and aggregate information regarding which pages are being accessed. This information maybe used internally, only in aggregate form, to better serve visitors, by helping us to:

1. manage our websites;
2. diagnose any technical problems;
3. improve the content of our website.

During the course of an individual's use of the internet, he/she will learn of the common use of "cookies". Cookies are files or pieces of information that may be stored in a computer's harddrive when an individual visits a website. Most internet browsers are initially sent to accept cookies. If you do not wish to accept cookies, you can set yours to refuse cookies, or to alert you when cookies are being sent. Benson•Buffett' websites do not presently use cookies, clear GIFs or any type of "web bug".

Amendment of Benson•Buffett' Practices and this Policy

This statement is in effect as of January 1, 2004. Benson•Buffett will from time to time review and revise its privacy practices, and its policy statement. In the event of any amendment, an appropriate notice will be posted on Benson•Buffett' website. Policy changes will apply to the information collected from the date of posting of the revised policy statement to Benson•Buffett' website, as well as to existing information held by Benson•Buffett.

Questions

In the event an individual has questions about:

1. access to personal information;
2. the collection, use, management or disclosure of personal information; or
3. this policy statement,

that person should contact any of the following:

1. the professional with whom he/she has had contact with at the time, or
2. the firm's Chief Privacy Officer.

The Chief Privacy Officer may be contacted in writing or by e-mail at the address listed below:

Gregory J. Peddle , Chief Privacy Officer
Benson•Buffett, Barristers & Solicitors
215 Water Street, Atlantic Place, Suite 900
P. O. Box 1538, St. John's, NL A1C 5N8
Tel#: (709) 579-2081
Fax#: (709) 739-8184
Email: GJPeddle@bensonbuffett.com