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# PKBW GROUP Chartered Accountants & Business Advisors Inc.'s Privacy Policy

Ten interrelated principles form the basis of the **PKBW GROUP Chartered Accountants & Business Advisors Inc.** ("PKBW GROUP") Privacy Policy for the Protection of Personal or corporate Information ("the Privacy Policy"). Each principle must be read in conjunction with the accompanying commentary.

## **Accountability**

PKBW GROUP is responsible for personal or corporate information under its control and shall designate a Privacy Officer who is accountable for the firm's compliance with the principles of the Privacy Policy.

## **Identifying Purposes**

PKBW GROUP shall identify the purpose, for which personal or corporate information is collected, on or before the time the information is collected.

## **Consent**

The knowledge and consent of the client or client's representative is required for the collection, use or disclosure of personal or corporate information, except in specific circumstances as described within this Privacy Policy.

## **Limiting Collection**

The collection of personal or corporate information shall be limited to that which is necessary for the purposes identified by the firm. Information shall be collected by fair and lawful means.

## **Limiting Use, Disclosure, and Retention**

Personal or corporate information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the client or client's representative or as required by law. Personal or corporate information shall be retained only as long as necessary for the fulfillment of those purposes.



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### **Accuracy**

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

### **Safeguards**

Security safeguards appropriate to the sensitivity of that information shall be utilized to preserve and protect the personal or corporate information.

### **Openness**

PKBW GROUP shall make readily available to client or its client's representative specific, understandable information about its policies and practices relating to the management of personal or corporate information.

### **Individual Access**

Upon written request, a client or client's representative shall be informed of the existence, use, and disclosure of their personal or corporate information, and shall be given access to that information. A client or client's representative is entitled to question the accuracy and completeness of the information and have it amended as appropriate.

### **Compliance**

A client or client's representative shall be able to question compliance with the above principles to the Privacy Officer accountable for the firm's compliance. PKBW GROUP shall have policies and procedures to respond to the client or client's representative's questions and concerns.



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## **DEFINITIONS**

The following definitions apply in this Privacy Policy:

### **Collection**

The act of gathering, acquiring, or obtaining personal or corporate information from any source, including Third Parties, by any means.

### **Consent**

Voluntary agreement with what is being done or proposed. Consent can be either expressed or implied. Expressed consent is given explicitly, either orally or in writing. Expressed consent is unequivocal and does not require any inference on the part of PKBW GROUP seeking consent. Implied consent arises where consent may reasonably be inferred from the action or inaction of the client or client's representative.

### **Privacy Officer**

The person within PKBW GROUP who is responsible for overseeing the collection, use, disclosure and protection of the client or client's representative's personal or corporate information, and the firm's day-to-day compliance with the Privacy Policy.

### **Disclosure**

Making personal or corporate information available to others outside the firm.

### **Client**

The person who is a client or client's representative as defined in the engagement letter. This Privacy Policy applies equally to the collection, use or disclosures of personal or corporate information about the client or client's representatives and non-clients. Where the term 'client or client's representative' is used, its intent is also to include non-clients.

### **Organization**

A term used in the Privacy Policy that includes business corporations, partnerships, professional practices, persons, government bodies, institutions, associations, charitable organizations, clubs, unions, or any other form of organization.

### **Personal or Corporate Information**

Any information that is about or can be linked to an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.



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### **Third Party**

Refers to any person or organization other than the PKBW GROUP or the client or client's representative.

### **Use**

Refers to the treatment and handling of personal or corporate information within the firm.

## **PRINCIPLES**

### **1.0 Principle 1 – Accountability**

PKBW GROUP is responsible for personal or corporate information under its control and shall designate a Privacy Officer who is accountable for the firm's compliance with the principles of the Privacy Policy.

- 1.1 Ultimate accountability for the firm's compliance with the principles rests with PKBW GROUP's Board of Directors, who delegate day-to-day accountability to a Privacy Officer. Other individuals within PKBW GROUP may be accountable for the day-to-day collections and processing of personal or corporate information, or to act on behalf of the Privacy Officer.
- 1.2 PKBW GROUP shall identify internally and to its client or client's representatives the Privacy Officer who is responsible for the day-to-day compliance with the principles.
- 1.3 PKBW GROUP is responsible for personal or corporate information in its control. PKBW GROUP shall use contractual or other means to provide a comparable level of protection while the information is being processed or held by a Third Party.
- 1.4 PKBW GROUP shall implement policies and procedures to give effect to the principles, including:
  - a) Procedures to protect personal or corporate information;
  - b) Procedures to receive and respond to concerns and inquiries
  - c) Training staff to understand and follow the firm's policies and procedures; and



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- d) Annual review of the effectiveness of the policies and procedures to ensure compliance with the Privacy Policy and consideration of any revisions as deemed appropriate.

## **2.0 Principle 2 – Identifying Purposes**

The purposes for which personal or corporate information is collected shall be identified by PKBW GROUP when or before the information is collected.

- 2.1 PKBW GROUP shall document the purpose for which personal or corporate information is collected prior to the information being collected.
- 2.2 PKBW GROUP shall make reasonable efforts to ensure that the client or client's representative is aware of the purpose for which personal or corporate information is collected, including any disclosures to Third Parties.
- 2.3 Identifying the purposes for which personal or corporate information is being collected at or before the time of collection also defines the information needed to fulfill these purposes.

PKBW GROUP shall collect personal or corporate information for the following purposes:

- To understand the client or client's representative's needs;
  - To determine the suitability of the services for the client or client's representative or the eligibility of the client or client's representative for services;
  - To develop, offer and manage services that meet the client or client's representative's needs;
  - To provide ongoing service or services;
  - To detect and prevent fraud, and to help safeguard the financial interests of the client or client's representatives and PKBW GROUP;
  - To meet legal and regulatory requirements and
  - To meet personnel requirements.
- 2.4 The identified purposes should be specified to the client or client's representative from whom the personal or corporate information is being collected. This can be done orally, electronically or in writing. An application



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form with the purposes highlighted, for example, may give notice of the purposes.

- 2.5 When personal or corporate information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the client or client's representative is required before information can be used for that purpose.

### 3.0 Principle 3 – Consent

The knowledge and consent of the client or client's representative is required for the collection, use, or disclosure of personal or corporate information, except in specific circumstances as described within this Privacy Policy.

**Note:** In certain circumstances, personal or corporate information may be collected, used, or disclosed without the knowledge or consent of the individual. These circumstances include:

- Where clearly in the interests of the individual and or an organization and consent cannot be obtained in a timely way;
- To avoid compromising information availability or accuracy and if reasonable to investigate a breach of an agreement or a contravention of the laws of Canada or a province;
- Where the information is considered by law to be publicly available;
- To act in respect of an emergency that threatens the viability or security, or could give rise to the liability of an individual or organization;
- To investigate an offence under the laws of Canada, a threat to Canada's security, to comply with a subpoena, warrant or court order, or rules of court relating to the production of records, or otherwise as required by law.

- 3.1 Consent is required for the collection of personal or corporate information and the subsequent use or disclosure of this information. In certain circumstances, consent may be sought after the information has been collected but before use (for example, when existing information is to be used for a purpose not previously identified).

PKBW GROUP may be required to collect, use, or disclose personal or corporate information without the client or client's representative's consent for



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certain purposes, including for the collection of overdue accounts, legal or security reasons.

- 3.2 The principle requires “knowledge and consent”. PKBW GROUP shall make a reasonable effort to ensure that the client or client’s representative is aware of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the client or client’s representative can reasonably understand how the information will be used or disclosed.
- 3.3 PKBW GROUP shall not, as a condition of the supply of a service, require a client or client’s representative to consent to the collection, use, or disclosure of information beyond that required to fulfill explicitly specified and legitimate purposes.
- 3.4 In determining the form of consent to use, PKBW GROUP shall take into account the sensitivity of the information. Although some information (for example, medical and financial records) is almost always considered to be sensitive, any information can be sensitive, depending on the context.
- 3.5 In obtaining the consent, the reasonable expectations of the client or client’s representative are also relevant.

For example, a client or client’s representative should reasonably expect PKBW GROUP to periodically supply information on PKBW GROUP developments and services, and to provide ongoing services. Similarly, further consent will not be required when personal or corporate information is transferred to agents of PKBW GROUP to carry out functions such as data processing. In this case, PKBW GROUP can assume that the client or client’s representative’s request constitutes consent for specifically related purposes.

On the other hand, a client or client’s representative would not reasonably expect that personal or corporate information given to PKBW GROUP would be given to a Third Party company selling other products, unless consent was obtained. Consent will not be obtained through deception.

- 3.6 The way in which PKBW GROUP seeks consent may vary, depending on the circumstances and the type of information collected. PKBW GROUP will seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Client or client’s representatives can give consent:
  - a) In writing, such as when completing and signing an engagement letter;



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- b) Through inaction, such as failing to check a box indicating that they do not wish their names and addresses to be used for optional purposes;
- b) Orally, such as when information is collected over the telephone or in person;
- d) At the time they receive a service, and through an authorized representative (such as a legal guardian or a person having power of attorney).

3.6 A client or client's representative may withdraw consent at any time, subject to legal or contractual restrictions, provided that:

- a) Reasonable notice of withdrawal of consent is given to the firm;
- b) Consent does not relate to a credit product requiring the collection and reporting of information after credit has been granted; and
- c) The withdrawal of consent is in writing and includes understanding by the client or client's representative that withdrawal of consent could mean that PKBW GROUP cannot provide the client or client's representative with a service or information of value.

The PKBW GROUP shall inform the client or client's representative of the implications of such withdrawal.

#### **4.0 Principle 4 – Limiting Collection**

The collection of personal or corporate information shall be limited to that which is necessary for the purposes identified by the firm. Information shall be collected by fair and lawful means.

4.1 PKBW GROUP shall not collect personal or corporate information indiscriminately. PKBW GROUP shall specify both the amount and the type of information collected, limited to that, which is necessary to fulfill the purposes identified, in accordance with the firm's policies and procedures.

4.2 PKBW GROUP shall collect personal or corporate information by fair and lawful means, and not by misleading or deceiving client or client's representatives about the purpose for which information is being collected.

#### **5.0 Principle 5 – Use, Disclosure, and Retention**

Personal or corporate information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the client or client's



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representative or as required by law. Personal or corporate information shall be retained only as long as necessary for the fulfillment of those purposes.

5.1 When PKBW GROUP uses personal or corporate information for a new purpose, the purpose shall be documented.

5.2 PKBW GROUP shall protect the interest of its client or client's representatives by taking reasonable steps to ensure that:

- a) Orders or demands comply with the laws under which they were issued;
- b) Only the personal or corporate information that is legally required is disclosed and nothing more;
- c) Casual requests for personal or corporate information are denied, and
- d) Personal or corporate information disclosed to unrelated Third Party suppliers of services is strictly limited to programs endorsed by PKBW GROUP.

PKBW GROUP will make reasonable efforts to notify the client or client's representative that an order has been received, if not contrary to the security of PKBW GROUP and if the law allows it. Notification may be by telephone, or by letter to the client or client's representative's usual address.

5.3 PKBW GROUP shall maintain guidelines and procedures with respect to the retention of personal or corporate information. These guidelines include minimum and maximum retention periods. Personal or corporate information that has been used to make a decision about a client or client's representative shall be retained long enough to allow the client or client's representative access to the information after the decision has been made. PKBW GROUP may be subject to legislative requirements with respect to retention of records.

5.4 Subject to any requirement to retain records, personal or corporate information that is no longer required to fulfill the identified purposes shall be destroyed, erased, or made anonymous. PKBW GROUP shall develop guidelines and implement procedures to govern the destruction of personal or corporate information.

## **6.0 Principle 6 – Accuracy**

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



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- 6.1 The extent to which personal or corporate information shall be accurate, complete, and up-to-date will depend upon the uses of the information, taking into account the interests of the client or client's representative. PKBW GROUP relies on the client or client's representative to keep certain personal or corporate information, such as address information, accurate, complete and up-to-date. Information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the client or client's representative.
- 6.2 PKBW GROUP shall not routinely update personal or corporate information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- 6.3 Personal or corporate information that is used on an ongoing basis, including information that is disclosed to Third Parties, will generally be accurate and up-to-date unless limits to the requirement for accuracy are clearly set out.

#### **7.0 Principle 7 – Safeguards**

Personal or corporate information shall be protected by security safeguards appropriate to the sensitivity and nature of the information. PKBW GROUP will apply the same standard of care as it applies to safeguard its own confidential information of a similar nature.

- 7.1 The security safeguards shall protect personal or corporate information against loss or theft, as well as unauthorized access, use, copying, modification, disclosure or disposal. PKBW GROUP shall protect personal or corporate information regardless of the format in which it is held.
- 7.2 The nature of the safeguards will vary depending on the sensitivity, amount, distribution and format of the information and the method of storage. More sensitive information will be safeguarded by a higher level of protection.
- 7.3 The methods of protection will include:
- a) Physical measures, for example, locked filing cabinets and restricted access to offices;
  - b) Organizational measures, for example, controlling entry to data centres and limiting access to information to a "need-to-know" basis;
  - c) Technological measures, for example, the use of passwords and encryption; and



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d) Investigative measures, in cases where PKBW GROUP has reasonable grounds to believe that personal or corporate information is being inappropriately collected, used or disclosed.

7.4 PKBW GROUP shall periodically remind employees, officers and directors of the importance of maintaining the confidentiality of personal or corporate information. Employees, officers and directors are individually required to sign an oath of ethical conduct annually, including a commitment to keep client or client's representative's personal or corporate information in strict confidence.

7.5 Third Parties shall be required to safeguard personal or corporate information disclosed to them in a manner consistent with the policies of the firm. Examples include data processing and off-site work.

7.6 Care shall be used in the disposal or destruction of personal or corporate information to prevent unauthorized parties from gaining access to the information.

#### **8.0 Principle 8 – Openness**

PKBW GROUP shall make readily available to client or client's representatives specific, understandable information about its policies and procedures relating to the management of personal or corporate information.

8.1 PKBW GROUP shall be open about privacy policies and procedures with respect to the management of personal or corporate information and shall make them readily available in a form that is generally understandable.

8.2 The information made available shall include:

a) The name or title, and the address of the Privacy Officer who is accountable for compliance with the firm's policies and procedures and to whom inquires or complaints can be forwarded;

b) The means of gaining access to personal or corporate information held by the firm;

c) A description of the type of personal or corporate information held by the firm, including a general account of its uses;

d) A copy of any brochures or other information that explains the firm's policies; standards or Privacy Policy; and



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- e) The types of personal or corporate information made available to related organizations, such as subsidiaries or other suppliers of services.

8.3 PKBW GROUP may make information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, PKBW GROUP may choose to make brochures available in its place of business, mail information to its client or client's representatives, provide on-line access or establish a toll-free telephone number.

### 9.0 Principle 9 – Individual Access

Upon request a client or client's representative shall be informed of the existence, use and disclosure of their personal or corporate information, and shall be given access to that information. A client or client's representative is entitled to challenge the accuracy and completeness of the information and have it amended as appropriate.

**Note:** In certain situations, PKBW GROUP may not be able to provide access to all the personal or corporate information it holds about a client or client's representative. Exceptions to the access requirement will be limited and specific.

The reasons for denying access include the following:

- Providing access would likely reveal personal or corporate information about a Third Party unless such information can be severed from the record or the Third Party consents to the disclosure, or the information is needed due to a threat to life, health or security.
- The personal or corporate information has been requested by a government institution for the purposes of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out any investigation related to the enforcement of any law, the administration of any law, the protection of national security, the defense of Canada or the conduct of international affairs;
- The information is protected by solicitor-client privilege;
- Providing access would reveal confidential commercial information, provided this information cannot be severed from the file containing other information requested by the individual;



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- The information was collected without the knowledge or consent of the individual for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
- The information was generated in the course of a formal dispute resolution process.

- 9.1 Upon request, PKBW GROUP shall inform a client or client's representative of the existence, use, disclosure, and source of personal or corporate information about the client or client's representative held by the firm, and shall allow the client or client's representative access to this information.
- 9.2 For PKBW GROUP to provide an account of the existence, use, and disclosure of personal or corporate information held by the firm, the client or client's representative may be asked to provide sufficient information to aid in the search. The additional information provided shall only be used for this purpose.
- 9.3 In providing an account of Third Parties to which it has, or may have, disclosed personal or corporate information about a client or client's representative, PKBW GROUP will be as specific as possible, including a list of Third Parties.
- 9.4 PKBW GROUP shall respond to a client or client's representative's request within a reasonable time and at no cost, or reasonable cost, to the client or client's representative. The requested information shall be provided or made available in a form that is generally understandable. For example, if the PKBW GROUP uses abbreviations or Privacy Policy to record information, an explanation will be provided.
- 9.5 When a client or client's representative successfully demonstrates the inaccuracy or incompleteness of personal or corporate information, PKBW GROUP shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to Third Parties having access to the information in question.
- 9.6 When a challenge is not resolved to the satisfaction of the client or client's representative, the substance of the unresolved challenge shall be recorded by the firm. When appropriate, the existence of the unresolved challenge shall be transmitted to Third Parties having access to the information in question.



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## 10.0 Principle 10 – Compliance

A client or client's representative shall be able to question compliance with the above principles to the Privacy Officer accountable for the firm's compliance. PKBW GROUP shall have policies and procedures to respond to the client or client's representative's questions and concerns.

- 10.1 The Privacy Officer accountable for the firm's compliance shall be known to staff and identified to the client or client's representatives periodically.
- 10.2 PKBW GROUP shall maintain procedures to receive and respond to complaints or inquires about their policies and practices relating to the handling of personal or corporate information. The complaint procedures will be easily accessible and simple to use.
- 10.3 Client or client's representatives who make inquiries or lodge complaints shall be informed by PKBW GROUP of the existence of relevant complaint procedures. If a complaint is not satisfactorily resolved with the Privacy Officer in the firm, it may be taken to PKBW GROUP's Board of Directors. If not resolved there, procedures shall be in place to refer it to a regulator, or to an independent mediator or arbitrator, as may be appropriate.
- 10.4 PKBW GROUP shall investigate all complaints. If a complaint is found to be justified, PKBW GROUP shall take appropriate measures, including revision of the personal or corporate information and, if necessary, amending the firm's polices and practices.

For Additional Information or clarification on this policy please contact our Privacy Officer:

Richard G. Senez, B.A., CA, Director  
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