

**MILLER, CANFIELD, PADDOCK & STONE, LLP THE LAW FIRM  
PRIVACY POLICY - CANADA**

**1. INTRODUCTION**

The Board of Directors, lawyers and staff of Miller, Canfield, Paddock & Stone, LLP (“**Miller Canfield**”), respect clients’ personal information and endeavour to safeguard that information from unauthorized use, retention, or disclosure to third parties.

Miller Canfield is an international law firm with offices located in Canada, the United States of America, Poland, Mexico, and China. This Privacy Policy applies to the activity of the law firm in Canada.

Miller Canfield adheres to the Law Society of Upper Canada’s *Rules of Professional Conduct* regarding security of clients’ personal information, and to Miller Canfield’s privacy policy (the “**Privacy Policy**”), as follows:

As an existing or former or future client, in retaining Miller Canfield’s services to represent you or your business, the entire Miller Canfield team will act in accordance with this Privacy Policy which encompasses all applicable privacy legislation including, but not limited to, the *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”).

**2. SCOPE OF THE PRIVACY POLICY**

This Privacy Policy governs personal information whether such personal information is collected from the client, from other lawyers, or from organizations or persons that have information relevant and necessary to fulfilling the purpose for which our firm’s services have been retained.

Personal information is defined under PIPEDA as any information that is identifiable or directly attributable to an individual. It does not cover information about an individual that is available from a public source, such as a telephone directory, court record, or land registry office. It also does not cover aggregated data, used for statistical and reporting purposes, from which data the client’s identity cannot be determined.

This Privacy Policy applies to Miller Canfield’s Board of Directors, partners, associates, and employees. Miller Canfield ensures that all third party service providers sign confidentiality agreements prior to any transfer of a client’s personal information in the course of providing the services for which Miller Canfield was retained.

**3. PURPOSES FOR COLLECTING PERSONAL INFORMATION**

Miller Canfield collects personal information for the following limited purposes:

1. to represent the client, including maintenance of a file for future reference or future retainer;

2. to establish and maintain client lists for collection of legal fees, record keeping and statistical purposes; and
3. to establish and maintain mailing lists for newsletters, notification of workshops and seminars, or legal updates that Miller Canfield believes might be informative or of benefit to the client
4. **CONSENT TO THE COLLECTION, USE, AND DISCLOSURE OF PERSONAL INFORMATION**

By retaining Miller Canfield, the client consents to Miller Canfield collecting, using and disclosing personal information obtained for the purpose for which Miller Canfield was retained, as well as those purposes listed above in this Privacy Policy.

Miller Canfield will not use client personal information for any purposes other than that consented to by the client. Miller Canfield does not sell, barter, or lease personal information it obtains from its client to third parties.

If the client requests additional services of Miller Canfield beyond that of the original retainer, the client is giving implied consent to Miller Canfield using the personal information already held for the original purpose, as well as any new personal information collected for the new purpose and no signature will be required on a new or amending retainer agreement.

Under PIPEDA, Miller Canfield may disclose personal information without client consent to:

- government or legal enforcement agencies if Miller Canfield determines that the client has provided incorrect information for fraudulent or illegal purposes;
- government or legal enforcement agencies if the information is collected in the midst of a criminal investigation;
- legal enforcement agency if Miller Canfield determines that there is imminent risk of death or serious bodily harm, including psychological harm, to an identifiable person or group of persons;
- disclosure to a third party individual or organization if so ordered by a Court or Tribunal of competent jurisdiction; and
- defend against allegations of criminal or civil liability, or professional malpractice or misconduct, by the client or former client.

## **5. ACCURACY OF A CLIENT'S PERSONAL INFORMATION**

Miller Canfield endeavours to ensure all personal information in Miller Canfield's possession, is accurate, current and as complete as is necessary for the purposes for which the personal information was collected, used and maintained. Upon notification and verification that the personal information requires correction or updating, Miller Canfield will make the necessary amendments.

Personal information contained in files that have been closed, or pertaining to matters of the client that have been resolved, will not be actively updated or maintained.

Personal information pertaining to the services for which Miller Canfield was retained will be maintained in the file once it is closed. Closed files are retained for the period prescribed by relevant Federal and Provincial legislation, and for lengthier periods if Miller Canfield deems such lengthier period is appropriate in the circumstances of the legal services provided.

## **6. SAFEGUARDS**

Miller Canfield has implemented a number of physical, organizational and technological safeguards appropriate to the sensitivity of the client's personal information, including but not limited to:

### **6.1 Physical**

Access to the Miller Canfield offices is restricted by security\key access and by receptionist control.

Client files are maintained in areas where access is restricted to authorized personnel. Clients only have walk-through access to these areas if they are escorted by their lawyer or a Miller Canfield authorized employee.

Highly sensitive information such as financial account information, estate information, and (physical evidence), are stored in a locked vault or cabinet with no available access to anyone but those individuals in Miller Canfield with the highest security clearance.

### **6.2 Organizational**

Only Miller Canfield lawyers and employees working on the client's file will have authorized access to personal information contained in a file or otherwise maintained.

### **6.3 Technological**

Miller Canfield utilizes the current firewall, virus protection and other technological safeguards to protect personal information that is retained on the Miller Canfield computer network. Arising out of the international dimensions of Miller Canfield, the main computer servers and services

are located within the Miller Canfield offices in Detroit, Michigan, at which location Miller Canfield maintains technical staff and computer support staff to assist in maintaining the degree of privacy and confidentiality necessary to implement and comply with this Privacy Policy. Accordingly, personal information collected by Miller Canfield is substantially stored in the United States and is subject to access by courts, law enforcement or national security authorities of the United States.

By virtue of their role, technical and support staff has access to personal information contained in computer records on the network. Miller Canfield has developed and implemented safe Internet and email use protocols for its lawyers and employees to reduce the risk of inadvertent disclosure as a result of Internet-sourced viruses or cookies.

Regarding electronic transmission of personal information (i.e. email), there is no method of transmitting or storing data that is completely secure. Miller Canfield uses commercially reasonable technological security in the transmission of the client's personal information, either in the course of communicating with the client, or in the course of communication with opposing or allied legal counsel and third parties. Notwithstanding these technological safeguards, all Internet transmissions are susceptible to possible loss, misrouting, interception and misuse. For this reason, any retainer of Miller Canfield includes a deemed consent from the client to transmit information via the Internet.

## **7. WEB SITE**

Our website contains links to other sites, which are not governed by this privacy policy.

On our website, like other commercial websites, we may monitor traffic patters, site usage and related site information in order to optimize our web service. We may provide aggregated information to third parties, but these statistics do not include any identifiable personal information.

## **8. OPENNESS**

Miller Canfield makes available its privacy policies and procedures regarding the handling of personal information that it collects for the duration of the retainer on the Internet website at [www.millercanfield.com](http://www.millercanfield.com). As well, any inquiries regarding personal information management practises may be directed to the Chief Privacy Officer.

## **9. INDIVIDUAL ACCESS**

Under PIPEDA, an individual is entitled to access to the personal information held about them with the following permitted exceptions:

- No access will be granted if the information is protected by solicitor-client privilege or litigation privilege;

- Miller Canfield will deny access if the individual seeking access fails to produce sufficient identification to verify that they are the individual about whose personal information access is being sought;
- No access will be granted to personal information that is not about the individual seeking access;
- No access will be granted to information that is part of a criminal investigation;
- No access will be granted where such access would harm or interfere with law enforcement activities and other investigative functions of a body authorized by statute to perform such functions;
- No access will be granted to information where such access might threaten the life, safety and security, including psychological safety, of the individual seeking access;
- No access will be granted to the individual who is a minor or mentally incompetent;
- Miller Canfield reserves the right to refuse access that it believes is repetitious, frivolous, or vexatious.

Upon receiving a request for access in writing, Miller Canfield will endeavour to have the information available to the individual seeking access within 60 days of verification of the individual's identity.

Where possible, Miller Canfield will provide the requested information at nominal cost to the individual. Where the information requested is stored off-site, Miller Canfield reserves the right to charge the individual seeking access, the cost to have such information retrieved from the off site storage facility.

The individual entitled to access may challenge the completeness of their personal information under Miller Canfield's care and control. Upon successful demonstration that there is an error in the personal information held by Miller Canfield, we will amend the information where appropriate.

## **10. INVESTIGATING COMPLAINTS**

The Chief Privacy Officer will investigate all concerns or complaints respecting the handling of personal information under the control of Miller Canfield that are received in writing. As promptly as possible, the Chief Privacy Officer will report to the individual the results of the investigation and, where the complaint is found to be justified, steps will be taken to resolve the matter.

If the individual is dissatisfied with the report provided by the Chief Privacy Officer, or feels that the corrective action taken by Miller Canfield is insufficient, the individual may direct a complaint to the Federal Privacy Commissioner in writing. The address of the Federal Privacy Commissioner is provided below under “Helpful Privacy Links”.

## **11. AMENDMENT TO THE MILLER CANFIELD PRIVACY POLICY**

This Privacy Policy is in effect as of November 1, 2007, but always subject to amendment in response to developments in privacy legislation. The Chief Privacy Officer will review and revise this Privacy Policy from time to time and notification of any changes in this policy will be posted on Miller Canfield’s Internet website, as well as in Miller Canfield’s Privacy Policy brochure that will be available at all Miller Canfield locations in Canada. Any changes in the Privacy Policy will apply to personal information collected from the date of the posting of the revised Privacy Policy on Miller Canfield Internet website.

## **12. CONTACT INFORMATION**

If a question arises regarding access to your personal information held by Miller Canfield, or there is a concern about the manner in which Miller Canfield collects, uses, retains and discloses your personal information as a client of Miller Canfield, please contact:

Chief Privacy Officer	Telephone:	(519)	561-7436
Miller Canfield, LLP	Facsimile:	(519)	977-1566
443 Ouellette Avenue, Suite # 300	E-mail:	<a href="mailto:privacycanada@millercanfield.com">privacycanada@millercanfield.com</a>	
P.O. Box 1390			
Windsor, Ontario N9A 6R4			

## **13. HELPFUL PRIVACY LINKS**

Federal Privacy Commissioner	<a href="http://www.privcom.gc.ca">www.privcom.gc.ca</a>
112 Kent Street, Ottawa, ON K1A 1H3	
Miller Canfield Web Site with Privacy Policy	<a href="http://www.millercanfield.com">www.millercanfield.com</a>