



FairFifty
Divorce Financial Solutions

PRIVACY AND RECORDS POLICY

Background

FairFifty Divorce Financial Solutions (“FairFifty”) and its principal Dan Elliott, recognize the importance of privacy and the sensitivity of personal information. As a financial consulting firm working in the family law environment, we have a professional obligation to keep confidential all information we receive within the relationship between ourselves and our clients, including information shared by our client’s legal representatives, and other professionals drawn into the family law matter at hand. These professional relationships are founded on trust. We are committed to maintaining that trust and to protecting any personal information obtained and held.

For these reasons, we created the following privacy policy. This policy does not apply to personal information, data, metadata, or other data collected through our corporate website www.FairFifty.ca . Our website contains a separate privacy policy.

This policy specifically applies to Personal Information and Records collected and created during the engagement, both immediately before a retainer agreement and after. It outlines how we manage the personal information obtained from the people who retained us to provide professional services and safeguard their privacy. It confirms our dedication to protecting their privacy and maintaining their trust in us. This privacy policy assures that we will maintain the confidentiality and privacy of the personal information obtained from our clients.

If you are a client or prospective client, and have any concerns, questions, or reservations about this policy, please reach out to us to allow us an opportunity to address them. We are open to considering your concerns and making amendments as we find appropriate.

The Client’s Privacy Rights

From January 1, 2004, all businesses engaged in commercial activities must comply with the Personal Information Protection and Electronic Documents Act, S.C. 2004, c. 5, hereafter referred to as PIPEDA, which gives the persons who retain professionals to provide the services offered by us rights concerning the protection of the privacy of their personal information.

We are responsible for any personal information collected from the people who retain us to provide professional services, including that of their children or other dependents. To ensure this accountability, we developed this policy, the terms of which are hereafter set forth.

The Purpose for Collection of Personal Information

We collect personal information for the following limited purposes:

- to identify the persons who retained us, their children and other dependents and verify their identification;
- to establish and maintain our professional files; and
- to provide the professional services for which we are retained.

The Personal Information Collected

Personal information consists of any information that could identify the person or persons who retain us for professional services including personal information related to their children or other dependents and others directly involved in the family law matter at hand, such as our client's spouse. Personal information also consists of any information by which the identity of those people could be determined.

Family dispute resolution services, focused on financial elements of such, including work within collaborative practice family law, mediation, and arbitration, constitute our principal professional services. Accordingly, it is common for us to obtain information about the incomes and expenses, assets and liabilities of the persons who retain us and others directly involved in the family matter at hand. We restrict the collection of personal information only to that which is necessary for the above purposes. The persons who retain us will most often be the source. We will only obtain it from third parties with the consent of our clients.

Use of Personal Information

The personal information collected will be used solely to provide the professional services for which we are retained and to administer our time and billing databases. All such personal information is stored and maintained following the requirements of PIPEDA.

We do not disclose personal information received from persons who retain us for professional services to any third parties, which would enable them to market their products and services. We do not provide mailing or client lists to others under any circumstances.

Disclosure of Personal Information

We will disclose your personal information only in the following circumstances:

- to fulfill the disclosure obligations required while providing the professional services for which we are retained;
- to assist any other lawyers and professionals engaged by one or more of the persons who provided the personal information;
- to engage other professionals and service providers who assist us in providing the professional services for which we are retained;

- to respond to legal requirements, whether under any applicable law or professional code of conduct or order of the court;
- to administer our business; or
- to establish or collect fees.

In all other than the above circumstances, we will only disclose personal information if the persons who provide that personal information also provide their express consent.

Documents

The personal information provided to us will often be found in documents, whether in their original form, photocopies, or electronic copies. Such documents will be stored in the files opened by us. Such documents or documents produced by us which may include personal information will be released to lawyers acting during the proceedings for which we are retained and to other professionals who may be engaged during such proceedings. We will not release these documents to any others without the consent of the people who provided them or who retained us.

On the completion of the professional services for which we are retained, we will return any original documents or photocopies of documents provided to us to the persons who provided them. If any such persons leave those documents with us, they will be maintained in their file for subsequent retrieval until the file is destroyed. If we choose to retain electronic copies of these documents, we will destroy the paper copy upon closure of our file, while keeping only the electronic version.

The provision concerning the return or retention and subsequent destruction of documents does not apply to such documents as we must retain as part of the Arbitration Record in an arbitration under the Arbitration Act, 1991, S.O. 1991, c. c.17, as amended by the Family Statute Law Amendment Act, 2006, S.O. 2006, c.1, and its regulations, Family Arbitration, O. Reg. 134/07.

Security of Personal Information

We have developed and implemented security safeguards appropriate to the sensitivity of the personal information kept by us. We take all reasonable commercially available and practical precautions to ensure that the personal information is kept safe from loss, unauthorized access, modification, or disclosure.

Among the steps taken by us to protect the personal information provided by the persons who retain us are the following:

- premises security;
- restricted file access;
- security software, passwords, and firewalls to prevent unauthorized computer access; and
- internal password and security policies.

We forewarn persons who provide personal information to us by e-mail or any other similar form of electronic transmission that such means of communication are not necessarily secure from access by others during the transmission process. We offer no guarantees as to the privacy of personal information transmitted to us in this way and, if persons are concerned about the privacy of their personal information, they should arrange with us to deliver it to us personally, or through a different electronic means.

Access to Personal Information

Any person who provides personal information to us to provide professional services may ask for access to any of such personal information. Summary information is available on request. Personal information which may only be accessed from closed files in storage will take a reasonable time within which to retrieve and will be subject to a retrieval fee.

We maintain our closed files in compliance with the requirements of the Canada Revenue Agency. When we are no longer required to maintain our closed files, they will be destroyed following the guidelines or regulations of the Canada Revenue Agency. Personal information, including documents, contained in those closed files will no longer be accessible after such destruction.

Accuracy of Personal Information

We are committed to maintaining accurate, complete, and up-to-date personal information. If persons who retain us for professional services become aware of changes to the personal information provided to us, they will forthwith inform us of such changes so that our records can be brought up to date.

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