

Kelly & Creaghan, Chartered Accountants Our Commitment to Privacy and Confidentiality

We recognize the trust you place in us when you share your personal information with us. At Kelly & Creaghan, we are committed to maintaining the accuracy, confidentiality and security of your personal information.

Privacy Policy Effective For Canada

It is Kelly & Creaghan's policy to comply with the privacy legislation within each jurisdiction in which we operate. Sometimes the privacy legislation and/or an individual's right to privacy are different from one jurisdiction to another. This Privacy Policy covers only those activities that are subject to the provisions of Canada's federal and provincial privacy laws, as applicable.

This Privacy Policy has a limited scope and application. Consequently, the rights and obligations contained in this Privacy Policy may not be available to all individuals or in all jurisdictions. If you are unsure if or how this Privacy Policy applies to you, please contact our Privacy Officer for more information.

What I Personal Information?

For the purposes of this Privacy Policy, personal information is any information about an identifiable individual, other than the person's business title or business contact information when used or disclosed for the purpose of business communications.

What Personal Information Do We Collect?

We collect and maintain different types of personal information in respect of our current, former and prospective clients. The nature and extent of the personal information collected will depend on the nature of the products and services that we provide to you. For example, where you have retained us to:

- Prepare your tax returns, we may collect the personal information required to complete such returns, including your social insurance number, date of birth, age, gender, marital status, source and amounts of income, deductions and taxes paid and payable, and information concerning your dependents, pension, RRSP's, charitable contributions and medical deductions;
- Provide audit, review, bookkeeping, commercial consulting or forensic investigative services, we may collect the personal information required to perform such services, including the information contained in your accounting records, financial statements and transaction records, payroll and employee withholdings records, and corporate, partnership or similar records; and

- Provide estate planning, corporate restructuring services we may collect the personal information required to perform such services, including the personal information contained in your personal tax returns, corporate tax returns, accounting records, financial statements, transaction records, insurance records, wills, codicils and other testamentary documents and corporate, partnership or similar records.

In addition, to establish and manage your client relationship with us, we may collect your contact information, such as your name, address business or home telephone numbers, your billing information, such as methods and preferences for billing and payment, your business or other relationship information, such as information related to your agreements, preferences, advisors and decision-makers, and your feed-back and any other information that you may voluntarily disclose to us.

Generally, we prefer to obtain your information directly from you; however, we may also collect your information from other sources provided that you have consented to have them provide the information to us.

From time to time, we may utilize the services of third parties in our business and may also receive personal information collected by those third parties in the course of the performance of their services for us or otherwise. Where this is the case, we will take reasonable steps to ensure that such third parties have represented to us that they have the right to disclose your personal information us.

Why Do We Collect Personal Information?

We collect your personal information so that we can manage, maintain and develop our business and operations, so that we may establish and manage our relationship with you so that we may provide you with the products and services that have been requested (such as personal or business tax preparation, audit review, bookkeeping or budgeting services, estate to tax planning, transactional and corporate restructuring advice, forensic investigations or consulting services). In addition, we may collect personal information:

- To be able to review the products and services that we provide, so that we may understand your requirements for our products and services so that we may work to improve our products and services;
- To be able to advise you of our professional services or to provide information that we believe may be of interest to you (for example, we may send you our newsletters and bulletins from time to time);
- To be able to comply with your requests (for example, if you prefer to be contacted at a business or residential telephone number and advise us of your preference, we will use this information to contact you at that number);
- To allow us to communicate with you;
- To protect against error, fraud, theft and damage to our goods and property; and
- To comply with applicable law or regulatory process.

How Do We Use and Disclose Your Personal Information?

We may use or disclose your personal information for the purposes described in this Privacy Policy and/or for any additional purposes for which we have obtained your consent to the use or disclosure of your personal information. Further, your personal information may be used and disclosed:

- To comply with valid legal processes such as search warrants, subpoenas or court orders;
- During emergency situations or where necessary to protect the safety of a person or group, or to protect the rights and property of Kelly & Creaghan Chartered Accountants;
- Where the personal information is publicly available; or
- With your consent.

We may share your personal information with our employees, contractors, consultants and other parties who require such information to assist us with managing our relationship with you and providing our products and services to you. For example, we may disclose your personal information to third parties that provide services to us or on our behalf or to third parties that assist us in the provision of products and services to you.

We will not disclose your information to third parties to enable them to market their products or services to you without your consent.

In addition, personal information may be disclosed or transferred to another party during the course of, or completion of, a change in ownership of or the grant of a security interest in, all or a part of Kelly & Creaghan Chartered Accountants through, for example, an asset or share sale, or some other form of business combination, merger or joint venture, provided that such party is bound by appropriate agreements or obligations and required to use or disclose your personal information in a manner consistent with the use and disclosure provisions of this privacy Policy, unless you consent otherwise.

Your Consent Is Important To Us

Generally, your knowledge and consent are required for the collection, use and disclosure of your personal information. Depending on the sensitivity of the personal information, your consent may be implied, deemed (using an opt-out mechanism) or express. Express consent can be given orally, electronically or in writing. Implied consent is consent that can reasonably be inferred from your action or inaction.

For example, when you retain us to provide products or services to you, we will assume your consent to the collection, use and disclosure of your personal information for purposes related to the provision of such products or services and for any other purposes identified to you at the relevant time.

Typically, we will seek your consent at the time that we collect your personal information. In certain circumstances, your consent may be obtained after collection but prior to our use or disclosure of your personal information. If we plan to use or disclose your personal information for a purpose not previously identified (either in this Privacy Policy or separately), we will endeavor to advise you of that purpose before such use or disclosure.

We assume, unless you advise us otherwise, that you have consented to the collection, use and disclosure of your personal information as explained in this Privacy Policy.

You may change or withdraw your consent at any time, subject to legal or contractual obligations and reasonable notice, by contacting our Privacy Officer using the contact information set out below. All communications with respect to such withdrawal or variation of consent should be in writing and addressed to our Privacy Officer. Withdrawal of consent may, however, affect our ability to continue to provide products or services to you.

We may collect, use or disclose your personal information without your knowledge or consent where we are permitted or required to do so by applicable law or regulatory requirements.

How Is My Personal Information Protected?

We endeavor to maintain physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These are designed to protect against loss and unauthorized access, copying, use, modification or disclosure.

What If My Personal Information Changes?

We endeavor to ensure that the personal information retained by us remains accurate, complete, and relevant for the purposes identified. If your personal information changes please let us know so that we may update our records. When requesting a change to your personal information, we may request specific information from you to enable us to confirm your identity and right to update or change the personal information that we hold about you. In some circumstances we may not agree with your request to change your personal information and will instead endeavor to append an alternative text to the record in question.

Can I Access My Personal Information?

You may ask to review your personal information held by us. If you want to review your personal information, please contact our Privacy Officer. Please note that any such communication must be in writing.

When requesting access to your personal information, we may request specific information from you to enable us to confirm your identity and right to access, as well as to search for and provide you with the personal information that we hold about you. We may charge you a fee to access your personal information; however, we will advise you of any fee in advance. If you require assistance in preparing your request, please contact our Privacy Officer.

Your right to access the personal information that we hold about you is not absolute. There are instances where applicable law or regulatory requirements allow or require us to refuse to provide some or all of the personal information that we hold about you. In addition, the personal information may have been destroyed, erased or made anonymous in accordance with our record retention obligations and practices.

In the event that we cannot provide you with access to your personal information, we will endeavor to inform you of the reasons why, subject to any legal or regulatory restrictions.

Our Privacy Officer

We have designated a Privacy Officer to oversee our compliance with our privacy policies. Should you have any questions about this policy, including any complaints, our Privacy Officer may be reached:

By mail at : 400, 1000 Centre Street North, Calgary, AB T2E 7W6
By phone at : (403) 277-3425
By email at : privacy@kellyandcreaghan.com
By fax at : (403) 230-9399

Monitoring and Enforcement

We endeavor to monitor compliance with our privacy policies and procedures on a regular basis. Should you have a concern, please contact our Privacy Officer. If you are dissatisfied with your response, you may be entitled to make a written submission to the Privacy Commissioner in your jurisdiction.

Revisions and Interpretation

We may make changes to this Privacy Policy to reflect changes in our legal or regulatory obligations or in the manner in which we deal with your personal information. We will post any revised version of this Privacy Policy on our website: www.kellyandcreaghan.com and we encourage you to refer back to it on a regular basis. This Privacy Policy was last updated on September 20, 2005.

Any interpretation associated with this Privacy Policy will be made by our Privacy Officer. This Privacy Policy includes examples but is not intended to be restricted in its application to such examples, therefore where the word “including” is used, it shall mean “including without limitation”. This Privacy Policy does not create or confer upon any individual or Kelly & Creaghan Chartered Accountants any rights or obligations outside of, or in addition to, any rights or obligations conferred or imposed by Canada’s federal and provincial privacy laws, as applicable.