

# **Privacy Policy For Your Notary Public**

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## Privacy Policy

The *Personal Information Protection Act* ("PIPA") regulates the way organizations in British Columbia use, keep, secure, disclose and collect personal information. "Personal Information" means all information about an identifiable individual. Beverly Carter, Notary Public recognizes the importance of privacy and recognizes the sensitivity of personal information received in the course of my Notary practice.

I recognize my professional obligation to maintain the confidentiality of my clients' information, and recognize my obligations concerning the personal information of all individuals that I collect, use or disclose in my practice. This policy has been developed with those obligations in mind.

To give legal and notarial advice to clients, I need access to all relevant facts and information relating to the transaction. This information will necessarily include personal information about my clients and about individuals other than my clients.

When I can, I collect personal information directly from the person to whom the information pertains. If necessary, I will collect personal information from other sources.

By retaining me for advice or representation, my client consents to my collection, use or disclosure of the client's personal information in order to properly advise and represent the client.

It is my policy to collect personal information about individuals other than clients in accordance with the provisions of PIPA. The Act provides that an individual has consented to my collection, use or disclosure of personal information about that individual if, at the time the consent is deemed given, the purpose is considered obvious to a reasonable person. In those circumstances, I will collect, use or disclose personal information without obtaining a written or verbal consent to do so.

The Act also permits me to collect, use, or disclose personal information about an individual in some circumstances without the individual's consent. Those include (but are not limited to) circumstances in which:

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- it is reasonable to expect that the collection or use of personal information with the consent of the individual would compromise the availability or accuracy of the information, and the collection or use of the information is necessary for an investigation or proceeding;
- it is reasonable to expect that the disclosure of personal information with the consent of the individual would compromise an investigation or proceeding, and the disclosure of the information is necessary for an investigation or proceeding;
- the personal information is available to the public from certain other sources;
- the collection, use or disclosure of personal information is required or authorized by law.

When I collect, use or disclose personal information, I will make reasonable efforts to ensure that is accurate and complete.

I recognize my professional and legal obligation to protect the confidential information of my clients and other individuals I have collected within my practice. I have, therefore, made arrangements to secure against the unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of personal information. Personal information includes paper and electronic information.

The Act permits individuals to submit written requests to me to provide them with:

- their personal information in my custody or control;
- information about how I use their personal information under my control;
- the names of the individuals and organizations to whom I have disclosed their personal information under my control.

I will respond to requests in the time allowed by the Act and as authorized by you pursuant to various documents in my file. I will make a reasonable effort to assist applicants and to respond as accurately and completely as reasonably possible. All requests may be subject to any fees and disbursements the law permits me to charge.

An individual does not have an absolute ability to access his or her personal information under my control.

The Act provides that I must not disclose personal information when:

- disclosure could reasonably be expected to threaten the safety or physical or mental health of someone else;
- disclosure can reasonably be expected to cause the person who made the request immediate or grave harm as to their safety or physical or mental health;
- disclosure would reveal personal information about someone else;
- disclosure would reveal the identity of an individual who has provided personal information about someone else and the person providing the personal information does not consent to disclosure of his or her identity.

The Act further provides that I am not required to disclose personal information when:

- the personal information is protected to the extent allowed by notary/client privilege;
- disclosure of the personal information would reveal confidential commercial information that, if disclosed, could in the opinion of a reasonable person, harm the competitive position of an organization;
- the personal information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act:
  - (i) under a collective agreement,
  - (ii) under an enactment, or
  - (iii) by a court.

The law allows individuals to ask me to correct errors or omissions in their personal information that it is my custody or control. The request must be in writing and I will:

- correct the information and, if it is reasonable to do so, send correction notifications to other organizations to whom I disclosed the incorrect information; or
- decide not to correct the personal information, but annotate the personal information that a correction was requested by not made.

Federal legislation known as *The Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, overseen by the Financial Transactions Report Analysis Centre of Canada (FINTRAC), imposes specific regulatory requirements when a Notary engages in certain activities on behalf of any individual or entity. Those activities are:

- receiving or paying funds (other than those received or paid for professional fees, disbursements, expenses or bail);
- purchasing or selling securities, real property or business assets or entities; or
- transferring funds or securities by any means.

When engaging in the activities listed previously, BC Notaries are required by law to:

- Report suspicious transactions
- Report large cash transactions
- Report terrorist property
- **Keep records and ascertain identity**
- Implement a compliance regime

Please ask if you would like a copy of this policy for your records