

Privacy Policy

Department: Office of the President & CEO	Implementation Date: February 18, 2014
Policy Version: v 2.0	Last Revision Date: November 9, 2016
Created by: Privacy Officer	Approved by: Executive Team

Policy Statement

Legal Aid Alberta (“LAA”) is committed to ensuring that LAA manages Personal Information in a manner that is reasonable, transparent and legal. LAA recognizes and respects the importance of protecting Personal Information in its custody or under its control and collecting, using and disclosing it only for purposes that are reasonable.

LAA treats all client information as strictly confidential. LAA only collects and uses Personal Information solely to operate its business and provide legal aid services. In order to efficiently provide our services, LAA will share information with suppliers and contractors, including roster counsel, who perform services on LAA’s behalf. LAA will also provide information to a court, tribunal, Crown Prosecutor or legal representative of an opposite party, that an individual is seeking legal services from LAA. No other disclosures of client information will be made by LAA unless expressly authorized to do so by the client, or where it is required or permitted by law.

Definitions

“Personal Information” is information in LAA’s possession about an identifiable individual, such as clients, stakeholders, members of the general public and employees, officers and directors of LAA. Personal information includes information such as client application and account information and employment records.

“Employee” means an individual employed by LAA and includes an individual who performs a service for, in relation to, or in connection with LAA as a director, officer, volunteer, student or under a contract or an agency relationship with LAA.

“Employee Personal Information” means Personal Information about an individual who is a potential, current or former Employee of LAA and is reasonably required by LAA in order to establish, manage or terminate an employment or post-employment relationship. It does not include personal information about the individual that is unrelated to that relationship.

Accountability

LAA is responsible for Personal Information in LAA’s custody and control. LAA has a designated Privacy Officer who is accountable for establishing policy, investigating potential privacy breaches, breach notification and ensuring LAA’s compliance with applicable legislation. The contact information for the Privacy Officer is included in this policy and will be updated from time to time as necessary.



When LAA engages the services of a third party, LAA will be responsible for the third party's compliance with this policy with respect to those services. The only information that LAA discloses to roster counsel for the purpose of facilitating legal representation is covered by this policy. Information collected by roster counsel is subject to solicitor-client privilege.

Consent to the Collection, Use and Disclosure of Personal Information

Except where applicable legislation provides otherwise, LAA will not collect, use or disclose Personal Information about an individual without that individual's consent. When obtaining consent, LAA will ensure that an individual is informed of the purposes for which Personal Information is being collected and will only use or disclose such Personal Information to reasonably fulfill those purposes.

When reasonable and permitted by legislation, consent may not be required for certain collections, uses or disclosures of Personal Information, for example, for certain legal, medical or security reasons. LAA will not, as a condition of supplying a service, require an individual to consent to the collection, use or disclosure of Personal Information beyond what is necessary to provide that service.

An individual may withdraw or vary consent at any time, subject to legal or contractual restrictions and reasonable notice. Unless the consequences of the withdrawal or variance are obvious, LAA will inform the individual of the likely consequences of withdrawing or varying consent.

Employee Personal Information

When reasonable in the circumstances, LAA may collect, use or disclose Employee Personal Information without the consent of the individual only for the purposes of establishing, managing or terminating an employment relationship or managing a post-employment relationship. In the case of a current Employee, LAA may collect, use or disclose Employee Personal Information without consent only if LAA has first provided the Employee with reasonable notification of the purposes for which the information is to be collected, used or disclosed.

LAA may also disclose Employee Personal Information about current or former Employees without consent to a potential or current employer if the disclosure is reasonable for the purpose of assisting that employer to determine eligibility or suitability for a position with a new employer.

Retention and Destruction of Personal Information

LAA will only retain Personal Information for as long as it is reasonable to do so for business or legal purposes. Once the retention period for records containing Personal Information has expired, LAA will destroy or modify those records such that information in the records cannot be linked to an identifiable individual.

Protection of Personal Information

LAA will protect Personal Information in its custody or control by making reasonable security arrangements against such risks as unauthorized access, disclosure, collection, use, copying, modification, disposal or destruction.



Notification of Loss, Unauthorized Access or Disclosure

Without unreasonable delay, LAA will notify the appropriate authorities and individuals of loss, unauthorized access or disclosure of Personal Information within LAA's control if such loss, unauthorized access or disclosure may reasonably be considered to present a real risk of significant harm to an individual.

Access to and Correction of Personal Information

LAA takes reasonable steps to ensure for the accuracy of clients' Personal Information.

Upon written request by an individual, LAA will provide access to the individual's Personal Information and/or details about the use or disclosure of that information. Personal Information will be provided in an understandable form, within a reasonable time period and at a reasonable cost to the individual.

LAA may be permitted or required to refuse to provide access to Personal Information in certain circumstances, including if the information was collected for an investigation, legal proceeding, mediation or arbitration, if disclosure could reveal Personal Information about or threaten the life or security of another individual or if the information would reveal Personal Information about another individual.

If access is refused, LAA will provide the reasons for denying access to Personal Information and the name of the person who can answer on behalf of LAA, the applicant's questions about the refusal.

In addition, upon written request by an individual, LAA will correct an error or omission in Personal Information about the individual that is under the control of LAA.

LAA will respond to requests to access or correct Personal Information within 45 days.

Seeking Information or Reporting Violations

Individuals may seek information about this policy, request access to Personal Information or raise concerns about compliance with this Policy by contacting LAA's Privacy Officer.

Privacy Officer

Legal Aid Alberta appoints a Privacy Officer to oversee the protection of personal information and to respond to requests for access to information.

Title: Privacy Officer
Name: Jennifer Costigan
Address: 600 Revillon Building
10320 102 Avenue
Edmonton, AB T5K 4A1
Phone: (780) 638-6556
Email: icostigan@legalaid.ab.ca
Fax: (780) 415 2618

