

Canadian Direct Insurance Inc.

Privacy Code

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Protecting Personal Information

Canadian Direct Insurance Inc. in Canada has always been committed to providing the highest level of security and privacy for personal information about current, past and prospective customers and other identifiable individuals that comes into its possession or custody.

Scope

This Privacy Code contains ten principles that are to be adhered to by Canadian Direct Insurance Inc. and its subsidiaries in Canada (hereinafter “Canadian Direct Insurance”) regarding the collection, use and disclosure of information about any identifiable individual. Specific information that has been rendered anonymous by the removal of information that would identify a specific individual is not subject to this code.

Basis of Canadian Direct Insurance’s Ten Privacy Principles

This Privacy Code complies with the principles expressed in the Personal Information Protection and Electronic Documents Act, which was enacted by Parliament in April 2000 and also complies with all relevant provincial legislation as it applies to Canadian Direct Insurance in Canada (see listing below), including Quebec’s Act Respecting the Protection of Personal Information in the Private Sector.

The provisions contained in this Privacy Code are also consistent with the unique nature of insurance and the mutual duties of utmost good faith and full disclosure generally owed by the insurer and the insured to each other. In the course of evaluating applications for insurance, administering policies and contracts of insurance, or dealing with claims, it will be necessary for Canadian Direct Insurance to collect, use and disclose the personal information of applicants, customers and third parties.

Policies or Contracts of Insurance

Nothing in this Privacy Code shall be deemed to alter, amend or modify any provision contained in any policy or contract of insurance whether issued or administered by Canadian Direct Insurance or by any of its affiliates or subsidiaries.

Summary of Canadian Direct Insurance’s Ten Privacy Principles

Principle 1 – Accountability

Canadian Direct Insurance is responsible for all personal information under its control and its Privacy Officer is accountable for Canadian Direct Insurance’s compliance with the principles described in this Privacy Code.

Principle 2 – Identifying the Purposes for Collecting Personal Information

Canadian Direct Insurance will identify and document the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 – Consent

Canadian Direct Insurance requires an individual’s knowledge and consent (express or implied) for the collection, use or disclosure of personal information, except as otherwise required or permitted by law.

Principle 4 – Limits to the Collection of Personal Information

Canadian Direct Insurance will limit the amount and type of personal information collected to that, which is appropriate and required for its purposes. It will collect personal information by fair and lawful means.

Principle 5 – Limits to the Use, Disclosure and Retention of Personal Information

Canadian Direct Insurance will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law.

Personal information will be retained only as long as necessary for the fulfillment of those purposes, except as otherwise permitted or required by law.

Principle 6 – Accuracy

Canadian Direct Insurance will keep personal information as accurate, complete, and up-to-date as necessary for its purposes.

Principle 7 – Safety and Security

Canadian Direct Insurance will protect personal information with safeguards appropriate to the sensitivity of the information.

Principle 8 – Openness

Canadian Direct Insurance will be open about its policies and procedures regarding management of personal information. Canadian Direct Insurance will ensure that individuals are reasonably able to acquire information about Canadian Direct Insurance's policies and procedures and will make this information available in a form that is generally understandable.

Principle 9 – Individual Access

Upon request in writing, Canadian Direct Insurance will inform an individual of the existence, use, and disclosure of his or her personal information and will provide access to that information, except where the law requires or permits Canadian Direct Insurance to deny access.

Principle 10 – Handling Inquiries and Challenges

An individual will be able to direct a challenge concerning compliance with the above principles to Canadian Direct Insurance's Privacy Officer.

Definitions

For the purposes of this Privacy Code:

Canadian Direct Insurance

- Means Canadian Direct Insurance Inc. and its subsidiaries.

Collection

- Means gathering, receiving or obtaining personal information from any source outside Canadian Direct Insurance, by any means,

Customer

- Includes a person who inquires about insurance, who is an applicant for insurance, an insured, a former insured, a claimant, a beneficiary, an individual involved in a claim, or any person who is insured pursuant to an individual, group, fleet or corporate insurance policy.

Direct Marketing

- Means promotions targeted to current, past or prospective customers whose personal information indicates that a certain product might be of interest to them, but does not include regular correspondence, announcements in electronic bulletin boards or on websites, or communications through advisors, brokers or authorized agents, or notices sent directly to customers to satisfy regulatory requirements.

Disclosure

- Means making known or revealing personal information to any source outside Canadian Direct Insurance by any means.

Insurance services

Includes but is not limited to:

- Evaluating applications for insurance, including the classification, rating and checking of individuals;
- Issuing, renewing or terminating policies or contracts of insurance;
- Recording and processing premium and loan interest payments;
- Investigating, processing, paying or negotiating settlement of first party claims by customers;
- Defending or settling claims made by third parties against customers;
- Other related services

Personal information

- Means any information about an identifiable individual, whether it was collected before or after publication of this Privacy Code. It may include, but is not limited to, an individual's name, address, age, gender, identification numbers, income, employment, assets, liabilities, credit rating, financial status, payment records, driving record, physical and mental medical and health records, disabilities, infirmities, offences and convictions, and insurance experience including other insurance coverage, claims history, premiums and premium payment history. It may also, but is not limited to, habits, personality, travel or movement details, lifestyle, leisure activities, qualification and skills, and career history.

It is unlikely that Canadian Direct Insurance will hold information from all of the above categories on any specific customer or identified individual.

Third party

- Means an individual or organization outside Canadian Direct Insurance.

Use

- Means the treatment, handling and management of personal information by and within Canadian Direct Insurance.

Canadian Direct Insurance's Ten Privacy Principles

Principle 1 – Accountability

Canadian Direct Insurance is responsible for all personal information under its control, and its Privacy Officer is accountable for Canadian Direct Insurance's compliance with the principles described in this Privacy Code.

The Canadian Direct Insurance Privacy Officer may be contacted at:

Canadian Direct Insurance Inc.
Attention: Privacy Officer
Suite 600, 750 Cambie Street
Vancouver, B.C., Canada V6B 0A2
Telephone: 1-888-225-5234 (toll free)
Facsimile: (604) 699-3851
E-mail: insurancegeneral@canadiandirect.com

1.1 Canadian Direct Insurance is responsible not only for personal information within its physical possession, but also that which Canadian Direct Insurance transfers to a third party for processing. Canadian Direct Insurance will enter into contracts with these third parties to ensure a comparable level of protection is in place while the personal information is being processed.

1.2 Canadian Direct Insurance has established and implemented:

- Procedures to protect personal information;
- Procedures to receive and respond to complaints and inquiries;

- Staff training and information programs to explain this Code and related privacy policies and practices;
- Practices to ensure that customers and other individuals who contact Canadian Direct Insurance offices or visit a Canadian Direct Insurance website have access to this Privacy Code and literature explaining Canadian Direct Insurance's policies and procedures.

1.3 The Privacy Officer is entitled to delegate day-to-day responsibility for administration of this Privacy Code and related privacy policies and practices to other employees, but the Privacy Officer remains accountable under this principle.

Principle 2 – Identifying the Purposes for Collecting Personal Information

Canadian Direct Insurance will identify and document the purposes for which personal information is collected at or before the time the information is collected.

2.1 Depending on the specific circumstances, Canadian Direct Insurance may collect personal information for administration of its insurance business including:

- Provision of insurance services, including underwriting, administering or servicing an insurance policy or dealing with a claim;
- Identification, checking, selection and management of intermediaries, including agents, brokers and adjusters;
- Recording and processing payments to customers, third parties or intermediaries;
- Analysis for management purposes; and
- Statutory reports

In addition to the purposes outlined above, Canadian Direct Insurance may collect personal information for one of more of the following purposes:

- to identify products or services of potential value to current, past and prospective customers and to sell or promote such products and services, including by means of direct marketing;
- to meet legal and regulatory requirements;
- to compile statistics; or
- to assist in the prevention of crime, money-laundering or terrorism and the detection, apprehension and prosecution of offenders.

2.2 When Canadian Direct Insurance and the customer establish a relationship, Canadian Direct Insurance will ensure that the purposes for which personal information is collected, used and disclosed are identified and documented. Thereafter, Canadian Direct Insurance will collect only personal information that is required for the purposes identified.

2.3 Circumstances may arise where Canadian Direct Insurance wishes to use or disclose personal information for a new purpose. Canadian Direct Insurance will ensure that personal information is not used or disclosed for that new purpose unless the individual is informed of the new purpose and gives his or her consent. Canadian Direct Insurance will ensure that any customers' questions about the purpose of collecting, using or disclosing personal information are candidly and clearly answered.

2.4 The methods used to notify individuals of the proposed purposes for which personal information is collected, used or disclosed may include:

- telephone,
- face-to-face,
- written,
- electronic, or
- any other applicable method for communicating with individuals.

2.5 Canadian Direct Insurance will take special care to explain purposes for obtaining personal information, which may not be familiar or obvious to the individual.

Principle 3 – Consent

Canadian Direct Insurance requires an individual's knowledge and consent (express or implied) for the collection, use or disclosure of personal information, except as otherwise required or permitted by law.

Obtaining consent

3.1 Except where otherwise required or permitted by law, Canadian Direct Insurance will always make a reasonable effort to ensure that the individual is advised in advance of the collection, use or disclosure. To make the individual's consent meaningful, Canadian Direct Insurance will state the purposes clearly and candidly, so that the individual can reasonably understand how the information will be used or disclosed.

3.2 Canadian Direct Insurance will only require an individual to consent to the collection, use or disclosure of personal information that is necessary to fulfill explicitly specified and legitimate purposes.

3.3 Generally, Canadian Direct Insurance will obtain express consent for the proposed collection, use and disclosure of personal information when establishing a relationship with an individual customer. In the case of a corporate customer, Canadian Direct Insurance may obtain such consents from the duly authorized agent for each individual customer whose personal information is to be collected, used or disclosed. (Note: the name, title, business address, and business telephone number of an employee is not "personal information").

In addition to application forms completed by the customer, for the purposes described in paragraph 2.1 of this Privacy Code, personal information may be collected from:

- a) intermediaries, including agents, brokers and adjusters;
- b) government databases;
- c) industry databases including anti-fraud databases;
- d) credit reference agencies;
- e) affiliated or non-affiliated business partners;
- f) colleagues, employers (past or present), friends and relatives;
- g) individuals who witnessed an incident relating to a first-party or third-party claim;
- h) persons retained to administer or service a policy or contract or to handle a claim, including health professionals, lawyers, accountants, repair facilities, contractors, appraisers and valuers;
- i) Hospitals and other health care facilities;
- j) Other third party service providers;
- k) Reinsurers, co-insurers and other insurers;
- l) Law enforcement authorities

Personal information may also be disclosed to the persons enumerated in subparagraphs a) to l) above for the purposes described in paragraph 2.1 of this Privacy Code.

If a person obtains Canadian Direct Insurance from another insurance company or an intermediary, the obligation to obtain the customer's consent to disclosure of his or her personal information to Canadian Direct Insurance will rest on the other insurance company or intermediary as the case may be.

3.4 If Canadian Direct Insurance wishes to use personal information to market products and services of Canadian Direct Insurance or its affiliates or subsidiaries to its customers, Canadian Direct Insurance will obtain the consent of the customer for that purpose. Canadian Direct

Insurance will inform the customer that he or she may at any time revoke his or her consent to use or disclosure of their personal information for that purpose by notifying the Privacy Officer.

Consent will be clear and convenient

3.5 The forms used to confirm consent will clearly identify the purposes for the collection, use and disclosure of that individual's personal information. In addition, individuals will have the opportunity to "opt out" of certain collection, use or disclosure purposes.

3.6 Canadian Direct Insurance employees involved in obtaining the consent of individuals to the collection, use or disclosure of their personal information will be adequately trained to explain the nature and scope of the consent sought by. Canadian Direct Insurance will answer all questions about its purposes before the consent given.

3.7 With respect to personal information collected before publication of the Privacy Code, Canadian Direct Insurance will make reasonable efforts to ensure that each individual customer who has not already expressly indicated his or her consent is invited to communicate with Canadian Direct Insurance in order to discuss the future collection, use and disclosure of their personal information.

3.8 Canadian Direct Insurance will post this Privacy Code on a website and provide a hypertext link, which will permit an individual to communicate directly with the Privacy Officer on issues concerning consent for collection, use or disclosure of personal information.

3.9 An individual may withdraw his or her consent to collection, use or disclosure at any time, subject to legal or contractual restrictions and reasonable notice. Canadian Direct Insurance will inform the individual of the implications of such withdrawal of consent for the continued provision of insurance services.

Canadian Direct Insurance will inform an applicant for insurance that his or her eligibility for insurance coverage, or for a renewal of insurance coverage, cannot be evaluated unless the applicant consents irrevocably to Canadian Direct Insurance exchanging personal information about the applicant with industry anti-fraud databases, including:

- a) The underwriting and claims information network maintained by the Insurance Bureau of Canada and its subsidiaries;
- b) The Insurer Advisory Organization;
- c) CGI;
- d) Credit Bureau Organizations;
- e) And similar organizations of insurers.

Canadian Direct Insurance has no option but to require that the consent to disclosure of personal information to industry anti-fraud databases be irrevocable. Canadian Direct is contractually obliged to provide reciprocal personal information to the anti-fraud databases for the legitimate legal and social purpose of preventing insurance fraud.

3.10 Canadian Direct Insurance will not obtain consent by deception.

Defining express and implied consent

3.11 As noted above, an individual's consent may be express or implied depending upon the circumstances and any applicable legal requirements, and may be communicated to Canadian Direct Insurance by an authorized representative, such as a legal guardian or a person with a power of attorney. Express consent may be signified to Canadian Direct Insurance over the telephone, face to face, by e-mail, facsimile, or other electronic communication, or otherwise in writing. Implied consent may arise through action or inaction on the part of the individual.

3.12 In some situations, Canadian Direct Insurance may advise individuals of the potential for implied consent should they not expressly advise Canadian Direct Insurance that they withhold or revoke consent. For this purpose, Canadian Direct Insurance will provide these individuals with a convenient method of communicating their wishes. This may take the form of e-mail, voice messaging or other communication channels that provide 24-hour access. In some cases, a “check-off box” may be included on Canadian Direct Insurance forms. If the applicant has not marked the “check-off box,” Canadian Direct Insurance will be entitled to assume consent.

3.13 Whatever mechanism Canadian Direct Insurance employs to seek express consent, it will fairly and reasonably draw the individual’s attention to the issue associated with the consent.

3.14 In addition, Canadian Direct Insurance may ask an individual to permit his or her social insurance number to be used to match information obtained from a credit bureau or other credit rating service and to identify all customer within Canadian Direct Insurance. Canadian Direct Insurance will explain to the customer:

- that the purpose of matching credit bureau information using a Social Insurance Number is to obtain the correct credit record from the credit bureau;
- that the purpose of identifying all customers using a Social Insurance Number is to ensure accuracy in record keeping and to prevent identity theft; and
- that the individual is not required to consent to use of the Social Insurance Number for these purposes and that a refusal to grant consent will not necessarily lead Canadian Direct Insurance to deny insurance services.

Withdrawing consent

3.15 If a customer notifies Canadian Direct Insurance that he or she is withdrawing consent for the continued collection, use or disclosure of personal information, Canadian Direct Insurance may respond in an effort to determine the reasons for withdrawal of consent and to ensure that the customer has correct and complete information about Canadian Direct Insurance’s purposes.

In many circumstances, a general withdrawal of consent will have the following consequences;

- a) In the case of an application for insurance coverage, Canadian Direct Insurance will not be able to process the application;
- b) In the case of an application for payment of a claim or the provision of other benefits under a policy or contract of insurance, Canadian Direct Insurance will not be able to process the claim or provide the other benefits otherwise available.

Limited exceptions

3.16 For limited exceptions relating to the requirement of consent for collection, use or disclosure of personal information, please see the Appendix.

Principle 4 – Limits to the Collection of Personal Information

Canadian Direct Insurance will limit the amount and type of personal information collected to that which is necessary for its purposes. It will collect personal information by fair and lawful means.

4.1 Canadian Direct Insurance will specify the type of information collected as part of Canadian Direct Insurance’s information handling policies and practices.

4.2 Although Canadian Direct Insurance will collect personal information directly from customers, personal information will also be collected from other sources as described in paragraph 3.3 of this Privacy Code.

Canadian Direct Insurance will not necessarily collect personal information about each customer from each source identified in paragraph 3.3. Instead, it will exercise the reasonable judgment in determining the sources that should be canvassed for personal information in order to provide insurance services requested by the customer or third parties who have a claim against the customer.

Canadian Direct Insurance may also exchange personal information with other external sources such as credit reporting agencies for the purpose of administering and providing insurance services.

Principle 5 – Limits to the Use, Disclosure and Retention of Personal Information

Canadian Direct Insurance will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes, except as otherwise permitted or required by law.

The general purposes for which Canadian Direct Insurance may normally disclose personal information are described in paragraph 2.1 of this Privacy Code.

5.1 Personal information that Canadian Direct Insurance has used to make a decision about an individual will be retained long enough to allow the individual reasonable access to the information, after the decision has been made.

5.2 Canadian Direct Insurance maintains guidelines for the retention of an individual's personal information and will retain it only as long as necessary for the identified purposes or to meet legal requirements or policies.

5.3 Canadian Direct Insurance will destroy, or make anonymous by removing identifiable information, any personal information no longer needed for its stated purposes or for legal requirements or for the administration of policies or contracts of insurance.

5.4 Canadian Direct Insurance's policies and procedures dictate how Canadian Direct Insurance will destroy personal information to prevent unauthorized access.

Disclosure to government institutions

5.5 In circumstances where Canadian Direct Insurance discloses information to a government institution that has identified its lawful authority to obtain the information, Canadian Direct Insurance will take reasonable care to ensure that only the personal information that is legally required, and nothing more, is provided to the institution. Canadian Direct Insurance will disclose personal information to a government institution only where an official request has been received.

5.6 Special rules under the Personal Information Protection and Electronic Documents Act may be relevant if Canadian Direct Insurance has disclosed personal information to a government institution or part of a government institution in the following circumstances:

1. in order to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records; or
2. to respond to a request for information made by a government institution that has identified its lawful authority to obtain the information and indicated that:

- (i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs, or to the detection, prevention or deterrence of money laundering or the financing of terrorist activities;
 - (ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or
3. the disclosure was made on the initiative of Canadian Direct Insurance to an investigative body, government institution or a part of a government institution and Canadian Direct Insurance:
- (i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or
 - (ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs.

5.7 In certain circumstances, Canadian Direct Insurance may be ordered by a court in Canada to disclose personal information to a third party or to the court, or to preserve personal information pending the outcome of a legal hearing. In such circumstances, Canadian Direct Insurance will take reasonable steps to verify the legitimacy of the court order and will take reasonable care to ensure that only the personal information that is required by the court order, and nothing more, is disclosed.

5.8 In order to provide insurance services to the customer, Canadian Direct Insurance may be required to disclose personal information in accordance with accepted and standard insurance practices to the persons identified in paragraph 3.3 of this Privacy Code. Only such personal information as is required to satisfy the purpose of disclosure will be disclosed by Canadian Direct Insurance.

Principle 6 – Accuracy

Canadian Direct Insurance will keep personal information as accurate, complete, and up-to-date as necessary for its purposes.

6.1 Canadian Direct Insurance will make reasonable efforts to keep the personal information that is used on an ongoing basis – including information that is disclosed to third parties – accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

6.2 Canadian Direct Insurance will generally rely on customers to provide updated information, such as changes to customer addresses and other contact information.

6.3 If a customer successfully demonstrates to Canadian Direct Insurance that personal information is inaccurate, incomplete, out of date, or irrelevant, Canadian Direct Insurance will revise or annotate the personal information. If necessary, Canadian Direct Insurance will disclose the revised or annotated personal information to appropriate third parties as required.

Principle 7 – Safety and Security

Canadian Direct Insurance will protect personal information with safeguards appropriate to the sensitivity of the information.

7.1 Canadian Direct Insurance employs security safeguards to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification.

Canadian Direct Insurance will protect personal information regardless of the format in which it is held.

7.2 The nature of these safeguards will vary depending on the sensitivity of the personal information that has been collected, the amount, distribution, and format of the information, and the method of storage.

7.3 The methods used to safeguard personal information will include:

- physical measures, including locked filing cabinets and restricted access to offices;
- organizational measures, such as security clearances and limiting access on a “need to know” basis; and/or,
- technological measures, such as the use of passwords and encryption.

7.4 Canadian Direct Insurance will inform employees about Canadian Direct Insurance’s policies and procedures for protecting customers’ personal information and will emphasize the importance of complying with them. As a condition of employment, employees will be required to conform to Canadian Direct Insurance’s policies and procedures concerning the security of personal information.

7.5 When Canadian Direct Insurance discloses personal information to third parties for statistical compilation, updating of claims and underwriting information, debt collection, market research, or for other goods and services, Canadian Direct Insurance will require these third parties to ensure the information is used only for authorized purposes. In addition, the third parties must ensure a method of safeguarding that is consistent with Canadian Direct Insurance’s measures and with the principles expressed in the Personal Information Protection and Electronic Documents Act and, in the case of Quebec, the Act Respecting the Protection of Personal Information in the Private Sector.

7.6 Canadian Direct Insurance will use care in the disposal or destruction of personal information in order to prevent unauthorized access.

Principle 8 – Openness

Canadian Direct Insurance will be open about its policies and procedures regarding management of personal information. Canadian Direct Insurance will ensure that individuals are reasonably able to acquire information about Canadian Direct Insurance’s policies and procedures and will make this information available in a form that is generally understandable.

8.1 Copies of this Privacy Code will be made available upon request.

8.2 Other information Canadian Direct Insurance will make available includes:

- the name of the Privacy Officer and contact information;
- the means of gaining access to personal information held by Canadian Direct Insurance;
- a description of the type of personal information Canadian Direct Insurance holds, including a general account of its use;
- a copy of each brochure or other information that explains Canadian Direct Insurance’s policies, standards, or codes; and,
- a description of the type of personal information that is made available to subsidiaries or affiliates of Canadian Direct Insurance.

8.3 Canadian Direct Insurance will publish information concerning the Privacy Code and Canadian Direct Insurance’s privacy policies and procedures on its websites.

Principle 9 – Individual Access

Upon request in writing, Canadian Direct Insurance will inform an individual of the existence, use, and disclosure of his or her personal information and will provide access to that information, except where the law requires or permits Canadian Direct Insurance to deny access.

Inquiries and Requests

9.1 Canadian Direct Insurance will assist any individual who asks for help in preparing a request to the organization.

9.2 In some situations, Canadian Direct Insurance may require an individual to provide details in order to locate specific personal information requested.

9.3 Canadian Direct Insurance will provide personal information to a customer in a form that is easy to understand, providing explanations for abbreviations and codes.

9.4 Canadian Direct Insurance will respond to all requests within 30 days. Canadian Direct Insurance may extend the time limit for a further thirty days if:

- meeting the time limit would unreasonably interfere with the activities of Canadian Direct Insurance; or,
- the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet.

Time Limit Extensions and Costs

9.5 In either of the above cases, Canadian Direct Insurance will – no later than 30 days after the date of the request – send a notice of extension to the individual, advising them of:

- the new time limit;
- the reasons for extending the time limit; and,
- their right to make a complaint to the federal Privacy Commissioner in regard to the extension.

9.6 Canadian Direct Insurance will also extend the time limit for the amount of time necessary to be able to convert the personal information into a format that allows a person with a sensory disability to read or listen to the personal information.

9.7 Canadian Direct Insurance may charge for responding to a request. This will occur only if:

- Canadian Direct Insurance has informed the individual of the approximate cost; and,
- the individual agrees to proceed with the request.

Refusal of a Request

9.8 Consistent with the provisions of the Personal Information Protection and Electronic Documents Act, Canadian Direct Insurance may deny an individual access to his or her personal information where:

1. the information is protected by solicitor-client privilege;
2. to do so would reveal confidential commercial information;
3. to do so could potentially threaten the life or security of another individual;
4. the information was collected without the knowledge or consent of the individual in order to protect its availability or accuracy in the event (or investigation) of a breach of agreement or contravention of federal or provincial law; or,

5. the information was generated in the course of a formal dispute resolution process.

9.9 Canadian Direct Insurance will not apply these exemptions if the individual needs the information because another individual's life, health or security is threatened.

9.10 Where Canadian Direct Insurance must refuse a request, Canadian Direct Insurance will advise the individual in writing with an explanation for the refusal and information about the recourse available.

9.11 Further, where Canadian Direct Insurance is entitled to withhold access to personal information because access could threaten another person's life or security, or would reveal confidential commercial information, and that information can be separated from other information for which access is requested, Canadian Direct Insurance will provide access to an edited copy of the personal information after removing such information.

9.12 Canadian Direct Insurance will not give an individual access to personal information if doing so would reveal personal information about another person, unless the information can be removed, in which case the remaining information will be provided.

Third Parties

9.13 In providing an account of third parties to which Canadian Direct Insurance has disclosed personal information about an individual, Canadian Direct Insurance will attempt to be as specific as possible. Note: where it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, Canadian Direct Insurance will provide a list of organizations to whom it may have disclosed information about the individual.

9.14 Canadian Direct Insurance will attempt to identify:

- from whom it collected personal information;
- to whom it provided personal information; and
- how and when the information was disclosed.

9.15 For practical reasons, Canadian Direct Insurance will not necessarily record in customers' individual files when personal information was disclosed to third parties for routine purposes. For example, it would normally be impractical to record:

- reporting for legal or regulatory compliance;
- reporting for statistical compilation; or
- regular updating of claims and underwriting information to the Insurance Bureau of Canada and its subsidiaries, Insurer Advisory Organization, CGI, or similar organizations or insurers.

Disclosure to Government Institutions

9.16 In some circumstances, Canadian Direct Insurance is required to disclose personal information to a government institution and may not be permitted to inform the individual about any such disclosure, without first following the procedure discussed immediately below.

9.17 The procedure is that Canadian Direct Insurance must, in writing and without delay, notify the government institution about the individual's request, and must not respond to the individual before:

- the government institution advises whether or not it objects to Canadian Direct Insurance complying with the individual's request; or,

- thirty days have lapsed since Canadian Direct Insurance notified the government institution of the individual's request.

9.18 Where the government institution objects to Canadian Direct Insurance complying with the individual's request, Canadian Direct Insurance must:

- refuse the individual's request,
- notify the federal Privacy Commissioner without delay of the refusal; and
- must not disclose to the individual any information Canadian Direct Insurance has relating to such disclosure including the fact that Canadian Direct Insurance has notified the government institution, or that the government institution has objected to Canadian Direct Insurance responding to the individual's request.

Principle 10 – Handling Inquiries and Challenges

An individual will be able to direct a challenge concerning compliance with the above principles to Canadian Direct Insurance's Privacy Officer.

10.1 Canadian Direct Insurance will establish procedures to receive and respond to inquiries or challenges to its policies and practices relating to the handling of personal information. These procedures will be easily accessible and simple to use.

10.2 Canadian Direct Insurance will inform customers of these procedures through brochures or other documents, which will be readily available and easy to understand. The complaint resolution process will be explained, and contact information for customers will be provided.

10.3 Canadian Direct Insurance will investigate all complaints. If Canadian Direct Insurance finds that a complaint is justified, it will take appropriate measures, including, if necessary, amending its policies and practices.

10.4 In the case of some Canadian Direct Insurance subsidiaries, the protection of personal information is subject to provincial law. In these instances, Canadian Direct Insurance will direct the individual to the appropriate channels for inquiry or complaint.

Appendix to the Canadian Direct Insurance Privacy Code

Limited exceptions relating to consent for collection, use or disclosure of personal information:

Collection

In addition to legislative requirements and other statutory instruments concerning the collection of personal information, the federal Personal Information Protection and Electronic Documents Act authorizes Canadian Direct Insurance to collect personal information without the knowledge or consent of the individual where:

- 1) collection of the personal information is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- 2) it is reasonable to expect that collection of the personal information with the knowledge or consent of the individual would compromise the availability or accuracy of the information and the collection is reasonable for purposes of investigating a breach of an agreement or a contravention of federal or provincial law; or,
- 3) the information is publicly available and is specified by regulations issued by federal legislation.

Use

Further, the Personal Information Protection and Electronic Documents Act authorizes Canadian Direct Insurance to use personal information, without the knowledge or consent of the individual, in circumstances where:

- 1) the personal information was originally collected without consent, express or implied, and collection was clearly in the interests of the individual, and consent could not be obtained in a timely way;
- 2) the information was originally collected without consent, express or implied, in circumstances where collection with the knowledge and consent of the individual would compromise the availability or accuracy of the information, and the collection was reasonable for the purposes of investigating a breach of an agreement or a contravention of federal or provincial law;
- 3) Canadian Direct Insurance has reasonable grounds to believe the information could be useful in the investigation of a contravention of federal, provincial or foreign law, that has been, is being, or is about to be committed, and the information is used for the purpose of investigating that contravention;
- 4) the information is used for the purpose of responding to an emergency that threatens the life, health or security of an individual;
- 5) the information is used for statistical study or research purposes that cannot be achieved without using the information, its confidentiality is preserved, it is impracticable to obtain consent, and the federal Privacy Commissioner is given advance notice of such use; or,
- 6) the information is publicly available and is specified by the regulations.

Disclosure

The Personal Information Protection and Electronic Documents Act authorizes Canadian Direct Insurance to disclose personal information without the knowledge or consent of the individual if such disclosure:

- 1) is made, within the Province of Quebec, to an advocate or notary or, in any other province, a barrister or solicitor who is representing Canadian Direct Insurance;
- 2) is required to comply with a subpoena or warrant issued, or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;
- 3) is made to a government institution that has identified its lawful authority to obtain the information, and which has indicated (i) it suspects the information relates to national security, the defence of Canada, or the conduct of international affairs, or (ii) disclosure is requested for the enforcement of federal, provincial or foreign law, carrying out an investigation relating to such enforcement, or gathering intelligence for the purpose of such enforcement, or (iii) disclosure is requested for the purpose of administering a federal or provincial law;
- 4) is made to the government institution mentioned in section 7 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act as required by that section.
- 5) is made to an investigative body or government institution on the initiative of Canadian Direct Insurance, and relates to a breach of an agreement or a contravention of federal, provincial or foreign law; or where Canadian Direct Insurance suspects the information relates to national security, the defence of Canada, or the conduct of international affairs, and the information relates to a federal or provincial offence that has been or is about to be committed, or to activities suspected of constituting threats to the security of Canada;
- 6) is made to someone who needs the information because of an emergency that threatens the life, health or security of an individual;
- 7) is made for statistical or scholarly study or research, purposes that cannot be achieved without disclosure, it is impractical to obtain consent, and Canadian Direct Insurance informs the Privacy Commissioner before the information is disclosed;
- 8) is made to an institution whose functions include the conservation of records of historic or archival importance and disclosure is necessary for the purpose of such conservation;
- 9) is made twenty years after the death of the individual the information is about, or one hundred years after the record containing the information was created, whichever is earlier;
- 10) is made by an investigative body and is reasonable for purposes related to investigating a breach of an agreement or a contravention of federal or provincial law; or, is required by law.

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