

## **PRIVACY POLICY**

ACPAI Insurance (« ACPAI ») is committed to protecting your privacy and treating your<sup>1</sup> personal information fairly and with respect. We<sup>2</sup> have developed this privacy policy in response to privacy legislation to let you know how we treat the personal information we gather in the administration of our professional liability insurance program (the “Program”). The most current version of the Privacy Policy is posted on our website.

### **What is Personal Information?**

“Personal Information” means information about you that is personally identifiable, but does not generally include the name, title or business address or telephone number of an employee of an organization. For example, and without limiting its meaning, personal information may include your name, home contact information, qualification and date of qualification, previous insurance history, information pertaining to past, current or potential insurance experience or claims, and financial information.

### **Why ACPAI collects, uses and discloses Personal Information**

We use personal information only to serve your professional liability insurance needs and to administer the Program. We collect, use and disclose personal information for purposes a reasonable person would consider appropriate in the circumstances.

Specifically, we collect and use personal information for the purposes of:

- i. evaluating, monitoring and assessing your insurance needs;
- ii. evaluating your application, particularly with respect to insurance risks being undertaken;
- iii. processing, rating, binding and issuing your policy;
- iv. amending, adjusting and assessing coverage;
- v. providing all policy related or administrative services, including loss control and handling, investigating and resolving claims;
- vi. providing ongoing risk management services, including educating the profession on issues related to risk management;
- vii. properly administering our insurance program, including negotiating and assessing insurance premiums, as well as compiling statistical data used on an ongoing basis to set premiums and provide risk management services;
- viii. communicating with you to offer ACPAI’s services on an ongoing basis;
- ix. compliance with legal and regulatory requirements, or as authorized or required by law.

In this privacy policy, the above purposes will be referred to as the “Identified Purposes”.

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<sup>1</sup> In this policy, “you” or “your” means an individual who has requested or applied for insurance or an individual current or former insured and includes any other individual for whom the customer has acted as agent, guardian or representative.

<sup>2</sup> “We”, “Us”, “Our” means ACPAI Insurance (“ACPAI”).

To fulfil the Identified Purposes, we work with organizations that assist us in providing the insurance, including the participating insurers, reinsurers, insurance brokers or agents, actuaries, claims adjusters, lawyers, investigators and experts or other consultants (“Program Facilitators”). To fulfil the Identified Purposes, we may disclose your personal information to the Program Facilitators and the Program Facilitators may collect your personal information on our behalf. In the underwriting process, for example, we disclose personal information to our program insurer(s). To fulfil the Identified Purposes, we may also disclose your personal information to third parties involved in handling claims.

We disclose basic policy information, including but not limited to your name and the number, limit and expiry date of your policy, to your Provincial CPA Association for the purpose of providing them with proof of the existence and status of your professional liability insurance. For Quebec residents, we also provide the *Ordre des comptables professionnels agréés du Québec* with a copy of your policy. We disclose this information as part of our service to you to assist you in meeting your provincial regulatory requirements. You may withdraw consent to this disclosure by notifying us in writing at the time of application for insurance [See *Withdrawing Consent*, below].

Under the terms of your policy, we are required to notify your Provincial CPA Association in the event of cancellation or non-renewal of your policy for any reason.

We do not sell your personal information to third parties.

We generally collect personal information directly from you, or from your authorized representative. Personal information regarding your insurance or claims history, or required for claims purposes, may be obtained from you or your authorized representative, the person applying for the insurance, or from third party sources. ACPAI may collect such information directly or through our Program Facilitators, such as insurance adjusters, private investigators or lawyers representing ACPAI or the insured.

We also collect, use and disclose personal information about third parties with respect to claims made against you. In these cases, we may obtain consent directly, through you, or through the investigator, adjuster or lawyer involved in the claim. Where appropriate, consent may be inferred. Consent may not be obtained with respect to the collection of certain publicly available information, the collection of information respecting an investigation involving the suspected breach of an insurance policy (or other agreement) or breach of Canadian law, or as otherwise permitted by law.

### ***Consent***

Your consent may be expressed in writing, given verbally, electronically, or through an authorized representative, including your firm’s managing partner or legal representative. Your consent can also be implied, where appropriate.

In most cases, consent to collect, use and disclose personal information is obtained from the person applying for, renewing or revising your insurance coverage. If an application and/or policy covers more than one individual, we ask the individual applying for the insurance or signing the applicable form to confirm that the consent of all potential insureds has been obtained. ACPAI will rely on this advice.

### ***Withdrawing Consent***

The nature and extent of the information you provide, or your decision to withdraw consent to the collection, use and disclosure of personal information, may limit the services we are able to provide. Due to the nature of the Program and the insurance you have requested, once your policy has been issued your prior consent cannot be effectively withdrawn, except as noted below or otherwise in this policy.

If you cease to maintain insurance with ACPAI you may withdraw your consent for the Identified Purposes vi., vii., viii., subject to legal and contractual restrictions and reasonable notice.

Please contact us if you wish to discuss the withdrawing your consent and the implications of withdrawing your consent:

Privacy Office  
ACPAI Insurance  
277 Wellington Street West  
Toronto, Ontario  
M5V 3H2  
Tel.: 416-204-3389  
Email: [privacy.office@acpai.ca](mailto:privacy.office@acpai.ca)

### ***Safeguarding Your Personal Information***

ACPAI maintains appropriate physical, organizational and technological security systems to protect your personal information. Access to personal information is limited to employees and authorized service providers who need it to perform their work. ACPAI has made its employees aware of the importance of maintaining the confidentiality of personal information and our employees receive training in proper information handling practices.

ACPAI will use contractual or other means, as appropriate, to maintain adequate safeguards to protect the security of your personal information transferred to third parties for processing.

### ***Retention of Records***

ACPAI will retain personal information for as long as is necessary to fulfil the Identified Purposes. After it is no longer necessary, the information will be disposed of according to approved guidelines and procedures to prevent unauthorized parties from gaining access to the information during and after the process. To address the ongoing risk of potential claims and the need for periodic actuarial analysis, some of the personal information collected may be kept for several years.

### ***Access to Your Personal Information***

Upon written request, you will be informed whether or not ACPAI holds personal information about you and, if so, you will be provided reasonable access to that information. The right to access personal information is subject to legal and contractual restrictions (and any other reasonable conditions which may be necessary) and may be limited as authorized by law.

Before processing a request for access we may require that you provide certain information to confirm your identity to our satisfaction and fulfil your request.

You also have the right to request the correction of inaccurate or incomplete information in your file. If we are satisfied that the information in your file is inaccurate or incomplete, we will make the necessary changes. Requests to access or correct your information should be made in writing to:

Privacy Office  
ACPAI Insurance  
277 Wellington Street West  
Toronto, Ontario  
M5V 3H2

If you have any questions or complaints about this policy please contact us at [privacy.office@acpai.ca](mailto:privacy.office@acpai.ca) or at the address noted above.

### ***Amendments***

This policy applies to personal information collected by ACPAI in administering the Program and may be amended from time to time at ACPAI's discretion. Any such amendments will be posted on our website.

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Last revised January 2018