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**Knowing your business matters.**

a Northbridge Financial company

FAIR INFORMATION PRACTICES CODE OF CONDUCT

## INTRODUCTION

*The Personal Information Protection and Electronic Documents Act (PIPEDA) governs how Federated Insurance<sup>1</sup> collects, uses, and shares Personal Information of Individuals. Ten principles form the basis of Federated Insurance's obligations regarding collection, use, and sharing of Personal Information and all Federated employees and Designates (including agents, brokers, adjusters, and investigators) who collect Personal Information in the course of their employment or business relationship with Federated must deal with the Personal Information in accordance with the ten principles and this code.*

The ten principles and Federated's commitments to them are:

1. ***Accountability:*** *An organization is responsible for Personal Information under its control and shall designate an Individual or Individuals who are accountable for the organization's compliance with the following principles.*

Federated has designated our Chief Privacy Officer as the person who is accountable for ensuring Personal Information is used only for appropriate and approved purposes.

2. ***Identifying Purposes:*** *The purposes for which Personal Information is collected shall be identified by the organization at or before the time the Personal Information is collected.*

Federated will identify the purposes for collecting Personal Information at or before the time the Personal Information is collected.

3. ***Consent:*** *The knowledge and consent of the Individual are required for the collection, use, or disclosure of Personal Information, except where inappropriate.*

Subject to specifically listed exceptions, Federated will only collect, use, or disclose Personal Information with the knowledge and consent of the Individual.

4. ***Limiting Collection:*** *The collection of Personal Information shall be limited to that which is necessary for the purposes identified by the organization. Personal Information shall be collected by fair and lawful means.*

Federated will only collect Personal Information that is necessary to fulfill purposes that are identified at the time the Personal Information is collected. When Personal Information is collected, the collection shall be done in a manner that respects the expectations of the Individual and shall be done in an open and non-deceptive manner. Furthermore, any and all collection shall be done in accordance with all applicable legal requirements.

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<sup>1</sup> The principles and policies stated in this document also apply to information collected, used, and disclosed by our agency company, Contact + Insurance Network Ltd., through which Federated offers Life and Accident & Sickness products.

*5. **Limiting Use, Disclosure and Retention:** Personal Information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the Individual or as required by law. Personal Information shall be retained only as long as necessary for the fulfillment of those purposes.*

Federated will not use or disclose Personal Information for purposes other than those for which it was collected, except with consent or as required by law. Personal Information will be retained as long as necessary for the fulfillment of those purposes and to satisfy legal and regulatory requirements. In certain limited circumstances, Personal Information may be archived and used to fulfill ongoing purposes such as risk assessment and fraud prevention.

*6. **Accuracy of Information:** Personal Information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.*

Federated will ensure that Personal Information will be as accurate, complete and up-to-date as is necessary for use in fulfilling identified purposes. In some cases, archived Personal Information may be of use and will remain unaltered and retained indefinitely.

*7. **Safeguards:** Personal Information shall be protected by security safeguards appropriate to the sensitivity of the Personal Information.*

Personal Information is protected by security safeguards appropriate to the sensitivity of the Personal Information. A Confidentiality Agreement governs conduct of each employee with respect to Personal Information, access to Personal Information is limited to that which is necessary to fulfill the identified purposes, and information systems are protected by industry recognized security safeguards.

*8. **Openness:** An organization shall make readily available to Individuals specific information about its policies and practices relating to the management of Personal Information.*

Our policies and practices relating to the use and management of your Personal Information are readily available to the public both electronically on our website and in print (upon request).

*9. **Individual Access:** Upon request, an Individual shall be informed of the existence, use, and disclosure of his or her Personal Information and shall be given access to that Personal Information. An Individual shall be able to challenge the accuracy and completeness of the Personal Information and have it amended as appropriate.*

Upon receipt by the Chief Privacy Officer of a written request for access, an Individual will be informed in writing of the extent of Personal Information that is in the control of Federated, how it is used, and to whom it is disclosed. If requested, the Individual will also be given access to that Personal Information and they can challenge the accuracy and completeness of the Personal Information and have it amended where necessary.

10. **Challenging Compliance:** *An Individual shall be able to address a challenge concerning compliance with the above principles to the designated Individual or Individuals accountable for the organization's compliance.*

All questions regarding compliance with these principles will be directed to and answered by the Chief Compliance Officer.

## **INTERPRETATION**

Where a word is capitalized in this Code, for example “Individual”, that word is defined in this Code and capitalized forms of that word are to be read in accordance with the Code definition. Where the same word is used in a non-capitalized form, the word is to be read according to the common meaning of the word in the context of the sentence or paragraph.

## **DEFINITIONS**

### **“Alternative Format”**

A format that allows a person with a sensory disability to read or listen to Personal Information collected by Federated Insurance or on behalf of Federated Insurance.

### **“Collection”**

The act of gathering, acquiring, or obtaining Personal Information from any source (including third parties) by any means (including written, electronic, or verbally). This includes collection by Federated Insurance employees and Designates.

### **“Commissioner”**

The Privacy Commissioner of Canada.

### **“Consent”**

Voluntary agreement with what is being done or proposed. Consent may be express or implied. Express consent is given explicitly, either orally or in writing, is unequivocal, and does not require any inference on the part of the person collecting the Personal Information. Implied consent arises where consent may reasonably be inferred from the actions or inactions of the Individual.

### **“Individual”**

A natural person about whom Federated Insurance collects Personal Information. “Individual” includes insureds, former insureds, applicants for insurance, claimants, persons other than claimants who are involved in the claims process (e.g. witnesses and health care professionals), and persons insured as part of a group or corporate policy. “Individual” does not include corporate entities.

### **“Personal Information”**

Information about an identifiable Individual. Note that this does not need to be information that will identify an Individual but need only be information about an Individual. It includes:

- Name, address, and telephone number
- E-mail address and fax number
- Date and place of birth
- Gender
- Citizenship
- Family and marital status
- Lifestyle information
- Occupation, place of employment, and Social Insurance Number (SIN)
- Education
- Financial information such as assets, liabilities, and income
- Credit Information such as whether credit was extended or refused and credit and payment records
- Prior insurance experience including applications and claims history
- Driver's licence number and driving record
- Insurance policy numbers
- Motor vehicle information including Vehicle Identification Number
- Loss payees including mortgagees and lien holders
- Additional named insured
- Credit card and banking information
- Membership affiliations
- Personal health information, with respect to an Individual, whether living or deceased, such as:
  - Information concerning the physical or mental health of the Individual;
  - Information concerning any health service provided to the Individual;
  - Information derived from the testing or examination of a body part or bodily substance of the Individual;
  - Information that is collected in the course of providing health services to the Individual;
  - Information that is collected incidentally to the provision of health services to the Individual.

Personal Information does not include the name, title or business address or telephone number of an employee of an organization (information typically on a business card or in publicly available employee directories).

### **"Publicly Available"**

Information defined by regulation as exempt from consent and knowledge requirements and limited to:

- a) The name, address, and telephone number of a subscriber that appears in a telephone directory that is available to the public and where the subscriber can refuse to have that Personal Information displayed in the directory.
- b) The name, title, address, and telephone number of an Individual that appears in a professional or directory listing or notice that is available to the public where the contemplated collection, use, or disclosure of the Personal Information relates directly to the purpose for which the information appears that listing.

- c) Personal Information that appears in a registry collected under statutory authority and to which a right of public access is authorized by law where the contemplated collection, use, or disclosure of the Personal Information relates directly to the purpose for which the Personal Information appears in the registry.
- d) Personal Information that appears in a record or document of a judicial or quasi-judicial body that is available to the public where the contemplated collection, use, or disclosure of the Personal Information relates directly to the purpose for which the Personal Information appears in the record or document
- e) Personal Information that appears in a publication in printed or electronic form that is available to the public where the Individual has provided the Personal Information.

**“Record”**

Includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record (e.g. CD-ROMs) and any other documentary material, regardless of physical form or characteristics, and any copy of those things.

## GENERAL PRACTICES

### GP1

Federated Insurance will only collect, use, or disclose Personal Information for purposes that a reasonable person would consider appropriate in the circumstances.

Consent to the collection, use or disclosure of Personal Information may only be made a pre-condition for the supply of products or services where the collection, use, or disclosure is essentially necessary to fulfill an explicitly specified indispensable purpose. When requested, Federated Insurance employees or Designates shall explain to the Individual the information requirements that are related to the product or service. Federated Insurance may only refuse to provide a particular product or service where the Individual refuses to provide essential information relative to that particular product or service. If an Individual refuses to provide essential information Federated Insurance may refuse to provide a product or service.

The following are considered by Federated Insurance to be Indispensable Identified Purposes:

- establishing and maintaining lines of communication with Individuals
- assessing insurability and underwriting risks on a prudent basis
- pricing products and services
- policy administration
- investigating and paying claims
- Detecting and preventing fraud
- Compiling statistics;
- Complying with the law; and,
- A business or activity which Federated Insurance may undertake under applicable federal, provincial, or territorial statutory instruments.

In the event an Individual refuses to consent to the use or disclosure of their Personal Information for any Indispensable Identified Purpose, Federated Insurance may refuse to provide a product or service.

In addition to the Indispensable Identified Purposes, there also exist Additional Identified Purposes. These are:

- Discretionary sharing of Personal Information for the purpose of offering and providing products and services beyond those initially requested or required

While reasonable, Additional Identified Purposes are not indispensable purposes and therefore consent to the collection, use, or disclosure of Personal Information for these purposes is optional and may be withdrawn at any time without affecting the eligibility of an Individual for any product or service offered by Federated Insurance.

## **GP2**

Policies and practices regarding Federated Insurance's fair information practices will always be readily available to the public. This information will be supplied in a format that is generally understandable and will include:

- (a) the title and the address of the person who is accountable for Federated Insurance's fair information practices and to whom complaints or inquiries can be forwarded;
- (b) the means of gaining access to Personal Information held by Federated Insurance;
- (c) a description of the types of Personal Information held by Federated Insurance, including a general account of the purposes;
- (d) a copy of any brochures or other information that explain Federated's fair information practices; and
- (e) what Personal Information is shared by Federated Insurance and why.

The above information shall be made available by way of brochure available at Federated Insurance's places of business, by electronic and postal mail, via the Internet, or by toll free telephone number.

## **GP3**

Personal Information, regardless of the format, shall be protected by security safeguards appropriate to the sensitivity of the information. Safeguards shall protect against loss or theft, unauthorized access, unauthorized copying, unauthorized use, and unauthorized modification.

## **GP4**

Federated Insurance shall regularly communicate the importance of safeguarding Personal Information to employees and Designates.

## INFORMATION COLLECTION PRACTICES

### ICP1

Federated Insurance shall inform the Individual at the time of Personal Information collection of the purposes for which the Personal Information is being collected. Federated Insurance shall also specify the type and source of Personal Information that it collects and this shall include the fact that insurers, financial institutions, brokers, rating agencies, underwriting networks, and claims networks share Personal Information about Individuals.

### ICP2

Personal Information shall not be collected indiscriminately and the amount and type of Personal Information collected shall be limited to that which is necessary to fulfill specified purposes. Collection is further limited to that which a reasonable person would consider appropriate in the circumstances surrounding the collection.

### ICP3

Subject to ICP16 and ICP17, the Individual's consent to collection of Personal Information shall be obtained at the time the Personal Information is collected.

### ICP4

The reasonable expectations of the Individual are relevant when consent to collection is obtained.

### ICP5

The form of consent will vary depending on the circumstances of collection and the sensitivity of the Personal Information to be collected. Sensitivity is determined by context and circumstantial factors shall not outweigh sensitivity factors.

### ICP6

Consent may be received in the following forms:

- a) The application form may be used to seek consent, collect Personal Information, and inform the Individual of the purposes of Personal Information collection. Where the application form advises the Individual of the purposes of collection and the contemplated uses and disclosures, by signing the form the Individual is giving express consent to the collection and the uses and disclosures specified on the form.
- b) A check off box system may be used to allow the Individual to opt out of certain forms of Personal Information collection and/or usage. If a box is not checked the Individual is assumed to have consented to that collection and purpose.

- c) Consent may be given orally when Personal Information is collected over the telephone
- d) Consent may be implied when a product or service offered by Federated Insurance is used.

#### **ICP7**

Express consent shall be obtained in all cases where medical, hospital, employment, or income tax records are collected.

#### **ICP8**

When obtaining consent Federated Insurance shall make a reasonable effort to advise the Individual how the Personal Information shall be used or disclosed. To make consent meaningful, the purposes must be stated in a manner that the Individual can reasonably understand. Consent shall not be obtained by deception.

#### **ICP9**

The person collecting the Personal Information must be able to explain to the Individual the purpose for which the Personal Information is being collected.

#### **ICP10**

Personal Information must be collected by fair and lawful means.

#### **ICP11**

Consent may be withdrawn at any time but this withdrawal is subject to legal and contractual restrictions and reasonable notice must be given. In the event that Federated Insurance receives reasonable notice of withdrawal of consent, the Individual shall be informed of the consequences of withdrawing consent before collection, use, or sharing ceases. Additionally, if withdrawal of consent affects the ability of Federated Insurance to provide a product or service, Federated Insurance shall not refuse to supply or cease to supply a product or service unless use or sharing of the Personal Information is essential to the provision of the product or service.

#### **ICP12**

Consent for purposes not identified at the time of collection may be sought after collection has occurred but this consent must be given before the Personal Information is used for the new purpose.

#### **ICP13**

In the event that Federated Insurance wishes to use Personal Information for a new purpose, the purpose shall be documented.

#### **ICP14**

Personal Information in the possession of Federated Insurance shall be as accurate, complete and current as is necessary to fulfill specified purposes. The extent to which Personal Information shall be accurate, complete and current depends on the contemplated use and the interests of the Individual. When Personal Information is used to make a decision regarding an Individual, the Personal Information shall be sufficiently accurate, complete, and current to minimize the possibility that inappropriate Personal Information is used to make a decision regarding the Individual.

#### **ICP15**

Federated Insurance shall not routinely update Personal Information unless such a process is necessary to fulfill the purposes for which the Personal Information was collected.

#### **ICP16**

The Individual must understand the reasons for collection of the Personal Information before consent may be granted unless one of the following factors are present:

- a) Legal, medical, or security reasons make it impossible or impractical to seek consent.
- b) In some cases the person requiring the Personal Information may not have a direct relationship with the Individual and therefore may not be able to seek consent. In such cases, the party who is providing the Personal Information is expected to obtain consent before disclosing the Personal Information.
- c) Consent is not necessary for collection where the collection is clearly in the interests of the Individual and consent cannot be obtained in a timely way.
- d) Consent is not necessary for collection if it is reasonable under the circumstances to expect that collection with the knowledge or consent of the Individual would compromise the availability or the accuracy of the Personal Information and the collection itself is related to investigating a breach of a policy or other legal agreement or investigation of a contravention of a law of Canada.
- e) Consent to collection is not necessary when the Personal Information will be used and disclosed in defending an insured in accordance with a contractual obligation to defend.

#### **ICP17**

Knowledge and consent for collection is not required for information that is Publicly Available as defined and limited by this Code.

## INFORMATION USAGE PRACTICES

### IUP1

The knowledge and consent of an Individual are required for the use of Personal Information except for as provided by this code.

### IUP2

Excepting as provided for in this Code or where a new purpose is dictated by law, Personal Information that has already been collected shall not be used for a new purpose until the new purpose has been identified to the Individual and consent for this use has been obtained.

### IUP3

Personal Information that is used on an ongoing basis shall be as accurate and current that is dictated by the use.

### IUP4

Consent is not necessary for use where the use is clearly in the interests of the Individual and consent cannot be obtained in a timely way.

### IUP5

Personal Information may be used without obtaining consent where the use is for the purposes of defending an insured in accordance with a contractual obligation to defend. However, if possible and practical, consent should be obtained.

### IUP6

Consent is not necessary for use if it is reasonable under the circumstances to expect that use with the knowledge or consent of the Individual would compromise the availability or the accuracy of the Personal Information and the use itself is related to investigating a breach of a policy or other legal agreement or investigation of a contravention of a law of Canada.

### IUP7

Consent for use is not required if the Personal Information may be useful in the investigation of the contravention of any law and will be used only for that purpose.

### IUP8

Consent for use is not required if the use is in respect of an emergency situation where the life, health, or security of an Individual is concerned.

**IUP9**

Consent is not required for use where the Personal Information is used for statistical, scholarly study, or research purposes that cannot be achieved without the use of the Personal Information, the Personal Information is used in a fashion that will ensure its confidentiality, it is impractical to obtain consent, and Federated Insurance informs the Privacy Commissioner of the intention to use the Personal Information before it is used.

**IUP10**

Knowledge and consent for use is not required for information that is Publicly Available as defined and limited by this Code.

## INFORMATION DISCLOSURE PRACTICES

### IDP1

Subject to the exceptions contained in IDP2 – IDP15, Personal Information shall not be disclosed without the knowledge or consent of the Individual.

### IDP2

Personal Information may be disclosed without the knowledge or consent of the Individual if the disclosure is clearly in the interests of the Individual and consent cannot be obtained in a timely manner.

### IDP3

Personal Information may be disclosed without the knowledge or consent of the Individual to the legal representatives of Federated Insurance.

### IDP4

Personal Information may be disclosed without knowledge or consent for the purpose of collecting a debt owed by the Individual to Federated Insurance.

### IDP5

Personal Information may be disclosed without the knowledge or consent of the Individual to any government agency who has requested the disclosure, has identified its lawful authority to obtain the Personal Information, and has indicated that the Personal Information relates to:

- a) issues of National security;
- b) the defence of Canada;
- c) the conduct of international affairs;
- d) enforcement of or investigation relating to enforcement of any law; or,
- e) administering any law of Canada.

### IDP6

Personal Information may be disclosed without knowledge or consent on the initiative of Federated Insurance to the Insurance Bureau of Canada Investigative Services Division (“ISD”) and government institutions where Federated Insurance has reasonable grounds to believe that the Personal Information relates to a breach of an agreement or law that has been, is being or is about to be committed.

### IDP7

Personal Information may be disclosed without knowledge or consent on the initiative of Federated Insurance to ISD and government institutions where Federated Insurance

suspects that the Personal Information relates to national security, the defence of Canada, or the conduct of international affairs.

#### **IDP8**

Personal Information may be disclosed without the knowledge or consent of the Individual if it is reasonable under the circumstances to expect that disclosure with the knowledge or consent of the Individual would compromise the availability or the accuracy of the Personal Information and the disclosure is related to investigating a breach of a policy or other legal agreement or investigation of a contravention of a law of Canada.

#### **IDP9**

Federated Insurance shall disclose Personal Information when required to comply with a subpoena, warrant, 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.

#### **IDP10**

Personal Information may be disclosed without knowledge or consent where otherwise required by law.

#### **IDP11**

Personal Information may be disclosed without knowledge or consent if the disclosure is made to a person who needs the Personal Information because of an emergency that threatens the life, health, security of an Individual and, if the subject Individual is about to be living, Federated Insurance informs the subject Individual in writing and without delay of the disclosure.

#### **IDP12**

Consent is not required for disclosure where the disclosure is for statistical, scholarly study, or research purposes that cannot be achieved without the disclosure of the Personal Information, it is impractical to obtain consent, and Federated Insurance informs the privacy commissioner of the intention to disclose the Personal Information before it is disclosed.

#### **IDP13**

Consent is not required for disclosure where the Personal Information is disclosed to an institution whose functions include the conservation of records of historic or archival importance and the purpose of disclosure is conservation.

**IDP14**

Consent is not required for disclosure where the disclosure occurs after the earlier of 100 years have passed since the record was created or the subject Individual has been deceased for 20 years.

**IDP15**

Knowledge and consent for disclosure is not required for information that is Publicly Available as defined and limited by this Code.

## **RETENTION AND DESTRUCTION OF INFORMATION**

### **RDP1**

Personal Information shall be retained only for as long as necessary to fulfill the purposes for which the Personal Information was collected. Notwithstanding the foregoing, any other legislative requirement concerning information retention which dictates a longer retention period shall take precedence over any PIPEDA requirement regarding Personal Information.

### **RDP2**

In the event that an Individual makes an information request regarding Personal Information in the possession of Federated Insurance, Federated Insurance shall retain that Personal Information as long as is necessary to allow the Individual to exhaust any recourse under PIPEDA Part 1.

### **RDP3**

Federated Insurance shall destroy, erase, or make anonymous all Personal Information that is no longer required to fulfill an identified purpose. This shall be done in accordance with Company and business unit guidelines and protocols for destruction of Personal Information.

### **RDP4**

Sufficient care shall be used in the destruction of Personal Information to prevent unauthorized persons from accessing that information.

## INFORMATION REQUESTS AND CHALLENGES

### IRC1

Subject to the **INFORMATION REQUESTS - PROHIBITED ACCESS** part of this code, upon request, an Individual shall be informed of the existence, source of origin, use, and disclosure of his or her Personal Information in the control of Federated Insurance and shall be given access to that Personal Information. An Individual has the right to challenge the accuracy and completeness of Personal Information and have it amended as appropriate. Notwithstanding the foregoing, in certain situations, Federated Insurance may not be able to provide access to all Personal Information it holds about an Individual but these exceptions are limited and specific.

### IRC2

Information Access Requests (an "IAR") must be made in writing and directed to the Federated Privacy Office which will assist any Individual in preparing their request. Access requests shall be logged on receipt by the Privacy Office.

### IRC3

Federated Insurance has the right to request Personal Information from a person requesting access to Personal Information in order to facilitate provision of the Personal Information. In the event that additional Personal Information is provided to Federated Insurance under this section, that Personal Information may be used only for facilitating access.

### IRC4

Federated Insurance may respond to an IAR at a cost to the Individual only if

- (a) Federated Insurance has informed the Individual of the approximate cost; and
- (b) the Individual has advised Federated Insurance that the request is not being withdrawn.

Any fees shall be kept to a minimum but Federated Insurance may refuse to provide Personal Information if it is prohibitively costly to provide.

### IRC5

Federated Insurance shall respond to an IAR with due diligence and not more than thirty days from date of receipt of the IAR. This time limit may be extended:

- a) for a maximum of thirty days if:

(i) meeting the time limit would unreasonably interfere with the activities of Federated Insurance, or

(ii) the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet.

b) for the period required to convert the Personal Information into an Alternative Format.

In either case, Federated Insurance shall, no later than thirty days after receipt of the IAR, send a notice of extension to the Individual, advising them of the new time limit, the reasons for extending the time limit, and of their right to make a complaint to the Commissioner in respect of the extension.

#### **IRC6**

In the event that Federated Insurance responds within the time limit and refuses all or a portion of an IAR, Federated Insurance shall inform the Individual in writing of the refusal, setting out the reasons for refusal, and any recourse the Individual may have under Part I of PIPEDA.

#### **IRC7**

In the event that Federated Insurance fails to respond within the stipulated time limits Federated Insurance is deemed to have refused the IAR.

#### **IRC8**

In the event that sensitive medical information is the subject of an IAR Federated Insurance may, in its sole discretion, chose to supply the Personal Information through a medical practitioner.

#### **IRC9**

In the event that an Individual requests that Federated Insurance provide a list regarding to whom Federated Insurance has disclosed Personal Information, Federated Insurance shall provide that list, indicating definite and possible disclosures.

#### **IRC10**

Federated Insurance shall give access to Personal Information in an Alternative Format to an Individual with a sensory disability who has a right of access to Personal Information under PIPEDA Part 1 and who requests that it be transmitted in the Alternative Format if

(a) a version of the Personal Information already exists in that format; or

(b) its conversion into that format is reasonable and necessary in order for the Individual to be able to exercise their rights of access.

#### **IRC11**

In the event that an Individual successfully challenges the accuracy and completeness of Personal Information in the control of Federated Insurance, in addition to amending the Personal Information and where appropriate, Federated Insurance shall transmit the amended Personal Information to third parties who have access to the Personal Information in question.

#### **IRC12**

In the event that a challenge to the accuracy and completeness of Personal Information in the control of Federated Insurance is not resolved to the satisfaction of the Individual, the substance of the unsuccessful challenge shall be recorded by Federated Insurance and, where appropriate, Federated Insurance shall transmit the existence of the unsuccessful challenge to third parties who have access to the Personal Information in question.

## INFORMATION REQUESTS - PROHIBITED ACCESS

### PA1

Federated Insurance shall not give an Individual access to Personal Information if doing so would likely reveal Personal Information about a third party. However, if the third party information is severable from the record containing the Personal Information about the Individual, Federated Insurance shall sever the third party information and grant access to the requested Personal Information. This rule does not apply if the third party consents to disclosure or the Individual needs the information because an individual's life, health or security is threatened.

### PA2

#### Part 2.1

In the event that an Individual requests that Federated Insurance

- a) inform the Individual about any disclosure of Personal Information to a government agency where Federated Insurance was required to
  - i) comply with a subpoena, warrant, 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;
  - ii) disclose without the knowledge or consent to any government agency who has requested the disclosure regarding
    - a) issues of National security;
    - b) the defence of Canada;
    - c) or the conduct of international affairs; or,
    - d) enforcement of or investigation relating to enforcement of any law. or,
  - iii) disclose to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), the R.C.M.P., or C.S.I.S. in accordance with the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* or the *United Nations Suppression of Terrorism Regulations*;
- b) inform the Individual about the existence of any information relating to
  - i) a disclosure of information of the types described in paragraph a);
  - ii) a subpoena, warrant, or an order made by a court, person, or body with jurisdiction to compel the production of information, or, compliance with rules of court relating to the production of records; or,

- iii) a request by a government agency for information relating to issues of National security, the defence of Canada, the conduct of international affairs, the enforcement of any law, or investigation relating to enforcement of any law;
- c) give the Individual access to information relating to
- i) a disclosure of information of the types described in paragraph a)
  - ii) a subpoena, warrant, or an order made by a court, person, or body with jurisdiction to compel the production of information, or, compliance with rules of court relating to the production of records; or,
  - iii) a request by a government agency for information relating to issues of National security, the defence of Canada, the conduct of international affairs, the enforcement of any law, or investigation relating to enforcement of any law.

Federated Insurance shall, in writing and without delay, notify the government agency concerned and shall not respond to the information request before the earlier of

- i) the day on which Federated is notified as to whether or not the institution objects to compliance with the information request (an "Objection").

and

- ii) thirty days after the day on which the government agency was notified in accordance with this Part.

## **Part 2.2**

In the event that Federated Insurance receives an Objection, Federated Insurance

- (a) shall refuse the request to the extent that it relates to any disclosure of Personal Information to a government agency where Federated Insurance was required to

- i) comply with a subpoena, warrant, or an order made by a court, person, or body with jurisdiction to compel the production of information, or, comply with rules of court relating to the production of records; or
- ii) disclose without the knowledge or consent of the Individual to any government agency who has requested the disclosure regarding issues of National security, the defence of Canada, the conduct of international affairs, enforcement of any law, or investigation relating to enforcement of any law;
- iii) disclose to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), the R.C.M.P., or C.S.I.S. in accordance with the *Proceeds of Crime*

*(Money Laundering) and Terrorist Financing Act or the United Nations Suppression of Terrorism Regulations;*

- (b) shall refuse the request to the extent that it relates to the existence of any information relating to
- i) a disclosure of information of the types described in paragraph a)
  - ii) a subpoena, warrant, or an order made by a court, person, or body with jurisdiction to compel the production of information, or, compliance with rules of court relating to the production of records;
  - iii) a request by a government agency for information relating to issues of National security, the defence of Canada, the conduct of international affairs, enforcement of any law, or investigation relating to enforcement of any law;
- (c) shall notify the Commissioner, in writing and without delay, of the refusal;
- (d) shall not disclose to the Individual any objected information;
- (e) shall not disclose that Federated Insurance notified an institution or the Commissioner in accordance with this rule; and
- (f) shall not disclose that the government agency has objected to disclosure of the information.

### **PA3**

#### **Part 3.1**

Federated Insurance may refuse access to Personal Information if

- (a) the information is protected by solicitor-client privilege;
- (b) to do so would reveal confidential commercial information;
- (c) to do so could reasonably be expected to threaten the life or security of another Individual;
- (d) it is reasonable under the circumstances to expect that disclosure of the information would compromise the availability or the accuracy of the information and the collection of the information was related to investigating a breach of a policy or other legal agreement or investigation of a contravention of a law of Canada; or,

(e) the information was generated in the course of a formal dispute resolution process.

However, in the circumstances described in paragraph (b) or (c), if the prescribed information is severable from the record containing any other information for which access is requested, Federated Insurance shall give the Individual access after severing.

### **Part 3.2**

Part 1 of this rule does not apply if an individual needs the information because an Individual's life, health or security is threatened.

### **Part 3.3**

If Federated Insurance decides not to give access to Personal Information that was collected in relation to investigating a breach of a policy or other legal agreement or investigation of a contravention of a law of Canada and it is reasonable under the circumstances to expect that disclosure of the information to the Individual would compromise the availability or the accuracy of the information, Federated Insurance shall, in writing, so notify the Commissioner, and shall include in the notification any information that the Commissioner may specify.

### **PA4**

Where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of Personal Information of a specific Individual is issued before a complaint is filed by that Individual under Part 1 of PIPEDA in respect of a request for access to that information, Federated Insurance shall act in accordance with the provisions of the certificate and not PIPEDA regarding that information.

### **PA5**

Where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of Personal Information of a specific Individual is issued after the filing of a complaint under Part 1 of PIPEDA in relation to a request for access to that information, all proceedings under Part 1 of PIPEDA in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued and Federated Insurance shall act in accordance with the certificate and not PIPEDA regarding that information.

**CHALLENGING COMPLIANCE  
And  
COMPLAINT PROCEDURES**

**CC1**

An Individual has the right to address a challenge concerning Federated Insurance's compliance with PIPEDA Part 1 and this Code.

**CC2**

In the event that a Federated Insurance employee or Designate receives an inquiry regarding fair information practices the employee or Designate shall, without delay, refer the inquiry to the Chief Privacy Officer.

**CC3**

Upon notification of a complaint the Chief Privacy Officer shall investigate the nature of the inquiry and respond as dictated by PIPEDA Part 1 and this Code.