

Last revised:

April 13, 2016

Introduction:

Benchmark Independent Medical Examinations Inc.'s ("Benchmark", "we", "us", and "our") privacy practices are governed by the federal statute, the *Personal Information Protection and Electronic Documents Act* (PIPEDA). PIPEDA has established rules for how private sector organizations, such as Benchmark, collect, use and disclose personal information in the course of commercial activities. PIPEDA also gives individuals the right to access and request correction of their personal information that these organizations may have collected about them.

Protecting privacy and the confidentiality of personal information has always been an important aspect of Benchmark's operations. Benchmark is committed to collecting, using and disclosing personal information in a responsible manner and only to the extent that is necessary to enable us to carry out the services we provide.

Benchmark has developed a plain-language Privacy Policy for the purpose of complying with these rules, and to ensure that personal information is kept private, secure, and treated with respect and sensitivity. Our Privacy Policy informs you of our commitment to privacy and the way we ensure that your privacy is protected.

What is Personal Information?

Personal information means identifying information about an individual, and includes, but is not limited to: age, social insurance number, gender, marital status, driver's license number, language preference, family members' names, birthdates, third party information (e.g., your insurance company, employer, etc...), occupation and income, referral base, contact information, work history, and/or personal health information. Personal health information means identifying information about an individual relating to their physical or mental health (including medical history), the providing of health care to an individual, payments or eligibility for health care, organ and tissue donation, and an individual's health number. Personal information, as defined by PIPEDA, does not include the name, title or business address or telephone number of an employee of an organization.

10 Principles of Privacy:

This Privacy Policy has been developed to reflect the 10 principles of privacy that form the basis of PIPEDA, applicable laws, as well as current standards of practice. The principles of privacy are as follows: Accountability; Identifying Purposes; Consent; Limiting Collection; Limiting Use, Disclosure, and Retention; Accuracy; Safeguards; Openness; Individual Access; and Challenging Compliance.

Accountability:

We take our commitment to securing your privacy very seriously. Benchmark has appointed Ms. Kelly Charlebois, Manager of Clinical Services, as its Privacy Information Officer. The Privacy Information Officer is responsible for ensuring Benchmark's compliance with its privacy policy.

Our Privacy Information Officer: Is accountable and responsible for protection of personal information collected, used, disclosed, stored and retained by Benchmark, whether created by Benchmark or entrusted to Benchmark by customers or clients; Shall maintain this Privacy Policy and develop other topic-specific policies and procedures relating to the protection of personal information as required; Shall establish training, monitoring and audit procedures relating to the protection of personal information; and Shall ensure that all agents to whom Benchmark has transferred personal information to for processing or handling are bound by contractual means to provide a comparable level of protection while such personal information is being processed or handled.

Employees and Contractors: Are responsible for safeguarding the privacy and confidentiality of personal information collected, used, and disclosed in the course of their duties; and Must act in a timely and co-operative manner to prevent, detect, and report privacy breach incidents.

Contacting our Privacy Information Officer:

Ms. Kelly Charlebois, Manager of Clinical Services
Benchmark Independent Medical Examinations Inc.
104 – 586 Argus Rd.
Oakville, ON L6J 3J3

905.827.4248 (P)
888.293.3601 (P)
905.827.6085 (F)

Identifying Purposes (Why We Collect Information):

Benchmark collects personal information for the following purposes: conducting IME that are requested on behalf of individuals, insurance companies, employers or other third parties; and providing medical-legal opinions at the request of lawyers and/or insurance adjusters.

Benchmark will not use personal information for any purpose that is inconsistent with the original purpose unless specially authorized by legislation or the expressed written consent of the individual has been obtained for the new purpose.

Benchmark may collect personal information directly from individuals. With the expressed consent of the individual to whom the personal information relates, Benchmark may also collect personal information indirectly from a party requesting an IME such as an individual's insurer or employer ("Referral Source"), health practitioners/professionals, and other third parties for the purpose of providing the applicable services.

Consent:

Individuals have the right to know how and why their personal information is collected, used and disclosed.

When individuals request IME services from Benchmark, we may rely on implied consent to the collection, use and disclosure of personal information for the purpose of receiving such services.

For the purpose of IME services requested by third parties, Benchmark requires expressed consent of the individual for the collection, use and disclosure of personal information. Benchmark requires insurers, employers and other third parties to warrant that any personal information that they share with Benchmark has been collected and shared through authorized or lawful means. Conversely, when Benchmark shares personal information with a third party it will do so only with the express consent of the individual, or as permitted by law.

Benchmark requires that in every case where consent is required, the consent process will be clearly documented. At the time of consent, individuals will also be informed that they may withdraw consent at any time subject to any applicable restrictions.

Limiting Collection:

Benchmark will not collect personal information indiscriminately. Both the amount and type of information collected will be limited to that which is necessary to fulfill the purposes identified. Personal information shall be collected only by fair and lawful means. Individuals shall not be misled or deceived about the purposes for which information is being collected.

Limiting Use, Disclosure and Retention:

Personal information will not be used or disclosed for purposes other than those for which it was collected or for a use consistent with that purpose except with the express consent of the individual. Benchmark may disclose an individual's personal information as required to perform the services it has been contracted to provide to the following: Healthcare practitioners or professionals conducting an IME; Referral Source (party requesting the IME); and Health Claims for Auto Insurance (HCAI), an electronic system for the transmission of specific Ontario Claim Forms between insurers and health care facilities.

The third parties to which Benchmark discloses personal information to shall be bound by contractual provisions to protect personal information in a manner substantially similar to those reflected in this Privacy Policy and to notify Benchmark if such provisions have been breached.

Personal information that is no longer required to fulfill the identified purposes shall be destroyed or made anonymous. Subject to any legislative or regulatory requirements for retention of records, personal information will be retained in accordance with Benchmark's record retention procedures. Following the applicable retention period, Benchmark will dispose of the records in a secure manner and document only the names of the clients/individuals whose records were disposed of, the dates the records were disposed of, and that its disposal procedures were followed.

Under no circumstances will Benchmark sell personal information to third parties.

Accuracy:

Benchmark endeavours to ensure that all decisions, findings, opinions and conclusions involving personal information are based upon accurate and timely information. While we will do our best to base our findings, opinions, recommendations and conclusions on accurate information, we will rely on individuals to disclose all material information and to inform us of any relevant changes.

Safeguards (Protecting Personal Information):

Benchmark protects and stores all personal information in a secure manner, and with appropriate safeguards and security measures to prevent loss, theft or unauthorized access, disclosure, use or tampering. Further information regarding Benchmark's security practices can be found in the Benchmark's Security Policy.

Openness (Keeping You Informed):

Benchmark has prepared this plain-language Privacy Policy to keep individuals informed. We are committed to making our privacy practices readily available, and are committed to an open and

transparent approach in addressing any privacy concerns within a reasonable time frame.

Questions or concerns about our privacy practices can be directed to our Privacy Information Officer.

Individual Access:

Individuals may request information regarding their personal information in Benchmark's custody and access to such information. Upon such request, the individual will be required to complete and sign the necessary form and provide satisfactory identification.

If individuals find errors of fact in their personal information, we ask that they notify us as soon as possible and we will make the appropriate corrections, where possible. We are not required to correct information relating to clinical observations or opinions made in good faith. Individuals have the right to append a short statement of disagreement to their record if we refuse to make a requested change.

Benchmark shall provide an account of all third parties to whom personal information has been disclosed upon request. When it is not possible to provide a list of the organizations to which it has actually disclosed information about, Benchmark shall provide a list of organizations to which it may have disclosed information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.

Benchmark shall provide a timely response to a request for access to their personal information and to any request for correction or amendment, as required under applicable legislation. We may charge a nominal fee for this service and if so, we will give notice in advance of processing the request.

If we deny a request for access to personal information, we will advise the individual in writing of the reason for the refusal, and we will advise them how they may challenge our decision.

Challenging Compliance:

Benchmark encourages individuals to contact our Privacy Information Officer with any questions or concerns they might have about their personal information in Benchmark's custody, our privacy practices, or our Privacy Policy.

We will endeavour to resolve any issues or concerns by listening and discussing the matter directly with the individual, and as quickly and fairly as possible. If we are not able to resolve the matter informally, we ask that individuals write to our Privacy Information Officer setting out their concerns. We will acknowledge in writing receipt of the complaint, and investigate the complaint by reviewing the appropriate records, interviewing staff and taking any other steps required within our abilities. Our Privacy Information Officer will then provide a decision in writing with reasons. The contact information for our Privacy Information Officer is included above under the Accountability principle.

If, after contacting our Privacy Information Officer, an individual feels that their concerns have not been satisfactorily addressed, such person may contact the Office of the Privacy Commissioner of Canada or the Office of the Information and Privacy Commissioner of Ontario at:

Office of the Privacy Commissioner of Canada:

Place de Ville Tower B
112 Kent St., 3rd Fl.
Ottawa, ON K1A 1H3

613.947.1698 (P)
800.282.1376 (P)
613.947.6850 (F)

www.priv.gc.ca

Office of the Information and Privacy Commissioner of Ontario:

2 Bloor St. E., Ste. 1400
Toronto, ON M4W 1A8

416.326.3333 (P)
800.387.0073 (P – within Ontario)
416.325.9195 (F)

www.ipc.on.ca