

ALL SENIORS CARE LIVING CENTRES – PRIVACY POLICY

This is the Privacy Policy of All Seniors Care Living Centres Inc. (“ASCL”). It applies to all ASCL’s operations in Canada, including the operations of all retirement residences operated by ASCL in Canada.

At ASCL, respecting privacy is an important part of our commitment to our residents and other stakeholders. This Privacy Policy is a statement of principles and guidelines regarding ASCL’s minimum requirements for the protection of personal information. This version of the policy has been adopted by ASCL as of the date set out herein. All employees of ASCL must comply with the terms of this Privacy Policy.

The objective of the Privacy Policy is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the Personal Information Protection and Electronic Documents Act (Canada), and the personal information privacy and personal health information privacy laws of the provinces where ASCL operates care residences or otherwise does business. (collectively the “Privacy Laws”). ASCL will continue to review our Privacy Policy to make sure that it is relevant and remains current with changing industry standards, technologies and laws.

SUMMARY OF PRINCIPLES

Principle 1 – Accountability: ASCL is responsible for personal information under its control and shall designate one or more persons who are accountable for ASCL’s compliance with these principles.

Principle 2 - Identifying Purposes for Collection of Personal Information: ASCL shall identify the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information: The knowledge and consent of a stakeholder are required for the collection, use, or disclosure of personal information, except where inappropriate.

Principle 4 - Limiting Collection of Personal Information: ASCL shall limit the collection of personal information to that which is necessary for the purposes identified by ASCL. ASCL shall collect personal information by fair and lawful means.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information: ASCL shall 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 by law.

Principle 6 - Accuracy of Personal 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.

Principle 7 - Security Safeguards: ASCL shall protect personal information by security safeguards appropriate to the sensitivity of the information.

Principle 8 - Openness Concerning Policies and Procedures: ASCL shall make readily available to its residents and other stakeholders specific information about its policies and procedures relating to the management of personal information.

Principle 9 - Stakeholders' Access to Personal Information: ASCL shall inform its residents and other stakeholders of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. Residents other stakeholders shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Principle 10 - Challenging Compliance: Residents and other stakeholders shall be able to address a challenge concerning compliance with the above principles to the Privacy Officer.

SCOPE

The ten principles that form the basis of the ASCL Privacy Policy are interrelated and ASCL shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary.

The scope and application of the ASCL Privacy Policy are as follows:

- The ASCL Privacy Policy applies to personal information collected, used, or disclosed by ASCL in the course of commercial activities.
- The ASCL Privacy Policy applies to the management of personal information in any form, whether oral, electronic or written.
- The ASCL Privacy Policy does not impose any limits on the collection, use or disclosure of the following information by ASCL:
 - an employee's name, title or business address or telephone number or business fax number to the extent that such information is collected, used or disclosed for the purpose of contacting individuals in their capacity as an employee of any other organization;
 - information with respect to which the collection, use or disclosure is permitted under applicable Privacy Law.
- The application of the ASCL Privacy Policy is subject to the requirements and provisions of the Privacy Laws, the regulations enacted thereunder, and any other applicable legislation or regulation.

TERMS USED IN THIS PRIVACY POLICY

- "Collection": The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.
- "Consent": Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of ASCL. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.
- "Disclosure": Making personal information available to a third party.

- “Employee”: An employee of, agent of, or independent contractor to ASCL.
- “Personal information”: any information about an individual which is written down or otherwise recorded. In addition, for residents in one of our retirement residences, ASCL may collect, use, and/or disclose personal health information regarding residents, in the course of providing healthcare services; “personal health information” means any information regarding an individual’s health, treatment, or health care history which is written down or otherwise recorded. In this Privacy Policy, when the term “personal information” is used, it refers to both personal information and personal health information, unless otherwise stated.
- “Resident”: A person living in an ASCL residential facility.
- “Stakeholder”: An individual who purchases or otherwise acquires or uses any of ASCL’s products or services or otherwise provides personal information to ASCL in the course of ASCL’s commercial activities, including a resident.
- “Third party”: An individual or organization outside of ASCL.
- “Use”: The treatment, handling, and management of personal information by and within ASCL or by a third party with the knowledge and approval of ASCL.

POLICY DETAILS

Principle 1. Accountability

ASCL is responsible for personal information under its control and shall designate one or more persons who are accountable for ASCL’s compliance with the following principles.

- 1.1 This Privacy Policy applies to personal information provided to ASCL that is collected, used or disclosed by ASCL and, applies to the management of personal information in any form whether oral, electronic or written.
- 1.2 ASCL is responsible for personal information in its custody and under its control and has designated Elaine Spinner as its privacy officer who is generally accountable within the organization and is responsible for compliance with this Privacy Policy and for ensuring that the Privacy Policy complies with the privacy laws.
- 1.3 The Privacy Officer can be reached at (416) 323-3773 extension 731. Other individuals within ASCL may be delegated to act on behalf of the Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.4 ASCL shall make known, upon request, the title of the person or persons designated to oversee ASCL’s compliance with the ASCL Privacy Policy.
- 1.5 ASCL is responsible for personal information in its possession or control. ASCL shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.6 ASCL shall implement policies and procedures to give effect to the ASCL Privacy Policy, including:

- (a) Implementing procedures to protect personal information and to oversee ASCL's compliance with the ASCL Privacy Policy;
- (b) Implementing procedures to receive and respond to complaints or inquiries;
- (c) Training and communicating to staff about ASCL's policies and procedures; and
- (d) Developing information materials to explain ASCL's policies and procedures.

Principle 2. Identifying Purposes for Collection of personal information

ASCL shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 ASCL identifies the purposes, either through direct explanation or use of other notification means, for which it collects personal information, at or before the time of collection from an individual, and collects only that information necessary for such identified purposes.
- 2.2 When ASCL wishes to use or disclose the personal information, for a purpose other than an identified purpose, it will identify the new purpose prior to such use or disclosure. The individual whose personal information is at issue must consent before ASCL can use or disclose the information for this new purpose, unless such use or disclosure without consent is permitted or required by law.
- 2.3 ASCL ensures that the purpose for collection, use and disclosure are limited to purposes that a reasonable person would consider appropriate in the circumstances.
- 2.4 Among the primary purposes for which we collect personal information are the following:
 - (a) to advise of treatment options;
 - (b) to deliver safe and effective care;
 - (c) to maintain communication with stakeholders;
 - (d) to provide placement in the appropriate retirement residence facility;
 - (e) to bill applicable government agencies or third party payors for the provision of services;
 - (f) to evaluate and monitor our programs;
 - (g) to educate our agents to provide better care and services;
 - (h) to comply with legal and regulatory requirements;
 - (i) manage our business and operations;
 - (j) for audit and record keeping purposes;
 - (k) to manage and protect assets and physical security of our premises;
 - (l) for risk management and quality assurance purposes, including relevant accreditation requirements, which provide feedback as to how effective/helpful our services have been; and

- (m) other purposes required or permitted under applicable laws.

Principle 3. Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of residents and other stakeholders are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

- 3.1 In obtaining consent, ASCL shall use reasonable efforts to ensure that residents and other stakeholders are advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the residents and other stakeholders.
- 3.2 Generally, ASCL shall seek consent to use and disclose personal information at the same time it collects the information. However, ASCL may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 ASCL may require its stakeholders to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified, and legitimate identified purposes.
- 3.4 In determining the appropriate form of consent, ASCL shall take into account the sensitivity of the personal information and the reasonable expectations of its residents and other stakeholders.
- 3.5 The purchase or use of products and services by a stakeholder may constitute implied consent for ASCL to collect, use and disclose personal information for the identified purposes.
- 3.6 The ways in which ASCL seeks consent may vary, depending on the circumstances and the type of information to be collected. Implied consent would generally be appropriate when informed consent may reasonably be inferred from the circumstances and the action of the individual to whom the personal information relates, or if the personal information is less sensitive. In other circumstances, ASCL will generally seek express consent. The ways that ASCL may seek consent include:
 - (a) a form may be used to seek consent, collect information and inform the individual of the use that will be made of his or her personal information. By completing and signing the form, the individual consents to the collection and the specified uses of personal information;
 - (b) a check-off box may be used to allow an individual to request that his or her name and address not be given to other organizations. If the individual does not check the box, he or she is assumed to consent to the transfer of this information to third parties;
 - (c) consent may be given orally when information is collected by an ASCL agent in person or by telephone;

- (d) consent may be given by a person authorized to act on an individual's behalf, under a power of attorney for personal care or otherwise; or
 - (e) consent may be deemed to be given at the time that ASCL provide services to an individual, including health and care services.
- 3.7 A stakeholder may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Residents and other stakeholders may contact ASCL for more information regarding the implications of withdrawing consent.
- 3.8 An individual who is assumed to be capable of giving consent to the collection, use or disclosure of personal information may give consent or authorize a person to act on his or her behalf. ASCL generally presumes an individual is capable of consenting to the collection, use or disclosure of personal health information unless it has reasonable grounds to believe otherwise. A substitute decision maker may provide consent on behalf of the resident as permitted by law. Where a resident has a substitute decision maker who can give consent on their behalf, the resident's file should clearly document the existence of the substitute decision maker.
- 3.9 Consent to the collection, use or disclosure of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe the individual knows the purpose for the collection, use or disclosure, and that the individual may provide or withhold consent. ASCL makes a reasonable effort to ensure that consent is knowledgeable by posting a short notice describing the purposes where they are likely to come to the attention of the individual, such as in a poster, brochure, or other written material. Consent shall not be obtained through deception or coercion.
- 3.10 ASCL may collect or use personal information without knowledge or consent according to statutory or legal exceptions including:
- (a) if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated;
 - (b) if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law;
 - (c) in the case of an emergency where the life, health or security of an individual is threatened.

Principle 4. Limiting Collection of Personal Information

ASCL shall limit the collection of personal information to that which is necessary for the purposes identified by ASCL. ASCL shall collect personal information by fair and lawful means.

- 4.1 ASCL collects personal information primarily from its residents and other stakeholders.
- 4.2 ASCL may collect various types of personal information. Generally, we collect personal information to promote, commence, facilitate and provide residential tenancy, assisted living and health services to residents and other stakeholders. We collect personal health information that may include a stakeholder's name, address, date of birth, health card information, health provider information and personal/family information related to medical condition and treatment and records of care received.

- 4.3 ASCL may collect personal information directly from a stakeholder, or from a person authorized to act on the stakeholder's behalf. ASCL will obtain most personal information directly from stakeholders, and collects only as much information as is necessary to meet the purpose for which the information is being collected. Occasionally, personal information may be collected from other sources, including hospitals, doctors, and other health care providers, if consent has been given or if required or permitted by law. ASCL will not collect new personal information if existing personal information in our possession will serve the intended purpose of the collection.
- 4.4 ASCL limits the collection to that which is necessary to fulfill the identified purposes. ASCL collects the personal information by fair and lawful means.

Principle 5. Principle 5 - Limiting Use, Disclosure, and Retention of personal information

ASCL shall 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. ASCL shall retain personal information only as long as necessary for the fulfillment of those purposes.

- 5.1 ASCL does not use or disclose personal information for purposes other than the identified purposes for which it was collected, except with consent of the individual or stakeholder, or as permitted by applicable Privacy Law.
- 5.2 Only ASCL employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about the stakeholders.
- 5.3 ASCL will not disclose an individual's personal information to any person outside of ASCL, our authorized agents or other health care providers involved in the individual's care, without consent from the individual, or as permitted or required by law. For most health care purposes, consent to use and disclosure for the provision of health care is implied as a result of consent to treatment. However, in some circumstances, express and sometimes written, consent may be required.
- 5.4 A resident may authorize ASCL to disclose personal information, including health information, to family members of the individual or other persons, if the information is given in general terms and concerns the presence, location, condition, diagnosis, progress and prognosis of the individual on the day in which the information is disclosed. ASCL will not provide this information to other persons unless we have been specifically authorized to do so; residents may withdraw this consent at any time
- 5.5 ASCL shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a stakeholder, ASCL shall retain, for a period of time that is reasonably sufficient to allow for access by the stakeholder, either the actual information or the rationale for making the decision, and in any case for at least one year after such decision has been made. Where the personal information is the subject of a request from an individual, the personal information will be retained for as long as is necessary to allow the individual to exhaust any recourse generally under the applicable Privacy Laws.
- 5.6 ASCL shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information

that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

- 5.7 From time to time, ASCL may disclose to third parties, elements of stakeholder personal information which have been made anonymous and aggregated with other information and which are not able to be connected with any individual. No information will ever be disclosed by ASCL that can be linked to an identifiable individual. ASCL may receive a fee for providing this aggregated and anonymous information.

Principle 6. Accuracy of personal 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.

- 6.1 Personal information used by ASCL shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a resident or other stakeholder.
- 6.2 ASCL shall update personal information about residents and other stakeholders as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7. Security Safeguards

ASCL shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 ASCL shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 ASCL shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All of ASCL's employees with access to personal information shall be required to respect the confidentiality of that information.
- 7.4 ASCL will use care in disposing of or destroying personal information to prevent unauthorized parties from getting access to the information.

Principle 8. Openness Concerning Policies and Procedures

ASCL shall make readily available to residents and other stakeholders specific information about its policies and procedures relating to the management of personal information.

- 8.1 ASCL shall make information about its policies and procedures easy to understand, including:
- (a) the title and address of the person or persons accountable for ASCL's compliance with the ASCL Privacy Policy and to whom inquiries and/or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by ASCL;

- (c) a description of the type of personal information held by ASCL, including a general account of its use; and
 - (d) a description of what personal information is made available to related organizations (e.g., subsidiaries).
- 8.2 ASCL shall make available information to help stakeholders exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from ASCL.

Principle 9. Stakeholder Access to Personal Information

Upon request, ASCL shall inform a stakeholder of the existence, use, and disclosure of his or her personal information and shall give the individual access to that information. A stakeholder shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon request, ASCL shall afford stakeholders a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time. ASCL may charge a fee for responding to a request for access to personal information; if so, we will provide notice of the fee in advance of processing the request.
- 9.2 In certain situations, ASCL may not be able to provide access to all the personal information it holds about an individual, and/or details of collection, use or disclosure of personal information. These circumstances are limited and specific, and ASCL will, if requested in writing, give reasons for its inability to provide access. Circumstances in which access cannot be provided may include the following: information that does not exist or cannot be located; information that would be prohibitively costly to provide; information that contains references to other individuals; information that cannot be disclosed for legal, security, or commercial proprietary reasons; and information that is subject to solicitor-client or litigation privilege. ASCL also reserves the right to refuse to respond to requests that it determines, acting reasonably, are frivolous, vexatious or made in bad faith.
- 9.3 Upon request, ASCL shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, ASCL shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a stakeholder may be required to provide sufficient identification information to permit ASCL to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 ASCL shall promptly correct or complete any personal information found to be inaccurate or incomplete. Depending on the nature of the challenged information, amendments may include the correction, deletion or addition of information. However, ASCL may refuse to correct personal information if the information in question is a professional opinion or an observation of a health care provider. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, ASCL shall transmit to third parties having access to the personal

information in question any amended information or the existence of any unresolved differences.

- 9.6 Stakeholders can obtain information or seek access to their individual files by contacting the ASCL Privacy Officer.

Principle 10. Challenging Compliance

A stakeholder shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for ASCL's compliance with the ASCL Privacy Policy.

- 10.1 ASCL shall maintain procedures for addressing and responding to all inquiries or complaints from its stakeholders regarding ASCL's handling of personal information.
- 10.2 ASCL shall inform its stakeholders about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the ASCL Privacy Policy may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 ASCL shall investigate all complaints concerning compliance with the ASCL Privacy Policy. If a complaint is found to be justified, ASCL shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A stakeholder shall be informed of the outcome of the investigation regarding his or her complaint.

ADDITIONAL INFORMATION

Any questions with regard to this Privacy Policy or the manner in which ASCL handles or manages personal information should be directed to ASCL's Privacy Officer, who may be reached as follows:

Privacy Officer
Elaine Spinner
175 Bloor St East South Tower #601
Toronto Ontario M4W3R8
(416) 323-3773 extension 731
(416) 929-8695
spinner@allseniorscare.com

ASCL reviews its privacy policies and procedures on an ongoing basis and may revise them from time to time. The most current version of this Privacy Policy is always available by contacting the Privacy Officer or via the internet at www.allseniorscare.com

If the Privacy Officer is not able to address your concerns, or if you require further information regarding privacy law, you may contact the Privacy Commissioner of Canada:

Privacy Commissioner of Canada
112 Kent Street
Place de Ville, Tower B, 3rd Floor
Ottawa, Ontario K1A 1H3

Toll-free: 1-800-282-1376
Fax: (613) 947-6850
Internet: www.priv.gc.ca/index_e.asp

This Privacy Policy was last modified on October 2013