

SUN PEAKS RESORT CORPORATION

Review Procedure for Access and Correction Request Decisions under the *Personal Information Protection Act* (“PIPA”)

1. Right to ask for a Review

- (a) An individual (the Requesting Individual) who is notified by Sun Peaks Resort Corporation (Sun Peaks) of a decision (the Sun Peaks Original Decision) relating to;
 - (i) an extension of the time limit for responding to a request for access to the Requesting Individual’s personal information,
 - (ii) a refusal to provide access to all or part of the personal information about the Requesting Individual or any record relating to the information that was requested to the Requesting Individual, or
 - (iii) a refusal to make any correction to the Requesting Individual’s personal information that was requested,

is entitled to request Sun Peaks to conduct a review of the Sun Peaks Original Decision (the Review). If Sun Peaks is satisfied that the request for a review is not trivial, frivolous or vexatious, is not made in bad faith, that there are no other reviews ongoing in respect of the Sun Peaks Original Decision, and that the Requesting Individual has complied with these procedures, then Sun Peaks will proceed with the Review.

2. How to ask for a Review

- (a) To ask for a Review, the Requesting Individual must deliver a written request to Sun Peaks Resort Corporation, 1280 Alpine Road, Sun Peaks, BC V0E 5N0 stating that the Sun Peaks Original Decision was in error and setting out the Requesting Individual’s reasons for such claim.
- (b) A written request to Sun Peaks for a Review of the Sun Peaks Original Decision must be delivered within 6 months from the day that the Requesting Individual is notified of the Sun Peaks Original Decision, unless any longer period for investigating the Requesting Individual’s complaint is allowed by the Privacy Commissioner who is responsible for monitoring the administration of PIPA.

3. Composition of Review Panel

- (a) A Review Panel will be selected from Sun Peaks staff, comprised of one or more individuals who have not participated in the Sun Peaks Original Decision and who were not materially involved in the circumstances which the Sun Peaks Original Decision was based on or related to.

4. Notifying others of Review

- (a) On receiving a written request for a Review, Sun Peaks may give a copy of the request to any person affected by the request, and to the Privacy Commissioner.

Sun Peaks may sever any information contained in the written request as it considers appropriate before giving a copy of the request to any person affected by the request.

5. Mediation

- (a) If Sun Peaks and the Requesting Individual agree, a person may be appointed to attempt to mediate a resolution of any matter which is the subject of the Review.

6. Review Process

- (a) At least five business days advance written notice of the date(s) of the Review will be provided to the Requesting Individual.
- (b) The Review will be conducted in private at Sun Peaks premises during normal business hours.
- (c) The Requesting Individual, Sun Peaks and any person given a copy of the written request for the Review;
 - (i) will be given an opportunity to make representations during the Review, either orally and/or in writing, and
 - (ii) may be represented at the Review by a lawyer or an agent.
- (d) Sun Peaks will decide whether any other person proposed by the Requesting Individual is entitled to be present during or to have access to or to comment on representations made at the Review.
- (e) The Review will be completed and a final decision (the Review Decision) will be made within 45 days from the day that the written request for a Review was received by Sun Peaks.

7. Decision

- (a) The Review Panel will make its Review Decision by majority vote and will provide the Review Decision in writing to the Requesting Individual.
- (b) The Review Decision will consist of the following with an explanation of the Review Decision:
 - (i) confirm the Sun Peaks Original Decision to extend a time period, or revise the Sun Peaks Original Decision to reduce a time period that was extended,
 - (ii) confirm the Sun Peaks Original Decision to refuse access to all or part of the personal information about the Requesting Individual or any record relating to the information, or revise the Sun Peaks Original Decision to give the Requesting Individual access to all or part of the personal information about the Requesting Individual or any record relating to the information, or
 - (iii) confirm the Sun Peaks Original Decision not to make any corrections to the Requesting Individual's personal information, or revise the Sun Peaks Original Decision to specify how personal information will be corrected.

- (c) Sun Peaks will give a copy of a Review Decision to the following:
 - (i) the Requesting Individual who asked for the Review,
 - (ii) any person given a copy of the written request for the Review, and
 - (iii) the Privacy Commissioner if originally advised of the Review.

8. Compliance with Decision

- (a) Sun Peaks will use its best efforts to comply with the Review Decision within 30 days from the day that the Requesting Individual is given a copy of the Review Decision, or so soon thereafter as reasonably practicable.
- (b) If the Requesting Individual files with the Privacy Commissioner a written complaint under Part 10 of PIPA concerning the subject matter of the review, or a request for a review of the Review Decision under Part 11 of PIPA, then Sun Peaks will not take any steps to comply with the Review Decision until the complaint or review is dealt with by the Privacy Commissioner.