

Privacy Policy - The Law Office of Jim L. Peacock

The privacy of our clients is a matter of importance to the Law Office of Jim L. Peacock. The privacy policy outlined below applies to the Social Security data, Protected Health information, and other confidential information we collect from you. This is our notice to you about why we collect your personal information, how we use it, who we share it with, how we protect the information we collect and maintain, and your rights with regard to such information. This Privacy Policy is intended to comply completely with the requirements of applicable state and federal law, as well as the requirements of the Texas Code of Disciplinary Conduct, the ethical rules applicable to Texas lawyers. To the extent of any conflict between this Privacy Policy and any applicable state or federal law, or ethical requirement, the law or ethical requirement is intended to control.

How and why we collect your personal information:

- We ask that you provide us with your Social Security number at the time we initially undertake your representation.
- We need your Social Security number to obtain your medical records and wage information. We do not use the information for any other internal secondary purpose.
- We also collect personal information about you and any involved family member (*e.g.*, name, email address, Social Security number or other unique identifier), but only if you specifically and knowingly give it to us or authorize us to obtain it.
- We similarly ask for your Protected Health Information – as well as the Protected Health Information of any involved family member – in otherwise confidential medical records, as well as the authority to provide such information to others as may be necessary in the prosecution of your claim.

How this personal information is protected:

- Except as indicated below, information in your file is confidential and is only accessible to members of our staff. We will take reasonable precautions to maintain the security, confidentiality, and integrity of the information we collect.
- With regard to hard copies of your records, they are maintained in the office of your counsel, in an area that is not open to the public. This office space is shared with three other independent lawyers and their staff, but they do not have authorized access to any of our hard record copies.
- The information is maintained in electronic format, on a local hard drive maintained behind a router firewall. The three other independent lawyers and their staff, discussed above, are also on the same network server. However, your file is not a shared file on that network server, so they do not have authorized access to your file.
- To prevent unintended data loss:

- This information may also be stored on an offsite remote server, such as Dropbox, OneDrive, iCloud, MyCase, or other similar means but only one that is deemed adequately secure and password-protected.
- Of course, we have no ability to verify the security of any outside server, nor can we guarantee complete security of any local or remote server, despite the level of care provided to try to maintain security.

How and when we will use your personal information and who we will share your personal information with:

- We do not sell the information we collect, under any circumstances.
- The personal information you give us will be used only in connection with the prosecution of your claim and for other purposes as described in this document or at the point the information is collected.
- We may disclose your Social Security number, Protected Health Information, or other private information to health care providers, expert witnesses, employers, support staff, or governmental agencies, in order to obtain evidence relevant to your claim, or if ordered by the court or required by the Rules of Discovery.
- We may also disclose your Social Security number, Protected Health Information, or other private information to an adverse party if requested to do so in the course of the discovery process, but only where such information is relevant to the claim.
- Medical record and information authorizations:
 - Most health care providers require an authorization, signed by you, to provide your medical records to us.
 - We are often required to provide copies of your confidential medical records, electronically or otherwise, to opposing parties, lawyers, health care providers, the court, support staff, expert witnesses, and others. We are also often required to provide authorizations, signed by you, to allow opposing parties, their lawyers, their experts, and their insurers to obtain your confidential medical records and information directly in connection with their defense of your suit.
 - Applicable law requires that a covered entity which receives confidential health care records and information obtain an authorization, signed by you, to provide copies of those records to any other person or entity.
 - You have the right to insist that you be presented personally with an authorization for each occasion on which we request medical records, and you also have the right to insist that you sign an express authorization before we provide copies of your protected health information to any other person or entity, including but not limited to the court, opposing counsel, other counsel in the case, insurers, expert witnesses, support staff, or other health care providers.
 - However, most clients do not want to be bothered for separate signed authorizations for each occasion on which records are obtained, or when

they are provided to other persons or entities in connection with the litigation.

- Accordingly, in connection with the retention of us as your counsel, you may contemporaneously be signing a power of attorney to allow us specifically to sign your name, either personally or through electronic capture and paste, to any authorization to allow us to obtain your protected records or to provide those records to others, or to provide authorizations to others to obtain such records, in the course of the litigation as we may see as necessary or beneficial to the prosecution of your claims. When signing your name or affixing your signature to an authorization to obtain or produce your protected health information, we will be acting as your expressly authorized agent and attorney.
- **YOU ARE NOT REQUIRED TO SIGN THE POWER OF ATTORNEY TO ALLOW US TO SIGN YOUR NAME OR AFFIX YOUR SIGNATURE TO ANY AUTHORIZATION THAT WOULD ALLOW US TO OBTAIN, PROVIDE, DISSEMINATE – OR TO AUTHORIZE OTHERS TO OBTAIN, PROVIDE, OR DISSEMINATE – YOUR PROTECTED HEALTH OR OTHER PRIVATE INFORMATION. BY VOLUNTARILY EXECUTING THE POWER OF ATTORNEY, YOU ARE KNOWINGLY AND INTELLIGENTLY WAIVING YOUR RIGHTS TO KNOW ABOUT EACH INSTANCE YOUR RECORDS OR INFORMATION ARE OBTAINED OR PROVIDED, AS WELL AS YOUR RIGHT TO INSIST ON PERSONALLY APPROVING IN WRITING EACH INSTANCE YOUR MEDICAL RECORDS OR INFORMATION ARE OBTAINED OR PROVIDED.**
- **YOU HAVE THE RIGHT TO WITHDRAW, IN WRITING, ANY AUTHORIZATION TO ALLOW US TO OBTAIN YOUR MEDICAL RECORDS AND INFORMATION AT ANY TIME, WHETHER SIGNED PERSONALLY BY YOU OR BY US AS YOUR AUTHORIZED AGENT, AS WELL AS TO WITHDRAW ANY AUTHORIZATION WE MAY HAVE PROVIDED ON YOUR BEHALF TO ANY OTHER PERSON OR ENTITY TO OBTAIN YOUR MEDICAL RECORDS.**
- **TO ENSURE THAT YOUR RIGHT TO WITHDRAW THAT AUTHORIZATION IS MEANINGFUL, WE WILL MAINTAIN RECORDS OF EACH OCCASION WHEN YOUR PROTECTED HEALTH INFORMATION IS PROVIDED TO ANY OTHER PERSON OR ENTITY, AS WELL AS EACH OCCASION WHEN WE REQUEST YOUR PROTECTED HEALTH OR OTHER PRIVATE INFORMATION FROM ANY PERSON OR ENTITY OR WHEN WE PROVIDE AN AUTHORIZATION TO ANY PERSON OR ENTITY TO OBTAIN YOUR RECORDS INDEPENDENTLY.**

How we dispose of this personal information:

- We do not have a routine policy for destruction of electronic records. Rather, it is our policy to maintain those electronic records on local and remote servers indefinitely, in case the clients want or need those records in the future. We make every effort to ensure that the entire file is stored electronically for no less than two years, in the same secure manner that is observed with respect to active client files, as outlined in detail above.
- We do not maintain hard paper copies of any client files after conclusion of the litigation or the termination of our engagement. At the conclusion of the litigation or on the termination of our engagement, you will be notified of your right to pick up the hard paper copies of your entire file. It will be your burden to arrange to pick up the file materials, if so desired. If you do not notify us of your desire to pick up the hard paper copies of files within 30 days of our notification to you, the hard paper copies will be securely recycled and will no longer be available to anyone.