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Privacy in Canada



Privacy Map of Canada

- Private Sector
- Public Sector
- Health

Private Sector

- Federal
- Provincial

Federal Act

- Personal Information Protection and Electronic Documents Act (PIPEDA)

Provincial Acts

- **British Columbia's** Personal Information Protection Act (BC PIPA)
- **Alberta's** Personal Information Protection Act (AB PIPA)
- **Quebec's** Act Respecting the Protection of Personal Information in the Private Sector (PQ PPIPS)

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Jurisdictional Considerations



PIPEDA

- Any province that does not have substantially similar privacy regulations (Quebec)
- Federal Works – Telcos, Banks, Transportation (Any Province)
- Employee Privacy for Federal Works only
- PIPEDA also applies to all personal information in any interprovincial and international transborder data flow for consideration

BC and Alberta

- Must comply with both PIPA and PIPEDA
- PIPA covers employee privacy
- Not clear who receives complaints – both right now

Quebec

- Constitutional challenge

“constitutional validity of PIPEDA”

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Same but Difference



Similar - Substantial

- Commissioner's Office
- Privacy Principles
- What's Reasonable under the circumstances

Different - Comparative Analysis

- Over 100 differences
- Structure - PIPEDA appends the CSA 10 Fair Information Practices
- BC PIPA differs from AB PIPA
- Commissioners decisions may differ
- Court decisions may differ
- Grandfathering
- Employee Privacy

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Commissioners



- Many years of experience
- Complaint driven legislation
- Investigation
- Decisions
- Audit and Fines - Unlikely

Federal

- Can not make binding orders – must go to federal court
- Must investigate every complaint

Provincial

- Make binding orders
- Provisions for frivolous or vexatious complaints
- Employee Privacy

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Safeguards



Adequate Safeguards

- Adequate security for the circumstances
- Level of security is relative to the sensitivity of the information
- Few decisions

Commissioners Quote – PrivaViews

- What is adequate – Industry standard

“In the case of large organizations, particularly those holding sensitive information, we would expect it to conduct threat and risk assessment and to conduct security audits”

Robert Marleau – Former Interim Privacy Commissioner

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Web site – Understand Privacy in Canada

- Customer Privacy
- Employee Privacy
- Free Newsletter – PrivaViews – Interview with Experts
- Private Sector Privacy Acts
 - Compliance Guidelines
 - Best Practices
- Commissioner Decisions

PrivaWorks – Employee Privacy Compliance Program

- \$950/ Annual

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