



Office of the
Privacy Commissioner
of Canada

Commissariat
à la protection de
la vie privée du Canada

***Personal Information
Protection and Electronic
Documents Act (PIPEDA) :***
**An Overview of the
Privacy Legislation**

Overview

- Introduction
- What is privacy and why is it important?
- PIPEDA
 - Overview
 - Are you prepared for the Act?
- Role of the Privacy Commissioner of Canada
- Business Landscape
- Conclusion

Introduction

- **PIPEDA is good news**
- **Act applies to all businesses and organizations in Canada since January 1, 2004**
 - **Except where provincial legislation is deemed “substantially similar”**

What is privacy?

- **The Office of the Privacy Commissioner of Canada defines the right to privacy as:**
 - **“The right to control access to one’s person and information about oneself.”**

Why is privacy important?

- **Choices that businesses and individuals make with respect to privacy influence our business environment**

Why is privacy good business?

- Trust
- Competitive advantage
- Good customer relations

PIPEDA

- **Legislation implemented by the federal government to protect the privacy of Canadians in the private sector**
- **Sets out ground rules for the collection, use and disclosure of personal information in the course of commercial activities**

Who is covered?

- **The Act applies to all businesses and organizations since January 1, 2004 where a “substantially similar” provincial law does not apply**
- **“Substantially similar” means that a provincial privacy law incorporates the 10 principles of *PIPEDA*; provides for effective oversight and redress mechanism and contains a reasonable purpose test. Only Quebec has legislation that has been deemed substantially similar**

Personal Information

- **Personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form.**
- **Personal information does not include the name, title, business address or telephone number of an employee of an organization.**

Employee vs. customer personal information

- **The Act applies to all commercial activities**
- **The Act does not extend to employment unless the organization is a federal work, undertaking or business**
- **Provincial laws govern the treatment of employee information**

Are you prepared for the Act?

- **Have you reviewed your privacy practices?**
- **Have you appointed your Chief Privacy Officer?**
- **Have you consulted the Privacy Commissioner's office?**

Role of the Privacy Commissioner of Canada

■ Oversight

- Investigates complaints under the *Privacy Act* and *PIPEDA***
- Negotiates and persuades to find solutions**
- Makes recommendations based on findings**

Role of the Privacy Commissioner of Canada (cont'd)

- **Brings privacy issues to the attention of Parliament**
- **Public Education**
 - **Educates Canadians about their privacy rights and promotes respect for privacy**

Conclusion

- **PIPEDA was developed in response to the need for privacy protection in the private sector**
- **Act applies to all businesses in Canada since January 1, 2004 (where there is not a “substantially similar” provincial law in place)**
- **Bottom line: Good Privacy is Good Business**
- **For more information contact the Office of the Privacy Commissioner of Canada (1-800-282-1376 or www.privcom.gc.ca)**