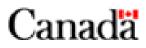


Office of the Privacy Commissioner of Canada Commissariat à la protection de la vie privée du Canada

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)