



DATA PRIVACY IN CANADA

The Personal Information Protection and Electronic Documents Act

A large red circle with a white border, containing the text "PIPEDA OVERVIEW" in white capital letters.

PIPEDA OVERVIEW

- Applies to the collection, use or disclosure of personal information in the course of a commercial activity
- Personal information is defined as factual or subjective information recorded or not recorded about an identifiable individual
- People have the right to:
 - Access their personal information
 - Challenge its accuracy
 - The assurance that their information is protected

PIPEDA FAIR INFORMATION PRINCIPLES

Accountability

Identifying
Purposes

Consent

Limiting
Collection

Limiting Use,
Disclosure,
and Retention

Accuracy

Safeguards

Openness

Individual
Access

Challenging
Compliance

2018 UPDATE REPORT RECOMMENDATIONS

FIRST
ENACTED
APRIL
2000

AMENDED
JUNE
2015

- Make opt-in consent the default framework for any secondary uses of personal information, such as marketing or data analytics.
- Updating rules of consent for young people
- Modernize PIPEDA to account for new technology and new uses of personal information
- Consider including a framework for the rights to erasure and de-indexing (right to be forgotten)
- Require consent for cross border data disclosure

PIPEDA AMENDMENT
NOVEMBER 2018

Breach of Security
Safeguards
Regulations

- Response to European Union's General Data Protection Regulation (GDPR)
 - Canada-EU trade
- Breach of Security Safeguards Regulations:
 - Reasonable for the organization to believe the breach creates a real risk of significant harm to individuals
 - Report to the Privacy Commissioner of Canada
 - Notify all affected parties
 - Any breach of security safeguards
 - Record-keeping
- Fine of \$100,000 per offence



THANK YOU!



REFERENCES

<https://www.torys.com/insights/publications/2018/03/report-recommends-amendments-to-pipeda>

https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/pipeda_brief/

https://www.mcinnescooper.com/publications/the-digital-privacy-act-5-faqs-about-the-new-mandatory-breach-response-obligations-effective-november-1-2018/?utm_source=mondaq&utm_medium=syndication&utm_campaign=view-original