



Office of the  
Privacy Commissioner  
of Canada

Commissariat  
à la protection de  
la vie privée du Canada

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

Canada 

# Overview

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- 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**

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- **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**

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- **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. British Columbia, Alberta and Quebec are the only provinces with laws 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**

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- **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**

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- **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](http://www.privcom.gc.ca))**