

Protecting Privacy on the Internet

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McGill Law – Sept 29th, 2020

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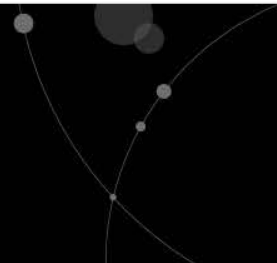
Senior Advisor, Business Advisory



Office of the
Privacy Commissioner
of Canada

Agenda

- Why is Privacy Important?
- Privacy Legislation in Canada
- The Role of the Privacy Commissioner of Canada
- Current Issues in Privacy



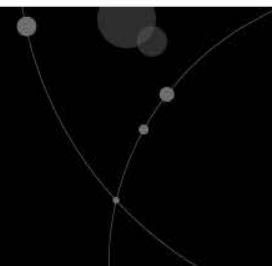
Why is Privacy Important?



Office of the
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Why is Privacy Important?

- A core human right
- Right to enjoy private space, to be free from surveillance
- Control over one's personal information
- Necessary to a free and democratic society
- Linked to other constitutional rights
 - Freedom of Expression
 - Freedom of Association
- Harms – financial, reputational, dignity



Privacy Legislation in Canada



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Privacy Act

- Covers how the federal government handles personal information
- Gives individuals a right to access and correct personal information about them
- Applies to the Government's collection, use and disclosure of personal information in the course of providing services

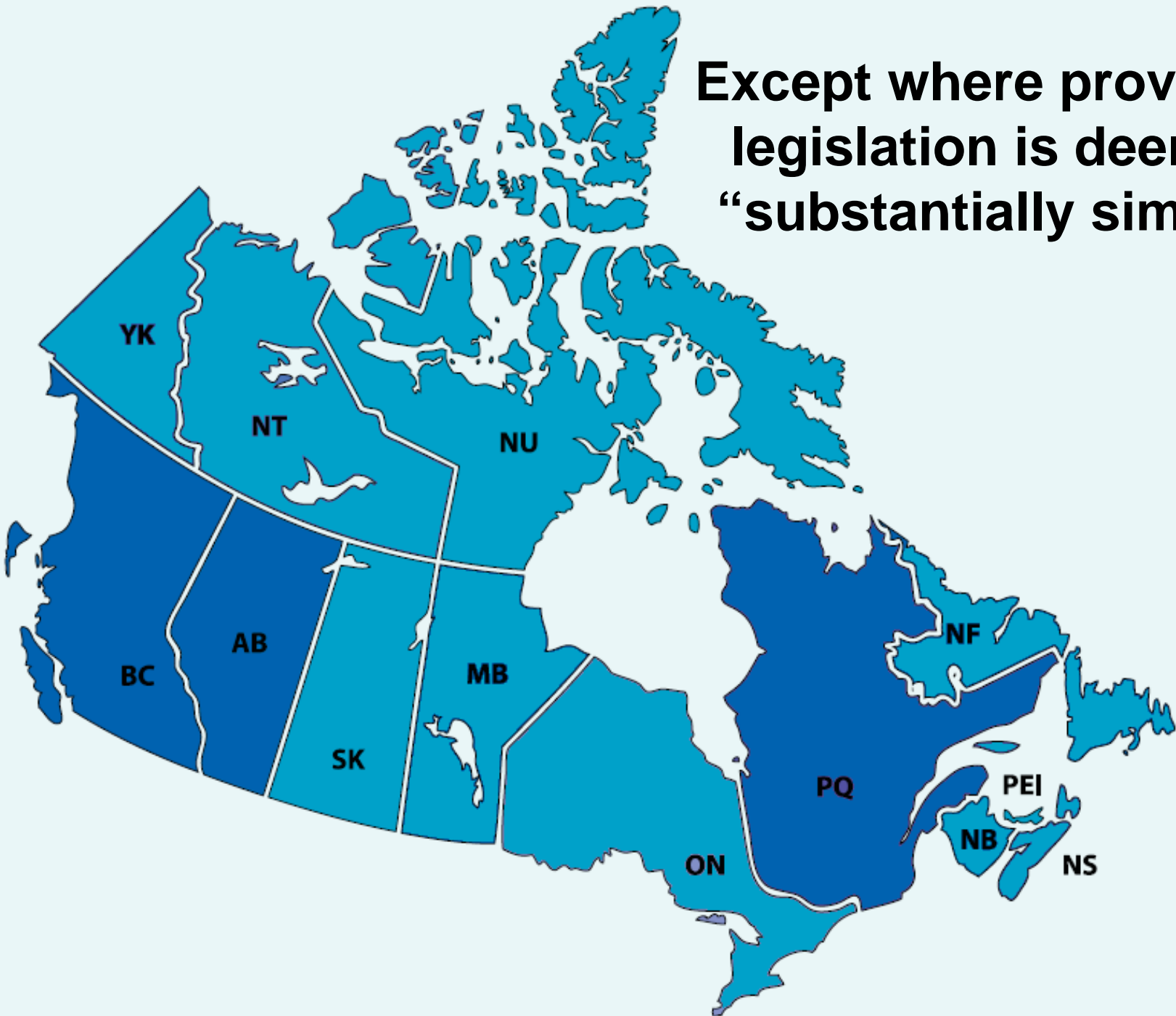


PIPEDA

- Ground rules for how private sector organizations collect, use or disclose personal information in course of commercial activities
- Also applies to federally-regulated businesses
- Principles-based, technology-neutral
- Gives individuals a right to access and request correction of personal information



**Except where provincial
legislation is deemed
“substantially similar”**



What is Personal Information?

- Information about an identifiable individual

Things Like:

- Name, race, ethnic origin, religion, marital status, educational level;
- Email address and messages, IP address;
- Age, medical records, fingerprints, voiceprint;
- Income, purchases, spending habits, banking information, credit/debit card data, loan or credit reports, tax returns;
- Social Insurance Number (SIN) or other identification numbers;
- Words you write, things you post.



Appropriate Purposes

An organization may collect, use or disclose personal information only for **purposes** that a **reasonable person** would consider are **appropriate** in the circumstances



Fair Information Principles

1. Accountability
2. Identifying Purposes
3. Consent
4. Limiting Collection
5. Limiting Use, Disclosure and Retention
6. Accuracy
7. Safeguards
8. Openness
9. Individual Access
10. Challenging Compliance



Accountability

- Comply with all 10 principles
- Appoint someone to be responsible for PIPEDA compliance
- Protect all personal information held by the organization
- Develop and implement privacy policies and practices



Accountability – Third Party Service Providers

- Organizations must take reasonable steps to protect PI from unauthorized uses and disclosures while in the hands of third-party processor
- Organizations must be satisfied that third party has policies and processes in place, including training for its staff and effective security measures, to ensure that the information is properly safeguarded at all times



Identifying Purposes

- Identify and document purposes
- Inform individuals why their personal information is needed before or at the time of collection
- Obtain consent if a new purpose is identified



"AND EXACTLY WHY DO YOU NEED MY SOCIAL INSURANCE NUMBER JUST TO SELL ME A HOT DOG?"



Consent

- Must be meaningful
 - Only considered valid if it is reasonable to expect that people will understand the *nature, purpose* and *consequences*
- Can only be required for explicitly specified and legitimate purpose
- Can be withdrawn at any time



Consent

- Determining the appropriate form:
 - Sensitivity
 - Reasonable Expectations
 - Risk of Harm





"THAT WILL BE \$28.75,,,NOW IF I CAN JUST GET YOUR POSTAL CODE, PHONE NUMBER AND A SMALL BLOOD SAMPLE,,,"

Limiting Collection

- Collect only information necessary to fulfill an identified purpose
- Collect personal information by fair and lawful means



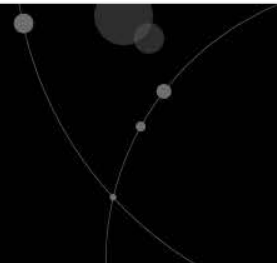
Limiting Use, Retention and Disclosure

- Personal information should:
 - Only used/disclosed for purposes it was collected
 - Retained only as long as necessary
- Organizations should develop and implement retention and disposal guidelines/procedures



Accuracy

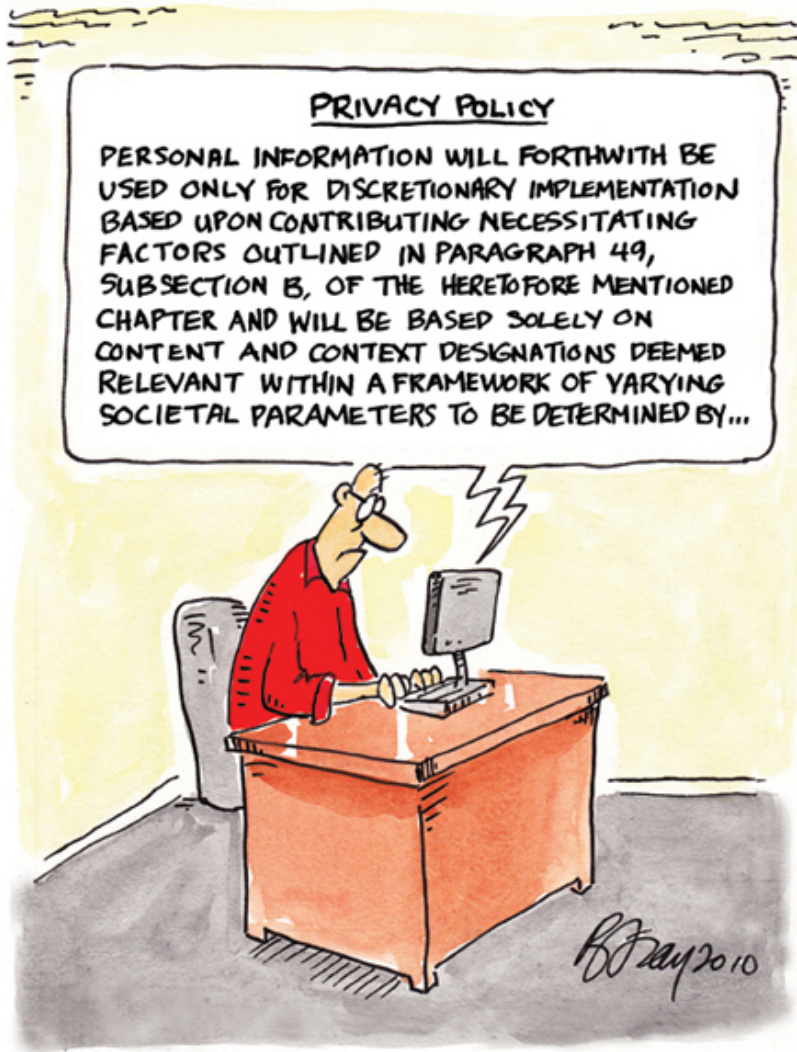
- Minimize the possibility of using incorrect information
- Information shall be sufficiently accurate, complete, and up-to-date



Safeguards

- All personal information shall be protected against loss, theft, or any unauthorized access, disclosure, copying, use or modification
- Should correspond to the sensitivity of information
- Methods of protection include physical, organizational and technological measures





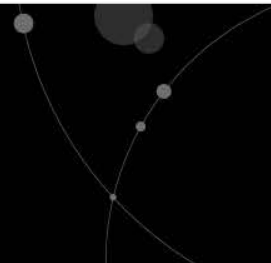
Openness

- Policies and practices should be:
 - Readily available
 - Easy to understand
 - Clear



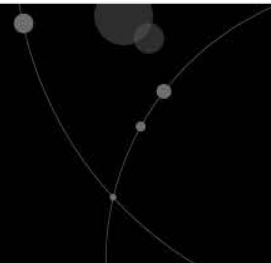
Individual Access

- Generally, individuals have a right to:
 - access their personal information.
 - challenge the accuracy and completeness of the information
 - have that information amended as appropriate



Challenging Compliance

- Complaint handling and investigation procedures
- Inform of avenues of recourse
- Investigate all complaints
- Improve any practices/policies



Privacy Commissioner of Canada



Office of the
Privacy Commissioner
of Canada

Office of the Privacy Commissioner of Canada

- Officer of Parliament
 - Independent
 - Provides advice, bring issues to the attention of Parliament
- Oversees compliance with both *Privacy Act* and *PIPEDA*
- Investigates complaints
- Public education

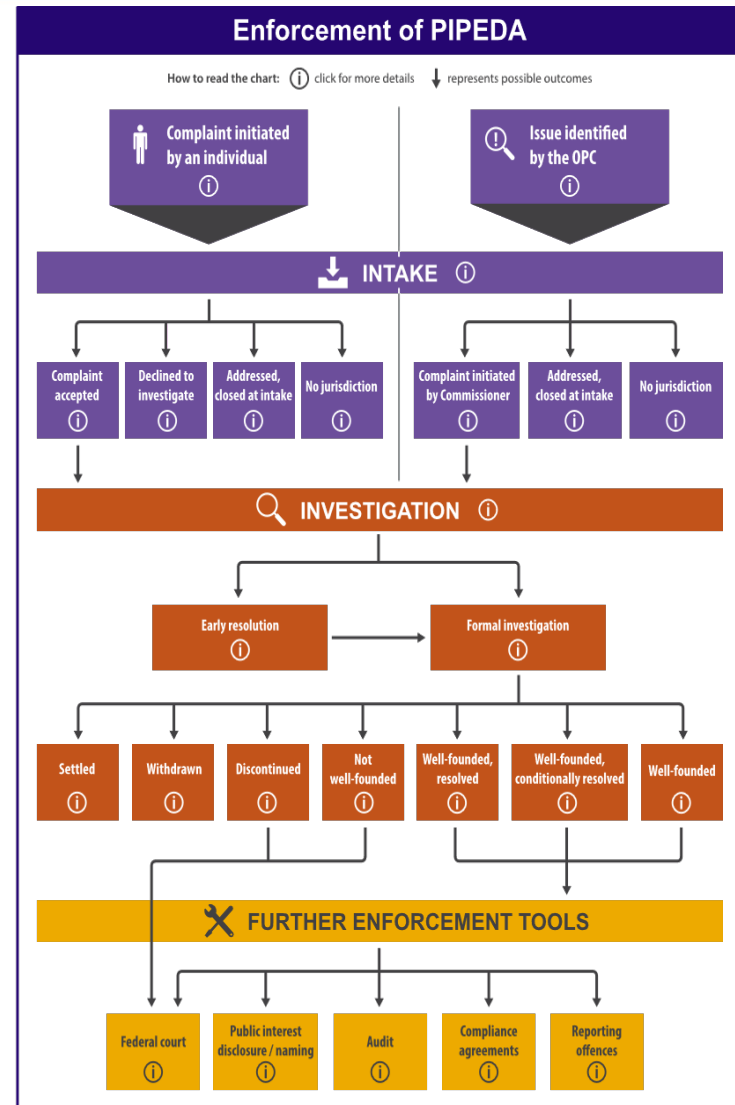


Organizational Structure

- **Executive Secretariat**
 - Legal Services (includes ATIP)
- **Policy and Promotion**
 - Communications
 - Policy, Research, Parliamentary Affairs (PRPA)
 - Business Advisory
 - Government Advisory
 - Technology Analysis
- **Compliance**
 - Privacy Act Investigations
 - PIPEDA Investigations
 - Compliance, Intake and Resolution (CIRD)
- **Corporate Services**
 - Finance and Administration (includes security and procurement)
 - IM/IT
 - Human Resources
 - Business Planning, Performance, Audit and Evaluation



PIPEDA Investigations

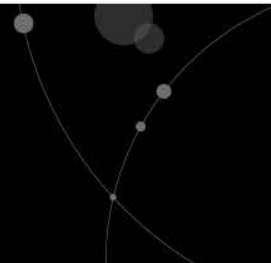


Current Issues in Privacy



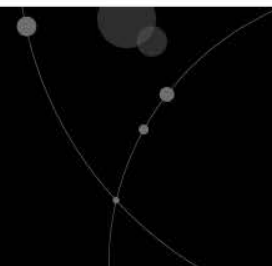
COVID-19 and Privacy

- Privacy and the COVID-19 Outbreak
- A Framework for the Government of Canada to Assess Privacy-Impactful Initiatives
- Tips for Canadians to consider when using videoconferencing services
- Supporting public health, building public trust: Privacy principles for contact tracing and similar apps



Internet of Things

- Complex IoT ecosystem
- Speed of innovation/Increasing capabilities of data
- Manufacturer's responsibilities
- Privacy Management Program



Learn more at
www.priv.gc.ca



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