DUFFERIN AREA CHAMBER OF COMMERCE

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Recent Developments on PIPEDA and Its Impact on Ontario Businesses

(Power Point Presentation)

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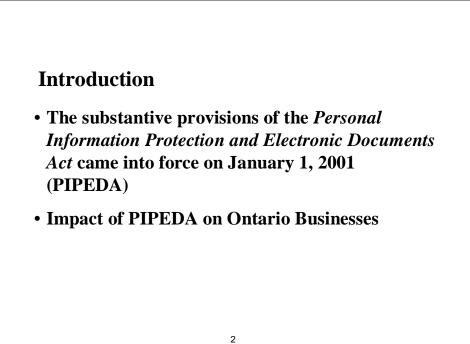
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• PIPEDA contains the following important definitions

"Organization"

 Includes an association, partnership, person, corporation, or a trade union

"Personal Information"

 Information about an <u>identifiable</u> individual but does not include the name, title or business address or telephone number of an employee of an organization

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 Only that information which can be ascribed to an identifiable individual and does not include general databases which do not allow for the identification of individuals

"Commercial Activity"

- Any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists
- Includes any transfer of personal information for profit



• There are no exceptions in the application of PIPEDA for the size of the organization

- i.e. A small corner convenience store will be forced to comply with PIPEDA in relation to personal information about clients who rent movies
- Compliance with PIPEDA will impose onerous, expensive and time consuming administrative requirements on organizations which collect, use or disclose personal information
- Failure to comply will lead to sanctions under PIPEDA

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Requirements of PIPEDA

- If an organization determines that it is subject to PIPEDA, then it must comply with part 1 of PIPEDA
- Part 1 of PIPEDA incorporates the CSA "Model" code for the Protection of Personal Information (The Model Code)
- The Model Code was meant to establish a voluntary national standard for the protection of personal information
- The Model Code incorporates 10 primary principles related to the collection, use and disclosure of personal information

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10 Principles

- 1. Accountability
- An organization is responsible for personal information under its control and shall designate an individual or individuals in the organization who will be accountable for compliance with PIPEDA
- 2. Identifying Purposes
- An organization must identify the purposes for which personal information is collected and used at the time of, or before the collection of the personal information

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- 3. Consent
- The consent of the individual providing personal information is required at or before the collection of the personal information
- 4. Limited Collection
- The collection of personal information shall be limited to that personal information which is necessary for the purposes identified by the organization and shall be collected by fair and lawful means only

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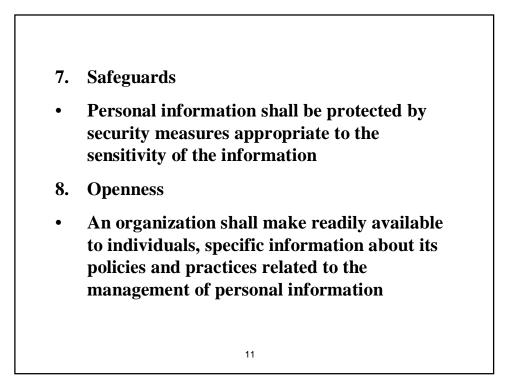
5. Limited Use, Disclosure and Retention

- Personal information shall not be used or disclosed for purposes other than those purposes for which it was collected except with the consent of the individual or as required by law
- 6. Accuracy

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• Personal information collected shall be accurate, complete and up-to-date as is necessary for the purposes for which it is to be used

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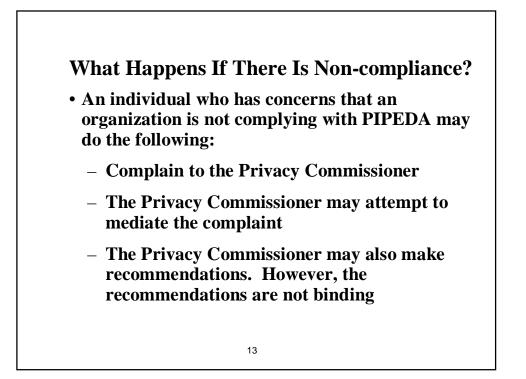


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9. Individual Access

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- Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information; shall be given access to that information; shall be given the opportunity to challenge the accuracy of that information and have it amended if necessary
- **10. Challenging Compliance**
- An individual shall be entitled to address a challenge concerning compliance with the principles to the designated information officer or individual (See Principle No. 1)

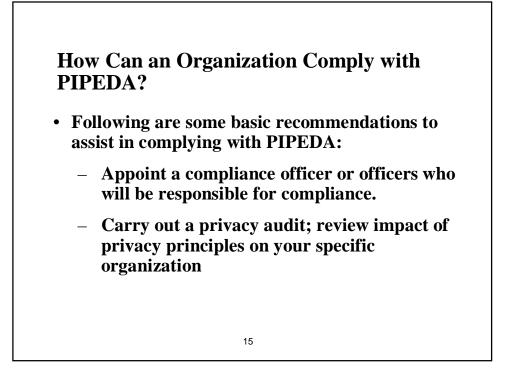




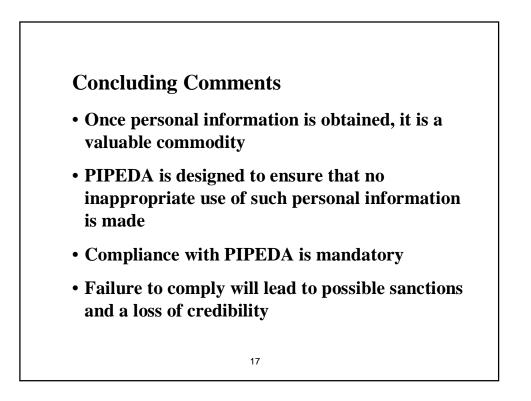
• Federal Court may:

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- Order the organization to correct its practices
- Order the organization to publish a notice of any action taken or proposed to be taken to correct the problem
- Award damages against the organization







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