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**SMALL BUSINESS ENTERPRISE CENTRE  
BUSINESS & THE LAW SERIES**

**Orangeville – October 22, 2008**

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**Privacy: The Essentials**

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**By U. Shen Goh, LL.B., LL.M., Trade-mark Agent**

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**Note: The following True/False quiz is copied from the Office of the Privacy Commissioner of Canada's website.**

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- **Statement 1 - Your e-mail messages are private and can't be read by others.**

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- **Answer False**
  - It is best to think of e-mail much like you do a postcard - it is not sealed, and can be read by anyone determined to do so. There is also nothing to prevent the recipient from distributing your e-mail to others. This is important to remember whenever you divulge information that you consider private.

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- **Statement 2 - Your travels on the World Wide Web can be tracked.**

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- **Answer True**
  - Using what is called a "cookie", your Internet activities can be tracked. A cookie stores information about you on the hard drive of your computer, such as what sites or Web pages you visit. Because it remembers your navigational history, a cookie helps you move through a Web site and can help you save time.

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• **Statement 3 - The federal government can use personal information that it has compiled about you for any purpose that it wants.**

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• **Answer False**

– **The *Privacy Act* regulates how federal government departments can collect, use, and disclose your personal information. Your information should be used for the purpose it was collected, and that purpose only.**

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• **Statement 4 - When you give personal information to a business, it can use the information for any purpose it wants or even share it with other companies.**

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- **Answer False**
  - As a general rule, the *Personal Information Protection and Electronic Documents Act* provides that organizations can only collect, use or disclose information for purposes for which you have given consent.

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- **Statement 5 - The local video store can ask for your Social Insurance Number (SIN) when you apply for a membership.**

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- **Answer True**
  - Oddly enough, although retailers are not authorized to collect the SIN, it is not against the law to *ask* for it.

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• **Statement 6 - It is illegal to intercept or listen to someone else's wireless telephone calls.**

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• **Answer True**

– **Interception is illegal if done for malicious purposes or for gain.**

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• **Statement 7 - I don't need the other party's consent to tape calls I receive.**

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- **Answer True**
  - **Only one party has to consent. However, many people would object to someone taping a call without their knowledge.**

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- **Statement 8 - There's nothing you can do about telemarketing calls - they're a fact of life.**

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- **Answer False**
  - **If you feel plagued by telemarketers, you can ask to have your name removed from the organization's calling list. Organizations are required to remove your name when asked and *are not permitted* to call you again. As well, you can contact the Canadian Marketing Association and ask to have your name and telephone number put on Canadian Marketing Association's Do Not Call List.**

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• **Statement 9 - Your new power tool is only valid if you answer all the questions on the warranty card.**

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• **Answer False**

– **An important privacy rule is always question why your personal information is being requested. Sometimes organizations or businesses ask for your information so that it can be sold to someone else. You should always find out why you are being asked to provide your personal information, and how it will be used.**

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• **Statement 10 - Under Canada's new privacy law, any video surveillance by private organizations is illegal.**

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- Answer False
  - Video surveillance - and whether it is legal or not - is determined on a case by case basis for organizations in both the private and public sector. There is no list of who is - and who is not - allowed to put up surveillance cameras.

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