

About PIPEDA

What is PIPEDA?

PIPEDA stands for *Personal Information Protection and Electronic Documents Act*. PIPEDA is Canada's federal private sector privacy law, and came into effect on January 1st, 2004. PIPEDA applies to for-profit organizations, and may also apply to certain activities of a non-profit organization (e.g., if your non-profit organization is engaged in an activity that has a commercial character).

In certain circumstances, PIPEDA will defer to a provincial privacy law that has been declared to be substantially similar to PIPEDA. So, you should become familiar with both PIPEDA and any privacy legislation in the province(s) in which you operate – particularly as provincial legislation varies across Canada, and in some cases may be more strict than PIPEDA. If in doubt, the best first course of action would be to review your organization's activities with a legal expert familiar with the legislation.

Why do we need PIPEDA?

The purpose of PIPEDA is to ensure that personal information is obtained in ways that respect the fundamental right to privacy. Many organizations rely on personal information to stay in touch with their customers or clients, and to better understand how their customers are using their products and services in order to meet their needs. Ensuring that the personal information is kept private is a good practice in any case, as it demonstrates respect and consideration.

What does PIPEDA consider as personal information?

PIPEDA aims to protect information about identifiable individuals, such as: age, income, ethnicity, opinions, evaluation, credit records, medical records, and more.^[1]

What are my responsibilities under PIPEDA?

The *Personal Information Protection and Electronic Documents Act* is based on 10 principles of fair information practices, which are:

- Accountability (adopt practices for compliance and protection of data held by your organization)
- Identifying purposes (data is not collected without identifying the purpose for its collection)
- Consent (the individual must consent meaningfully to their data's collection)
- Limiting collection (do not collect data indiscriminately)

- Limiting use, disclosure and retention (use or disclose personal information only for the purpose for which it was collected)
- Accuracy (minimize the possibility of incorrect information)
- Safeguards (protect personal information against loss or theft)
- Openness (inform about your policies and practices for information management)
- Individual access (when requested, inform individuals about the information you have collected about them, and how it is being used)
- Provide recourse (develop complaint procedures)

What should my organization do if we don't know if we are PIPEDA compliant?

A good first step is to understand PIPEDA and how it applies to your organization. The resource links contained below are useful places to begin.

Next, review your organization's current practices concerning the collection, use and disclosure of personal information (including where and how you retain personal information, and who outside of your organization might handle personal information on your behalf). In addition to ensuring that those activities are compliant with PIPEDA, you should develop a privacy policy, consent mechanism, and complaints process that accounts for those activities. You should also appoint a privacy compliance officer who is accountable for privacy within your organization. There are additional steps in order to be fully compliant with PIPEDA (and other steps that are relevant if you are subject to a provincial privacy law). Please consult the legislation and visit the Office of the Privacy Commissioner for more information: https://www.priv.gc.ca/index_e.asp

For more information

Office of the Privacy Commissioner:

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

Privacy legislation in Canada:

https://www.priv.gc.ca/resource/fs-fi/02_05_d_15_e.asp

The Application of the Personal Information Protection and Electronic Documents Act to Charitable and Non-Profit Organizations:

https://www.priv.gc.ca/resource/fs-fi/02_05_d_19_e.asp

Fact Sheet - Privacy Legislation in Canada:

https://www.priv.gc.ca/resource/fs-fi/02_05_d_15_e.asp

References

- [1] Edwards, D. (2005). Personal Information Protection and Electronic Documents Act.
<http://www.omafra.gov.on.ca/english/rural/facts/05-049.htm>