

## INDEX

The commentary entries in the index are referenced to page number. The legislation entries in the index are referenced to the section numbers of specific Acts and Regulations. Where the references are to section numbers of Acts and Regulations, the following acronyms will appear before the section number:

PIPA(BC) = *Personal Information Protection Act* of British Columbia  
BCPIPAR = B.C. Reg. 473/2003 — Personal Information Protection Act Regulations

PIPA(AB) = *Personal Information Act* of Alberta

ABPIPAR = Alta. Reg. 366/2003 — Personal Information Protection Act Regulations

For example:

In the entry:

**Business transactions**, Alberta, PIPA(AB) 22; 347-349

PIPA(AB) 22 refers to section 22 of the *Personal Information Protection Act* of Alberta, 347-349 refers to pages 347-349 of the Alberta commentary

### A

**Access and correction requests**,  
*see also* Access to and  
correction of personal  
information

- Alberta, PIPA(AB) 24-25; 409-416 *see also Personal Information Protection Act* (Alberta)
- British Columbia, 139-144
- • must be written request, 139; PIPA(BC) 27

- • Part 8 of the Act, 139
- • reasonable effort to assist, 139
- • refusal, 140

**Access to and correction of personal information**, *see also* Access and correction requests

- Alberta, PIPA(AB) 23-32; 399-409 *see also Personal Information Protection Act* (Alberta)

## Index

### Access to and correction of personal information (*cont'd*)

- British Columbia, 118-139; PIPA(BC) 23-24
  - access, PIPA(BC) 23
  - Act grants right, 118
  - applicant, definition of, PIPA(BC) 25
  - correction of errors, 138-139; PIPA(BC) 24
  - duty to assist individual, PIPA(BC) 28
  - fees for access, 144-147; PIPA(BC) 32
  - how to make a request, PIPA(BC) 27
  - if credit reporting agency, 123
  - mandatory and discretionary exceptions, 123-137
  - representative may exercise right of individual, 120; PIPA(BC) 23, 24
  - response, content of, PIPA(BC) 30
  - time limit for response, 142-144; PIPA(BC) 29

## B

### Bills

- Bill C-27, the Digital Charter Implementation Act, 5

### Business transactions

- Alberta, PIPA(AB) 24; 397-399
- British Columbia, 116-118; PIPA(BC) 20

## C

### Care of personal information

- Alberta, PIPA(AB) 24-25, 37; 417-430
- British Columbia, 147-158; PIPA(BC) 33-35
  - accuracy, PIPA(BC) 33
  - protection, PIPA(BC) 34
    - reasonable security arrangements, 149-157
  - retention, PIPA(BC) 35

### Collection, use and disclosure of personal information, *see* *Personal Information Protection Act* (British Columbia) and *Personal Information Protection Act* (Alberta)

## Index

### **Commissioner's role: powers and duties, *see also***

- Investigations, audits and inquiries
- Alberta, PIPA(AB) 36-44; 430-434
- British Columbia, 158-163; PIPA(BC) 36-44
- • annual report, 161; PIPA(BC) 44
- • authorize collection of personal information, 159
- • authorize disregard of requests, 160; PIPA(BC) 37
- • contempt proceeding for uncooperative person, PIPA(BC) 38.2
- • delegation, 161; PIPA(BC) 43
- • evidence in proceedings, PIPA(BC) 39
- • general powers, PIPA(BC) 36
- • general public duties, 161
- • investigate and resolve complaints, 158-159
- • investigations, audits or inquiries, 161-163; PIPA(BC) 38
- • maintenance of order at hearings, PIPA(BC) 38.1

- • power to exchange information, 159-160
- • power to make binding orders, 158
- • protection against libel or slander actions, PIPA(BC) 40
- • protection of commissioner and staff, PIPA(BC) 42
- • responsible for administering the Act, 158
- • restrictions on disclosure of information, PIPA(BC) 41
- federal Privacy Commissioner's findings not binding, 8-9

### **Credit reporting agencies**

- collection and use of information without consent, 95-96; 335, 389
- • *Fair Trading Act* (Alberta), 335, 389
- • prior consent to disclosure for the purpose, 95-96

## **D**

### **Damages**

- Alberta, PIPA(AB) 60; 445-446
- British Columbia, 185-190; PIPA(BC) 57

## Index

### Definitions

- Alberta, PIPA(AB) 1(1), PIPA(AB) 23; 334-346
- • applicant, PIPA(AB) 23
- • archival institution, ABPIPAR 11
- • audit, PIPA(AB) 1(2)
- • business contact information, PIPA(AB) 1(1)
- • commercial activity, PIPA(AB) 56(1); 334-335
- • Commissioner, PIPA(AB) 1(1)
- • corporate registry, ABPIPAR 6
- • credit reporting organization, PIPA(AB) 1(1); 335
- • domestic, PIPA(AB) 1(1)
- • employee, PIPA(AB) 1(1); 335
- • established purpose, ABPIPAR 6
- • Government registry, ABPIPAR 6
- • investigation, PIPA(AB) 1(1); 335-336
- • land titles registry, ABPIPAR 6
- • legal proceedings, PIPA(AB) 1(1); 336-337
- • legislative instrument of a professional regulatory organization, PIPA(AB) 1(1)
- • local government body, PIPA(AB) 1(1)
- • managing, ABPIPAR 3
- • member, PIPA(AB) 55
- • Minister, PIPA(AB) 1(1)
- • non-governmental registry, ABPIPAR 6
- • non-profit organization, PIPA(AB) 56(1); 337
- • organization, PIPA(AB) 1(1), PIPA(AB) 23; 337
- • personal employee information, PIPA(AB) 1(1); 337-345
- • personal information, PIPA(AB) 1(1); 339-345
- • personal information code, PIPA(AB) 55
- • professional Act, PIPA(AB) 1(1)
- • professional regulatory organization, PIPA(AB) 1(1)

## Index

- Definitions (*cont'd*)
- • public body, PIPA(AB) 1(1); 345
  - • record, PIPA(AB) 1(1); 345
  - • regulation of Alberta, PIPA(AB) 1(1)
  - • regulation of Canada, PIPA(AB) 1(1)
  - • religious organization, 337
  - • service provider, PIPA(AB) 1(1)
  - • volunteer work relationship, PIPA(AB) 1(1); 345
  - • British Columbia, 12-27; PIPA(BC) 1
  - • business transaction, PIPA(BC) 20
  - • Commissioner, 13; PIPA(BC) 1
  - • contact information, 13; PIPA(BC) 1
  - • credit report, 13; PIPA(BC) 1
  - • credit reporting agency, 13; PIPA(BC) 1
  - • day, 14; PIPA(BC) 1
  - • document, 14; PIPA(BC) 1
  - • domestic, PIPA(BC) 1
  - • employee, 14; PIPA(BC) 1
  - • employee personal information, 14-16; PIPA(BC) 1
  - • employment, PIPA(BC) 1
  - • federal Act, PIPA(BC) 1
  - • health care professional, BCPIPAR 1
  - • investigation, 16-17; PIPA(BC) 1
  - • nearest relative, BCPIPAR 1
  - • organization, 17-18; PIPA(BC) 1
  - • party, PIPA(BC) 20
  - • person, 178
  - • personal dimension of property, 26
  - • personal information, 18-24; PIPA(BC) 1
  - • proceeding, 24; PIPA(BC) 1
  - • public body, 24; PIPA(BC) 1
  - • representative, BCPIPAR 2
  - • spouse, BCPIPAR 1
  - • work product information, 24-27; PIPA(BC) 1

## Index

### E

**Employee personal information**, *see* *Personal Information Protection Act* (Alberta) and *Personal Information Protection Act* (British Columbia)

### F

**Freedom of Information and Protection of Privacy Act (FOIPPA)**

- personal information held by public bodies in British Columbia, 6, 9
- “substantially similar” to PIPEDA, 6-7

### I

**Information and Privacy Commissioner**, *see* Commissioner’s role: powers and duties

**Inquiries**, *see* Investigations, audits and inquiries

**Investigations, audits and inquiries**

- Alberta, PIPA(AB) 36-44; 433-434
- annual report of Commissioner, PIPA(AB) 44; 435-436

- delegation by the Commissioner, PIPA(AB) 43; 435-436
- extra-provincial commissioner, PIPA(AB) 43.1
- general provisions, offences and penalties, 441-445
  - COVID-19 contact tracing app, 445
- legal privilege not affected, PIPA(AB) 38.1
- powers of Commissioner, PIPA(AB) 36-38; 434-436
- privileged information, PIPA(AB) 40
- protection of Commissioner and staff, PIPA(AB) 42
- restrictions on disclosure of information, PIPA(AB) 41
- statements not admissible in evidence, PIPA(AB) 39
- British Columbia, 161-163; PIPA(BC) 36-44
  - Commissioner may undertake, 161-163; PIPA(BC) 36, PIPA(BC) 38
    - compulsion, 164-165
    - disclosure to the Attorney General, 166

## Index

- Investigations, audits and inquiries (*cont'd*)
  - powers in conducting, 163-166
  - protection and immunity, 165; PIPA(BC) 42
  - staff, 165-166; PIPA(BC) 42
  - upon complaint or pursuant to own initiative, 158, 162
  - damages, 185-190
  - general provisions, offences and penalties, 177-185
    - whistleblowing, 177
  - inquiries, 170-174
  - orders made by Commissioner, 174-177; PIPA(BC) 52
  - recommendations by Commissioner, 179-185
  - reviews and complaints, 167-170; PIPA(BC) 46-48
  - solicitor-client privilege, 164; PIPA(BC) 38(3)

### O

#### Offences and penalties

- Alberta, PIPA(AB) 59; 441-445

- British Columbia, 177-185; PIPA(BC) 56

### P

#### *Personal Information Protection Act (Alberta) (PIPA)*

- access to and correction and care of personal information, PIPA(AB) 23-35; 399-416, 417-430
  - access and correction requests, PIPA(AB) 23-32; 409-416
- access to and provision of information, PIPA(AB) 24
- definitions, PIPA(AB) 23
- duty to assist, PIPA(AB) 27
- fees, PIPA(AB) 32; 416-417
- how access given, PIPA(AB) 30
- how to make request, PIPA(AB) 26
- response contents, PIPA(AB) 29
- right to request correction, PIPA(AB) 25
- time limit to respond, PIPA(AB) 28, PIPA(AB) 31

## Index

- Personal Information Protection Act (Alberta) (PIPA) (cont'd)*
- application, PIPA(AB) 4; 346-353
  - care of personal information, PIPA(AB) 33-35; 417-430
    - accuracy of, PIPA(AB) 33
    - notification of loss, unauthorized access, disclosure, PIPA(AB) 34.1
    - protection of, PIPA(AB) 34
    - retention and destruction, PIPA(AB) 35; 424-425, 429-430
  - general provisions, PIPA(AB) 57-75; 441-445
  - professional regulatory and non-profit organizations, PIPA(AB) 55-56; 448-451
  - reviews, complaints and orders, PIPA(AB) 46-54.1; 436-438
  - role of Commissioner, PIPA(AB) 36-44; 430-433
    - extra-provincial commissioner, PIPA(AB) 43.1
  - solicitor-client privilege, PIPA(AB) 24(2); 400-403
  - amendments to other Alberta legislation, 451-452
  - FOIP request, 349
  - between organizations, 389-390
  - consent, 358-362
  - implicit, 362-365
  - withdrawal, PIPA(AB) 9(1), 9(7); 366
  - credit reporting agencies, 389
  - damages, PIPA(AB) 60; 445-446
  - definitions, PIPA(AB) 1(1), PIPA(AB) 23; 334-346
  - fees for access to personal information, PIPA(AB) 23; 416-417
  - introduction, 331-333
  - investigations and inquiries, 433-434
  - orders made by Commissioner, 439-441
  - powers of Commissioner in conducting, 434-436
  - reviews and complaints, 436-438
  - withdrawal of complaint, PIPA(AB) 4(7)



## Index

- Personal Information Protection Act (Alberta) (PIPA) (cont'd)*
- offences and penalties, 441-445
  - professional, regulatory and non-profit organizations, PIPA(AB) 55-56; 448-451
  - protection of personal information, PIPA(AB) 5-22; 353-358
    - business transactions, PIPA(AB) 22; 397-399
    - collection of personal information, PIPA(AB) 11-15; 366-377
      - by a trade union, PIPA(AB) 14.1
      - employee personal information, PIPA(AB) 15; 390-397
      - exceptions, 377-384
      - limitations on, PIPA(AB) 11-12
      - notification required, PIPA(AB) 13, PIPA(AB) 13.1
      - without consent, PIPA(AB) 14
  - consent, PIPA(AB) 7-10; 358-362
    - form of, PIPA(AB) 8
    - implicit or deemed consent, 362-365
    - obtained by deception, PIPA(AB) 10
    - required, PIPA(AB) 7
    - withdrawal or variation of consent, PIPA(AB) 9; 366
  - disclosure of personal information, PIPA(AB) 19-21; 366-377
    - employee personal information, PIPA(AB) 21; 390-397
    - exceptions, PIPA(AB) 14, 17, 20; 377-389
    - limitations on, PIPA(AB) 19
    - to a trade union, PIPA(AB) 20.1
    - without consent, PIPA(AB) 20; 377-389
  - use of personal information, PIPA(AB) 16-18; 366-377
    - by a trade union, PIPA(AB) 17.1

## Index

### *Personal Information Protection Act (Alberta) (PIPA) (cont'd)*

- employee personal information, PIPA(AB) 18; 390-397
- exceptions, 377-389
- without consent, PIPA(AB) 17
- purpose and application, PIPA(AB) 3-4; 333-334, 346-353
- reasonable, standard of, PIPA(AB) 2
- regulations, PIPA(AB) 62; 447-448
- Alta. Reg. 366/2003 — *Personal Information Protection Act Regulation*, 315-329
- role of Commissioner: powers and duties, PIPA(AB) 36-44; 430-434
- Supreme Court of Canada decision (November 15, 2013), UFCW, Local 401 v. Alberta (Information and Privacy Commissioner), 332-333
- Act infringes on Charter rights, 332-333
- amendments December 2014, 333

### *Personal Information Protection Act (British Columbia) (PIPA)*

- access and correction requests, 139-144; PIPA(BC) 23-24
- access to and correction of personal information, 118-139; PIPA(BC) 23-24
- fees for access, 144-147
- legal advice privilege, conditions, 123-127
- application, 27-40; PIPA(BC) 3
  - exceptions, 28-40
    - personal emails, 29; PIPA(BC) 3(2)(a), 4(2)(b)
    - organizations only, 27-28
- business transactions, 116-118; PIPA(BC) 20
- care of personal information, 147-158; PIPA(BC) 33-35
  - reasonable effort to ensure accuracy and completeness, 148; PIPA(BC) 33
- collaborative investigation, 7-8
- collection, use and disclosure of personal information, 70-80; PIPA(BC) 10-22
  - between organizations, 96-99
  - collection, 70; PIPA(BC) 10-13

## Index

- Personal Information Protection Act (British Columbia) (PIPA)*  
(cont'd)
- employee personal information, 100-116; PIPA(BC) 13
  - identification of purposes for, 72
  - limitations, 80; PIPA(BC) 11, 14(a), 14(b), 17(a), 17(b)
  - mass identification and surveillance, 77
  - need to know principle, 71
  - required notification, PIPA(BC) 10
  - without consent, 80-90; PIPA(BC) 12
  - defined, 70
  - disclosure, PIPA(BC) 17-22
  - employee personal information, 14-27, 100-116; PIPA(BC) 19
  - limitation, PIPA(BC) 17
  - research or statistical procedures, PIPA(BC) 21
  - sale of organization, PIPA(BC) 20
  - without consent, PIPA(BC) 18
  - exceptions — permitted collection, use and disclosure without consent, 80-95
  - archival institution, 93; PIPA(BC) 22
  - authorized by law, 83-86
  - available to the public from a source prescribed in the Regulations, 81-83
  - clearly in the interests of the individual, 81
  - collected by observation at an event, 81
  - complying with an order, 91
  - disclosed in accordance with a treaty, 91
  - disclosed to the organization under sections 18 to 22, 86
  - health or safety, 92
  - investigation or proceeding, 88, 90, 92
  - necessary for the medical treatment of the individual, 81
  - necessary to determine suitability to receive an honour, 83

## Index

- Personal Information Protection Act (British Columbia) (PIPA)*  
(cont'd)
- necessary to facilitate the collection of a debt, 86-88
  - necessary to respond to an emergency, 81
  - next of kin contact, 92
  - research or statistical purposes, 83
  - third party services, 90
  - provision of title and contact information of privacy officer, 72-73
  - reasonable person standard, 73-79
  - reasonable purpose, 73
    - list of factors to assess, 75-76
    - no-go zones, 78-79
    - question of fact, 73
  - use, PIPA(BC) 14-16
    - employee personal information, 100-116; PIPA(BC) 16
    - limitations, PIPA(BC) 14
    - without consent, PIPA(BC) 15
  - commencement, PIPA(BC) 60
  - Commissioner's role: powers and duties, 158-161; PIPA(BC) 36-44
  - orders made by Commissioner, 174-177
  - consent, 47-61; PIPA(BC) 6-9
    - "beyond what is necessary to provide the product or service", 56
    - clear, straightforward language, 48
    - *Digital Privacy Act* amendments, 51
    - implicit consent, 61-62; PIPA(BC) 8
      - deemed consent for insurance and other plans, 65
      - deemed consent for obvious purpose, 62-65
      - negative option consent, 65-68
    - meaningfulness, 48-50
    - provision, PIPA(BC) 7
    - required, PIPA(BC) 6
    - rules, 40-47
    - validity, 48
    - withdrawal of consent, 68-70; PIPA(BC) 9

## Index

- Personal Information Protection Act (British Columbia) (PIPA)*  
(cont'd)
- credit reporting agencies, 95-96
  - damages for breach of Act, 185-190; PIPA(BC) 57
    - privacy rights damaged in retaliatory way, 189
  - definitions, 12-27; PIPA(BC) 1
  - employee personal information, 100-116
    - definition, 100
    - meaning of “reasonable”, 102
    - no exception in PIPEDA, 102
  - general rules respecting protection of personal information by organizations, 40-47; PIPA(BC) 4-5, PIPA(BC) 54-60
    - compliance with Act, 40-47; PIPA(BC) 4
    - knowledge and consent, 41
    - non-retaliation, PIPA(BC) 55
    - policies and practices, 44-47; PIPA(BC) 5
    - protection, PIPA(BC) 54
    - privacy officer, 43
    - reasonableness test, 40
    - retention, 44; PIPA(BC) 35
  - interprovincial and international trade and commerce, 7
  - introductory provisions, PIPA(BC) 1-3
    - application, PIPA(BC) 3
    - definitions, PIPA(BC) 1
    - purpose, PIPA(BC) 2
  - investigations, audits and inquiries, 161-163
    - inquiries, 170-174
    - powers of Commissioner, 158-161, 163-166; PIPA(BC) 36-44
  - offences and penalties, 177-185; PIPA(BC) 56
  - oral inquiries not required where no significant issues of credibility, 173
  - purpose, 9-12; PIPA(BC) 2
  - regulations, 191-193; PIPA(BC) 58
    - B.C. Reg. 473/2003 — *Personal Information Protection Act Regulations*, 191-193, 239-243
  - reviews and complaints, 167-170

## Index

### *Personal Information Protection Act (British Columbia) (PIPA)* (cont'd)

- OPIC authority to conduct compliance review, 169-170; PIPA(BC) 36
- reviews and orders, PIPA(BC) 45-53
- review process of Act, 179; PIPA(BC) 59
- rules respecting protection of personal information by organizations, 40-47
- development and following of policies and practices, 44-45
- reasonableness test, 40

### *Personal Information Protection and Electronic Documents Act (PIPEDA)*

- application, 2-6
- European Union General Data Protection Regulation (GDPR), 1-2
- *Model Code*, 3-4

## R

### **Regulations**

- Alberta, PIPA(AB) 62; 447-448
- British Columbia, 191-193; PIPA(BC) 58

### **Reviews, Complaints and Orders**

- Alberta, PIPA(AB) 45-54.1; 436-438, 439-441
- burden of proof, PIPA(AB) 51
- Commissioner's orders, PIPA(AB) 52; 439-441
- definition of review, PIPA(AB) 45
- duty to comply with orders, PIPA(AB) 54
- how to ask for a review or initiate a complaint, PIPA(AB) 47
- inquiry by Commissioner, PIPA(AB) 50
- judicial review, PIPA(AB) 54.1
- mediation, PIPA(AB) 49
- no appeal, PIPA(AB) 53
- notifying others of review or complaint, PIPA(AB) 48
- records relating to an investigation, PIPA(AB) 49.2
- refusal to conduct or continue investigation or review, PIPA(AB) 49.1

## Index

- Reviews, Complaints and Orders (*cont'd*)
    - right to ask for a review or initiate a complaint, PIPA(AB) 46
    - British Columbia, PIPA(BC) 45-53
      - asking for a review, 168; PIPA(BC) 46-47
      - burden of proof, 174; PIPA(BC) 51
      - Commissioner's orders, 174-177; PIPA(BC) 52
      - compliance review, 169-170; PIPA(BC) 36
      - duty to comply, PIPA(BC) 53
  - definitions, PIPA(BC) 45
  - inquiry by Commissioner, 170-174; PIPA(BC) 50
  - mediation may be authorized, 173; PIPA(BC) 49
  - notifying others of review, PIPA(BC) 48
- W**
- **“Whistleblowing”**
    - Alberta, PIPA(AB) 58; 441
    - British Columbia, 177
    - protected, 177; PIPA(BC) 54