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CORPORATE AND PRACTICE MANUAL FOR CHARITIES AND NOT-FOR-PROFIT CORPORATIONS

Burke-Robertson, Carter and Man

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This loose leaf service examines the process of incorporating non-share capital corporations for federal, provincial, and territorial corporations. This publication covers all aspects of corporate maintenance and examines select practice issues relevant to the operation of charitable and not-for-profit corporations, including charities operating outside of Canada, intellectual property, provincial investment power, privacy law, issues when drafting restricted charitable purpose trusts, antiterrorism and money laundering issues for charities, and a discussion on the need for a practice approach to advising charities.

This release features updates to Chapters 17 (Privacy Law and Related Issues) and 21 (Issues in Advising Charities: A Proactive Approach) and Appendix TC (Tables of Concordance).

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Highlights

- **Privacy Law and Related Issues — Application of Federal and Provincial Privacy Laws to Charities and Not-for-Profit Organizations — Personal Information Protection and Electronic Documents Act — Overview —** Before discussing the application of privacy law to charities and not-for-profits dealing with privacy, anti-spam and related issues, it is important to first understand the nature and content of applicable privacy laws. On April 13, 2001, the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") received Royal Assent. The Act, which came into force in three stages, contains provisions that apply to private sector organizations that collect, use or disclose personal information in the course of commercial activities. On January 1, 2004, the provisions under Part 1 of PIPEDA applying to private sector organizations came into force.
- **Issues in Advising Charities: A Proactive Approach — The Significance of Advising a Charity — Generally —** Lawyers called upon to advise charities will be expected to have an understanding of numerous and diverse areas of the law, including corporations, charitable trusts, associations, taxation, contracts, real estate, leasing, employment, insurance, risk management, intellectual property and trust accounting, to name only some of the major areas. Coupled with increasing complexities involved in running charities is a heightened level of expectation placed upon leaders of charities by the courts, the government and the public at large. When individuals who are faced with the responsibility of establishing and operating a charity seek legal advice, it is incumbent upon the lawyer to not only provide answers to the specific question asked but to also take the initiative to ensure that the charity is aware of the duties and responsibilities that charities are now facing, as well as knowing what steps can be taken to avoid liability exposure before problems occur.