

DETAILED TABLE OF CONTENTS

B.C. Personal Information Protection Act

Introduction.....	1
Overview of Privacy Legislation Affecting Canada	1
Personal Information Protection and Electronic Documents Act (PIPEDA).....	2
1. — Introduction to the British Columbia Personal Information Protection Act, 2003	5
2. — Purpose of the Act.....	9
3. — Definitions.....	12
4. — Application — Section 3	27
(1) — Application To “Organizations” Only	27
(2) — Circumstances In Which The Act Does Not Apply...	29
5. — Part 2 — General Rules Respecting Protection of Personal Information by Organizations	40
(1) — The Reasonable Person.....	40
(2) — Custody and Control.....	42
(3) — Responsible Individuals	43
(4) — Making Information Available.....	44
(5) — Policies and Practices	44
6. — Part 3 — Consent	47
7. — Implicit Consent.....	61
(1) — Deemed Consent for Obvious Purpose.....	62
(2) — Deemed Consent for Insurance and Other Plans	65
(3) — Negative Option Consent.....	66
8. — Withdrawal of Consent	69
9. — Part 4 — Collection, Use and Disclosure of Personal Information.....	70
(1) — Surveillance	78
(2) — No Go Zones	79
(3) — Consent and Purposes.....	79

Detailed Table of Contents

10. — Part 5 — Exceptions: Collection, Use and Disclosure Without Consent	81
11. — Part 6 — Exceptions: Disclosure of Personal Information Without Consent	92
12. — Credit Reporting Agencies.....	96
13. — Collection, Use and Disclosure of Personal Information Between Organizations	97
14. — Employee Personal Information.....	101
15. — Section 20 — Business Transactions.....	118
16. — Part 7 — Access to and Correction of Personal Information.....	120
(1) — Exceptions	125
(2) — Discretionary Exceptions	125
(3) — Mandatory Exceptions	134
(4) — Severance	143
(5) — Correction of Personal Information	145
17. — Access and Correction Requests	146
(1) — Duty to Assist.....	146
(2) — Time Limit to Respond	148
18. — Fees for Access to Personal Information.....	151
19. — Part 9 — Care of Personal Information.....	156
20. — Role of Commissioner: Powers and Duties.....	166
21. — Overview of Investigations, Audits and Inquiries	171
22. — Powers of Commissioner in Conducting Investigations, Audits and Inquiries	173
23. — Reviews and Complaints	176
24. — Inquiries	180
(1) — Discretion Not to Proceed	181
25. — Orders Made by Commissioner	184
26. — General Provisions, Offences and Penalties.....	187
(1) — Offences	188
(2) — Review of the Act	189
27. — Damages	195

Detailed Table of Contents

28. — Regulations	200
-------------------------	-----

BRITISH COLUMBIA PERSONAL INFORMATION PROTECTION ACT

PART 1 — INTRODUCTORY PROVISIONS

1	Definitions	205
2	Purpose	208
3	Application	208

PART 2 — GENERAL RULES RESPECTING PROTECTION OF PERSONAL INFORMATION BY ORGANIZATIONS

4	Compliance with Act	210
5	Policies and practices	210

PART 3 — CONSENT

6	Consent required	211
7	Provision of consent	211
8	Implicit consent	212
9	Withdrawal of consent	213

PART 4 — COLLECTION OF PERSONAL INFORMATION

10	Required notification for collection of personal information	214
11	Limitations on collection of personal information...	214
12	Collection of personal information without consent	215
13	Collection of employee personal information	216

PART 5 — USE OF PERSONAL INFORMATION

14	Limitations on use of personal information	217
15	Use of personal information without consent	217
16	Use of employee personal information	219

Detailed Table of Contents

PART 6 — DISCLOSURE OF PERSONAL INFORMATION

17	Limitations on disclosure of personal information	220
18	Disclosure of personal information without consent	220
19	Disclosure of employee personal information	223
20	Transfer of personal information in the sale of an organization or its business assets	223
21	Disclosure for research or statistical purposes	225
22	Disclosure for archival or historical purposes	226

PART 7 — ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

23	Access to personal information	226
24	Right to request correction of personal information	229
24.1	Right to request correction of personal information — credit reporting agency	230

PART 8 — ADMINISTRATION

25	Definition	231
26	Circumstances in which request may be made	231
27	How to make a request	231
28	Duty to assist individual	231
29	Time limit for response	231
30	Content of response	232
31	Extending the time limit for response	232
32	Fees	233

PART 9 — CARE OF PERSONAL INFORMATION

33	Accuracy of personal information	234
34	Protection of personal information	234
35	Retention of personal information	235

Detailed Table of Contents

PART 10 — ROLE OF COMMISSIONER

36	General powers of commissioner	235
37	Power to authorize organization to disregard requests.....	237
38	Powers of commissioner in conducting investigations, audits or inquiries.....	237
38.1	Maintenance of order at hearings	239
38.2	Contempt proceeding for uncooperative person.....	240
39	Evidence in proceedings	240
40	Protection against libel or slander actions	241
41	Restrictions on disclosure of information by commissioner and staff.....	241
42	Protection of commissioner and staff	242
43	Delegation by commissioner	242
44	Annual report of commissioner	242

PART 11 — REVIEWS AND ORDERS

45	Definitions	243
46	Asking for a review	243
47	How to ask for a review or make a complaint.....	243
48	Notifying others of review	244
49	Mediation may be authorized	244
50	Inquiry by commissioner	244
51	Burden of proof	245
52	Commissioner's orders	246
53	Duty to comply with orders	248

PART 12 — GENERAL PROVISIONS

54	Protection.....	248
55	Non-retaliation	248
56	Offences and penalties.....	249
57	Damages for breach of Act	250
58	Power to make regulations	250

Detailed Table of Contents

59	Review of Act	252
60	Commencement	252

B.C. REG. 473/2003 — PERSONAL INFORMATION PROTECTION ACT REGULATIONS

1	Definitions	253
2	Who may act for minors and others	254
3	Who may act for deceased persons	254
4	Determination of nearest relative	255
5	Disclosure of health care information	256
6	Prescribed source of public information	256

Alberta Personal Information Protection Act

1. —	Introduction	259
2. —	Purpose of the Act	261
3. —	Definitions	262
4. —	Application	276
5. —	General Rules Respecting Protection of Personal Information by Organizations	283
6. —	Consent	289
7. —	Implicit Consent	294
8. —	Withdrawal of Consent	298
9. —	Collection, Use and Disclosure of Personal Information	299
10. —	Exceptions: Collection, Use and Disclosure Without Consent	310
11. —	Exceptions: Disclosure of Personal Information Without Consent	317
12. —	Credit Reporting Agencies	322
13. —	Collection, Use and Disclosure of Personal Information Between Organizations	323
14. —	Personal Employee Information	324
15. —	Business Transactions	330

Detailed Table of Contents

16. — Access to and Correction of Personal Information . . .	333
(1) — Legal Privilege	335
(2) — Confidential Commercial Information	337
(3) — Investigations	337
(4) — Information No Longer Being Made Available . .	338
(5) — Prosecutorial Discretion	339
(6) — Prohibitions on Disclosure of Information	340
(7) — Information Would Reveal Personal Information About Another Individual	340
(8) — Disclosure Would Reveal the Identity of the Individual	342
(9) — Severance Obligations	343
17. — Access and Correction Requests	344
18. — Fees for Access to Personal Information	351
19. — Care of Personal Information	353
20. — Role of Commissioner: Powers and Duties	365
21. — Overview of Investigations and Inquiries	368
22. — Powers of Commissioner in Conducting Investigations or Inquiries	369
23. — Reviews and Complaints	371
24. — Inquiries	373
25. — Orders Made by Commissioner	375
26. — General Provisions, Offences and Penalties	376
27. — Damages	381
28. — Regulations	382
29. — Professional Regulatory and Non-Profit Organizations	383
30. — Amendments to Other Alberta Legislation	387

ALBERTA PERSONAL INFORMATION PROTECTION ACT

1	Definitions	389
2	Standard as to what is reasonable	392

Detailed Table of Contents

PART 1 — PURPOSE AND APPLICATION

3	Purpose.....	393
4	Application	393

PART 2 — PROTECTION OF PERSONAL INFORMATION

DIVISION 1 — COMPLIANCE AND POLICIES

5	Compliance with Act.....	397
6	Policies and practices.....	397

DIVISION 2 — CONSENT

7	Consent required	398
8	Form of consent.....	399
9	Withdrawal or variation of consent.....	400
10	Consent obtained by deception, etc.	402

DIVISION 3 — COLLECTION OF PERSONAL INFORMATION

11	Limitations on collection	402
12	Limitation on sources for collection	402
13	Notification required for collection	402
13.1	Notification respecting service provider outside Canada	403
14	Collection without consent	404
14.1	Collection by a trade union relating to a labour dispute.....	406
15	Collection of personal employee information	406

DIVISION 4 — USE OF PERSONAL INFORMATION

16	Limitations on use.....	407
17	Use without consent	407
17.1	Use by a trade union relating to a labour dispute...	409
18	Use of personal employee information	410

DIVISION 5 — DISCLOSURE OF PERSONAL INFORMATION

19	Limitations on disclosure	410
----	---------------------------------	-----

Detailed Table of Contents

20	Disclosure without consent	410
20.1	Disclosure by a trade union relating to a labour dispute.....	414
21	Disclosure of personal employee information	414

DIVISION 6 — BUSINESS TRANSACTIONS

22	Disclosure respecting acquisition of a business, etc.	415
----	--	-----

PART 3 — ACCESS TO AND CORRECTION AND CARE OF PERSONAL INFORMATION

DIVISION 1 — ACCESS AND CORRECTION

23	Definitions	417
24	Access to records and provision of information	417
25	Right to request correction	420
26	How to make a request	420
27	Duty to assist	421
28	Time limit for responding	421
29	Contents of response	422
30	How access will be given	423
31	Extending the time limit for responding.....	424
32	Fees	425

DIVISION 2 — CARE OF PERSONAL INFORMATION

33	Accuracy of information	425
34	Protection of information.....	425
34.1	Notification of loss or unauthorized access or disclosure	426
35	Retention and destruction of information	426

PART 4 — ROLE OF COMMISSIONER

36	General powers of Commissioner	426
37	Power to authorize an organization to disregard requests.....	428

Detailed Table of Contents

37.1	Power to require notification.....	428
38	Powers of Commissioner re investigations or inquiries	429
38.1	Legal privilege not affected	430
39	Statements not admissible in evidence.....	430
40	Privileged information.....	431
41	Restrictions on disclosure of information	431
42	Protection of Commissioner and staff.....	432
43	Delegation by the Commissioner	432
43.1	Extra-provincial commissioner	432
44	Annual report of Commissioner.....	434

PART 5 — REVIEWS AND ORDERS

45	Definition.....	434
46	Right to ask for a review or initiate a complaint....	434
47	How to ask for a review or initiate a complaint	434
48	Notifying others of review or complaint	435
49	Mediation.....	436
49.1	Refusal to conduct or continue investigation or review	436
49.2	Records relating to an investigation	436
50	Inquiry by Commissioner.....	436
51	Burden of proof	437
52	Commissioner's orders	438
53	No appeal	440
54	Duty to comply with orders	440
54.1	Judicial review.....	441

PART 6 — PROFESSIONAL REGULATORY AND NON-PROFIT ORGANIZATIONS

55	Professional regulatory organizations	441
56	Non-profit organizations	443

Detailed Table of Contents

PART 7 — GENERAL PROVISIONS

57	Protection of organization from legal actions	444
58	Protection of employee	445
59	Offences and penalties	445
60	Damages for breach of this Act	447
61	Exercise of rights by other persons	447
62	General regulations	448
63	Review of Act	451
64	Amends R.S.A. 2000, c. C-4	451
65	Amends R.S.A. 2000, c. C-9	452
66	Amends S.A. 2001, c. C-28.1	452
67	Amends R.S.A. 2000, c. C-32	452
68	Amends R.S.A. 2000, c. F-13	453
69	Amends R.S.A. 2000, c. I-3	453
70	Amends R.S.A. 2000, c. L-20	454
71	Amends R.S.A. 2000, c. R-15	455
72	Amends R.S.A. 2000, c. S-4	455
73	Amends R.S.A. 2000, c. S-14	456
74	Amends R.S.A. 2000, c. V-4	456
75	Coming into force	457

ALTA. REG. 366/2003 — PERSONAL INFORMATION PROTECTION ACT REGULATION

1	Definition	459
2	Application of Act to Alberta Treasury Branches . . .	459

PART 1 — DEFINITION FOR THE PURPOSES OF THE ACT

3	“managing”	459
4	[Repealed Alta. Reg. 51/2010, s. 5].	459
5	[Repealed Alta. Reg. 51/2010, s. 5].	460

Detailed Table of Contents

PART 2 — PERSONAL INFORMATION THAT IS PUBLICLY AVAILABLE

6	Definitions	460
7	Publicly available personal information	461

PART 3 — ACCESS TO RECORDS

8	Designated and non-designated offices	462
9	Copy of record may be provided	463
10	Alternative means for making a request	463

PART 4 — ARCHIVAL PURPOSES AND RESEARCH

11	Definitions	464
12	Collection, use and disclosure by archival institution	464
13	Prohibition re use and disclosure	465
14	Collection, use and disclosure by non archival institution	465

PART 5 — FEES

15	Providing of estimate	466
16	Acceptance of estimate, etc	467
17	Fee owing	467
18	[Repealed Alta. Reg. 51/2010, s. 10.]	467

PART 6 — NOTIFICATION OF LOSS OF OR UNAUTHORIZED ACCESS TO OR DISCLOSURE OF PERSONAL INFORMATION

19	Notice to the Commissioner	467
19.1	Notification to individuals	468

PART 7 — PROFESSIONAL REGULATORY ORGANIZATION

20	Interpretation	469
21	Establishment of professional regulatory organization program	469
22	Personal information code	470

Detailed Table of Contents

23	Application for authorization	470
24	Granting of authorization	471
25	Effect of authorization	471
26	Revocation of authorization	472
27	Publication in <i>The Alberta Gazette</i>	472
28	Act and personal information code prevail	473
 PART 8 — COMING INTO FORCE AND EXPIRY		
29	Coming into force	473
30	Expiry	473
Index		475