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**Fair information practices – A comparative analysis of federal and provincial legislation**

Prepared by Veronica Pinero and Valerie Steeves

Last updated July 8, 2005
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ACCOUNTABILITY
Federal Legislation

Personal Information Protection and Electronic Documents Act
S.C. 2000, c. 5
S.O.R./2001-6
S.O.R./2001-7

Alberta

Personal Information Protection Act
S.A. 2003, c. P-6.5
(as amended by Personal Information Protection Amendment Act, 2005, c. 29)

British Columbia

Personal Information Protection Act
S.B.C. 2003, c. 63
Personal Information Protection Act Regulations, B.C. Reg. 473/2003

Quebec

An Act respecting the Protection of Personal Information in the Private Sector
R.S.Q., c. P-39.1
Civil Code of Québec

Schedule 1 – 4.1
Section 28

Schedule 1 - 4.1 Principle 1 – Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

4.1.1 - Accountability for the organization's compliance with the principles rests with the designated individual(s), even though other individuals within the organization may be responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the organization may be delegated to act on behalf of the designated individual(s).

4.1.2 - The identity of the individual(s) designated by the organization to oversee the organization's compliance with the principles shall be made known upon request.

4.1.3 - An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is in the possession or custody of the third party.

Sections 5, 6.a, 13.1.b, 13.4, 59

Section 5
5(1) An organization is responsible for personal information that is in its custody or under its control.

(2) For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those services, responsible for that person's compliance with this Act.

(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.

(4) An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.

(5) In meeting its responsibilities under this Act, an organization must act in a reasonable manner.

(6) Nothing in subsection (2) is to be construed so as to relieve any person from that person's responsibilities or obligations under this Act.

Sections 4.2, 4.3, 4.4, 4.5, 5.a, 5.b, 10.1.b, 10.3, 56

Section 6.a
6. An organization must (a) develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act, and (b) comply with the following principles.

Sections 4.2, 4.3, 4.4, 4.5
4 (1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.

(2) An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.

(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.

(4) An individual designated under subsection (3) may delegate to another individual the duty conferred by that designation.

(5) An organization must make available to the public (a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and (b) contact information for each individual referred to in paragraph (a).

Sections 5.a, 5.b
5. An organization must (a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act, and (b) comply with the following principles:

Sections 16, 26, 29, 79, 91, 92, 93

Section 16
16. Any person holding personal information on behalf of a person carrying on an enterprise may refer to the latter every request for access or rectification received from a person to whom such information relates.

Nothing in this section limits the right to obtain, from a personal information agent, access to, or rectification of, personal information concerning him held by another person in the performance of personal information services for any purpose other than for the purpose for which such information was collected.
# Fair Information Practices – A comparative analysis of federal and provincial legislation

## IDENTIFYING PURPOSES

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### Schedule 1 – 4.2

#### Schedule 1 - 4.2 Principle 2 – Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

#### 4.2.1 - The organization shall document the purposes for which personal information is collected in order to comply with the Openness principle (Clause 4.8) and the

1. **Sections 13.1.a, 13.4**
2. **Sections 13.1.a, 13.4**
   13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that individual in writing or orally (a) as to the purposes for which the information is collected, and (b) of the name of a person who is able to answer on behalf of the organization the individual’s questions about the collection.
   
   (2) Before or at the time personal information about an individual is

3. **Sections 10.1.a, 10.3, 13.3**
4. **Sections 10.1.a, 10.3**
   10 (1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing (a) the purposes for the collection of the information, and (b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

5. **Sections 4, 8**

6. **Civil Code of Québec Section 37**

7. **Section 4**
   4. Any person carrying on an enterprise who may, for a serious and legitimate reason, establish a file on another person must, when establishing the file, enter its object.

8. **Section 8**
   8. A person who collects personal information from the person concerned must, when establishing a file on that person, inform him
### Individual Access principle (Clause 4.9)

**4.2.2** - Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfill these purposes. The Limiting Collection principle (Clause 4.4) requires an organization to collect only that information necessary for the purposes that have been identified.

**4.2.3** - The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes.

**4.2.4** - When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose. For an elaboration on consent, please refer to the Consent

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<td>(3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization that is disclosing the personal information to make a determination as to whether that disclosure would be in accordance with this Act.</td>
<td>13 (1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.</td>
<td>37. Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or damage the reputation of the person concerned.</td>
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<td><strong>4.2.3</strong> - The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes.</td>
<td>(3) This section does not apply to a collection described in section 8 (1) or (2).</td>
<td>2) An organization may not collect employee personal information without the consent of the individual unless (a) section 12 allows the collection of the employee personal information without consent, or (b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.</td>
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principle (Clause 4.3).

4.2.5 - Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.

4.2.6 - This principle is linked closely to the Limiting Collection principle (Clause 4.4) and the Limiting Use, Disclosure, and Retention principle (Clause 4.5).

employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.
## Consent

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### Schedule 1 – 4.3

**Collection, use, or disclosure without consent and/or knowledge - section 7**

- **Sections 7, 8, 9, 10, 12, 14, 15, 17, 18, 20, 21, 22**
- **Personal Information Protection Act Regulation Sections 7, 12, 14, 19**
- **Section 7**
  - **7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, (a) collect that information unless the individual consents to the collection of that information, (b) collect that information from a source other than the individual unless the individual consents to the**
  - **Section 6**
  - **6 (1) An organization must not (a) collect personal information about an individual, (b) use personal information about an individual, or (c) disclose personal information about an individual.**
  - **(2) Subsection (1) does not apply if (a) the individual gives consent to the**

### Schedule 1 – 4.3 Principle 3 -- Consent

- The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where
- **Sections 6, 7, 8, 9, 12, 13, 15, 16, 18, 19, 20.2, 20.3, 20.4, 20.5, 21, 22**
- **Civil Code of Québec Sections 35, 37**
- **Section 6**
  - 6. Any person collecting personal information relating to another person may collect such information only from the person concerned, unless the latter consents to collection from third persons. However, he may, without the consent of the person concerned, collect such information from a third person if the law so authorizes. He may also do so if he has a serious
Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct-marketing firm that wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information.

4.3.1 - Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at collection of that information from the other source, (c) use that information unless the individual consents to the use of that information, or (d) disclose that information unless the individual consents to the disclosure of that information.

(2) An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.

(3) An individual may give a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.

Section 8
8(1) An individual may give his or her consent in writing or orally to the collection, use or disclosure of personal information about the individual.

(2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an

Section 7
7 (1) An individual has not given consent under this Act to an organization unless
(a) the organization has provided the individual with the information required under section 10 (1), and
(b) the individual's consent is provided in accordance with this Act.

(2) An organization must not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product or service.

(3) If an organization attempts to obtain consent for collecting, using or disclosing personal information by
(a) providing false or misleading information respecting the collection, use or disclosure of the information, or
(b) using deceptive or misleading practices
any consent provided in those and legitimate reason and either of the following conditions is fulfilled:
1) the information is collected in the interest of the person concerned and cannot be collected from him in due time;
2) collection from a third person is necessary to ensure the accuracy of the information.

Section 9
9. No person may refuse to respond to a request for goods or services or to a request relating to employment by reason of the applicant's refusal to disclose personal information except where
1) collection of that information is necessary for the conclusion or performance of a contract;
2) collection of that information is authorized by law; or
3) there are reasonable grounds to believe that the request is not lawful.

In case of doubt, personal information is deemed to be non-necessary.

Section 12
12. Once the object of a file has been achieved, no information contained in it may be used otherwise than with
the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).

4.3.2 - The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

4.3.3 - An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified, and legitimate purposes.

4.3.4 - The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, organizations shall take into account the sensitivity of the organization for a particular purpose if

(a) the individual, without actually giving a consent referred to in subsection (1), voluntarily provides the information to the organization for that purpose, and
(b) it is reasonable that a person would voluntarily provide that information.

(3) Notwithstanding section 7(1), an organization may collect, use or disclose personal information about an individual for particular purposes if

(a) the organization (i) provides the individual with a notice, in a form that the individual can reasonably be expected to understand, that the organization intends to collect, use or disclose personal information about the individual for those purposes, and (ii) with respect to that notice, gives the individual a reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes,
(b) the individual does not, within a reasonable time, give to the organization a response to that notice declining or objecting to the proposed collection, use or disclosure, and
(c) having regard to the level of the circumstances is not validly given.

Section 8
8 (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if
(a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and
(b) the individual voluntarily provides the personal information to the organization for that purpose.

(2) An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her enrollment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she (a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and
(b) is not the applicant for the plan, policy or contract.

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if

(a) the organization provides the individual with a notice, in a form the individual can reasonably be expected to understand, that it intends to collect, use or disclose the individual's personal information for the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation.

Section 13
13. No person may communicate to a third person the personal information contained in a file he holds on another person, or use it for purposes not relevant to the object of the file, unless the person concerned consents thereto or such communication or use is provided for by this Act.

Section 14
14. Consent to the communication or use of personal information must be manifest, free, and enlightened, and must be given for specific purposes. Such consent is valid only for the length of time needed to achieve the purposes for which it was requested. Consent given otherwise than in accordance with the first paragraph is without effect.

Section 15
15. Consent to the communication of personal information by a third person may be given by the person concerned to the person who collects the information for the third person.

Section 17
17. Every person carrying on an enterprise in Québec who
information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context. For example, the names and addresses of subscribers to a newsmagazine would generally not be considered sensitive information. However, the names and addresses of subscribers to some special-interest magazines might be considered sensitive.

4.3.5 - In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual buying a subscription to a magazine should reasonably expect that the organization, in addition to using the individual's name and address for mailing and billing purposes, would also contact the person to solicit the renewal of the subscription. In this case, the organization can assume that the individual's request constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to a health-care professional would be given to a company selling health-care products, unless consent were obtained. Consent shall not be obtained through deception.

<table>
<thead>
<tr>
<th>Section 9</th>
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<tr>
<td>9(1) Subject to subsection (5), on giving reasonable notice to an organization, an individual may at any time withdraw or vary consent to the collection, use or disclosure by the organization of personal information about the individual.</td>
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<tr>
<td>9(2) On receipt of notice referred to in subsection (1), an organization must, subject to subsection (3), inform the individual of the likely consequences to the individual of withdrawing or those purposes,</td>
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<td>(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,</td>
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<td>(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and</td>
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<tr>
<td>(d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.</td>
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<tr>
<td>9(3) Subsections (2) and (3) are not to be construed so as to authorize an organization to collect, use or disclose personal information for any purpose other than the particular purposes for which the information was collected.</td>
</tr>
<tr>
<td>9(4) Consent in writing may be given or otherwise transmitted by electronic means to an organization if the organization receiving that transmittal produces or is able at any time to produce a printed copy or image or a reproduction of the consent in paper form.</td>
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</tr>
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Section 9

9 (1) Subject to subsections (5) and (6), on giving reasonable notice to the organization, an individual may withdraw consent to the collection, use or disclosure of personal information about the individual at any time. |

18. A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file he holds on that person for purposes of the prosecution of an

1) to his attorney; |

2) to the Attorney General if the information is required for the purposes of the prosecution of an
4.3.6 - The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).

4.3.7 - Individuals can give consent in many ways. For example:

(a) an application form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses;

(b) a check off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;

(c) consent may be given orally when information is collected over the varying the consent.

(3) An organization is not required to inform an individual under subsection (2) if the likely consequences of withdrawing or varying the consent would be reasonably obvious to the individual.

(4) Except where the collection, use or disclosure of personal information without consent of the individual is permitted under this Act, if an individual withdraws or varies a consent to the collection, use or disclosure of personal information about the individual by an organization, the organization must, (a) in the case of the withdrawal of a consent, stop collecting, using or disclosing the information, and (b) in the case of a variation of a consent, abide by the consent as varied.

(5) If withdrawing or varying a consent would frustrate the performance of a legal obligation, any withdrawal or variation of the consent does not, unless otherwise agreed to by the parties who are subject to the legal obligation, operate to the extent that the withdrawal or variation would frustrate the performance of the legal obligation owed between those

(3) An organization must not prohibit an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the individual.

(4) Subject to section 35, if an individual withdraws consent to the collection, use or disclosure of personal information by an organization, the organization must stop collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without consent under this Act.

(5) An individual may not withdraw consent if withdrawing the consent would frustrate the performance of a legal obligation.

(6) An individual may not withdraw a consent given to a credit reporting agency in the circumstances described in section 12 (1) (g) or 15 (1) (g).

Section 12
12 (1) An organization may collect personal information about an individual without consent or from a source other than the individual, if (a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way, (b) the collection is necessary for the offence under an Act applicable in Québec;

3) to a person responsible, by law, for the prevention, detection or repression of crime or statutory offences who requires it in the performance of his duties, if the information is needed for the prosecution of an offence under an Act applicable in Québec;

4) to a person to whom it is necessary to communicate the information under the law or a collective agreement, who requires it in the performance of his duties;

5) to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) which, through a representative, collects such information in the exercise of its functions or the implementation of a program under its management;

6) An individual may not withdraw a consent given to a credit reporting agency in the circumstances described in section 12 (1) (g) or 15 (1) (g).

6) to a person or body having the power to compel communication of the information if he or it requires it in the exercise of his or its duties or functions;

7) to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety
telephone; or

(d) consent may be given at the time that individuals use a product or service.

4.3.8 - An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The organization shall inform the individual of the implications of such withdrawal.

Section 7. (1) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may collect personal information without the knowledge or consent of the individual only if

(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;

(b) it is reasonable to expect that the collection with the knowledge or consent of the individual would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;

(c) the collection is solely for parties.

(6) A withdrawal or variation of a consent by an individual may be given to an organization in the same manner as a consent may be given.

(7) An individual may, subject to this section, withdraw or vary a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.

(8) Nothing in this section is to be construed so as to empower
(a) an individual, as part of the withdrawal or variation of a consent, to impose an obligation or a liability on an organization unless the organization agrees otherwise, or
(b) an organization, as part of the withdrawal or variation of a consent, to impose an obligation or liability on an individual unless the individual agrees otherwise.

Section 10
10. If an organization obtains or attempts to obtain consent to the collection, use or disclosure of personal information by
(a) providing false or misleading information respecting the collection, use or disclosure of the information,
(b) the collection is required or authorized by law,
medical treatment of the individual and the individual is unable to give consent,
(c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,
(d) the personal information is collected by observation at a performance, a sports meet or a similar event
(i) at which the individual voluntarily appears, and
(ii) that is open to the public,
(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
(f) the collection is necessary to determine the individual's suitability (i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or
(ii) to be selected for an athletic or artistic purpose,
(g) the organization is a credit reporting agency that collects the personal information to create a credit report and the individual consents at the time the original collection takes place to the disclosure for this purpose,
(h) the collection is required or authorized by law,
of the person concerned;

8) to a person who is authorized to use the information for study, research or statistical purposes in accordance with section 21 or a person authorized pursuant to section 21.1;

9) to a person who is authorized by law to recover debts on behalf of others and who requires it in the performance of his duties;

10) to a person in accordance with section 22, in the case of a nominative list.

A person carrying on an enterprise must make an entry of every communication made under subparagraphs 6 to 10 of the first paragraph. The entry is part of the file.

The persons referred to in subparagraphs 1 and 9 of the first paragraph who receive communication of information may communicate the information to the extent that such communication is necessary, in the performance of their duties, to achieve the purposes for which they received communication of the information.

A detective or security agency
journalistic, artistic or literary purposes;

(d) the information is publicly available and is specified by the regulations; or

(e) the collection is made for the purpose of making a disclosure

(i) under subparagraph (3)(c.1)(i) or (d)(ii), or

(ii) that is required by law.

(2) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may, without the knowledge or consent of the individual, use personal information only if

(a) in the course of its activities, the organization becomes aware of information that it has reasonable grounds to believe could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the purpose of investigating that contravention;

or

(b) using deceptive or misleading practices, any consent provided or obtained under those circumstances is negated.

Section 12

12. An organization may without the consent of the individual collect personal information about an individual from a source other than that individual if the information that is to be collected is information that may be collected without the consent of the individual under section 14, 15 or 22.

Section 14

14. An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable:

(a) a reasonable person would consider that the collection of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(b) the collection of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the collection;

(c) the collection of the information is from a public body and that public

(i) the information was disclosed to the organization under sections 18 to 22, or

(j) the personal information is necessary to facilitate

(i) the collection of a debt owed to the organization, or

(ii) the payment of a debt owed by the organization.

(2) An organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if

(a) the individual previously consented to the collection of the personal information by the other organization, and

(b) the personal information is disclosed to or collected by the organization solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist that organization to carry out work on behalf of the other organization.

Section 13

13 (1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.

(2) An organization may not collect employee personal information

holding a permit issued under the Act respecting detective or security agencies (chapter A-8), or a body having as its object the prevention, detection or repression of crime or statutory offences and a person carrying on an enterprise may, without the consent of the person concerned, communicate among themselves the information needed for conducting an inquiry for the purpose of preventing, detecting or repressing a crime or a statutory offence. The same applies in respect of information communicated among persons carrying on an enterprise, if the person who communicates or collects such information has reasonable grounds to believe that the person concerned has committed, or is about to commit, a crime or statutory offence against one or other of the persons carrying on an enterprise.

Section 20

20. In the carrying on of an enterprise, authorized employees, mandataries or agents may have access to personal information without the consent of the person concerned only if the information is needed for the performance of their duties or the execution of their mandates.

Section 21

21. The Commission d'accès à l'information, established by section
(b) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;

c) it is used for statistical, or scholarly study or research, purposes that cannot be achieved without using the information, the information is used in a manner that will ensure its confidentiality, it is impracticable to obtain consent and the organization informs the Commissioner of the use before the information is used;

c.1) it is publicly available and is specified by the regulations; or

d) it was collected under paragraph (1)(a), (b) or (e).

(3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is

(a) made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or solicitor who is representing the organization;

(b) body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;

d) the collection of the information is reasonable for the purposes of an investigation or a legal proceeding;

e) the information is publicly available;

(f) the collection of the information is necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;

g) the information is collected by a credit reporting organization to create a credit report where the individual consented to the disclosure to the credit reporting organization by the organization that originally collected the information;

(h) the information may be disclosed to the organization without the consent of the individual under section 20;

(i) the information is necessary in order to collect a debt owed to the organization or for the organization to repay the individual money owed by the organization;

(j) the organization collecting the information is an archival institution and the collection of the information is reasonable for archival purposes or research;

(k) the collection of the information without the consent of the individual unless

(a) section 12 allows the collection of the employee personal information without consent, or

(b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be collecting employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.

103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that

1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;

2) the information will be used in a manner that will ensure its confidentiality.

Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.

Section 15
15 (1) An organization may use personal information about an individual without the consent of the individual, if

(a) the use is clearly in the interests of the individual and consent cannot be obtained in a timely way,

(b) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,
(b) for the purpose of collecting a debt owed by the individual to the organization;

(c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;

(c.1) made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that

(i) it suspects that the information relates to national security, the defense of Canada or the conduct of international affairs,

(ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or

(iii) the disclosure is requested for the purpose of administering any law of

meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.

Section 15
15(1) Notwithstanding anything in this Act other than subsection (2), an organization may collect personal employee information about an individual without the consent of the individual if

(a) the individual is an employee of the organization, or

(b) the collection of the information is for the purpose of recruiting a potential employee.

(2) An organization shall not collect personal information about an individual under subsection (1) without the consent of the individual unless

(a) the collection is reasonable for the purposes for which the information is being collected,

(b) the information consists only of information that is related to the employment or volunteer work relationship of the individual, and

(c) in the case of an individual who is an employee of the organization, the organization has, before collecting the information, provided the individual with reasonable notification that the

(c) it is reasonable to expect that the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or a proceeding,

(d) the personal information is collected by observation at a performance, a sports meet or a similar event

(i) at which the individual voluntarily appears, and

(ii) that is open to the public,

(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,

(f) the use is necessary to determine suitability

(i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or

(ii) to be selected for an athletic or artistic purpose,

(g) the personal information is used by a credit reporting agency to create a credit report if the individual consented to the disclosure for this purpose,

(h) the use is required or authorized by law,

(i) the personal information was disclosed to the organization under sections 18 to 22,

(j) the personal information is needed to facilitate

(i) the collection of a debt owed to the

used to establish such a list to a third person, if

1) the communication is made pursuant to a contract that includes a stipulation prohibiting the third person from using or communicating the list or the information for purposes other than commercial or philanthropic prospection;

2) prior to the communication, in cases where the list is a nominative list of the person's clients, members or employees, the persons concerned are given a valid opportunity to refuse that the information be used by a third person for purposes of commercial or philanthropic prospection; and

3) the communication does not infringe upon the privacy of the persons concerned.

A nominative list is a list of the names, addresses or telephone numbers of natural persons.

Section 23
23. A person carrying on an enterprise may, without the consent of the persons concerned, use, for purposes of commercial or philanthropic prospection, a nominative list of his clients, members or employees.

Every person using such a list for
Canada or a province;

(c.2) made to the government institution mentioned in section 7 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act as required by that section;

*(c.2) made to the government institution mentioned in section 7 of the Proceeds of Crime (Money Laundering) Act as required by that section;

*[Note: Paragraph 7(3)(c.2), as enacted by paragraph 97(1)(a) of chapter 17 of the Statutes of Canada, 2000, will be repealed at a later date.]*

(d) it was collected under paragraph (1)(a), (b) or (e).

(e) made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;

(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the information, it is impracticable to obtain consent and the organization

information is going to be collected and of the purposes for which the information is going to be collected.

(3) An organization may disclose personal employee information about an individual without the consent of the individual where that information is being disclosed to an organization that is collecting that information under subsection (1).

(4) Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to collect personal information under section 14.

Section 17

17. An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

(a) a reasonable person would consider that the use of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(b) the use of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the use;

organization, or

(ii) the payment of a debt owed by the organization,

(k) a credit reporting agency is permitted to collect the personal information without consent under section 12 and the information is not used by the credit reporting agency for any purpose other than to create a credit report, or

(l) the use is necessary to respond to an emergency that threatens the life health or security of an individual.

(2) An organization may use personal information collected from or on behalf of another organization without the consent of the individual to whom the information relates, if

(a) the individual consented to the use of the personal information by the other organization, and

(b) the personal information is used by the organization solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist that organization to carry out work on behalf of the other organization.

Section 18

18. (1) Subject to subsection (2), an organization may use customer personal information without the consent of the individual.

such purposes must grant the persons concerned a valid opportunity to refuse that the information concerning them be used for such purposes.

Section 24

24. Every person who, on the basis of a nominative list, engages in commercial or philanthropic prospection through postal or telecommunications channels, must identify himself and inform the person to whom he is addressing himself of the latter's right to have the personal information concerning him deleted from the list that he holds.

Section 25

25. Any person wishing to have personal information concerning him deleted from a nominative list may, at any time, by means of a request made orally or in writing to any person holding or using the list, obtain that the information be deleted.

Section 31

31. The spouse and the direct ascendants or descendants of a deceased person are entitled to receive, in accordance with the procedure provided for in section 30, communication of information relating to the cause of death contained in the person's medical file, unless the deceased person recorded in writing, in his file, his refusal to
informs the Commissioner of the disclosure before the information is disclosed;

(g) made to an institution whose functions include the conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation;

(h) made after the earlier of

(i) one hundred years after the record containing the information was created, and

(ii) twenty years after the death of the individual whom the information is about;

(h.1) of information that is publicly available and is specified by the regulations;

(h.2) made by an investigative body and the disclosure is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or

(i) required by law.

(4) Despite clause 4.5 of Schedule 1,

| (c) the information was collected by the organization from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization; |
| (d) the use of the information is reasonable for the purposes of an investigation or a legal proceeding; |
| (e) the information is publicly available; |
| (f) the use of the information is necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary; |
| (g) a credit reporting organization was permitted to collect the information under section 14(g) and the information is not used by the credit reporting organization for any purpose other than to create a credit report; |
| (h) the information may be disclosed by an organization without the consent of the individual under section 20; |
| (i) the use of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public; |
| (j) the use of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization; |
| (2) An organization may not use employee personal information without the consent of the individual unless |
| (a) section 15 allows the use of the employee personal information without consent, or |
| (b) the use is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual. |
| (3) An organization must notify an individual that it will be using employee personal information about the individual and the purposes for the use before the organization uses the employee personal information without the consent of the individual. |
| (4) Subsection (3) does not apply to employee personal information if section 15 allows it to be used without the consent of the individual. |

Section 18
18 (1) An organization may only disclose personal information about an individual without the consent of the individual, if

(a) the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way,

(b) the disclosure is necessary for the medical treatment of the individual and the individual does not have the

grant such right of access.

Notwithstanding the first paragraph, the blood relatives of a deceased person are entitled to receive communication of the information contained in that person's medical file to the extent that such communication is necessary to ascertain the existence of a genetic or family disease.

Section 40
40. Any person carrying on an enterprise who holds a file on another person must refuse to give communication of personal information to a person to whom it relates where disclosure would be likely to reveal personal information about a third person or the existence of such information and the disclosure may seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

Civil Code of Québec
Section 35
Every person has a right to the respect of his reputation and privacy.

No one may invade the privacy of a person without the consent of the person unless authorization by law.

Section 37
an organization may use personal
information for purposes other than
those for which it was collected in
any of the circumstances set out in
subsection (2).

(5) Despite clause 4.5 of Schedule 1,
an organization may disclose personal
information for purposes other than
those for which it was collected in
any of the circumstances set out in
paragraphs (3)(a) to (h.2).

2000, c. 5, s. 7, c. 17, s. 97; 2001, c.
41, s. 81; 2004, c. 15, s. 98.

S.O.R./2001-6. 1. The following
investigative bodies are specified, by
name or by class, for the purposes of
paragraphs 7(3)(d) and (h.2) of the
Personal Information Protection and
Electronic Documents Act:

(a) the Insurance Crime Prevention
Bureau, a division of the Insurance
Council of Canada; and

(b) the Bank Crime Prevention and
Investigation Office of the Canadian
Bankers Association.

S.O.R./2001-7. 1. The following
information and classes of
information are specified for the
purposes of paragraphs 7(1)(d),
(k) the organization using the
information is an archival institution
and the use of the information is
reasonable for archival purposes or
research;
(l) the use of the information meets
the requirements respecting archival
purposes or research set out in the
regulations and it is not reasonable to
obtain the consent of the individual
whom the information is about.

Section 18
18(1) Notwithstanding anything in
this Act other than subsection (2), an
organization may use personal
employee information about an
individual without the consent of the
individual if
(a) the individual is an employee of
the organization, or
(b) the use of the information is for
the purpose of recruiting a potential
employee.

(2) An organization shall not use
personal information about an
individual under subsection (1)
without the consent of the individual
unless
(a) the use is reasonable for the
purposes for which the information is
being used,
(b) the information consists only of
information that is related to the
employment or volunteer work
relationship of the individual, and
legal capacity to give consent,
(c) it is reasonable to expect that the
disclosure with the consent of the
individual would compromise an
investigation or proceeding and the
disclosure is reasonable for purposes
related to an investigation or a
proceeding,
(d) the personal information is
collected by observation at a
performance, a sports meet or a
similar event
(i) at which the individual voluntarily
appears, and
(ii) that is open to the public,
(e) the personal information is
available to the public from a source
prescribed for the purposes of this
paragraph,
(f) the disclosure is necessary to
determine suitability
(i) to receive an honour, award or
similar benefit, including an honorary
degree, scholarship or bursary, or
(ii) to be selected for an athletic or
artistic purpose,
(g) the disclosure is necessary in order
to collect a debt owed to the
organization or for the organization to
repay an individual money owed to
them by the organization,
(h) the personal information is
disclosed in accordance with a
provision of a treaty that
(i) authorizes or requires its
disclosure, and
(ii) is made under an enactment of

Every person who establishes a file on
another person shall have a serious
and legitimate reason for doing so. He
may gather only information which is
relevant to the stated objective of the
file, and may not, without the consent
of the person concerned or
authorization by law, communicate
such information to third persons or
use it for purposes that are
inconsistent with the purposes for
which the file was established. In
addition, he may not, when
establishing or using the file,
otherwise invade the privacy or
damage the reputation of the person
concerned.
(2)(c.1) and (3)(h.1) of the Personal Information Protection and Electronic Documents Act:

(a) personal information consisting of the name, address and telephone number of a subscriber that appears in a telephone directory that is available to the public, where the subscriber can refuse to have the personal information appear in the directory;

(b) personal information including the name, title, address and telephone number of an individual that appears in a professional or business directory, listing or notice, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the directory, listing or notice;

(c) personal information that appears in a registry collected under a statutory authority and to which a right of public access is authorized by law, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the registry;

(d) personal information that appears in a record or document of a judicial act, and

(e) in the case of an individual who is an employee of the organization, the organization has, before using the information, provided the individual with reasonable notification that the information is going to be used and of the purposes for which the information is going to be used.

(3) Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to use personal information under section 17.

Section 20
20. An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

(a) a reasonable person would consider that the disclosure of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(b) the disclosure of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the disclosure;

(c) the disclosure of the information is to a public body and that public body is authorized or required by an enactment of Alberta or Canada to

British Columbia or Canada, and

(i) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information,

(j) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation,

(i) to determine whether the offence has taken place, or

(ii) to prepare for the laying of a charge or the prosecution of the offence,

(k) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates, and notice is not acknowledged in a timely way;

(l) the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual,

(m) the disclosure is to a lawyer who is representing the organization,

(n) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes,

(o) the disclosure is required or authorized by law, or

(p) the disclosure is in the public interest.
or quasi-judicial body, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the record or document; and

(e) personal information that appears in a publication, including a magazine, book or newspaper, in printed or electronic form, that is available to the public, where the individual has provided the information.

collect the information from the organization;
(d) the disclosure of the information is in accordance with a provision of a treaty that
(i) authorizes or requires its disclosure, and
(ii) is made under an enactment of Alberta or Canada;
(e) the disclosure of the information is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information;
(f) the disclosure of the information is to a public body or a law enforcement agency in Canada to assist in an investigation
(i) undertaken with a view to a law enforcement proceeding, or
(ii) from which a law enforcement proceeding is likely to result;
(g) the disclosure of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;
(h) the disclosure of the information is for the purposes of contacting the next of kin or a friend of an injured, ill or deceased individual;
(i) the disclosure of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual
(p) the disclosure is in accordance with sections 19 to 22.

(2) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if
(a) the individual consented to the collection of the personal information by the organization, and
(b) the personal information is disclosed to the other organization solely
(i) for the purposes for which the information was previously collected, and
(ii) to assist the other organization to carry out work on behalf of the first organization.

(3) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if the organization was authorized by section 12 (2) to collect the personal information from or on behalf of the other organization.

Section 19
19 (1) Subject to subsection (2), an organization may disclose employee personal information without the consent of the individual.
money owed by the organization;
(j) the information is publicly available;
(k) the disclosure of the information is to the surviving spouse or adult interdependent partner or to a relative of a deceased individual if, in the opinion of the organization, the disclosure is reasonable;
(l) the disclosure of the information is necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;
(m) the disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding;
(n) the disclosure of the information is for the purposes of protecting against, or for the prevention, detection or suppression of, fraud, market manipulation or unfair trading practices and the organization that is disclosing the information or to which the information is being disclosed is permitted or otherwise empowered or recognized under an enactment of Alberta or Canada or of another province of Canada to carry out any of those purposes;
(o) the organization is a credit reporting organization and is permitted to disclose the information under Part 5 of the Fair Trading Act;
(p) the organization disclosing the information is an archival institution

(2) An organization may not disclose employee personal information without the consent of the individual unless
(a) section 18 allows the disclosure of the employee personal information without consent, or
(b) the disclosure is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be disclosing employee personal information about the individual and the purposes for the disclosure before the organization discloses employee personal information about the individual without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 18 allows it to be disclosed without the consent of the individual.

Sections 20.2, 20.3, 20.4, 20.5
20 (1) In this section:
"business transaction" means the purchase, sale, lease, merger or amalgamation or any other type of acquisition, disposal or financing of an organization or a portion of an organization or of any of the business or assets of an organization;
"party" means a person or another
and the disclosure of the information is reasonable for archival purposes or research;
(q) the disclosure of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.

Section 21
21(1) Notwithstanding anything in this Act other than subsection (2), an organization may disclose personal employee information about an individual without the consent of the individual if
(a) the individual is or was an employee of the organization, or
(b) the disclosure of the information is for the purpose of recruiting a potential employee.

(2) An organization shall not disclose personal information about an individual under subsection (1) without the consent of the individual unless
(a) the disclosure is reasonable for the purposes for which the information is being disclosed,
(b) the information consists only of information that is related to the employment or volunteer work relationship of the individual, and
(c) in the case of an individual who is

organization that proceeds with the business transaction.

(2) An organization may disclose personal information about its employees, customers, directors, officers or shareholders without their consent, to a prospective party, if
(a) the personal information is necessary for the prospective party to determine whether to proceed with the business transaction, and
(b) the organization and prospective party have entered into an agreement that requires the prospective party to use or disclose the personal information solely for purposes related to the prospective business transaction.

(3) If an organization proceeds with a business transaction, the organization may disclose, without consent, personal information of employees, customers, directors, officers and shareholders of the organization to a party on condition that
(a) the party must only use or disclose the personal information for the same purposes for which it was collected, used or disclosed by the organization,
(b) the disclosure is only of personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction, and
(c) the employees, customers,
an employee of the organization, the organization has, before disclosing the information, provided the individual with reasonable notification that the information is going to be disclosed and of the purposes for which the information is going to be disclosed.

(3) Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to disclose personal information under section 20.

Section 22
22(1) In this section,
(a) “business transaction” means a transaction consisting of the purchase, sale, lease, merger or amalgamation or any other type of acquisition or disposal of, or the taking of a security interest in respect of, an organization or a portion of an organization or any business or activity or business asset of an organization and includes a prospective transaction of such a nature;
(b) “party” includes a prospective party.

(2) Notwithstanding anything in this Act other than this section, an organization may, for the purposes of a business transaction between itself and one or more other organizations, collect, use and disclose personal directors, officers and shareholders whose personal information is disclosed are notified that
(i) the business transaction has taken place, and
(ii) the personal information about them has been disclosed to the party.

(4) A prospective party may collect and use personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (2) if the prospective party complies with the conditions applicable to that prospective party under that subsection.

(5) A party may collect, use and disclose personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (3) if the party complies with the conditions applicable to that party under that subsection.

(6) If a business transaction does not proceed or is not completed, a prospective party must destroy or return to the organization any personal information the prospective party collected under subsection (2) about the employees, customers, directors, officers and shareholders of
information in accordance with this section.

(3) Organizations that are parties to a business transaction may, (a) during the period leading up to and including the completion, if any, of the business transaction, collect, use and disclose personal information about individuals without the consent of the individuals if (i) the parties have entered into an agreement under which the collection, use and disclosure of the information is restricted to those purposes that relate to the business transaction, and (ii) the information relates solely to the carrying on of the business or activity or the carrying out of the objects for which the business transaction took place.

(4) If a business transaction does not proceed or is not completed, the party to whom the personal information was disclosed must, if the information is still in the custody of or under the control of the organization.

(7) This section does not authorize an organization to disclose personal information to a party or prospective party for purposes of a business transaction that does not involve substantial assets of the organization other than this personal information.

(8) A party or prospective party is not authorized by this section to collect, use or disclose personal information that an organization disclosed to it in contravention of subsection (7).

Section 21
21 (1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if (a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form, (b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research, (c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,
control of that party, either destroy the information or turn it over to the party that disclosed the information.

(5) Nothing in this section is to be construed so as to restrict a party to a business transaction from obtaining consent of an individual to the collection, use or disclosure of personal information about the individual for purposes that are beyond the purposes for which the party obtained the information under this section.

(6) This section does not apply to a business transaction where the primary purpose, objective or result of the transaction is the purchase, sale, lease, transfer, disposal or disclosure of personal information.

**Personal Information Protection Act Regulation**

**Section 7**

7. For the purposes of sections 14(e), 17(e) and 20(j) of the Act, personal information does not come within the meaning of “the information is publicly available” except in the following circumstances:

(a) the personal information is contained in a telephone directory but only if
   (i) the information consists of the

(d) the organization to which the personal information is to be disclosed has signed an agreement to comply with the following:
   (i) this Act;
   (ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information;
   (iii) security and confidentiality conditions;
   (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;
   (v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and
   (e) it is impracticable for the organization to seek the consent of the individual for the disclosure.

(2) Subsection (1) does not authorize an organization to disclose personal information for market research purposes.

**Section 22**

22 An organization may disclose, without the consent of the individual, personal information for archival or historical purposes if

(a) a reasonable person would not
(a) the name, address, telephone number of a subscriber to the directory, (ii) the directory is available to the public, and (iii) the subscriber can refuse to have the personal information appear in the directory; (b) the personal information, including, but not limited to, the name, title, address, telephone number and e-mail address of an individual, is contained in a professional or business directory, listing or notice but only if (i) the directory, listing or notice is available to the public, and (ii) the collection, use or disclosure of the personal information relates directly to the purpose for which the information appears in the directory, listing or notice; (c) the personal information is contained in a registry that is (i) a Government registry, or (ii) a non-governmental registry, but only if the collection, use or disclosure of the information relates directly to the purpose for which the information appears in the registry and that purpose is an established purpose of the registry; (d) the personal information is contained in a record of a quasi-judicial body but only if (i) the record is available to the public, and (ii) the collection, use or disclosure of consider the personal information to be too sensitive to the individual to be disclosed at the proposed time, (b) the disclosure is for historical research and is in accordance with section 21, (c) the information is about someone who has been dead for 20 or more years, or (d) the information is in a record that has been in existence for 100 or more years.

**Personal Information Protection Act Regulations**

**Section 6**

6 (1) Subject to subsection (2), the following are sources of information available to the public, which are prescribed for the purposes of sections 12 (1) (e), 15 (1) (e) and 18 (1) (e) of the Act: (a) the name, address, telephone number and other personal information of a subscriber that appears in a telephone directory or is available through Directory Assistance if (i) the directory or the directory assistance service is available to the public, and (ii) the subscriber is permitted to refuse to have his or her personal information included in the directory or made available by directory assistance;
the information relates directly to the purpose for which the information appears in the record;
(e) the personal information is contained in a publication, including, but not limited to, a magazine, book or newspaper, whether in printed or electronic form, but only if
(i) the publication is available to the public, and
(ii) it is reasonable to assume that the individual that the information is about provided that information;
(f) personal information that is under the control of an organization and that has been collected from outside of Alberta, that if collected from within Alberta would have been collected under the authority of clause (a), (b), (c), (d) or (e), or any 2 or more of those clauses.

Section 12
12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.

(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose.

(b) personal information of an individual that appears in a professional or business directory, listing or notice that is available to the public, if the individual is permitted to refuse to have his or her personal information included in the directory;
(c) personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the authority of an enactment, the laws of the government of Canada or a province or the bylaws of a municipality or other similar local authority in Canada;
(d) personal information that appears in a printed or electronic publication that is available to the public, including a magazine, book or newspaper in printed or electronic form.

(2) An organization must not collect, use or disclose personal information about an individual from a source referred to in subsection (1) (d) if
(a) a court has prohibited the publication or the continued publication of that personal information by the source, or
(b) the commissioner has made an order stating that the personal information from the source has been published contrary to the Act.
but only if (a) in the case of individually identifiable information, the disclosure is necessary for the research purpose, (b) the disclosure is not harmful to the individual concerned, (c) the research purpose is not contrary to the purposes and intent of the Act, and (d) either (i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or (ii) the information is disclosed under a research agreement.

(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following: (a) to use the information only for the research purpose; (b) to make reasonable security arrangements to protect the information; (c) to maintain the confidentiality of the information; (d) to not contact any individual to whom the information relates; (e) to remove or destroy, at the earliest reasonable time, individual identifiers; (f) to not disclose the information in individually identifiable form;
(g) to notify the archival institution immediately of a breach of the agreement.

Section 14
14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the acquisition of records of historical importance for transfer to an archival institution, and (b) the preparation of organizational records for archival appraisal and transfer to an archival institution.

(2) An organization that is not an archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the obtaining of an archival appraisal of the organization’s record, and (b) the transferring of custody and control of the organization’s records to an archival institution.

(3) An organization that is not an archival institution may, under a research agreement, disclose personal
information about an individual without the consent of the individual but only if
(a) the person to whom the information is to be disclosed agrees to comply with the same requirements as those established in respect of archival institutions under section 12(3),
(b) the research has been approved by a recognized research ethics review committee, and
(c) the researcher has agreed to any additional conditions imposed by the ethics review committee.

**Section 19**
19. Without restricting the generality of sections 14(b), 17(b) or 20(b) of the Act, an organization may collect, use and disclose personal information about an individual without the consent of the individual in the following circumstances:
(a) the collection, use or disclosure is necessary to comply with a collective agreement referred to in section 128 of the Labour Relations Code;
(b) the collection, use or disclosure is necessary to comply with an audit or inspection of or by the organization where the audit or inspection is authorized or required by a statute of Alberta or Canada, an Alberta regulation or a Canada regulation;
(c) the collection of personal information is authorized or required
by a statute of Alberta or an Alberta regulation and the method of collection is by way of a form approved or otherwise provided for under that statute or regulation.
Fair Information Practices – A comparative analysis of federal and provincial legislation

**LIMITING COLLECTION**

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**Schedule 1 – 4.4**

**Section 5.3**

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

4.4.1 - Organizations shall not collect personal information indiscriminately. Both the amount and the type of

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<tr>
<td><strong>Section 5.5</strong></td>
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<tr>
<td>5(1) An organization is responsible for personal information that is in its custody or under its control.</td>
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<tr>
<td>(2) For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those services, responsible for that person’s</td>
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**Sections 6, 8.3, 8.4, 11, 12, 13, 20.4, 20.5, 20.8**

| **Section 5** |
| 6(1) An organization must not (a) collect personal information about an individual, (b) use personal information about an individual, or (c) disclose personal information about an individual. |
| (2) Subsection (1) does not apply if (a) the individual gives consent to the collection, use or disclosure, (b) this Act authorizes the collection, use or disclosure without the consent |
| **Section 5** |
| 5. Any person collecting personal information to establish a file on another person or to record personal information in such a file may collect only the information necessary for the object of the file. |
| Such information must be collected by lawful means. |
information collected shall be limited to that which is necessary to fulfill the purposes identified. Organizations shall specify the type of information collected as part of their information-handling policies and practices, in accordance with the Openness principle (Clause 4.8).

4.4.2 - The requirement that personal information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

4.4.3 - This principle is linked closely to the Identifying Purposes principle (Clause 4.2) and the Consent principle (Clause 4.3).

Section 5.3
5. (1) Subject to sections 6 to 9, every organization shall comply with the obligations set out in Schedule 1. (2) The word "should", when used in Schedule 1, indicates a recommendation and does not impose an obligation. (3) An organization may collect, use or disclose personal information only in compliance with this Act. (3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.

(4) An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.

(5) In meeting its responsibilities under this Act, an organization must act in a reasonable manner.

(6) Nothing in subsection (2) is to be construed so as to relieve any person from that person’s responsibilities or obligations under this Act.

Section 7
7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, (a) collect that information unless the individual consents to the collection of that information, (b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source, (c) use that information unless the individual consents to the use of that information, or (c) this Act deems the collection, use or disclosure to be consented to by the individual.

Section 8.3, 8.4
8 (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and (b) the individual voluntarily provides the personal information to the organization for that purpose.

(2) An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her enrollment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she (a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and (b) is not the applicant for the plan, policy or contract.

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if (a) the organization provides the individual with a notice, in a form the individual can reasonably be
for purposes that a reasonable person would consider are appropriate in the circumstances.

<table>
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<th>Section 11</th>
<th>11(1) An organization may collect personal information only for purposes that are reasonable.</th>
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<td>(2) Where an organization collects personal information, it may do so only to the extent that it is reasonable for meeting the purposes for which the information is collected.</td>
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<td>Section 12</td>
<td>12. An organization may without the consent of the individual collect personal information about an</td>
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<td>considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,</td>
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<td>(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,</td>
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<td>(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and</td>
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<td>(d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.</td>
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<td>(4) Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.</td>
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<td>Section 11</td>
<td>11. Subject to this Act, an organization may collect personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that</td>
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<td>(a) fulfill the purposes that the organization discloses under section 10 (1), or</td>
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<td>(b) are otherwise permitted under this</td>
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individual from a source other than that individual if the information that is to be collected is information that may be collected without the consent of the individual under section 14, 15 or 22.

**Section 14**

14. An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable:
(a) a reasonable person would consider that the collection of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
(b) the collection of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the collection;
(c) the collection of the information is from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;
(d) the collection of the information is reasonable for the purposes of an investigation or a legal proceeding;
(e) the information is publicly available;
(f) the collection of the information is

**Section 12**

12 (1) An organization may collect personal information about an individual without consent or from a source other than the individual, if
(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way,
(b) the collection is necessary for the medical treatment of the individual and the individual is unable to give consent,
(c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,
(d) the personal information is collected by observation at a performance, a sports meet or a similar event
(i) at which the individual voluntarily appears, and
(ii) that is open to the public,
(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
(f) the collection is necessary to determine the individual's suitability
(i) to receive an honour, award or similar benefit, including an honorary
necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;
(g) the information is collected by a credit reporting organization to create a credit report where the individual consented to the disclosure to the credit reporting organization by the organization that originally collected the information;
(h) the information may be disclosed to the organization without the consent of the individual under section 20;
(i) the collection of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization;
(j) the organization collecting the information is an archival institution and the collection of the information is reasonable for archival purposes or research;
(k) the collection of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.

**Section 15**

15(1) Notwithstanding anything in this Act other than subsection (2), an organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if one or more of the following: (a) the individual previously consented to the collection of the personal information by the other organization, and (b) the personal information is disclosed to or collected by the organization solely for the purposes for which the information was previously collected, and

| (ii) to be selected for an athletic or artistic purpose, |
| (g) the organization is a credit reporting agency that collects the personal information to create a credit report and the individual consents at the time the original collection takes place to the disclosure for this purpose, |
| (h) the collection is required or authorized by law, |
| (i) the information was disclosed to the organization under sections 18 to 22, or |
| (j) the personal information is necessary to facilitate |
| (i) the collection of a debt owed to the organization, or |
| (ii) the payment of a debt owed by the organization. |

2 An organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if one or more of the following: (a) the individual previously consented to the collection of the personal information by the other organization, and (b) the personal information is disclosed to or collected by the organization solely for the purposes for which the information was previously collected, and

| (ii) to be selected for an athletic or artistic purpose, |
| (g) the organization is a credit reporting agency that collects the personal information to create a credit report and the individual consents at the time the original collection takes place to the disclosure for this purpose, |
| (h) the collection is required or authorized by law, |
| (i) the information was disclosed to the organization under sections 18 to 22, or |
| (j) the personal information is necessary to facilitate |
| (i) the collection of a debt owed to the organization, or |
| (ii) the payment of a debt owed by the organization. |
organization may collect personal employee information about an individual without the consent of the individual if:
(a) the individual is an employee of the organization, or
(b) the collection of the information is for the purpose of recruiting a potential employee.

(2) An organization shall not collect personal information about an individual under subsection (1) without the consent of the individual unless:
(a) the collection is reasonable for the purposes for which the information is being collected,
(b) the information consists only of information that is related to the employment or volunteer work relationship of the individual, and
(c) in the case of an individual who is an employee of the organization, the organization has, before collecting the information, provided the individual with reasonable notification that the information is going to be collected and of the purposes for which the information is going to be collected.

(3) An organization may disclose personal employee information about an individual without the consent of the individual where that information is being disclosed to an organization that is collecting that information (ii) to assist that organization to carry out work on behalf of the other organization.

Section 13
13 (1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.

(2) An organization may not collect employee personal information without the consent of the individual unless:
(a) section 12 allows the collection of the employee personal information without consent, or
(b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be collecting employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.
under subsection (1).

(4) Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to collect personal information under section 14.

Section 22
22(1) In this section,
(a) “business transaction” means a transaction consisting of the purchase, sale, lease, merger or amalgamation or any other type of acquisition or disposal of, or the taking of a security interest in respect of, an organization or a portion of an organization or any business or activity or business asset of an organization and includes a prospective transaction of such a nature;
(b) “party” includes a prospective party.

(2) Notwithstanding anything in this Act other than this section, an organization may, for the purposes of a business transaction between itself and one or more other organizations, collect, use and disclose personal information in accordance with this section.

(3) Organizations that are parties to a business transaction may,
(a) during the period leading up to
Sections 20.4, 20.5, 20.8
20 (1) In this section:
"business transaction" means the purchase, sale, lease, merger or amalgamation or any other type of acquisition, disposal or financing of an organization or a portion of an organization or of any of the business or assets of an organization;
"party" means a person or another organization that proceeds with the business transaction.

(2) An organization may disclose personal information about its employees, customers, directors, officers or shareholders without their consent, to a prospective party, if
(a) the personal information is necessary for the prospective party to determine whether to proceed with the business transaction, and
(b) the organization and prospective party have entered into an agreement that requires the prospective party to use or disclose the personal information solely for purposes related to the prospective business transaction.

(3) If an organization proceeds with a business transaction, the organization may disclose, without consent, personal information of employees, customers, directors, officers and shareholders of the organization to a party on condition that
and including the completion, if any, of the business transaction, collect, use and disclose personal information about individuals without the consent of the individuals if:

1. the parties have entered into an agreement under which the collection, use and disclosure of the information is restricted to those purposes that relate to the business purposes that and disclose personal information about individuals without the consent of the individuals if:

2. the parties have entered into an agreement under which the parties undertake to use and disclose the information only for those purposes for which the information was initially collected from or in respect of the individuals, and

3. the information relates solely to the carrying on of the business or activity or carrying out of the objects for which the business transaction took place.

4. If a business transaction does not proceed or is not completed, the party to whom the personal information was disclosed must, if the information is still in the custody of or under the control of that party, either destroy the information or turn it over to the party that disclosed the information.

5. Nothing in this section is to be construed so as to restrict a party to a business transaction, if any, to use and disclose personal information for the purposes for which it was collected, use and disclosed by the organization whose personal information is disclosed:

(a) the party must only use or disclose the personal information for the same purposes for which it was collected, used or disclosed by the organization, (b) the disclosure is only of personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction, and (c) the employees, customers, directors, officers and shareholders whose personal information is disclosed are notified that:

(i) the business transaction has taken place, and (ii) the personal information about them has been disclosed to the party.

4. A prospective party may collect and use personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (2) if the prospective party complies with the conditions applicable to that party under that subsection.

5. A party may collect, use and disclose personal information without the consent of the employees, customers, directors, officers and shareholders described in subsection (3) if the party complies with the conditions applicable to that party.
A business transaction from obtaining consent of an individual to the collection, use or disclosure of personal information about the individual for purposes that are beyond the purposes for which the party obtained the information under this section.

(6) This section does not apply to a business transaction where the primary purpose, objective or result of the transaction is the purchase, sale, lease, transfer, disposal or disclosure of personal information.

**Personal Information Protection Act Regulation**

**Section 12**

12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.

(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose but only if (a) in the case of individually identifiable information, under that subsection.

(6) If a business transaction does not proceed or is not completed, a prospective party must destroy or return to the organization any personal information the prospective party collected under subsection (2) about the employees, customers, directors, officers and shareholders of the organization.

(7) This section does not authorize an organization to disclose personal information to a party or prospective party for purposes of a business transaction that does not involve substantial assets of the organization other than this personal information.

(8) A party or prospective party is not authorized by this section to collect, use or disclose personal information that an organization disclosed to it in contravention of subsection (7).
The disclosure is necessary for the research purpose,
(b) the disclosure is not harmful to the individual concerned,
(c) the research purpose is not contrary to the purposes and intent of the Act, and
(d) either
(i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or
(ii) the information is disclosed under a research agreement.

(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following:
(a) to use the information only for the research purpose;
(b) to make reasonable security arrangements to protect the information;
(c) to maintain the confidentiality of the information;
(d) to not contact any individual to whom the information relates;
(e) to remove or destroy, at the earliest reasonable time, individual identifiers;
(f) to not disclose the information in individually identifiable form;
(g) to notify the archival institution immediately of a breach of the
Section 14

14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the acquisition of records of historical importance for transfer to an archival institution, and (b) the preparation of organizational records for archival appraisal and transfer to an archival institution.

(2) An organization that is not an archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the obtaining of an archival appraisal of the organization’s record, and (b) the transferring of custody and control of the organization’s records to an archival institution.

(3) An organization that is not an archival institution may, under a research agreement, disclose personal information about an individual without the consent of the individual.
but only if
(a) the person to whom the
information is to be disclosed agrees
to comply with the same requirements
as those established in respect of
archival institutions under section
12(3),
(b) the research has been approved by
a recognized research ethics review
committee, and
(c) the researcher has agreed to any
additional conditions imposed by the
ethics review committee.

Section 19
19. Without restricting the generality
of sections 14(b), 17(b) or 20(b) of
the Act, an organization may collect,
use and disclose personal information
about an individual without the
consent of the individual in the
following circumstances:
(a) the collection, use or disclosure is
necessary to comply with a collective
agreement referred to in section 128
of the Labour Relations Code;
(b) the collection, use or disclosure is
necessary to comply with an audit or
inspection of or by the organization
where the audit or inspection is
authorized or required by a statute of
Alberta or Canada, an Alberta
regulation or a Canada regulation;
(c) the collection of personal
information is authorized or required
by a statute of Alberta or an Alberta
regulation and the method of
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<th>collection is by way of a form approved or otherwise provided for under that statute or regulation.</th>
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### Limiting Use, Disclosure, and Retention

<table>
<thead>
<tr>
<th>Federal Legislation</th>
<th>Alberta</th>
<th>British Columbia</th>
<th>Quebec</th>
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<tbody>
<tr>
<td>Personal Information Protection and Electronic Documents Act</td>
<td>Personal Information Protection Act</td>
<td>Personal Information Protection Act</td>
<td>An Act respecting the Protection of Personal Information in the Private Sector</td>
</tr>
</tbody>
</table>

**Schedule 1 – 4.5**

<table>
<thead>
<tr>
<th>Alberta</th>
<th>British Columbia</th>
<th>Quebec</th>
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<tbody>
<tr>
<td>Sections 5.5, 7, 13.2, 13.3, 16, 17, 18, 19, 20, 21, 22, 35</td>
<td>Sections 6, 8.3, 8.4, 10.2, 14, 15, 16, 17, 18, 19, 20, 21, 22, 35</td>
<td>Sections 12, 13, 17, 18, 20, 21, 22, 23, 25, 28, 36</td>
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<tr>
<td>S.O.R./2001-6</td>
<td>Personal Information Protection Act Regulations</td>
<td>S.O.R./2001-6</td>
</tr>
<tr>
<td>S.O.R./2001-7</td>
<td>Sections 7, 12, 13, 14, 19</td>
<td>S.O.R./2001-6</td>
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</tbody>
</table>

**Schedule 1 - 4.5 Principle 5 – Limiting Use, Disclosure, and Retention**

<table>
<thead>
<tr>
<th>Alberta</th>
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<tbody>
<tr>
<td>Section 5.5</td>
<td>Section 6</td>
<td>Section 12</td>
</tr>
<tr>
<td>5(1) An organization is responsible for personal information that is in its custody or under its control.</td>
<td>6 (1) An organization must not (a) collect personal information about an individual, (b) use personal information about an individual, or (c) disclose personal information about an individual.</td>
<td>12. Once the object of a file has been achieved, no information contained in it may be used otherwise than with the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation.</td>
</tr>
<tr>
<td>(2) For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those</td>
<td>(2) Subsection (1) does not apply if</td>
<td>Section 13</td>
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<td></td>
<td></td>
<td>13. No person may communicate to a</td>
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only as long as necessary for the fulfillment of those purposes.

4.5.1 - Organizations using personal information for a new purpose shall document this purpose (see Clause 4.2.1).

4.5.2 - Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These guidelines should include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. An organization may be subject to legislative requirements with respect to retention periods.

4.5.3 - Personal information that is no longer required to fulfill the identified purposes should be destroyed, erased, or made anonymous. Organizations shall develop guidelines and implement procedures to govern the destruction of personal information.

4.5.4 - This principle is closely linked to the Consent principle (Clause 4.3), the Identifying Purposes principle (Clause 4.2), and the Individual Access principle (Clause 4.9).

<table>
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<tr>
<th>Services, responsible for that person’s compliance with this Act.</th>
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<tr>
<td>An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.</td>
</tr>
<tr>
<td>An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.</td>
</tr>
<tr>
<td>In meeting its responsibilities under this Act, an organization must act in a reasonable manner.</td>
</tr>
<tr>
<td>Nothing in subsection (2) is to be construed so as to relieve any person from that person’s responsibilities or obligations under this Act.</td>
</tr>
</tbody>
</table>

Sections 8.3, 8.4

8 (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if

(a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and

(b) the individual voluntarily provides the personal information to the organization for that purpose.

Section 7

7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual,

(a) collect that information unless the individual consents to the collection of that information,

(b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source,

(c) use that information unless the (a) the individual gives consent to the collection, use or disclosure,

(b) this Act authorizes the collection, use or disclosure without the consent of the individual, or

(c) this Act deems the collection, use or disclosure to be consented to by the individual.

Section 17

17. Every person carrying on an enterprise in Québec who communicates, outside Québec, information relating to persons residing in Québec or entrusts a person outside Québec with the task of holding, using or communicating such information on his behalf must take all reasonable steps to ensure

1) that the information will not be used for purposes not relevant to the object of the file or communicated to third persons without the consent of the persons concerned, except in cases similar to those described in sections 18 and 23;

2) in the case of nominative lists, that the persons concerned have a valid opportunity to refuse that personal information concerning them be used for purposes of commercial or philanthropic prospection and, if need be, to have such information deleted from the list.

Section 18
### Section 5.3
5. (1) Subject to sections 6 to 9, every organization shall comply with the obligations set out in Schedule 1. (2) The word "should", when used in Schedule 1, indicates a recommendation and does not impose an obligation. (3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.

### Sections 7.2, 7.3, 7.4, 7.5
7. (1) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may collect personal information without the knowledge or consent of the individual only if:

(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;

(b) it is reasonable to expect that the collection with the knowledge or consent of the individual would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the law.

### Sections 13.2, 13.3
13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that individual in writing or orally:

(a) as to the purposes for which the information is collected, and

(b) of the name of a person who is able to answer on behalf of the organization the individual’s questions about the collection.

### Section 10.2
10 (1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing:

(a) the purposes for the collection of personal information, or

(d) disclose that information unless the individual consents to the disclosure of that information.

(2) An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.

### Section 18.1
18. A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file he holds on that person:

1) to his attorney;

2) to the Attorney General if the information is required for the purposes of the prosecution of an offence under an Act applicable in Québec;

3) to a person responsible, by law, for the prevention, detection or repression of crime or statutory offences who requires it in the performance of his duties, if the information is needed for the prosecution of an offence under an Act applicable in Québec;

4) to a person to whom it is necessary to communicate the information under the law or a collective agreement, who requires it in the performance of his duties;

5) to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) which, through a representative, collects such information in the exercise of its functions or the implementation of a program under its management;
laws of Canada or a province;

(c) the collection is solely for journalistic, artistic or literary purposes;

(d) the information is publicly available and is specified by the regulations; or

(e) the collection is made for the purpose of making a disclosure

(i) under subparagraph (3)(c.1)(i) or (d)(ii), or

(ii) that is required by law.

(2) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may, without the knowledge or consent of the individual, use personal information only if

(a) in the course of its activities, the organization becomes aware of information that it has reasonable grounds to believe could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the

information about an individual is collected from another organization with the consent of the individual, the organization collecting the information must notify the organization that is disclosing the information that the individual has consented to the collection of the information.

(3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization to determine whether disclosure would be in accordance with this Act.

(4) Subsection (1) does not apply to the collection of personal information that is carried out pursuant to section 8(2).

Section 16

16(1) An organization may use personal information only for purposes that are reasonable.

the information, and

(b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

(2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act.

(3) This section does not apply to a collection described in section 8 (1) or (2).

Section 14

14. Subject to this Act, an organization may use personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that

(a) fulfill the purposes that the organization discloses under section 10 (1),

(b) for information collected before this Act comes into force, fulfill the purposes for which it was collected,

6) to a person or body having the power to compel communication of the information if he or it requires it in the exercise of his or its duties or functions;

7) to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety of the person concerned;

8) to a person who is authorized to use the information for study, research or statistical purposes in accordance with section 21 or a person authorized pursuant to section 21.1;

9) to a person who is authorized by law to recover debts on behalf of others and who requires it in the performance of his duties;

10) to a person in accordance with section 22, in the case of a nominative list.

A person carrying on an enterprise must make an entry of every communication made under subparagraphs 6 to 10 of the first paragraph. The entry is part of the file.
purpose of investigating that contravention;

(b) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;

(c) it is used for statistical, or scholarly study or research, purposes that cannot be achieved without using the information, the information is used in a manner that will ensure its confidentiality, it is impracticable to obtain consent and the organization informs the Commissioner of the use before the information is used;

(c.1) it is publicly available and is specified by the regulations; or

(d) it was collected under paragraph 1(a), (b) or (e).

(3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is

(a) made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or

(2) Where an organization uses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is used.

Section 17

17. An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

(a) a reasonable person would consider that the use of the information is clearly in the interests of the individual and consent cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(b) the use of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the use;

(c) the information was collected by the organization from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;

(d) the use of the information is reasonable for the purposes of an investigation or a legal proceeding;

(e) the information is publicly available;

(f) the use of the information is or (c) are otherwise permitted under this Act.

Section 15

15 (1) An organization may use personal information about an individual without the consent of the individual, if

(a) the use is clearly in the interests of the individual and consent cannot be obtained in a timely way,

(b) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,

(c) it is reasonable to expect that the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or a proceeding,

(d) the personal information is collected by observation at a performance, a sports meet or a similar event

(i) at which the individual voluntarily appears, and

(ii) that is open to the public,

(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,

(f) the use is necessary to determine suitability

(i) to receive an honour, award or similar benefit, including an honorary

The persons referred to in subparagraphs 1 and 9 of the first paragraph who receive communication of information may communicate the information to the extent that such communication is necessary, in the performance of their duties, to achieve the purposes for which they received communication of the information.

A detective or security agency holding a permit issued under the Act respecting detective or security agencies (chapter A-8), or a body having as its object the prevention, detection or repression of crime or statutory offences and a person carrying on an enterprise may, without the consent of the person concerned, communicate among themselves the information needed for conducting an inquiry for the purpose of preventing, detecting or repressing a crime or a statutory offence. The same applies in respect of information communicated among persons carrying on an enterprise, if the person who communicates or collects such information has reasonable grounds to believe that the person concerned has committed, or is about to commit, a crime or statutory offence against one or other of the persons carrying on an enterprise.

Section 20
solicitor who is representing the organization;

(b) for the purpose of collecting a debt owed by the individual to the organization;

(c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;

(c.1) made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that

(i) it suspects that the information relates to national security, the defense of Canada or the conduct of international affairs,

(ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or

necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;

(g) a credit reporting organization was permitted to collect the information under section 14(g) and the information is not used by the credit reporting organization for any purpose other than to create a credit report;

(h) the information may be disclosed by an organization without the consent of the individual under section 20;

(i) the use of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;

(j) the use of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization;

(k) the organization using the information is an archival institution and the use of the information is reasonable for archival purposes or research;

(l) the use of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.

degree, scholarship or bursary, or

(ii) to be selected for an athletic or artistic purpose,

(g) the personal information is used by a credit reporting agency to create a credit report if the individual consented to the disclosure for this purpose;

(h) the use is required or authorized by law,

(i) the personal information was disclosed to the organization under sections 18 to 22,

(j) the personal information is needed to facilitate

(i) the collection of a debt owed to the organization,

(ii) the payment of a debt owed by the organization,

(k) a credit reporting agency is permitted to collect the personal information without consent under section 12 and the information is not used by the credit reporting agency for any purpose other than to create a credit report, or

(l) the use is necessary to respond to an emergency that threatens the life, health or security of an individual.

(2) An organization may use personal information collected from or on behalf of another organization without the consent of the individual to whom the information relates, if

(a) the individual consented to the use of the personal information by the

20. In the carrying on of an enterprise, authorized employees, mandataries or agents may have access to personal information without the consent of the person concerned only if the information is needed for the performance of their duties or the execution of their mandates.

Section 21
21. The Commission d’accès à l’information, established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that

1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;

2) the information will be used in a manner that will ensure its confidentiality.

Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for
(iii) the disclosure is requested for the purpose of administering any law of Canada or a province;

(c.2) made to the government institution mentioned in section 7 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* as required by that section;

*(c.2) made to the government institution mentioned in section 7 of the *Proceeds of Crime (Money Laundering) Act* as required by that section;*

*[Note: Paragraph 7(3)(c.2), as enacted by paragraph 97(1)(a) of chapter 17 of the Statutes of Canada, 2000, will be repealed at a later date.]*

(d) it was collected under paragraph (1)(a), (b) or (e).

(e) made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;

(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the

<table>
<thead>
<tr>
<th>Section 18</th>
<th>18(1) Notwithstanding anything in this Act other than subsection (2), an organization may use personal employee information about an individual without the consent of the individual if (a) the individual is an employee of the organization, or (b) the use of the information is for the purpose of recruiting a potential employee.</th>
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<td>(2) An organization shall not use personal information about an individual under subsection (1) without the consent of the individual unless (a) the use is reasonable for the purposes for which the information is being used, (b) the information consists only of information that is related to the employment or volunteer work relationship of the individual, and (c) in the case of an individual who is an employee of the organization, the organization has, before using the information, provided the individual with reasonable notification that the information is going to be used and of the purposes for which the information is going to be used.</td>
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<td>(3) Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to use other organization, and (b) the personal information is used by the organization solely (i) for the purposes for which the information was previously collected, and (ii) to assist that organization to carry out work on behalf of the other organization.</td>
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<tr>
<th>Section 16</th>
<th>16 (1) Subject to subsection (2), an organization may use employee personal information without the consent of the individual.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(2) An organization may not use employee personal information without the consent of the individual unless (a) section 15 allows the use of the employee personal information without consent, or (b) the use is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.</td>
</tr>
<tr>
<td></td>
<td>(3) An organization must notify an individual that it will be using employee personal information about the individual and the purposes for the use before the organization uses the employee personal information without the consent of the individual.</td>
</tr>
</tbody>
</table>

A nominative list is a list of the

which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.

<table>
<thead>
<tr>
<th>Section 22</th>
<th>22. A person carrying on an enterprise may, without the consent of the persons concerned, communicate a nominative list or any information used to establish such a list to a third person, if</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1) the communication is made pursuant to a contract that includes a stipulation prohibiting the third person from using or communicating the list or the information for purposes other than commercial or philanthropic prospection;</td>
</tr>
<tr>
<td></td>
<td>2) prior to the communication, in cases where the list is a nominative list of the person’s clients, members or employees, the persons concerned are given a valid opportunity to refuse that the information be used by a third person for purposes of commercial or philanthropic prospection; and</td>
</tr>
<tr>
<td></td>
<td>3) the communication does not infringe upon the privacy of the persons concerned.</td>
</tr>
<tr>
<td>Section 19</td>
<td>An organization may disclose personal information only for purposes that are reasonable.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>19(1)</td>
<td>An organization may disclose personal information only for purposes that are reasonable.</td>
</tr>
<tr>
<td>(2)</td>
<td>Where an organization discloses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is disclosed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 17</th>
<th>Subject to this Act, an organization may disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances and that</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>(a) fulfill the purposes that the organization discloses under section 10 (1), (b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or</td>
</tr>
<tr>
<td>(c)</td>
<td>are otherwise permitted under this Act.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Section 20</th>
<th>An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>(a) a reasonable person would consider that the disclosure of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;</td>
</tr>
<tr>
<td>(b)</td>
<td>the disclosure of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the disclosure;</td>
</tr>
<tr>
<td>(c)</td>
<td>the disclosure of the information is to a public body and that public body is authorized or required by an enactment of Alberta or Canada to</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Section 18</th>
<th>An organization may only disclose personal information about an individual without the consent of the individual, if</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 (1)</td>
<td>(a) the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way, (b) the disclosure is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent, (c) it is reasonable to expect that the disclosure with the consent of the individual would compromise an</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 23</th>
<th>A person carrying on an enterprise may, without the consent of the persons concerned, use, for purposes of commercial or philanthropic prospection, a nominative list of his clients, members or employees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every person using such a list for such purposes must grant the persons concerned a valid opportunity to refuse that the information concerning them be used for such purposes.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 25</th>
<th>Any person wishing to have personal information concerning him deleted from a nominative list may, at any time, by means of a request made orally or in writing to any person holding or using the list, obtain that the information be deleted.</th>
</tr>
</thead>
</table>

| Section 28 | In addition to the rights provided under the first paragraph of article 40 of the Civil Code of Québec, the person concerned is entitled to obtain that any personal information collected otherwise than according to law be deleted. |

| Section 36 | The person holding information names, addresses or telephone numbers of natural persons. |
(4) Despite clause 4.5 of Schedule 1, an organization may use personal information for purposes other than those for which it was collected in any of the circumstances set out in subsection (2).

(5) Despite clause 4.5 of Schedule 1, an organization may disclose personal information for purposes other than those for which it was collected in any of the circumstances set out in paragraphs (3)(a) to (h.2).

2000, c. 5, s. 7, c. 17, s. 97; 2001, c. 41, s. 81; 2004, c. 15, s. 98.

Section 8.8
8. (1) A request under clause 4.9 of Schedule 1 must be made in writing.

(2) An organization shall assist any individual who informs the organization that they need assistance in preparing a request to the organization.

(3) An organization shall respond to a request with due diligence and in any case not later than thirty days after receipt of the request.

(4) An organization may extend the time to respond to a request if reasonable grounds exist for the extension.

Civil Code of Québec
Section 37
37. Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or damage the reputation of the person concerned.

Section 40
40. Every person may cause information which is contained in a file concerning him and which is inaccurate, incomplete or equivocal to be rectified; he may also cause obsolete information or information not justified by the purpose of the file...
time limit

(a) for a maximum of thirty days if

(i) meeting the time limit would unreasonably interfere with the activities of the organization, or

(ii) the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet; or

(b) for the period that is necessary in order to be able to convert the personal information into an alternative format.

In either case, the organization shall, no later than thirty days after the date of the request, send a notice of extension to the individual, advising them of the new time limit, the reasons for extending the time limit and of their right to make a complaint to the Commissioner in respect of the extension.

(5) If the organization fails to respond within the time limit, the organization is deemed to have refused the request.

(6) An organization may respond to an individual’s request at a cost to the money owed by the organization; (j) the information is publicly available; (k) the disclosure of the information is to the surviving spouse or adult interdependent partner or to a relative of a deceased individual if, in the opinion of the organization, the disclosure is reasonable; (l) the disclosure of the information is necessary to determine the individual’s suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary; (m) the disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding; (n) the disclosure of the information is for the purposes of protecting against, or for the prevention, detection or suppression of, fraud, market manipulation or unfair trading practices and the organization that is disclosing the information or to which the information is being disclosed is permitted or otherwise empowered or recognized under an enactment of Alberta or Canada or of another province of Canada to carry out any of those purposes; (o) the organization is a credit reporting organization and is permitted to disclose the information under Part 5 of the Fair Trading Act; (p) the organization disclosing the information is an archival institution person or body with jurisdiction to compel the production of personal information, (j) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation, (i) to determine whether the offence has taken place, or (ii) to prepare for the laying of a charge or the prosecution of the offence, (k) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates, (l) the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual, (m) the disclosure is to a lawyer who is representing the organization, (n) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes, (o) the disclosure is required or authorized by law, or (p) the disclosure is in accordance with sections 19 to 22.

(2) An organization may disclose
individual only if
(a) the organization has informed the individual of the approximate cost; and
(b) the individual has advised the organization that the request is not being withdrawn.

(7) An organization that responds within the time limit and refuses a request shall inform the individual in writing of the refusal, setting out the reasons and any recourse that they may have under this Part.

(8) Despite clause 4.5 of Schedule 1, an organization that has personal information that is the subject of a request shall retain the information for as long as is necessary to allow the individual to exhaust any recourse under this Part that they may have.


1. The following investigative bodies are specified, by name or by class, for the purposes of paragraphs 7(3)(d) and (h.2) of the Personal Information Protection and Electronic Documents Act:
(a) the Insurance Crime Prevention

and the disclosure of the information is reasonable for archival purposes or research;
(q) the disclosure of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.

Section 21
21(1) Notwithstanding anything in this Act other than subsection (2), an organization may disclose personal employee information about an individual without the consent of the individual if
(a) the individual is or was an employee of the organization, or
(b) the disclosure of the information is for the purpose of recruiting a potential employee.

(2) An organization shall not disclose personal information about an individual under subsection (1) without the consent of the individual unless
(a) the disclosure is reasonable for the purposes for which the information is being disclosed,
(b) the information consists only of information that is related to the employment or volunteer work relationship of the individual, and
(c) in the case of an individual who is personal information to another organization without consent of the individual to whom the information relates, if
(a) the individual consented to the collection of the personal information by the organization, and
(b) the personal information is disclosed to the other organization solely
(i) for the purposes for which the information was previously collected, and
(ii) to assist the other organization to carry out work on behalf of the first organization.

(3) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if the organization was authorized by section 12 (2) to collect the personal information from or on behalf of the other organization.

Section 19
19 (1) Subject to subsection (2), an organization may disclose employee personal information without the consent of the individual.

(2) An organization may not disclose employee personal information without the consent of the individual
1. The following information and classes of information are specified for the purposes of paragraphs 7(1)(d), (2)(c.1) and (3)(h.1) of the Personal Information Protection and Electronic Documents Act:

<table>
<thead>
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<th>Clause</th>
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<tr>
<td>(a) personal information consisting of the name, address and telephone number of a subscriber that appears in a</td>
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<tr>
<td>telephone directory that is available to the public, where the subscriber can refuse to have the personal information</td>
</tr>
<tr>
<td>appear in the directory;</td>
</tr>
<tr>
<td>(b) personal information including the name, title, address and telephone number of an individual that appears in</td>
</tr>
<tr>
<td>a professional or business directory, listing or notice, that is available to the public, where the collection, use</td>
</tr>
<tr>
<td>and disclosure of the personal information relate directly to the purpose for which the information appears in the</td>
</tr>
<tr>
<td>directory, listing or notice;</td>
</tr>
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</table>

2. An employee of the organization, the organization has, before disclosing the information, provided the individual with reasonable notification that the information is going to be disclosed and of the purposes for which the information is going to be disclosed.

3. Nothing in this section is to be construed so as to restrict or otherwise affect an organization’s ability to disclose personal information under section 20.

Section 22

22(1) In this section,

(a) “business transaction” means a transaction consisting of the purchase, sale, lease, merger or amalgamation or any other type of acquisition or disposal of, or the taking of a security interest in respect of, an organization or a portion of an organization or any business or activity or business asset of an organization and includes a prospective transaction of such a nature;

(b) “party” includes a prospective party.

22(2) Notwithstanding anything in this Act other than this section, an organization may, for the purposes of a business transaction between itself and one or more other organizations, unless

(a) section 18 allows the disclosure of the employee personal information without consent, or

(b) the disclosure is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be disclosing employee personal information about the individual and the purposes for the disclosure before the organization discloses employee personal information about the individual without the consent of the individual.

22(4) Subsection (3) does not apply to employee personal information if section 18 allows it to be disclosed without the consent of the individual.

Section 20

20 (1) In this section: "business transaction" means the purchase, sale, lease, merger or amalgamation or any other type of acquisition, disposal or financing of an organization or a portion of an organization or of any of the business or assets of an organization; "party" means a person or another organization that proceeds with the business transaction.
(c) personal information that appears in a registry collected under a statutory authority and to which a right of public access is authorized by law, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the registry;

(d) personal information that appears in a record or document of a judicial or quasi-judicial body, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the record or document; and

(e) personal information that appears in a publication, including a magazine, book or newspaper, in printed or electronic form, that is available to the public, where the individual has provided the information.

collect, use and disclose personal information in accordance with this section.

(3) Organizations that are parties to a business transaction may, (a) during the period leading up to and including the completion, if any, of the business transaction, collect, use and disclose personal information about individuals without the consent of the individuals if

(i) the parties have entered into an agreement under which the collection, use and disclosure of the information is restricted to those purposes that relate to the business transaction, and

and disclose personal information about individuals without the consent of the individuals if

(i) the parties have entered into an agreement under which the parties undertake to use and disclose the information only for those purposes for which the information was initially collected from or in respect of the individuals, and

(ii) the information relates solely to the carrying on of the business or activity or the carrying out of the objects for which the business transaction took place.

(4) If a business transaction does not proceed or is not completed, the party to whom the personal information was disclosed must, if the information

(2) An organization may disclose personal information about its employees, customers, directors, officers or shareholders without their consent, to a prospective party, if

(a) the personal information is necessary for the prospective party to determine whether to proceed with the business transaction, and

(b) the organization and prospective party have entered into an agreement that requires the prospective party to use or disclose the personal information solely for purposes related to the prospective business transaction.

(3) If an organization proceeds with a business transaction, the organization may disclose, without consent, personal information of employees, customers, directors, officers and shareholders of the organization to a party on condition that

(a) the party must only use or disclose the personal information for the same purposes for which it was collected, used or disclosed by the organization,

(b) the disclosure is only of personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction, and

(c) the employees, customers, directors, officers and shareholders whose personal information is disclosed are notified that
<table>
<thead>
<tr>
<th>Section 35</th>
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<tbody>
<tr>
<td>35. Notwithstanding that a consent has been withdrawn or varied under section 9, an organization may for legal or business purposes retain personal information as long as is reasonable.</td>
</tr>
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</table>

**Personal Information Protection Act Regulation**

**Section 7**

7. For the purposes of sections 14(e), (i) the business transaction has taken place, and (ii) the personal information about them has been disclosed to the party.

(4) A prospective party may collect and use personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (2) if the prospective party complies with the conditions applicable to that prospective party under that subsection.

(5) A party may collect, use and disclose personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (3) if the party complies with the conditions applicable to that party under that subsection.

(6) If a business transaction does not proceed or is not completed, a prospective party must destroy or return to the organization any personal information the prospective party collected under subsection (2) about the employees, customers, directors, officers and shareholders of the organization.

(7) This section does not authorize an
17(e) and 20(j) of the Act, personal information does not come within the meaning of “the information is publicly available” except in the following circumstances:

(a) the personal information is contained in a telephone directory but only if
   (i) the information consists of the name, address and telephone number of a subscriber to the directory,
   (ii) the directory is available to the public, and
   (iii) the subscriber can refuse to have the personal information appear in the directory;

(b) the personal information, including, but not limited to, the name, title, address, telephone number and e-mail address of an individual, is contained in a professional or business directory, listing or notice but only if
   (i) the directory, listing or notice is available to the public, and
   (ii) the collection, use or disclosure of the personal information relates directly to the purpose for which the information appears in the directory,

(c) the personal information is contained in a registry that is
   (i) a Government registry, or
   (ii) a non-governmental registry, but only if the collection, use or disclosure of the information relates directly to the purpose for which the organization to disclose personal information to a party or prospective party for purposes of a business transaction that does not involve substantial assets of the organization other than this personal information.

(8) A party or prospective party is not authorized by this section to collect, use or disclose personal information that an organization disclosed to it in contravention of subsection (7).

**Section 21**

21 (1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if

(a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form,

(b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research,

(c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,

(d) the organization to which the personal information is to be disclosed has signed an agreement to
information appears in the registry and that purpose is an established purpose of the registry;  
(d) the personal information is contained in a record of a quasi-judicial body but only if  
(i) the record is available to the public, and  
(ii) the collection, use or disclosure of the information relates directly to the purpose for which the information appears in the record;  
(e) the personal information is contained in a publication, including, but not limited to, a magazine, book or newspaper, whether in printed or electronic form, but only if  
(i) the publication is available to the public, and  
(ii) it is reasonable to assume that the individual that the information is about provided that information;  
(f) personal information that is under the control of an organization and that has been collected from outside of Alberta, that if collected from within Alberta would have been collected under the authority of clause (a), (b), (c), (d) or (e), or any 2 or more of those clauses.

**Section 12**

12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out comply with the following:  
(i) this Act;  
(ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information;  
(iii) security and confidentiality conditions;  
(iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;  
(v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and  
(e) it is impracticable for the organization to seek the consent of the individual for the disclosure.

(2) Subsection (1) does not authorize an organization to disclose personal information for market research purposes.

**Section 22**

22. An organization may disclose, without the consent of the individual, personal information for archival or historical purposes if  
(a) a reasonable person would not consider the personal information to be too sensitive to the individual to be disclosed at the proposed time,
the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.

(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose but only if (a) in the case of individually identifiable information, the disclosure is necessary for the research purpose,
(b) the disclosure is not harmful to the individual concerned,
(c) the research purpose is not contrary to the purposes and intent of the Act, and
(d) either
   (i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or
   (ii) the information is disclosed under a research agreement.

(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following:
   (a) to use the information only for the research purpose;
   (b) to make reasonable security arrangements to protect the information;
   (b) the disclosure is for historical research and is in accordance with section 21,
   (c) the information is about someone who has been dead for 20 or more years, or
   (d) the information is in a record that has been in existence for 100 or more years.

Section 35
35. (1) Despite subsection (2), if an organization uses an individual's personal information to make a decision that directly affects the individual, the organization must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

(2) An organization must destroy its documents containing personal information, or remove the means by which the personal information can be associated with particular individuals, as soon as it is reasonable to assume that
   (a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and
   (b) retention is no longer necessary for legal or business purposes.

Personal Information Protection Act
Section 13
13. An archival institution shall not use or disclose personal information that is contained in its archival records for any purpose other than for archival purposes or research purposes.

Section 14
14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the acquisition of records of historical importance for transfer to an archival institution, and (b) the preparation of organizational records for archival appraisal and transfer to an archival institution.

(2) An organization that is not an archival institution shall not contact any individual to whom the information relates; (e) to remove or destroy, at the earliest reasonable time, individual identifiers; (f) to not disclose the information in individually identifiable form; (g) to notify the archival institution immediately of a breach of the agreement.

Regulations
Sections 5.2, 5.3, 5.4
5 (1) Subject to this section, before disclosing information to an individual under section 23 of the Act, an organization may disclose information relating to the mental or physical health of the individual to a health care professional for the purpose of obtaining an assessment from the health care professional as to whether the disclosure of that information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.

(2) A health care professional to whom information is disclosed under subsection (1) must not use or disclose the information except for the purposes of making an assessment described in subsection (1).

(3) An organization must not disclose information to a health care professional under subsection (1), unless the health care professional has entered into a confidentiality agreement in the form provided by the organization.

(4) If a copy of personal information is provided to a health care professional under subsection (1), the health care professional must return
archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the obtaining of an archival appraisal of the organization’s record, and (b) the transferring of custody and control of the organization’s records to an archival institution.

(3) An organization that is not an archival institution may, under a research agreement, disclose personal information about an individual without the consent of the individual but only if (a) the person to whom the information is to be disclosed agrees to comply with the same requirements as those established in respect of archival institutions under section 12(3), (b) the research has been approved by a recognized research ethics review committee, and (c) the researcher has agreed to any additional conditions imposed by the ethics review committee.

Section 19
19. Without restricting the generality of sections 14(b), 17(b) or 20(b) of the Act, an organization may collect, use and disclose personal information the copy to the organization as soon as possible after providing his or her assessment of the personal information to the organization.

Section 6
6 (1) Subject to subsection (2), the following are sources of information available to the public, which are prescribed for the purposes of sections 12 (1) (e), 15 (1) (e) and 18 (1) (e) of the Act: (a) the name, address, telephone number and other personal information of a subscriber that appears in a telephone directory or is available through Directory Assistance if (i) the directory or the directory assistance service is available to the public, and (ii) the subscriber is permitted to refuse to have his or her personal information included in the directory or made available by directory assistance; (b) personal information of an individual that appears in a professional or business directory, listing or notice that is available to the public, if the individual is permitted to refuse to have his or her personal information included in the directory; (c) personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the
about an individual without the consent of the individual in the following circumstances:
(a) the collection, use or disclosure is necessary to comply with a collective agreement referred to in section 128 of the Labour Relations Code;
(b) the collection, use or disclosure is necessary to comply with an audit or inspection of or by the organization where the audit or inspection is authorized or required by a statute of Alberta or Canada, an Alberta regulation or a Canada regulation;
(c) the collection of personal information is authorized or required by a statute of Alberta or an Alberta regulation and the method of collection is by way of a form approved or otherwise provided for under that statute or regulation.

authority of an enactment, the laws of the government of Canada or a province or the bylaws of a municipality or other similar local authority in Canada;
(d) personal information that appears in a printed or electronic publication that is available to the public, including a magazine, book or newspaper in printed or electronic form.

(2) An organization must not collect, use or disclose personal information about an individual from a source referred to in subsection (1) (d) if
(a) a court has prohibited the publication or the continued publication of that personal information by the source, or
(b) the commissioner has made an order stating that the personal information from the source has been published contrary to the Act.
## Fair Information Practices – A comparative analysis of federal and provincial legislation

### ACCURACY

<table>
<thead>
<tr>
<th>Federal Legislation</th>
<th>Alberta</th>
<th>British Columbia</th>
<th>Quebec</th>
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### Schedule 1 – 4.6

#### Schedule 1 - 4.6 Principle 6 – Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

4.6.1 - The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the use of the information, taking into account the interests of the

### Section 33

#### Section 33

33. An organization must make a reasonable effort to ensure that any personal information collected, used or disclosed by or on behalf of an organization is accurate and complete.

#### Section 33

33. An organization must make a reasonable effort to ensure that personal information collected by or on behalf of the organization is accurate and complete, if the personal information (a) is likely to be used by the organization to make a decision that affects the individual to whom the personal information relates, or (b) is likely to be disclosed by the organization to another organization.

#### Sections 11, 71

11. Every person carrying on an enterprise must ensure that any file held on another person is up to date and accurate when used to make a decision in relation to the person concerned.

71. Every personal information agent must establish and apply a method of operation that ensures that the information communicated by him is
individual. Information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

4.6.2 - An organization shall not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.

4.6.3 - Personal information that is used on an ongoing basis, including information that is disclosed to third parties, should generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.
**Fair Information Practices –
A comparative analysis of federal and provincial legislation**

**SAFEGUARDS**

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<tr>
<th>Federal Legislation</th>
<th>Alberta</th>
<th>British Columbia</th>
<th>Quebec</th>
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</thead>
</table>

**Schedule 1 – 4.7**

**Schedule 1 – 4.7 Principle 7 – Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

4.7.1 - The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Organizations shall

Section 34

**Personal Information Protection Act Regulation**

Section 12.3.b

**Section 34**

34. An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.

Sections 21.1.d.iii, 34

**Section 21.1.d.iii**

21 (1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if

(a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form,

(b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the

Sections 10, 21

**Section 10**

10. Every person carrying on an enterprise who collects, holds, uses or communicates personal information about other persons must establish and apply such safety measures as are appropriate to ensure the confidentiality of the information.

**Section 21**

21. The Commission d'accès à l'information, established by section 103 of the Act respecting Access to
4.7.2 - The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. More sensitive information should be safeguarded by a higher level of protection. The concept of sensitivity is discussed in Clause 4.3.4.

4.7.3 - The methods of protection should include

(a) physical measures, for example, locked filing cabinets and restricted access to offices;

(b) organizational measures, for example, security clearances and limiting access on a "need-to-know" basis; and

(c) technological measures, for example, the use of passwords and encryption.

4.7.4 - Organizations shall make their employees aware of the importance of maintaining the confidentiality of

<table>
<thead>
<tr>
<th>Personal Information Protection Act Regulation</th>
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<tbody>
<tr>
<td><strong>Section 12.3.b</strong></td>
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<tr>
<td>12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.</td>
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<tr>
<td>(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose but only if</td>
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<tr>
<td>(a) in the case of individually identifiable information, the disclosure is necessary for the research purpose,</td>
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<tr>
<td>(b) the disclosure is not harmful to the individual concerned,</td>
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<td>(c) the research purpose is not contrary to the purposes and intent of the Act, and</td>
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<td>(d) either</td>
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<tr>
<td>(i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or</td>
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<td>(ii) the information is disclosed under research,</td>
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<tr>
<td>(c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,</td>
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<tr>
<td>(d) the organization to which the personal information is to be disclosed has signed an agreement to comply with the following:</td>
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<tr>
<td>(i) this Act;</td>
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<tr>
<td>(ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information;</td>
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<tr>
<td>(iii) security and confidentiality conditions;</td>
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<tr>
<td>(iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;</td>
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<tr>
<td>(v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and</td>
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<tr>
<td>(e) it is impracticable for the organization to seek the consent of the individual for the disclosure.</td>
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</table>

2) Subsection (1) does not authorize an organization to disclose personal information for market research documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that

1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;

2) the information will be used in a manner that will ensure its confidentiality.

Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.
4.7.5 - Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information (see Clause 4.5.3).

<table>
<thead>
<tr>
<th>a research agreement.</th>
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<tbody>
<tr>
<td>(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following:</td>
</tr>
<tr>
<td>(a) to use the information only for the research purpose;</td>
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<tr>
<td>(b) to make reasonable security arrangements to protect the information;</td>
</tr>
<tr>
<td>(c) to maintain the confidentiality of the information;</td>
</tr>
<tr>
<td>(d) to not contact any individual to whom the information relates;</td>
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<tr>
<td>(e) to remove or destroy, at the earliest reasonable time, individual identifiers;</td>
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<tr>
<td>(f) to not disclose the information in individually identifiable form;</td>
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<tr>
<td>(g) to notify the archival institution immediately of a breach of the agreement.</td>
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</table>

**Section 34**

34. An organization must protect personal information in its custody or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.
Fair Information Practices – A comparative analysis of federal and provincial legislation

**OPENESS**

<table>
<thead>
<tr>
<th><strong>Federal Legislation</strong></th>
<th><strong>Alberta</strong></th>
<th><strong>British Columbia</strong></th>
<th><strong>Quebec</strong></th>
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</table>
| Personal Information Protection and Electronic Documents Act  
  S.C. 2000, c. 5  
  S.O.R./2001-6  
  S.O.R./2001-7 | Personal Information Protection Act  
  S.A. 2003, c. P-6.5  
  (as amended by *Personal Information Protection Amendment Act*, 2005, c. 29) | Personal Information Protection Act  
  S.B.C. 2003, c. 63  
  *Personal Information Protection Act Regulations*, B.C. Reg. 473/2003 | An Act respecting the Protection of Personal Information in the Private Sector  
  R.S.Q., c. P-39.1  
  Civil Code of Québec |

**Schedule 1 – 4.8**

**Schedule 1 – 4.8 Principle 8 - Openness**

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

4.8.1. Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals

<table>
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<tr>
<th><strong>Section 6</strong></th>
<th><strong>Sections 4.5, 5.c, 23.1.b, 23.2, 23.3.1</strong></th>
<th><strong>Sections 4, 7, 8, 18, 18 (1), 19, 29, 78, 79</strong></th>
<th><strong>Section 4</strong></th>
</tr>
</thead>
</table>
| 6. An organization must  
  (a) develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act, and  
  (b) make information about the policies and practices referred to in clause (a) available on request. | 4 (1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.  
(2) An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization. | 4. Any person carrying on an enterprise who may, for a serious and legitimate reason, establish a file on another person must, when establishing the file, enter its object.  
**Section 7**  
7. Any person establishing a file on another person or recording personal information in such a file must make an entry indicating the source of any
shall be able to acquire information about an organization's policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.

4.8.2. The information made available shall include

(a) the name or title, and the address, of the person who is accountable for the organization's policies and practices and to whom complaints or inquiries can be forwarded;

(b) the means of gaining access to personal information held by the organization;

(c) a description of the type of personal information held by the organization, including a general account of its use;

(d) a copy of any brochures or other information that explain the organization's policies, standards, or codes; and

(e) what personal information is made available to related organizations (e.g., subsidiaries).

4.8.3. An organization may make

(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.

(4) An individual designated under subsection (3) may delegate to another individual the duty conferred by that designation.

(5) An organization must make available to the public

(a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and

(b) contact information for each individual referred to in paragraph (a).

Section 5.c
5. An organization must

(a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,

(b) develop a process to respond to complaints that may arise respecting the application of this Act, and

(c) make information available on request about

(i) the policies and practices referred to in paragraph (a), and

(ii) the complaint process referred to in paragraph (b).

Sections 23.1.b, 23.2, 23.3.1
23 (1) Subject to subsections (2) to personal information collected from a third person when the third person is a person carrying on an enterprise.

The entry is part of the file of the person concerned.

This section does not apply to a file established for the purposes of an inquiry to prevent, detect or repress a crime or statutory offence.

Section 8
8. A person who collects personal information from the person concerned must, when establishing a file on that person, inform him

1) of the object of the file;

2) of the use which will be made of the information and the categories of persons who will have access to it within the enterprise;

3) of the place where the file will be kept and of the rights of access and rectification.

Section 18
18. A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file he holds on that person

1) to his attorney;
(5), on request of an individual, an organization must provide the individual with the following:
(a) the individual's personal information under the control of the organization;
(b) information about the ways in which the personal information referred to in paragraph (a) has been and is being used by the organization;
(c) the names of the individuals and organizations to whom the personal information referred to in paragraph (a) has been disclosed by the organization.

(2) An organization that
(a) is a credit reporting agency, and
(b) receives a request under subsection (1)
must also provide the individual with the names of the sources from which it received the personal information unless it is reasonable to assume the individual can ascertain those sources.

(3) An organization is not required to disclose personal information and other information under subsection (1) or (2) in the following circumstances:
(a) the information is protected by solicitor-client privilege;
(b) the disclosure of the information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person,

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<th>2) to the Attorney General if the information is required for the purposes of the prosecution of an offence under an Act applicable in Québec;</th>
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<tr>
<td>3) to a person responsible, by law, for the prevention, detection or repression of crime or statutory offences who requires it in the performance of his duties, if the information is needed for the prosecution of an offence under an Act applicable in Québec;</td>
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<tr>
<td>4) to a person to whom it is necessary to communicate the information under the law or a collective agreement, who requires it in the performance of his duties;</td>
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<td>5) to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) which, through a representative, collects such information in the exercise of its functions or the implementation of a program under its management;</td>
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<tr>
<td>6) to a person or body having the power to compel communication of the information if he or it requires it in the exercise of his or its duties or functions;</td>
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</table>
harm the competitive position of the organization;
(c) the information was collected or disclosed without consent, as allowed under section 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed;
(d) [Repealed 2004-67-23.]
(e) the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act
(i) under a collective agreement,
(ii) under an enactment, or
(iii) by a court.

(3.1) A credit reporting agency is not required to disclose the names of the individuals and organizations to whom the personal information was last disclosed by the agency in a credit report more than 12 months before the request under subsection (1) was made.

(4) An organization must not disclose personal information and other information under subsection (1) or (2) in the following circumstances:
(a) the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
7) to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety of the person concerned;
8) to a person who is authorized to use the information for study, research or statistical purposes in accordance with section 21 or a person authorized pursuant to section 21.1;
9) to a person who is authorized by law to recover debts on behalf of others and who requires it in the performance of his duties;
10) to a person in accordance with section 22, in the case of a nominative list.

A person carrying on an enterprise must make an entry of every communication made under subparagraphs 6 to 10 of the first paragraph. The entry is part of the file.

The persons referred to in subparagraphs 1 and 9 of the first paragraph who receive communication of information may communicate the information to the extent that such communication is necessary, in the performance of their duties, to achieve the purposes for
(b) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
(c) the disclosure would reveal personal information about another individual;
(d) the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.

(5) If an organization is able to remove the information referred to in subsection (3) (a), (b) or (c) or (4) from a document that contains personal information about the individual who requested it, the organization must provide the individual with access to the personal information after the information referred to in subsection (3) (a), (b) or (c) or (4) is removed.

which they received communication of the information.

A detective or security agency holding a permit issued under the Act respecting detective or security agencies (chapter A-8), or a body having as its object the prevention, detection or repression of crime or statutory offences and a person carrying on an enterprise may, without the consent of the person concerned, communicate among themselves the information needed for conducting an inquiry for the purpose of preventing, detecting or repressing a crime or a statutory offence. The same applies in respect of information communicated among persons carrying on an enterprise, if the person who communicates or collects such information has reasonable grounds to believe that the person concerned has committed, or is about to commit, a crime or statutory offence against one or other of the persons carrying on an enterprise.

Section 18 (1)
18 (1) In addition to the cases referred to in section 18, a person who carries on an enterprise may also communicate personal information included in a file the person holds on another person, without the consent of the persons concerned, in order to prevent an act of violence, including a
suicide, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

The information may in such case be communicated to any person exposed to the danger or that person's representative, and to any person who can come to that person's aid.

A person carrying on an enterprise who communicates information pursuant to this section may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

Where information is so communicated by a person carrying on an enterprise, the person must make an entry of the communication. That entry is part of the file.

Section 19
19. Every person carrying on an enterprise having as its object the lending of money, who consults credit reports or recommendations as to the solvency of natural persons prepared by a personal information agent, must inform such persons of their right of access and rectification in relation to the file held by the agent and indicate to them the manner in which and the
place where they may have access to the reports or recommendations and cause them to be rectified, where necessary.

The person carrying on such an enterprise must communicate to a natural person, on request, the content of any credit report or recommendation he has consulted for the purpose of making a decision concerning the person.

Section 29
29. Every person carrying on an enterprise who holds files on other persons must take the necessary steps to ensure the exercise by a person concerned of the rights provided under articles 37 to 40 of the Civil Code of Québec and the rights conferred by this Act. In particular, he must inform the public of the place where, and manner in which, access to the files may be granted.

Section 78
78. Every personal information agent must establish, apply within his enterprise and circulate rules of conduct that will allow any person concerned by a file held by him to have access to that file according to a procedure that ensures the protection of the information contained in the file, either by allowing the person concerned to have access thereto, free
of charge, by telephone consultation or at a place in the region of the domicile of the person concerned during the regular business hours of the personal information agent's business establishment, or by transmitting a reproduction, transcription or copy of the file to him by mail or courier on payment of a reasonable charge.

Section 79
79. Every personal information agent must, not later than 60 days after 1 January 1994 and every two years thereafter, inform the public, by means of a notice published in a newspaper having general circulation in each region of Québec in which he does business, of

1) the fact that he holds files on other persons, that he gives communication of credit reports bearing on the character, reputation or solvency of the persons to whom the information in the files relates to persons with whom he is bound by contract, and that he receives from the latter personal information relating to other persons;

2) the rights of consultation and rectification that may be exercised according to law, by persons to whom the information relates, in respect of the files he holds;
3) the name, address and telephone number of the person, in each region, to whom the persons to whom the information relates may apply to consult their file, and the procedure for consultation.
Fair Information Practices – A comparative analysis of federal and provincial legislation

INDIVIDUAL ACCESS

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<tr>
<td>Schedule 1 – 4.9 Sections 8, 9, 10</td>
<td>Sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 32</td>
<td>Sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 51</td>
<td>Sections 8 (3), 16, 19, 27, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 53, 75, 78, 79</td>
</tr>
<tr>
<td>Schedule 1 – 4.9 Principle 9 - Individual Access</td>
<td>Personal Information Protection Act Regulation Sections 8, 9, 10, 15, 16, 17, 18</td>
<td>Personal Information Protection Act Regulations Section 5.1</td>
<td>Civil Code of Québec Sections 38, 39, 40, 41</td>
</tr>
<tr>
<td>Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information</td>
<td>Section 23 23. In this Division, (a) “applicant” means an individual who makes a written request in accordance with section 26; (b) “organization” does not include</td>
<td>Section 23 23 (1) Subject to subsections (2) to (5), on request of an individual, an organization must provide the individual with the following: (a) the individual's personal</td>
<td>Section 8 (3) 8. A person who collects personal information from the person concerned must, when establishing a file on that person, inform him</td>
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and have it amended as appropriate.

Note: In certain situations, an organization may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement should be limited and specific. The reasons for denying access should be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

4.9.1. Upon request, an organization shall inform an individual whether or not the organization holds personal information about the individual. Organizations are encouraged to indicate the source of this information. The organization shall allow the individual access to this information. However, the organization may choose to make sensitive medical information available through a medical practitioner. In addition, the organization shall provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.

Section 24
24(1) Subject to subsections (2) to (4), on the request of an individual for access to personal information about the individual and taking into consideration what is reasonable, an organization must provide the individual with access to the following:
(a) the individual’s personal information where that information is contained in a record that is in the custody or under the control of the organization;
(b) the purposes for which the personal information referred to in clause (a) has been and is being used by the organization;
(c) the names of the persons to whom and circumstances in which the personal information referred to in clause (a) has been and is being disclosed.

(2) An organization that (a) is a credit reporting agency, and (b) receives a request under subsection (1) must also provide the individual with the names of the sources from which it received the personal information unless it is reasonable to assume the individual can ascertain those sources.

(3) An organization is not required to disclose personal information and other information under subsection (1) or (2) in the following circumstances:
(a) the information is protected by solicitor-client privilege;
(b) the disclosure of the information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization;
(c) the information was collected or disclosed without consent, as allowed

Section 16
16. Any person holding personal information on behalf of a person carrying on an enterprise may refer to the latter every request for access or rectification received from a person to whom such information relates.

Nothing in this section limits a person's right to obtain, from a personal information agent, access to, or rectification of, personal information concerning him held by that agent.

Section 19
19. Every person carrying on an enterprise having as its object the lending of money, who consults credit reports or recommendations as to the solvency of natural persons prepared by a personal information agent, must inform such persons of their right of access and rectification in relation to the file held by the agent and indicate to them the manner in which and the

| Section 24 | 24(1) Subject to subsections (2) to (4), on the request of an individual for access to personal information about the individual and taking into consideration what is reasonable, an organization must provide the individual with access to the following:
|           | (a) the individual’s personal information where that information is contained in a record that is in the custody or under the control of the organization;
|           | (b) the purposes for which the personal information referred to in clause (a) has been and is being used by the organization;
|           | (c) the names of the persons to whom and circumstances in which the personal information referred to in clause (a) has been and is being disclosed.
|           | (2) An organization that (a) is a credit reporting agency, and (b) receives a request under subsection (1) must also provide the individual with the names of the sources from which it received the personal information unless it is reasonable to assume the individual can ascertain those sources.
|           | (3) An organization is not required to disclose personal information and other information under subsection (1) or (2) in the following circumstances:
|           | (a) the information is protected by solicitor-client privilege;
|           | (b) the disclosure of the information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization;
|           | (c) the information was collected or disclosed without consent, as allowed
| Section 16 | 16. Any person holding personal information on behalf of a person carrying on an enterprise may refer to the latter every request for access or rectification received from a person to whom such information relates.
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| Section 19 | 19. Every person carrying on an enterprise having as its object the lending of money, who consults credit reports or recommendations as to the solvency of natural persons prepared by a personal information agent, must inform such persons of their right of access and rectification in relation to the file held by the agent and indicate to them the manner in which and the
has been disclosed.

4.9.2. An individual may be required to provide sufficient information to permit an organization to provide an account of the existence, use, and disclosure of personal information. The information provided shall only be used for this purpose.

4.9.3. In providing an account of third parties to which it has disclosed personal information about an individual, an organization should attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, the organization shall provide a list of organizations to which it may have disclosed information about the individual.

4.9.4. An organization shall respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if the organization uses abbreviations or codes to record information, an explanation shall be provided.

4.9.5. When an individual successfully demonstrates the

| (c) the information was collected for an investigation or legal proceeding; |
| (d) the disclosure of the information might result in that type of information no longer being provided to the organization when it is reasonable that that type of information would be provided; |
| (e) the information was collected by a mediator or arbitrator or was created in the conduct of a mediation or arbitration for which the mediator or arbitrator was appointed to act |
| (i) under an agreement, |
| (ii) under an enactment, or |
| (iii) by a court; |
| (f) the information relates to or may be used in the exercise of prosecutorial discretion. |

(3) An organization shall not provide access to personal information under subsection (1) if

| (a) the disclosure of the information could reasonably be expected to threaten the life or security of another individual; |
| (b) the information would reveal personal information about another individual; |
| (c) the information would reveal the identity of an individual who has in confidence provided an opinion about another individual and the individual providing the opinion does not consent to disclosure of his or her |

under section 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed; |
| (d) [Repealed 2004-67-23.] |
| (e) the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act |
| (i) under a collective agreement, |
| (ii) under an enactment, or |
| (iii) by a court. |

(3.1) A credit reporting agency is not required to disclose the names of the individuals and organizations to whom the personal information was last disclosed by the agency in a credit report more than 12 months before the request under subsection (1) was made.

(4) An organization must not disclose personal information and other information under subsection (1) or (2) in the following circumstances:

| (a) the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request; |
| (b) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who |

place where they may have access to the reports or recommendations and cause them to be rectified, where necessary.

The person carrying on such an enterprise must communicate to a natural person, on request, the content of any credit report or recommendation he has consulted for the purpose of making a decision concerning the person.

Section 27
27. Every person carrying on an enterprise who holds a file on another person must, at the request of the person concerned, confirm the existence of the file and communicate to the person any personal information concerning him.

Section 29
29. Every person carrying on an enterprise who holds files on other persons must take the necessary steps to ensure the exercise by a person concerned of the rights provided under articles 37 to 40 of the Civil Code of Québec and the rights conferred by this Act. In particular, he must inform the public of the place where, and manner in which, access to the files may be granted.

Section 30
30. No request for access or
inaccuracy or incompleteness of personal information, the organization shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.

4.9.6. When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by the organization. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.

Section 8
8. (1) A request under clause 4.9 of Schedule 1 must be made in writing.

(2) An organization shall assist any individual who informs the organization that they need assistance in preparing a request to the organization.

(3) An organization shall respond to a request with due diligence and in any case not later than thirty days after

made the request;
(c) the disclosure would reveal personal information about another individual;
(d) the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.

(5) If an organization is able to remove the information referred to in subsection (3) (a), (b) or (c) or (4) from a document that contains personal information about the individual who requested it, the organization must provide the individual with access to the personal information after the information referred to in subsection (3) (a), (b) or (c) or (4) is removed.

Section 24
24 (1) An individual may request an organization to correct an error or omission in the personal information that is about the individual, and (b) under the control of the organization.

(2) If an organization is satisfied on reasonable grounds that a request made under subsection (1) should be implemented, the organization must notify the individual that the request has been made and that the organization is considering the request.

(3) The organization must notify the individual of the outcome of the request and send a notification containing the corrected information to each organization to which the incorrect information has been disclosed, if it is reasonable to do so.

Section 31
31. The spouse and the direct ascendants or descendants of a deceased person are entitled to receive, in accordance with the procedure provided for in section 30, communication of information relating to the cause of death contained in the person's medical file, unless the deceased person recorded in writing, in his file, his refusal to grant such right of access.

Notwithstanding the first paragraph, the blood relatives of a deceased person are entitled to receive communication of the information contained in that person's medical file to the extent that such communication is necessary to ascertain the existence of a genetic or family disease.

Section 32
32. The person holding a file that is the subject of a request for access or rectification by the person concerned must respond to that request with diligence and not later than 30 days
An organization may extend the time limit
(a) for a maximum of thirty days if
(i) meeting the time limit would unreasonably interfere with the activities of the organization, or
(ii) the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet; or
(b) for the period that is necessary in order to be able to convert the personal information into an alternative format.

In either case, the organization shall, no later than thirty days after the date of the request, send a notice of extension to the individual, advising them of the new time limit, the reasons for extending the time limit and of their right to make a complaint to the Commissioner in respect of the extension.

If the organization fails to respond within the time limit, the organization is deemed to have refused the request.

Failure to respond within 30 days of the receipt of a request is deemed to be a refusal to grant the request.

Section 33
33. Access to the personal information contained in a file shall be free of charge.

However, a reasonable charge may be required from a person requesting the transcription, reproduction or transmission of such information.

Any person carrying on an enterprise who intends to require a charge under this section must inform the applicant, in advance, of the approximate amount that will be charged for the transcription, reproduction or transmission of information.

Section 34
34. A person who refuses to grant a request for access or rectification from a person concerned must inform the latter of his refusal in writing, giving reasons, and inform the person concerned of the recourses open to him.

Section 35
35. Where the person holding a file grants a request for rectification, he must, in addition to the obligations
(6) An organization may respond to an individual's request at a cost to the individual only if

(a) the organization has informed the individual of the approximate cost; and

(b) the individual has advised the organization that the request is not being withdrawn.

(7) An organization that responds within the time limit and refuses a request shall inform the individual in writing of the refusal, setting out the reasons and any recourse that they may have under this Part.

(8) Despite clause 4.5 of Schedule 1, an organization that has personal information that is the subject of a request shall retain the information for as long as is necessary to allow the individual to exhaust any recourse under this Part that they may have.

Section 9
9. (1) Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information if doing so would likely reveal personal information about a third party. However, if the information about the third party is severable from the record containing of the record, or ask to examine the record, that contains personal information about the applicant.

Section 27
27(1) An organization must
(a) make every reasonable effort
(i) to assist applicants, and
(ii) to respond to each applicant as accurately and completely as reasonably possible, and
(b) at the request of an applicant provide, if it is reasonable to do so, an explanation of any term, code or abbreviation used in any record provided to the applicant or that is referred to.

(2) An organization must, with respect to an applicant's personal information, create a record for the applicant if
(a) the record can be created from a record that is in electronic form and that is under the control of the organization, using its normal computer hardware and software and technical expertise, and
(b) creating the record would not unreasonably interfere with the operations of the organization.

Section 28
28. An organization must make a reasonable effort
(a) to assist each applicant,
(b) to respond to each applicant as accurately and completely as reasonably possible, and
(c) unless section 23 (3), (3.1) or (4) applies, to provide each applicant with
(i) the requested personal information,
or
(ii) if the requested personal information cannot be reasonably provided, with a reasonable opportunity to examine the personal information.

Section 29
29. (1) Subject to this section, an organization must respond to an applicant not later than
(a) 45 days from the day that the organization, with a reasonable effort, identifies the individual and the personal information or correction being sought.

Section 37
37. A person carrying on a professional health care enterprise may temporarily refuse to the person concerned access to the file established on him if, in the opinion of a health care professional, consultation would result in serious harm to the person's health.

A person carrying on another type of enterprise and holding such information may refuse to the person concerned access to the information relating to him, provided that he offers the person the possibility of designating a health care professional of his choice to receive communication of the information and communicates the information to such physician.

The health care professional shall determine the time at which consultation may take place and inform the person concerned thereof.

Section 38

prescribed in the second paragraph of article 40 of the Civil Code of Québec, issue free of charge to the person who made the request a copy of any personal information modified or added or, as the case may be, an attestation that personal information has been deleted.
the information about the individual, the organization shall sever the information about the third party before giving the individual access.

(2) Subsection (1) does not apply if the third party consents to the access or the individual needs the information because an individual's life, health or security is threatened.

(2.1) An organization shall comply with subsection (2.2) if an individual requests that the organization

(a) inform the individual about

(i) any disclosure of information to a government institution or a part of a government institution under paragraph 7(3)(c), subparagraph 7(3)(c.1)(i) or (ii) or paragraph 7(3)(c.2) or (d), or

(ii) the existence of any information that the organization has relating to a disclosure referred to in subparagraph (i), to a subpoena, warrant or order referred to in paragraph 7(3)(c) or to a request made by a government institution or a part of a government institution under subparagraph 7(3)(c.1)(i) or (ii); or

(b) give the individual access to the information referred to in

organization receives the applicant’s written request referred to in section 26, or

(b) the end of an extended time period if the time period is extended under section 31.

(2) An organization is not required to comply with subsection (1)(a) if the time period is extended under section 31.

(3) If an organization asks the Commissioner under section 37 for authorization to disregard a request, the 45-day period referred to in subsection (1) does not include the period from the start of the day in which the request is made under section 37 to the end of the day in which a decision is made by the Commissioner with respect to giving the authorization.

(4) If an applicant asks the Commissioner under section 46 to review a fee estimate, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the request is made under section 37 to the end of the day a decision is made by the commissioner with respect to that application.

(3) If an applicant asks the commissioner under section 46 to review a fee estimate, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the applicant asks for the review to the end of the day the commissioner makes a decision.

Section 30
30 (1) In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant

(a) the reasons for the refusal and the provision of this Act on which the refusal is based,

(b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and

(c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.

38. No person of less than 14 years of age may demand to be informed of the existence of information of a medical or social nature concerning him and contained in a file established on him, or receive communication of such information, except through his attorney in the context of judicial proceedings.

Nothing in the first paragraph is intended to restrict normal communication between a health care or social services professional and his patient, or the right of access of the holder of parental authority.

Section 39
39. A person carrying on an enterprise may refuse to communicate personal information to the person it concerns where disclosure of the information would be likely to

1) hinder an inquiry the purpose of which is the prevention, detection or repression of crime or statutory offences conducted by his internal security service or conducted on his behalf for the same purpose by an external service or a detective or security agency in accordance with the Act respecting detective or security agencies (chapter A-8); and

2) affect judicial proceedings in which either person has an interest.
(2.2) An organization to which subsection (2.1) applies shall, in writing and without delay, notify the institution or part concerned of the request made by the individual; and

(b) shall not respond to the request before the earlier of

(i) the day on which it is notified under subsection (2.3), and

(ii) thirty days after the day on which the institution or part was notified.

(2.3) Within thirty days after the day on which it is notified under subsection (2.2), the institution or part shall notify the organization whether or not the institution or part objects to the organization complying with the request. The institution or part may object only if the institution or part is of the opinion that compliance with the request could reasonably be expected to be injurious to

(a) national security, the defense of Canada or the conduct of international affairs;

review.

Section 29
29. In a response to a request made under section 24, the organization must inform the applicant (a) as to whether or not the applicant is entitled to or will be given access to all or part of his or her personal information, (b) if the applicant is entitled to or will be given access, when access will be given, and (c) if access to all or part of the applicant’s personal information is refused, (i) of the reasons for the refusal and the provision of this Act on which the refusal is based, (ii) of the name of the person who can answer on behalf of the organization the applicant’s questions about the refusal, and (iii) that the applicant may ask for a review under section 46.

Section 30
30. Where an applicant is informed under section 29 that access will be given, the organization must

(a) if an applicant has asked for a copy of the applicant’s personal information and the information can reasonably be reproduced, provide with the response a copy of the information or the record or part of the record relating to the (2) Despite subsection (1) (a), the organization may refuse in a collected as part of an investigation.

Section 31
31 (1) An organization may extend the time for responding to a request under section 23 for up to an additional 30 days or, with the commissioner's permission, for a longer period if (a) the applicant does not give enough detail to enable the organization to identify the personal information requested, (b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the organization, or (c) more time is needed to consult with another organization or public body before the organization is able to decide whether or not to give the applicant access to a requested document.

(2) If the time is extended under subsection (1), the organization must tell the applicant (a) the reason for the extension, (b) the time when a response from the organization can be expected, and (c) the rights of the applicant to complain about the extension and request that an order be made under section 52 (3) (b).

Section 40
40. Any person carrying on an enterprise who holds a file on another person must refuse to give communication of personal information to a person to whom it relates where disclosure would be likely to reveal personal information about a third person or the existence of such information and the disclosure may seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

Section 53
53. In the case of a disagreement relating to a request for rectification, the person holding the file must prove that the file need not be rectified, unless the information in question was communicated to him by the person concerned or with the latter's consent.

Section 75
75. The register shall be available for public consultation during the regular business hours of the Commission.

The Commission shall furnish, free of charge, to any person who so requests any extract from the register concerning a personal information
(a.1) the detection, prevention or deterrence of money laundering or the financing of terrorist activities; or

*(a.1) the detection, prevention or deterrence of money laundering; or

*[(Note: Paragraph 9(2.3)(a.1), as enacted by paragraph 97(1)(c) of chapter 17 of the Statutes of Canada, 2000, will be repealed at a later date.)

(b) the enforcement of any law of Canada, a province or a foreign jurisdiction, an investigation relating to the enforcement of any such law or the gathering of intelligence for the purpose of enforcing any such law.

(2.4) Despite clause 4.9 of Schedule 1, if an organization is notified under subsection (2.3) that the institution or part objects to the organization complying with the request, the organization

(a) shall refuse the request to the extent that it relates to paragraph (2.1)(a) or to information referred to in subparagraph (2.1)(a)(ii); and

(b) shall notify the Commissioner, in writing and without delay, of the refusal; and

information, or

(ii) give the applicant reasons for the delay in providing the information or record, or

(b) if an applicant has asked to examine the record relating to the applicant’s personal information or if the record cannot reasonably be reproduced,

(i) permit the applicant to examine the record or part of the record, or

(ii) give the applicant access in accordance with the regulations.

Section 31

31(1) An organization may, with respect to a request made under section 24, extend the time period for responding to the request by up to an additional 30 days or, with the Commissioner’s permission, to a longer period, if

(a) the applicant does not give enough detail to enable the organization to identify the personal information or the record relating to the information,

(b) a large amount of personal information is requested or must be searched,

(c) meeting the time limit would unreasonably interfere with the operations of the organization, or

(d) more time is needed to consult with another organization or with a public body before the organization is able to determine whether or not to give the applicant access to the

or deny the existence of personal information

Section 32

32 (1) An organization must not charge an individual a fee respecting employee personal information concerning the individual.

(2) An organization may charge an individual who makes a request under section 23 a minimal fee for access to the individual's personal information that is not employee personal information concerning the individual.

(3) If an individual is required by an organization to pay a fee for services provided to the individual to enable the organization to respond to a request under section 23, the organization

(a) must give the applicant a written estimate of the fee before providing the service, and

(b) may require the applicant to pay a deposit for all or part of the fee.

Section 51

51. At an inquiry into a decision to refuse an individual

(a) access to all or part of an individual’s personal information,

(b) information respecting the use or disclosure of the individual’s personal information, or

agent.

Section 78

78. Every personal information agent must establish, apply within his enterprise and circulate rules of conduct that will allow any person concerned by a file held by him to have access to that file according to a procedure that ensures the protection of the information contained in the file, either by allowing the person concerned to have access thereto, free of charge, by telephone consultation or at a place in the region of the domicile of the person concerned during the regular business hours of the personal information agent's business establishment, or by transmitting a reproduction, transcription or copy of the file to him by mail or courier on payment of a reasonable charge.

Section 79

79. Every personal information agent must, not later than 60 days after 1 January 1994 and every two years thereafter, inform the public, by means of a notice published in a newspaper having general circulation in each region of Quebec in which he does business, of

1) the fact that he holds files on other persons, that he gives communication of credit reports bearing on the
(c) shall not disclose to the individual

(i) any information that the
organization has relating to a
disclosure to a government institution
or a part of a government institution
under paragraph 7(3)(c),
subparagraph 7(3)(c.1)(i) or (ii) or
paragraph 7(3)(c.2) or (d) or to a
request made by a government
institution under either of those
subparagraphs,

(ii) that the organization notified an
institution or part under paragraph
(2.2)(a) or the Commissioner under
paragraph (b), or

(iii) that the institution or part objects.

(3) Despite the note that accompanies
clause 4.9 of Schedule 1, an
organization is not required to give
access to personal information only if

(a) the information is protected by
solicitor-client privilege;

(b) to do so would reveal confidential
commercial information;

(c) to do so could reasonably be
expected to threaten the life or
security of another individual;

requested personal information or
record relating to the information.

(2) If the time period is extended
under subsection (1), the organization
must inform the applicant of the
following:

(a) the reason for the extension;
(b) the time when a response from the
organization can be expected;
(c) that the applicant may ask for a
review under section 46.

Section 32
32(1) An organization may charge an
applicant who makes a request under
section 24 a reasonable fee for access
to the applicant’s personal
information or a record relating to the
information.

(2) Subject to the regulations, a fee is
not payable by an applicant in respect
of a request made under section 25.

(3) If an organization is intending to
charge an applicant a fee for a service,
the organization
(a) must give the applicant a written
estimate of the total fee before
providing the service, and
(b) may require the applicant to pay a
deposit in the amount determined by
the organization.

Personal Information Protection Act
(c) the names of the sources from
which a credit reporting agency
received personal information about
the individual,

Section 5.1
5 (1) Subject to this section, before
disclosing information to an
individual under section 23 of the
Act, an organization may disclose
information relating to the mental or
physical health of the individual to a
health care professional for the
purpose of obtaining an assessment
from the health care professional as to
whether the disclosure of that
information could reasonably be
expected to result in grave and
immediate harm to the individual's
safety or mental or physical health.

section 39
2) the rights of consultation and
rectification that may be exercised
according to law, by persons to whom
the information relates, in respect of
the files he holds;

3) the name, address and telephone
telephone number of the person, in each region,
to whom the persons to whom the
information relates may apply to consult their file, and the procedure
for consultation.

Civil Code of Québec
Section 38
38. Except as otherwise provided by
law, any person may, free of charge,
examine and cause the rectification of a
file kept on him by another person
with a view to making a decision in
his regard or to informing a third
person; he may also cause a copy of it
to be made at reasonable cost. The
information contained in the file shall
be made accessible in an intelligible
transcript.
(c.1) the information was collected under paragraph 7(1)(b); or

(d) the information was generated in the course of a formal dispute resolution process.

However, in the circumstances described in paragraph (b) or (c), if giving access to the information would reveal confidential commercial information or could reasonably be expected to threaten the life or security of another individual, as the case may be, and that information is severable from the record containing any other information for which access is requested, the organization shall give the individual access after severing.

(4) Subsection (3) does not apply if the individual needs the information because an individual's life, health or security is threatened.

(5) If an organization decides not to give access to personal information in the circumstances set out in paragraph (3)(c.1), the organization shall, in writing, so notify the Commissioner, and shall include in the notification any information that the Commissioner may specify.

Section 10

Regulation

Section 8

8(1) For the purposes of enabling an individual to make a request under section 26 of the Act to obtain access to personal information or to make a request for a correction to personal information, an organization may designate one or more offices of the organization to which the individual may direct a written request.

(2) If an organization designates an office under subsection (1), the organization must

(a) make public the address of that office and the methods by which that office can receive requests, and

(b) require that a request received by another office of the organization be forwarded to the designated office as quickly as possible.

(3) If an organization designates an office under subsection (1),

(a) a written request may be delivered to that office during normal business hours of that office, and

(b) the time limit for responding to a request does not commence until the request is received by that office.

(4) If an organization has not designated an office under subsection (1),

whom information is disclosed under subsection (1) must not use or disclose the information except for the purposes of making an assessment described in subsection (1).

(3) An organization must not disclose information to a health care professional under subsection (1), unless the health care professional has entered into a confidentiality agreement in the form provided by the organization.

(4) If a copy of personal information is provided to a health care professional under subsection (1), the health care professional must return the copy to the organization as soon as possible after providing his or her assessment of the personal information to the organization.

Section 40

40. Every person may cause information which is contained in a file concerning him and which is inaccurate, incomplete or equivocal to be rectified; he may also cause obsolete information or information not justified by the purpose of the file to be deleted, or deposit his written comments in the file.

Notice of the rectification is given without delay to every person having received the information in the preceding six months and, where applicable, to the person who provided that information. The same rule applies to an application for rectification, if it is contested.

Section 41

41. Where the law does not provide the conditions and modalities of exercise of the right of examination or rectification of a file, the court, upon application, determines them. Similarly, if it becomes difficult to exercise those rights, the court, upon application, settles the difficulty.
10. An organization shall give access to personal information in an alternative format to an individual with a sensory disability who has a right of access to personal information under this Part and who requests that it be transmitted in the alternative format if

(a) a version of the information already exists in that format; or

(b) its conversion into that format is reasonable and necessary in order for the individual to be able to exercise rights under this Part.

(a) a written request may be delivered to any office of the organization during normal business hours of that office, and

(b) the time limit for responding to a request commences when an office of the organization receives the request.

**Section 9**

9(1) Instead of allowing an applicant to examine a record, an organization may provide to the applicant a copy of the record in the situation where allowing for examination of the record by the applicant

(a) would unreasonably interfere with the operations of the organization,

(b) may result in the disclosure of information to which access is not permitted or is refused under the Act, or

(c) may result in harm to or destruction of the record.

(2) Where, in respect of subsection (1)(b), a copy of a record is provided to an applicant by an organization, the copy of the record is not to include information to which access is not permitted or is refused under the Act.

Section 10

10. Notwithstanding anything in this Part, an organization may provide alternative means for an applicant to make a request for access to or
Section 15
15.1 An organization pursuant to section 32 of the Act intends to charge a fee for processing a request for access to personal information and provides a written estimate to an applicant. Processing of the request ceases once the notice of estimate has been sent to the applicant and is not to recommence until:
(a) the estimate has been accepted, and
(b) where a deposit is required, the deposit has been paid.

Section 16
16. Where an applicant has been given an estimate by an organization under section 23(3) of the Act, and the organization has not received a response from the applicant within 30 days from the day that the estimate was given to the applicant, the organization may consider the applicant's request to have been withdrawn.

Section 17
17(1) Where, prior to the providing of information pursuant to a request, all or a portion of the fee payable in respect of that request remains owing,
the balance of the fee that is owing is payable at the time that the information is delivered to the applicant.

(2) An organization may decline to deliver any information pursuant to a request until the total fee payable in respect of that request is paid.

**Section 18**
18. An organization may not charge a fee to process a request for personal employee information.
Fair Information Practices – A comparative analysis of federal and provincial legislation

**CHALLENGING COMPLIANCE**

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<tr>
<th>Federal Legislation</th>
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**Schedule 1 – 4.10**

**Schedule 1 – 4.10 Principle 10 - Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's

<table>
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<td>Sections 13.1.b, 13.4, 29.c.ii</td>
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<td><strong>Sections 13.1.b, 13.4</strong></td>
<td><strong>Section 5.b</strong></td>
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<tr>
<td>13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that</td>
<td>5. An organization must  (a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,  (b) develop a process to respond to complaints that may arise respecting</td>
<td></td>
<td>35. Where the person holding a file grants a request for rectification, he must, in addition to the obligations prescribed in the second paragraph of article 40 of the Civil Code of Québec, issue free of charge to the person who made the request a copy of any personal information modified</td>
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compliance.

4.10.1. The individual accountable for an organization's compliance is discussed in Clause 4.1.1.

4.10.2. Organizations shall put procedures in place to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint procedures should be easily accessible and simple to use.

4.10.3. Organizations shall inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures may exist. For example, some regulatory bodies accept complaints about the personal-information handling practices of the companies they regulate.

4.10.4. An organization shall investigate all complaints. If a complaint is found to be justified, the organization shall take appropriate measures, including, if necessary, amending its policies and practices.

individual in writing or orally (a) as to the purposes for which the information is collected, and (b) of the name of a person who is able to answer on behalf of the organization the individual’s questions about the collection.

(2) Before or at the time personal information about an individual is collected from another organization with the consent of the individual, the organization collecting the information must notify the organization that is disclosing the information that the individual has consented to the collection of the information.

(3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization that is disclosing the personal information to make a determination as to whether that disclosure of the personal information would be in accordance with this Act.

the application of this Act, and (c) make information available on request about (i) the policies and practices referred to in paragraph (a), and (ii) the complaint process referred to in paragraph (b).

Sections 10.1.b, 10.3

10 (1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing (a) the purposes for the collection of the information, and (b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

(2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act.

(3) This section does not apply to a collection described in section 8 (1) or...
Section 29.c.ii
29. In a response to a request made under section 24, the organization must inform the applicant:
(a) as to whether or not the applicant is entitled to or will be given access to all or part of his or her personal information,
(b) if the applicant is entitled to or will be given access, when access will be given, and
(c) if access to all or part of the applicant’s personal information is refused,
(i) of the reasons for the refusal and the provision of this Act on which the refusal is based,
(ii) of the name of the person who can answer on behalf of the organization the applicant’s questions about the refusal, and
(iii) that the applicant may ask for a review under section 46.

Personal Information Protection Act Regulation

Section 8
8(1) For the purposes of enabling an individual to make a request under section 26 of the Act to obtain access to personal information or to make a

Section 28
28. An organization must make a reasonable effort
(a) to assist each applicant,
(b) to respond to each applicant as accurately and completely as reasonably possible, and
(c) unless section 23 (3), (3.1) or (4) applies, to provide each applicant with
(i) the requested personal information, or
(ii) if the requested personal information cannot be reasonably provided, with a reasonable opportunity to examine the personal information.

Section 30.1.b
30 (1) In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant
(a) the reasons for the refusal and the provision of this Act on which the refusal is based,
(b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and
(c) that the applicant may ask for a review under section 47 within 30
request for a correction to personal information, an organization may designate one or more offices of the organization to which the individual may direct a written request.

(2) If an organization designates an office under subsection (1), the organization must
(a) make public the address of that office and the methods by which that office can receive requests, and
(b) require that a request received by another office of the organization be forwarded to the designated office as quickly as possible.

(3) If an organization designates an office under subsection (1),
(a) a written request may be delivered to that office during normal business hours of that office, and
(b) the time limit for responding to a request does not commence until the request is received by that office.

(4) If an organization has not designated an office under subsection (1),
(a) a written request may be delivered to any office of the organization during normal business hours of that office, and
(b) the time limit for responding to a request commences when an office of

days of being notified of the refusal.

(2) Despite subsection (1) (a), the organization may refuse in a collected as part of an investigation.

Section 31.2
31 (1) An organization may extend the time for responding to a request under section 23 for up to an additional 30 days or, with the commissioner's permission, for a longer period if
(a) the applicant does not give enough detail to enable the organization to identify the personal information requested,
(b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the organization, or
(c) more time is needed to consult with another organization or public body before the organization is able to decide whether or not to give the applicant access to a requested document.

(2) If the time is extended under subsection (1), the organization must tell the applicant
(a) the reason for the extension,
(b) the time when a response from the organization can be expected, and
(c) the rights of the applicant to complain about the extension and
the organization receives the request.

**Section 10**

10. Notwithstanding anything in this Part, an organization may provide alternative means for an applicant to make a request for access to or correction of personal information about the applicant if the applicant is unable to make a written request.

| request that an order be made under section 52 (3) (b).response to confirm or deny the existence of personal information |  |  |  |
Comparative analysis of federal and provincial legislation

**SCOPE AND APPLICATION**

<table>
<thead>
<tr>
<th>Federal Legislation</th>
<th>Alberta</th>
<th>British Columbia</th>
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| Personal Information Protection and Electronic Documents Act  
S.C. 2000, c. 5  
S.O.R./2001-6  
S.O.R./2001-7 | Personal Information Protection Act  
S.A. 2003, c. P-6.5  
(as amended by *Personal Information Protection Amendment Act*, 2005, c. 29)  
*Personal Information Protection Act Regulation*, Alta. Reg. 366/2003 | Personal Information Protection Act  
S.B.C. 2003, c. 63  
*Personal Information Protection Act Regulations*, B.C. Reg. 473/2003 | An Act respecting the Protection of Personal Information in the Private Sector  
R.S.Q., c. P-39.1  
Civil Code of Québec |

<table>
<thead>
<tr>
<th>Section 4</th>
<th>Sections 4, 56.2, 56.3</th>
<th>Section 3</th>
<th>Sections 1, 3, 96, 97</th>
</tr>
</thead>
</table>
| **Section 4**  
4. (1) This Part applies to every organization in respect of personal information that  
(a) the organization collects, uses or | **Section 4**  
Section 4. Application  
4 (1) Except as provided in this Act | **Section 3**  
3. (1) Subject to this section, this Act applies to every organization.  
(2) This Act does not apply to the following:  
(a) the collection, use or disclosure of | **Section 1**  
1. The object of this Act is to establish, for the exercise of the rights conferred by articles 35 to 40 of the Civil Code of Québec concerning the protection of personal information, particular rules with respect to |

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1 As amended by *Personal Information Protection Amendment Act*, 2005, c. 29 at section 2.
2 As amended by *Personal Information Protection Amendment Act*, 2005, c. 29 at section 2.
discloses in the course of commercial activities; or

(b) is about an employee of the organization and that the organization collects, uses or discloses in connection with the operation of a federal work, undertaking or business.

(2) This Part does not apply to

(a) any government institution to which the Privacy Act applies;

(b) any individual in respect of personal information that the individual collects, uses or discloses for personal or domestic purposes and does not collect, use or disclose for any other purpose; or

(c) any organization in respect of personal information that the organization collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose.

*3 Every provision of this Part applies despite any provision, enacted after this subsection comes into force, of any other Act of Parliament, unless

and subject to the regulations, this Act applies to every organization and in respect of all personal information.

(2) Subject to the regulations, this Act does not apply to a public body or any personal information that is in the custody of or under the control of a public body.

(3) This Act does not apply to the following:

(a) the collection, use or disclosure of personal information if the collection, use or disclosure, as the case may be, is for personal or domestic purposes of the individual and for no other purpose;

(b) the collection, use or disclosure of personal information if the collection, use or disclosure, as the case may be, is for artistic or literary purposes and for no other purpose;

(c) the collection, use or disclosure of personal information, other than personal employee information that is collected, used or disclosed pursuant to section 15, 18 or 21, if the collection, use or disclosure, as the case may be, is for journalistic purposes and for no other purpose;

(d) the collection, use or disclosure of business contact information if the collection, use or disclosure, as the case may be, is for the purposes of personal information, if the collection, use or disclosure is for the personal or domestic purposes of the individual who is collecting, using or disclosing the personal information and for no other purpose;

(b) the collection, use or disclosure of personal information, if the collection, use or disclosure is for journalistic, artistic or literary purposes and for no other purpose;

(c) the collection, use or disclosure of personal information, if the federal Act applies to the collection, use or disclosure of the personal information;

(d) personal information if the Freedom of Information and Protection of Privacy Act applies to the personal information;

(e) personal information in (i) a court document,

(ii) a document of a judge of the Court of Appeal, Supreme Court or Provincial Court, or a document relating to support services provided to a judge of those courts,

(iii) a document of a master of the Supreme Court,

(iv) a document of a justice of the peace, or

(v) a judicial administration record as defined in Schedule 1 of the Freedom personal information relating to other persons which a person collects, holds, uses or communicates to third persons in the course of carrying on an enterprise within the meaning of article 1525 of the Civil Code of Québec.

The Act applies to such information whatever the nature of its medium and whatever the form in which it is accessible, whether written, graphic, taped, filmed, computerized, or other.

This Act does not apply to journalistic, historical or genealogical material collected, held, used or communicated for the legitimate information of the public.

Section 3

3. This Act does not apply to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or to information held on behalf of a public body by a person other than a public body.

Section 96

96. Any association or partnership that carries on an enterprise and holds

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3 As amended by *Personal Information Protection Amendment Act*, 2005, c. 29 at section 2.

4 As amended by *Personal Information Protection Amendment Act*, 2005, c. 29 at section 4.
the other Act expressly declares that that provision operates despite the provision of this Part.

*[Note: Subsection 4(3) in force January 1, 2001, see SI/2000-29.]*

| contacting an individual in that individual’s capacity as an employee or an official of an organization and for no other purpose; (e) personal information that is in the custody of an organization if the Freedom of Information and Protection of Privacy Act applies to that information; (f) health information as defined in the Health Information Act to which that Act applies;¹ (g) the collection, use or disclosure of personal information by an officer of the Legislature if the collection, use or disclosure, as the case may be, relates to the exercise of that officer’s functions under an enactment; (h) personal information about an individual if the individual has been dead for at least 20 years; (i) personal information about an individual that is contained in a record that has been in existence for at least 100 years; (j) personal information contained in any record transferred to an archival institution where access to the record was unrestricted or governed by an agreement between the archival institution and the donor of the record before the coming into force of this Act; (k) personal information contained in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of Queen’s Bench of Alberta or the | of Information and Protection of Privacy Act; (f) personal information in a note, communication or draft decision of the decision maker in an administrative proceeding; (g) the collection, use or disclosure by a member or officer of the Legislature or Legislative Assembly of personal information that relates to the exercise of the functions of that member or officer; (h) a document related to a prosecution if all proceedings related to the prosecution have not been completed; (i) the collection of personal information that has been collected on or before this Act comes into force. |

(3) Nothing in this Act affects solicitor-client privilege.

(4) This Act does not limit the information available by law to a party to a proceeding.

(5) If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act prevails unless another Act expressly provides that the other enactment, or a provision of it, applies despite this Act.

personal information on its members or on third persons has, in respect of its members and such third persons, the same rights and the same obligations as a person carrying on an enterprise.

**Section 97**

97. Credit unions and the federation of which they are members are not considered to be third persons in respect of each other as regards the communication, among themselves, and the use of personal information necessary for the management of risk, the supply of property or the provision of a service under the Act respecting financial services cooperatives (chapter C-67.3).

For the purposes of the first paragraph, the Caisse centrale Desjardins du Québec, instituted by section 20 of the Act respecting the Mouvement des caisses Desjardins (1989, chapter 113), is deemed to be a credit union that is a member of the federation belonging to the same group.

Section 97
Provincial Court of Alberta, a record of a matter in chambers of the Court of Queen’s Bench of Alberta, a record of a sitting justice of the peace or a presiding justice of the peace under the Justice of the Peace Act, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause; (l) personal information contained in a record of any type that has been created by or for (i) a Member of the Legislative Assembly, or (ii) an elected or appointed member of a public body; (m) the collection, use or disclosure of personal information by, or for, a registered constituency association or a registered party as defined in the Election Finances and Contributions Disclosure Act or in respect of an office or a position in a registered constituency association or a registered party; (n) the collection, use or disclosure of personal information by, or for, an individual who is a bona fide candidate for public office or for an office or a position in a registered constituency association or a registered party as defined in the Election Finances and Contributions Disclosure Act where the information is being collected, used or disclosed, as the case may be, for the purposes
of campaigning for that office or position and for no other purpose;³ (o) personal information contained in a personal note, communication or draft decision created by or for a person who is acting in a judicial, quasi-judicial or adjudicative capacity.

(4) If an organization has under its control personal information about an individual that was acquired prior to January 1, 2004, that information, for the purposes of this Act,
(a) is deemed to have been collected pursuant to consent given by that individual,
(b) may be used and disclosed by the organization for the purposes for which the information was collected, and
(c) after the coming into force of this Act, is to be treated in the same manner as information collected under this Act.

(5) This Act is not to be applied so as to
(a) affect any legal privilege,
(b) limit the information available by law to a party to a legal proceeding, or
(c) limit or affect the collection, use or disclosure of information that is the subject of trust conditions or undertaking to which a lawyer is subject.

(6) If a provision of this Act is inconsistent or in conflict with a
provision of another enactment, the provision of this Act prevails unless
(a) the other enactment is the Freedom of Information and Protection of Privacy Act, or
(b) another Act or a regulation under this Act expressly provides that the other Act or a regulation, or a provision of it, prevails notwithstanding this Act.
(7) This Act applies notwithstanding any agreement to the contrary, and any waiver or release given of the rights, benefits or protections provided under this Act is against public policy and void.

Sections 56.2, 56.3
56(1) In this section,
(a) “commercial activity” means
(i) any transaction, act or conduct, or
(ii) any regular course of conduct, that is of a commercial character and, without restricting the generality of the foregoing, includes the following:
(iii) the selling, bartering or leasing of membership lists or of donor or other fund-raising lists;
(iv) the operation of a private school or an early childhood services program as defined in the School Act;
(v) the operation of a private college as defined in the Post-Secondary Learning Act;
(b) “non-profit organization” means an organization
(i) that is incorporated under the
Societies Act or the Agricultural Societies Act or that is registered under Part 9 of the Companies Act, or (ii) that meets the criteria established under the regulations to qualify as a non-profit organization.

(2) Subject to subsection (3), this Act does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization.

(3) This Act applies to a non-profit organization in the case of personal information that is collected, used or disclosed by the non-profit organization in connection with any commercial activity carried out by the non-profit organization.

(4) The Lieutenant Governor in Council may make regulations (a) establishing, for the purposes of subsection (1)(b)(ii), the criteria to be met by an organization to qualify as a non-profit organization; (b) establishing the criteria to be met by non-profit organizations to qualify as non-profit organizations that are restricted or otherwise limited in the scope of their operations and exempting those non-profit organizations from the operation of subsection (3);
(c) governing the coming into force of this Act or any provision of this Act with respect to a non-profit organization;
(d) providing that this Act or any provision of this Act commences to apply to a non-profit organization at a date that is later than January 1, 2004;
(e) providing for and governing any transitional matter relating to the application of this Act to a non-profit organization.

(5) Any regulation made under this section may be general or specific in its application.

**Personal Information Protection Act Regulation**

**Section 2**

2(1) The Act applies to Alberta Treasury Branches and its subsidiaries and to any personal information that is in the custody of or under the control of Alberta Treasury Branches or any of its subsidiaries.

(2) Notwithstanding subsection (1), any records of Alberta Treasury Branches and of any of its subsidiaries that are subject to the Freedom of Information and Protection of Privacy Act remain subject to that Act.
Comparative analysis of federal and provincial legislation

OVERSIGHT

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<tr>
<th>Federal Legislation</th>
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| Personal Information Protection and Electronic Documents Act  
  S.C. 2000, c. 5                                          | S.O.R./2001-6                    | Personal Information Protection Act 
  S.B.C. 2003, c. 63                   | An Act respecting the Protection of 
  Personal Information in the Private Sector 
  R.S.Q., c. P-39.1                       |
| S.O.R./2001-7                                            | Personal Information Protection Act  
  S.A. 2003, c. P-6.5 (as amended by Personal Information Protection Amendment Act, 2005, c. 29) | Personal Information Protection Act  
  S.B.C. 2003, c. 63                   | Civil Code of Québec                  |
|                                                          | Personal Information Protection Act  
  Regulation, Alta. Reg. 366/2003                              | Personal Information Protection Act  
  Regulations, B.C. Reg. 473/2003               |                                        |

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<thead>
<tr>
<th>Section 11</th>
<th>Sections 36, 38, 46, 47</th>
<th>Sections 36, 38, 46, 47, 50, 52</th>
<th>Sections 42, 43, 44, 45, 47, 83</th>
</tr>
</thead>
</table>
| 11. (1) An individual may file with the Commissioner a written complaint against an organization for contravening a provision of Division 1 or for not following a recommendation set out in Schedule 1. (2) If the Commissioner is satisfied that there are reasonable grounds to investigate a matter under this Part, the Commissioner may initiate a | Section 36  
  36(1) In addition to the Commissioner's powers and duties under Part 5 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may (a) conduct investigations to ensure compliance with any provision of this Act; (b) make an order described in section | Section 36  
  36 (1) In addition to the commissioner's powers and duties under Part 11 with respect to reviews, the commissioner is responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may do any of the following: (a) whether a complaint is received or not, initiate investigations and audits to ensure compliance with any | Section 42  
  42. Any interested person may submit an application to the Commission d'accès à l'information for the examination of a disagreement relating to the application of a legislative provision concerning access to or the rectification of personal information, or concerning the application of section 25. |
| Section 12                                               |                                   | Section 43                           |                                        |
| 12. (1) Any interested person may submit an application to the Commission d'accès à l'information for the examination of a disagreement relating to the application of a legislative provision concerning access to or the rectification of personal information, or concerning the application of section 25. |                                   |                                     |                                        |
complaint in respect of the matter.

(3) A complaint that results from the refusal to grant a request under section 8 must be filed within six months, or any longer period that the Commissioner allows, after the refusal or after the expiry of the time limit for responding to the request, as the case may be.

(4) The Commissioner shall give notice of a complaint to the organization against which the complaint was made.

Section 12
12. (1) The Commissioner shall conduct an investigation in respect of a complaint and, for that purpose, may

(a) summon and enforce the appearance of persons before the Commissioner and compel them to give oral or written evidence on oath and to produce any records and things that the Commissioner considers necessary to investigate the complaint, in the same manner and to the same extent as a superior court of record;

(b) administer oaths;

(c) receive and accept any evidence and other information, whether on oath, by affidavit or otherwise, that 52 whether or not a review is requested;

(d) inform the public about this Act;

(e) engage in or commission research into anything affecting the achievement of the purposes of this Act;

(f) comment on the implications for protection of personal information in relation to existing or proposed programs of organizations;

(g) bring to the attention of an organization any failure by the organization to assist applicants as required under section 27;

(h) give advice and recommendations of general application to an organization on matters respecting the rights or obligations of an organization under this Act.

(2) Without limiting subsection (1), the Commissioner may investigate and attempt to resolve complaints that

(a) a duty imposed by section 27 has not been performed;

(b) an extension of a time period under section 31 for responding to a request is not justified;

(c) a fee estimated or required by an organization under this Act is inappropriate;

(d) a correction of personal information requested under section 25 has been

provision of this Act, if the commissioner is satisfied there are reasonable grounds to believe that an organization is not complying with this Act;

(b) make an order described in section 52 (3), whether or not a review is requested;

(c) inform the public about this Act;

(d) receive comments from the public about the administration of this Act;

(e) engage in or commission research into anything affecting the achievement of the purposes of this Act;

(f) comment on the implications for protection of personal information in relation to existing or proposed programs of organizations;

(g) comment on the implications for protection of personal information of programs proposed by organizations;

(h) comment on the implications for protection of personal information of automated systems for the protection of personal information;

(i) comment on the implications for protection of personal information of the use or disclosure of personal information held by organizations for document linkage;

(j) authorize the collection of personal information by an organization from sources other than the individual to whom the personal information relates;

(k) bring to the attention of an organization any failure of the organization to meet the obligations established by this Act;

(k) exchange information with any person who, under legislation of

43. Where the disagreement results from a refusal to grant a request or from a failure to respond within the time limit prescribed by law, the person concerned disposes of a period of 30 days from the refusal or the expiry of the time limit to submit the disagreement to the Commission unless the Commission, for reasonable cause, releases the person concerned from failure to submit the disagreement within that time.

Section 44
44. Any party who wishes to submit a disagreement to the Commission for examination must apply therefor in writing and pay the fees prescribed by regulation.

The application shall state briefly the reasons which justify examination of the disagreement by the Commission.

Notice of an application made by one party shall be given by the Commission to the other party.

Section 45
45. A group of persons having an interest in the same subject of disagreement may submit an application to the Commission through a representative.

Section 47
47. The members of the personnel of
the Commissioner sees fit, whether or not it is or would be admissible in a court of law;  

(d) at any reasonable time, enter any premises, other than a dwelling-house, occupied by an organization on satisfying any security requirements of the organization relating to the premises;  

(e) converse in private with any person in any premises entered under paragraph (d) and otherwise carry out in those premises any inquiries that the Commissioner sees fit; and  

(f) examine or obtain copies of or extracts from records found in any premises entered under paragraph (d) that contain any matter relevant to the investigation.  

(2) The Commissioner may attempt to resolve complaints by means of dispute resolution mechanisms such as mediation and conciliation.  

(3) The Commissioner may delegate any of the powers set out in subsection (1) or (2).  

(4) The Commissioner or the delegate shall return to a person or an organization any record or thing that they produced under this section refused without justification;  

(e) personal information has been collected, used or disclosed by an organization in contravention of this Act or in circumstances that are not in compliance with this Act;  

(f) an organization is not in compliance with this Act.  

(3) The Commissioner may, on request, give advance rulings in respect of any matters that are or could potentially be the subject of an investigation by the Commissioner under this Act.

**Section 38**

38(1) In conducting an investigation under section 36 or an inquiry under section 50, the Commissioner has all the powers, privileges and immunities of a commissioner under the Public Inquiries Act and the powers given by subsection (2) of this section.  

(2) The Commissioner may require any record to be produced to the Commissioner and may examine any information in a record, including personal information, whether or not the record is subject to this Act.  

(3) Notwithstanding any other enactment or any privilege of the law of evidence, an organization must produce to the Commissioner within another province or of Canada, has powers and duties similar to those of the commissioner;  

(l) enter into information-sharing agreements for the purposes of paragraph (k) and into other agreements with the persons referred to in that paragraph for the purpose of coordinating their activities and providing for mechanisms for handling complaints.  

(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that  

(a) a duty imposed by this Act or the regulations has not been performed,  

(b) an extension of time for responding to a request is not in accordance with section 29,  

(c) a fee required by an organization under this Act is not reasonable,  

(d) a correction of personal information requested under section 24 has been refused without justification, and  

(e) personal information has been collected, used or disclosed by an organization in contravention of this Act.  

**Section 38**

38 (1) In conducting an investigation or an audit under section 36 or an inquiry under section 50 the commissioner has the power, privileges and protection of a

the Commission must lend their assistance to any interested person requiring it in the drawing up of an application for the examination of a disagreement.

**Section 83**

83. Following an inquiry relating to the collection, retention or communication of personal information by a person carrying on an enterprise, the Commission may, after giving the person an opportunity to present his observations, recommend or order the application of such remedial measures as are appropriate to ensure the protection of the personal information.  

It may fix time limits for the implementation of the measures it orders.
within ten days after they make a request to the Commissioner or the delegate, but nothing precludes the Commissioner or the delegate from again requiring that the record or thing be produced.

(5) Any person to whom powers set out in subsection (1) are delegated shall be given a certificate of the delegation and the delegate shall produce the certificate, on request, to the person in charge of any premises to be entered under paragraph (1)(d).

Section 13

13. (1) The Commissioner shall, within one year after the day on which a complaint is filed or is initiated by the Commissioner, prepare a report that contains

(a) the Commissioner's findings and recommendations;

(b) any settlement that was reached by the parties;

(c) if appropriate, a request that the organization give the Commissioner, within a specified time, notice of any action taken or proposed to be taken to implement the recommendations contained in the report or reasons why no such action has been or is

10 days any record or a copy of any record required under subsection (1) or (2).

(4) If an organization is required to produce a record under subsection (1) or (2) and it is not reasonable to make a copy of the record, the organization may require the Commissioner to examine the original record at its site.

(5) After completing a review or investigating a complaint, the Commissioner must return any record or any copy of any record produced.

(6) The Commissioner may publish any finding or decision in a complete or an abridged form.

Section 46

46(1) An individual who makes a request to an organization respecting personal information about that individual may ask the Commissioner to review any decision, act or failure to act of the organization.

(2) An individual may initiate a complaint with respect to the issues referred to in section 36(2).

(3) If the Commissioner is satisfied that there are other grievance, complaint or review procedures available for the purposes of resolving commissioner under sections 12, 15 and 16 of the Inquiry Act.

(2) The commissioner may (a) examine any information in a document, including personal information, and obtain copies or extracts of documents containing information

(i) found in any premises entered under paragraph (c), or

(ii) provided under this Act,

(b) require an individual or an organization to produce documents, and

(c) at any reasonable time, enter any premises, other than a personal residence, occupied by an organization, after satisfying any reasonable security requirements of the organization relating to the premises.

(3) If information to which solicitor-client privilege applies is disclosed by a person to the commissioner at the request of the commissioner, or obtained by or disclosed to the commissioner under subsection (1) or (2) (a) or (b), the solicitor-client privilege is not affected by the way in which the commissioner has received the information.

(4) The commissioner may require an individual to attempt to resolve the individual's dispute with an
proposed to be taken; and

(d) the recourse, if any, that is available under section 14.

(2) The Commissioner is not required to prepare a report if the Commissioner is satisfied that

(a) the complainant ought first to exhaust grievance or review procedures otherwise reasonably available;

(b) the complaint could more appropriately be dealt with, initially or completely, by means of a procedure provided for under the laws of Canada, other than this Part, or the laws of a province;

(c) the length of time that has elapsed between the date when the subject-matter of the complaint arose and the date when the complaint was filed is such that a report would not serve a useful purpose; or

(d) the complaint is trivial, frivolous or vexatious or is made in bad faith.

If a report is not to be prepared, the Commissioner shall inform the complainant and the organization and give reasons.

<table>
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<tr>
<th>issues for which a review may be requested or a complaint may be initiated under this Part, the Commissioner may require that an individual asking for a review or initiating a complaint under this Part must first exhaust those other procedures with a view to resolving the matter before the Commissioner proceeds to hear or otherwise deal with the review or complaint.</th>
<th>organization in the way directed by the commissioner before the commissioner begins or continues a review or investigation under this Act of an applicant's complaint against the organization.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 47 47(1) To ask for a review or to initiate a complaint under this Part, an individual must, as soon as reasonable, deliver a written request to the Commissioner.</td>
<td>(5) Despite any other enactment or any privilege afforded by the law of evidence, an organization must provide to the commissioner any document, or a copy of any document, required under subsection (1) or (2) (a) or (b) (a) if the commissioner does not specify a period for the purpose, within 10 days of the date of the commissioner's request for the document, or (b) if the commissioner specifies a period, within the period specified.</td>
</tr>
<tr>
<td>(2) A written request to the Commissioner for a review of a decision of an organization must be delivered within 30 days from the day that the individual asking for the review is notified of the decision, or (b) a longer period allowed by the Commissioner.</td>
<td>(6) If an organization is required to produce a document under subsection (1) or (2) (a) or (b) and it is not practicable to make a copy of the document, the organization must provide access for the commissioner to examine the document at its site.</td>
</tr>
<tr>
<td>(3) A written request to the Commissioner initiating a complaint must be delivered within a reasonable time.</td>
<td>(7) Subject to subsection (8), after completing a review, investigating a complaint, or conducting an audit, the commissioner must return a document, or a copy of a document, produced by the individual or organization.</td>
</tr>
<tr>
<td>(4) The time limit in subsection (2)(a) does not apply to delivering a</td>
<td></td>
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</tbody>
</table>
(3) The report shall be sent to the complainant and the organization without delay.

written request for a review concerning an organization’s failure to respond within a required time period.

(8) On request from an individual or an organization, the commissioner must return a document, or a copy of a document, produced by the individual or organization within 10 days of the date on which the commissioner receives the request.

**Section 46**

46 (1) An individual who has asked an organization for access to or the correction of their personal information may ask the commissioner to conduct a review of the resulting decision, act or failure to act of the organization.

(2) An individual may make a complaint to the commissioner.

(3) If the commissioner is satisfied that section 38 (4) applies to an individual who has made a request, the commissioner may defer beginning or adjourn the review to allow an attempt to be made under that section to resolve the dispute.

**Section 47**

47 (1) An individual may ask for a review or make a complaint by delivering a request to the commissioner.

(2) A request must be delivered within
(a) 30 days of the date on which the person making the request is notified of the circumstances on which the request is based, or (b) a longer period allowed by the commissioner.

(3) The time limit in subsection (2) (a) does not apply to a request respecting (a) a failure by an organization to respond within a required time period established by this Act, or (b) a complaint.

Section 50
50 (1) If a matter is not referred to a mediator or is not settled under section 49, the commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.

(2) An inquiry may be conducted in private.

(3) The individual who makes a request, the organization concerned and any person given a copy of the request must be given an opportunity to make representations to the commissioner during the inquiry.

(4) The commissioner may decide (a) whether representations are to be made verbally or in writing, and
(b) whether a person is entitled to be present during, to have access to or to comment on representations made to the commissioner by another person.

(5) The individual who makes a request, the organization concerned and any person given a copy of the request may be represented at the inquiry by counsel or by an agent.

(6) If the matter on which a complaint is based is referred under section 49 to a mediator and is not settled by the mediation, the inquiry respecting the complaint must be completed within 30 days of the day on which the mediation ends.

(7) If a complaint is not referred under section 49 to a mediator and the commissioner decides to hold an inquiry respecting the review, the inquiry must be completed within 30 days of the day on which the request is delivered under section 47 (1).

(8) An inquiry respecting a review must be completed within 90 days of the day on which the request is delivered under section 47 (1), unless the commissioner
(a) specifies a later date, and
(b) notifies
(i) the individual who made the request,
(ii) the organization concerned, and

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(iii) any person given a copy of the request of the date specified under paragraph (a).

(9) The period of an adjournment under section 46 (3) must not be included for the purpose of calculating a deadline under subsection (7) or (8) of this section.

Section 52
52 (1) On completing an inquiry under section 50, the commissioner must dispose of the issues by making an order under this section.

(2) If the inquiry is into a decision of an organization to give or to refuse to give access to all or part of an individual's personal information, the commissioner must, by order, do one of the following:
(a) require the organization (i) to give the individual access to all or part of his or her personal information under the control of the organization,
(ii) to disclose to the individual the ways in which the personal information has been used,
(iii) to disclose to the individual names of the individuals and organizations to whom the personal information has been disclosed by the organization, or
(iv) if the organization is a credit reporting agency, to disclose to the
(1) If the inquiry is into a matter described in subsection (2), the commissioner may, by order, do one or more of the following:

(a) require the organization to give the individual the names of the sources from which it received personal information about the individual, if the commissioner determines that the organization is not authorized or required to refuse access by the individual to the personal information;

(b) either confirm the decision of the organization or require the organization to reconsider its decision, if the commissioner determines that the organization is authorized to refuse the individual access to his or her personal information;

(c) require the organization to refuse the individual access to all or part of his or her personal information, if the commissioner determines that the organization is required to refuse that access.

(3) If the inquiry is into a matter not described in subsection (2), the commissioner may, by order, do one or more of the following:

(a) confirm that a duty imposed by this Act or the regulations has been performed or require that a duty imposed by this Act or the regulations be performed;

(b) confirm or reduce the extension of a time limit under section 31;

(c) confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances;
(d) confirm a decision not to correct personal information or specify how personal information is to be corrected;
(e) require an organization to stop collecting, using or disclosing personal information in contravention of this Act, or confirm a decision of an organization to collect, use or disclose personal information;
(f) require an organization to destroy personal information collected in contravention of this Act.

(4) The commissioner may specify any terms or conditions in an order made under this section.

(5) The commissioner must give a copy of an order made under this section to all of the following:
(a) the individual who made the request;
(b) the organization concerned;
(c) any person given notice under section 48;
(d) the minister responsible for this Act.
## Comparative analysis of federal and provincial legislation

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S.C. 2000, c. 5  
S.O.R./2001-6  
S.O.R./2001-7 | **Personal Information Protection Act**  
S.A. 2003, c. P-6.5  
(as amended by **Personal Information Protection Amendment Act**, 2005, c. 29)  
S.B.C. 2003, c. 63  
**Personal Information Protection Act Regulations**, B.C. Reg. 473/2003 | **An Act respecting the Protection of Personal Information in the Private Sector**  
R.S.Q., c. P-39.1  
Civil Code of Québec |

### Sections 14, 15

**Section 14**

A complainant may, after receiving the Commissioner's report, apply to the Court for a hearing in respect of any matter in respect of which the complaint was made, or that is referred to in the Commissioner's report, and that is referred to in clause 4.1.3, 4.2, 4.3.3, 4.4, 4.6, 4.7 or 4.8 of Schedule 1, in clause 4.3, 4.5 or 4.9 of that Schedule as modified or clarified by Division 1, in subsection 5(3) or 8(6) or (7) or in

**Section 54.3**

54(1) Subject to subsection (2), not later than 50 days from the day that an organization is given a copy of an order of the Commissioner, the organization concerned must comply with the order.

(2) An organization must not take any steps to comply with a Commissioner’s order until the period for bringing an application for judicial review is brought before that period ends.

**Section 53**

53 (1) Not later than 30 days after being given a copy of an order of the commissioner, the organization concerned must comply with the order unless an application for judicial review of the order is brought before that period ends.

(2) If an application for judicial review is brought before the end of the period referred to in subsection (1), the order of the commissioner is

**Sections 21 (1), 61, 69, 87**

21. The Commission d'accès à l'information, established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that
section 10.

(2) The application must be made within forty-five days after the report is sent or within any further time that the Court may, either before or after the expiry of those forty-five days, allow.

(3) For greater certainty, subsections (1) and (2) apply in the same manner to complaints referred to in subsection 11(2) as to complaints referred to in subsection 11(1).

Section 15

15. The Commissioner may, in respect of a complaint that the Commissioner did not initiate,

(a) apply to the Court, within the time limited by section 14, for a hearing in respect of any matter described in that section, if the Commissioner has the consent of the complainant;

(b) appear before the Court on behalf of any complainant who has applied for a hearing under section 14; or

(c) with leave of the Court, appear as a party to any hearing applied for under section 14.

review under subsection (3) ends.

(3) An application to a court for judicial review of a Commissioner’s order must be made not later than 45 days from the day that the person making the application is given a copy of the order.

(4) If an application for judicial review is made pursuant to subsection (3), the Commissioner’s order is stayed until the application is dealt with by the court.

(5) Notwithstanding subsection (3), the court may, on application made either before or after the expiry of the period referred to in subsection (3), extend that period if the court considers it appropriate to do so.

stayed from the date the application is brought until a court orders otherwise.

1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;

2) the information will be used in a manner that will ensure its confidentiality.

Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.

Section 61

61. Any person having a direct interest may bring an appeal to the Court of Québec, with the leave of one of its judges, from a final decision of the Commission on any question of law or jurisdiction.

No appeal may be brought except with leave from a judge of the Court of Québec. The judge shall grant leave if in his opinion the question ought to be examined in appeal.

Section 69
69. The decision of the judge of the Court of Québec is without appeal.

**Section 87**
87. Any person having a direct interest may appeal from an order issued following an inquiry.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “ORGANIZATION”**

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Section 2

"organization" includes an association, a partnership, a person and a trade union.

Section 1.i

(i) “organization” includes
   (i) a corporation,
   (ii) an unincorporated association,
   (iii) a trade union as defined in the Labour Relations Code,
   (iv) a partnership as defined in the Partnership Act, and
   (v) an individual acting in a commercial capacity, but does not include an individual acting in a personal or domestic

Section 1

"organization" includes a person, an unincorporated association, a trade union, a trust or a not for profit organization, but does not include
   (a) an individual acting in a personal or domestic capacity or acting as an employee,
   (b) a public body,
   (c) the Provincial Court, the Supreme Court or the Court of Appeal,
   (d) the Nisga'a Government, as

“enterprise”, see s. 1525 (paragraph 3) Civil Code of Québec

See also sections 96 and 97 of an Act respecting the Protection of Personal Information in the Private Sector

“enterprise”, see s. 1525 (paragraph 3) Civil Code of Québec

1525. Solidarity between debtors is not presumed; it exists only where it is expressly stipulated by the parties or imposed by law.
| capacity; | defined in the Nisga'a Final Agreement, or (e) a private trust for the benefit of one or more designated individuals who are friends or members of the family of the settler; | Solidarity between debtors is presumed, however, where an obligation is contracted for the service or carrying of an enterprise. The carrying on by one or more persons of an organized economic activity, whether or not it is commercial in nature, consisting of producing, administering or alienating property, or providing a service, constitutes the carrying on of an enterprise. |

Section 96 of an Act respecting the Protection of Personal Information in the Private Sector
96. Any association or partnership that carries on an enterprise and holds personal information on its members or on third persons has, in respect of its members and such third persons, the same rights and the same obligations as a person carrying on an enterprise. |

Section 97 of an Act respecting the Protection of Personal Information in the Private Sector
97. Credit unions and the federation of which they are members are not considered to be third persons in respect of each other as regards the communication, among themselves, and the use of personal information necessary for the management of risk, the supply of property or the
For the purposes of the first paragraph, the Caisse centrale Desjardins du Québec, instituted by section 20 of the Act respecting the Mouvement des caisses Desjardins (1989, chapter 113), is deemed to be a credit union that is a member of the federation belonging to the same group.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “COMMERCIAL ACTIVITY”**

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**Section 2**

"commercial activity" means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.

**Section 56.1.a**

56(1) In this section, (a) “commercial activity” means (i) any transaction, act or conduct, or (ii) any regular course of conduct, that is of a commercial character and, without restricting the generality of the foregoing, includes the following: (iii) the selling, bartering or leasing of

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5 As amended by Personal Information Protection Amendment Act, 2005, c. 29 at section 4.
(iv) the operation of a private school or an early childhood services program as defined in the School Act;
(v) the operation of a private college as defined in the Post-Secondary Learning Act;
(b) “non-profit organization” means an organization
(i) that is incorporated under the Societies Act or the Agricultural Societies Act or that is registered under Part 9 of the Companies Act, or
(ii) that meets the criteria established under the regulations to qualify as a non-profit organization.

(2) Subject to subsection (3), this Act does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization.

(3) This Act applies to a non-profit organization in the case of personal information that is collected, used or disclosed by the non-profit organization in connection with any commercial activity carried out by the non-profit organization.

(4) The Lieutenant Governor in Council may make regulations
(a) establishing, for the purposes of
subsection (1)(b)(ii), the criteria to be met by an organization to qualify as a non-profit organization;
(b) establishing the criteria to be met by non-profit organizations to qualify as non-profit organizations that are restricted or otherwise limited in the scope of their operations and exempting those non-profit organizations from the operation of subsection (3);
(c) governing the coming into force of this Act or any provision of this Act with respect to a non-profit organization;
(d) providing that this Act or any provision of this Act commences to apply to a non-profit organization at a date that is later than January 1, 2004;
(e) providing for and governing any transitional matter relating to the application of this Act to a non-profit organization.

(5) Any regulation made under this section may be general or specific in its application.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “FEDERAL WORK, UNDERTAKING OR BUSINESS”**

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**Section 2**

"Federal work, undertaking or business" means any work, undertaking or business that is within the legislative authority of Parliament. It includes

(a) a work, undertaking or business that is operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and
transportation by ship anywhere in Canada;

(b) a railway, canal, telegraph or other work or undertaking that connects a province with another province, or that extends beyond the limits of a province;

(c) a line of ships that connects a province with another province, or that extends beyond the limits of a province;

(d) a ferry between a province and another province or between a province and a country other than Canada;

(e) aerodromes, aircraft or a line of air transportation;

(f) a radio broadcasting station;

(g) a bank;

(h) a work that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more provinces;

(i) a work, undertaking or business outside the exclusive legislative
authority of the legislatures of the provinces; and

(j) a work, undertaking or business to which federal laws, within the meaning of section 2 of the *Oceans Act*, apply under section 20 of that Act and any regulations made under paragraph 26(1)(k) of that Act.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “PERSONAL INFORMATION”**

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**Section 2**
"personal information" means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.

**Section 1.k**
(k) “personal information” means information about an identifiable individual;

**Section 1**
"personal information" means information about an identifiable individual and includes employee personal information but does not include (a) contact information, or (b) work product information;

**Section 2**
2. Personal information is any information which relates to a natural person and allows that person to be identified.
## Comparative analysis of federal and provincial legislation

### DEFINITION OF “RECORD”

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**Section 2**  
"record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine-readable record and any other documentary material, regardless of physical form or characteristics, and any copy of any of those things.

**Section 1.m**  
(m) “record” means a record of information in any form or in any medium, whether in written, printed, photographic or electronic form or any other form, but does not include a computer program or other mechanism that can produce a record;

**Section 1**  
"document" includes  
(a) a thing on or by which information is stored, and  
(b) a document in electronic or similar form;
Comparative analysis of federal and provincial legislation

DEFINITION OF “NOMINATIVE LIST”

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Section 22.3

Section 22.3

22. A person carrying on an enterprise may, without the consent of the persons concerned, communicate a nominative list or any information used to establish such a list to a third person, if

1) the communication is made pursuant to a contract that includes a stipulation prohibiting the third person from using or communicating the list or the information for
purposes other than commercial or philanthropic prospection;

2) prior to the communication, in cases where the list is a nominative list of the person's clients, members or employees, the persons concerned are given a valid opportunity to refuse that the information be used by a third person for purposes of commercial or philanthropic prospection; and

3) the communication does not infringe upon the privacy of the persons concerned.

A nominative list is a list of the names, addresses or telephone numbers of natural persons.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “PERSONAL INFORMATION AGENTS”**

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**Section 70**

70. Every personal information agent carrying on an enterprise in Québec must be registered with the Commission.

Any person who, on a commercial basis, personally or through a representative, establishes files on other persons and prepares and communicates to third parties credit reports bearing on the character,
reputation or solvency of the persons to whom the information contained in such files relates is a personal information agent.
Comparative analysis of federal and provincial legislation

**DEFINITION OF “EMPLOYEE”**

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**Section 27.1.3**

Section 27.1.3

27.1 (1) No employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that (a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Commissioner that the employer or any other person has contravened or intends to
contravene a provision of Division 1;
(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is a contravention of a provision of Division 1;
(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order that a provision of Division 1 not be contravened; or
(d) the employer believes that the employee will do anything referred to in paragraph (a), (b) or (c).

(2) Nothing in this section impairs any right of an employee either at law or under an employment contract or collective agreement.

(3) In this section, "employee" includes an independent contractor and "employer" has a corresponding meaning.
## DEFINITION OF “BUSINESS CONTACT INFORMATION”

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S.O.R./2001-6  
S.O.R./2001-7 | Personal Information Protection Act  
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(as amended by Personal Information Protection Amendment Act, 2005, c. 29)  
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R.S.Q., c. P-39.1  
Civil Code of Québec |

**Section 2**

**Section 2 (implicit)**

“personal information” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.

**Section 1.a**

**Section 1.a**

(a) “business contact information” means an individual’s name, position name or title, business telephone number, business address, business e-mail, business fax number and other similar business information;

**Section 1 (“contact information”)**

**Section 1**

"contact information" means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;
## Comparative analysis of federal and provincial legislation

### DEFINITION OF “PERSONAL EMPLOYEE INFORMATION”

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### Section 1.j

(j) “personal employee information” means, in respect of an individual who is an employee or a potential employee, personal information reasonably required by an organization that is collected, used or disclosed solely for the purposes of establishing, managing or terminating (i) an employment relationship, or (ii) a volunteer work relationship between the organization and the

### Section 1

"employee personal information" means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment;
Comparative analysis of federal and provincial legislation

DEFINITION OF “EMPLOYMENT”

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S.O.R./2001-6  
(as amended by Personal Information Protection Amendment Act, 2005, c. 29)  
Civil Code of Québec |

Section 1

"employment" includes working under an unpaid volunteer work relationship;
### Comparative analysis of federal and provincial legislation

**DEFINITION OF “VOLUNTEER WORK RELATIONSHIP”**

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<td>(n) “volunteer work relationship” means a relationship between an organization and an individual under which a service is provided for or in relation to or is undertaken in connection with the organization by an individual who is acting as a volunteer or is otherwise unpaid with respect to that service and includes</td>
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any similar relationship involving an organization and an individual where, in respect of that relationship, the individual is a participant or a student.

Comparative analysis of federal and provincial legislation

**DEFINITION OF “WORK PRODUCT INFORMATION”**

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Personal Information Protection Act Regulations, B.C. Reg. 473/2003 | An Act respecting the Protection of Personal Information in the Private Sector  
R.S.Q., c. P-39.1  
Civil Code of Québec |

**Section 1**

"work product information" means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or
Comparative analysis of federal and provincial legislation

**PROTECTION OF EMPLOYEE**

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**Section 27.1**

27.1 (1) No employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Commissioner

**Section 58**

58 An organization shall not take any adverse employment action against an employee of the organization, or deny an employee a benefit, on account of or for any reason arising out of the situation where

(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Commissioner

**Section 54**

54. An organization must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the organization, or deny that employee a benefit, because

(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the commissioner that the organization or any other person has contravened or is about to...
that the employer or any other person has contravened or intends to contravene a provision of Division 1;

(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is a contravention of a provision of Division 1;

(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order that a provision of Division 1 not be contravened; or

(d) the employer believes that the employee will do anything referred to in paragraph (a), (b) or (c).

(2) Nothing in this section impairs any right of an employee either at law or under an employment contract or collective agreement.

(3) In this section, "employee" includes an independent contractor and "employer" has a corresponding meaning.

contravene this Act, (b) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene this Act, (c) the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of this Act, or (d) the organization believes that an employee will do anything described in paragraph (a), (b) or (c).