

What Organization to Contact If You Have a Privacy Issue

Given the various laws and jurisdictions that apply to privacy protection in Canada, determining what organization is best suited to assist with a privacy issue can sometimes be challenging. Here is a basic overview of privacy legislation in Canada and suggestions for which organization to contact for help.

Note: This information is not intended to provide legal advice; it is intended to provide general information about privacy legislation in Canada.

Privacy Legislation in Canada

There are federal and provincial laws in Canada that relate to privacy rights. Various government organizations and agencies are responsible for overseeing compliance with these laws.




Federal Privacy Laws	Sector	Details	Oversight
Privacy Act	Public sector—federal institutions listed in the <i>Privacy Act Schedule of Institutions</i>	<ul style="list-style-type: none"> • Sets out the ground rules for how the federal government collects, uses and discloses the personal information of individuals and federal employees. • Provides individuals with the right to access and correct personal information the federal government holds about them. 	Office of the Privacy Commissioner of Canada
Personal Information Protection and Electronic Documents Act (PIPEDA)	Private sector—organizations	<ul style="list-style-type: none"> • Sets out the ground rules for how private-sector organizations collect, use or disclose personal information in the course of commercial activities. • Also applies to employee information for federally-regulated works, undertakings, or businesses, such as banks, airlines, and telecommunications companies. <p>Does not apply to:</p> <ul style="list-style-type: none"> • Organizations that collect, use and disclose personal information entirely within a province that has legislation that has been deemed substantially similar to the PIPEDA, unless the personal information crosses provincial or national borders. See “Provincial Privacy Laws” section of this chart for more information. • Organizations that are <u>not</u> engaged in commercial activity. 	Office of the Privacy Commissioner of Canada
Sector-specific Privacy Laws	Private sector—various organizations	<ul style="list-style-type: none"> • Several federal sector-specific laws include provisions dealing with the protection of personal information. • Note: the presence of other legislation that has privacy-related provisions does not necessarily mean that PIPEDA does not apply. 	Applicable oversight body <i>If PIPEDA applies:</i> Office of the Privacy Commissioner of Canada
Provincial Privacy Laws	Sector	Details	Oversight
Provincial Privacy Laws for public sector	Public sector—provincial government institutions	Every province and territory has its own public-sector legislation that applies to its own government institutions.	Provincial or territorial commissioner or ombudsman responsible for overseeing privacy legislation
Provincial Privacy Laws for private sector	Private sector—organizations	<ul style="list-style-type: none"> • Alberta, British Columbia and Québec all have private-sector legislation which has been declared to be “substantially similar” to PIPEDA. These acts may apply if the information is collected, used and disclosed entirely within the province. • Ontario, New Brunswick, and Newfoundland and Labrador have health information privacy legislation that has been declared substantially similar to PIPEDA with respect to health information custodians. • Some provinces have passed privacy laws that apply to employee information. • Note: Some provinces and territories have health privacy laws that have not been declared substantially similar to PIPEDA. Therefore, in some cases, PIPEDA may still apply. 	Provincial or territorial commissioner or ombudsman responsible privacy legislation <i>If PIPEDA applies:</i> Office of the Privacy Commissioner of Canada
Sector-specific Privacy Laws	Private sector—various organizations	<ul style="list-style-type: none"> • Several provincial sector-specific laws include provisions dealing with the protection of personal information. • Note: The presence of other legislation that has privacy-related provisions does not necessarily mean that PIPEDA does not apply. 	Applicable oversight body <i>If PIPEDA applies:</i> Office of the Privacy Commissioner of Canada

Determining What Organization Is Best Suited to Help

If you have a privacy issue and aren't sure where to go for assistance, here is a simple three-step process that may help you determine where to start.

1










Choose the colour that corresponds to the personal information you are concerned about.

-  Personal health information
-  Personal employee information
-  Other types of personal information about you

i Personal information is information about an identifiable individual. Some examples of personal information may include age, ID numbers, ethnic origin, blood type, and financial or medical records.

2

Choose the icon that corresponds to the type of organization you have privacy concerns about.

-  **Federal government institution**
Examples: Federal departments, agencies, etc. listed in the *Privacy Act Schedule of Institutions*
-  **Provincial or municipal government institution**
Examples: local transit authority, recreation complex, library, public school, hospital
-  **Federally-regulated business operating in Canada, engaged in commercial activity**
Examples: bank, airline, telephone or broadcasting company
-  **Private sector organization, engaged in commercial activity**
Examples: retail store, service, hotel, restaurant, insurance, entertainment
-  **Health care professionals**
Examples: doctors, dentists, physiotherapists, psychologists
-  **Individuals who collect, use or disclose personal information for non-commercial purposes**
Examples: web sites, blogs, home security cameras
-  **Federal political party, member of parliament, member of parliament staff**
-  **Not-for-profits and charities, not engaged in commercial activity**
Examples: sports associations, professional associations, clubs,
-  **Organizations carrying on business primarily outside of Canada**

3

Combine the colour (personal information type) selected in step one with the icon (organization type) selected in step two, and find the result in one of the boxes below to determine what organization may be best suited to help you.

 **Privacy Act**

 **Privacy Act**

 **Privacy Act**

 **PIPEDA**

 **PIPEDA**

 **PIPEDA**

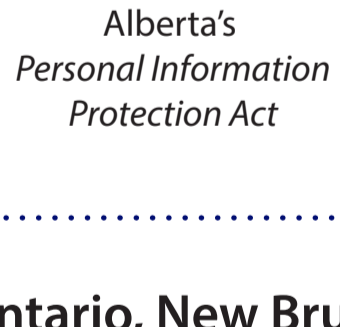
 **PIPEDA***

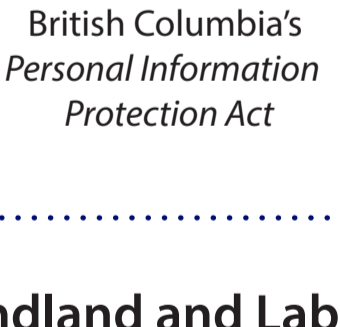
 **PIPEDA****

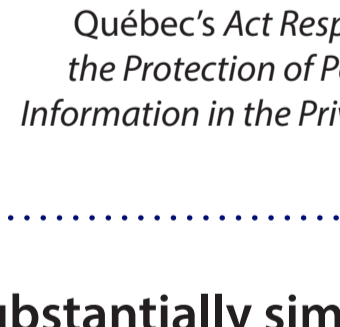
 **PIPEDA**
may apply (determined on a case by case basis)

For more information, contact the Office of the Privacy Commissioner of Canada
www.priv.gc.ca/cu-cn/index_e.asp


* Three provinces have substantially similar legislation which may apply instead of PIPEDA if the information is collected, used and disclosed entirely within that province.

 **Alberta's Personal Information Protection Act**

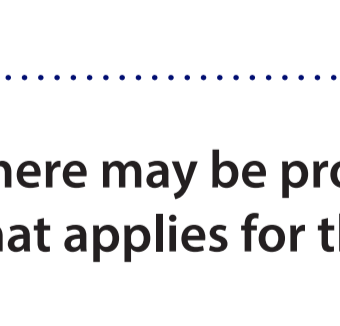
 **British Columbia's Personal Information Protection Act**

 **Québec's Act Respecting the Protection of Personal Information in the Private Sector**

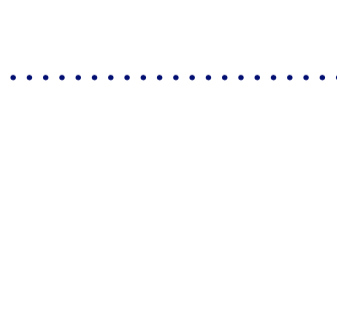
** Ontario, New Brunswick and Newfoundland and Labrador have substantially similar legislation with respect to health information custodians that may apply instead of PIPEDA.



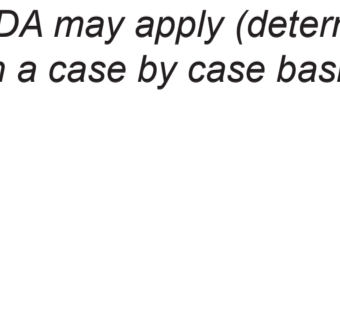
Provincial and territorial privacy laws for public sector will apply:







There may be provincial or territorial privacy legislation that applies for the following situations:

 **PIPEDA may apply (determined on a case by case basis)**









For more information, contact the provincial or territorial oversight office based on the location of the organization that has collected your personal information.

www.priv.gc.ca/resource/prov/index_e.asp

In general, the conduct of individuals who are not collecting, using or disclosing personal information for commercial purposes is not covered under Canadian privacy laws.



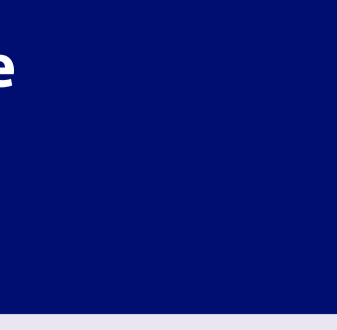




These types of organizations/individuals are not included in the *Privacy Act Schedule of Institutions* and PIPEDA generally does not apply unless the organization is conducting a commercial activity (fundraising is not a commercial activity).







For more information, contact the Office of the Privacy Commissioner of Canada
http://www.priv.gc.ca/cu-cn/index_e.asp

