

Canada's Personal Information Protection and Electronic Documents Act

**by
David Rintoul, B.COMM, C.R.M., C.D.I.A.**

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Canada's Personal Information Protection and Electronic Documents Act

Your Organization Is Affected

The Personal Information Protection and Electronic Documents Act received Royal Assent on April 13, 2000, and came into effect on January 1, 2001. The Act already applies to any business that falls under federal jurisdiction. All Canadian businesses must comply with the Act by January 1, 2004.

How The Act Affects Your Organization

The Act impacts organizations in Canada in two broad ways. First, your organization must bring its personal information management practices into compliance with the Act. If you do not, your organization could face investigation of complaints by the Privacy Commissioner of Canada, audits, public reports of your non-compliance and hearings in Federal Court. The Federal Court has the authority to award damages to complainants, including damages for humiliation. There is no ceiling on the amount of these damages. Your organization can also be subject to fines of up to \$100,000 for an indictable offence.

The second thrust of the Act is to encourage organizations to use electronic documents. Managing documents electronically has many advantages. Workflow can be streamlined; documents can be delivered instantly to the desktop - saving time and improving customer relationships; collaboration can be improved - making projects more efficient and allowing companies to bring new products to market faster.

Ten Key Privacy Principles Your Organization Needs to Follow

Under the Act, there are ten key principles your organization must follow when collecting and managing personal information. The ten principles are:

- 1. Accountability:** There must be a specific individual in charge of the management of personal information.
- 2. Identifying Purposes:** When personal information is collected from an individual, it must be for a specific reason and that reason must be clearly defined.
- 3. Consent:** When personal information is collected from an individual, the individual must give their consent, and that consent is based only on the purpose identified.

4. **Limiting Collection:** Organizations must limit the personal information they collect to only the information needed for the identified purpose.
5. **Limiting Use, Disclosure and Retention:** Organizations must only use the collected information for the identified purpose. Organizations can only disclose the collected information to people who need to know the information for the identified purpose. Organizations must only retain the information collected for the time required for supporting the identified purpose.
6. **Accuracy:** Organizations must take steps to ensure that the personal information they collect is accurate. Organizations must also provide a process by which individuals can request corrections or updates to the collected information.
7. **Safeguards:** Organizations must take steps to ensure that personal information is protected against inadvertent or deliberate disclosure.
8. **Openness:** An organization has the responsibility to inform the public of their policies, and procedures for managing personal information. These policies and procedures must be clear and easy to understand.
9. **Individual Access:** Organizations must provide individuals with access to the personal information the company has collected about the individual.
10. **Provide Recourse:** Organizations must deal with complaints regarding their personal information management practices.

Your Organization's Use of Electronic Documents

With the Act, the government has taken a legislative stance that actively encourages the use of electronic documents. In the past, many organizations have hesitated to manage documents electronically due to their concern about the legal status of electronic documents. The provisions of the Act are intended to remove obstacles in this area.

The Act makes it clear that an electronic document is considered to be "in writing" for legal purposes. Forms can be completed electronically. Contracts can be signed, witnessed and sealed electronically. Documents can be notarized electronically. Payments can be made to the federal government electronically. Where a federal law prescribes a retention period for a document, that document can be retained electronically. In short, the Act permits, and in fact encourages, organizations to manage their documents electronically.

Your Opportunity

The Act encourages good information management practices, practices that are good for any business. As the Federal Privacy Commissioner, George Radwanski stated:

“What businesses may find to be real news is that they themselves can benefit from observing the privacy principles and fair information practices set out in the Personal Information Protection and Electronic Documents Act. What the Act is really about is good information management practices, and every organization benefits from those.”

Companies who rise meet the challenge posed by the Act, will find themselves aligning their information management practices with their business objectives. The result will be improved competitiveness, customer service and profitability.

The management of information is central to achieving the long-term goals and objectives of any organization. Part of managing corporate information is the management of corporate documents. Documents are the corporate memory of business functions, activities and transactions. An organization’s relationship with all of its stakeholders, including customers, employees and investors, depends on documents.

TAB has a proven track record of helping companies build systems that turn information into a market advantage. We help enable our customers to leverage the information within their documents to achieve success in their markets.

Our customers benefit from TAB's 50 years of experience and expertise in document management systems. We offer complete business solutions, including comprehensive consulting services, a complete line of information and records management supplies, document management software, furniture, storage equipment and technical support to clients around the world.

TAB provides end-to-end solutions to organizations in every type of business or service including healthcare, insurance, legal and professional services, finance, banking, retail sales, education, government and manufacturing.

