

## How the new privacy legislation affects you

Some organizations are already subject to a new law. Others must comply by 2004.



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As we progress into the New Year, this is a good time to review an important piece of legislation. Canada's Personal Information Protection and Electronic Documents Act, now one year old, is passing a second milestone. The second stage, affecting some health care records, came into force as of January 1, 2002. All businesses will be affected in the third and final stage, which takes place on January 1, 2004.

Many facility managers are still not familiar with the Act. It lists a set of rules for managing personal information. Privacy legislation used to deal mainly with the public sector. However, this Act applies to organizations in the private sector. The concept of applying personal information legislation to a private business is new for most Canadians.

The Act requires businesses to implement ten principles. These are:

**Accountability** — Your organization must make a specific individual responsible for protecting personal information.

**Identifying Purposes** — Your organization must identify its reasons for collecting personal information.

**Obtain Consent** — Your organization must get individuals' consent before collecting personal information about them.

**Limit Collection** — Your organization must limit the personal information it collects, based on the purposes identified.

**Limit Use, Disclosure, and Retention** — Your organization must only use personal information for its identified purpose. Then, it must destroy personal information that no longer serves that purpose.

**Be Accurate** — Your organization must ensure that personal information is correct.

**Use Appropriate Safeguards** — Your organization must secure personal information from loss, theft or wrongful disclosure.

**Be Open** — Your organization must inform individuals about your personal information management policies and procedures.

**Give Individual Access** — Your organization must give individuals access to their personal information.

**Provide Recourse** — Your organization must manage complaints. It must also correct its procedures based on those complaints.

To date, the Act does not apply to every business. The first wave came on January 1, 2001. It affected industries in the federal jurisdiction. This included, among others:

- Chartered banking;
- Airlines;
- Telecommunications;
- Broadcasting;
- Inter-provincial and international transportation;
- Offshore oil;
- Nuclear energy, and
- Grain handling.

As of January 1, 2002, personal health information for these industries comes under the Act. Businesses outside the federal jurisdiction have until January 1, 2004, to prepare.

### Aids information management

The Act protects everyone's privacy. But it is important to facilities and records managers for another reason. It encourages good information management practices. As George Radwanski, the Federal Privacy Commissioner, has said:

"What businesses may find to be real news is that they themselves 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."

The first step is to assess the Act's impact on your company. What personal information do you collect from your customers, employees, investors, suppliers, or other stakeholders? Are they aware that you collect it? If not, would they have consented to its collection? Do you share personal information with other companies? If so, do the individuals consent to this? Do you have specific reasons for collecting personal information? Do you have policies on how long to keep each type of personal information? Who is responsible for all this?

You may not be able to answer many of these questions. Often, no one person within a company knows how personal information is managed. So, that is where to begin. Start by assigning a specific person to be the company's personal information officer. That person's first job is to conduct a gap analysis. Do you already comply with all of the ten principles? If not, what do you need to change in order to comply? What resources do you need to make those changes?

There is much more to this issue than we can cover here. To learn more about the Act, you can visit the website of the Office of the Privacy Commissioner of Canada: [www.privcom.gc.ca](http://www.privcom.gc.ca).

Some people will view this legislation as just one more bureaucratic burden. That will be their loss. Instead, view the legislation for what it is; an opportunity to help your company take advantage of the benefits of sound records management.

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