

Office of the Privacy Commissioner of Canada



Protection Of Personal Data: The Canadian Experience INFODF 2nd International Seminar Mexico City, Mexico 13 -14 November, 2008



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“Privacy is a critical element of a free society and there can be no real freedom without it”

Jennifer Stoddart
Privacy Commissioner of Canada

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Legislative Framework

■ Federal

- *Personal Information Protection and Electronic Documents Act (PIPEDA)*
- *Privacy Act*
- *Access to Information Act*

■ Provincial and Territorial

- Public sector access to information and protection of privacy legislation
- Private sector privacy legislation
- Personal health information legislation

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Oversight

- Office of the Privacy Commissioner of Canada
 - *PIPEDA* and *Privacy Act*
- Office of the Information Commissioner of Canada
 - *Access to Information Act*
- Provincial and Territorial Commissioners
 - Various public sector, private sector and health information access and privacy legislation

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Who is covered?

- *PIPEDA*

- All businesses and organizations which collect, use and disclose personal information in the course of commercial activity (some Provinces exempt)

- *Privacy Act*

- Federal government departments and agencies

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Cooperation

- All F/P/T Commissioners meet two times per year
- Issue joint statements on specific issues
 - Children's online privacy
 - Enhanced drivers licences
 - No-fly list program
- Joint investigations
- Ongoing communication via electronic Listserv

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“The times, they are a-changin’... Bob Dylan

- 40 years ago – truck full of paper
- 30 years ago – crates of floppy disks
- 10 years ago – hard drives
- Today, same information can fit on a single DVD or a thumb drive!

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Today's Privacy Landscape

- Continuously evolving
- Globalization
- Technological explosion
- Anti-terrorism and law enforcement initiatives
- Insatiable appetite for personal information
- Myriad of privacy challenges coming our way
- Must stay ahead of the game!

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“Present Time” Privacy Challenges

- Global competition
- E-commerce
- Cloud computing
- National security
- Function creep

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A Focused Approach

- Must address key issues to have real, positive and measurable impact
- Four priority privacy issues
 - Information technology
 - Privacy and national security
 - Identity integrity and protection
 - Genetic privacy

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5 Strategic Priorities

1. Continue to improve service delivery through focus and innovation
2. Strategically advance global privacy protection for Canadians
3. Support Canadians to make informed privacy decisions

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5 Strategic Priorities (con't)

4. Build a sustainable organizational capacity
5. Provide leadership to advance the four priority privacy issues

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Priorities

- Continue to improve service delivery through focus and innovation
 - New and innovative investigative strategies
 - Priority rating system (fast tracking)
 - Early resolution unit and mediation unit
 - Specialized IT/Internet investigation unit
 - Standardization of letter responses
 - Three-year audit plan

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Priorities

- Strategically advance global privacy protection for Canadians
 - International Data Protection and Privacy Commissioners Conference
 - Chairs a volunteer group of OECD
 - APEC Data Privacy Sub-Group
 - International Working Group on Data Protection in Telecommunications
 - International association of data protection authorities₁₄



Priorities

- Support Canadians to make informed privacy decisions
 - Publications and guidelines
 - Blogs and online videos
 - Specialized guides and online learning resources
 - Expanded public speaking program
 - Social marketing campaign
 - Education and outreach programs

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Priorities

- Build a sustainable organizational capacity
 - Staffing and retention strategy
 - Management Accountability Framework
 - Performance Measurement Framework
 - Information management renewal project
 - Modern case management system
 - Internal information sharing

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Priorities

- Provide leadership to advance the four priority privacy issues
 - Prioritize incoming requests
 - Building organizational capacity
 - Operational plans to coordinate activities within the Office
 - A more holistic approach

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Conclusion

- Future not set by politics or technology, but by people
- In today's wired world, privacy demands a global approach
- We need champions to promote international privacy solutions
- Politicians and government officials should listen attentively



“As with so many other rights and freedoms, privacy is not a battle you fight to win in a decisive way. It’s a battle you will need to re-fight again and again. We can’t fail. The right to privacy is a public interest of the highest order.”

Jennifer Stoddart
Privacy Commissioner of Canada

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Thank You

Questions?

www.privcom.gc.ca

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