

Navigating Evolving Privacy Regulation and Expectations

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Privacy Law in Canada

- Personal Information Protection and Electronic Documents Act (PIPEDA)
- PIPEDA focuses on accountability when dealing with personal information
- PIPEDA is applicable to foreign companies if there is a substantial connection to Canada (e.g. Canadian citizens' data being processed)
- Also provincial laws in BC, Alberta, Quebec

Current Trends in Canadian Privacy

- Rapidly changing regulatory environment:
 - Data breach reporting rules
 - “Meaningful consent”
 - Class action litigation
- New forms of data, processes and storage
 - Analytics, AI, blockchain
 - Is output data “personal information”?
 - Cross-border issues
- Alignment with EU General Data Protection Regulation (GDPR)

GDPR Overview

- Enforcement begins on May 25, 2018
- Focus is on data subjects in the EU, not the location of a company
- Prescribed categories:
 - Authorization to process personal information
 - Limitations on use
 - Required contractual clauses
- Effects of GDPR are broad and far reaching

GDPR Challenges for Canadian Companies

- General Requirements:
 - Company is established in the EU
 - Company offering services in the EU
 - Company's services results in the monitoring/tracking of data of EU citizens
- Brexit: lack of clarity for businesses processing UK person's data but not the rest of EU
- GDPR is more extensive than PIPEDA
 - Right to be forgotten
 - Right to have automated decisions made by a person
 - Data mapping
 - Privacy by design/default

Operationalizing GDPR Compliance

- Conduct data inventory and mapping
- Assess all relevant policies, standard form contracts and internal procedures that will need updating
- Ensuring the appropriate resources are allocated to system and technology upgrades
- Providing the necessary training to employees who handle personal information



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