

T h e P r a x i s G r o u p



Praxis

*Protection of Personal
Information
Held by the Private Sector*



Building B1, Room 242
2451 Dieppe Avenue SW
Calgary, Alberta T3E 7K1
(403) 249-8822 (Phone)
(403) 249-8983 (Fax)
1-866-249-8822 (Toll free)
www.praxis.ca

Protection of Personal Information Held by the Private Sector

**Prepared by
The Praxis Group**

For

**Alberta Government Services
Information Management, Access and Privacy**

*Protection of Personal
Information
Held by the Private Sector*

January 29, 2003

Table of Contents

	Page
Executive Summary	3
Chapter 1. Introduction	5
1.1 Background	5
1.2 Study Objectives	6
1.3 Structure of Report	6
Chapter 2. Public Focus Groups	7
2.1 Overview of Public Focus Groups	7
2.2 Findings	8
2.2.1 Definition of Personal Information	8
2.2.2 Areas of Concern About Personal Information	9
2.2.3 Suggestions for Protecting Personal Information	16
2.2.4 Government Role	17
2.2.5 Creating Public Awareness of New Legislation	17
Chapter 3. Public Opinion Poll	19
3.1 Overview of Public Opinion Poll	19
3.1.1 Structure of Poll	19
3.2 Findings	19
Chapter 4. Association Discussion Sessions	22
4.1 Overview of Association Discussion Sessions	22
4.2 Findings	24
4.2.1 Need for Alberta Private Sector Privacy Legislation	24
4.2.2 Challenges Associated with Private Sector Privacy Legislation	28
4.2.3 Suggestions for Private Sector Privacy Legislation	47
4.2.4 Implementation Assistance	51
Chapter 5. On-line Survey of Private and Non-Profit Organizations	55
5.1 Overview of On-line Survey	55
5.2 Findings	55
Chapter 6. Conclusions	59
List of Appendices	61

Executive Summary

In November 2002 The Praxis Group conducted focus groups and discussion sessions to explore the support for, and implications of, the Alberta government's proposed private sector privacy legislation. Three public focus groups were attended by a total of 30 participants who were randomly selected from public directory lists. Seven discussion sessions were attended by a total of 65 representatives from various professional and industry associations as well as a few companies and charitable organizations. In December, 2002 a public opinion poll was conducted to explore the views of Albertans. In addition, an on-line survey was made available to associations for distribution to their members.

The public focus group participants indicated concern about the protection of their personal information, particularly information considered to be sensitive such as credit and health information. The area of greatest concern was third party access to personal information.

Based on the three public focus groups there appears to be strong public support for private sector privacy legislation including specific guidelines that address the collection, use, retention and safeguarding of personal information. As well, participants indicated that legislation must be enforced and suggested that a position, such as an ombudsman, would be helpful.

The public opinion poll showed overwhelming support for privacy legislation. Over 96%¹ of Albertans feel they should be informed about the purpose of information collected about them, they should have access to this information and the information should be used for the purpose for which it was collected and not used by a third party. Over 95% of Albertans also feel that all companies in Alberta should adhere to the same minimum standard of protecting personal information and there should be laws in place to ensure compliance. The poll demonstrated a clear consensus among the public that there is support for privacy legislation.

The reaction from participants at the association discussion sessions was mixed. The most strongly stated opinions were from participants opposed to separate Alberta privacy legislation; however, this was not a concern at all discussion sessions. Those who were concerned indicated that Alberta legislation was unnecessary, would be confusing and result in unnecessary costs for the government as well as the companies and organizations covered by the legislation. Those who supported separate Alberta legislation thought the legislation would be sensitive to small and medium-sized businesses and that it would be advantageous to have an Alberta Privacy Commissioner and someone local who could answer questions and respond to concerns.

At all discussion sessions, the most frequently cited challenge was the need for legislative harmonization, both within and across jurisdictions. Other concerns included the

¹ Poll results are reliable within +/- 4.9%, 19 times out of 20.

extension of Alberta legislation to include self-governing professions, non-profit and charitable organizations, and employee information. There was considerable concern about the costs associated with implementation of the privacy legislation. The principles regarding consent, identification of purpose and limiting use, disclosure and retention, prompted the most discussion. It was emphasized that organizations would need time to review the draft legislation and that the existing timeframe appeared very abbreviated. Participants emphasized that successful implementation of the legislation would require an effective information and education program for the public, organizations and companies.

The on-line survey of association members paralleled the findings from the association focus groups. In general, the main issues were harmonization, cost and the need for Alberta legislation. Charitable non-profit organizations felt strongly that legislation pertaining to their use of personal information should be less restrictive than business. Their main rationale was that they provide a service that serves the public good and that privacy legislation could hamper their ability to perform this role.

It appears that the public will strongly support private sector privacy legislation but the response from industry and non-government organizations will be mixed, and some strongly-stated opposition can be expected. Acceptance, support and effective implementation of Alberta's privacy legislation by the private sector and non-governmental organizations will be enhanced through:

- careful attention to harmonization of privacy legislation across provincial boundaries
- processes that ensure non-government organizations can continue to efficiently fulfil mandates in the public interest
- general principles common to all sectors with the opportunity for sector-specific direction to respond to the range of sectors
- consultation during the drafting of the legislation
- a cooperative implementation approach involving government, industry and non-government organizations
- training and support materials for those organizations covered by the legislation
- an awareness and information program for the public

A cooperative, consultative approach during the drafting and implementation of the legislation will be critical. Consultation during preparation of the final legislation will provide an opportunity for organizations to have input and help them understand the legislation prior to implementation. Cooperation with professional and industry associations is key as these groups serve as information conduits to their members and will correspondingly play a key role in the effective and efficient implementation of the legislation.

1. Introduction

1.1 Background

All Canadian provinces now have some form of legislation that governs access to information and protection of privacy for information held by the public sector. Recently there has been considerable interest in privacy protection for personal information held by the private sector. This has ranged from human rights concerns to concerns that privacy issues are an impediment to electronic commerce.

In order to allay public concern and facilitate electronic commerce, governments around the world are taking steps to regulate the private sector's use of personal data or information. The European Union has implemented a directive that prevents data exchange between members of the European Union and jurisdictions without adequate privacy protections. The United States is creating a legislative network to address privacy protection.

In 2000, Canada's federal government passed the Personal Information Protection and Electronic Documents Act (PIPEDA). The purpose of the Act is to ensure that Canadians will have protection for personal information held by the private sector. The Act is also intended to allow Canadian businesses to compete effectively in the new electronic age.

The Act was approved on April 13, 2000 and comes into effect in stages. On January 1, 2004 the law will extend to every organization that collects, uses or discloses personal information in the course of a commercial activity within a province. If a province adopts legislation that is substantially similar to PIPEDA, the organizations or activities covered will be exempted from application of the federal law.

Alberta will prepare its own privacy legislation suited to the unique needs and circumstances of Albertans. This will include "common sense" rules for the collection, use, disclosure, retention and security of personal information. Alberta's legislation will strike a balance between protecting personal information and allowing the private sector to collect and use this information for appropriate business purposes. Effective legislation will respond to Albertan's concerns about protection of their personal information held by the private sector and help remove personal privacy concerns as an impediment to electronic commerce.

The Alberta government wants to ensure that business interests are represented during the preparation of this legislation. Accordingly, Alberta Government Services - Information Management, Access and Privacy contracted The Praxis Group (Praxis) to conduct a consultation program with Alberta business interests as well as the general public.

1.2 Study Objectives

The objectives for consultation are:

Public Perspective:

- identify the information that the public regards as personal in nature
- identify the public's concerns about the protection of their personal information (held by the private sector and non-governmental organizations).
- identify the public's suggestions for addressing these concerns
- explore the public's perception of the government's role in protection of their personal information (held by the private sector and non-governmental organizations).
- identify the public's perception of ways to create awareness of new legislation designed to protect personal information

Business and Non-Profit Interests:

- identify the perceived benefits to the proposed private sector privacy legislation
- identify the perceived challenges to implementing private sector privacy legislation
- to solicit suggestions for ways to overcome or minimize challenges
- to identify the nature of implementation assistance desired from the Alberta government

1.3 Structure of Report

The consultation program included focus groups with the general public as well as associations representing private and non-profit organizations throughout Alberta. A public opinion poll was conducted following the focus groups to gauge public response to the issues raised on the public focus groups sessions. In addition, an on-line survey was offered to all association members who were willing and interested to offer their points of view. The on-line survey was based on the questions discussed in the focus groups.

The report presents the findings for each of the four research processes in Chapter 2 through Chapter 5. The conclusions from the four research processes are in Chapter 6. The specific methods associated with each process are discussed within each chapter.

2. Public Focus Groups²

2.1 Overview of Public Focus Groups

The goal of focus groups is to take advantage of group interactions, and in doing so, generate ideas, solutions and insights. Because focus groups are usually made up of a very small number of people who voluntarily participate, we cannot assume their views and perceptions represent those of other groups that might have slightly different characteristics. They are not a "random sample". Therefore the results of focus groups should never be regarded as definitive, rather they are indicative of issues, solutions actions etc., and may warrant further investigation.

In November of 2002, two public focus groups were held in Edmonton and one in Calgary. Focus group participants were selected through a random recruitment approach, using residential phone lists. Twelve participants were recruited for each focus group and ten people actually attended each session. All participants received a letter (Appendix 1) explaining the project and confirming the time and location of the session. As well, participants were reminded of the session by telephone. Each person was advised that he or she would be given a \$50 cash incentive for attending the session.

The focus group sessions were conducted in hotel meeting rooms in Edmonton and Calgary. A Praxis representative moderated each session, assisted by a discussion guide (Appendix 2). Representatives from Alberta Government Services - Information Management, Access and Privacy observed the Edmonton sessions. Each focus group was one and a half hours in duration and explored the following topics:

- Information that respondents considered to be "personal information".
- Major areas of concern about one's own personal information (e.g. types of information; collection and handling).
- Suggestions for addressing areas of concern (e.g. consent, access to personal records).
- The Alberta government's role in protecting personal information.
- Ways to create awareness of new legislation or policies regarding protection of personal information.

Participants' responses were recorded on flip charts and on audiotapes. The responses were compiled into an electronic format to facilitate reporting and analysis.

² A focus group is defined as a group of interacting individuals having some common interest or characteristics, brought together by a moderator, who uses the group and its interaction as a way to gain information about specific issues.

Details about the focus groups are summarized in the following table:

City	Date and Time	Location of Focus Group	Number of Attendees
Edmonton	November 12, 2002 7:00 – 8:30 pm	Inn on Seventh	10
Edmonton	November 13, 2002 7:00 – 8:30 pm	Inn on Seventh	10
Calgary	November 18, 2002 7:00 - 8:30 pm	Holiday Inn Downtown	10

2.2 Findings

The findings are presented according to the objectives identified in the previous section.

2.2.1 *Definition of Personal Information*

Participants were asked to identify what they believed to be personal information. Their answers indicated the breadth of definitions and helped provide a focus for the ensuing discussion.

Examples of personal information ranged from the personal descriptive (e.g. age, height) to financial to habits and hobbies. The most frequently mentioned examples pertained to contact information, income and finances, credit, health and family.

The categorizes and examples of personal information offered at the focus groups are highlighted in the following table:

Category of Information	Examples of Personal Information
Personal Descriptive	<ul style="list-style-type: none"> • Surname • Age – actual or range • Height, weight • Social Insurance number
Contact Information	<ul style="list-style-type: none"> • Address • Home phone number • Email address
Family	<ul style="list-style-type: none"> • Martial status • Number of family members • Gender of family members
Financial	<ul style="list-style-type: none"> • Income - actual or range • Financial institutions used • Bank account numbers
Credit	<ul style="list-style-type: none"> • Loans requested; agencies visited • Credit card number and balance

Continued

Category of Information	Examples of Personal Information
Health	<ul style="list-style-type: none"> • Prescribed drugs – self and family members • Medical conditions – self and family members
Employment	<ul style="list-style-type: none"> • Employer
Hobbies and Habits	<ul style="list-style-type: none"> • Shopping preferences • Travel patterns • Smoking • Recreational pursuits
Political	<ul style="list-style-type: none"> • Voting preferences • Voting history
Ethnicity	<ul style="list-style-type: none"> • Country of origin

2.2.2 Areas of Concern About Personal Information

Participants were asked to identify the types of personal information they were particularly concerned about. As well, questions explored the nature of the participants' concerns about the privacy of their personal information.

Type of Information of Concern

Questions about the type of personal information of concern helped identify participants' perceptions of sensitive information. In all three focus group sessions, participants indicated that they were most concerned about protection of their financial, credit and health information. Other topics, mentioned in only one focus group, were country of origin, ethnic background and consumer profiling.

By far the most concern was expressed about credit information while health and financial information were considered the next most sensitive. Participants were worried about incorrect information being held by credit agencies, the security of the information holdings and the difficulty experienced when trying to correct inaccurate information. Concern about financial information related to income, source of income and banking information. Health information concerns included medical conditions, prescribed drugs, injuries or information that might affect one's ability to get insurance. Less frequently, concerns were expressed about information pertaining to consumer profiling and ethnic background and information gathered by employers.

The following table highlights the types of information of most concern and examples of each type.

Type of Information of Most Concern	Examples
Health	<ul style="list-style-type: none"> • Medical conditions • Prescribed drugs • Injuries, surgeries • Information that might impact insurability
Financial	<ul style="list-style-type: none"> • Income • Source of income • Banking information – accounts, balances
Credit	<ul style="list-style-type: none"> • Balances on credit cards • Borrowing history
Consumer profiling	<ul style="list-style-type: none"> • Preferences for products and services
Ethnic	<ul style="list-style-type: none"> • Country of origin • Ethnic background

Nature of Concern About Personal Information

In all three focus groups, participants expressed the most concern about third party access to their personal information. This concern was expressed repeatedly, far more often than any other topic. Participants stated that they did not want the organization holding their personal information to share, transfer or sell it to other organizations. As well, some attendees cited examples indicating that they believed their personal information had been shared or transferred.

The next most frequent areas of concern pertained to the understanding the purpose of the collection, giving consent for collection and getting access to one's own personal information. Other topics, less frequently mentioned, were concerns about accuracy, safeguarding, collection methods and electronic access.

Third Party Access to Personal Information

There was strong objection to sharing, selling or transferring personal information. Participants were suspicious that this had happened to them and cited unsolicited phone solicitations, mail and merchandise as examples that their information had been shared. Some attendees were particularly frustrated that their information might be sold. A few participants accepted charities sharing lists while others were opposed to all sharing or transferring of personal information. A few participants indicated that their concern was relative to the nature of the information being shared. For instance health information was deemed as very sensitive and sharing was of great concern while phone numbers were seen as public information and of less concern.

The following table summarizes the major categories of concern about sharing and transferring personal information and provides examples for each topic.

Concerns about Third Party Access	Examples
Selling or Transferring Contact Information	<ul style="list-style-type: none"> • Unsolicited mail – electronic or paper. • Parking lot companies get access to contact information from government motor vehicle records. • Charities appear to share donor lists. • Frequent calls from telemarketers indicate lists are available. • Subscriptions to one magazine result in offers to subscribe to others. • Selling mailing lists including my personal information to make a profit. • Receiving unsolicited merchandise
Disclosing Sensitive Personal Information	<ul style="list-style-type: none"> • Concern that income information completed on a rental application form in a previous year will have implications for credit approval. • Concern that drug receipts will be released from an insurance company to an employer. • References solicited from people who were not identified as referees. • Sharing information about my income and donation habits • Tracking consumer habits and preferences – shopping, travel.
Globalization of information sharing	<ul style="list-style-type: none"> • International access to personal information has increased as a result of the Internet

Sample Statements:

(Parking lot company) can get personal information about me from my license plate. My contract with them is for parking not for access to my personal information.

I signed up for a (sports team) credit card and now I get all kinds of things mailed to me – all I wanted was the card not offers to buy all this other stuff.

No organization should share, regardless of the purpose.

I don't mind the charities sharing the lists as much as the commercial ventures.

I get all this junk mail and I didn't give these people my name, address or interests.

I understand that companies track my travel patterns.

I fear there is some correlation between my income, my donation habits and the number of solicitations I receive. When my income increased I got a lot more requests to donate. Is information about my income and donation habits shared?

Purpose

Participants frequently mentioned that information collected for one purpose appeared to be used for another purpose. There were concerns about why the information requested was necessary or how it would be used. Some participants were worried that the purpose given might not be the only use made of the personal information.

The following table highlights the concerns about the identification of purpose and provides examples of each concern.

Concerns about Identification of Purpose	Examples
Reason given for collection of information may not be the only use	<ul style="list-style-type: none"> • Product loyalty cards – To get the discount or benefit associated with the card, the customer is required to provide personal information. The company may then track purchasing habits although this was not the purpose identified when the personal information was provided. • Bank account information - This information is provided for auto-debits and auto-deposits, but this may not be the only purpose made of this information. • Free Products, Contests – Personal information is given so that the individual can receive free merchandise or enter a contest but the information is used for other purposes.
Authenticity of Purpose	<ul style="list-style-type: none"> • Telephone surveys – A reason is given over the phone for asking personal questions but it is difficult to know if the purpose is legitimate.
Uncertainty about reason for collection	<ul style="list-style-type: none"> • Required fields – the need for some information to be filled in is unclear and worrisome, particularly in the marketplace. • Social Insurance Number – This information should not be required when making purchases. • Purchasing Information – The nature of personal information required when a purchase is made is unclear.

Sample Statements:

It is hard to distinguish between information collected for a legitimate business purpose and the collection of information that could be misused.

I feel a pressure to provide information when the requesting party has something I need, like a job or a place to live.

Sometimes I am not sure why information is needed – like my social insurance number.

The use of personal information needs to be limited to the purposes that were identified when it was gathered.

If I am making a purchase and I am asked for personal information it is hard to know where to draw the line. What is legitimately needed and what is crossing the line?

Consent

Consent was raised as a concern at each focus group. Some participants were not clear what they were consenting to, thought the request for consent was insufficiently highlighted or wondered if non-consent was honoured.

The following table highlights the concerns about consent and provides examples of each concern.

Concerns about Consent	Examples
Unclear Consent Process	<ul style="list-style-type: none"> Fine print, inconspicuous placement – The consent check-off box is located in small print or at the end of a long form.
Honouring Consent Requests	<ul style="list-style-type: none"> If consent is not given for information to be shared is there any guarantee that this will be honoured.

Sample Statements:

If I understand the purpose and give my permission then (sharing) is not a problem.

If I do not give my permission for information to be shared will that be honoured? Is there any kind of guarantee?

The consent piece of forms is often in fine print and at the end. There should be verbal alert (by the merchant or vendor) of this consent box.

It is possible to waive my rights because of convenience, but I am not always aware what rights I have given up.

Access

There were several concerns about getting access to one's own personal information, particularly health and credit information. As well, there were general concerns about the amount and nature of information that has been collected about a person. Those who expressed this concern asked how they could find out what lists they were on and what credit information was held about them.

The following table highlights the concerns about access and provides examples of each concern.

Concerns about Access	Examples
Access to my information	<ul style="list-style-type: none"> • Reviewing my Personal Information – A person should be able to see one's personal information held by various organizations, particularly health and credit information. • Costs associated with accessing personal information could prevent access.
Knowing the holdings	<ul style="list-style-type: none"> • A person should be able to find out what lists he or she is on.

Sample Statements:

It is hard to get access to my own health records.

I don't know how to access my own credit information.

Sometimes there are costs associated with accessing my own information.

Right now it is easier to get personal information about somebody from a private company than it is to get genealogical information from a government census prior to 1920.

Accuracy

There were several concerns that personal information holdings included inaccurate information. As well, some participants were frustrated with difficulties they had experienced when trying to correct the information. Credit information was of particular concern.

The following table highlights the concerns about accuracy and examples of each concern.

Concerns about Accuracy	Examples
Inaccurate or Outdated Information	<ul style="list-style-type: none"> • Credit and Collection Agency Information – This information may be inaccurate or outdated.
Difficulty Getting Information Corrected	<ul style="list-style-type: none"> • Credit and Collection Agency Information – It is difficult to get inaccurate credit information corrected.

Sample Statements:

I question the accuracy of some of the information that the credit card companies have. How can I get a pre-approved credit card when I am a student with a negative income?

I've received calls out of the blue from collection agencies. The problem they were calling about was based on mistaken information. There needs to be some

requirement that a company check with you to validate the claim before it is sent to a collection agency.

Electronic Access

A few participants expressed concern about personal information collected through the Internet, by email or over the phone. Some participants wondered about the legitimacy of requests for information that were made over the phone while others were concerned about the security of information collected over the phone. Internet related concerns included security, increased access to information through the Internet, Internet enticements to provide personal information and the safety of electronic banking.

Other Concerns

Other concerns included general issues such as being unclear about personal privacy rights, finding the balance between the need for security and the need for protecting personal information, and the potential to use privacy legislation to prevent legitimate communication. Specific concerns included getting removed from lists, ending junk mail, and safeguarding personal information to prevent identity theft. As well, it was stated that once one loses control of his or her personal information, it is very hard to regain control.

2.2.3 Suggestions for Protecting Personal Information

Participants offered a number of suggestions for enhancing the protection of their personal information. The most frequent suggestions included guidelines for the information collection process, access to one's personal information and acquiring consent.

The following table highlights the suggestions for protection of personal information and provides examples of each type

Suggestions for Protection of Personal Information	Examples
Transparent Collection Process	<ul style="list-style-type: none"> Clarify purpose for collection, use of information, if and where it will be transferred, how it will be disposed. Develop guidelines, monitor compliance, implement consequences More disclosure requirements are needed.
Accessing My Information	<ul style="list-style-type: none"> Organizations should contact an individual to show the personal information held about the individual. Organizations should reveal the information held about an individual, upon request by the individual. Central repository where individuals can check to see what lists they are on Personal PIN code so that individuals can access their personal information.
Clear Consent	<ul style="list-style-type: none"> Explicitly requested consent, in clear language, large print.
Time Limit for Retention of Personal Information	<ul style="list-style-type: none"> There should be a time limit for the use of personal information – a sunset clause.
Safeguard Credit Cards	<ul style="list-style-type: none"> Credit card transactions, not completed in person, should require authorization by fax or signature. Credit cards should require photos. Credit card numbers should only be held for a certain number of days after the purchase, particularly when the purchase is made over the phone or Internet.

Sample Statements:

The information collection process needs to be transparent.

There are inadequate rules for enforcing the protection of personal information (both public and private sectors).

There needs to be some kind of policing. Any system would have to be policed otherwise it wouldn't be effective.

It should be clear how my information will be used, how long it will be kept and how it will be disposed.

There should be a confirmation sent back confirming t the information that has been collected and how it will be used.

I would like consent to be stated explicitly, in writing, every time.

I should have to clearly state that an organization can have my information. Failure to check a box is not sufficient.

There should be some onus on an organization to contact me and show me the information they have about me so that I can correct it.

There are authenticity challenges for getting access to my information. I don't want it so that somebody can pretend they are me and then get access to my information under the auspices of checking for accuracy.

2.2.4 Government Role

When asked about the role the government could or should play in protecting personal information, most focus group participants thought there should be rules outlining expectations, accountability and enforcement. Participants suggested that rules or legislation should address requirements for identification of purpose, getting consent, tracing the source of a company's personal information holding about an individual and notification if personal information has been transferred.

At two focus group sessions participants suggested there should be an ombudsman or other officer who could receive complaints and have the power to respond.

2.2.5 Creating Public Awareness of New Legislation

Participants offered suggestions about both the content and the approach for increasing public awareness. Content suggestions included creating awareness of the new legislation and advising about where to get more information and the public's rights. The most frequently suggested vehicles for increasing awareness were a media campaign, a government website and phone help line. It was suggested that a media campaign should include radio and television advertisements and public service announcements.

Other comments included concerns about the costs associated with creating awareness and the suggestion that the onus should be on companies to notify the public. Some

participants said that they would not trust the private sector to provide the information. Regarding employee information, it was suggested that the onus should be on employers to notify their employees of the new protection.

3. Public Opinion Poll

3.1 Overview of Public Opinion Poll

A public opinion poll of Alberta residents was conducted to provide a representative perspective on the issues pertaining to protection of personal information held by the private sector. A proportionate sample³ of 400 Alberta residents was selected from a list of randomly drawn residential phone numbers. The questions asked in the poll related directly to the issues discussed in the focus group sessions. The results of the poll are reliable within +/-4.9%, 19 times out of 20. The poll was conducted between December 3rd and December 6th and there were no extraordinary media events related to privacy at that time that could have biased the results.

3.1.1 Structure of the Poll

In order to obtain a high rate of response, the poll was intentionally kept very brief. The average time to complete the poll was just over 5 minutes. The poll provided a brief background to respondents about the meaning of information held by the private sector so there could be some context to their responses. The telephone script is provided in Appendix 3.

A five-point Likert scale was used to assess the level of agreement to eleven statements. At the end of the survey, respondents were asked if they had any additional comments or concerns about protection of personal information that were not covered in the previous questions.

3.2 Findings

Generally there is strong public support for legislation for protection of personal information held by the private sector. While all attributes were rated very high, several stood out as being the most significant.

- 96.8% of Albertans feel they should be informed about the purpose for which information is collected.
- 96.3% of Albertans feel they should have access to personal information collected about them
- 96.3% of Albertans feel all companies in Alberta should be required to adhere to the same minimum standards of protecting personal information
- 96.2% feel the information should be used only for the purpose for which it was collected.

³ The sample was a proportionate sample drawn from the Alberta population. Therefore all Alberta residents had an equal probability of being selected.

- 96% of Albertans feel there should be laws in place to ensure the information is only used for the purpose it was collected for.
- 95% of Albertans believe information gathered about them should remain confidential and not sold or used by a third party.

Responses to Public Opinion Poll - Percent

Question	Strongly Disagree	Somewhat Disagree	Neutral	Somewhat Agree	Strongly Agree	Mean
	1	2	3	4	5	
a) When I provide personal information to a business or non-profit organization, I believe that it will remain confidential and not sold or used by another organization.	1.5%	1.5%	2.0%	7.0%	88%	4.49
b) If an organization gathers information about me, I believe they need to inform me about how the information will be used when they gather it.	1.0%	0.8%	1.5%	7.8%	89%	4.83
c) Information gathered about me by an organization should only be used for the purpose for which it is collected.	0.5%	0.5%	2.8%	7.2%	89%	4.84
d) There should be laws in place to ensure organizations use personal information only for the purpose that I agree to.	0.5%	0.5%	2.8%	11%	85.3%	4.80
e) It is important to have consistent privacy legislation across all provinces.	0%	1.0%	5.3%	13%	80.8%	4.74
f) Employee's personal information should be protected by legislation.	0.3%	1.5%	4.0%	16.8%	77.5%	4.70
g) Albertans should have the right to access their own personal information and request corrections if necessary.	0.5%	0.8%	2.5%	8.5%	87.8%	4.82
h) All companies and organizations in Alberta should be required to adhere to the same minimum standards for protection of personal information.	0.5%	0%	3.3%	11.3%	85%	4.80
i) The penalties for non-compliance with privacy legislation should be significant.	0.8%	0.8%	8.8%	22.8%	67%	4.55
j) Charitable organizations should be subject to the same privacy legislation as other organizations.	0.5%	1.5%	6%	14.8%	77.3%	4.67
k) Not-for-profit organizations should be subject to the same privacy legislation as other organizations.	1.3%	1.5%	6.3%	15%	76%	4.63

The results of the public opinion poll closely parallel the public focus group findings.

The majority of comments provided at the end of the poll reinforced the need to treat credit and medical information with the highest level of confidentiality. Many

respondents also reiterated the need to have personal information used only for the stated purpose and with consent of the individual. As with the public focus groups, Albertans also feel they should have access to information about themselves to ensure the information is accurate. Another frequently cited opinion was that the private sector and government should have the same legislation.

It was felt that penalties for breach of privacy laws should be consistent with the degree of sensitivity of the information in question. 89.8% of Albertans agreed with the statement that the penalties for non-compliance should be significant.

4. Association Discussion Sessions

4.1 Overview of Association Discussion Sessions

The discussion sessions involved associations that represent a wide cross section of commercial and non-profit sectors rather than the individual constituents of each sector. This approach was chosen since the associations represent their constituents and provide an efficient two-way communication conduit during development and implementation of the legislation.

The associations were selected from lists provided by Alberta Government Services and research undertaken by Praxis. Associations were grouped into similar areas of interest (e.g. retail, energy, service). Discussions sessions were organized by contacting association representatives by telephone to introduce the project, extend an invitation to a session and identify a contact person to be sent an email or fax copy of the project information package. Where possible, the sessions were organized so that similar sectors attended the same discussion session. However there was some mixing of sectors in order to accommodate the scheduling requirements of as many organizations as possible.

In November of 2002, three discussion sessions were held in Edmonton and four in Calgary. All participants received an information package consisting of a letter of invitation, an overview of the proposed legislation, questions and answers about the legislation and the discussion questions to be addressed during the sessions (Appendix 4). A summary of those who were invited and attended the discussion sessions is included in Appendix 5.

The two-hour discussion sessions were conducted from 12 to 2 p.m. in hotel meeting rooms in Edmonton and Calgary. Lunch was provided. A Praxis representative made a presentation about the proposed legislation, using Alberta Government Services' overhead slides and then facilitated discussion, assisted by a moderator's guide (Appendix 6). Representatives from Alberta Government Services observed the Edmonton sessions. The discussion questions were posted on a flip chart and included the following:

- From the perspective of your organization, what are the benefits to implementing private sector privacy legislation?
- From the perspective of your organization, what are the challenges to implementing private sector privacy legislation?
- Do you have any suggestions for ways to overcome or minimize these challenges?
- Private sector privacy legislation will adhere to the Canadian Standards Association's *Model Code for the Protection of Personal Information*. These

principles are described in the attached background material. The principles include:

- Accountability
- Identifying Purposes
- Consent
- Limiting Collection
- Limiting Use, Disclosure, and Retention
- Accuracy
- Safeguards
- Openness
- Individual Access
- Challenging Compliance

Do you see specific challenges pertaining to any of the principles?

- What can the Alberta government do to assist you with implementation of privacy legislation in your organization (e.g. training, resource materials)?

Participants' responses were recorded on flip charts and on audiotapes. The responses were compiled into an electronic format to facilitate reporting and analysis. In compliance with the Freedom of Information and Protection of Privacy Act requirements to maintain confidentiality of the respondents, the notes and audiotapes were destroyed upon completion of this report. Four written submissions were received and the highlights of these are included in the findings section of this report.

Details about the discussion sessions are summarized in the following table:

City	Date, Time, Location	Sectors Invited	Number of Attendees
Calgary	November 4 12:00 –2:00 pm Holiday Inn Downtown	Professional Associations	11
Calgary	November 5 12:00 –2:00 pm Holiday Inn Downtown	Communications, Marketing, Information Management	9
Calgary	November 6 12:00 –2:00 pm Holiday Inn Downtown	Primary Industries – Energy, Agriculture	6
Calgary	November 7 12:00 –2:00 pm Holiday Inn Downtown	Non-Profit Charitable Associations	11
Edmonton	November 12, 2002 12:00 –2:00 pm Inn on Seventh	Manufacturing, Retail, Wholesale	11
Edmonton	November 13, 2002 12:00 –2:00 pm Inn on Seventh	Service	8
Edmonton	November 14, 2002 12:00 –2:00 pm Inn on Seventh	Professional Associations Insurance	9

4.2 Findings

There was a range in awareness of the proposed legislation among those attending the sessions. Some participants were unaware of private sector privacy legislation while others had experience implementing the federal government legislation – the *Personal Information Protection and Electronic Documents Act (PIPEDA)*. At each session there were a number of questions ranging from the need for the legislation to requests for specific information about procedures. When Alberta Government Services representatives were present, they responded to the questions. Otherwise the questions were recorded and answers were sent to participants in late November.

Participants were most interested in discussing the challenges associated with implementation of the legislation and proposing suggestions. There was also considerable discussion about the need for provincial legislation.

4.2.1 Need for Alberta Private Sector Privacy Legislation

The initial discussion question about the benefits of Alberta legislation prompted questions or discussion about the need for Alberta to develop its own legislation. In all groups there were questions about the need for Alberta legislation but in two groups, there was strongly stated concern that provincial legislation was not needed and that the federal legislation was adequate. In two groups there appeared to be a preference for Alberta legislation while the remaining groups appeared to accept that Alberta would be preparing its own legislation.

Those who were opposed to Alberta's legislation said that there was no need to extend coverage beyond that offered by the federal legislation and expressed concern about harmonization issues associated with different legislation across jurisdictions and additional costs for both organizations and taxpayers. There were concerns that there is enough legislation at present and that organizations are prepared to meet PIPEDA's requirements and don't want to prepare to meet another Act.

Those who supported Alberta's legislation believed that compared to PIPEDA, Alberta legislation would be more sensitive to the needs of small and medium businesses and could clarify areas that were unclear. It was also stated there would be benefits associated with a local (Alberta) Privacy Commissioner and privacy experts.

The following table summarizes concerns with, and support for, development of Alberta legislation and provides examples of each.

Concerns with Alberta Private Sector Privacy legislation	Examples of Concerns
Areas not covered by PIPEDA do not need to be addressed (e.g. self-governing professions, non-profits, personal information of a non-commercial character, employee information).	<ul style="list-style-type: none"> • Coverage for non-profits and employee information is not required. • Legislation will restrict the ability of professional licensing authorities (e.g. self-governing professions) to fulfil their mandates. • Legislation will hinder the ability of organizations to manage employee information.
PIPEDA is acceptable. No other legislation is required.	<ul style="list-style-type: none"> • PIPEDA is broad enough to set direction but still allows organizations to develop their own codes. • PIPEDA is quite easy to follow. • Rather than invent new legislation, Alberta should lobby for changes to the parts of PIPEDA that are problematic.
Lack of clarity about Alberta's "unique needs and circumstances"	<ul style="list-style-type: none"> • How is Alberta different from any other jurisdiction? • It is not clear why Alberta needs its own legislation.
Increased cost to government and taxpayers – both direct and indirect costs	<ul style="list-style-type: none"> • This is another layer of legislation. • This is reinventing the wheel. • This is counter to the deregulation initiatives. • Support materials have been developed to help organizations respond to PIPEDA. If Alberta does its own legislation, new support materials will be required. • There will be more red tape. • Need to weigh the costs of developing this legislation against the benefits.
Harmonization issues within and between jurisdictions	<ul style="list-style-type: none"> • There is already overlap between, and confusion about, various legislation including the number of Acts in Alberta. • There will be problems for organizations operating across the country. • If there is a range of legislation across the country, organizations will be required to follow the strictest.

Support for Alberta Private Sector Privacy legislation	Examples of Support
Responsiveness to Alberta's needs.	<ul style="list-style-type: none"> • Alberta's legislation will be sensitive to the needs of small and medium businesses – to a range of business sizes. • It will be positive to have Alberta-based privacy experts and resources.
Preference for a local (Alberta) Privacy Commissioner.	<ul style="list-style-type: none"> • There have been difficulties with rulings of the Federal Privacy Commissioner. • The existing Alberta Privacy Commissioner has proven to be astute and sensible.
Problems with PIPEDA.	<ul style="list-style-type: none"> • PIPEDA is complex. • PIPEDA doesn't distinguish between large and small organizations. • It would be good to clarify the parts of PIPEDA that are vague • We have worked with PIPEDA for a while and the problems are apparent.

Sample Statements:

Alberta does not need to extend coverage beyond that offered by the federal legislation. What evil are you trying to address?

Self-governing professions should be excluded from this legislation. As professional licensing authorities we need to be able to investigate the conduct of professionals.

The biggest problem with the federal legislation is the Privacy Commissioner in Ottawa. My reason for supporting a provincial legislative framework is that I want somebody in Edmonton deciding about this, not somebody in Ottawa. I just think that they'll just have a more realistic approach to where to draw the line.

It could cost more money to have Alberta legislation, so why not have someone who represents the federal Privacy Commissioner and serves as the Privacy Commissioner for Alberta?

We can come up with something similar to PIPEDA but that meets our needs a lot better. You should be working closely with those provinces that don't have their own legislation so that you can come up with something that is better than the federal act.

We have problems because Saskatchewan, Manitoba, B.C. have different rules and regulations than Alberta. There are endless business problems and we're trying to harmonize them. Why wouldn't we want to come up with something that works for everybody?

PIPEDA is too general — it has to be broad and general because it's so wide and encompassing.

This legislation poses serious problems for managing employee information. It will limit what we can do in terms of disciplinary notes, seeking references.

There should be a provision for certain organizations – some not-for-profits - to opt out of coverage. They could canvass their members and if a certain percentage agreed the organization could opt out of being covered by the legislation.

Your information states that a “patchwork” of legislation should be avoided; yet it appears that is what will be created with different legislation in different jurisdictions across Canada. This legislation could create an “Alberta patch”.

It would help us have a more meaningful discussion about Alberta’s legislation if we knew what “unique needs” are to be addressed by this legislation.

The relationship between this legislation and the Health Information Act, the Freedom of Information and Protection of Privacy Act, the Health Professions Act, the federal PIPED Act and the Insurance Act is not clear. These various legislations address privacy and confidentiality. As well, the government is currently asking us to provide personal information for a Health Care providers directory. Everyone in the government should get together and clarify the coverage, overlap etc.

The current range of legislation is complicated, duplicated and contradictory. Another Alberta Act is not required.

We operate across the country. If there is a range of legislation we will be required to follow the strictest legislation. We have just completed our response to PIPEDA and we do not want to have to redo this to respond to Alberta’s legislation.

It appears that only four provinces in Canada will have their own private sector privacy legislation.

Rather than focus on the creation of new legislation, Alberta should provide direction about the changes required to make PIPEDA more effective.

Alberta can’t make a simpler act than PIPEDA because Alberta cannot develop a lower standard of legislation than PIPEDA.

I disagree that PIPEDA is complex. Our agency and members have worked their way through the act and find it quite easy to follow, once the consent issue is resolved.

This current process contradicts the previous consultation when organizations indicated they did not want Alberta privacy legislation.

This initiative flies in the face of deregulation, of good government management.

Each sector is unique and it is hard for legislation to cover the operations of all sectors. PIPEDA is broad enough to set direction and still allows organizations to develop their own codes.

One size does not fit all. Alberta could come up with something better than PIPEDA.

It would be positive to have an Alberta Privacy Commissioner and Alberta privacy experts.

Alberta will be good at making the legislation appropriate to a range of business sizes. The federal legislation doesn't distinguish between small and large businesses.

This is a good opportunity to provide input as we have worked with PIPEDA for a while and the problems are becoming apparent.

I think the Alberta government is wise to get out of the federal regime. In my view, some of the Privacy Commission's recent rulings are completely off the wall. They are for privacy at any cost. It's highly expensive and impractical to comply.

Anything you do to fill in the gaps, please use this as an opportunity to streamline, to create an advantage for Albertans.

I think it is really good news to have the privacy legislation coming. I think it's really responsive to Canadians. So I think that's a benefit. For me, I'm wondering if the Alberta legislation will clarify some things that have been left out there.

4.2.2 Challenges Associated with Private Sector Privacy Legislation

General Challenges

At all discussion sessions, the most frequently cited challenge was the need for legislative harmonization, both within and across jurisdictions. Other frequently cited concerns were the extension of Alberta legislation to include self-governing professions, non-profit organizations and employee information. There was considerable concern about the costs associated with implementation of the privacy legislation. Some participants thought that the legislation would be used to prevent legitimate disclosure. Participants debated the need for clarity versus the need for room for interpretation. It was emphasized that time would be required to review the draft legislation and that the existing timeframe appeared very abbreviated.

Harmonization

At each discussion session, participants expressed concern that the transfer of information would be impacted by the various legislative requirements both within Alberta and between provinces. There were concerns about different requirements between

provinces, confusion about which legislation would apply and the need for consistency between private and public sector privacy legislation. Participants also expressed concern about harmonization between the existing pieces of Alberta legislation.

The following table summarizes harmonization concerns and provides examples.

Harmonization Concerns	Examples
Different requirements between provinces.	<ul style="list-style-type: none"> • Confusion – Difficulty understanding and complying with the different requirements across jurisdictions. • Costs – Money has been spent ensuring compliance with federal legislation. More expenditures could be required to ensure compliance with Alberta's legislation. • Trade Barriers – It is important to ensure that different legislation does not result in barriers to trade. • Self-governing professions – Some will be covered by provincial legislation, others by national or not at all.
Confusion about which legislation applies	<ul style="list-style-type: none"> • Federal versus provincial - It will need to be very clear which legislation will apply to a company e.g. when information is transferred across provincial boundaries. • Different provincial acts – There needs to be clarification of areas of overlap or gaps in coverage among the various provincial acts (e.g. Freedom of Information and Protection of Privacy Act, Insurance Act, Health Information Act, Health Professions Act). • Flow of information – Information needs to flow seamlessly among those who use it. In Alberta, health information is covered by various acts and the same rules do not apply.
Consistency between private and public sector privacy legislation	<ul style="list-style-type: none"> • Level playing field – There needs to be consistency in privacy legislation for public and private sectors, particularly where private and public companies are in competition.

Sample Statements:

The cross-boundary/jurisdiction requirements are confusing and will be hard to manage. For instance self-governing professions are covered in Alberta but not in Saskatchewan. Many of these self-governing professions have national bodies that will have to respond to different legislation across the country.

It is possible that a federally licensed Alberta insurer would no longer comply with provincial legislation but be in compliance with federal legislation.

This has the potential to become another trade barrier that Canadians are already famous for - inter-provincial trade barriers.

The privacy legislation that governs private business must be in harmony with the public agencies' privacy legislation. Some of the private agencies are competing with private companies and if we have one set of legislation to live by and they have a different one, it will be unfair.

Frans

There is the potential for some information to be covered by more than one legislation e.g. the federal data bank could be covered by the Freedom of Information and Protection of Privacy Act (FOIP), provincial and federal privacy legislation.

It is not clear what will happen when a company has information that will cross borders.

A large amount of money has been spent ensuring compliance with the federal legislation. We do not want to have to redo everything to respond to provincial legislation.

Harmonization is a key issue. Alberta's legislation must be substantially similar to the federal legislation. A retailer could end up dealing with 14 jurisdictions.

Health information needs to flow seamlessly and with the same rules among all that use the information. The Health Information Act only covers a small portion of health information held in the private sector so ensuring consistency in legislation covering health information transfer is a challenge.

Inclusion of Charitable Organizations, Self-Governing Professions, Employee Information and Volunteers

There was considerable discussion about the coverage of self-governing professions, charitable organizations, employee information and volunteers by Alberta's privacy legislation. Representatives from self-governing professions were concerned that the legislation would constrain their ability to fulfil their mandate. For instance, to conduct an investigation of a member's conduct, the association needs to collect personal information when consent is not given. Representatives from charitable organizations were concerned that the legislation would hinder their ability to provide service deemed to be for public good and result in extra costs for organizations that are operating on a very limited budget. Some participants expressed concern that the coverage of employee information in the legislation would limit their ability to manage information about employees, particularly disciplinary records. It was noted that many non-profits rely on volunteers and that the legislation would have implications for volunteer management.

The following table summarizes concerns about inclusions and provides examples.

Inclusion Concerns	Examples
Self-governing professions	<ul style="list-style-type: none"> Legislation will interfere with enforcement of professional standards and organizations' codes of ethics.
Non profits and charitable organizations	<ul style="list-style-type: none"> This will constrain non-profit and charitable organizations in their ability to fulfil their mandate – one that is in the public interest. Additional expenses and decreased efficiency could result; many non-profit and charitable organizations are currently operating on minimal budgets. Governments have downloaded services to non-profits and charities and this could impact the capacity of these organizations to perform their roles. The legislation could curtail philanthropy. The Canadian Centre for Philanthropy states that personal information may be collected when it is for the public good.
Employee Information	<ul style="list-style-type: none"> Employers could be hampered in their ability to manage employees e.g. disciplinary information.
Volunteers	<ul style="list-style-type: none"> The legislation will impact the nature of information that can be collected about volunteers as part of the recruitment and evaluation process.

Sample Statements:

For governing bodies in particular, it's just completely unworkable to require consent to collect or to disclose information, as unworkable as it would be for police to ask a drug dealer for consent to ask his or her neighbour about what's been going on.

In order to protect the public, the governing bodies of professions must be able to collect, use and disclose some personal information even where the subject of the information says "no". This is the essential conundrum of applying private sector privacy legislation to self-governing professions.

Lawyers have obligation to report concerns that they have about other lawyers.

Non-profits are different from profit-driven organizations – privacy legislation needs to reflect the difference. Not for profit organizations are working for the public good. It is important that they are not hamstrung by privacy legislation intended to protect the public.

The legislation could result in many costs for non-profits e.g. training, oversight, forms, policies, and database management. Please ensure that the legislation strikes a balance between protecting the public from abuses and allowing non-profits to continue to make wise use of their limited funds to do work for the public good.

We are already doing a good job protecting privacy and confidentiality. It is a fundamental part of our practice guidelines.

The government continues to shift responsibility for programs to the not-for-profit sector. The legislation must not create a conflict with the philanthropy and volunteer movement. Otherwise we won't be able to be as efficient at doing the work the government has downloaded to us.

Philanthropy is about volunteerism and building relationships to benefit the public good. The Canadian Centre for Philanthropy states that a non-profit organization shall be permitted to collect, use and disclose personal information about an individual for the purposes of philanthropic activities defined as voluntary action for common good.

There could also be problems with the rights of volunteers to see information on their files. For instance a reference check for a volunteer results in a paper record. If we release this information to the person who is being checked we will have difficulties getting references.

We don't want this legislation to interfere with the employers' rights to manage his or her business.

Costs Associated with Implementing Legislation

There were a number of concerns about the costs associated with implementing private sector privacy legislation. These included the costs associated with additional workload and capital expenses such as new software. Participants were concerned that these costs would be onerous, particularly for small businesses and non-profit organizations.

The following table summarizes concerns about increased costs associated with the Alberta legislation and provides examples.

Cost Concerns	Examples
Increased expenses	<ul style="list-style-type: none"> • Computer system modifications - New or modified software will be required to track consent i.e. whether a client has consented to receiving newsletters, funding appeals etc.
Increased workload	<ul style="list-style-type: none"> • Understanding legislation – It will take time to read and develop an understanding of the legislation. • New business processes – Time will be required to develop processes that support the legislation. • Training – Staff will need to be trained about the legislative requirements. • Explaining consent - More time will need to be spent with clients, particularly for businesses such as call centres.

Sample Statements:

Given the short lead time, it is going to be challenging for software vendors to accommodate the varying requirements of different industry sectors. There will be costs for software to accommodate various industries and for the organizations to implement the new programs. Furthermore these expenses weren't anticipated in their business plans.

Computer systems will need to be fixed so that if a person doesn't give consent in one area this is flagged on the computer.

Alberta's business makeup includes many small businesses. The compliance issue is considerable for small businesses.

It will be a challenge for smaller businesses to understand complex legislation and then put business processes in place without eating away at their profits. Their business is not about legislation compliance, it is about doing business.

There will be a huge compliance burden for some businesses to formalize these practices. Requirements such as advanced consent and restricting uses could have pretty major impacts on businesses marketing practices.

Prevention of Legitimate Disclosure

At most discussion sessions there were concerns that the legislation might be used as a reason not to disclose information in order to shield a person or company.

The following table summarizes concerns about the legislation preventing legitimate disclosure and provides examples.

Prevention of Legitimate Disclosure Concerns	Examples
Limiting legitimate release	<ul style="list-style-type: none"> • Hiding behind the legislation - The legislation may be used as a reason not to disclose information in order to protect a person or company. • Reference checks – People will be reluctant to provide information as referees without the person's consent. • Supervision meetings – In social services a counsellor has meetings with a supervisor where a client's case is discussed. This is part of the counsellor's supervision.
Conflict of interest regarding disclosure	<ul style="list-style-type: none"> • Conflicts between requirements of a professional college or association and the privacy legislation e.g. social workers, lawyers. • Requests from unions to release bargaining or disciplinary notes.

Sample Statements:

People call us more often because they have been denied information than because their personal information has been violated.

Client/lawyer relationships might be open to challenge e.g. breach of duty.

It appears that this legislation could override the protections offered by other policies etc.

Privacy legislation is used to protect interests of big business and prevent disclosure. "I can't provide you with that information because it is personal information."

A lawyer could get stuck between a duty to keep the information for certain purposes and to provide it to the client as a mandatory practice.

Clarity

A number of participants stated that existing provincial and/or federal legislation is confusing and urged the Alberta government to write clearer legislation.

The following table summarizes concerns about clarity and provides examples.

Clarity Concerns	Examples
Need for clarity in the legislation	<ul style="list-style-type: none"> • The federal private sector privacy legislation is unclear. • The coverage afforded by various provincial and federal acts is unclear.

Sample Statements:

Alberta's legislation needs to be clearer than PIPEDA. We would like more exceptions and for these to be clearly identified. Where there is vagueness interpretation is left to the Privacy Commissioner.

Regarding PIPEDA, I even wonder about the constitutional validity. The legislation is so unclear that even those who have the best of intentions can't tell what it requires of them.

The more clear you make it, the more difficult it is to make it fit everybody, every sector. The less clear it is, the more of a dog's breakfast it is.

Opportunity for Review of Draft Legislation

A few participants expressed appreciation for the consultation opportunity prior to drafting of the legislation. However, more participants expressed frustration about

providing comments without having seen the legislation and the apparent limited timeframe for review of draft legislation. Participants noted that if the legislation needs to be in place by January 2004 there will be a short timeframe for review of draft legislation.

The following table summarizes concerns about the opportunity for review of draft legislation and provides examples.

Review Concerns.	Examples
Insufficient time for review	<ul style="list-style-type: none"> • More time is needed to accommodate review by volunteer-driven agencies, cross-border discussions.
Have not seen the legislation	<ul style="list-style-type: none"> • It is difficult to comment about legislation that hasn't been released.

Sample Statements:

The timeframe for review of Alberta's legislation will be very short. We need six to nine months to review the Alberta legislation.

Many of the organizations impacted by this legislation are volunteer-driven. They will need sufficient time to review.

There are cross-border discussions that need to occur so that organizations can provide meaningful input into the development of the legislation. This will take time.

The reason for this rush is not clear. Alberta must have known for two or three years that this privacy legislation was coming.

It is hard to respond to something you haven't seen.

Other Concerns

The following table summarizes other concerns and provides examples.

Other Concerns	Examples
Definition of personal information	<ul style="list-style-type: none"> • There needs to be a distinction between personal information and information related to a business, trade or profession. • The legislation should respond to the differences in types of personal information – sensitive and non-sensitive.
Statistical information	<ul style="list-style-type: none"> • Allow the collection of statistical information that does not reveal the personal identity of individuals. For instance information about the number of B ticket welders in Alberta who are over 45 years of age might be collected to help develop a response to the anticipated trade labour needs in the province. There are similar examples in the insurance and health care industries.
Mailing lists	<ul style="list-style-type: none"> • Magazine industry - The legislation could limit Alberta magazine producers from soliciting subscribers through shared lists. • Publicly available information – It is not clear what the implication will be for selling lists created from publicly available information such as tombstones.
Codes	<ul style="list-style-type: none"> • It will be onerous if there is an expectation that each organization have a code of practice. • The principles should be defined but leave the rest to codes of conduct to be developed by industries and organizations.
Current, up to date legislation	<ul style="list-style-type: none"> • Keep the legislation up-to-date so that it responds to current conditions e.g. ecommerce.
International standards for electronic commerce	<ul style="list-style-type: none"> • There are some areas where international standards are needed, particularly websites with international electronic commerce.

Sample Statements:

The ability to gain subscribers and deliver to home addresses is absolutely critical for Alberta magazines. The industry in this country is absolutely overwhelmed by American magazines on the newsstands that have the financial capability to buy the space on the newsstands. The lifeblood of the magazine industry in Alberta is selling and buying lists.

The legislation needs to be fluid and flexible so that it addresses the next generation of electronic age. The electronic age means constant change and the legislation must keep up with this.

There needs to be a sunset clause every six months or a permanent standing committee that reviews and revises the legislation to keep it current with the electronic age.

A health information company analyzes health data including prescriber activity of individual prescribers. This data does not include the identification of personal information as the data is aggregated. This information relates to the prescriber

and his or her conduct of a business, trade, occupation or profession. This information should not be covered by Alberta's legislation.

Principle-Specific Challenges

Accountability

*Definition: An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance under the following principles. **

* The principles are defined in the Canadian Standards Association's (CSA) *Model Code for the Protection of Personal Information*.

There was considerable discussion about who would be designated as an accountable officer and the responsibilities and liabilities that would go with the designation. Most participants suggested that the accountability should be located at or near the top of the organization. There were a number of questions about where the liability would be placed in the event of a lawsuit.

There was some confusion about the meaning of the word accountability - some participants thought that, as worded, the principle referred to responsibility and not accountability. Concerns about added workload were expressed, particularly for small, volunteer-driven or non-profit organizations.

The following table summarizes accountability concerns and provides examples.

Accountability Concerns	Examples
Identification of accountable officer	<ul style="list-style-type: none"> Lack of clarity about the position or level of position that should have the accountability e.g. the Executive Director, Board, Human Resources. Will the legislation require that it be a person at a certain level in the organization? Will there be a named individual? Will the accountable officer need to reside in Alberta?
Responsibilities and liabilities of the accountable officer	<ul style="list-style-type: none"> It is unclear where the liabilities for breaches will be - e.g. Will directors of organizations and non-profits be subject to liability? Would the accountable officer be liable or the whole organization? If the accountable officer delegates responsibilities, where does the liability lie?
Extra workload and costs	<ul style="list-style-type: none"> Changes in job descriptions, need for training.

Sample Statements:

When you're dealing with professions where everybody has an individual duty, you're going to have some compliance officers who are pretty uncomfortable about being held accountable for people who they can't tell what to do.

There are costs associated with adding this responsibility e.g. able to do less work in other areas, cost of training.

Will somebody who is responsible for managing the computer database and the security aspects be held accountable?

Are you going to make it difficult to attract the proper people to your organization because of their concern about their liability?

The accountable individual will need to be the head of the organization.

Responsibility for accountability could be delegated down but it must be clear that this person is not the accountable officer; otherwise s/he could become a scapegoat.

If the accountability is with the CEO, how do you deal with individuals in the company who do not follow through?

National companies may have privacy officers in their head office. It should not be necessary to have the accountable office resident in Alberta.

The designation of an accountable officer could be challenging for non-government and volunteer organizations. Support will be needed. Some of these organizations do not even have offices.

Identifying Purposes

Definition: The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

The main area of discussion about this principle pertained to how specifically purpose should be defined. It was acknowledged a narrowly-defined purpose would be very limiting while a more broad definition could pose problems for getting consent. The following table summarizes concerns about identifying purpose and provides examples.

Identifying Purposes Concerns	Examples
Defining the Purpose	<ul style="list-style-type: none"> Controversy about whether the purpose should be defined narrowly or broadly.
Anticipating Future Uses	<ul style="list-style-type: none"> It is challenging to anticipate all uses for the foreseeable future.

Sample Statements:

Some purposes for collection are dictated by the government. We don't have any choice but to collect the information.

Needs to be very specifically defined, yet if it is, then it will be very limiting

The European Union provides more latitude regarding purpose than PIPEDA – more friendly to businesses.

It might be desirable to have a broader definition of purpose for information collected in the public interest and a narrower definition for information collected in a profit-based organization. Arguably the profit-based organization would like a broader definition too.

Consent

Definition: The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except where inappropriate.

This principle generated the most discussion, at all sessions. The nature of consent required and dealing with information holdings in place prior to the legislation were of particular concern. There were also concerns that requirements for consent will inhibit investigations. As well participants mentioned concerns about managing databases, maintaining and sharing memberships lists and undertaking client case reviews in the helping professions.

The following table summarizes consent concerns and provides examples.

Consent Concerns	Examples
Nature of consent required	<ul style="list-style-type: none"> Implied versus explicit consent; written, phone or email
Retroactive consent	<ul style="list-style-type: none"> Need for grandfathering or opt-out provisions for information collected prior to the legislation and for which no consent was given.
Transfer to third parties	<ul style="list-style-type: none"> Requirements when information is transferred between the insurance broker and the purveyor?
Tracking consent	<ul style="list-style-type: none"> If somebody withdraws consent this will need to be connected with the purpose and the file specifically flagged.
Flexibility with legislation	<ul style="list-style-type: none"> Need to address the range of possible situations for consent depending on whether the information is sensitive or non-sensitive.
Consent inhibits investigative matters	<ul style="list-style-type: none"> Need to get consent interferes with the investigation of professional conduct, criminal activity etc. PIPEDA requires that the Privacy Commissioner be advised when information is being collected about a person, as part of an investigation. Consent may be withheld to avoid penalty.
Meaning of Inappropriate	<ul style="list-style-type: none"> The meaning of inappropriate was unclear.
Membership lists	<ul style="list-style-type: none"> The implications for maintaining and sharing membership lists are unclear.
Logistical concerns	<ul style="list-style-type: none"> Managing databases - Recording and tracking purposes for which consent was given and withheld.
Helping professions	<ul style="list-style-type: none"> Sharing client information between agencies assisting an individual. Supervision notes – when a worker is reviewing a case to receive supervision.

Sample Statements:

When a person subscribes to a magazine s/he enters into a relationship with the company. Implied consent is assumed i.e. to have this information shared with magazines that have a similar focus.

We have information about employees that we have held for a number of years. Will we need to go back and validate that information, seek consent? There needs to be some provision for retroactive consent or grandfathering.

By signing up for employee benefits, an individual is deemed to have given consent.

When a person buys a trade-in vehicle will you need the seller's consent to disclose information?

There should be an opt-out clause to deal with information collected years ago.

Opt-out should depend on whether or not the information is sensitive or non-sensitive.

Access to service may become dependent on consent.

If I'm collecting information on you because I think you're committing fraud, I have to write the Privacy Commission and say we think employee 'X' is stealing from the company; we've got some surveillance tape on him.

If you are keeping notes about an employee - his daily performance - the person can come in and say I want to see the notes that you've been taking about me, and he's allowed to do that.

A union could go to the company and say I want to see your bargaining notes; that's personal information concerning individuals.

Consideration should be given to having blanket consent for the use and gathering of personal information during one's employment. This would avoid continually asking employees for consent. i.e. an opt-out clause for employee information. Could this kind of consent be a condition of employment? One would need to be very, very clear about the purposes for the information.

Currently, what most magazines are doing is when they have a subscription or a renewal notice they have a box that says, I do not wish to be placed on any other mailing list and then they have to check it off.

It could be a challenge to get consent over the phone - difficult to go over the requirements over the phone (e.g. insurance - request for your birth date).

According to the Federal Privacy Commissioner, a general consent is no consent.

The Alberta Act should deal with retroactive consent. The federal Privacy Commissioner leans towards retroactive consent but it should be addressed so it is not open to interpretation.

We have to go back to half a million customers to get some specific expressed consent to use their information.

It could be possible to provide broad consent if a customer is willing, particularly if they can rescind this consent.

Do we need consent to distribute a membership directory? e.g. a directory for one association is sold out of the head office in Kansas. This includes information about Canadian and Albertan members.

When we counsel people over the phone we often need some personal information. We need to be able to get consent over the phone.

How specific do we need to be when getting consent? i.e. we may use mailing list information for different purposes – a newsletter, courses, a fundraising list. Do we need to get consent for each of these purposes?

The management of computer databases could become challenging. i.e. different flags to indicate that the person has granted permission for the personal information to be used for a newsletter mailing but not for fundraising. Setting up the computer system and tracking the range of consent could be time consuming and costly

We may feel it necessary to talk to a professional in another organization about a client. Information about the person may be sent to, or discussed with, a worker in another agency. How is this handled from the perspective of consent? Can we get “blanket” consent for sharing this information with other agencies? It would need to address the kind of information and the kind of agencies. The person may not object to the information be shared with another social service agency but they may not consent to sharing it with the parole board.

Our relationships with our publics are strong and intact. We just need implied/opt-out consent.

When a company buys another company's assets, the employee files and customer lists are included. Will this legislation impede transfer of information?

Limiting Collection

Definition: The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

There were very few comments about limiting collection. It was commented that this was a fair practice for insurance and credit collection companies. To clarify the context, one participant asked if newspaper clippings about a potential funder would be allowed.

Limiting Use, Disclosure, and Retention

Definition: Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law.

There were very few comments about this principle. The following table summarizes concern about limiting use, disclosure, and retention and provides examples.

Limiting Use, Disclosure, and Retention Concerns	Examples
Clarification about Consistent Purpose	<ul style="list-style-type: none"> • Information should be able to be used for a different purpose than the reason it was collected, if the purpose is consistent with the original collection. • Sharing lists between organizations – Will this be allowed?

Sample Statements:

We want to be able to share lists between organizations.

Don't complicate ecommerce – should be able to use information for a new use that is consistent with the original use.

Does this mean if you come up with a new product or a new use for the personal information and it wasn't covered in your original consent, you will need to go back to the consumer to get consent?

Accuracy

There were a few comments about accuracy, mainly related to the challenges associated with ensuring information is current. The following table summarizes accuracy concerns and provides examples.

Accuracy Concerns	Examples
Third Party Updates	<ul style="list-style-type: none"> • When updating personal information it will be important to ensure that third parties (those to whom the information has been transferred) receive the updated information.
Collection	<ul style="list-style-type: none"> • Need to emphasize accuracy at the time of collection.

Safeguards

Definition: Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

There were a few comments about safeguarding, mainly about accountability and appropriate levels of security. The following table summarizes concerns about safeguarding and provides examples.

Safeguarding Concerns	Examples
Responsibilities and accountabilities	<ul style="list-style-type: none"> • Placement of these roles within organizations.
Expectations	<ul style="list-style-type: none"> • Appropriate levels of safeguarding.
Lack of clarity	<ul style="list-style-type: none"> • Lack of clarity about protection by means "appropriate to the sensitivity of the information".

Sample Statements:

Will business owners need to become experts in security too?

Who will be responsible and accountable for security?

Will every vendor we deal with be asked to certify his or her compliance with privacy legislation? Their preparedness? This could become very cumbersome.

The definition of what is appropriate safeguarding should be through codes of conduct.

Avoid over-burdening organizations with safeguarding practices.

Openness

Definition: An organization shall make readily available to individuals, specific information about its policies and practices relating to the management of personal information.

There was very little discussion about this principle. Comments included that it was reasonable and a common-sense principle.

Individual Access

Definition: Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

This principle generated moderate discussion, mainly about the time and costs associated with responding and with providing access to sensitive client or employee information. The following table summarizes concerns about individual access and provides examples.

Individual Access Concerns	Examples
Cost recovery	<ul style="list-style-type: none"> Will organizations be able to reclaim their expenses from the person making the request?
Timeframe for response	<ul style="list-style-type: none"> How long will an organization have to respond?
Implications for taking notes about employees or clients	<ul style="list-style-type: none"> Implications for the disciplinary process for employees e.g. an employee could access the employer's notes about his or her performance. Implications for client notes e.g. notes made about a client in a recovery program could be requested by the client; notes made about an irate customer.

Sample Statements:

The Canadian Standards Association (CSA) states access should be provided at no or minimal cost. PIPEDA indicates that a prohibitive cost is not a reason for denying access. Alberta should follow the CSA direction.

Can a client challenge the judgment of a worker and seek information to support this? For instance if we operate an addictions program and make a note that the client is not following the program can the client get this information?

The definition of personal information will determine what type of information can be accessed. This could be cumbersome.

Challenging Compliance

Definition: An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals for the organization's compliance.

There was some similarity in concerns between this principle and accountability. Participants wondered about designation of the responsible individual i.e. geographic location, roles and responsibilities, challenges for small organizations. Other concerns included the nature of penalties and enforcement.

The following table summarizes concerns about challenging compliance and provides examples.

Challenging Compliance Concerns	Examples
Identification of designated individual	<ul style="list-style-type: none"> • It should be possible for the designated individual to be in another province if it is a national organization. • Difficult to challenge when the organization is very small or volunteer-driven and may operate from a person's home.
Complaints	<ul style="list-style-type: none"> • Need to deal with frivolous complaints, • Need to show good will in attempting to resolve the issue before going to the Commissioner.
Penalties	<ul style="list-style-type: none"> • Need to have penalties, but penalties that fit the crime.
Enforcement	<ul style="list-style-type: none"> • Needs to consider all competing interests. • Need some sanctions or there will not be compliance
Order-making authority	<ul style="list-style-type: none"> • Commissioner should not have the authority to make orders. Leave this to the courts.
Clarification of final authority	<ul style="list-style-type: none"> • The final or overriding authority will need to be clear e.g. the college (social work practice), FOIP (government-funded program), Alberta privacy legislation (not-for-profit provincial organization).

Sample Statements:

Without enforcement people may not pay attention. The remedy should fit the seriousness of the breach.

I hope this will be a complaint-driven process (as opposed to a policing approach).

The cost for a breach could be bankruptcy. Maybe there should be different penalties for incorporated and non-incorporated non-government organizations.

Before going to the Commissioner, there should be some requirement to demonstrate that an effort has been made to resolve the issue.

Principle shouldn't allow you to complain if it isn't a complaint about your own information. However, some people are unable to express their concern and may need someone else to do this.

There will need to be a balance between frivolous or vexatious complaints and allowing people to have a representative.

As a national organization, our designated person is in Toronto – compliance challenges would have to be directed to Toronto.

The legislation should address breaches e.g. selling lists for profit.

4.2.3 Suggestions for Private Sector Privacy Legislation

General

The most frequent general suggestions concerned harmonization of privacy legislation, inclusion or exclusion of self-governing professions and employee information, and the scope/clarity of the legislation.

The following table summarizes general suggestions and provides examples.

General Suggestion Topics	Examples
Need for Alberta legislation	<ul style="list-style-type: none"> • Focus on working with the federal government to improve PIPEDA, rather than on creating new legislation. • Have an Alberta representative of the federal Privacy Commissioner's Office, rather than a provincial act and commissioner.
Understanding current legislation	<ul style="list-style-type: none"> • Provide an analysis of PIPEDA and the Quebec Act – strengths and weaknesses.
Harmonization	<ul style="list-style-type: none"> • Consider having the Consumer Measures Committee deal with harmonization. • Work with Saskatchewan and British Columbia during preparation of Alberta's legislation. • Repeal the Health Information Act and deal with health information under the privacy legislation. • Ensure that the privacy legislation governing private and public sector organizations is comparable since private and public organizations may be in competition.
Self-governing professions	<ul style="list-style-type: none"> • Do not include self-governing professions or if included, ensure that regulatory bodies are free to collect information required.
Employee information	<ul style="list-style-type: none"> • Exempt disciplinary record and performance reviews from the legislation. • Allow blanket consent for employee information.
Non-profit and charitable organizations	<ul style="list-style-type: none"> • Exclude non-profit and charitable organizations from this legislation. • Ensure that non-profit and charitable organizations can continue to do work that is in the public's interests. • Provide provisions for some non-profits to opt out of the legislation if a majority of their members agree.
Volunteers	<ul style="list-style-type: none"> • Include privacy requirements regarding volunteer management in the Canadian Code for Volunteer Involvement.

General Suggestion Topics	Examples
Scope and clarity	<ul style="list-style-type: none"> • Ensure that the legislation is clearer than PIPEDA. • Include more exceptions in the legislation e.g. small business exceptions, employee notes, disciplinary files. • Consider the approach taken in the Health Information Act and the privacy portions of the FOIP Act. • Provide standard general principles and specifics for various sectors. • Ensure there is a reasonability check while preparing legislation – a grounding in common sense. • Clarify the relationships of various existing pieces of Alberta legislation addressing privacy.
Codes	<ul style="list-style-type: none"> • Allow organizations to develop their own codes as long as the codes are consistent with the legislation. • Use existing privacy codes from sectors such as real estate, banking.
Compliance	<ul style="list-style-type: none"> • Provide a check-off audit so organizations can assess themselves.
Public good – private interest	<ul style="list-style-type: none"> • Have different standards in cases where personal information is required to protect the public interest or good from the standards for information collected for profit purposes.
Role of Privacy Commissioner	<ul style="list-style-type: none"> • The mandate of the Privacy Commissioner needs to be clearly put into the context of materiality and practicality. • Do not give the Privacy Commissioner the power to make orders.
Public consultation concerning draft legislation	<ul style="list-style-type: none"> • Provide sufficient time (e.g. several months) for review of the draft legislation. • If review time is limited, undertake the drafting and consultation in tandem.
Reviewing and updating the legislation	<ul style="list-style-type: none"> • Once the legislation is in place, establish a review process for the legislature e.g. a legislative committee. • Review frequently to correspond to rapid changes in technology.

Sample Statements:

Design the legislation so that it “makes unanswerable questions the exception rather than the rule”.

Avoid “boiler plan” approaches to legislation – need something specific to the specific sectors, businesses. General information such as principles could be standard.

There has to be legislation that provides a general set of implemented principles. It also has to provide ways and means for industry associations to establish standards of behaviour for all their members that must be implemented and governed by those associations.

We would like to see a provincial act allow flexibility for industry sectors to develop their own codes.

Province should not be bound by CSA.

Have a reasonability check while preparing legislation – a grounding in common sense.

The technology is changing so rapidly - there should be a sunset clause on this legislation every six months.

This legislation should have a permanent standing committee of the legislature so that every time the legislature sits they should be looking at it and to assess if it is up to date.

This process is too rushed. Alberta should consider accepting PIPEDA coverage effective January 2004. Alberta could work on developing Alberta legislation to cover the gaps in coverage by PIPEDA.

Please make drafts of the legislation available to all participants as soon as possible.

We would like 9-month lead time prior to implementation of the legislation. i.e. to review the legislation in March 2003. Or else get the federal government to delay the January 2004 deadline for coverage by PIPEDA.

Principle-Specific:

The principles of consent and limited use, disclosure and retention received the most suggestions. The following table summarizes principle-specific suggestions and provides examples.

Principle-Specific Suggestion Topics	Examples
Accountability	<ul style="list-style-type: none"> • Use the proper definition of accountability or replace the word "accountable" with "responsible". • Do not include "custody" in the phrase "information under its control". • Allow an accountable officer to be located in another province i.e. a national head office located outside Alberta

Principle-Specific Suggestion Topics	Examples
Identifying Purposes	<ul style="list-style-type: none"> No suggestions.
Consent	<ul style="list-style-type: none"> Ensure that the legislation addresses retroactive consent. (There should be a grandfathering process or transitional period./Do not allow retroactive consent.) Consider a "reverse onus" process whereby people would have to contact an organization if they did not want their information used. Clarify exceptions when consent is not required e.g. investigation of a crime. Make the opt out situations more clear than they are in PIPEDA. Part 7 of PIPEDA should not be used in Alberta' legislation – or else have a more user-friendly version of Part 7. (Part 7 overrides 4.3 of Privacy Code)
Limiting Collection	<ul style="list-style-type: none"> No suggestions.
Limiting Use, Disclosure and Retention	<ul style="list-style-type: none"> Add "as required by law" to the section regarding the fulfilment of these purposes Alberta legislation should include exceptions for dealing with disclosures that a company would normally undertake. E.g. payroll services, third party billing. Change wording to "or authorized by law".
Accuracy	<ul style="list-style-type: none"> There needs to be a focus on ensuring accuracy at the time of collection and for the purpose of collection. There should be a normal cycle for updating information. Have a sunset clause for some personal records.
Safeguards	<ul style="list-style-type: none"> Use codes of conduct to define safeguarding.
Openness	<ul style="list-style-type: none"> No suggestions.
Individual Access	<ul style="list-style-type: none"> Add "according to legislation".
Challenging Compliance	<ul style="list-style-type: none"> Penalties should be appropriate to the breach. This should be a complaint-driven process (as opposed to a policing approach). Have a requirement that before going to the Commissioner, there needs to be demonstration that an effort has been made to resolve the issue. Allow more than 30 days to respond to a challenge. Have a discretionary fee to discourage vexatious complaints and/or compensate for expenses.

Sample Statements:

There should be a grandfathering process or transitional period for consent.

Consider a "reverse onus" process. A notice would be sent inviting people to contact the organization within a period of time to check or validate their information. Otherwise the organization would continue to use the information.

Make it clear that if you're investigating a breach of duty, tort or a criminal act, consent and disclosure are not required.

Have an advertising program to address implied consent – "If you are already on a mailing list and don't want to be contact the company. If they don't remove your name, contact us (Alberta Government)."

More than 30 days should be granted for compliance. Small businesses need more time to reflect that company personnel may be on holidays or out of the country on business.

To discourage frivolous request, consider a discretionary charge for access.

You should be able to recover costs providing public access – photocopying or staff costs

There needs to be a focus on ensuring accuracy at the time of collection and for the purpose of collection.

There should be a normal cycle for updating information.

Address breaches e.g. selling lists for profit.

The penalty should be harsher for a breach in a profit-driven organization than in a not-for-profit organization. For instance a not-for-profit might be given direction – an administrative redress where as a company might be given a penalty.

4.2.4 Implementation Assistance**Creating Awareness**

There was general consensus at all discussion groups about the need to create awareness and provide information about the legislation to both organizations and the public. Participants emphasized that information needed to be easy to access and understand and offered comments about the approach and the content of an awareness program.

The following table summarizes the desired implementation assistance and provides examples.

Information	Examples
Principle	<ul style="list-style-type: none"> • Easily accessible – e.g. make available outside regular workday hours and through the web, public facilities. • Clear and easily understood – e.g. avoid need to hire lawyers to interpret or specialists or trainers. • Accurate and consistent - e.g. avoid getting different answers from different government sources. • Respond to a range of learner styles - e.g. auditory, visual, and kinesthetic. • Cooperative, partnership approach – e.g. work with associations, third parties to disseminate the information. • Early notification – e.g. in time for the next business cycle • Context-sensitive materials to respond to the various sector needs – e.g. help line with officers trained to help specific sectors.
Content	<ul style="list-style-type: none"> • Information should include: <ul style="list-style-type: none"> - an explanation about the importance of privacy protection - best practices - rules - sample procedures and policies - guidelines about how to deal with complex issues - penalties (legal and economic)
Approaches	<ul style="list-style-type: none"> • Website – Include information that can be readily transferred to an organization's own website; include a video. • Flyers - e.g. distribute flyers to notify the public through the registry network. • Reports from Alberta's Privacy Commissioner – e.g. public release of decisions, updates. • Training materials – e.g. In-person training from privacy legislation experts, manuals and videos. • Help Line – e.g. 1-800 number with industry-specific experts. • Public advertising program – to create awareness and develop realistic expectations. • Printed material – simple one-pagers. • Industry/association/government working group - e.g. public interest, consumer groups, industry, associations and government at the table. • Dissemination by associations and umbrella organizations – e.g. library network, Volunteer Calgary.

Sample Statements:

You can put training videos and all that information on the government website so that the small businessman can go onto the site late at night and click on a little three-minute video that says this is what you should be doing.

Everything should be on the Internet, but sometimes people learn better in a session where they can ask questions, bring their forms and everyone can fill them out together.

There should be a list of rules and best practices. If you follow these you won't get into trouble.

The information must be easily accessible for small businesses. There should be no need to hire lawyers to understand or interpret it.

Information should be available from the government website so that companies can cut and paste it to their own websites.

Consider using the library network to disseminate information i.e. privacy trainers could conduct information sessions at libraries.

Get information out quickly in time for next business planning cycle. This will allow businesses to budget for privacy legislation implementation

Education is a challenge – accuracy is more important than speed. There are problems with getting different answers depending on who you speak with in government.

Work through targeted groups to disseminate information about the legislation.

If the legislation is clear enough, a website will be sufficient for disseminating information.

Make it a standard for the Alberta Privacy Commissioner to make decisions available to the public. Have the Alberta Privacy Commissioner make informal advisories e.g. "State of:" reports addressing implementation, compliance.

For legislation to really be effective there has to be a series of communications of information that is made available to the small business owner that says, if you're a smart business owner you want to do business right. This is the 80 percent of the things that you have to worry about.

The information must be easily accessible for small businesses. There should be no need to hire lawyers to understand or interpret it.

Contact those organizations that have the communication with all the different non-profits rather than just going to the individual non-profits and expecting them to take it upon themselves to implement it.

We will need help with phraseology to be used on forms.

Let us be part of the solution we can be part of the preparation and distribution of information through our network.

The education is an important as the drafting.

There should be an industry/government working group to help assist with implementation and education.

Need a mass communication program to help retailers get up to speed.

You will need broad communication with the public to create realistic expectation about the legislation – what it covers, does not cover.

Other Support

Other suggestions for implementation assistance included free legal advice (or reimbursement), identification of best practices, implementation templates indicating the desired guidelines and procedures. (e.g. the Law Society's template), and a resource to help companies monitor computers.

5. On-line Survey of Private and Non-Profit Organizations

5.1 Overview of On-line Survey

The goal of the on-line survey was to provide the opportunity for those who did not participate in the focus group sessions to voice their opinions. The on-line survey contained similar questions to the focus groups as well as a number of open-ended questions where individuals could provide additional comments.

At the end of the association focus group sessions, Praxis obtained the email address for the association representative and asked for their support in forwarding the survey link to their members. Most association representatives agreed to provide this support to the process. The survey link was emailed to the associations in early December and participants were given until January 10, 2003 to complete the survey.

Since the survey is based on a self-selected sample, it is not possible to extrapolate the results to the population of all potential stakeholders. The information from the survey should be regarded as qualitative, similar to that of the focus groups.

In addition to the questions, respondents were asked to identify the sector they worked in as well as the size of their organization. Statistics Canada's standard industry codes were used.

Industry Codes Used in Survey

Goods Producing Sector	Agriculture and related service industry
	Mining and quarrying
	Energy production, transmission and related service industries
	Manufacturing
	Construction
Service Sector	Trade (wholesale and retail)
	Finance, insurance and real estate
	Communication (information management, telecommunications)
	Service (e.g. legal, architecture, engineering)
	Government Service (health, education)
	Charitable non-profit
Other	

5.2 Findings

Statistical analysis of aggregate responses would be misleading since the sample was self-selected (the responses do not necessarily represent the true proportions within the population). For this reason, respondents were grouped into one of four categories; Services (n=33), Government Service (n=22), Charitable Non-profit (n=48), Other (n=15). Analysis by each of the eleven industry codes could not be considered as the total sample was too small (n=132).

Statement	Percent Rating 4-Somewhat Agree or 5-Strongly Agree				
	Services	Government Service	Charity Non-Profit	Other	Total for all respondents
important to protect the personal information of our clients and employees	97%	90.9%	87.5%	100%	93.1%
consistent privacy legislation across provincial boundaries is important	87.9%	86.4%	81.3%	92.3%	86.2%
Alberta companies should be required to adhere to the same minimum standards for the protection of personal information	63.7%	90.9%	63.9%	84.5%	72.1%
charitable organizations should be subject to privacy legislation	84.9%	71.5%	72.9%	80.8%	76.8%
not-for-profit organizations should be subject to privacy legislation	80.6%	72.7%	70.8%	79.9%	75.0%
voluntary privacy codes of practice should be developed by industry organizations or associations	51.6%	67.3%	59.9%	73.1%	62.3%
industry and government should work together to implement privacy legislation	84.9%	95.4%	76.9%	96.1%	86.1%
training and resource material about privacy legislation should be tailored to particular sectors	72.8%	86.3%	65.9%	80%	74.4%
sensitive and non-sensitive personal information should be defined in legislation	87.9%	86.3%	75.1%	76.9%	80.8%
legislation should allow for different types of consent, considering the sensitivity of personal information	84.8%	72.7%	86.6%	79.9%	83.1%
consent should be obtained to use information already held by an organization, for a new purpose	78.8%	68.2%	49.3%	84.2%	67.7%
the penalties for non-compliance with privacy legislation should be significant	72.7%	81.6%	58.4%	73.1%	68.4%
employees' personal information should be protected by privacy legislation	90.9%	95.4%	88.9%	80.7%	89.2%
volunteers' personal information should be protected by privacy legislation	84.4%	90.5%	80.9%	76.9%	83.8%
Albertans should have the right to access their own personal information and request corrections	96.9%	90.9%	96.1%	92.3%	94.5%

Shading indicated results substantially different for the sector(s)

In general, there was agreement from all sectors that privacy legislation is important to protect personal information of their clients and employees. While all sectors agreed to the importance of legislation, the Charity Non-Profit sector felt strongly they should not be subject to the same level of scrutiny as business. The main issue raised by the Charity Non-Profit sector is that they serve a public good, and legislation could seriously limit their ability to raise funds. For this reason, the legislation should be less prohibitive. The other issue with the Charity Non-profit sector is that there are existing codes of practice in place that they feel cover the requirements of privacy.

Any privacy legislation must balance the privacy rights of individuals with the charities ability to raise funds for the critically needed programs they provide to society.

Everything depends on the definition of personal information. For lawyers, everything a client tells you is confidential, but may be used for the client's benefit in connection with the client's business. A lawyer only holds the information as the attorney of the client. "We consider that there is no difference between the client having the information and the lawyer having it. From that perspective, it is baffling to try and understand how legislation should apply to lawyers.

The sooner the better. I am sick of vendors and charities trading or selling lists. I don't like unsolicited phone calls

I think people are tired of seeing their personal information used to intrude on their private lives. Non-profits for the most part do not take no for an answer

There are critical differences between the government, business and charitable sectors and these need to be understood. Charities are not operated for profit and are partners in our communities well being. Thoughtless restrictions could effectively lower our quality of life drastically. The senior fundraising staff in my organization belong to the Association of Fundraising Professionals (AFP) which has strict codes of professional conduct and a requirement to adhere to the 'Donor's Bill of Rights' which has worked very well. We also adhere to the Canadian Centre for Philanthropy's ethical guidelines for organizations.

As with the focus groups, there was strong endorsement of harmonizing legislation across provinces. The comments indicated there was opposition and support for Alberta legislation. The main opposition was in relation to the cost of dealing with different legislation. The main support came from the federal legislation being too complex and the opportunity for Alberta to produce legislation that can meet the basic requirements of PIPEDA, while being less complex.

Don't follow Ontario's example - the existing federal legislation is draconian enough. Rather, use the Alberta legislation to make the impact of privacy legislation reasonable to manage.

Frans

Again, we are not supportive of provinces having privacy legislation unless of course all provinces are harmonized and there is no need to practice different standards when conducting business in each province.

It must balance the needs of the charity with the needs of individuals. The recent fiasco in Ontario's attempts at privacy legislation shows what can result when fools rush in where wise men fear to tread.

There is strong support for industry and government to work together. Charities felt that government should work with their associations. Important to review draft legislation. Training and resource material was not deemed as important as other items measured in the survey. However, there was mention that there should be clear concise material provided as well as the opportunity to ask questions and get answers.

Work with the AFP and the CCP (Canadian Centre for Philanthropy) to ensure that the charity sector is not seriously hampered by this new legislation.

Provide time and incentives for organizations to invest in technology that can ensure compliance.

There was strong support from all sectors to define "sensitive" and "non-sensitive" and allowing for different types of consent according to the sensitivity of the information. While there was support among most sectors for obtaining consent to use information already held, there was opposition to this by charitable organizations. The main issue is cost and credibility.

Defining what "personal" or "sensitive" really means, because what is so in one sector of the economy may well not be in another, and balancing the needs of an industry to be able to use information with the rights of an individual to not have it misused.

Make it VERY, VERY clear that the legislation is to protect against the ABUSE of personal information, and not the USE of information. FOIPP failed badly on this point.

The survey shows support for significant penalties for non-compliance. The exception to this is the Charity Non-profit sector that showed a lower degree of support for significant penalties.

In general, all sectors support the need to protect employee and volunteer information under the legislation. There was also very strong support for Albertans to be able to access their own personal information.

6. Conclusions and Recommendations

There was very strong support from the general public toward legislation for protection of personal information held by the private sector. Focus group participants indicated that protection of their personal information is a concern, particularly information that they deemed to be personal such as credit and health information. The area of greatest concern was third party access to personal information.

It also appears that there is support for specific guidelines that address the collection, use, retention and safeguarding of this information. Participants indicated that legislation must be enforced and suggested that a position, such as an ombudsman, would be helpful.

The public opinion poll of Albertans supported the findings of the public focus groups. Over 96%⁴ of Albertans feel they should be informed about the purpose of information collected about them, they should have access to this information and the information should be used for the purpose for which it was collected and not used by a third party. Over 95% of Albertans also feel that all companies in Alberta should adhere to the same minimum standard of protecting personal information and there should be laws in place to ensure compliance. The poll demonstrated a clear consensus among the public that there is support for privacy legislation.

The association focus groups and on-line survey saw a split between opposition and support for Alberta developing its own privacy legislation. Those who expressed concern about the legislation indicated that it was unnecessary, would be confusing, and be costly for both the government and the companies and organizations covered by the legislation. Most participants who were opposed to Alberta legislation also seemed resigned that the legislation would be prepared. Accordingly they emphasized the importance of harmonization of provincial privacy legislation with the federal privacy legislation.

The general areas of greatest concern were harmonization; inclusion of self-governing professions, employee information, non-profit organizations, charities; clarity and scope of the legislation; and the consultation process and time for review of draft legislation. The principles regarding consent, identification of purpose and limiting use, disclosure and retention, prompted the most discussion. It was frequently noted that successful implementation of the legislation would require an effective information and education program for the public, organizations and companies.

In conclusion it appears that the acceptance, support and effective implementation of Alberta's privacy legislation by the private sector and non-governmental organizations will be enhanced through:

- careful attention to harmonization of privacy legislation across provincial boundaries
- processes that ensure non-government organizations can continue to efficiently fulfil mandates in the public interest

⁴ Poll results are reliable within +/- 4.9%, 19 times out of 20.

- general principles common to all sectors with the opportunity for sector-specific direction to respond to the range of sectors
- a cooperative implementation approach involving government, industry and non-government organizations
- training and support materials for those organizations covered by the legislation
- an awareness and information program for the public

List of Appendices

- Appendix 1 Letter to Attendees - Public Focus Groups
- Appendix 2 Moderator's Guide – Public Focus Groups
- Appendix 3 Script for Public Survey
- Appendix 4 Information Package - Association Discussion Sessions
- Appendix 5 List of Invitees and Attendees – Association Discussion Sessions
- Appendix 6 Moderator's Guide - Association Discussion Sessions
- Appendix 7 On-Line Survey - Associations

Appendix 1 – Letter to Attendees Public Focus Group

November 6, 2002

{Name}
{Address}

Dear {Name}:

Thank you for agreeing to be part of our focus group regarding Protection of Personal Information Held by the Private Sector. We value your opinions and are looking forward to hearing from you.

During the next year, the Alberta government will be preparing legislation intended to protect personal information held by the private sector. The legislation will provide a common set of rules for collection and use of personal information.

Business today relies more and more on information about its customers. This might be information they gather through memberships, subscriptions, sales and a whole variety of other methods, even phone directories. Many businesses use this information to promote and market products, and some businesses sell this information to other businesses.

The Department of Government Services has hired Praxis, an Alberta based consulting firm, to conduct ten focus groups this fall to hear from Albertans on the topic of privacy and the use of personal information. Hearing from you is an important step in ensuring the legislation reflects the needs of Albertans. The focus group is an informal meeting with approximately 10 to 12 participants. You do not need to prepare in any way for the session. We simply want to hear how you feel about the collection and use of personal information. I want to assure you that the sessions are confidential and anonymous - no personal information will be recorded and all information provided will be presented to the Department of Government Services in such a way that no one can be identified.

Thank you in advance for taking the time to participate in the focus group on *{Tuesday November 12th}* at 7:00 PM. The address for focus groups is: The Inn on Seventh, 10001 - 107th Street, Edmonton, Alberta (429-2861). Refreshments will be provided and you will receive \$50 for your participation. The focus group will last about an hour and a half.

If you have any concerns about the legitimacy of this study, or if you have any questions, please call Laurie Tomiak with the Department of Government Services in Edmonton at 427-3954. Someone from Praxis will call you the day before the focus group to remind you.

Sincerely,



Richard Roberts
President
The Praxis Group

cc. Ms. Laurie Tomiak, Department of Government Services



Appendix 2 – Moderator’s Guide – Public Focus Groups

1.0 Welcome

Key Points

- Introduce self
- Welcome and thank you for taking the time to come to this session
- Please help yourself to the refreshments
- We will have a short break part way through this session

2.0 Overview

Key Points

- During the next year, the Alberta government will be preparing legislation intended to protect personal information held by the private sector and non-government organizations. The legislation will provide a common set of rules for collection and use of personal information. Give an example – When you order pizza, buy a book through a website you give information about yourself.
- Purpose of the session is to
 - hear how you feel about the collection and use of personal information
 - identify any areas of concern or suggestions you may have
- This consultation contract includes:
 - two of these public focus groups in Edmonton, one in Calgary
 - four association discussion sessions in Calgary; three in Edmonton
 - a web-based survey
 - a telephone survey
- We want to hear as many opinions as possible. Please feel free to express an opinion that is different from the group, as it will reflect other individuals in the community. My role will be to keep the discussion moving along and make sure everyone has the opportunity to express opinions.
- I will be recording your comments on the flip chart. These comments will be consolidated into a report.

3.0 Ground Rules

Key Points

- Everyone participates
- There are no wrong answers
- Feel free to help yourself to refreshments
- Location of washrooms
- One person at a time
- Speak clearly
- After the session please come and see me to collect your cash incentive
- Tape recording – reason and confidentiality



Any questions?

4.0 Introductions

To begin, I would like to go around the table and ask each of you to tell us your first name and if there is anything you would like to add concerning your thoughts about protection of your personal information or privacy, please do so.

5.0 Discussion Questions

- 5.1 What do you consider to be personal information?

Prompts: name, address, income, family members

- 5.2 What are your concerns about your personal information held by the private sector or non-government organizations?

Prompts: types of information; kinds of organizations, handling practices, nature of concern

- 5.3 What suggestions do you have for ways to overcome or minimize these concerns?

Prompts: consent, verification

- 5.4 What do you think the government should do to help protect your personal information held by the private sector or non-government organizations?

Prompts: kind of rules or regulations

- 5.5 What do you think the government should do to create awareness of new privacy legislation?

Prompts: newspaper ads, flyers

6.0 Wrap-up

Summarize key points. In concluding this session, is there anything that you would like to add.

7.0 Closure

Key Points

- Thank you
- Please come and collect your incentive

Appendix 3 Script for Public Survey

INTRODUCTION

1. Hello, My name is _____ and I am calling on behalf of the Alberta Government regarding new privacy legislation being considered for Albertans. The government wants to hear from average Albertans about their views on the use, collection and disclosure of personal information gathered by private businesses and other organizations in the province. We are conducting a brief survey and would appreciate it if you could help us answer a few questions. The survey will take no more than 5 minutes and I assure you this is a legitimate research project and there are no sales or promotions of any kind. All information gathered will be kept confidential.
2. Are you able to take a few minutes right now to complete the survey?
 - YES go to → go to 4
 - No → go to 5
 - Wants more information → go to 3

ADDITIONAL INFORMATION

3. If you have any concerns about the legitimacy of this study, you can contact Laurie Tomiak with the Department of Government Services at (780) 427-3954.

The survey is simply to gather your opinions about the use of information that organizations gather about you and how they use it.

The information we gather will assist the Alberta Government in developing legislation that meets the needs of Albertans.

AGREE TO CONTINUE

4. Thank you.

First, let me explain what I mean by personal information. Personal information is any information about an individual, and can include things like age, name, weight, medical records, income, ethnic origin, social status, employee files, credit records, and so on.

I am going to read a number of statements regarding the use of personal information. Please indicate your level of agreement with each statement on a scale of 1 to 5, where 1 is "strongly disagree", 2 is you disagree somewhat, 3 is neutral 4 is you agree somewhat and 5 is you agree strongly with the statement.

- a) When I provide personal information to a business or non-profit organization, I believe that it will remain confidential and not sold or used by another organization.

Confirm understanding of scale after first response by reading back the associated scale label.

- b) If an organization gathers information about me, I believe they need to inform me about how the information will be used when they gather it.
- c) Information gathered about me by an organization should only be used for the purpose for which it is collected.
- d) There should be laws in place to ensure organizations use personal information only for the purpose that I agree to.
- e) It is important to have consistent privacy legislation across all provinces.
- f) Employee's personal information should be protected by legislation.
- g) Albertans should have the right to access their own personal information and request corrections if necessary.
- h) All companies and organizations in Alberta should be required to adhere to the same minimum standards for protection of personal information.
- i) The penalties for non-compliance with privacy legislation should be significant.
- j) Charitable organizations should be subject to the same privacy legislation as other organizations.
- k) Not-for-profit organizations should be subject to the same privacy legislation as other organizations.

Thank you. Do you have any comments or concerns regarding the use of personal information that were not covered in the previous questions?

Record verbatim:

Thank you for taking the time to help us with this brief survey. Your answers will remain confidential.

5. NOT INTERESTED Thank you for your time. Have a nice day/evening.

Appendix 4 – Information Package - Association Discussion Sessions

October 28, 2002

Dear:

Re: Protection of Personal Information Held by the Private Sector

On behalf of Alberta Government Services, Praxis Inc. has been contracted to conduct public consultation concerning the introduction of private sector privacy legislation in the Province of Alberta.

During the next year, the Alberta government will be preparing legislation intended to protect personal information held by the private sector. This legislation will provide a common set of rules for collection and use of personal information. It will help dispel public concerns, remove privacy issues as an impediment to electronic commerce and ensure a harmonized legal framework for interprovincial, national and international trade.

To ensure that business interests are represented during the preparation of this legislation, Alberta Government Services is consulting with organizations and businesses impacted by this privacy legislation. Over the next month, Praxis Research Inc. will be conducting discussion sessions intended to provide a brief overview of private sector privacy legislation and identify some of the barriers to implementation of this legislation.

You, or a representative from your organization, are invited to attend a discussion session on **date** from 12 to 2 pm at the **hotel, address, city**. Lunch will be provided.

Please confirm your attendance by **date**, 2002 by calling Lisa Casselman at 245-6404, 1-888-882-1285 or by email at casselman@praxis.ca.

To assist you in becoming more familiar with private sector privacy legislation we have attached background materials. It would be helpful if you could review the attached background material and discussion questions prior to the session.

Thank you in advance for your interest in this project.

Sincerely,



Richard Roberts
President, Praxis Inc.

Cc Tom Thackeray, Executive Director
Information Management, Access and Privacy
Alberta Government Services



Protection of Personal Information Held by the Private Sector

All Canadian provinces now have some form of legislation that governs access to information and protection of privacy for information held by the public sector. Recently there has been considerable interest in privacy protection for personal information held by the private sector. This has ranged from human rights concerns to concerns that privacy issues are an impediment to electronic commerce.

In order to allay public concern and facilitate electronic commerce, governments around the world are taking steps to regulate the private sector's use of personal data or information. The European Union has implemented a directive that prevents data exchange between members of the European Union and jurisdictions without adequate privacy protections. The United States is creating a legislative network to address privacy protection.

In 2000, the federal government passed the Personal Information Protection and Electronic Documents Act (PIPEDA). The purpose of the Act is to ensure that Canadians will have protection for personal information held by the private sector. The Act is also intended to allow Canadian businesses to compete effectively in the new electronic marketplace.

The Act was approved on April 13, 2000 and comes into effect in stages. On January 1, 2004 the law will extend to every organization that collects, uses or discloses personal information in the course of a commercial activity* within a province. If a province adopts legislation that is substantially similar to PIPEDA, the organizations or activities covered will be exempted from application of the federal law.

Alberta will prepare its own privacy legislation suited to the unique needs and circumstances of Albertans. This will include "common sense" rules for the collection, use, disclosure, retention and security of personal information. Alberta's legislation will strike a balance between protecting personal information and allowing the private sector to collect and use this information for appropriate business purposes. Effective legislation will respond to Albertan's concerns about protection of their personal information held by the private sector and help remove personal privacy concerns as an impediment to electronic commerce.

The Alberta government wants to ensure that business interests are represented during the preparation of this legislation. Accordingly, there will be information forums, presentations and consultations with businesses. Provincial government representatives will work with affected organizations during the development of the legislation to identify implementation requirements. Training and implementation support will be provided.

In the fall of 2002, there will be discussion sessions with industry associations and businesses. These sessions will provide information about privacy legislation and seek feedback from businesses about the potential impacts and benefits of the legislation and the challenges that will need to be considered during legislation development.

* “Commercial activities” are defined in the Personal Information Protection and Electronic Documents Act as “any transaction or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.”

Private Sector Privacy

Protecting Personal Information Held by the Private Sector

1.1 Questions and Answers

What is private sector privacy?

Private sector privacy addresses the protection of personal information held by the private sector. It provides:

- a common set of rules for the collection and use of personal information
- individuals with the right to access their own personal information and request corrections if necessary
- a response to international trend to address private sector privacy
- a response to the majority of Albertans who want this kind of protection
- a harmonized legal framework for interprovincial, national and international trade

Why is Alberta developing legislation to protect personal information held by the private sector?

All Canadian provinces now have some form of legislation that governs access to information and protection of privacy for information held by the public sector. Recently there has been considerable interest in privacy protection for personal information held by the private sector. This has ranged from human rights concerns to concerns that privacy issues are an impediment to electronic commerce. Unless Alberta prepares its own legislation addressing private sector policy, it will be covered by federal legislation effective January 1, 2004.

What existing privacy legislation covers information held by the private sector?

Federal government legislation - *Personal Information Protection and Electronic Documents Act (PIPEDA)* - specifies how private organizations may collect, use or disclose personal information in the course of commercial activities. This federal legislation was approved on April 13, 2000 and comes into effect in stages. It currently covers federally regulated private sector organizations.

On January 1, 2004, the law will extend to every organization that collects, uses or discloses personal information in the course of a commercial activity within a province. If a province adopts legislation that is substantially similar to *Personal Information Protection and Electronic Documents Act*, the organizations, classes of organizations or activities covered will be exempted from the application of the federal law.

Will Alberta prepare its own legislation to address protection of personal information held by the private sector?

Yes. Provincial legislation for Alberta will be suited to the unique needs and circumstances of Alberta. It will strike a balance between an individual's right to the protection of personal information and the need of organizations to handle such information for appropriate business purposes.

Why doesn't Alberta just accept the *Personal Information Protection and Electronic Documents Act* rather than develop its own legislation?

- The federal legislation is quite complex and would be difficult for Alberta businesses to implement, particularly small and medium-sized businesses.
- The PIPED Act cannot provide protection for the personal information of employees of provincial companies.
- Alberta businesses would be subject to the federal Privacy Commissioner located in Ottawa.

What are other provinces doing?

Quebec has had private sector privacy legislation in place for over a decade. Ontario has posted draft legislation for discussion. British Columbia will introduce legislation in the spring of 2003.

How will this legislation affect the average business or non-profit organization?

Private sector privacy legislation for Alberta can be designed so that it is easily implemented and understood by all sizes and types of Alberta businesses. The legislation will not be a complicated and arbitrary set of rules and regulations that prevents business from collecting and using personal information for legitimate purposes. It will be a common sense set of rules that are already followed by most businesses.

Businesses and non-profit organizations that already have information practices regarding the personal information of clients and employees may not notice any changes in the way they do business. The most significant change is the provision of an independent oversight body that can address complaints from the public about the information practices of the businesses and organizations covered by the legislation.

How does the private sector benefit from this type of legislation?

It provides a harmonized privacy framework for interprovincial, national and international trade. This ensures that Alberta companies will not be prevented from trading with other jurisdictions. Alberta will be able to take better advantage of the global economy and electronic commerce. The legislation will also respond to public concern about privacy, which is an impediment to electronic commerce.

What kind of personal information is covered?

Personal information is any factual or subjective information, recorded or not, about an identifiable individual. It includes:

- age, name, weight, height
- medical records
- ID numbers, income, ethnic origin, or blood type
- opinions, evaluations, comments, social status, or disciplinary action
- employee files, credit records, loan records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or change jobs.)

Personal information does not include job titles, telephone numbers or addresses, anything that might appear on a business card, or can be found through publicly available information such as the telephone book.

What will NOT be Covered by Alberta's Legislation?

- An employee's name, title, business address or telephone number.
- An individual's collection, use or disclosure of personal information strictly for personal purposes (e.g. personal greeting card list).
- An organization's collection, use or disclosure of personal information solely for journalistic, artistic or literary purposes.

Are there principles that guide the protection of personal information held by the private sector?

The principles guiding private sector privacy and incorporated in PIPEDA are based on the Canadian Standards Association's *Model Code for the Protection of Personal Information*, recognized as a national standard in 1996. The code's 10 principles are:

1. *Accountability*: An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
2. *Identifying Purposes*: The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
3. *Consent*: The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except when inappropriate.
4. *Limiting Collection*: The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

5. *Limiting Use, Disclosure, and Retention:* Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by the law. Personal information shall be retained only as long as necessary for fulfillment of those purposes.

6. *Accuracy:* Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

7. *Safeguards:* Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

8. *Openness:* An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

9. *Individual Access:* Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. *Challenging Compliance:* An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals for the organization's compliance.

What is a commercial activity?

The *Personal Information Protection and Electronic Documents Act* defines a commercial activity as “any transaction or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.”

How will the Alberta government develop this legislation?

Alberta Government Services (through the Information Management, Access and Privacy Division) will be undertaking extensive consultation over the next several months. The input from these sessions will be used during preparation of the draft legislation.

When will Alberta's legislation come into effect?

Alberta's legislation for protection of personal information held by the private sector will come into effect by January 1, 2004.

What support systems will be in place to assist organizations in implementing the legislation?

During the consultation process the Alberta government will be working with stakeholders to determine implementation requirements such as training and material suited to various types and sizes of organizations

Where can I get more information? How can I provide input?

You can contact us to request information, arrange a meeting or provide input.

For information: Telephone 780-422-2657

Provide written input: Tom Thackeray

Executive Director, Information Management, Access and Privacy

16th Floor, 10155 – 102 Street

Edmonton, Alberta

T5J 4L4

Email: tom.thackeray@gov.ab.ca

Questions About the Personal Information Protection and Electronic Documents Act

How does the *Personal Information Protection and Electronic Documents Act* require businesses to deal with personal information?

The law requires organizations to:

- obtain consent when they collect, use or disclose personal information*
- supply a product or a service if a person refuses consent for the collection, use or disclosure of his or her personal information unless the information is essential to the transaction*
- collect information by fair and lawful means
- provide personal information policies that are clear, understandable and readily available

Organizations should destroy, erase or make anonymous personal information about people that it no longer needs in order to fulfil the purpose for which it was collected.

*There are exceptions to these principles. For example: an organization may not need to obtain consent if collecting the information clearly benefits a person and his or her consent cannot be obtained in a timely way; or if the information is needed by a law enforcement agency for an investigation, and getting consent might compromise the information's accuracy.

How does the *Personal Information Protection and Electronic Documents Act* protect personal information?

The Act gives people control over their personal information by requiring organizations to obtain consent to collect, use or disclose personal information.

The law gives a person the right to:

- know why an organization collects, uses or discloses his or her personal information
- expect an organization to collect, use or disclose his or her personal information reasonably and appropriately, and not use the information for any purpose other than that to which the person consented
- know who in the organization is responsible for protecting his or her personal information
- expect an organization to protect his or her personal information by taking appropriate security measures
- expect the personal information an organization holds about him or her to be accurate, complete and up-to-date
- obtain access to his or her personal information and ask for corrections; and,
- complain about how an organization handles his or her personal information, confidentially if requested

Private Sector Privacy Legislation

Discussion Session – Questions for Consideration

1. From the perspective of your organization, what are the benefits to implementing private sector privacy legislation?
2. From the perspective of your organization, what are the challenges to implementing private sector privacy legislation?
3. Do you have any suggestions for ways to overcome or minimize these challenges?
4. Private sector privacy legislation will adhere to the Canadian Standards Association's *Model Code for the Protection of Personal Information*. These principles are described in the attached background material. The principles include:
 - Accountability
 - Identifying Purposes
 - Consent
 - Limiting Collection
 - Limiting Use, Disclosure, and Retention
 - Accuracy
 - Safeguards
 - Openness
 - Individual Access
 - Challenging Compliance

Do you see specific challenges pertaining to any of the principles?

5. What can the Alberta government do to assist you with implementation of privacy legislation in your organization (e.g. training, resource materials)?

**Appendix 5 – List of Invitees and Attendees
Association Discussion Sessions**

Invitees and Attendees

Association Discussion Sessions

November 4-7, 2002 – Calgary, Alberta

November 12-14, 2002 – Edmonton, Alberta

Professional Associations - Calgary - November 4

Organization Invited	Representative in Attendance
Canadian Payroll Association - Prairie Region 135 Midvalley Place SE Calgary T2X 1K3 256-5792 Deb Alder	Colleen Mathews Deb Alder
Alberta Real Estate Association 310, 2424 - 4 th Street Calgary T2S 2T4 Mr. Dan Russell Executive Vice President	Heidi Weiss
Canadian Association of Financial Planners - Alberta 200 - 724 - 11 Ave SW Calgary T2R 0E4 266-4203 Mr. Terry Ritchie	No
Alberta Funeral Services Association 318, 259 Midpark Way S.E. Calgary, Alberta T2X 1M2 Ms. Brenda Dore Executive Administrator	Brett Watson
Association of Condominium Managers of Alberta 102, 718 - 12 Avenue S.W. Calgary, Alberta T2R 0H7 Mr. Jim Atkinson President	No
Alberta Residential Rental Association 201, 1933 - 10 Avenue S.W. Calgary, Alberta T3C 0K3 Ms. Sue Jackson, President	No
Association of Canadian Travel Agencies 333 - 4th Avenue S.W. Calgary, Alberta T2P 0H9 Mr. Brian Schwartzendruber, Regional Manager Alberta/NWT	Brian Schwartzendruber

Professional Associations - Calgary - November 4

Organization Invited	Representative in Attendance
<p>Better Business Bureau of Southern Alberta 350, 7330 Fisher Street S.E. Calgary, Alberta T2H 2H8 Mr. Bonar Irving President and CEO</p>	<p>Ellen Wright Brock Ketcham</p>
<p>Calgary Home Builders Association 100, 3016 - 5 Avenue NE Calgary, Alberta T2A 6K4 Ms. Donna Moore Executive Officer</p>	<p>Donna Moore</p>
<p>Law Society of Alberta 919 - 11 Avenue S.W. Suite 600 Calgary, Alberta T2R 1P3 Mr. Don Thompson</p>	<p>Dave Guenter</p>
<p>Credit Union Central Alberta Limited 350N, 8500 Macleod Trail SE Tel: 403-258-5900 Fax: 403-253-7720 email@cucentral-ab.com Mr. Graham Wetter</p>	<p>Graham Wetter</p>
<p>Alberta Women's Enterprise Initiative 250, 815-8th Avenue SW Calgary, Alberta T2P 3P2 Lorraine Moulding Executive Director</p>	<p>Jessalyn Lacroix</p>

Communications, Marketing and Information Management - Calgary - November 5

Organization Invited	Representative in Attendance
Alberta Chapter Society for Technical Communication STC Po Box 2947 Stn. M, Calgary, AB T2P3C3 (403) 230-6072	No
Alberta Call Centre Association 208, 1235 - 17 th Avenue SW Calgary T2T 0C2 1-877-843-4532 info@callcentre.com	No
Alberta Registry Agents Association 2754 - 32 Street NE Calgary, Alberta T1Y 6J7 Ms. Pamela Wilson President	Harry Woo
Canadian Public Relations Society Box 2081, Station M Calgary 230-6800 www.cprcalgary.org	No
Alberta New Media/Calgary 117A, 3553-31 St NW (403) 284-6418 calgary@albertanewmedia.com	Norm Greenfield
Canadian Advance Technology Alliance CATA Alliance #250 - 3553 31 st St. NW Calgary T2L 2K7 266-6272 Cal Fairbanks cfairbanks@electrobusiness.com	David Paterson
Association of Magazine Publishers Association #400-609 14 th Street NW Calgary T2N 2A1 262-6081 Marion Harrison, Executive Director	Marion Harrison

Communications, Marketing and Information Management - Calgary - November 5

Organization Invited	Representative in Attendance
Association of Records Managers and Administrators (ARMA) Calgary PO Box 6624 Station D Calgary, Alberta T2P 2E4 armacal@arma.calgary.ab.ca	Robert McLauchlin
Alberta Family Histories Society PO Box 30270, Station B Calgary, AB T2M 4P1 George Lake, Chair	George Lake
Canadian Information Processing Society C/o 305 Sandringham Road NW Calgary, Alberta T3K 3Z1 Phone: 403.862.8760 Fax: 403.295.7645 Ed Gonzalez, I.S.P. Vice President edgardo@cips.ca	Ed Gonzalez
Library Association of Alberta 80 Baker Cr. N.W Calgary, Alberta T2L 1R4 Christine Sheppard, Executive Director	Christine Sheppard Susan Platt

Primary Industries - Calgary – November 6

Organization Invited	Representative in Attendance
Coal Association of Canada Suite 502, 205 - 9 Ave. S.E. Calgary, Alberta T2G 0R3 (403) 262-1544 Allen Wright, Executive Director	Allen Wright
Canadian Energy Pipeline Association 801 6th Avenue Southwest 1650, Calgary, AB T2P3W2 (403) 221-8777 David Annesley	No
Petroleum Communications Foundation #409, 100 - 4 Avenue SW Calgary, AB T2P 3N2 (403) 264-6064 info@pcf.ca Roger Rowley	No
Canadian Association of Petroleum Producers (CAPP) Suite 2100, 350 7th Avenue S.W. Calgary, Alberta T2P 3N9 403.267.1100 Nick Schultz	Taryn Albizzati George Wowk, Bennett Jones John Gilmore, Bennett Jones
Canadian Agri-Marketing Association Alberta (CAMA) PO Box 4520, Station C Calgary Alberta T2T 5N3 (403) 244-4487 cama@incentre.net Connie Pruden	No
Petroleum Services Association of Canada 1150, 800-6 th Avenue SW Calgary, Alberta T2P 3G3 Phone: 403-264-4195 Fax: 403-263-7174 Roger Soucy	Elizabeth Aquin

Primary Industries - Calgary – November 6

Organization Invited	Representative in Attendance
<p>Small Explorers and Producers Association of Canada (SEPAC) 1060, 717-7 Avenue SW. Calgary, AB T2P 0Z3 Ph. 403-269-3454 Fax: 403-269-3636 info@sepac.ca David Wolf</p>	No
<p>Alberta Cattle Commission #216, 6715 - 8th Street N.E. Calgary, Alberta Canada T2E 7H7 Telephone (403) 275-4400 Fax (403) 274-0007 Email accfeedback@cattle.ca Greg Conn</p>	No
<p>Propane Gas Association #2150, 300 - 5th Avenue S.W. Calgary, Alberta T2P 3C4 Tel: (403) 543-6500 / Fax: (403) 543-6508 Bob Cunningham email: info@propanegas.ca</p>	Pat McEachern
<p>Canadian Association of Petroleum Landmen Phone (403) 237-6635 Fax: 403-263-1620 dgrieve@landman.ca Brad Goodfellow</p>	No
<p>Independent Power Producers Society of Alberta 500-1324- 17 Ave SW Evan Bahry, Executive Director 282-8811</p>	No

Non-Profit/Charity - Calgary – November 7, 2002

Organization Invited	Representative in Attendance
Volunteer Calgary 640 8th Avenue Southwest 9flr, Calgary, AB T2P1G7 (403) 265-5633	Dawn Lasby David Burch
Association of Director of Volunteer Resources P.O. Box 92 Station M Calgary T2P 2G9 231-1441 info@advr.ab.ca	David Burch
Calgary Arthritis Association 200, 1301 – 8 St. SW Calgary, T2R 1B7 228-2570 Cathy Miller	Maureen O'Connor Solange Dunn
The Children's Wish Foundation of Canada Suite 106, 223-12 th Avenue SW Calgary, Alberta T2R 0G9 Lesley Gomez, Chapter Director Phone: 265-9039; Fax: 265-1704	No
Alzheimer Society of Alberta 220, 2323-32 Avenue NE Calgary T2E 6Z3 Phone: 403-250-1303	Peggy Viel B. Shima
Meals on Wheels 3610 MacLeod Trail SE Calgary, AB T2G 2P9 Phone: 403-243-2834 Lyn Homer, Executive Director	Kim Jeffery
Alberta Mental Health Association 103, 723-14 Street NW Calgary, AB T2N 2A4 Ph. 403-297-1700; Fax: 403-270-3066 Trish Cameron, Executive Director	No

Non-Profit/Charity - Calgary – November 7, 2002

Organization Invited	Representative in Attendance
<p>The Salvation Army 420-9 Ave SE Calgary, Alberta T2G 0R9 Margaret Blackburn</p>	<p>Margaret Blackburn</p>
<p>Calgary John Howard Society 917 – 9 Avenue SE Calgary, Alberta Gordon Sand, Executive Director</p>	<p>Gordon Sand</p>
<p>Association of Fundraising Professionals Suite 424, 234-5149 Country Hills Blvd. Calgary, Alberta T3A 5K8</p>	<p>Brian Duclos</p>
<p>Girl Guides of Canada 2188 Brownsea Dr. NW Calgary, Alberta. T2N 3G9 403-283-8348</p>	<p>Susan Burrows-Johnson</p>
<p>Canadian Cancer Society – Alberta/NWT Division Office Dan Holinda, Executive Director 200, 2424 - 4 Street S.W. Calgary, Alberta, T2S 2T4 Phone: 403-228-4487 Fax: 403-228-4506</p>	<p>No</p>
<p>Minor Hockey Association Of Calgary Address: 1711-10th Avenue S.W. Calgary, Alberta T3c 0k1 Phone #:403-245-5773 Fax #:403-228-0578 Email:Mhac@Hockeycalgary.Com</p>	<p>No</p>

Manufacturing/Retail/Wholesale - Edmonton – November 12

Organization Invited	Representative in Attendance
Canadian Council of Grocery Distributors Suite 102, 6940 Fischer Road SE Calgary, AB T2H 0W3 403-250-6608 www.ccgd.ca Bryan Walton, Vice-President, Western Region	Bryan Walton
Retail Merchants' Association (Alberta) 14948-121A Avenue Edmonton, AB T5V 1A3 John Wojcicki, Executive Director	John Wojcicki
Alberta Men's Wear Association 10403 172nd Street Northwest 3001, Edmonton, AB T5S1K9 780-455-1881	No
Consumers' Association of Canada (Alberta Chapter) P.O. Box 11171 Edmonton, Alberta T5J 3K4 Mr. Larry Phillips President	Wendy Armstrong Leslie (Office Manager)
Alberta Chambers of Commerce 1808, 10025 - 102A Avenue Edmonton, AB T5J 2Z2 780-425-4180	Darren Reader
Canadian Federation of Independent Business 9925 109th Street Northwest 302, Edmonton, AB T5K2J8 780-421-4253 Corinne Pohlmann	Corinne Pohlmann

Manufacturing/Retail/Wholesale - Edmonton – November 12

Organization Invited	Representative in Attendance
<p>Canadian Organization of Small Business Edmonton, AB T5J3G2 780-423-2672 Don Eastcott</p>	Don Eastcott
<p>Canadian Manufacturers and Exporters 10060 Jasper Avenue Suite 1931 Edmonton, AB Phone: 780-426-6622 Fax: 780-426-1509 Brian McCready brian.mccready@cme-mec.ca</p>	No
<p>Recreation Vehicle Dealers Association of Alberta 101, 10340-59 Avenue Edmonton, Alberta T6H 1E6 Phone: 780-455-8562 John Milligan, Executive Vice President</p>	John Milligan
<p>Retail Council of Canada 761 Woodbriar Place S.W Calgary, Alberta T2W 5Z3 Mr. Jim Waters Vice President of Western Region</p>	Kevin Evans
<p>Better Business Bureau of Central and Northern Alberta 888 Capital Place, 9707-110 Street Edmonton, Alberta T5K 2L9 Chris Lawrence, President and CEO</p>	Chris Lawrence
<p>IMS Health 720 Carter Crest Way Edmonton, Alberta T6R 2N3 Phone: 780-414-6645; Fax: 780-414-6646</p>	Brian Carter

Service, Industry – Edmonton – November 13

Organization Invited	Representative in Attendance
Alberta Restaurant and Foodservice Association Suite 1003, Empire Building 10080 Jasper Avenue Edmonton, Alberta T5J 1V9 Lindy Rollingson	Ron Dutchak
Association of Massage Therapists and Holistic Practitioners #207, 17878 - 106 Avenue Edmonton, AB, T5S 1V4 780-484-2010 Colleen McDougall	No
Alberta Hotel & Lodging Association 401-5241 Calgary Trail Southbound NW Edmonton, AB T6H5G8 1-800-649-1242	No
Motel Association of Alberta 10335 178th Street Northwest 202, Edmonton, AB T5S1R5 780-944-1199 Roger Pollok	No
Alberta Motor Association 10310 G.A. MacDonald Avenue NW PO Box 8180 Station South Edmonton, AB Phone: 780- 430-5555	No
Automotive Service and Repair Association Box 53122, Glenora PO Edmonton, Alberta T5N 4A8 Mr. Victor Marciano, Executive Director	Victor Marciano
Edmonton Construction Association 10215 -176 Street Edmonton, AB T5S 1M1 Phone 780-483-1130; Fax: 780-484-0299 contact@edmca.com ; Gordon McPherson	Shelley Andrea

Service, Industry – Edmonton – November 13

Organization Invited	Representative in Attendance
Alberta Aerospace Association Box 75089 Edmonton, AB T6E 6K1 Phone: 780-413-9917 Fax: 780-413-9918 Ken Beleshko, Executive Director Email: kbeleshko@aerospace.ab.ca	No
Canadian Chemical Producers' Association 451-22560 Wye Road Sherwood Park, AB T8A 4T6 Phone: 780-464-0032; Fax: 780-464-6144 Al Schulz, Regional Director	No
BIOAlberta 10 th Floor, Manulife Place 10180-101 Street Edmonton T4J 3S4 Phone: 780-425-3815 Email: info@bioalberta.com ; Myka Osinchuk	Sherry Kully
Alberta Forest Products Association Suite 200, 11738 Kingsway Avenue Edmonton, Alberta T5G 0X5 Tel: 780-452-2841 Fax: 780-455-0505	No
Motor Dealers' Association of Alberta 9249-48 Street Edmonton, Alberta T6B 2R9 Phone 780-468-9552 Bill Watkin, President	Bill Watkin
The Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) 1500 Scotia One 10060 Jasper Ave. Edmonton AB T5J 4A2 780-426-3990	Al Schuld
Merit Contractors Association 103, 13025 St. Albert Trail Edmonton, AB T5L 5G4	Bill Stewart
Mercon Benefit Services 104, 13025 St. Albert Trail Edmonton, AB T5L 5G5	Nancy Bochard

Professional Associations, Other Organizations - Edmonton - November 14

Organization Invited	Representative in Attendance
Human Resources Institute of Alberta Glenora P. O. Box 53063 Edmonton, Alberta T5N 4A8 780-443-1955 Marianne Murphy	No
Alberta College of Social Workers #550, 10707 100 Avenue Edmonton, AB T5J 3M1 780- 421-1167	Rod Adachi
Association of Independent Schools and Colleges in Alberta 9125 - 50 Street, Edmonton Alberta T6B 2H3 780- 469-9868 aisca@kingsu.ab.ca ; Duane Plantinga	No
Career Development Association of Alberta 14309 - 101 Avenue Edmonton, AB T5N OK7 780- 447-3730 Colleen Smith; cjscareers@telus.net	No
Environmental Services Association of Alberta 1710, 10303 Jasper Avenue Edmonton, Alberta T5J 3N6 info@esaa.org Jerry Keller – Executive Director	No
Canadian Association of Management Consultants – Edmonton Chapter Mr. Aurelio Fernandes; AurelioFernandes@aurelio@comusmart.ab.ca	No
Insurance Bureau of Canada 801, 10080 Jasper Avenue Edmonton, Alberta T5J 1V9 Mr. Jim Rivait; Regional Vice President	Louise Bremness

Professional Associations, Other Organizations - Edmonton - November 14

Organization Invited	Representative in Attendance
Construction Labour Relations 904, 10050 - 112 Street Edmonton, AB T5K 2J1 Phone: 780-451-5444; Toll Free: 1-800-450-7204 Fax: 780-451-5447 Mr. Sam Kemble; - sam@clra.org	Sam Kemble
Alberta Association – Canadian Institute of Planners 9804-47 Avenue Edmonton Alberta David Hales – President Elect	David Hales Vicki Hackl
Independent Insurance Brokers Association of Alberta 1000, 10109-106 Street Edmonton T5J 3L7 Harold Baker, Executive Director	Harold Baker Jim Harris
Canadian Association of Chain Drug Stores 4108 Gallagher's Woodlands Dr. S. Kelowna, BC V1W 4X4 Jim Waters	Jim Waters
Alberta Superintendent of Financial Institutions Phone: 780-415-0513 Fax: 780-422-4283 Ellen Nygaard, Deputy Superintendent	No

Appendix 6 – Moderator’s Guide Association Discussion Sessions

1.0 Welcome

Key Points

- Introduce self
- Welcome and thank you for taking the time to come to this session
- Please help yourself to lunch
- After lunch we will commence our discussion

2.0 Overview

Key Points

- Purpose of the session is to
 - Provide a brief overview of privacy legislation
 - Seek your input about challenges
- I am a public consultation person employed by Praxis Inc. and under contract to Alberta Government services. I am not a privacy legislation expert
- I can record your questions and make sure they are answered
- This consultation contract includes:
 - four of these discussion sessions in Calgary; three in Edmonton
 - two public discussion sessions in Edmonton, one in Calgary
 - a web-based survey
 - a telephone survey
- This will give the Alberta government some indication of the challenges and suggestions
- We chose to meet with associations because you each represent a number of organizations or associations.
- We want to hear as many opinions as possible. Please feel free to express an opinion that is different from the group, as it will reflect other organizations or individuals in the community. My role will be to keep the discussion moving along and make sure everyone has the opportunity to express opinions.
- I will be recording your comments on the flip chart. These comments will be consolidated into a report and you will be able to see it if you wish.
- When we do the web-based survey you can tell your members about the survey so they can participate if they wish.

3.0 Ground Rules

Key Points

- Everyone participates
- There are no wrong answers
- Feel free to help yourself to lunch

- Location of washrooms
- One person at a time
- Speak clearly
- Tape recording – reason and confidentiality

Any questions?

4.0 Introductions

To begin, I would like to go around the table and ask each of you to introduce yourself and perhaps tell us the organization you are representing and your interest or experience with privacy legislation.

5.0 Overhead Presentation of Alberta Government's Slides

6.0 Discussion Questions

- 6.1 From the perspective of your organization, what are the benefits to implementing private sector privacy legislation?

Prompts: electronic commerce, customer confidence, cross-border trading

- 6.2 From the perspective of your organization, what are the challenges to implementing private sector privacy legislation?

Prompts: time, cost, expertise, questionable need, lack of information, not clear on what is required

- 6.3 Do you have any suggestions for ways to overcome or minimize these challenges?

Prompts: templates, training

- 6.4 Private sector privacy legislation will adhere to the Canadian Standards Association's *Model Code for the Protection of Personal Information*. These principles are described in the attached background material. The principles include:

- Accountability
- Identifying Purposes
- Consent
- Limiting Collection
- Limiting Use, Disclosure, and Retention
- Accuracy
- Safeguards
- Openness

- Individual Access
- Challenging Compliance

Go through the principles, one at a time to identify any challenges pertaining to the principle. If suggestions are made note them as well.

- 6.5 What can the Alberta government do to assist you with implementation of privacy legislation in your organization (e.g. training, resource materials)?

Prompts: Training, resource materials

7.0 Wrap-up

Summarize key points. In concluding this session, is there anything that you would like to add.

8.0 Closure

Key Points

- Thank you
- Please feel free to send me any other comments

Appendix 7 Online Survey



Protection of Personal Information Held by the Private Sector

In 2000, the federal government passed the Personal Information Protection and Electronic Documents Act (PIPEDA). The purpose of the Act is to ensure that Canadians will have protection for personal information held by the private sector. The Act is also intended to allow Canadian businesses to compete effectively in the new electronic age.

The Act was approved on April 13, 2000 and comes into effect in stages. On January 1, 2004 the law will extend to every organization that collects, uses or discloses personal information in the course of a commercial activity within a province. If a province adopts legislation that is substantially similar to PIPEDA, organizations will abide by the provincial legislation for activities conducted within the province.

Alberta will prepare its own privacy legislation suited to the unique needs and circumstances of Albertans. This will include "common sense" rules for the collection, use, disclosure, retention and security of personal information. Alberta's legislation will strike a balance between protecting personal information and allowing the private sector to collect and use this information for appropriate business purposes. Effective legislation will respond to Albertan's concerns about protection of their personal information held by the private sector and help remove personal privacy concerns as an impediment to electronic commerce.

The Alberta government wants to ensure that business interests are represented during the preparation of this legislation. Accordingly, there will be information forums, presentations and consultations with businesses. Provincial government representatives will work with affected organizations during the development of the legislation to identify implementation requirements. Training and other resources will be provided to support the implementation of the legislation.

The Alberta Government has consulted with more than fifty associations in the province representing a cross section of organizations subject to the legislation. We are seeking to broaden this input by asking the associations to forward this survey to their members.

Praxis, an Alberta research firm, will analyze the responses of the survey on behalf of the Alberta Government. If you encounter any problems completing the on-line survey, please contact Praxis by email at pipa@praxis.ca or toll free at 1-866-249-8822.

Please complete the survey by December 20, 2002

[Proceed to survey Click here](#)

[Q & A
Document](#)

[Presentation
PowerPoint
\(pps\)](#)

Protection of Personal Information Held by the Private Sector

1. Please indicate your level of agreement or disagreement with each of the following statements concerning the implementation of legislation in Alberta for protection of personal information held by the private sector.

	strongly disagree	somewhat disagree	neither agree nor disagree	somewhat agree	strongly agree
a Our organization believes it is important to protect the personal information of our clients and employees.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b Consistent privacy legislation across provincial boundaries is important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c All companies and organizations in Alberta should be required to adhere to the same minimum standards for protection of personal information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d Charitable organizations should be subject to privacy legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e Not-for profit organizations should be subject to privacy legislation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f Voluntary privacy codes of practice should be developed by industry organizations or associations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g Industry and government should work together to implement privacy legislation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h Training and resource material about privacy legislation should be tailored to particular sectors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i Sensitive and non-sensitive personal information should be defined in legislation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j Legislation should allow for different types of consent, considering the sensitivity of the personal information.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k Consent should be obtained to use information already held by an organization, for a new purpose.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- l The penalties for non-compliance with privacy legislation should be significant.
- m Employees' personal information should be protected by privacy legislation.
- n Volunteers' personal information should be protected by privacy legislation.
- o Albertans should have the right to access their own personal information and request corrections if necessary.

2. From the perspective of your organization, what are the benefits of protecting the personal information of your clients and employees?

3. From the perspective of your organization, what are the challenges to implementing Alberta private sector privacy legislation?

4. Do you have any suggestions for ways to overcome or minimize these challenges?

5. Do you have any additional comments or concerns regarding the implementation of Alberta legislation for the protection of personal information held by the private sector?

6. The Following questions will help us interpret your responses. The information you provide will be kept strictly confidential.

Please indicate which of the following categories best describes your organization.

Goods Producing Sector

- Agriculture and related service industry
- Mining and Quarrying
- Energy production, transmission and related service industries
- Manufacturing
- Construction

Service Sector

- Trade (wholesale and retail)
- Finance, insurance and real estate
- Communication (information management, telecommunications)
- Service (e.g. legal, architecture, engineering)
- Government Service (health, education)
- Charitable non-profit

Other (Please Specify)

Please indicate the approximate size of your organization (full time equivalent employees).

- Fewer than 10 employees
- 10 to 100 employees
- 101 to 500 employees
- more than 500