

PIPA Compared

- ▶ *Personal Information Protection Act* (Alberta) and Regulation
- ▶ *Personal Information Protection Act* (British Columbia) and Regulations
- ▶ *Personal Information Protection and Electronic Documents Act* (Canada) and Regulations

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Access and Privacy
Service Alberta
pipa.alberta.ca

NOTICE: This table is an administrative tool that compares, without analysis, the provisions of Alberta's *Personal Information Protection Act*, British Columbia's *Personal Information Protection Act*, the federal *Personal Information Protection and Electronic Documents Act*, and their Regulations. It is not intended as, nor is it a substitute for, legal advice. The official versions of the Acts and Regulations should be consulted for the exact wording and for all purposes of interpreting and applying the legislation.

Where necessary, comments, cross-references and punctuation devices have been inserted in the table for purposes of clarity. These appear in italics.

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ALBERTA PIPA	BC PIPA	PIPEDA (Part 1)
		1. This Act may be cited as the <i>Personal Information Protection and Electronic Documents Act</i> .
Definitions		
1(1) In this Act:	1 In this Act:	2. (1) The definitions in this subsection apply in this Part.
1(1)(a) “business contact information” means an individual’s name, position name or title, business telephone number, business address, business e-mail address, business fax number and other similar business information;	“contact information” means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;	[see definition of “personal information”: “personal information...does not include the name, title or business address or telephone number of an employee of an organization”]
1(1)(b) “Commissioner” means the Information and Privacy Commissioner appointed under the <i>Freedom of Information and Protection of Privacy Act</i> ;	“commissioner” means the commissioner appointed under section 37(1) or 39(1) of the <i>Freedom of Information and Protection of Privacy Act</i> ;	“Commissioner” means the Privacy Commissioner appointed under section 53 of the <i>Privacy Act</i> .
	“credit report” has the same meaning as “report” in section 106 of the <i>Business Practices and Consumer Protection Act</i> ;	
1(1)(c) “credit reporting organization” means a reporting agency as defined in Part 5 of the <i>Fair Trading Act</i> ;	“credit reporting agency” has the same meaning as “reporting agency” in section 106 of the <i>Business Practices and Consumer Protection Act</i> ;	
	“day” does not include a holiday or a Saturday;	
1(1)(d) “domestic” means related to home or family;	“domestic” means related to home or family;	
1(1)(e) “employee” means an individual employed by an organization and includes an individual who performs a service for or in relation to or in connection with an organization (i) as a partner or a director, officer or other office-holder of the organization, (i.1) as an apprentice, volunteer, participant or student, or (ii) under a contract or an agency relationship with the organization;	“employee” includes a volunteer;	[“employee” is defined only in the context of the whistleblower provisions: 27.1(3) “In this section, “employee” includes an independent contractor and “employer” has a corresponding meaning.”]
	“employment” includes working under an unpaid volunteer work relationship;	
	“federal Act” means the <i>Personal Information Protection and Electronic Documents Act (Canada)</i> ;	
1(1)(f) “investigation” means an investigation related to (i) a breach of agreement, (ii) a contravention of an enactment of Alberta or Canada or of another province of Canada, or (iii) circumstances or conduct that may result in a remedy	“investigation” means an investigation related to (a) a breach of an agreement, (b) a contravention of an enactment of Canada or a province, (c) a circumstance or conduct that may result in a	

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or relief being available at law, if the breach, contravention, circumstances or conduct in question has or may have occurred or is likely to occur and it is reasonable to conduct an investigation;	remedy or relief being available under an enactment, under the common law or in equity, (d) the prevention of fraud, or (e) trading in a security as defined in section 1 of the <i>Securities Act</i> if the investigation is conducted by or on behalf of an organization recognized by the British Columbia Securities Commission to be appropriate for carrying out investigations of trading in securities, if it is reasonable to believe that the breach, contravention, circumstance, conduct, fraud or improper trading practice in question may occur or may have occurred;	
1(1)(g) "legal proceeding" means a civil, criminal or administrative proceeding that is related to (i) a breach of an agreement, (ii) a contravention of an enactment of Alberta or Canada or of another province of Canada, or (iii) a remedy available at law;	"proceeding" means a civil, a criminal or an administrative proceeding that is related to the allegation of (a) a breach of an agreement, (b) a contravention of an enactment of Canada or a province, or (c) a wrong or a breach of a duty for which a remedy is claimed under an enactment, under the common law or in equity;	
1(1)(g.1) "legislative instrument of a professional regulatory organization" means a bylaw, resolution or rule that is (i) enacted or otherwise established by a professional regulatory organization under an Act or a regulation of Alberta, and (ii) of a legislative nature;		
1(1)(g.2) "local government body" means a local government body as defined in the <i>Freedom of Information and Protection of Privacy Act</i> ;		
1(1)(h) "Minister" means the Minister determined under section 16 of the <i>Government Organization Act</i> as the Minister responsible for this Act;		
1(1)(i) "organization" includes (i) a corporation, (ii) an unincorporated association, (iii) a trade union as defined in the <i>Labour Relations Code</i> , (iv) a partnership as defined in the <i>Partnership Act</i> , and	"organization" includes a person, an unincorporated association, a trade union, a trust or a not for profit organization, but does not include (a) an individual acting in a personal or domestic capacity or acting as an employee, (b) a public body,	"organization" includes an association, a partnership, a person and a trade union.

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(v) an individual acting in a commercial capacity, but does not include an individual acting in a personal or domestic capacity;	(c) the Provincial Court, the Supreme Court or the Court of Appeal, (d) the Nisga'a Government, as defined in the Nisga'a Final Agreement, or (e) a private trust for the benefit of one or more designated individuals who are friends or members of the family of the settlor;	
1(1)(j) "personal employee information" means, in respect of an individual who is a potential, current or former employee of an organization, personal information reasonably required by the organization for the purposes of (i) establishing, managing or terminating an employment or volunteer- work relationship, or (ii) managing a post-employment or post-volunteer-work relationship between the organization and the individual, but does not include personal information about the individual that is unrelated to that relationship; <i>[see PIPA Regulation section 3 – "managing" includes "administering"]</i>	"employee personal information" means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment;	
1(1)(k) "personal information" means information about an identifiable individual;	"personal information" means information about an identifiable individual and includes employee personal information but does not include (a) contact information, or (b) work product information;	"personal information" means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.
1(1)(k.1) "professional Act" means an enactment under which a professional or occupational group or discipline is organized, and that provides for (i) membership in the professional or occupational group or discipline, and (ii) the regulation of the members of the professional or occupational group or discipline with respect to more than one of the following: (A) registration; (B) competence; (C) conduct; (D) practice; (E) disciplinary matters;		

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1(1)(k.2) “professional regulatory organization” means an organization incorporated under a professional Act;		
1(1)(l) “public body” means a public body as defined in the <i>Freedom of Information and Protection of Privacy Act</i> ;	“public body” means (a) a ministry of the government of British Columbia, (b) an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2 of the <i>Freedom of Information and Protection of Privacy Act</i> , or (c) a local public body as defined in the <i>Freedom of Information and Protection of Privacy Act</i> ;	
1(1)(m) “record” means a record of information in any form or in any medium, whether in written, printed, photographic or electronic form or any other form, but does not include a computer program or other mechanism that can produce a record;	“document” includes (a) a thing on or by which information is stored, and (b) a document in electronic or similar form	“record” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine-readable record and any other documentary material, regardless of physical form or characteristics, and any copy of any of those things.
1(1)(m.1) “regulation of Alberta” means a regulation as defined in the <i>Regulations Act</i> that is filed under that Act;		
1(1)(m.2) “regulation of Canada” means a regulation as defined in the <i>Statutory Instruments Act</i> (Canada) that is registered under that Act;		
1(1)(m.3) “service provider” means any organization, including, without limitation, a parent corporation, subsidiary, affiliate, contractor or subcontractor, that, directly or indirectly, provides a service for or on behalf of another organization;		
1(n) “volunteer work relationship” means a relationship between an organization and an individual under which a service is provided for or in relation to or is undertaken in connection with the organization by an individual who is acting as a volunteer or is otherwise unpaid with respect to that service and includes any similar relationship involving an organization and an individual where, in respect of that relationship, the individual is a participant or a student.	<i>[definition of “employment” refers to, but does not define, “volunteer work relationship”]</i>	
	“work product information” means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's	

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	employment or business but does not include personal information about an individual who did not prepare or collect the personal information.	
1(2) For the purposes of section 14(c.3), 17(c.3) and 20(c.3), "audit" means a financial or other formal or systematic examination or review conducted in accordance with recognized standards for an accepted business purpose, but does not include an examination or review conducted with respect to a business transaction referred to in section 22.		
		<p><i>Other definitions:</i></p> <p>"alternative format", with respect to personal information, means a format that allows a person with a sensory disability to read or listen to the personal information.</p> <p>"commercial activity" means any particular transaction, act or conduct 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.</p> <p>"Court" means the Federal Court.</p> <p>"federal work, undertaking or business" means any work, undertaking or business that is within the legislative authority of Parliament. It includes</p> <p>(a) a work, undertaking or business that is operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;</p> <p>(b) a railway, canal, telegraph or other work or undertaking that connects a province with another province, or that extends beyond the limits of a province;</p> <p>(c) a line of ships that connects a province with another province, or that extends beyond the limits of a province;</p> <p>(d) a ferry between a province and another province or between a province and a country other than Canada;</p>

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		<p>(e) aerodromes, aircraft or a line of air transportation; (f) a radio broadcasting station; (g) a bank; (h) a work that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more provinces; (i) a work, undertaking or business outside the exclusive legislative authority of the legislatures of the provinces; and (j) a work, undertaking or business to which federal laws, within the meaning of section 2 of the <i>Oceans Act</i>, apply under section 20 of that Act and any regulations made under paragraph 26(1)(k) of that Act.</p> <p>"personal health information", with respect to an individual, whether living or deceased, means (a) information concerning the physical or mental health of the individual; (b) information concerning any health service provided to the individual; (c) information concerning the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual; (d) information that is collected in the course of providing health services to the individual; or (e) information that is collected incidentally to the provision of health services to the individual <i>[Note, "personal health information" appears only in the transitional provision of section 30(1.1) and this section is no longer in effect, see section 30(2.1)]</i></p>

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Standard as to what is reasonable		
2 Where in this Act anything or any matter (a) is described, characterized or referred to as reasonable or unreasonable, or (b) is required or directed to be carried out or otherwise dealt with reasonably or in a reasonable manner, the standard to be applied under this Act in determining whether the thing or matter is reasonable or unreasonable, or has been carried out or otherwise dealt with reasonably or in a reasonable manner, is what a reasonable person would consider appropriate in the circumstances.	4(1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.	5(3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.
Part 1: Purpose and Application		
Purpose		
3 The purpose of this Act is to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable.	2 The purpose of this Act is to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of individuals to protect their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.	3. The purpose of this Part is to establish, in an era in which technology increasingly facilitates the circulation and exchange of information, rules to govern the collection, use and disclosure of personal information in a manner that recognizes the right of privacy of individuals with respect to their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.
Application		
4(1) Except as provided in this Act and subject to the regulations, this Act applies to every organization and in respect of all personal information.	3(1) Subject to this section, this Act applies to every organization.	4. (1) This Part applies to every organization in respect of personal information that (a) the organization collects, uses or discloses in the course of commercial activities; or (b) is about an employee of the organization and that the organization collects, uses or discloses in connection with the operation of a federal work, undertaking or business.
4(2) Subject to the regulations, this Act does not apply to a public body or any personal information that is in the custody of or under the control of a public body.		4. (2) This Part does not apply to (a) any government institution to which the <i>Privacy Act</i> applies;
4(3) This Act does not apply to the following: (a) the collection, use or disclosure of personal information if the collection, use or disclosure, as the case may be, is for personal or domestic purposes of the	3(2) This Act does not apply to the following: a) the collection, use or disclosure of personal information, if the collection, use or disclosure is for the personal or domestic purposes of the individual who is	4. (2)(b) any individual in respect of personal information that the individual collects, uses or discloses for personal or domestic purposes and does not collect, use or disclose for any other

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individual and for no other purpose;	collecting, using or disclosing the personal information and for no other purpose;	purpose; or
<p>4(3)(b) the collection, use or disclosure of personal information if the collection, use or disclosure, as the case may be, is for artistic or literary purposes and for no other purpose;</p> <p>4(3)(c) the collection, use or disclosure of personal information, other than personal employee information that is collected, used or disclosed pursuant to section 15, 18 or 21, if the collection, use or disclosure, as the case may be, is for journalistic purposes and for no other purpose;</p>	<p>3(2)(b) the collection, use or disclosure of personal information, if the collection, use or disclosure is for journalistic, artistic or literary purposes and for no other purpose;</p>	<p>4. (2)(c) any organization in respect of personal information that the organization collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose.</p> <p><i>[see also section 7(1)(c): "... an organization may collect personal information without the knowledge or consent of the individual if... (c) the collection is solely for journalistic, artistic or literary purposes]</i></p>
<p>4(3)(d) the collection, use or disclosure of an individual's business contact information if the collection, use or disclosure, as the case may be, is for the purposes of enabling the individual to be contacted in relation to the individual's business responsibilities and for no other purpose;</p>	<p><i>[see section 1 definitions: " "personal information" ...does not include (a) contact information ..."]</i></p>	<p><i>[see section 2(1) definitions: "personal information" ...does not include the name, title or business address or telephone number of an employee of an organization"]</i></p>
	<p>3(2)(c) the collection, use or disclosure of personal information, if the federal Act applies to the collection, use or disclosure of the personal information;</p>	
<p>4(3)(e) personal information that is in the custody of an organization if the <i>Freedom of Information and Protection of Privacy Act</i> applies to that information;</p>	<p>3(2)(d) personal information if the <i>Freedom of Information and Protection of Privacy Act</i> applies to the personal information; <i>[BC PIPA does not include the s. 4(2) provision in Alberta's PIPA]</i></p>	<p><i>[see section 4(2)(a) above: "This Part does not apply to (a) any government institution to which the Privacy Act applies"]</i></p>
<p>4(3)(f) health information as defined in the <i>Health Information Act</i> to which that Act applies;</p>		
<p>4(3)(g) the collection, use or disclosure of personal information by the following officers of the Legislature if the collection, use or disclosure, as the case may be, relates to the exercise of that officer's functions under an enactment:</p> <ul style="list-style-type: none"> (i) the Auditor General (ii) the Ombudsman; (iii) the Chief Electoral Officer; (iv) the Ethics Commissioner; (v) the Information and Privacy Commissioner; 	<p>3(2)(g) the collection, use or disclosure by a member or officer of the Legislature or Legislative Assembly of personal information that relates to the exercise of the functions of that member or officer;</p>	

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<p>4(3)(h) personal information about an individual if the individual has been dead for at least 20 years;</p> <p>4(3)(i) personal information about an individual that is contained in a record that has been in existence for at least 100 years;</p>	<p>22 An organization may disclose personal information for archival or historical purposes if,</p> <p>(c) the information is about someone who has been dead for 20 or more years, or</p> <p>(d) the information is in a record that has been in existence for 100 or more years.</p>	<p>7. (3) ... an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is</p> <p>(h) made after the earlier of</p> <p>(i) one hundred years after the record containing the information was created, and</p> <p>(ii) twenty years after the death of the individual whom the information is about;</p>
<p>4(3)(j) personal information contained in any record that</p> <p>(i) was transferred to an archival institution before the coming into force of this Act where access to the record</p> <p>(A) was unrestricted before the coming into force of this Act, or</p> <p>(B) is governed by an agreement entered into by the archival institution and the donor of the record before the coming into force of this Act,</p> <p>or</p> <p>(ii) is transferred to an archival institution after the coming into force of this Act where access to the record is governed by an agreement entered into by the archival institution and the donor of the record before the coming into force of this Act;</p>		
<p>4(3)(k) personal information contained in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta or The Provincial Court of Alberta, a record of a master in chambers of the Court of Queen's Bench of Alberta, a record of a sitting justice of the peace or a presiding justice of the peace under the <i>Justice of the Peace Act</i>, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause;</p>	<p>3(2)(e) personal information in</p> <p>(i) a court document,</p> <p>(ii) a document of a judge of the Court of Appeal, Supreme Court or Provincial Court, or a document relating to support services provided to a judge of those courts,</p> <p>(iii) a document of a master of the Supreme Court,</p> <p>(iv) a document of a justice of the peace, or</p> <p>(v) a judicial administration record as defined in Schedule 1 of the <i>Freedom of Information and Protection of Privacy Act</i>,</p>	
<p>4(3)(l) personal information contained in a record of any type that has been created by or for</p> <p>(i) a Member of the Legislative Assembly, or</p> <p>(ii) an elected or appointed member of a public body;</p>	<p>3(2)(g) the collection, use or disclosure by a member or officer of the Legislature or Legislative Assembly of personal information that relates to the exercise of the functions of that member or officer;</p>	
<p>4(3)(m) the collection, use or disclosure of personal information by, or for, a registered constituency association or a registered party as defined in the <i>Election</i></p>		

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<i>Finances and Contributions Disclosure Act</i> or in respect of an office or a position in a registered constituency association or a registered party;		
4(3)(n) the collection, use or disclosure of personal information by, or for, an individual who is a bona fide candidate for public office or for an office or position in a registered constituency association or a registered party as defined in the <i>Election Finances and Contributions Disclosure Act</i> where the information is being collected, used or disclosed, as the case may be, for the purposes of campaigning for that office or position and for no other purpose;		
4(3)(o) personal information contained in a personal note, communication or draft decision created by or for a person who is acting in a judicial, quasi-judicial or adjudicative capacity.	3(2)(f) personal information in a note, communication or draft decision of the decision maker in an administrative proceeding;	
	3(2)(h) a document related to a prosecution if all proceedings related to the prosecution have not been completed;	
4(4) If an organization has under its control personal information about an individual that was acquired prior to January 1, 2004, that information, for the purposes of this Act, (a) is deemed to have been collected pursuant to consent given by that individual, (b) may be used and disclosed by the organization for the purposes for which the information was collected, and (c) after the coming into force of this Act, is to be treated in the same manner as information collected under this Act.	3(2)(i) the collection of personal information that has been collected on or before this Act comes into force.	
4(5) This Act is not to be applied so as to (a) affect any legal privilege, (b) limit the information available by law to a party to a legal proceeding, or (c) limit or affect the collection, use or disclosure of information that is the subject of trust conditions or undertakings to which a lawyer is subject.	3(3) Nothing in this Act affects solicitor-client privilege. 3(4) This Act does not limit the information available by law to a party to a proceeding.	
4(6) If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this	3(5) If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of	4. (3) Every provision of this Part applies despite any provision, enacted after this subsection comes into

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<p>Act prevails unless</p> <p>(a) the other enactment is the <i>Freedom of Information and Protection of Privacy Act</i>, or</p> <p>(b) another Act or a regulation under this Act expressly provides that the other Act or a regulation, or a provision of it, prevails notwithstanding this Act.</p>	<p>this Act prevails unless another Act expressly provides that the other enactment, or a provision of it, applies despite this Act.</p>	<p>force, of any other Act of Parliament, unless the other Act expressly declares that that provision operates despite the provision of this Part.</p>
<p>4(7) This Act applies notwithstanding any agreement to the contrary, and any waiver or release given of the rights, benefits or protections provided under this Act is against public policy and void.</p>		
		<p>4.1. (1) Where a certificate under section 38.13 of the <i>Canada Evidence Act</i> prohibiting the disclosure of personal information of a specific individual is issued before a complaint is filed by that individual under this Part in respect of a request for access to that information, the provisions of this Part respecting that individual's right of access to his or her personal information do not apply to the information that is subject to the certificate.</p> <p>(2) Notwithstanding any other provision of this Part, where a certificate under section 38.13 of the <i>Canada Evidence Act</i> prohibiting the disclosure of personal information of a specific individual is issued after the filing of a complaint under this Part in relation to a request for access to that information:</p> <p>(a) all proceedings under this Part in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued;</p> <p>(b) the Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and</p> <p>(c) the Commissioner shall, within 10 days after the certificate is published in the <i>Canada Gazette</i>, return the information to the organization that provided the information.</p> <p>(3) The Commissioner and every person acting on behalf or under the direction of the Commissioner, in carrying out their functions under this Part, shall not disclose information subject to a certificate issued under section 38.13 of the <i>Canada Evidence Act</i>, and</p>

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		shall take every reasonable precaution to avoid the disclosure of that information. (4) The Commissioner may not delegate the investigation of any complaint relating to information subject to a certificate issued under section 38.13 of the <i>Canada Evidence Act</i> except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting that investigation.
Part 2: Protection of Personal Information		
Division 1 Compliance and Policies		
Compliance with Act		
5(1) An organization is responsible for personal information that is in its custody or under its control.	4(2) An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.	5. (1) Subject to sections 6 to 9, every organization shall comply with the obligations set out in Schedule 1. Schedule 1 - 4.1 (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.
5(2) For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those services, responsible for that person's compliance with this Act.	4(2) <i>as above.</i>	Schedule 1 - 4.1.3 An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.
5(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.	4(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.	Schedule 1 - 4.1 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. 6. The designation of an individual under clause 4.1 of Schedule 1 does not relieve the organization of the obligation to comply with the obligations set out in that Schedule.

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5(4) An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.	4(4) An individual designated under subsection (3) may delegate to another individual the duty conferred by that designation.	Schedule 1 - 4.1.1 Accountability for the organization's compliance with the principles rests with the designated individual(s), even though other individuals within the organization may be responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the organization may be delegated to act on behalf of the designated individual(s).
	4(5) An organization must make available to the public (a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and (b) contact information for each individual referred to in paragraph (a)	Schedule 1 - 4.1.2 The identity of the individual(s) designated by the organization to oversee the organization's compliance with the principles shall be made known upon request. Schedule 1 - 4.8.2 (Openness) The information made available shall include (a) the name or title, and the address, of the person who is accountable for the organization's policies and practices and to whom complaints or inquiries can be forwarded;
5(5) In meeting its responsibilities under this Act, an organization must act in a reasonable manner.	4(1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.	5. (3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.
5(6) Nothing in subsection (2) is to be construed so as to relieve any person from that person's responsibilities or obligations under this Act.		
		5. (2) The word "should," when used in Schedule 1, indicates a recommendation and does not impose an obligation.
Policies and Practices		
6(1) An organization must develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act.	5 An organization must (a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act, (b) develop a process to respond to complaints that may arise respecting the application of this Act, and	Schedule 1 - 4.1.4 Organizations shall implement policies and practices to give effect to the principles, including (a) implementing procedures to protect personal information; (b) establishing procedures to receive and respond to complaints and inquiries; [see Principle 4.10 – Challenging Compliance] (c) training staff and communicating to staff information about the organization's policies and practices; and

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		(d) developing information to explain the organization's policies and procedures.
<p>6(2) If an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the policies and practices referred to in subsection (1) must include information regarding</p> <p>(a) the countries outside Canada in which the collection, use, disclosure or storage is occurring or may occur, and</p> <p>(b) the purposes for which the service provider outside Canada has been authorized to collect, use or disclose personal information for or on behalf of the organization.</p>		[see clause (e) of Schedule 1 - 4.8.2 below]
<p>6(3) An organization must make written information about the policies and practices referred to in subsections (1) and (2) available on request.</p>	<p>5(c) make information available on request about</p> <p>(i) the policies and practices referred to in paragraph (a), and</p> <p>(ii) the complaint process referred to in paragraph (b).</p>	<p>Schedule 1 - 4.8 (Openness) An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.</p> <p>Schedule 1 - 4.8.1 Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals shall be able to acquire information about an organization's policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.</p> <p>Schedule 1 - 4.8.2 The information made available shall include</p> <p>(a) the name or title, and the address, of the person who is accountable for the organization's policies and practices and to whom complaints or inquiries can be forwarded;</p> <p>(b) the means of gaining access to personal information held by the organization;</p> <p>(c) a description of the type of personal information held by the organization, including a general account of its use;</p> <p>(d) a copy of any brochures or other information that explain the organization's policies, standards, or codes; and</p> <p>(e) what personal information is made available to related organizations (e.g., subsidiaries).</p> <p>Schedule 1 - 4.8.3 An organization may make</p>

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		<p>information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, an organization may choose to make brochures available in its place of business, mail information to its customers, provide online access, or establish a toll-free telephone number. <i>[see also Principle 4.10 – Challenging Compliance]</i></p>
		<p>Schedule 1 – 4.10 (Challenging Compliance) An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization’s compliance. Schedule 1 - 4.10.1 The individual accountable for an organization’s compliance is discussed in Clause 4.1.1. Schedule 1 - 4.10.2 Organizations shall put procedures in place to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint procedures should be easily accessible and simple to use. Schedule 1 - 4.10.3 Organizations shall inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures may exist. For example, some regulatory bodies accept complaints about the personal-information handling practices of the companies they regulate. Schedule 1 - 4.10.4 An organization shall investigate all complaints. If a complaint is found to be justified, the organization shall take appropriate measures, including, if necessary, amending its policies and practices.</p>
Division 2: Consent		
Consent required		
<p>7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, (a) collect that information unless the individual consents</p>	<p>6(1) An organization must not (a) collect personal information about an individual, (b) use personal information about an individual, or (c) disclose personal information about an individual.</p>	<p>Schedule 1 - 4.3 (Consent) The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.</p>

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<p>to the collection of that information, (b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source, (c) use that information unless the individual consents to the use of that information, or (d) disclose that information unless the individual consents to the disclosure of that information.</p>	<p>6(2) Subsection (1) does not apply if (a) the individual gives consent to the collection, use or disclosure, (b) this Act authorizes the collection, use or disclosure without the consent of the individual, or (c) this Act deems the collection, use or disclosure to be consented to by the individual.</p>	<p>Schedule 1 - 4.3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified). Schedule 1 - 4.3.2 The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.</p> <p>2. (2) In this Part, a reference to clause 4.3 or 4.9 of Schedule 1 does not include a reference to the note that accompanies that clause.</p>
	<p>7(1) An individual has not given consent under this Act to an organization unless (a) the organization has provided the individual with the information required under section 10 (1), and (b) the individual's consent is provided in accordance with this Act.</p>	
<p>7(2) An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.</p>	<p>7(2) An organization must not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product or service.</p>	<p>Schedule 1 - 4.3.3 An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfil the explicitly specified, and legitimate purposes.</p>
<p>7(3) An individual may give a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.</p>		
<p>Forms of Consent</p>		
<p>8(1) An individual may give his or her consent in writing or orally to the collection, use or disclosure of personal information about the individual.</p>		<p>Schedule 1 - 4.3.4 The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In</p>

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		<p>determining the form of consent to use, organizations shall take into account the sensitivity of the information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context. For example, the names and addresses of subscribers to a newsmagazine would generally not be considered sensitive information. However, the names and addresses of subscribers to some special-interest magazines might be considered sensitive.</p> <p>Schedule 1 - 4.3.7 Individuals can give consent in many ways. For example:</p> <p>(a) an application form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses;</p> <p>(b) a check off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;</p> <p>(c) consent may be given orally when information is collected over the telephone; or</p> <p>(d) consent may be given at the time that individuals use a product or service.</p>
<p>8(2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for a particular purpose if</p> <p>(a) the individual, without actually giving a consent referred to in subsection (1), voluntarily provides the information to the organization for that purpose, and</p> <p>(b) it is reasonable that a person would voluntarily provide that information.</p>	<p>8(1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if</p> <p>(a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and</p> <p>(b) the individual voluntarily provides the personal information to the organization for that purpose.</p>	<p>Schedule 1 - 4.3.5 In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual buying a subscription to a magazine should reasonably expect that the organization, in addition to using the individual's name and address for mailing and billing purposes, would also contact the person to solicit the renewal of the subscription. In this case, the organization can assume that the individual's request constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to a health-</p>

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		<p>care professional would be given to a company selling health-care products, unless consent were obtained. Consent shall not be obtained through deception.</p> <p>Schedule 1 - 4.3.6 The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).</p>
<p>8(2.1) If an individual consents to the disclosure of personal information about the individual by one organization to another organization for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal information for the particular purpose by that other organization.</p>		
<p>8(2.2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for the purpose of the individual's enrolment in or coverage under an insurance policy, pension plan or benefit plan or a policy, plan or contract that provides for a similar type of coverage or benefit if the individual</p> <p>(a) has an interest in or derives a benefit from that policy, plan or contract, and</p> <p>(b) is not the applicant for the plan, policy or contract.</p>	<p>8(2) An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her enrollment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she</p> <p>(a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and</p> <p>(b) is not the applicant for the plan, policy or contract.</p>	
<p>8(3) Notwithstanding section 7(1), an organization may collect, use or disclose personal information about an individual for particular purposes if</p> <p>(a) the organization</p> <p>(i) provides the individual with a notice, in a form that the individual can reasonably be expected to understand, that the organization intends to collect, use or disclose personal information about the individual for those purposes, and</p> <p>(ii) with respect to that notice, gives the individual a</p>	<p>8(3) An organization may collect, use or disclose personal information about an individual for specified purposes if</p> <p>(a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,</p> <p>(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have</p>	<p><i>[see Schedule 1 – 4.3.7(b) above re check-off box]</i></p>

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reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes,	his or her personal information collected, used or disclosed for those purposes,	
8(3)(b) the individual does not, within a reasonable time, give to the organization a response to that notice declining or objecting to the proposed collection, use or disclosure, and	8(3)(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and	
8(3)(c) having regard to the level of the sensitivity, if any, of the information in the circumstances, it is reasonable to collect, use or disclose the information as permitted under clauses (a) and (b).	8(3)(d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.	
8(4) Subsections (2), (2.1), (2.2) and (3) are not to be construed so as to authorize an organization to collect, use or disclose personal information for any purpose other than the particular purposes for which the information was collected.	8(4) Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.	
8(5) Consent in writing may be given or otherwise transmitted by electronic means to an organization if the organization receiving that transmittal produces or is able at any time to produce a printed copy or image or a reproduction of the consent in paper form.		
Withdrawal or variation of consent		
9(1) Subject to subsection (5), on giving reasonable notice to an organization, an individual may at any time withdraw or vary consent to the collection, use or disclosure by the organization of personal information about the individual.	9(1) Subject to subsections (5) and (6), on giving reasonable notice to the organization, an individual may withdraw consent to the collection, use or disclosure of personal information about the individual at any time.	Schedule 1 - 4.3.8 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice...
9(2) On receipt of notice referred to in subsection (1), an organization must, subject to subsection (3), inform the individual of the likely consequences to the individual of withdrawing or varying the consent.	9(2) On receipt of notice referred to in subsection (1), an organization must inform the individual of the likely consequences to the individual of withdrawing his or her consent.	Schedule 1 - 4.3.8 ...The organization shall inform the individual of the implications of such withdrawal.
9(3) An organization is not required to inform an individual under subsection (2) if the likely consequences of withdrawing or varying the consent would be reasonably obvious to the individual.		
	9(3) An organization must not prohibit an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the individual.	
9(4) Except where the collection, use or disclosure of personal information without consent of the individual is	9(4) Subject to section 35 [<i>retention</i>], if an individual withdraws consent to the collection, use or disclosure of	

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permitted under this Act, if an individual withdraws or varies a consent to the collection, use or disclosure of personal information about the individual by an organization, the organization must, (a) in the case of the withdrawal of a consent, stop collecting, using or disclosing the information, and (b) in the case of a variation of a consent, abide by the consent as varied.	personal information by an organization, the organization must stop collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without consent under this Act.	
9(5) If withdrawing or varying a consent would frustrate the performance of a legal obligation, any withdrawal or variation of the consent does not, unless otherwise agreed to by the parties who are subject to the legal obligation, operate to the extent that the withdrawal or variation would frustrate the performance of the legal obligation owed between those parties.	9(5) An individual may not withdraw consent if withdrawing the consent would frustrate the performance of a legal obligation.	
	9(6) An individual may not withdraw a consent given to a credit reporting agency in the circumstances described in section 12 (1) (g) or 15 (1) (g).	
9(6) A withdrawal or variation of a consent by an individual may be given to an organization in the same manner as a consent may be given.		
9(7) An individual may, subject to this section, withdraw or vary a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.		
9(8) Nothing in this section is to be construed so as to empower (a) an individual, as part of the withdrawal or variation of a consent, to impose an obligation or a liability on an organization unless the organization agrees otherwise, or (b) an organization, as part of the withdrawal or variation of a consent, to impose an obligation or liability on an individual unless the individual agrees otherwise.		
Consent obtained by deception, etc.		
10 If an organization obtains or attempts to obtain consent to the collection, use or disclosure of personal information by (a) providing false or misleading information respecting the collection, use or disclosure of the information, or (b) using deceptive or misleading practices,	7(3) If an organization attempts to obtain consent for collecting, using or disclosing personal information by (a) providing false or misleading information respecting the collection, use or disclosure of the information, or (b) using deceptive or misleading practices any consent provided in those circumstances is not	Schedule 1 – 4.4 (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. Schedule 1 - 4.4.2 The requirement that personal

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any consent provided or obtained under those circumstances is negated.	validly given.	information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception. Schedule 1 – 4.4.3 This principle is linked closely to the Identifying Purposes principle (Clause 4.2) and the Consent principle (Clause 4.3).
Division 3: Collection of Personal Information		
Limitations on collection		
11(1) An organization may collect personal information only for purposes that are reasonable.	11 Subject to this Act, an organization may collect personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that...	5. (3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.
11(2) Where an organization collects personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is collected.	... (a) fulfill the purposes that the organization discloses under section 10(1), or (b) are otherwise permitted under this Act.	Schedule 1 - 4.4 (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. Schedule 1 - 4.4.1 Organizations shall not collect personal information indiscriminately. Both the amount and the type of information collected shall be limited to that which is necessary to fulfil the purposes identified. Organizations shall specify the type of information collected as part of their information-handling policies and practices, in accordance with the Openness principle (Clause 4.8). Schedule 1 - 4.2.2 Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfil these purposes. The Limiting Collection principle (Clause 4.4) requires an organization to collect only that information necessary for the purposes that have been identified.

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Limitation on sources of collection		
<p>12 An organization may without the consent of the individual collect personal information about an individual from a source other than that individual if the information that is to be collected is information that may be collected without the consent of the individual under section 14, 15 or 22.</p>	<p>12(1) An organization may collect personal information about an individual without consent or from a source other than the individual, if... <i>[exceptions for collection without consent]</i></p>	
Notification required for collection		
<p>13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that individual in writing or orally (a) as to the purposes for which the information is collected, and (b) of the name or position name or title of a person who is able to answer on behalf of the organization the individual's questions about the collection.</p>	<p>10(1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing (a) the purposes for the collection of the information, and (b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.</p>	<p>Schedule 1 - 4.2 (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. Schedule 1 - 4.2.1 The organization shall document the purposes for which personal information is collected in order to comply with the Openness principle (Clause 4.8) and the Individual Access principle (Clause 4.9). Schedule 1 - 4.2.2 Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfil these purposes. The Limiting Collection principle (Clause 4.4) requires an organization to collect only that information necessary for the purposes that have been identified. Schedule 1 - 4.2.3 The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes. Schedule 1 - 4.2.4 When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose. For an elaboration on consent, please refer to the Consent principle (Clause 4.3).</p>

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		<p>Schedule 1 – 4.2.5 Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.</p> <p>Schedule 1 – 4.2.6: This principle is linked closely to the Limiting Collection principle (Clause 4.4) and the Limiting Use, Disclosure, and Retention principle (Clause 4.5).</p> <p><i>[see also Schedule 1 - 4.3.2 The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.]</i></p>
13(2) <i>[repealed S.A. 2009, c. 50, s. 6(b)]</i>		
13(3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization that is disclosing the personal information to make a determination as to whether that disclosure of the personal information would be in accordance with this Act.	10(2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act.	
13(4) Subsection (1) does not apply to the collection of personal information that is carried out pursuant to section 8(2).	10(3) This section does not apply to a collection described in section 8 (1) or (2).	
Notification respecting service provider outside Canada		
<p>13.1(1) Subject to the regulations, an organization that uses a service provider outside Canada to collect personal information about an individual for or on behalf of the organization with the consent of the individual must notify the individual in accordance with subsection (3).</p> <p>(2) Subject to the regulations, an organization that, directly or indirectly, transfers to a service provider outside</p>		

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<p>Canada personal information about an individual that was collected with the individual's consent must notify the individual in accordance with subsection (3).</p> <p>(3) An organization referred to in subsection (1) or (2) must, before or at the time of collecting or transferring the information, notify the individual in writing or orally of</p> <p>(a) the way in which the individual may obtain access to written information about the organization's policies and practices with respect to service providers outside Canada, and</p> <p>(b) the name or position name or title of a person who is able to answer on behalf of the organization the individual's questions about the collection, use, disclosure or storage of personal information by service providers outside Canada for or on behalf of the organization.</p> <p>(4) The notice required under this section is in addition to any notice required under section 13.</p>		
Collection without consent		
<p>14 An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable:</p> <p>(a) a reasonable person would consider that the collection of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;</p>	<p>12(1) An organization may collect personal information about an individual without consent or from a source other than the individual, if</p> <p>(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way,</p>	<p>7. (1) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may collect personal information without the knowledge or consent of the individual only if</p> <p>(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;</p>
	<p>12(1)(b) the collection is necessary for the medical treatment of the individual and the individual is unable to give consent,</p>	
<p>14(b) the collection of the information is authorized or required by</p> <p>(i) a statute of Alberta or of Canada,</p> <p>(ii) a regulation of Alberta or a regulation of Canada,</p> <p>(iii) a bylaw of a local government body, or</p> <p>(iv) a legislative instrument of a professional regulatory organization;</p>	<p>12(1)(h) the collection is required or authorized by law,</p>	<p>7. (1)(e) the collection is made for the purpose of making a disclosure</p> <p>(i) under subparagraph (3)(c.1)(i) or (d)(ii), or</p> <p>(ii) that is required by law.</p>

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14(b.1) the collection of the information is pursuant to a form that is approved or otherwise provided for under a statute of Alberta or a regulation of Alberta;		
14(c) the collection of the information is from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;		
14(c.1) the collection of the information is necessary to comply with a collective agreement that is binding on the organization under section 128 of the <i>Labour Relations Code</i> ;		
14(c.2) the collection of the information is necessary to comply with an audit or inspection of or by the organization where the audit or inspection is authorized or required by (i) a statute of Alberta or of Canada, or (ii) a regulation of Alberta or a regulation of Canada;		
14(c.3) the collection of the information is by an organization for the purposes of conducting an audit of another organization, other than an audit referred to in clause (c.2), and it is not practicable to collect non-identifying information for the purposes of the audit;		
14(d) the collection of the information is reasonable for the purposes of an investigation or a legal proceeding;	12(1)(c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,	7. (1)(b) it is reasonable to expect that the collection with the knowledge or consent of the individual would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
14(e) the information is publicly available as prescribed or otherwise determined by the regulations; <i>[see PIPA Regulation section 7]</i>	12(1)(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph, <i>[see BC PIPA Regulations section 6]</i>	7. (1)(d) the information is publicly available and is specified by the regulations; <i>[see PIPEDA Regulation SOR/2001-7]</i>
	12(1)(d) the personal information is collected by observation at a performance, a sports meet or a similar event (i) at which the individual voluntarily appears, and (ii) that is open to the public,	

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14(f) the collection of the information is necessary to determine the individual's suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;	12(1)(f) the collection is necessary to determine the individual's suitability (i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or (ii) to be selected for an athletic or artistic purpose,	
14(g) the information is collected by a credit reporting organization to create a credit report where the individual consented to the disclosure to the credit reporting organization by the organization that originally collected the information;	12(1)(g) the organization is a credit reporting agency that collects the personal information to create a credit report and the individual consents at the time the original collection takes place to the disclosure for this purpose,	
14(h) the information may be disclosed to the organization without the consent of the individual under section 20;	12(1)(i) the information was disclosed to the organization under sections 18 to 22	
14(i) the collection of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization;	12(1)(j) the personal information is necessary to facilitate (i) the collection of a debt owed to the organization, or (ii) the payment of a debt owed by the organization.	
14(j) the organization collecting the information is an archival institution and the collection of the information is reasonable for archival purposes or research; 14(k) the collection of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about. <i>[see also PIPA Regulation sections 11-14]</i>		
	12(1)(k) the personal information is collected for the purposes of the organization providing legal services to a third party and the collection is necessary for the purposes of providing those services, or	
	12(1)(l) the personal information is collected for the purposes of the organization providing services to a third party if (i) the third party is an individual acting in a personal or domestic capacity, (ii) the third party is providing the information to the organization, and the information is necessary for the purposes of providing those services.	
		7. (1)(c) the collection is solely for journalistic, artistic or literary purposes;

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14(l) the collection of the information is in accordance with section 15 or 22.		
	<p>12(2) An organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if</p> <p>(a) the individual previously consented to the collection of the personal information by the other organization, and</p> <p>(b) the personal information is disclosed to or collected by the organization solely</p> <p>(i) for the purposes for which the information was previously collected, and</p> <p>(ii) to assist that organization to carry out work on behalf of the other organization</p>	
Collection of personal employee information		
<p>15(1) An organization may collect personal employee information about an individual without the consent of the individual if</p> <p>(a) the information is collected solely for the purposes of</p> <p>(i) establishing, managing or terminating an employment or volunteer-work relationship, or</p> <p>(ii) managing a post-employment or post-volunteer-work relationship, between the organization and the individual,</p> <p>(b) it is reasonable to collect the information for the particular purpose for which it is being collected, and</p>	<p>13(1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.</p> <p>(2) An organization may not collect employee personal information without the consent of the individual unless</p> <p>(a) section 12 allows the collection of the employee personal information without consent, or</p> <p>(b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.</p>	
<p>15(1)(c) in the case of an individual who is a current employee of the organization, the organization has, before collecting the information, provided the individual with reasonable notification that personal employee information about the individual is going to be collected and of the purposes for which the information is going to be collected.</p>	<p>13(3) An organization must notify an individual that it will be collecting employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.</p> <p>(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.</p>	
<p>15(2) Nothing in this section is to be construed so as to restrict or otherwise affect an organization's ability to collect personal information under section 14.</p>	<p><i>[see sections 13(2)(a) and 13(4) above]</i></p>	

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Division 4: Use of Personal Information		
Limitations on use		
<p>16(1) An organization may use personal information only for purposes that are reasonable.</p> <p>(2) Where an organization uses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is used.</p>	<p>14 Subject to this Act, an organization may use personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that</p> <p>(a) fulfill the purposes that the organization discloses under section 10 (1),</p> <p>(b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or</p> <p>(c) are otherwise permitted under this Act.</p>	<p>5. (3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.</p> <p>Schedule 1 – 4.5 (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 law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>4.5.1 Organizations using personal information for a new purpose shall document this purpose (see Clause 4.2.1).</p> <p>7. (4) Despite clause 4.5 of Schedule 1, an organization may use personal information for purposes other than those for which it was collected in any of the circumstances set out in subsection (2) [<i>i.e. section 7(2) – use without knowledge and consent</i>]</p>
Use without consent		
<p>17 An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable:</p> <p>(a) a reasonable person would consider that the use of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;</p>	<p>15(1) An organization may use personal information about an individual without the consent of the individual, if</p> <p>(a) the use is clearly in the interests of the individual and consent cannot be obtained in a timely way,</p>	<p>7. (2) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may, without the knowledge or consent of the individual, use personal information only if...</p>
	<p>15(b) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,</p>	
<p>17(b) the use of the information is authorized or required by</p> <p>(i) a statute of Alberta or of Canada,</p>	<p>15(1)(h) the use is required or authorized by law</p>	

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(ii) a regulation of Alberta or a regulation of Canada, (iii) a bylaw of a local government body, or (iv) a legislative instrument of a professional regulatory organization;		
17(b.1) the use of the information is for the purpose for which the information was collected pursuant to a form that is approved or otherwise provided for under a statute of Alberta or a regulation of Alberta;		
17(c) the information was collected by the organization from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;		
17(c.1) the use of the information is necessary to comply with a collective agreement that is binding on the organization under section 128 of the <i>Labour Relations Code</i> ;		
17(c.2) the use of the information is necessary to comply with an audit or inspection of or by the organization where the audit or inspection is authorized or required by (i) a statute of Alberta or of Canada, or (ii) a regulation of Alberta or a regulation of Canada;		
17(c.3) the use of the information is for the purposes of an audit of or by the organization, other than an audit referred to in clause (c.2), and it is not practicable to use non-identifying information for the purposes of the audit;		
17(d) the use of the information is reasonable for the purposes of an investigation or a legal proceeding;	15(1)(c) it is reasonable to expect that the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or a proceeding,	7. (2)(a) in the course of its activities, the organization becomes aware of information that it has reasonable grounds to believe could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the purpose of investigating that contravention;
	15(1)(d) the personal information is collected by observation at a performance, a sports meet or a similar event (i) at which the individual voluntarily appears, and (ii) that is open to the public,	

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<p>17(e) the information is publicly available as prescribed or otherwise determined by the regulations;</p> <p><i>[see PIPA Regulation section 7]</i></p>	<p>15(1)(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,</p> <p><i>[see BC PIPA Regulations section 6]</i></p>	<p>7. (2)(c.1) it is publicly available and is specified by the regulations;</p> <p><i>[see PIPEDA Regulation SOR/2001-7]</i></p>
<p>17(f) the use of the information is necessary to determine the individual's suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;</p>	<p>15(1)(f) the use is necessary to determine suitability (i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or (ii) to be selected for an athletic or artistic purpose,</p>	
<p>17(g) a credit reporting organization was permitted to collect the information under section 14(g) and the information is not used by the credit reporting organization for any purpose other than to create a credit report;</p>	<p>15(1)(g) the personal information is used by a credit reporting agency to create a credit report if the individual consented to the disclosure for this purpose,</p> <p>15(1)(k) a credit reporting agency is permitted to collect the personal information without consent under section 12 and the information is not used by the credit reporting agency for any purpose other than to create a credit report</p>	
<p>17(h) the information may be disclosed by an organization without the consent of the individual under section 20;</p>	<p>15(1)(i) the personal information was disclosed to the organization under sections 18 to 22,</p>	<p>7. (2)(d) it was collected under paragraph (1)(a), (b) or (e).</p>
<p>17(i) the use of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;</p>	<p>15(1)(l) the use is necessary to respond to an emergency that threatens the life, health or security of an individual.</p> <p><i>[see also s. 15(1)(b) - use is necessary for medical treatment where individual not having legal capacity to give consent]</i></p>	<p>7. (2)(b) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;</p>
<p>17(j) the use of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization;</p>	<p>15(1)(j) the personal information is needed to facilitate (i) the collection of a debt owed to the organization, or (ii) the payment of a debt owed by the organization,</p>	
<p>17(k) the organization using the information is an archival institution and the use of the information is reasonable for archival purposes or research;</p> <p>17(l) the use of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.</p> <p><i>[see also PIPA Regulation sections 11-14]</i></p>	<p><i>[BC has specific sections dealing with archives and research – see sections 21 and 22]</i></p>	<p>7. (2)(c) it is used for statistical, or scholarly study or research, purposes that cannot be achieved without using the information, the information is used in a manner that will ensure its confidentiality, it is impracticable to obtain consent and the organization informs the Commissioner of the use before the information is used;</p>

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	15(1)(h.1) the personal information was collected by the organization under section 12(1)(k) or (l) and is used to fulfill the purposes for which it was collected,	
17(m) the use of the information is in accordance with section 18 or 22.	15(1)(i) the personal information was disclosed to the organization under sections 18 to 22,	
	15(2) An organization may use personal information collected from or on behalf of another organization without the consent of the individual to whom the information relates, if (a) the individual consented to the use of the personal information by the other organization, and (b) the personal information is used by the organization solely (i) for the purposes for which the information was previously collected, and (ii) to assist that organization to carry out work on behalf of the other organization.	
Use of personal employee information		
18(1) An organization may use personal employee information about an individual without the consent of the individual if (a) the information is used solely for the purposes of (i) establishing, managing or terminating an employment or volunteer-work relationship, or (ii) managing a post-employment or post-volunteer-work relationship, between the organization and the individual, (b) it is reasonable to use the information for the particular purpose for which it is being used, and	16(1) Subject to subsection (2), an organization may use employee personal information without the consent of the individual. (2) An organization may not use employee personal information without the consent of the individual unless (a) section 15 allows the use of the employee personal information without consent, or (b) the use is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.	
18(1)(c) in the case of an individual who is a current employee of the organization, the organization has, before using the information, provided the individual with reasonable notification that personal employee information about the individual is going to be used and of the purposes for which the information is going to be used.	16(3) An organization must notify an individual that it will be using employee personal information about the individual and the purposes for the use before the organization uses the employee personal information without the consent of the individual. (4) Subsection (3) does not apply to employee personal information if section 15 allows it to be used without the consent of the individual.	

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18(2) Nothing in this section is to be construed so as to restrict or otherwise affect an organization's ability to use personal information under section 17.	<i>[see sections 16(2)(a) section 16(4) above]</i>	
Division 5: Disclosure of Personal Information		
Limitations on disclosure		
<p>19(1) An organization may disclose personal information only for purposes that are reasonable.</p> <p>(2) Where an organization discloses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is disclosed.</p>	<p>17 Subject to this Act, an organization may disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances and that</p> <p>(a) fulfill the purposes that the organization discloses under section 10 (1),</p> <p>(b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or</p> <p>(c) are otherwise permitted under this Act.</p>	<p>5. (3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.</p> <p>Schedule 1 – 4.5 (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 law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>7. (5) Despite clause 4.5 of Schedule 1, an organization may disclose personal information for purposes other than those for which it was collected in any of the circumstances set out in paragraphs (3)(a) to (h.2)</p>
Disclosure without consent		
20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:	18(1) An organization may only disclose personal information about an individual without the consent of the individual, if	7. (3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is...
20(a) a reasonable person would consider that the disclosure of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;	18(1)(a) the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way,	
	18(1)(b) the disclosure is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,	
20(b) the disclosure of the information is authorized or required by (i) a statute of Alberta or of Canada,	18(1)(o) the disclosure is required or authorized by law,	7. (3)(i) required by law

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(ii) a regulation of Alberta or a regulation of Canada, (iii) a bylaw of a local government body, or (iv) a legislative instrument of a professional regulatory organization;		
20(b.1) the disclosure of the information is for a purpose for which the information was collected pursuant to a form that is approved or otherwise provided for under a statute of Alberta or regulation of Alberta;		
20(c) the disclosure of the information is to a public body and that public body is authorized or required by an enactment of Alberta or Canada to collect the information from the organization;		7. (3)(c.1) [see below]
20(c.1) the disclosure of the information is necessary to comply with a collective agreement that is binding on the organization under section 128 of the <i>Labour Relations Code</i> ;		
20(c.2) the disclosure of the information is necessary to comply with an audit or inspection of or by the organization where the audit or inspection is authorized or required by (i) a statute of Alberta or of Canada, or (ii) a regulation of Alberta or a regulation of Canada;		
20(c.3) the disclosure of the information is (i) to an organization conducting an audit, other than an audit referred to in clause (c.2), by the organization being audited, or (ii) by an organization conducting an audit, other than an audit referred to in clause (c.2), to the organization being audited for a purpose relating to the audit and it is not practicable to disclose non-identifying information for the purposes of the audit;		
20(d) the disclosure of the information is in accordance with a provision of a treaty that (i) authorizes or requires its disclosure, and (ii) is made under an enactment of Alberta or Canada;	18(1)(h) the personal information is disclosed in accordance with a provision of a treaty that (i) authorizes or requires its disclosure, and (ii) is made under an enactment of British Columbia or Canada,	
20(e) the disclosure of the information is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to	18(1)(i) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the	7. (3)(c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of

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<p>compel the production of information or with a rule of court that relates to the production of information;</p> <p>20(f) the disclosure of the information is to a public body or a law enforcement agency in Canada to assist in an investigation</p> <p>(i) undertaken with a view to a law enforcement proceeding, or</p> <p>(ii) from which a law enforcement proceeding is likely to result;</p>	<p>production of personal information,</p> <p>18(1)(j) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation,</p> <p>(i) to determine whether the offence has taken place, or</p> <p>(ii) to prepare for the laying of a charge or the prosecution of the offence,</p>	<p>information, or to comply with rules of court relating to the production of records;</p> <p>7. (3)(c.1) made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that</p> <p>(i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs,</p> <p>(ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or</p> <p>(iii) the disclosure is requested for the purpose of administering any law of Canada or a province;</p> <p>7. (3)(d) made on the initiative of the organization to an investigative body, a government institution or a part of a government institution and the organization</p> <p>(i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or</p> <p>(ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs;</p> <p><i>[see PIPEDA Regulations specifying Investigative Bodies]</i></p>
<p>20(g) the disclosure of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public;</p>	<p>18(1)(k) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates,</p> <p><i>[see also section 18(b) - the disclosure is necessary for medical treatment and the individual does not have the legal capacity to give consent,]</i></p>	<p>7. (3)(e) made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;</p>

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20(h) the disclosure of the information is for the purposes of contacting the next of kin or a friend of an injured, ill or deceased individual;	18(1)(l) the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual,	
20(i) the disclosure of the information is necessary in order to collect a debt owed to the organization or for the organization to repay to the individual money owed by the organization;	18(1)(g) the disclosure is necessary in order to collect a debt owed to the organization or for the organization to repay an individual money owed to them by the organization,	7. (3)(b) for the purpose of collecting a debt owed by the individual to the organization;
	18(d) the personal information is collected by observation at a performance, a sports meet or a similar event (i) at which the individual voluntarily appears, and (ii) that is open to the public,	
20(j) the information is publicly available as prescribed or otherwise determined by the regulations; <i>[see PIPA Regulation section 7]</i>	18(1)(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph, <i>[see BC PIPA Regulations section 6]</i>	7. (3)(h.1) of information that is publicly available and is specified by the regulations; <i>[see PIPEDA Regulation SOR/2001-7]</i>
20(k) the disclosure of the information is to the surviving spouse or adult interdependent partner or to a relative of a deceased individual if, in the opinion of the organization, the disclosure is reasonable;		
20(l) the disclosure of the information is necessary to determine the individual's suitability to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary;	18(1)(f) the disclosure is necessary to determine suitability (i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or (ii) to be selected for an athletic or artistic purpose,	
20(m) the disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding;	18(1)(c) it is reasonable to expect that the disclosure with the consent of the individual would compromise an investigation or proceeding and the disclosure is reasonable for purposes related to an investigation or a proceeding,	7. (3)(h.2) made by an investigative body and the disclosure is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; <i>[see page 106 for PIPEDA Regulations specifying which organizations are "investigative bodies" for purposes of the Act]</i> 7. (3)(c.1), (d) <i>[see above]</i>
20(n) the disclosure of the information is for the purposes of protecting against, or for the prevention, detection or suppression of, fraud, and the information is disclosed to or by		7. (3)(d), (h.2) <i>[see above]</i>

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<p>(i) an organization that is permitted or otherwise empowered or recognized to carry out any of those purposes under</p> <p>(A) a statute of Alberta or of Canada or of another province of Canada,</p> <p>(B) a regulation of Alberta, a regulation of Canada or similar subordinate legislation of another province of Canada that, if enacted in Alberta, would constitute a regulation of Alberta, or</p> <p>(C) an order made by a Minister under a statute or regulation referred to in paragraph (A) or (B),</p> <p>(ii) Investigative Services, a division of the Insurance Bureau of Canada, or</p> <p>(iii) the Canadian Bankers Association, Bank Crime Prevention and Investigation Office;</p>		
<p>20(o) the organization is a credit reporting organization and is permitted to disclose the information under Part 5 of the <i>Fair Trading Act</i>;</p>		
<p>20(p) the organization disclosing the information is an archival institution and the disclosure of the information is reasonable for archival purposes or research;</p> <p>20(q) the disclosure of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.</p> <p><i>[see also PIPA Regulation sections 11-14]</i></p>	<p>18(1)(n) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes,</p> <p>21(1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if</p> <p>(a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form,</p> <p>(b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research,</p> <p>(c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,</p> <p>(d) the organization to which the personal information is to be disclosed has signed an agreement to comply with the following:</p> <p>(i) this Act;</p> <p>(ii) the policies and procedures relating to the</p>	<p>7. (3)(g) made to an institution whose functions include the conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation;</p> <p>7. (3)(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the information, it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed;</p>

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	<p>confidentiality of personal information of the organization that collected the personal information;</p> <p>(iii) security and confidentiality conditions;</p> <p>(iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;</p> <p>(v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and</p> <p>(e) it is impracticable for the organization to seek the consent of the individual for the disclosure.</p> <p>21(2) Subsection (1) does not authorize an organization to disclose personal information for market research purposes.</p>	
<p><i>[see PIPA sections 4(3)(h) and (i) – information in a record that is one hundred years old or information about an individual deceased at least 20 years is excluded from application of the Act]</i></p>	<p>22 An organization may disclose, without the consent of the individual, personal information for archival or historical purposes if</p> <p>(a) a reasonable person would not consider the personal information to be too sensitive to the individual to be disclosed at the proposed time,</p> <p>(b) the disclosure is for historical research and is in accordance with section 21,</p> <p>(c) the information is about someone who has been dead for 20 or more years, or</p> <p>(d) the information is in a record that has been in existence for 100 or more years.</p>	<p>7. (3)(h) made after the earlier of</p> <p>(i) one hundred years after the record containing the information was created, and</p> <p>(ii) twenty years after the death of the individual whom the information is about;</p>
	<p>18(1)(m) the disclosure is to a lawyer who is representing the organization,</p>	<p>7. (3)(a) made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or solicitor who is representing the organization;</p>
<p>20(r) the disclosure is in accordance with section 21 or 22.</p>	<p>18(1)(p) the disclosure is in accordance with sections 19 to 22.</p>	
		<p>7. (3)(c.2) made to the government institution mentioned in section 7 of the <i>Proceeds of Crime (Money Laundering)</i> as required by that section; <i>[to be repealed at a later date]</i></p> <p>7. (3)(c.2) made to the government institution mentioned in section 7 of the <i>Proceeds of Crime</i></p>

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		<i>(Money Laundering) and Terrorist Financing Act as required by that section;</i>
	18(2) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if (a) the individual consented to the collection of the personal information by the organization, and (b) the personal information is disclosed to the other organization solely (i) for the purposes for which the information was previously collected, and (ii) to assist the other organization to carry out work on behalf of the first organization.	
	18(3) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if the organization was authorized by section 12(2) to collect the personal information from or on behalf of the other organization.	
	18(4) An organization may disclose personal information to another organization, or to a public body, without consent of the individual to whom the information relates, if (a) the personal information was collected by an organization under section 12(1)(k) or (l), (b) the disclosure between the organizations, or between the organization and the public body, is for the purposes for which the information was collected, (c) the disclosure is necessary for those purposes, and (d) for each disclosure under this subsection, the third party referred to in section 12(1)(k) or (l), as applicable, consents to the disclosure.	
Disclosure of personal employee information		
21(1) An organization may disclose personal employee information about an individual without the consent of the individual if (a) the information is disclosed solely for the purposes of (i) establishing, managing, or terminating an employment or volunteer-work relationship, or (ii) managing a post-employment or post-volunteer-work	19(1) Subject to subsection (2), an organization may disclose employee personal information without the consent of the individual. (2) An organization may not disclose employee personal information without the consent of the individual unless	

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relationship, between the organization and the individual, (b) it is reasonable to disclose the information for the particular purpose for which it is being disclosed, and	(a) section 18 allows the disclosure of the employee personal information without consent, or (b) the disclosure is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.	
21(1)(c) in the case of an individual who is a current employee of the organization, the organization has, before disclosing the information, provided the individual with reasonable notification that personal employee information about the individual is going to be disclosed and of the purposes for which the information is going to be disclosed.	19(3) An organization must notify an individual that it will be disclosing employee personal information about the individual and the purposes for the disclosure before the organization discloses employee personal information about the individual without the consent of the individual. (4) Subsection (3) does not apply to employee personal information if section 18 allows it to be disclosed without the consent of the individual.	
21(2) An organization may disclose personal information about an individual who is a current or former employee of the organization to a potential or current employer of the individual without the consent of the individual if (a) the personal information that is being disclosed was collected by the organization as personal employee information, and (b) the disclosure is reasonable for the purpose of assisting that employer to determine the individual's eligibility or suitability for a position with that employer.		
21(3) Nothing in this section is to be construed so as to restrict or otherwise affect an organization's ability to disclose personal information under section 20.	<i>[see sections 19(2)(a) and 19(4) above]</i>	
Division 6: Business Transactions		
Disclosure respecting acquisition of a business etc.		
22(1) In this section, (a) "business transaction" means a transaction consisting of the purchase, sale, lease, merger or amalgamation or any other type of acquisition or disposal of, or the taking of a security interest in respect of, an organization or a portion of an organization or any business or activity or business asset of an organization and includes a prospective transaction of such a nature;	20(1) In this section: "business transaction" means the purchase, sale, lease, merger or amalgamation or any other type of acquisition, disposal or financing of an organization or a portion of an organization or of any of the business or assets of an organization;	

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22(1)(b) "party" includes a prospective party.	20(1) "party" means a person or another organization that proceeds with the business transaction.	
22(2) An organization may, for the purposes of a business transaction between itself and one or more other organizations, collect, use and disclose personal information in accordance with this section.	20(4) A prospective party may collect and use personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (2) if the prospective party complies with the conditions applicable to that prospective party under that subsection. (5) A party may collect, use and disclose personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (3) if the party complies with the conditions applicable to that party under that subsection.	
22(3) Organizations that are parties to a business transaction may, (a) during the period leading up to and including the completion, if any, of the business transaction, collect, use and disclose personal information about individuals without the consent of the individuals if (i) the parties have entered into an agreement under which the collection, use and disclosure of the information is restricted to those purposes that relate to the business transaction, and (ii) the information is necessary (A) for the parties to determine whether to proceed with the business transaction, and (B) if the determination is to proceed with the business transaction, for the parties to carry out and complete the business transaction, and	20(2) An organization may disclose personal information about its employees, customers, directors, officers or shareholders without their consent, to a prospective party, if (a) the personal information is necessary for the prospective party to determine whether to proceed with the business transaction, and (b) the organization and prospective party have entered into an agreement that requires the prospective party to use or disclose the personal information solely for purposes related to the prospective business transaction.	
22(3)(b) where the business transaction is completed, collect, use and disclose personal information about individuals without the consent of the individuals if (i) the parties have entered into an agreement under which the parties undertake to use and disclose the information only for those purposes for which the information was initially collected from or in respect of the	20(3) If an organization proceeds with a business transaction, the organization may disclose, without consent, personal information of employees, customers, directors, officers and shareholders of the organization to a party on condition that (a) the party must only use or disclose the personal information for the same purposes for which it was	

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individuals, and (ii) the information relates solely to the carrying on of the business or activity or the carrying out of the objects for which the business transaction took place.	collected, used or disclosed by the organization, (b) the disclosure is only of personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction, and (c) the employees, customers, directors, officers and shareholders whose personal information is disclosed are notified that (i) the business transaction has taken place, and (ii) the personal information about them has been disclosed to the party.	
22(4) If a business transaction does not proceed or is not completed, the party to whom the personal information was disclosed must, if the information is still in the custody of or under the control of that party, either destroy the information or turn it over to the party that disclosed the information.	20(6) If a business transaction does not proceed or is not completed, a prospective party must destroy or return to the organization any personal information the prospective party collected under subsection (2) about the employees, customers, directors, officers and shareholders of the organization.	
22(5) Nothing in this section is to be construed so as to restrict a party to a business transaction from obtaining consent of an individual to the collection, use or disclosure of personal information about the individual for purposes that are beyond the purposes for which the party obtained the information under this section.		
22(6) This section does not apply to a business transaction where the primary purpose, objective or result of the transaction is the purchase, sale, lease, transfer, disposal or disclosure of personal information.	20(7) This section does not authorize an organization to disclose personal information to a party or prospective party for purposes of a business transaction that does not involve substantial assets of the organization other than this personal information.	
	20(8) A party or prospective party is not authorized by this section to collect, use or disclose personal information that an organization disclosed to it in contravention of subsection (7).	
Part 3: Access to and Correction and Care of Personal Information		
Division 1: Access and Correction		
Definitions		
23 In this Division, (a) "applicant" means an individual who makes a written request in accordance with section 26;	25 In this Part, "applicant" means an individual who makes a request under section 27. <i>["Part" refers to Part 8 – Administration]</i>	

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<p>23(b) “organization” does not include any person acting on behalf of an organization.</p>		
<p>Access to records and provision of information</p>		
<p>24(1) An individual may, in accordance with section 26, request an organization</p> <p>(a) to provide the individual with access to personal information about the individual, or</p> <p>(b) to provide the individual with information about the use or disclosure of personal information about the individual.</p> <p>(1.1) Subject to subsections (2) to (4), on the request of an applicant made under subsection (1)(a) and taking into consideration what is reasonable, an organization must provide the applicant with access to the applicant's personal information where that information is contained in a record that is in the custody or under the control of the organization.</p> <p>(1.2) On the request of an applicant made under subsection (1)(b), and taking into consideration what is reasonable, an organization must, if the organization has in its custody or under its control a record containing personal information about the applicant described in the request, provide the applicant with</p> <p>(a) information about the purposes for which the personal information has been and is being used by the organization, and</p> <p>(b) the names of the persons to whom and circumstances in which the personal information has been and is being disclosed.</p>	<p>23(1) Subject to subsections (2) to (5), on request of an individual, an organization must provide the individual with the following:</p> <p>(a) the individual's personal information under the control of the organization;</p> <p>(b) information about the ways in which the personal information referred to in paragraph (a) has been and is being used by the organization;</p> <p>(c) the names of the individuals and organizations to whom the personal information referred to in paragraph (a) has been disclosed by the organization.</p>	<p>Schedule 1 - 4.9 (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.</p> <p>Schedule 1 - 4.9.1 Upon request, an organization shall inform an individual whether or not the organization holds personal information about the individual. Organizations are encouraged to indicate the source of this information. The organization shall allow the individual access to this information. However, the organization may choose to make sensitive medical information available through a medical practitioner. In addition, the organization shall provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.</p> <p>Schedule 1 – 4.9.3 In providing an account of third parties to which it has disclosed personal information about an individual, an organization should attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, the organization shall provide a list of organizations to which it may have disclosed information about the individual.</p> <p>2. (2) In this Part, a reference to clause 4.3 or 4.9 of Schedule 1 does not include a reference to the note that accompanies that clause.</p>
	<p>23(2) An organization that</p> <p>(a) is a credit reporting agency, and</p> <p>(b) receives a request under subsection (1) must also provide the individual with the names of the sources from which it received the personal information</p>	

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	unless it is reasonable to assume the individual can ascertain those sources.	
24(2) An organization may refuse to provide access to personal information under subsection (1) if (a) the information is protected by any legal privilege;	23(3) An organization is not required to disclose personal information and other information under subsection (1) or (2) in the following circumstances: (a) the information is protected by solicitor-client privilege;	9. (3) Despite the note that accompanies clause 4.9 of Schedule 1, an organization is not required to give access to personal information only if (a) the information is protected by solicitor-client privilege;
24(2)(b) the disclosure of the information would reveal confidential information that is of a commercial nature and it is not unreasonable to withhold that information;	23(3)(b) the disclosure of the information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization;	9. (3)(b) to do so would reveal confidential commercial information;
24(2)(c) the information was collected for an investigation or legal proceeding;	23(3)(c) the information was collected or disclosed without consent, as allowed under section 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed;	9. (3)(c.1) the information was collected under paragraph 7(1)(b); <i>[Section 7(1)(b) refers to a collection without consent because a collection with knowledge and consent would compromise the availability or accuracy of the information. The collection without consent must be reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province.]</i> 9. (5) If an organization decides not to give access to personal information in the circumstances set out in paragraph (3)(c.1), the organization shall, in writing, so notify the Commissioner, and shall include in the notification any information that the Commissioner may specify. 9. (2.1) An organization shall comply with subsection (2.2) if an individual requests that the organization (a) inform the individual about (i) any disclosure of information to a government institution or a part of a government institution under paragraph 7(3)(c), subparagraph 7(3)(c.1)(i) or (ii), or paragraph 7(3)(c.2) or (d), or (ii) the existence of any information that the organization has relating to a disclosure referred to in subparagraph (i), to a subpoena, warrant or order referred to in paragraph 7(3)(c) or to a request made

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		<p>by a government institution or part of a government institution under subparagraph 7(3)(c.1)(i) or (ii); or (b) give the individual access to the information referred to in subparagraph (a)(ii). (2.2) An organization to which subsection (2.1) applies (a) shall, in writing and without delay, notify the institution or part concerned of the request made by the individual; and (b) shall not respond to the request before the earlier of (i) the day on which it is notified under subsection (2.3), and (ii) thirty days after the day on which the institution or part was notified. (2.3) Within thirty days after the day on which it is notified under subsection (2.2), the institution or part shall notify the organization whether or not the institution or part objects to the organization complying with the request. The institution or part may object only if the institution or part is of the opinion that compliance with the request could reasonably be expected to be injurious to (a) national security, the defence of Canada or the conduct of international affairs; (a.1) the detection, prevention or deterrence of money laundering; <i>to be repealed at a later date</i> (a.1) the detection, prevention or deterrence of money laundering or the financing of terrorist activities; or (b) the enforcement of any law of Canada, a province or a foreign jurisdiction, an investigation relating to the enforcement of any such law or the gathering of intelligence for the purpose of enforcing any such law. (2.4) Despite clause 4.9 of Schedule 1, if an organization is notified under subsection (2.3) that the institution or part objects to the organization complying with the request, the organization (a) shall refuse the request to the extent that it relates</p>

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		to paragraph (2.1)(a) or to information referred to in subparagraph (2.1)(a)(ii); (b) shall notify the Commissioner, in writing and without delay, of the refusal; and (c) shall not disclose to the individual (i) any information that the organization has relating to a disclosure to a government institution or a part of a government institution under paragraph 7(3)(c), subparagraph 7(3)(c.1)(i) or (ii) or paragraph 7(3)(c.2) or (d) or to a request made by a government institution under either of those subparagraphs, (ii) that the organization notified an institution or part under paragraph (2.2)(a) or the Commissioner under paragraph (b), or (iii) that the institution or part objects.
24(2)(d) the disclosure of the information might result in that type of information no longer being provided to the organization when it is reasonable that that type of information would be provided;		
	23(3)(d) <i>[repealed S.B.C. 2004, c. 67, s. 23(d)]</i>	
24(2)(e) the information was collected by a mediator or arbitrator or was created in the conduct of a mediation or arbitration for which the mediator or arbitrator was appointed to act (i) under an agreement, (ii) under a statute of Alberta or of Canada or of another province of Canada, (iii) under a regulation of Alberta, a regulation of Canada or similar subordinate legislation of another province of Canada that, if enacted in Alberta, would constitute a regulation of Alberta, (iv) under a legislative instrument of a professional regulatory organization, or (v) by a court;	23(3)(e) the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act (i) under a collective agreement, (ii) under an enactment, or (iii) by a court.	9. (3)(d) the information was generated in the course of a formal dispute resolution process;
24(2)(f) the information relates to or may be used in the exercise of prosecutorial discretion.		
	23(3)(f) the information is in a document that is subject to a solicitor's lien.	
	23(3.1) A credit reporting agency is not required to disclose the names of the individuals and organizations	

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	to whom the personal information was last disclosed by the agency in a credit report more than 12 months before the request under subsection (1) was made.	
		9. 3(e) the information was created for the purpose of making a disclosure under the <i>Public Servants Disclosure Protection Act</i> or in the course of an investigation into a disclosure under that Act.
24(3) An organization shall not provide access to personal information under subsection (1) if (a) the disclosure of the information could reasonably be expected to threaten the life or security of another individual;	23(4) An organization must not disclose personal information and other information under subsection (1) or (2) in the following circumstances: (a) the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;	9. (3) Despite the note that accompanies clause 4.9 of Schedule 1, an organization is not required to give access to personal information only if... (c) to do so could reasonably be expected to threaten the life or security of another individual;
	23(4)(b) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request; <i>[see also BC PIPA Regulations section 5]</i>	
		9. (4) Subsection (3) does not apply if the individual needs the information because an individual's life, health or security is threatened.
24(3)(b) the information would reveal personal information about another individual;	23(4)(c) the disclosure would reveal personal information about another individual;	9. (1) Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information if doing so would likely reveal personal information about a third party. However, if the information about the third party is severable from the record containing the information about the individual, the organization shall sever the information about the third party before giving the individual access. (2) Subsection (1) does not apply if the third party consents to the access or the individual needs the information because an individual's life, health or security is threatened.

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24(3)(c) the information would reveal the identity of an individual who has in confidence provided an opinion about another individual and the individual providing the opinion does not consent to disclosure of his or her identity.	23(4) (d) the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.	<i>[see 9.(1) above]</i>
24(4) If an organization is reasonably able to sever the information referred to in subsection (2)(b) or (3)(a), (b) or (c) from a copy of the record that contains personal information about the applicant, the organization must provide the applicant with access to the part of the record containing the personal information after the information referred to in subsection (2)(b) or (3)(a), (b) or (c) has been severed.	23(5) If an organization is able to remove the information referred to in subsection (3) (a), (b) or (c) or (4) from a document that contains personal information about the individual who requested it, the organization must provide the individual with access to the personal information after the information referred to in subsection (3) (a), (b) or (c) or (4) is removed.	<i>[see 9.(1) above]</i> 9. (3) Despite the note that accompanies clause 4.9 of Schedule 1, an organization is not required to give access to personal information only if <i>[exceptions to access listed]</i> . However, in the circumstances described in paragraph (b) or (c), if giving access to the information would reveal confidential commercial information or could reasonably be expected to threaten the life or security of another individual, as the case may be, and that information is severable from the record containing any other information for which access is requested, the organization shall give the individual access after severing.
Right to request correction		
25(1) An individual may, in accordance with section 26, request an organization to correct an error or omission in the personal information about the individual that is under the control of the organization.	24(1) An individual may request an organization to correct an error or omission in the personal information that is (a) about the individual, and (b) under the control of the organization.	Schedule 1 - 4.9 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.
25(2) If there is an error or omission in personal information in respect of which a request for a correction is received by an organization under subsection (1), the organization must, subject to subsection (3), (a) correct the information as soon as reasonably possible, and (b) where the organization has disclosed the incorrect information to other organizations, send a notification containing the corrected information to each organization to which the incorrect information has been disclosed, if it is reasonable to do so.	24(2) If an organization is satisfied on reasonable grounds that a request made under subsection (1) should be implemented, the organization must (a) correct the personal information as soon as reasonably possible, and (b) send the corrected personal information to each organization to which the personal information was disclosed by the organization during the year before the date the correction was made.	Schedule 1 - 4.9.5 When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the organization shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question. 8. (3) An organization shall respond to a request with due diligence and in any case not later than thirty days after receipt of the request.

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25(3) If an organization makes a determination not to make the correction under subsection (2)(a), the organization must annotate the personal information under its control with the correction that was requested but not made.	24(3) If no correction is made under subsection (2), the organization must annotate the personal information under its control with the correction that was requested but not made.	Schedule 1 – 4.9.6 When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by the organization. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.
25(4) On receiving a notification under subsection (2)(b) containing corrected personal information, an organization must correct the personal information in its custody or under its control.	24(4) When an organization is notified under subsection (2) of a correction of personal information, the organization must correct the personal information under its control.	
25(5) Notwithstanding anything in this section, an organization shall not correct or otherwise alter an opinion, including a professional or expert opinion.		
How to make a request		
26(1) A request under section 24(1) or 25(1) must (a) be in writing, and (b) include sufficient detail to enable the organization, with a reasonable effort, to identify any record in the custody or under the control of the organization containing the personal information in respect of which the request is made. (2) An applicant who is requesting access to personal information under section 24(1)(a) may ask for a copy of the record containing the personal information or to examine the record. <i>[see also PIPA Regulation sections 8-10]</i>	26 An individual may make a request of an organization as permitted under sections 23 or 24. 27 For an individual to obtain access to his or her personal information or to request a correction of his or her personal information, the individual must make a written request that provides sufficient detail to enable the organization, with a reasonable effort, to identify the individual and the personal information or correction being sought.	8. (1) A request under clause 4.9 of Schedule 1 must be made in writing. Schedule 1 - 4.9.2 An individual may be required to provide sufficient information to permit an organization to provide an account of the existence, use, and disclosure of personal information. The information provided shall only be used for this purpose.
Duty to assist		
27(1) An organization must (a) make every reasonable effort (i) to assist applicants, and (ii) to respond to each applicant as accurately and completely as reasonably possible, and	28 An organization must make a reasonable effort (a) to assist each applicant, (b) to respond to each applicant as accurately and completely as reasonably possible, and	8. (2) An organization shall assist any individual who informs the organization that they need assistance in preparing a request to the organization. 10. An organization shall give access to personal information in an alternative format to an individual with a sensory disability who has a right of access to personal information under this Part and who requests that it be transmitted in the alternative format if

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		<p>(a) a version of the information already exists in that format; or</p> <p>(b) its conversion into that format is reasonable and necessary in order for the individual to be able to exercise rights under this Part.</p>
<p>27(1)(b) at the request of an applicant making a request under section 24(1)(a) provide, if it is reasonable to do so, an explanation of any term, code or abbreviation used in any record provided to the applicant or that is referred to.</p>		<p>Schedule 1 – 4.9.4 An organization shall respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if the organization uses abbreviations or codes to record information, an explanation shall be provided.</p>
	<p>28(c) unless section 23(3), (3.1) or (4) applies, to provide each applicant with</p> <p>(i) the requested personal information, or</p> <p>(ii) if the requested personal information cannot be reasonably provided, with a reasonable opportunity to examine the personal information.</p>	
<p>27(2) An organization must, with respect to an applicant making a request under section 24(1)(a), create a record for the applicant if</p> <p>(a) the record can be created from a record that is in electronic form and that is under the control of the organization, using its normal computer hardware and software and technical expertise, and</p> <p>(b) creating the record would not unreasonably interfere with the operations of the organization.</p>		
Time limit for responding		
<p>28(1) Subject to this section, an organization must respond to an applicant not later than</p> <p>(a) 45 days from the day that the organization receives the applicant's written request referred to in section 26, or</p> <p>(b) the end of an extended time period if the time period is extended under section 31.</p> <p>28(2) An organization is not required to comply with subsection (1)(a) if the time period is extended under section 31.</p>	<p>29(1) Subject to this section, an organization must respond to an applicant not later than</p> <p>(a) 30 days after receiving the applicant's request, or</p> <p>(b) the end of an extended time period if the time period is extended under section 31.</p>	<p>Schedule 1 – 4.9.4 An organization shall respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if the organization uses abbreviations or codes to record information, an explanation shall be provided.</p> <p>8. (3) An organization shall respond to a request with due diligence and in any case not later than thirty days after receipt of the request.</p>

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28(2.1) The failure of an organization to respond to a request in accordance with subsection (1) is to be treated as a decision to refuse the request.		8. (5) If the organization fails to respond within the time limit, the organization is deemed to have refused the request.
28(3) If an organization asks the Commissioner under section 37 for authorization to disregard a request, the 45-day period referred to in subsection (1) does not include the period from the start of the day in which the request is made under section 37 to the end of the day in which a decision is made by the Commissioner with respect to giving the authorization.	29(2) If an organization asks the commissioner under section 37 for authorization to disregard a request, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the request is made under section 37 to the end of the day a decision is made by the commissioner with respect to that application.	
28(4) If an applicant asks the Commissioner under section 46 to review a fee estimate, the 45-day period referred to in subsection (1) does not include the period from the start of the day in which the applicant asks for the review to the end of the day in which the decision is made by the Commissioner with respect to the review.	29(3) If an applicant asks the commissioner under section 46 to review a fee estimate, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the applicant asks for the review to the end of the day the commissioner makes a decision.	
Contents of response		
29(1) In a response to a request made under section 24(1)(a), the organization must inform the applicant (a) as to whether or not the applicant is entitled to or will be given access to all or part of his or her personal information, (b) if the applicant is entitled to or will be given access, when access will be given, and (c) if access to all or part of the applicant's personal information is refused, (i) of the reasons for the refusal and the provision of this Act on which the refusal is based, (ii) of the name of the person who can answer on behalf of the organization the applicant's questions about the refusal, and (iii) that the applicant may ask for a review under section 46.	30(1) In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant (a) the reasons for the refusal and the provision of this Act on which the refusal is based, (b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and (c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.	8. (7) An organization that responds within the time limit and refuses a request shall inform the individual in writing of the refusal, setting out the reasons and any recourse that they may have under this Part. Schedule 1 - 4.10 An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance. 9. (5) If an organization decides not to give access to personal information in the circumstances set out in paragraph (3)(c.1), the organization shall, in writing, so notify the Commissioner, and shall include in the notification any information that the Commissioner may specify. <i>[section 9(3)(c.1) refers to refusing access to information that was collected without consent for investigation purposes because availability or accuracy would have been compromised]</i> <i>see also 9(2.4)(b) above</i>

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<p>29(2) In response to a request made under section 24(1)(b), the organization must</p> <p>(a) provide the applicant with</p> <p>(i) information about the purposes for which the personal information has been and is being used by the organization, and</p> <p>(ii) the names of the persons to whom and circumstances in which the personal information has been and is being disclosed,</p> <p>or</p> <p>(b) if the organization refuses to provide the information referred to in clause (a), inform the applicant</p> <p>(i) of the name of the person who can answer on behalf of the organization the applicant's questions about the refusal, and</p> <p>(ii) that the applicant may ask for a review under section 46.</p>		
<p>29(3) In response to a request made under section 25(1), the organization must inform the applicant</p> <p>(a) of the action taken under section 25,</p> <p>(b) of the name of the person who can answer on behalf of the organization the applicant's questions about the request for correction, and</p> <p>(c) that the applicant may ask for a review under section 46.</p>		
	<p>30(2) Despite subsection (1)(a), the organization may refuse in a response to confirm or deny the existence of personal information collected as part of an investigation.</p>	
How access will be given		
<p>30 Where an applicant is informed under section 29(1) that access to the applicant's personal information will be given, the organization must,</p> <p>(a) if an applicant has asked for a copy of the applicant's personal information and the information can reasonably be reproduced,</p> <p>(i) provide with the response a copy of the record or the part of the record containing the information, or</p> <p>(ii) give the applicant reasons for the delay in providing the information or record,</p>	<p><i>[see section 28(c) above where it is part of an organization's duty to assist to make a reasonable effort to provide the applicant with the requested information or a reasonable opportunity to examine the personal information]</i></p>	<p>Schedule 1 - 4.9 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. ...</p> <p>Schedule 1 - 4.9.1 Upon request, an organization shall inform an individual whether or not the organization holds personal information about the individual. Organizations are encouraged to indicate the source of this information... In addition, the organization shall provide an account of the use that</p>

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<p>or (b) if an applicant has asked to examine the record containing the applicant's personal information or if the record cannot reasonably be reproduced, (i) permit the applicant to examine the record or part of the record, or (ii) give the applicant access in accordance with the regulations.</p> <p><i>[see also PIPA Regulation section 9]</i></p>		has been made or is being made of this information and an account of the third parties to which it has been disclosed.
Extending the time limit for responding	Extending the time limit for responding	Extending the time limit for responding
31(1) An organization may, with respect to a request made under section 24(1)(a) or (b), extend the time period for responding to the request by up to an additional 30 days or, with the Commissioner's permission, to a longer period, if (a) the applicant does not give sufficient detail to enable the organization to identify the record containing the personal information,	31(1) An organization may extend the time for responding to a request under section 23 for up to an additional 30 days or, with the commissioner's permission, for a longer period if (a) the applicant does not give enough detail to enable the organization to identify the personal information requested,	8. (4) An organization may extend the time limit...
31(1)(b) a large amount of personal information is requested or must be searched, 31(1)(c) meeting the time limit would unreasonably interfere with the operations of the organization, or	31(1)(b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the organization, or	8. (4)(a) for a maximum of thirty days if (i) meeting the time limit would unreasonably interfere with the activities of the organization, or
31(1)(d) more time is needed to consult with another organization, a public body or a government or agency of a government of a jurisdiction in Canada before the organization is able to determine whether or not to give the applicant access to the requested personal information or to provide information about the use or disclosure of the personal information.	31(1)(c) more time is needed to consult with another organization or public body before the organization is able to decide whether or not to give the applicant access to a requested document.	8. (4)(a)(ii) the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet;
		8. (4)(b) for the period that is necessary in order to be able to convert the personal information into an alternative format.
31(2) If the time period is extended under subsection (1), the organization must inform the applicant of the following: (a) the reason for the extension; (b) the time when a response from the organization can be expected;	31(2) If the time is extended under subsection (1), the organization must tell the applicant (a) the reason for the extension, (b) the time when a response from the organization can be expected, and	8. (4)... In either case, the organization shall, no later than thirty days after the date of the request, send a notice of extension to the individual, advising them of the new time limit, the reasons for extending the time limit and of their right to make a complaint to the

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(c) that the applicant may ask for a review under section 46.	(c) the rights of the applicant to complain about the extension and request that an order be made under section 52 (3) (b).	Commissioner in respect of the extension.
Fees		
32(1) Subject to subsection (1.1), an organization may charge an applicant who makes a request under section 24(1)(a) or (b) a reasonable fee for access to the applicant's personal information or for information about the use or disclosure of the applicant's personal information.	32(2) An organization may charge an individual who makes a request under section 23 a minimal fee for access to the individual's personal information that is not employee personal information concerning the individual.	Schedule 1 – 4.9.4 An organization shall respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if the organization uses abbreviations or codes to record information, an explanation shall be provided.
32(1.1) An organization may not charge a fee in respect of a request for personal employee information.	32(1) An organization must not charge an individual a fee respecting employee personal information concerning the individual.	
32(2) An organization may not charge a fee in respect of a request made under section 25(1).		
32(3) If an organization is intending to charge an applicant a fee for a service, the organization (a) must give the applicant a written estimate of the total fee before providing the service, and (b) may require the applicant to pay a deposit in the amount determined by the organization. [see also PIPA Regulation sections 15-17]	32(3) If an individual is required by an organization to pay a fee for services provided to the individual to enable the organization to respond to a request under section 23, the organization (a) must give the applicant a written estimate of the fee before providing the service, and (b) may require the applicant to pay a deposit for all or part of the fee.	8. (6) An organization may respond to an individual's request at a cost to the individual only if (a) the organization has informed the individual of the approximate cost; and (b) the individual has advised the organization that the request is not being withdrawn.
Division 2: Care of Personal information		
Accuracy of information		
33 An organization must make a reasonable effort to ensure that any personal information collected, used or disclosed by or on behalf of an organization is accurate and complete to the extent that is reasonable for the organization's purposes in collecting, using or disclosing the information.	33 An organization must make a reasonable effort to ensure that personal information collected by or on behalf of the organization is accurate and complete, if the personal information (a) is likely to be used by the organization to make a decision that affects the individual to whom the personal information relates, or (b) is likely to be disclosed by the organization to another organization.	Schedule 1 - 4.6 (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. Schedule 1 - 4.6.1 The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the use of the information, taking into account the interests of the individual. Information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual. Schedule 1 - 4.6.2 An organization shall not routinely update personal information, unless such a

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		<p>process is necessary to fulfil the purposes for which the information was collected.</p> <p>Schedule 1 - 4.6.3 Personal information that is used on an ongoing basis, including information that is disclosed to third parties, should generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.</p>
Protection of information		
<p>34 An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.</p>	<p>34 An organization must protect personal information in its custody or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.</p>	<p>Schedule 1 - 4.7 (Safeguards) Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.</p> <p>Schedule 1 - 4.7.1 The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Organizations shall protect personal information regardless of the format in which it is held.</p> <p>Schedule 1 - 4.7.2 The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. More sensitive information should be safeguarded by a higher level of protection. The concept of sensitivity is discussed in Clause 4.3.4.</p> <p>Schedule 1 - 4.7.3 The methods of protection should include</p> <ul style="list-style-type: none"> (a) physical measures, for example, locked filing cabinets and restricted access to offices; (b) organizational measures, for example, security clearances and limiting access on a “need-to-know” basis, and (c) technological measures, for example, the use of passwords and encryption. <p>Schedule 1 - 4.7.4 Organizations shall make their employees aware of the importance of maintaining confidentiality of personal information.</p> <p>Schedule 1 - 4.7.5 Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information (see Clause 4.5.3).</p>

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Notification of loss or unauthorized access or disclosure		
<p>34.1(1) An organization having personal information under its control must, without unreasonable delay, provide notice to the Commissioner of any incident involving the loss of or unauthorized access to or disclosure of personal information where a reasonable person would consider that there exists a real risk of significant harm to an individual as a result of the loss or unauthorized access or disclosure.</p> <p>(2) A notice to the Commissioner under subsection (1) must include the information prescribed by the regulations.</p>		
Retention and destruction of information		
	<p>35(1) Despite subsection (2), if an organization uses an individual's personal information to make a decision that directly affects the individual, the organization must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p>	<p>Schedule 1 - 4.5.2 (Limiting Use, Disclosure, and Retention) Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These guidelines should include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. An organization may be subject to legislative requirements with respect to retention periods.</p>
<p>35(1) An organization may retain personal information only for as long as the organization reasonably requires the personal information for legal or business purposes.</p> <p>(2) Within a reasonable period of time after an organization no longer reasonably requires personal information for legal or business purposes, the organization must</p> <p>(a) destroy the records containing the personal information, or</p> <p>(b) render the personal information non-identifying so that it can no longer be used to identify an individual.</p> <p>(3) Subsection (1) applies notwithstanding any withdrawal or variation of the consent of the individual that the</p>	<p>35(2) An organization must destroy its documents containing personal information, or remove the means by which the personal information can be associated with particular individuals, as soon as it is reasonable to assume that</p> <p>(a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and</p> <p>(b) retention is no longer necessary for legal or business purposes.</p>	<p>Schedule 1 – 4.5 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. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>Schedule 1 - 4.5.3 Personal information that is no longer required to fulfil the identified purposes should be destroyed, erased, or made anonymous. Organizations shall develop guidelines and implement procedures to govern the destruction of personal information.</p> <p>Schedule 4.5.4: This principle is closely linked to the Consent principle (Clause 4.3), the Identifying Purposes principle (Clause 4.2), and the Individual</p>

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personal information is about under section 9.		Access principle (Clause 4.9). 8. (8) Despite clause 4.5 of Schedule 1, an organization that has personal information that is the subject of a request shall retain the information for as long as is necessary to allow the individual to exhaust any recourse under this Part that they may have.
Part 4: Role of Commissioner		
General Powers of Commissioner		
36(1) In addition to the Commissioner's powers and duties under Part 5 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may	36(1) In addition to the commissioner's powers and duties under Part 11 with respect to reviews, the commissioner is responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may do any of the following:	
36(1)(a) conduct investigations to ensure compliance with any provision of this Act;	36(1)(a) whether a complaint is received or not, initiate investigations and audits to ensure compliance with any provision of this Act, if the commissioner is satisfied there are reasonable grounds to believe that an organization is not complying with this Act;	11. (2) If the Commissioner is satisfied that there are reasonable grounds to investigate a matter under this Part, the Commissioner may initiate a complaint in respect of the matter. 18. (1) The Commissioner may, on reasonable notice and at any reasonable time, audit the personal information management practices of an organization if the Commissioner has reasonable grounds to believe that the organization is contravening a provision of Division 1 or is not following a recommendation set out in Schedule 1, and for that purpose may (a) summon and enforce the appearance of persons before the Commissioner and compel them to give oral or written evidence on oath and to produce any records and things that the Commissioner considers necessary for the audit, in the same manner and to the same extent as a superior court of record; (b) administer oaths; (c) receive and accept any evidence and other information, whether on oath, by affidavit or otherwise, that the Commissioner sees fit, whether or not it is or would be admissible in a court of law; (d) at any reasonable time, enter any premises, other than a dwelling-house, occupied by the organization

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		<p>on satisfying any security requirements of the organization relating to the premises;</p> <p>(e) converse in private with any person in any premises entered under paragraph (d) and otherwise carry out in those premises any inquiries that the Commissioner sees fit; and</p> <p>(f) examine or obtain copies of or extracts from records found in any premises entered under paragraph (d) that contain any matter relevant to the audit</p> <p>(2) The Commissioner may delegate any of the powers set out in subsection (1).</p> <p>(3) The Commissioner or the delegate shall return to a person or an organization any record or thing they produced under this section within ten days after they make a request to the Commissioner or the delegate, but nothing precludes the Commissioner or the delegate from again requiring that the record or thing be produced.</p> <p>(4) Any person to whom powers set out in subsection (1) are delegated shall be given a certificate of the delegation and the delegate shall produce the certificate, on request, to the person in charge of any premises to be entered under paragraph (1)(d).</p> <p>19. (1) After an audit, the Commissioner shall provide the audited organization with a report that contains the findings of the audit and any recommendation that the Commissioner considers appropriate.</p> <p>(2) The report may be included in a report made under section 25.</p>
36(1)(b) make an order described in section 52 whether or not a review is requested;	36(1)(b) make an order described in section 52 (3), whether or not a review is requested;	
36(1)(c) inform the public about this Act;	36(1)(c) inform the public about this Act;	24. The Commissioner shall (a) develop and conduct information programs to foster public understanding, and recognition of the purposes, of this Part; (d) promote, by any means that the Commissioner considers appropriate, the purposes of this Part

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36(1)(d) receive comments from the public concerning the administration of this Act;	36(1)(d) receive comments from the public about the administration of this Act;	
36(1)(e) engage in or commission research into anything affecting the achievement of the purposes of this Act;	36(1)(e) engage in or commission research into anything affecting the achievement of the purposes of this Act;	24. The Commissioner shall (b) undertake and publish research that is related to the protection of personal information, including any such research that is requested by the Minister of Industry;
36(1)(f) comment on the implications for protection of personal information in relation to existing or proposed programs of organizations;	36(1)(f) comment on the implications for protection of personal information of programs proposed by organizations;	20. (2) The Commissioner may make public any information relating to the personal information management practices of an organization if the Commissioner considers that it is in the public interest to do so.
	36(1)(g) comment on the implications of automated systems for the protection of personal information;	
	36(1)(h) comment on the implications for protection of personal information of the use or disclosure of personal information held by organizations for document linkage	
36(1)(g) bring to the attention of an organization any failure by the organization to assist applicants as required under section 27;	36(1)(j) bring to the attention of an organization any failure of the organization to meet the obligations established by this Act.	
36(1)(h) give advice and recommendations of general application to an organization on matters respecting the rights or obligations of an organization under this Act.		24. The Commissioner shall (c) encourage organizations to develop detailed policies and practices, including organizational codes of practice, to comply with sections 5 to 10; and
	36(1)(i) authorize the collection of personal information by an organization from sources other than the individual to whom the personal information relates; <i>[see page 68 for subsections (k) and (l)]</i>	
36(2) Without limiting subsection (1), the Commissioner may investigate and attempt to resolve complaints that (a) a duty imposed by section 27 has not been performed;	36(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that (a) a duty imposed under this Act has not been performed,	
36(2)(b) an extension of a time period under section 31 for responding to a request is not justified;	36(2)(b) an extension of time for responding to a request is not in accordance with section 29,	
36(2)(c) a fee estimated or required by an organization under this Act is inappropriate;	36(2)(c) a fee required by an organization under this Act is not reasonable,	
36(2)(d) a correction of personal information requested under section 25 has been refused without justification;	36(2)(d) a correction of personal information requested under section 24 has been refused without justification,	

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	and	
36(2)(e) personal information has been collected, used or disclosed by an organization in contravention of this Act or in circumstances that are not in compliance with this Act;	36(2)(e) personal information has been collected, used or disclosed by an organization in contravention of this Act.	
36(2)(e.1) notification of an incident described in section 34.1 has not been provided in accordance with this Act;		
36(2)(f) an organization is not in compliance with this Act.		
36(3) The Commissioner may, on request, give advance rulings in respect of any matters that are or could potentially be the subject of an investigation by the Commissioner under this Act.		
		<p>20. (4) The Commissioner may disclose, or may authorize any person acting on behalf or under the direction of the Commissioner to disclose, information in the course of</p> <p>(a) a prosecution for an offence under section 28;</p> <p>(b) a prosecution for an offence under section 132 of the <i>Criminal Code</i> (perjury) in respect of a statement made under this Part;</p> <p>(c) a hearing before the Court under this Part; or</p> <p>(d) an appeal from a decision of the Court.</p> <p>20. (5) The Commissioner may disclose to the Attorney General of Canada or of a province, as the case may be, information relating to the commission of an offence against any law of Canada or a province on the part of an officer or employee of an organization if, in the Commissioner's opinion, there is evidence of an offence.</p>
Power to authorize an organization to disregard requests		
37 If an organization asks, the Commissioner may authorize the organization to disregard one or more requests made under section 24 or 25 if	37 If asked by an organization, the commissioner may authorize the organization to disregard requests under section 23 or 24 that	13. (2) The Commissioner is not required to prepare a report if the Commissioner is satisfied that
<p>(a) because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the organization or amount to an abuse of the right to make those requests, or</p> <p>(b) one or more of the requests are frivolous or vexatious.</p>	<p>(a) would unreasonably interfere with the operations of the organization because of the repetitious or systematic nature of the requests, or</p> <p>(b) are frivolous or vexatious.</p>	<p>(d) the complaint is trivial, frivolous or vexatious or is made in bad faith.</p> <p>If a report is not to be prepared, the Commissioner shall inform the complainant and the organization and give reasons.</p>

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Power to require notification		
<p>37.1(1) Where an organization suffers a loss of or unauthorized access to or disclosure of personal information that the organization is required to provide notice of under section 34.1, the Commissioner may require the organization to notify individuals to whom there is a real risk of significant harm as a result of the loss, unauthorized access or disclosure</p> <p>(a) in a form and manner prescribed in the regulations, and</p> <p>(b) within a time period determined by the Commissioner.</p> <p>(2) If the Commissioner requires an organization to notify individuals under subsection (1), the Commissioner may require the organization to satisfy any terms or conditions that the Commissioner considers appropriate in addition to the requirements under subsection (1).</p> <p>(3) The Commissioner must establish an expedited process for determining whether to require an organization to notify individuals under subsection (1) in circumstances where the real risk of significant harm to an individual as a result of the loss or unauthorized access or disclosure is obvious and immediate.</p> <p>(4) The Commissioner may require an organization to provide any additional information that the Commissioner considers necessary to determine whether to require the organization</p> <p>(a) to notify individuals under subsection (1), or</p> <p>(b) to satisfy terms and conditions under subsection (2).</p> <p>(5) An organization must comply with a requirement</p> <p>(a) to provide additional information under subsection (4),</p> <p>(b) to notify individuals under subsection (1), or</p> <p>(c) to satisfy terms and conditions under subsection (2).</p> <p>(6) The Commissioner has exclusive jurisdiction to require an organization</p> <p>(a) to provide additional information under subsection (4),</p> <p>(b) to notify individuals under subsection (1), or</p>		

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<p>(c) to satisfy terms and conditions under subsection (2).</p> <p>(7) Nothing in this section is to be construed so as to restrict an organization's ability to notify individuals on its own initiative of the loss of or unauthorized access to or disclosure of personal information.</p>		
Powers of Commissioner re investigations or inquiries		
<p>38(1) In conducting an investigation under section 36 or an inquiry under section 50, the Commissioner has all the powers, privileges and immunities of a commissioner under the <i>Public Inquiries Act</i> and the powers given by subsection (2) of this section.</p>	<p>38(1) For the purposes of conducting an investigation or an audit under section 36 or an inquiry under section 50, the commissioner may make an order requiring a person to do either or both of the following:</p> <p>(a) attend, in person or by electronic means, before the commissioner to answer questions on oath or affirmation, or in any other manner;</p> <p>(b) produce for the commissioner a document in the custody or under the control of the person, including a document containing personal information.</p> <p>38(1.1) The commissioner may apply to the Supreme Court for an order</p> <p>(a) directing a person to comply with an order made under subsection (1), or</p> <p>(b) directing any directors and officers of a person to cause the person to comply with an order made under subsection (1).</p>	<p>12. (1) The Commissioner shall conduct an investigation in respect of a complaint and, for that purpose, may</p> <p>(b) administer oaths;</p> <p>(c) receive and accept any evidence and other information, whether on oath, by affidavit or otherwise, that the Commissioner sees fit, whether or not it is or would be admissible in a court of law;</p> <p>(e) converse in private with any person in any premises entered under paragraph (d) and otherwise carry out in those premises any inquiries that the Commissioner sees fit;</p> <p><i>[The Commissioner has the same powers when conducting an audit, see section 18]</i></p>
<p>38(2) The Commissioner may require any record to be produced to the Commissioner and may examine any information in a record, including personal information, whether or not the record is subject to this Act.</p>	<p>38(2) The commissioner may</p> <p>(a) examine any information in a document, including personal information, and obtain copies or extracts of documents containing information</p> <p>(i) found in any premises entered under paragraph (c), or</p> <p>(ii) provided under this Act, and</p> <p>(b) <i>[repealed S.B.C. 2007, c. 9, s. 96]</i></p> <p>(c) at any reasonable time, enter any premises, other than a personal residence, occupied by an organization, after satisfying any reasonable security requirements of the organization relating to the premises.</p>	<p>12. (1)(a) summon and enforce the appearance of persons before the Commissioner and compel them to give oral or written evidence on oath and to produce any records and things that the Commissioner considers necessary to investigate the complaint, in the same manner and to the same extent as a superior court of record;</p> <p>(d) at any reasonable time, enter any premises, other than a dwelling-house, occupied by an organization on satisfying any security requirements of the organization relating to the premises;</p> <p>(f) examine or obtain copies of or extracts from records found in any premises entered under paragraph (d) that contain any matter relevant to the investigation.</p>

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		<i>[The Commissioner has the same powers when conducting an audit, see section 18]</i>
	38(4) The commissioner may require an individual to attempt to resolve the individual's dispute with an organization in the way directed by the commissioner before the commissioner begins or continues a review or investigation under this Act of an applicant's complaint against the organization. <i>[section 46(3) is Alberta's provision for sending an individual back to first attempt resolution with the organization]</i>	
38(3) Notwithstanding any other enactment or any privilege of the law of evidence, an organization must produce to the Commissioner within 10 days any record or a copy of any record required under subsection (1) or (2).	38(5) Despite any other enactment or any privilege afforded by the law of evidence, an organization must provide to the commissioner any document, or a copy of any document, required under subsection (1) or (2) (a) (a) if the commissioner does not specify a period for the purpose, within 10 days of the date of the commissioner's request for the document, or (b) if the commissioner specifies a period, within the period specified.	
38(4) If an organization is required to produce a record under subsection (1) or (2) and it is not reasonable to make a copy of the record, the organization may require the Commissioner to examine the original record at its site.	38(6) If an organization is required to produce a document under subsection (1) or (2) (a) and it is not practicable to make a copy of the document, the organization must provide access for the commissioner to examine the document at its site.	12(1)... (d) at any reasonable time, enter any premises, other than a dwelling-house, occupied by an organization on satisfying any security requirements of the organization relating to the premises; (f) examine or obtain copies of or extracts from records found in any premises entered under paragraph (d) that contain any matter relevant to the investigation. <i>[The Commissioner has the same powers when conducting an audit, see section 18]</i>
38(5) After completing a review or investigating a complaint, the Commissioner must return any record or any copy of any record produced.	38(7) Subject to subsection (8), after completing a review, investigating a complaint, or conducting an audit, the commissioner must return a document, or a copy of a document, produced by the individual or organization.	12. (4) The Commissioner or the delegate shall return to a person or an organization any record or thing that they produced under this section within ten days after they make a request to the Commissioner or the delegate but nothing precludes the Commissioner or the delegate from again requiring that the record or

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	(8) On request from an individual or an organization, the commissioner must return a document, or a copy of a document, produced by the individual or organization within 10 days of the date on which the commissioner receives the request.	thing be produced. <i>[The same provision exists with respect to audits, see section 18(3)]</i>
38(6) The Commissioner may publish any finding or decision in a complete or an abridged form.		<p>13. (1) The Commissioner shall, within one year after the day on which a complaint is filed or is initiated by the Commissioner, prepare a report that contains</p> <ul style="list-style-type: none"> (a) the Commissioner's findings and recommendations; (b) any settlement that was reached by the parties; (c) if appropriate, a request that the organization give the Commissioner, within a specified time, notice of any action taken or proposed to be taken to implement the recommendations contained in the report or reasons why no such action has been or is proposed to be taken; and (d) the recourse, if any, that is available under section 14. <p>13. (2) The Commissioner is not required to prepare a report if the Commissioner is satisfied that</p> <ul style="list-style-type: none"> (a) the complainant ought first to exhaust grievance or review procedures otherwise reasonably available; (b) the complaint could more appropriately be dealt with, initially or completely, by means of a procedure provided for under the laws of Canada, other than this Part, or the laws of a province; (c) the length of time that has elapsed between the date when the subject-matter of the complaint arose and the date when the complaint was filed is such that a report would not serve a useful purpose; or (d) the complaint is trivial, frivolous or vexatious or is made in bad faith. <p>If a report is not to be prepared, the Commissioner shall inform the complainant and the organization and give reasons.</p> <p>13. (3) The report shall be sent to the complainant and the organization without delay.</p>

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<p>38.1 If a legal privilege, including solicitor-client privilege, applies to information disclosed to the Commissioner on the Commissioner's request under section 37.1 or section 38, the legal privilege is not affected by the disclosure.</p>	<p>38(3) If information to which solicitor-client privilege applies is disclosed by a person to the commissioner at the request of the commissioner, or obtained by or disclosed to the commissioner under subsection (1) or (2) (a), the solicitor-client privilege is not affected by the way in which the commissioner has received the information.</p>	
	<p>38.1(1) At an oral hearing, the commissioner may make orders or give directions that he or she considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any order or direction, the commissioner may call on the assistance of any peace officer to enforce the order or direction.</p> <p>(2) A peace officer called on under subsection (1) may take any action that is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.</p> <p>(3) Without limiting subsection (1), the commissioner, by order, may</p> <p>(a) impose restrictions on a person's continued participation in or attendance at a hearing, and</p> <p>(b) exclude a person from further participation in or attendance at a hearing until the commissioner orders otherwise.</p>	
	<p>38.2 (1) The failure or refusal of a person subject to an order under section 38 to do any of the following makes the person, on application to the Supreme Court by the commissioner, liable to be committed for contempt as if in breach of an order or judgment of the Supreme Court:</p> <p>(a) attend before the commissioner;</p> <p>(b) take an oath or make an affirmation;</p> <p>(c) answer questions;</p> <p>(d) produce documents in the person's custody or under their control.</p> <p>(2) The failure or refusal of a person subject to an order or direction under section 38.1 to comply with the order or direction makes the person, on application to the Supreme Court by the commissioner, liable to be</p>	

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	committed for contempt as if in breach of an order or judgment of the Supreme Court. (3) Subsections (1) and (2) do not limit the conduct for which a finding of contempt may be made by the Supreme Court.	
Statements not admissible in evidence		
39(1) A statement made or an answer given by a person during an investigation or inquiry by the Commissioner is inadmissible in evidence in court or in any other proceeding, except (a) in a prosecution for perjury in respect of sworn testimony, (b) in a prosecution for an offence under this Act, or (c) in an application for judicial review or an appeal from a decision with respect to an application for judicial review. (1.1) The Commissioner and anyone acting for or under the direction of the Commissioner shall not give or be compelled to give evidence in a court or in any other proceeding in respect of any information obtained in performing their duties, powers and functions under this Act, except in the circumstances set out in subsection (1)(a) to (c).	39(1) The commissioner and anyone acting for or under the direction of the commissioner must not give or be compelled to give evidence in a court or in any other proceedings in respect of any information obtained in performing their duties or exercising their powers or functions under this Act, except (a) in a prosecution for perjury in respect of sworn testimony, (b) in a prosecution for an offence under this Act, or (c) in an application for judicial review or an appeal from a decision with respect to that application.	21. The Commissioner or person acting on behalf or under the direction of the Commissioner is not a competent witness in respect of any matter that comes to their knowledge as a result of the performance or exercise of any of the Commissioner's duties or powers under this Part in any proceeding other than (a) a prosecution for an offence under section 28; (b) a prosecution for an offence under section 132 of the <i>Criminal Code</i> (perjury) in respect of a statement made under this Part; (c) a hearing before the Court under this Part; or (d) an appeal from a decision of the Court.
39(2) Subsections (1) and (1.1) apply also in respect of evidence of the existence of proceedings conducted before the Commissioner.	39(2) Subsection (1) applies also in respect of evidence of the existence of proceedings conducted before the commissioner.	
39(3) Subsection (2) is not to be construed so as to restrict an individual's ability to commence an action under section 60.		
Privileged information		
40 Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the Commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.	40 Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.	22. (2) For the purposes of any law relating to libel or slander, (a) anything said, any information supplied or any record or thing produced in good faith in the course of an investigation or audit carried out by or on behalf of the Commissioner under this Part is privileged; and (b) any report made in good faith by the Commissioner under this Part and any fair and accurate account of the report made in good faith for the purpose of news reporting is privileged.

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Restrictions on disclosure of information		
41(1) The Commissioner and anyone acting for or under the direction of the Commissioner shall not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (4).	41(1) The commissioner and anyone acting for or under the direction of the commissioner must not disclose any information obtained in performing their duties or exercising their powers and functions under this Act, except as provided in subsections (2) to (6).	20. (1) Subject to subsections (2) to (5), 13(3) and 19(1), the Commissioner or any person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge as a result of the performance or exercise of any of the Commissioner's duties or powers under this Part. (2) The Commissioner may make public any information relating to the personal information management practices of an organization if the Commissioner considers that it is in the public interest to do so.
41(2) The Commissioner may disclose, or may authorize anyone acting for or under the direction of the Commissioner to disclose, information that is necessary for the purposes of (a) conducting an investigation or inquiry under this Act, or (b) establishing the grounds for findings and recommendations contained in a report under this Act.	41(2) The commissioner may disclose, or may authorize anyone acting on behalf of or under the direction of the commissioner to disclose, information that is necessary to (a) conduct an investigation, audit or inquiry under this Act, or (b) establish the grounds for findings and recommendations contained in a report under this Act.	20. (3) The Commissioner may disclose, or may authorize any person acting on behalf or under the direction of the Commissioner to disclose, information that in the Commissioner's opinion is necessary to (a) conduct an investigation or audit under this Part; or (b) establish the grounds for findings and recommendations contained in any report under this Part.
41(3) In conducting an investigation or inquiry under this Act and in a report under this Act, the Commissioner and anyone acting for or under the direction of the Commissioner must take every reasonable precaution to avoid disclosing, and shall not disclose, any information that an organization would be required or permitted to refuse access to if access to personal information were requested under section 24(1)(a).	41(3) In conducting an investigation, audit or inquiry under this Act and in a report under this Act, the commissioner and anyone acting for or under the direction of the commissioner must take every reasonable precaution to avoid disclosing and must not disclose (a) any personal information an organization would be required or authorized to refuse to disclose if it were contained in personal information requested under section 27, or	
	41(3)(b) whether information exists, if an organization in refusing to provide access does not indicate whether the information exists.	
41(3.1) Subject to subsection (3.2), the Commissioner may disclose to the Minister of Justice and Attorney General information relating to the commission of an offence against an enactment of Alberta or Canada if the	41(4) The commissioner may disclose to the Attorney General information relating to the commission of an offence against an enactment of British Columbia or Canada if the commissioner considers there is evidence	20. (5) The Commissioner may disclose to the Attorney General of Canada or of a province, as the case may be, information relating to the commission of an offence against any law of Canada or a

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Commissioner considers there is evidence of an offence. (3.2) The Commissioner shall not disclose information under subsection (3.1) if the information is subject to solicitor–client privilege.	of an offence.	province on the part of an officer or employee of an organization if, in the Commissioner's opinion, there is evidence of an offence.
41(4) The Commissioner may disclose, or may authorize anyone acting for or under the direction of the Commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 39.	41(5) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 39.	20. (4) The Commissioner may disclose, or may authorize any person acting on behalf or under the direction of the Commissioner to disclose, information in the course of (a) a prosecution for an offence under section 28; (b) a prosecution for an offence under section 132 of the <i>Criminal Code</i> (perjury) in respect of a statement made under this Part; (c) a hearing before the Court under this Part; or (d) an appeal from a decision of the Court.
	41(6) The commissioner may disclose, or may authorize anyone acting for or under the direction of the commissioner to disclose, information in accordance with an information-sharing agreement entered into under section 36(1)(l).	
Protection of Commissioner and staff		
42 No proceedings lie against the Commissioner, or against anyone acting for or under the direction of the Commissioner, for anything done, reported or said in good faith in the exercise or performance or the intended exercise or performance of a duty, power or function under this Part or Part 5.	42 No proceedings lie against the commissioner, or against a person acting on behalf of or under the direction of the commissioner, for anything done, reported or said in good faith in the exercise or performance or the intended exercise or performance of a duty, power or function under this Part or Part 11.	22. (1) No criminal or civil proceedings lie against the Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith as a result of the performance or exercise or purported performance or exercise of any duty or power of the Commissioner under this Part.
Delegation by the Commissioner		
43(1) The Commissioner may delegate to any person any duty, power or function of the Commissioner under this Act except the power to delegate.	43(1) The commissioner may delegate to any person any duty, power or function of the commissioner under this Act, except the power to delegate under this section.	12. (3) The Commissioner may delegate any of the powers set out in subsection (1) or (2). <i>[This provision refers to the Commissioner's powers to conduct investigations. A similar delegation provision exists with respect to audits, see section 18(2)]</i>
43(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the Commissioner considers appropriate.	43(2) A delegation under subsection (1) must be in writing and may contain any conditions or restrictions the commissioner considers appropriate.	12. (5) Any person to whom powers set out in subsection (1) are delegated shall be given a certificate of the delegation and the delegate shall produce the certificate, on request, to the person in

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		charge of any premises to be entered under paragraph (1)(d). <i>[A similar delegation provision exists with respect to audits, see section 18(4)]</i>
Extra-provincial commissioner		
<p>43.1(1) In this section,</p> <p>(a) “extra-provincial commissioner” means a person who, in respect of Canada or in respect of another province of Canada, has duties, powers and functions similar to those of the Commissioner;</p> <p>(b) “information protection statute” means a statute of Canada or of another province of Canada the purpose of which is similar to the purpose of this Act as set out in section 3.</p> <p>(2) The Commissioner may, where the Commissioner considers it appropriate to do so, do one or more of the following:</p> <p>(a) consult with or enter into agreements with extra-provincial commissioners with respect to matters that come under this Act or other information protection statutes;</p> <p>(b) subject to clause (d), make a delegation under section 43 to an extra-provincial commissioner;</p> <p>(c) accept a delegation from an extra-provincial commissioner of any power, duty or function of the extra-provincial commissioner that is provided for under an information protection statute;</p> <p>(d) in the case of a matter that is the subject of an investigation or a review referred to in section 36 or 46 or an inquiry referred to in section 50 and that also comes within the jurisdiction of an extra-provincial commissioner, delegate the matter to that extra-provincial commissioner for the purposes of conducting an investigation, a review or an inquiry;</p> <p>(e) in the case of a matter that comes within the jurisdiction of an extra-provincial commissioner, refer the matter to that extra-provincial commissioner for the purposes of having the matter dealt with;</p> <p>(f) in the case of a matter that comes within the</p>	<p>36(1) In addition to the commissioner's powers and duties under Part 11 with respect to reviews, the commissioner is responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may do any of the following...</p> <p>(k) exchange information with any person who, under legislation of another province or of Canada, has powers and duties similar to those of the commissioner;</p> <p>(l) enter into information-sharing agreements for the purposes of paragraph (k) and into other agreements with the persons referred to in that paragraph for the purpose of coordinating their activities and providing for mechanisms for handling complaints.</p> <p><i>[The commissioner may also disclose information in accordance with an information-sharing agreement entered into under section 36(1)(l) – see section 41(6)]</i></p>	<p>23. (1) If the Commissioner considers it appropriate to do so, or on the request of an interested person, the Commissioner may, in order to ensure that personal information is protected in as consistent a manner as possible, consult with any person who, under provincial legislation that is substantially similar to this Part, has powers and duties similar to those of the Commissioner.</p> <p>(2) The Commissioner may enter into agreements with any person with whom the Commissioner may consult under subsection (1)</p> <p>(a) to coordinate the activities of their offices and the office of the Commissioner, including to provide for mechanisms for the handling of any complaint in which they are mutually interested;</p> <p>(b) to undertake and publish research related to the protection of personal information; and</p> <p>(c) to develop model contracts for the protection of personal information that is collected, used or disclosed interprovincially or internationally.</p> <p><i>[The federal commissioner may also consult with the provinces when preparing the annual report, see section 25(2)]</i></p>

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<p>jurisdiction of the Commissioner, accept a referral of the matter from an extra-provincial commissioner for the purposes of dealing with the matter;</p> <p>(g) notwithstanding anything in section 41, disclose information for the purposes of exercising or performing any power, duty or function pursuant to clauses (a) to (f);</p> <p>(h) notwithstanding anything in section 41, collect, use and disclose personal information about an individual without the consent of the individual for the purposes of exercising or performing any power, duty or function referred to in this section.</p> <p>(3) Notwithstanding section 36, 46 or 50, where, under subsection (2)(d), the Commissioner delegates a matter to an extra-provincial commissioner, the matter is not to be further dealt with under section 36, 46 or 50, as the case may be, at any time during which the delegation remains in effect.</p>		
Annual report of Commissioner		
<p>44(1) The Commissioner must report annually to the Speaker of the Legislative Assembly on</p> <p>(a) the work of the Commissioner's office under this Act, and</p> <p>(b) any other matters relating to protection of personal information that the Commissioner considers appropriate.</p>	<p>44(1) The commissioner must report annually to the Speaker of the Legislative Assembly on the work of the commissioner's office under this Act.</p>	<p>25. (1) The Commissioner shall, as soon as practicable after the end of each calendar year, submit to Parliament a report concerning the application of this Part, the extent to which the provinces have enacted legislation that is substantially similar to this Part and the application of any such legislation.</p> <p>(2) Before preparing the report, the Commissioner shall consult with those persons in the provinces, who, in the Commissioner's opinion, are in a position to assist the Commissioner in reporting respecting personal information that is collected, used or disclosed interprovincially or internationally.</p> <p><i>{Reports regarding audits may be included in a report under section 25, see section 19(2)}</i></p>
<p>44(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.</p>	<p>44(2) The Speaker must lay the annual report before the Legislative Assembly as soon as possible.</p>	

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Part 5: Reviews and Orders		
Definition		
45 In this Part, ...	45 In this Part: "complaint" means a complaint referred to in section 36 (2); "inquiry" means an inquiry under section 50; "request" means a request made in writing to the commissioner under section 46 to (a) resolve a complaint, or (b) conduct a review;	<i>The federal Privacy Commissioner does not have the power to conduct inquiries and make binding orders, only to investigate or audit and issue a report of the findings and recommendations. The complainant can ask the Federal Court to hear any matter reviewed by the Commissioner. The entries in this Part regarding PIPEDA should be viewed in this context.</i>
"review" means a review asked for under section 46.	"review" means a review of a decision, act or failure to act of an organization (a) respecting access to or the correction of personal information about the individual who requests the review, and (b) referred to in the request for the review.	
Right to ask for a review or initiate a complaint		
46(1) An individual who makes a request to an organization respecting personal information about that individual may ask the Commissioner to review any decision, act or failure to act of the organization.	46(1) An individual who has asked an organization for access to or the correction of their personal information may ask the commissioner to conduct a review of the resulting decision, act or failure to act of the organization.	11. (1) An individual may file with the Commissioner a written complaint against an organization for contravening a provision of Division 1 or for not following a recommendation set out in Schedule 1.
46(2) An individual may initiate a complaint with respect to the issues referred to in section 36(2).	46(2) An individual may make a complaint to the commissioner.	
46(3) If the Commissioner is satisfied that there are other grievance, complaint or review procedures available for the purposes of resolving issues for which a review may be requested or a complaint may be initiated under this Part, the Commissioner may require that an individual asking for a review or initiating a complaint under this Part must first exhaust those other procedures with a view to resolving the matter before the Commissioner proceeds to hear or otherwise deal with the review or complaint.	38(4) The commissioner may require an individual to attempt to resolve the individual's dispute with an organization in the way directed by the commissioner before the commissioner begins or continues a review or investigation under this Act of an applicant's complaint against the organization. 46(3) If the commissioner is satisfied that section 38 (4) applies to an individual who has made a request, the commissioner may defer beginning or adjourn the review to allow an attempt to be made under that section to resolve the dispute.	13. (2) The Commissioner is not required to prepare a report if the Commissioner is satisfied that (a) the complainant ought first to exhaust grievance or review procedures otherwise reasonably available; (b) the complaint could more appropriately be dealt with, initially or completely, by means of a procedure provided for under the laws of Canada, other than this Part, or the laws of a province; <i>[This provision refers to a report of a investigation. See page 63 for ss. 13. (2)(c), (d)]</i>
How to ask for a review or initiate a complaint		
47(1) To ask for a review or initiate a complaint under this Part, an individual must, (a) in the case of a request for a review, deliver a written request for review to the Commissioner, or	47(1) An individual may ask for a review or make a complaint by delivering a request to the commissioner.	<i>[See section 11(1) – the complaint must be in writing]</i>

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(b) in the case of a complaint, deliver a written complaint to the Commissioner.		
47(2) A written request for review to the Commissioner for a review of a decision of an organization must be delivered within (a) 30 days from the day that the individual asking for the review is notified of the decision, or (b) a longer period allowed by the Commissioner.	47(2) A request must be delivered within (a) 30 days of the date on which the person making the request is notified of the circumstances on which the request is based, or (b) a longer period allowed by the commissioner.	11. (3) A complaint that results from the refusal to grant a request under section 8 must be filed within six months, or any longer period that the Commissioner allows, after the refusal or after the expiry of the time limit for responding to the request, as the case may be.
47(3) A written complaint to the Commissioner about an organization must be delivered within a reasonable time.	47(3) The time limit in subsection (2) (a) does not apply to a request respecting (b) a complaint.	
47(4) The time limit in subsection (2)(a) does not apply to delivering a written request for a review concerning an organization's failure to respond to a request for access to personal information within a required time period.	47(3) The time limit in subsection (2) (a) does not apply to a request respecting (a) a failure by an organization to respond within a required time period established by this Act,	
Notifying others of review or complaint		
48(1) On receiving a written request for a review, the Commissioner must give a copy of the written request to (a) the organization concerned, and (b) any other person that the Commissioner considers appropriate.	48 (1) On receiving a request for a review, the commissioner must give a copy of the request to (a) the organization concerned, and (b) any other person that the commissioner considers appropriate.	
48(2) On receiving a written complaint, the Commissioner may give a copy of the written complaint to (a) the organization concerned, and (b) any other person that the Commissioner considers appropriate.	48(2) The commissioner may act under subsection (1) on receiving a request respecting a complaint.	11. (4) The Commissioner shall give notice of a complaint to the organization against which the complaint was made.
48(3) The Commissioner may sever any information contained in a written request for review or written complaint that the Commissioner considers appropriate before giving a copy of the written request for review or written complaint to an organization or other person under subsection (1) or (2).	55 A person who has reasonable grounds to believe that an organization has contravened or is about to contravene a provision of this Act or the regulations and who, in good faith, notifies the commissioner of the particulars of the matter, whether or not the person makes a complaint under section 46(2), may request that the commissioner keep the person's identity confidential with respect to the notification.	27. (1) Any person who has reasonable grounds to believe that a person has contravened or intends to contravene a provision of Division 1, may notify the Commissioner of the particulars of the matter and may request that their identity be kept confidential with respect to the notification. 27. (2) The Commissioner shall keep confidential the identity of a person who has notified the Commissioner under subsection (1) and to whom an assurance of confidentiality has been provided by the Commissioner.
Mediation		
49 The Commissioner may authorize a person to investigate and attempt to mediate and, where possible,	49 The commissioner may authorize a mediator to investigate and to try to settle the matter on which a	12. (2) The Commissioner may attempt to resolve complaints by means of dispute resolution

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to mediate a settlement of any matter under review or relating to a complaint.	request is based.	mechanisms such as mediation and conciliation.
Refusal to conduct or continue investigation or review		
<p>49.1(1) Without limiting section 36(2), the Commissioner may refuse to conduct an investigation or review or may discontinue an investigation or review if the Commissioner is of the opinion that</p> <p>(a) the written request for review or the written complaint is frivolous or vexatious or is not made in good faith, or</p> <p>(b) the circumstances warrant refusing to conduct or to continue an investigation or review.</p> <p>(2) The Commissioner must give written notice of a decision under subsection (1) to</p> <p>(a) the individual who requested the review or initiated the complaint,</p> <p>(b) the organization concerned, if the organization was given a copy of the written request for review or written complaint by the Commissioner under section 48, and</p> <p>(c) any other person to whom the Commissioner gave a copy of the written request for review or written complaint under section 48.</p>		
Records relating to an investigation		
49.2 An organization must retain records relating to an investigation under section 36 for one year after the conclusion of the investigation or any longer period specified by the Commissioner.		
Inquiry by Commissioner		
<p>50(1) If a matter under review or relating to a complaint</p> <p>(a) is not referred to mediation,</p> <p>(b) is not settled pursuant to mediation under section 49,</p> <p>(c) is not resolved, or</p> <p>(d) is not the subject of a notice under section 49.1(2),</p> <p>the Commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.</p>	50(1) If a matter is not referred to a mediator or is not settled under section 49, the commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.	
50(2) An inquiry under subsection (1) may be conducted in private.	50(2) An inquiry may be conducted in private.	

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<p>50(3) An individual who asks for a review or initiates a complaint, the organization concerned and any person given a copy of the written request for review or written complaint (a) must be given an opportunity to make representations to the Commissioner during the inquiry, and</p>	<p>50(3) The individual who makes a request, the organization concerned and any person given a copy of the request must be given an opportunity to make representations to the commissioner during the inquiry.</p>	
<p>50(3)(b) may be represented at the inquiry by a lawyer or an agent.</p>	<p>50(5) The individual who makes a request, the organization concerned and any person given a copy of the request may be represented at the inquiry by counsel or by an agent.</p>	
<p>50(4) The Commissioner may decide (a) whether representations are to be made orally or in writing, and (b) whether a person is entitled to be present during or to have access to or to comment on representations made to the Commissioner by another person.</p>	<p>50(4) The commissioner may decide (a) whether representations are to be made verbally or in writing, and (b) whether a person is entitled to be present during, to have access to or to comment on representations made to the commissioner by another person.</p>	
<p>50(5) An inquiry into a matter that is the subject of a written request for review or written complaint referred to in section 47 must be completed within one year from the day that the written request for review or written complaint was received by the Commissioner unless the Commissioner (a) notifies the individual who made the written request for review or written complaint, the organization concerned and any other person given a copy of the written request for review or written complaint that the Commissioner is extending that period, and (b) provides an anticipated date for the completion of the inquiry.</p>	<p>50(6) If the matter on which a complaint is based is referred under section 49 to a mediator and is not settled by the mediation, the inquiry respecting the complaint must be completed within 30 days of the day on which the mediation ends. 50(7) If a complaint is not referred under section 49 to a mediator and the commissioner decides to hold an inquiry respecting the review, the inquiry must be completed within 30 days of the day on which the request is delivered under section 47 (1). 50(8) An inquiry respecting a review must be completed within 90 days of the day on which the request is delivered under section 47 (1), unless the commissioner (a) specifies a later date, and (b) notifies (i) the individual who made the request, (ii) the organization concerned, and (iii) any person given a copy of the request of the date specified under paragraph (a). 50(9) The period of an adjournment under section 46 (3) must not be included for the purpose of calculating a deadline under subsection (7) or (8) of this section.</p>	

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Burden of proof	Burden of proof	Burden of proof
<p>51 At an inquiry into a decision under which an individual was refused (a) access to all or part of a record containing personal information about the individual, or (b) information respecting the use or disclosure of personal information about the individual, it is up to the organization to establish to the satisfaction of the Commissioner that the individual has no right of access to the personal information about the individual or no right to the information requested respecting the use or disclosure of the personal information about the individual.</p>	<p>51 At an inquiry into a decision to refuse an individual (a) access to all or part of the individual's personal information, (b) information respecting the use or disclosure of the individual's personal information, or (c) the names of the sources from which a credit reporting agency received personal information about the individual, it is up to the organization to prove to the satisfaction of the commissioner that the individual has no right of access to his or her personal information or no right to the information requested respecting the use or disclosure of the individual's personal information or no right to the names of the sources from which a credit reporting agency received personal information about the individual.</p>	
Commissioner's orders	Commissioner's orders	Commissioner's orders
<p>52(1) On completing an inquiry under section 50, the Commissioner must dispose of the issues by making an order under this section.</p>	<p>52(1) On completing an inquiry under section 50, the commissioner must dispose of the issues by making an order under this section.</p>	<p>13. (1) The Commissioner shall, within one year after the day on which a complaint is filed or is initiated by the Commissioner, prepare a report that contains (a) the Commissioner's findings and recommendations; (b) any settlement that was reached by the parties; (c) if appropriate, a request that the organization give the Commissioner, within a specified time, notice of any action taken or proposed to be taken to implement the recommendations contained in the report or reasons why no such action has been or is proposed to be taken; and (d) the recourse, if any, that is available under section 14.</p> <p><i>[This provision relates to reports of an investigation. Note that the Commissioner does not have to issue a report in certain circumstances, see section 13(2). There is an obligation to issue a report regarding audits, see section 19(1)]</i></p>
<p>52(2) If the inquiry relates to a decision of an organization under section 24 to give or to refuse to give an individual</p>	<p>52(2) If the inquiry is into a decision of an organization to give or to refuse to give access to all or part of an</p>	

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<p>access to all or part of a record containing personal information about the individual that is in the custody or under the control of the organization or to provide or to refuse to provide information about the use or disclosure of personal information about the individual, the Commissioner may,</p> <p>(a) by order, do one of the following:</p> <p>(i) direct the organization to give the individual access to all or part of the record containing personal information about the individual or to provide the individual with information about the organization's use or disclosure of personal information about the individual if the Commissioner determines that the organization is not permitted under this Act to refuse access or to refuse to provide the information, as the case may be;</p>	<p>individual's personal information, the commissioner must, by order, do one of the following:</p> <p>(a) require the organization</p> <p>(i) to give the individual access to all or part of his or her personal information under the control of the organization,</p> <p>(ii) to disclose to the individual the ways in which the personal information has been used,</p> <p>(iii) to disclose to the individual names of the individuals and organizations to whom the personal information has been disclosed by the organization, or</p> <p>(iv) if the organization is a credit reporting agency, to disclose to the individual the names of the sources from which it received personal information about the individual,</p> <p>if the commissioner determines that the organization is not authorized or required to refuse access by the individual to the personal information;</p>	
<p>52(2)(a)</p> <p>(ii) either confirm the decision of the organization or require the organization to reconsider its decision as to whether to give access to all or part of the record containing personal information or to provide information about the use or disclosure of personal information if the Commissioner determines that the organization may under this Act refuse access or refuse to provide information, as the case may be;</p>	<p>52(2)(b) either confirm the decision of the organization or require the organization to reconsider its decision, if the commissioner determines that the organization is authorized to refuse the individual access to his or her personal information;</p>	
<p>52(2)(a)</p> <p>(iii) direct the organization to refuse to give the individual access to all or part of the record containing personal information about the individual if the Commissioner determines that the organization is required under this Act to refuse access,</p> <p>or</p>	<p>52(2)(c) require the organization to refuse the individual access to all or part of his or her personal information, if the commissioner determines that the organization is required to refuse that access.</p>	
<p>52(2)(b) make an order that the Commissioner considers appropriate if, in the circumstances, an order under clause (a) would not be applicable.</p>		
<p>52(3) If the inquiry relates to any matter other than a matter referred to in subsection (2), the Commissioner may by order do one or more of the following:</p>	<p>52(3) If the inquiry is into a matter not described in subsection (2), the commissioner may, by order, do one or more of the following:</p>	

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(a) confirm that a duty imposed by this Act or the regulations has been performed or require that a duty imposed by this Act or the regulations be performed;	(a) confirm that a duty imposed under this Act has been performed or require that a duty imposed under this Act be performed;	
52(3)(b) confirm or reduce a time period that was extended under section 31;	52(3)(b) confirm or reduce the extension of a time limit under section 31;	
52(3)(c) confirm, excuse or reduce a fee, or order a refund of a fee, in the appropriate circumstances;	52(3)(c) confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances;	
52(3)(d) confirm a decision not to correct personal information or specify how personal information is to be corrected;	52(3)(d) confirm a decision not to correct personal information or specify how personal information is to be corrected;	
52(3)(e) require an organization to stop collecting, using or disclosing personal information in contravention of this Act or in circumstances that are not in compliance with this Act;	52(3)(e) require an organization to stop collecting, using or disclosing personal information in contravention of this Act, or ...	
52(3)(f) confirm a decision of an organization to collect, use or disclose personal information;	52(3)(e) ...confirm a decision of an organization to collect, use or disclose personal information;	
52(3)(g) require an organization to destroy personal information collected in contravention of this Act or in circumstances that are not in compliance with this Act;	52(3)(f) require an organization to destroy personal information collected in contravention of this Act.	
52(3)(h) with respect to a personal information code established under Part 6 by a professional regulatory organization, require the professional regulatory organization to amend or otherwise change the personal information code so that it is consistent with the purposes and intent of sections 1 to 35.		
52(4) The Commissioner may specify any terms or conditions in an order made under this section.	52(4) The commissioner may specify any terms or conditions in an order made under this section.	
52(5) The Commissioner must give a copy of an order made under this section to all of the following: (a) the individual who asked for the review or initiated the complaint; (b) the organization concerned; (c) any person given a copy of the written request under section 48; (d) the Minister.	52(5) The commissioner must give a copy of an order made under this section to all of the following: (a) the individual who made the request; (b) the organization concerned; (c) any person given notice under section 48; (d) the minister responsible for this Act.	
52(6) A copy of an order made by the Commissioner under this section may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court.		<i>[see sections 14 – 17 below]</i>

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No Appeal		
53 An order made by the Commissioner under this Act is final.		
Duty to comply with orders		
54(1) Subject to subsection (2), not later than 50 days from the day that an organization is given a copy of an order of the Commissioner, the organization concerned must comply with the order. (2) An organization must not take any steps to comply with a Commissioner's order until the period for bringing an application for judicial review under section 54.1 ends.	53(1) Not later than 30 days after being given a copy of an order of the commissioner, the organization concerned must comply with the order unless an application for judicial review of the order is brought before that period ends.	
Judicial review		
54.1(1) An application to the Court of Queen's Bench for judicial review of a Commissioner's order must be made not later than 45 days from the day that the person making the application is given a copy of the order.	<i>[see section 53(1) above]</i>	
54.1(2) If an application for judicial review is made pursuant to subsection (1), the Commissioner's order is stayed until the application is dealt with by the court.	53(2) If an application for judicial review is brought before the end of the period referred to in subsection (1), the order of the commissioner is stayed from the date the application is brought until a court orders otherwise.	
Hearing by court		
		<i>[The federal Commissioner does not have the ability to make binding orders. This power rests with the Federal Court of Canada]</i> 14. (1) A complainant may, after receiving the Commissioner's report, apply to the Court for a hearing in respect of any matter in respect of which the complaint was made, or that is referred to in the Commissioner's report, and that is referred to in clause 4.1.3, 4.2, 4.3.3, 4.4, 4.6, 4.7 or 4.8 of Schedule 1, in clause 4.3, 4.5 or 4.9 of that Schedule as modified or clarified by Division 1, in subsection 5(3) or 8(6) or (7) or in section 10. 14. (2) The application must be made within forty-five days after the report is sent or within any further time

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		<p>that the Court may, either before or after the expiry of those forty-five days, allow.</p> <p>14. (3) For greater certainty, subsections (1) and (2) apply in the same manner to complaints referred to in subsection 11(2) as to complaints referred to in subsection 11(1).</p> <p>15. The Commissioner may, in respect of a complaint that the Commissioner did not initiate,</p> <p>(a) apply to the Court, within the time limited by section 14, for a hearing in respect of any matter described in that section, if the Commissioner has the consent of the complainant;</p> <p>(b) appear before the Court on behalf of any complainant who has applied for a hearing under section 14; or</p> <p>(c) with leave of the Court, appear as a party to any hearing applied for under section 14.</p> <p>16. The Court may, in addition to any other remedies it may give,</p> <p>(a) order an organization to correct its practices in order to comply with sections 5 to 10;</p> <p>(b) order an organization to publish a notice of any action taken or proposed to be taken to correct its practices, whether or not ordered to correct them under paragraph (a); and</p> <p>(c) award damages to the complainant, including damages for any humiliation that the complainant has suffered.</p> <p>17. (1) An application made under section 14 or 15 shall be heard and determined without delay and in a summary way unless the Court considers it inappropriate to do so.</p> <p>17. (2) In any proceedings arising from an application made under section 14 or 15, the Court shall take every reasonable precaution, including, when appropriate, receiving representations ex parte and conducting hearings in camera, to avoid the disclosure by the Court or any person of any information or other material that the organization would be authorized to refuse to disclose if it were</p>

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		requested under clause 4.9 of Schedule 1.
Part 6: Professional Regulatory and Non-profit Organizations		
Professional regulatory organizations		
<p>55(1) In this section,</p> <p>(a) “member” means a member of a professional regulatory organization;</p> <p>(b) “personal information code” means a code governing the collection, use and disclosure of personal information in a manner that is consistent with the purposes and intent of sections 1 to 35 of this Act;</p> <p><i>[see also sections 1(1)(k.1) and (k.2)]</i></p>		
<p>55(2) Parts 4 and 5 of this Act apply, with all necessary modifications, to matters dealt with under a personal information code in the same manner as those Parts apply to sections 1 to 35 of this Act.</p>		
<p>55(3) If, in the course of an investigation or a review under Part 4 or 5, the Commissioner determines that a personal information code is silent on a matter or that the code or any provision of it is inconsistent or is deficient with respect to matters dealt with in sections 1 to 35 of this Act, the Commissioner may apply any provision of this Act in respect of those matters in the same manner as if the provision had been included in that code.</p>		
<p>55(4) With respect to matters under this Act as they relate to a professional regulatory organization, the Ombudsman may not, unless the Commissioner agrees otherwise, investigate any matter that the Commissioner has the power to investigate, review or hold an inquiry into under this Act.</p>		
<p>55(5) The Lieutenant Governor in Council may make regulations</p> <p>(a) authorizing a professional regulatory organization to establish a personal information code;</p> <p>(b) governing personal information codes established under this Part and the requirements to be met by those</p>		

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<p>codes;</p> <p>(c) establishing and governing or otherwise providing for an arrangement, plan or other type of program under which the Minister may, subject to any terms or conditions imposed by the Minister,</p> <p>(i) grant an authorization to a professional regulatory organization authorizing the professional regulatory organization to collect, use and disclose personal information pursuant to a personal information code, and</p> <p>(ii) direct that, during the period that the code is in effect,</p> <p style="padding-left: 20px;">(A) the code, with respect to matters provided for under the code, is to operate in the place of sections 1 to 35, or any one or more of those provisions, of this Act insofar as the code provides for those matters, and</p> <p style="padding-left: 20px;">(B) compliance by a professional regulatory organization with the code, the terms or conditions, if any, imposed by the Minister and the directions, if any, of the Commissioner given under subsection (3) is deemed to be compliance with sections 1 to 35, or any one or more of those provisions, of this Act insofar as the code operates in the place of those provisions;</p> <p>(d) governing the granting of, the revoking of and the varying of any authorization or direction and of any terms or conditions provided for in clause (c);</p> <p>(e) governing the coming into force of this Act or any provision of this Act with respect to a professional regulatory organization;</p> <p>(f) providing that this Act or any provision of this Act commences to apply to a professional regulatory organization at a date that is later than January 1, 2004;</p> <p>(g) providing for and governing any transitional matter relating to the application of this Act to a professional regulatory organization.</p> <p><i>[see also PIPA Regulation sections 20-28]</i></p>		
<p>55(6) Any regulation made under this section may be general or specific in its application.</p>		

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ALBERTA PIPA	BC PIPA	PIPEDA (Part 1)
Non-profit organizations		
<p>56(1) In this section, (a) "commercial activity" means (i) any transaction, act or conduct, or (ii) any regular course of conduct, that is of a commercial character and, without restricting the generality of the foregoing, includes the following: (iii) the selling, bartering or leasing of membership lists or of donor or other fund-raising lists; (iv) the operation of a private school or an early childhood services program as defined in the <i>School Act</i>; (v) the operation of a private college as defined in the <i>Post-secondary Learning Act</i>.</p>		<p>2. (1) "commercial activity" means any particular transaction, act or conduct 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.</p>
<p>56(1)(b) "non-profit organization" means an organization (i) that is incorporated under the <i>Societies Act</i> or the <i>Agricultural Societies Act</i> or that is registered under Part 9 of the <i>Companies Act</i>, or (ii) that meets the criteria established under the regulations to qualify as a non-profit organization.</p>		
<p>56(2) Subject to subsection (3), this Act does not apply to a non-profit organization or any personal information that is in the custody of or under the control of the non-profit organization.</p>		
<p>56(3) This Act applies to a non-profit organization in the case of personal information that is collected, used or disclosed by the non-profit organization in connection with any commercial activity carried out by a non-profit organization.</p>		
<p>56(4) The Lieutenant Governor in Council may make regulations (a) establishing, for the purposes of subsection (1)(b)(ii), the criteria to be met by an organization to qualify as a non-profit organization; (b) establishing the criteria to be met by non-profit organizations to qualify as non-profit organizations that are restricted or otherwise limited in the scope of their operations and exempting those non-profit organizations from the operation of subsection (3); (c) governing the coming into force of this Act or any</p>		

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<p>provision of this Act with respect to a non-profit organization;</p> <p>(d) providing that this Act or any provision of this Act commences to apply to a non-profit organization at a date that is later than January 1, 2004;</p> <p>(e) providing for and governing any transitional matter relating to the application of this Act to a non-profit organization.</p>		
<p>56(5) Any regulation made under this section may be general or specific in its application.</p>		
<p>Part 7: General Provisions</p>		
<p>Protection of organization from legal actions</p>		
<p>57 No action lies and no proceeding may be brought against an organization, or any person acting on behalf of or under the direction of an organization, for damages resulting from</p> <p>(a) the disclosure of or failure to disclose, in good faith, all or part of a record or personal information under this Act, or any consequences of that disclosure or failure to disclose, or</p> <p>(b) the failure to give a notice required under this Act if reasonable care was taken to give the required notice.</p>		
<p>Protection of employee</p>		
<p>58 An organization shall not take any adverse employment action against an employee of the organization, or deny an employee a benefit, on account of or for any reason arising out of the situation where</p> <p>(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Commissioner that the organization or any other person has contravened or is about to contravene this Act,</p> <p>(b) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene this Act,</p> <p>(c) the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of this Act, or</p> <p>(d) the organization believes that the employee will do</p>	<p>54 An organization must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the organization, or deny that employee a benefit, because</p> <p>(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the commissioner that the organization or any other person has contravened or is about to contravene this Act,</p> <p>(b) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene this Act,</p> <p>(c) the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of this Act, or</p> <p>(d) the organization believes that an employee will do</p>	<p>27.1 (1) No employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that</p> <p>(a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Commissioner that the employer or any other person has contravened or intends to contravene a provision of Division 1;</p> <p>(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is a contravention of a provision of Division 1;</p> <p>(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order that a provision of Division 1 not be</p>

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anything described in clause (a), (b) or (c).	anything described in paragraph (a), (b) or (c).	contravened; or (d) the employer believes that the employee will do anything referred to in paragraph (a), (b) or (c) 27.1(2) Nothing in this section impairs any right of an employee either at law or under an employment contract or collective agreement. 27.1(3) In this section, “employee” includes an independent contractor and “employer” has a corresponding meaning.
Offences and penalties		
59(1) Subject to subsections (3) and (4), a person commits an offence if the person 59(1)(a) collects, uses or discloses personal information in contravention of Part 2;	56(1) Subject to subsection (2), an organization or person commits an offence if the organization or person (a) uses deception or coercion to collect personal information in contravention of this Act,	28. Every person who knowingly contravenes subsection 8(8) or 27.1(1) or who obstructs the Commissioner or the Commissioner's delegate in the investigation of a complaint or in conducting an audit is guilty of (a) an offence punishable on summary conviction and liable to a fine not exceeding \$10,000; or (b) an indictable offence and liable to a fine not exceeding \$100,000.
59(1)(b) attempts to gain or gains access to personal information in contravention of this Act;		
59(1)(c) disposes of or alters, falsifies, conceals or destroys, or directs another person to dispose of, alter, falsify, conceal or destroy, a record containing personal information or a record containing information about the use or disclosure of personal information (i) after receiving a request under section 24(1)(a) or (b), or (ii) in circumstances in which a reasonable person would consider that it was likely that a request under section 24(1)(a) or (b) would be made;	56(1)(b) disposes of personal information with an intent to evade a request for access to the personal information,	
59(1)(d) obstructs the Commissioner or an authorized delegate of the Commissioner in the performance of the Commissioner's duties, powers or functions under this Act, including but not limited to obstructing the Commissioner or authorized delegate by disposing of, altering, falsifying, concealing or destroying evidence relevant to an investigation or inquiry by the	56(1)(c) obstructs the commissioner or an authorized delegate of the commissioner in the performance of his or her duties or powers under this Act,	<i>[see section 28 above]</i>

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Commissioner;		
59(1)(e) makes a false statement to the Commissioner or an authorized delegate of the Commissioner, or misleads or attempts to mislead the Commissioner or authorized delegate, in the course of the performance of the Commissioner's duties, powers or functions under this Act;	56(1)(d) knowingly makes a false statement to the commissioner, or knowingly misleads or attempts to mislead the commissioner, in the course of the commissioner's performance of his or her duties or powers under this Act,	
59(1)(e.1) fails to provide notice to the Commissioner under section 34.1;		
59(1)(e.2) contravenes section 58;	56(1)(e) contravenes section 54, or	
59(1)(f) fails to comply with an order made by the Commissioner under this Act.	56(1)(f) fails to comply with an order made by the commissioner under this Act.	
59(2) A person who commits an offence under subsection (1) is liable, (a) in the case of an individual, to a fine of not more than \$10 000, and (b) in the case of a person other than an individual, to a fine of not more than \$100 000.	56(2) An organization or person that commits an offence under subsection (1) is liable, (a) if an individual, to a fine of not more than \$10 000, and (b) if a person other than an individual, to a fine of not more than \$100 000.	28. Every person who knowingly contravenes subsection 8(8) or 27.1(1) or who obstructs the Commissioner or the Commissioner's delegate in the investigation of a complaint or in conducting an audit is guilty of (a) an offence punishable on summary conviction and liable to a fine not exceeding \$10,000; or (b) an indictable offence and liable to a fine not exceeding \$100,000.
59(3) No person is liable to prosecution for an offence against this or any other Act by reason of complying with a requirement of the Commissioner under this Act.	56(3) A person or organization is not liable to prosecution for an offence against this or any other Act because the person or organization complies with a requirement of the commissioner under this Act.	
	56(4) Section 5 of the <i>Offence Act</i> does not apply to this Act or the regulations. <i>[Section 5 of the B.C. Offence Act reads: A person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence against the enactment.]</i>	
59(4) Neither an organization nor an individual is guilty of an offence under this Act if it is established to the satisfaction of the court that the organization or individual, as the case may be, acted reasonably in the circumstances that gave rise to the offence.		

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59(5) A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.		
Damages for breach of this Act		
60(1) If the Commissioner has made an order under section 52 against an organization and the order has become final as a result of there being no further right of appeal, an individual affected by the order has a cause of action against the organization for damages for loss or injury that the individual has suffered as a result of the breach by the organization of obligations under this Act or the regulations.	57(1) If the commissioner has made an order under this Act against an organization and the order has become final as a result of there being no further right of appeal, an individual affected by the order has a cause of action against the organization for damages for actual harm that the individual has suffered as a result of the breach by the organization of obligations under this Act.	<i>[The Federal Court has the ability to award damages to the complainant, including damages for any humiliation that the complainant has suffered, see section 16(c)]</i>
60(2) If a person has been convicted of an offence under this Act and the conviction has become final as a result of there being no further right of appeal, an individual affected by the conduct that gave rise to the offence has a cause of action against the person convicted of the offence for damages for loss or injury that the individual has suffered as a result of the conduct.	57(2) If an organization has been convicted of an offence under this Act and the conviction has become final as a result of there being no further right of appeal, a person affected by the conduct that gave rise to the offence has a cause of action against the organization convicted of the offence for damages for actual harm that the person has suffered as a result of the conduct.	<i>[see section 16(c) above]</i>
Exercise of rights by other persons		
61(1) Any right or power conferred on an individual by this Act may be exercised (a) if the individual is 18 years of age or older, by the individual; (b) if the individual is under 18 years of age and understands the nature of the right or power and the consequences of exercising the right or power, by the individual; (c) if the individual is under 18 years of age but does not meet the criterion in clause (b), by the guardian of the individual; (d) if the individual is deceased, (i) by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate; (ii) by the person who is authorized by law to deal with the disposition of the deceased's remains if the exercise of the right or power relates to the disposition of the deceased's remains; (iii) by the person who has arranged for, or is arranging	B.C. PIPA Regulations 1 In this regulation: "Act" means the <i>Personal Information Protection Act</i> ; "committee" means a committee under the <i>Patients Property Act</i> ; "health care professional" means a medical practitioner, psychologist, registered nurse or registered psychiatric nurse; "nearest relative" means the first person in the following order of priority: (a) spouse; (b) adult child; (c) parent; (d) adult brother or sister; (e) other adult relation by birth or adoption;	

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<p>for, the deceased's funeral if the exercise of that right or power reasonably relates to the funeral or to the notification, recognition or acknowledgement of the death of the deceased;</p> <p>(e) if a guardian or trustee has been appointed for the individual under the <i>Dependent Adults Act</i>, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee;</p> <p>(f) if an agent has been designated under a personal directive under the <i>Personal Directives Act</i>, by the agent if the directive so authorizes;</p> <p>(g) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties conferred by the power of attorney;</p> <p>(h) by any person with written authorization from the individual to act on the individual's behalf.</p>	<p>"spouse" means a person who</p> <p>(a) is married to another person, or</p> <p>(b) is living and cohabiting with another person in a marriage-like relationship for at least one year immediately before the death of the other person, including a marriage-like relationship between persons of the same gender.</p> <p>Who may act for minors and others</p> <p>2 (1) In this section, "representative" means any of the following persons:</p> <p>(a) a committee under the <i>Patients Property Act</i>;</p> <p>(b) an attorney acting under an enduring power of attorney;</p> <p>(c) a litigation guardian;</p> <p>(d) a representative under the <i>Representation Agreement Act</i>.</p> <p>(2) Subject to subsection (3), the guardian of the person of a minor may</p> <p>(a) exercise the rights of the minor under section 23 of the Act, if the minor is incapable of exercising his or her rights under that section,</p> <p>(b) make a request for the minor under section 24 of the Act, if the minor is incapable of exercising his or her rights under that section, and</p> <p>(c) give or refuse consent to the collection, use and disclosure of personal information of the minor under the Act, if the minor is incapable of exercising that right.</p> <p>(3) If an individual has a representative, the representative may</p> <p>(a) exercise the rights of the individual under section 23 of the Act,</p> <p>(b) make a request for the individual under section 24 of the Act, and</p> <p>(c) give or refuse consent to the collection, use and disclosure of personal information of the individual under the Act.</p>	

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	<p>Who may act for deceased persons</p> <p>3 If an individual is deceased, the personal representative of the individual at the time of the individual's death or, if there is no personal representative, the nearest relative of the individual may</p> <p>(a) exercise the rights of the deceased individual under section 23 of the Act,</p> <p>(b) make a request for the deceased individual under section 24 of the Act, and</p> <p>(c) give or refuse consent to the collection, use and disclosure of personal information of the deceased individual under the Act.</p> <p>Determination of nearest relative</p> <p>4(1) If the person who is referred to at the top of the order of the priority list of the definition of "nearest relative" is unavailable or unwilling to make a decision, then the right to act under sections 2 and 3 passes to the person who is next in priority.</p> <p>(2) If the right to act under section 2 or 3 passes to persons of equal rank in the list of persons in the definition of "nearest relative" then the right passes to the person who is eldest of the persons and descends in order of age.</p> <p><i>[see pages 94 and 105 for the remainder of the B.C. PIPA Regulation]</i></p>	
61(2) Any notice or communication to be given to an individual under this Act may be given to the person entitled to exercise the individual's rights or powers referred to in subsection (1).		
General regulations	Power to make regulations	
62(1) The Lieutenant Governor in Council may make regulations	<p>58(1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the <i>Interpretation Act</i>.</p> <p>58(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:</p>	<p>26. (1) The Governor in Council may make regulations</p> <p>(a) specifying, by name or by class, what is a government institution or part of a government institution for the purposes of any provision of this Part;</p> <p>(a.01) specifying, by name or by class, what is an investigative body for the purposes of paragraph</p>

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		7(3)(d) or (h.2); (a.1) specifying information or classes of information for the purpose of paragraph 7(1)(d), (2)(c.1) or (3)(h.1); and (b) for carrying out the purposes and provisions of this Part.
62(1)(a) defining for the purposes of this Act any term that is used in this Act but is not defined in this Act;		
62(1)(b) governing procedures to be followed in making and responding to requests under this Act and for gaining and giving access to personal information or records;	58(2)(a) prescribing procedures to be followed in making and responding to requests under this Act; 58(2)(a.1) permitting prescribed categories of applicants to make requests under this Act orally instead of in writing;	
62(1)(c) governing the giving of consent and any other direction under this Act;		
62(1)(d) governing the application of this Act to persons who collect, use or disclose personal information in the course of carrying out investigations or similar inquiries as part of their functions or duties pursuant to an authority given to those persons under an enactment or in the course of acting as peace officers;		
62(1)(e) governing the collection, use and disclosure of personal information for archival purposes or research and respecting requirements concerning archival purposes or research;		
62(1)(f) expressly providing that another enactment or a provision of it prevails notwithstanding this Act;		
62(1)(g) governing forms or notices to be used under this Act;		
62(1)(h) governing fees, including circumstances in which fees (i) are or are not payable, or (ii) must not be above a prescribed amount or percentage;	58(2)(f) respecting fees, including circumstances in which fees (i) are not payable, or (ii) must not be above a prescribed amount or percentage;	
62(1)(i) respecting the application of this Act to a public body;		
62(1)(i.1) exempting organizations from the application of all or part of section 13.1;		

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62(1)(j) prescribing additional subject-matter in respect to which or circumstances under which personal information or a specific type of personal information may be collected, used or disclosed without the consent of the individual that are in addition to the subject-matter in respect of which or circumstances under which personal information may be collected, used or disclosed without the consent of the individual under section 14, 17 or 20;		
62(1)(k) prescribing or otherwise determining whether or not personal information or a specific type of personal information does or does not come within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22 under which personal information may be collected, used or disclosed without the consent of the individual;		
62(1)(l) prescribing or otherwise determining whether or not personal information or a specific type of personal information does or does not come within the meaning of a provision of section 4(3).	58(2)(h) for any other purpose contemplated by this Act.	
62(1)(m) prescribing the information that must be included with a notice under section 34.1;		
62(1)(n) prescribing the form and manner of notification of individuals under section 37.1.		
	<p>58(2)(b) authorizing the disclosure of personal information relating to the mental or physical health of individuals to medical or other experts to determine, for the purposes of section 23, if disclosure of that information could reasonably be expected to result in grave and immediate harm to the safety of or the mental or physical health of those individuals;</p> <p>58(2)(c) prescribing procedures to be followed or restrictions considered necessary with respect to the disclosure and examination of information referred to in paragraph (b);</p> <p>58(2)(d) prescribing special procedures for giving individuals access to personal information about their mental or physical health;</p> <p>58(2)(e) prescribing the classes of individuals who may act for minors, incompetents, deceased persons or any other individuals under this Act and regulating the</p>	

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	manner in which, and the extent to which, any rights or powers of individuals under this Act may be exercised on their behalf; 58(2)(g) prescribing sources of personal information for the purposes of section 12 (1) (e), 15 (1) (e) or 18 (1) (e) [<i>“publicly available” information</i>]	
62(2) Where a regulation made (a) under subsection (1)(j) prescribes additional subject-matter with respect to which or circumstances under which personal information may be collected, used or disclosed without the consent of the individual, that information is to be treated in the same manner as if it had been collected, used or disclosed under section 14, 17 or 20, as the case may be; (b) under subsection (1)(k) prescribes or otherwise determines that personal information (i) comes within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22, as the case may be, that information is to be treated in the same manner as any other personal information that is dealt with under that provision, or (ii) does not come within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22, as the case may be, that information is to be treated in the same manner as any other personal information that does not come within the meaning of that provision; (c) under subsection (1)(l) prescribes or otherwise determines that personal information (i) comes within the meaning of a provision of section 4(3), that information is to be treated in the same manner as any other personal information that comes within the meaning of that provision, or (ii) does not come within the meaning of a provision of section 4(3), that information is to be treated in the same manner as any other personal information that does not come within the meaning of that provision.	58(3) A regulation under subsection (2) (b) may (a) specify categories of experts to whom personal information relating to the mental or physical health of individuals may be disclosed to assess whether its disclosure to other persons could reasonably be expected to result in grave and immediate harm to the safety of or the mental or physical health of those individuals; (b) impose on members of a category of experts obligations respecting the use and disclosure of personal information obtained to make an assessment described in paragraph (a); (c) provide differently for different categories of experts. 58(4) A regulation made under subsection (1) or (2) may provide differently for different organizations, individuals, classes of organizations or classes of individuals.	
62(3) A regulation made under subsection (1) may be general or specific in its application.		
		26. (2): The Governor in Council may, by order, (a) provide that this Part is binding on any agent of

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		Her Majesty in right of Canada to which the <i>Privacy Act</i> does not apply; and (b) if satisfied that legislation of a province that is substantially similar to this Part applies to an organization, a class of organizations, an activity or a class of activities, exempt the organization, activity or class from the application of this Part in respect of the collection, use or disclosure of personal information that occurs within that province.
Review of Act		
63(1) A special committee of the Legislative Assembly must begin a comprehensive review of this Act and the regulations made under it (a) by July 1, 2015, and (b) thereafter, every 6 years after the date on which the previous special committee submits its final report under subsection (2). (2) A special committee must submit a final report to the Legislative Assembly within 18 months after beginning a review under subsection (1).	59(1) Within 3 years after January 1, 2004, a special committee of the Legislative Assembly must begin a comprehensive review of this Act and must submit a report respecting this Act to the Legislative Assembly within one year after the date of the appointment of the special committee. (2) At least once every 6 years, a special committee of the Legislative Assembly must act as described in subsection (1).	29. (1) The administration of this Part shall, every five years after this Part comes into force, be reviewed by the committee of the House of Commons, or of both Houses of Parliament, that may be designated or established by Parliament for that purpose. 29. (2) The committee shall undertake a review of the provisions and operation of this Part and shall, within a year after the review is undertaken or within any further period that the House of Commons may authorize, submit a report to Parliament that includes a statement of any changes to this Part or its administration that the committee recommends.
63(3) The report of a special committee may include the special committee's recommendations for amendments to this Act, the regulations made under this Act or any other enactment.	59(3) A report submitted under subsection (1) or (2) may include any recommended amendments to this Act or any other Act.	<i>[see section 29(2) above]</i>
	59(4) For the purposes of subsection (2), the first 6 year period begins on the submission of the report under subsection (1) to the Legislative Assembly.	
<i>[sections 64 through 74 are consequential amendments to other Alberta statutes]</i>		

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Coming into force	Commencement	
75 This Act comes into force on January 1, 2004.	60 This Act comes into force on January 1, 2004.	72. Parts 1 to 5 or any provision of those Parts come into force on a day or days to be fixed by order of the Governor in Council made on the recommendation of (a) in the case of Parts 1 and 2 or any provision of those Parts, the Minister of Industry; and (b) in the case of Parts 3 to 5 or any provision of those Parts, the Minister of Justice. <i>[Section 30 of PIPEDA contains the transitional provisions that no longer have any effect. This document does not contain Parts 2-5 of the Act]</i>
PIPA REGULATION AR 366/2003		
Definition		
1 In this Regulation, "Act" means the <i>Personal Information Protection Act</i> .		
Application of Act to Alberta Treasury Branches		
2(1) The Act applies to Alberta Treasury Branches and its subsidiaries and to any personal information that is in the custody of or under the control of Alberta Treasury Branches or any of its subsidiaries. (2) Notwithstanding subsection (1), any records of Alberta Treasury Branches and of any of its subsidiaries that are subject to the <i>Freedom of Information and Protection of Privacy Act</i> remain subject to that Act.		
Part 1: Definition for the Purposes of the Act		
"managing"		
3 For the purposes of sections 1(1)(j), 15(1)(a), 18(1)(a) and 21(1)(a) of the Act, "managing" includes administering.		
4 <i>[repealed A.R. 51/2010]</i>		
5 <i>[repealed A.R. 51/2010]</i>		

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ALBERTA PIPA	BC PIPA	PIPEDA (Part 1)
	B.C. PIPA REGULATIONS B.C. Reg. 473/2003	PIPEDA REGULATIONS SPECIFYING PUBLICLY AVAILABLE INFORMATION SOR/2001-7
Part 2: Personal Information that is Publicly Available		
Definitions		
<p>6 In this Part,</p> <p>(a) “Corporate Registry” means</p> <p>(i) the records maintained by the Registrar of Corporations pursuant to a statute of Alberta or a regulation of Alberta, and</p> <p>(ii) the records maintained by the Registrar of Companies pursuant to a statute of Alberta or a regulation of Alberta;</p> <p>(b) “established purpose” means, when used in reference to a registry, the purpose for which a registry is established and operated as that purpose,</p> <p>(i) in the case of a Government registry, is, directly or indirectly, set out or otherwise described or provided for pursuant to</p> <p style="padding-left: 20px;">(A) a statute of Alberta or a regulation of Alberta, or</p> <p style="padding-left: 20px;">(B) any policy governing or relating to the operation of the registry that is made pursuant to a statute of Alberta, a regulation of Alberta or by the Government, and</p> <p>(ii) in the case of a non-governmental registry, is set out pursuant to a statute of Alberta or a regulation of Alberta;</p> <p>(c) “Government registry” means</p> <p>(i) the Personal Property Registry,</p> <p>(ii) the Corporate Registry, and</p> <p>(iii) the Land Titles Registry,</p> <p>and includes any other registry not referred to in subclauses (i) to (iii) that is operated by the Government and to which the public has access;</p> <p>(d) “Land Titles Registry” means the register and the other records required or authorized to be kept by the Registrar of Titles under the <i>Land Titles Act</i>;</p> <p>(e) “non-governmental registry” means a registry</p> <p>(i) that is operated pursuant to a statute of Alberta or a</p>		

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<p>regulation of Alberta by</p> <p>(A) an organization, or</p> <p>(B) a local public body as defined in the <i>Freedom of Information and Protection of Privacy Act</i>,</p> <p>and</p> <p>(ii) to which a right of public access is authorized by law.</p>		
Publicly available personal information	Prescribed source of public information	
<p>7 For the purposes of sections 14(e), 17(e) and 20(j) of the Act, personal information does not come within the meaning of “the information is publicly available” except in the following circumstances:</p> <p>(a) the personal information is contained in a telephone directory but only if</p> <p>(i) the information consists of the name, address and telephone number of a subscriber to the directory,</p> <p>(ii) the directory is available to the public, and</p> <p>(iii) the subscriber can refuse to have the personal information appear in the directory;</p> <p>(b) the personal information, including, but not limited to, the name, title, address, telephone number and e-mail address of an individual, is contained in a professional or business directory, listing or notice but only if</p> <p>(i) the directory, listing or notice is available to the public, and</p> <p>(ii) the collection, use or disclosure of the personal information relates directly to the purpose for which the information appears in the directory, listing or notice;</p> <p>(c) the personal information is contained in a registry that is</p> <p>(i) a Government registry, or</p> <p>(ii) a non-governmental registry,</p> <p>but only if the collection, use or disclosure of the information relates directly to the purpose for which the information appears in the registry and that purpose is an established purpose of the registry;</p>	<p>6 (1) Subject to subsection (2), the following are sources of information available to the public, which are prescribed for the purposes of sections 12 (1) (e), 15 (1) (e) and 18 (1) (e) of the Act:</p> <p>(a) the name, address, telephone number and other personal information of a subscriber that appears in a telephone directory or is available through Directory Assistance if</p> <p>(i) the directory or the directory assistance service is available to the public, and</p> <p>(ii) the subscriber is permitted to refuse to have his or her personal information included in the directory or made available by directory assistance;</p> <p>(b) personal information of an individual that appears in a professional or business directory, listing or notice that is available to the public, if the individual is permitted to refuse to have his or her personal information included in the directory;</p> <p>(c) personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the authority of an enactment, the laws of the government of Canada or a province or the bylaws of a municipality or other similar local authority in Canada;</p>	<p>1 The following information and classes of information are specified for the purposes of paragraphs 7(1)(d), 2(c.1) and (3)(h.1) of the <i>Personal Information Protection and Electronic Documents Act</i>.</p> <p>(a) personal information consisting of the name, address and telephone number of a subscriber that appears in a telephone directory that is available to the public, where the subscriber can refuse to have the personal information appear in the directory;</p> <p>(b) personal information including the name, title, address and telephone number of an individual that appears in a professional or business directory, listing or notice, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the directory, listing or notice;</p> <p>(c) personal information that appears in a registry collected under a statutory authority and to which a right of public access is authorized by law, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the registry;</p>

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<p>(d) the personal information is contained in a record of a quasi-judicial body but only if</p> <p>(i) the record is available to the public, and</p> <p>(ii) the collection, use or disclosure of the information relates directly to the purpose for which the information appears in the record;</p> <p>(e) the personal information is contained in a publication, including, but not limited to, a magazine, book or newspaper, whether in printed or electronic form, but only if</p> <p>(i) the publication is available to the public, and</p> <p>(ii) it is reasonable to assume that the individual that the information is about provided that information;</p> <p>(f) personal information that is under the control of an organization and that has been collected from outside of Alberta, that if collected from within Alberta would have been collected under the authority of clause (a), (b), (c), (d) or (e), or any 2 or more of those clauses.</p>	<p>(d) personal information that appears in a printed or electronic publication that is available to the public, including a magazine, book or newspaper in printed or electronic form.</p> <p>(2) An organization must not collect, use or disclose personal information about an individual from a source referred to in subsection (1) (d) if</p> <p>(a) a court has prohibited the publication or the continued publication of that personal information by the source, or</p> <p>(b) the commissioner has made an order stating that the personal information from the source has been published contrary to the Act.</p>	<p>(d) personal information that appears in a record or document of a judicial or quasi-judicial body, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the record or document; and</p> <p>(e) personal information that appears in a publication, including a magazine, book or newspaper, in printed or electronic form, that is available to the public, where the individual has provided the information.</p> <p>COMING INTO FORCE</p> <p>2 These Regulations come into force on January 1, 2001.</p>
Part 3: Access to Records		
Designated and non-designated offices		
<p>8(1) For the purposes of enabling an individual to make a request under section 24(1) or 25(1) of the Act, an organization may designate one or more offices of the organization to which the individual may direct a written request.</p> <p>(2) If an organization designates an office under subsection (1), the organization must</p> <p>(a) make public the address of that office and the methods by which that office can receive requests, and</p> <p>(b) require that a request received by another office of the organization be forwarded to the designated office as</p>		

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<p>quickly as possible.</p> <p>(3) If an organization designates an office under subsection (1), (a) a written request may be delivered to that office during normal business hours of that office, and (b) the time limit for responding to a request does not commence until the request is received by that office.</p> <p>(4) If an organization has not designated an office under subsection (1), (a) a written request may be delivered to any office of the organization during normal business hours of that office, and (b) the time limit for responding to a request commences when an office of the organization receives the request.</p>		
Copy of record may be provided		
<p>9(1) Instead of allowing an applicant to examine a record, an organization may provide to the applicant a copy of the record in the situation where allowing for examination of the record by the applicant (a) would unreasonably interfere with the operations of the organization, (b) may result in the disclosure of information to which access is not permitted or is refused under the Act, or (c) may result in harm to or destruction of the record.</p> <p>9(2) Where, in respect of subsection (1)(b), a copy of a record is provided to an applicant by an organization, the copy of the record is not to include information to which access is not permitted or is refused under the Act.</p>		
Alternative means for making a request		
<p>10 Notwithstanding anything in this Part, an organization may provide alternative means for an applicant to make a request under section 24(1) or 25(1) of the Act if the applicant is unable to make a written request.</p>		

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Part 4: Archival Purposes and Research		
Definitions		
<p>11 For the purposes of the Act and this Part,</p> <p>(a) “archival institution” means an institution (i) to which archival records are transferred for permanent preservation, and (ii) that provides public access to its archival collections;</p> <p>(b) “archival records” means records of historic or archival importance;</p> <p>(c) “for archival purposes” means for the purposes (i) of preserving archival records, and (ii) making those records accessible in an archival institution to the public.</p>		
Collection, use and disclosure by archival institution		
<p>12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.</p> <p>(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose but only if</p> <p>(a) in the case of individually identifiable information, the disclosure is necessary for the research purpose,</p> <p>(b) the disclosure is not harmful to the individual concerned,</p> <p>(c) the research purpose is not contrary to the purposes and intent of the Act, and</p> <p>(d) either</p> <p>(i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or</p> <p>(ii) the information is disclosed under a research agreement.</p>		

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<p>(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following:</p> <p>(a) to use the information only for the research purpose;</p> <p>(b) to make reasonable security arrangements to protect the information;</p> <p>(c) to maintain the confidentiality of the information;</p> <p>(d) to not contact any individual to whom the information relates;</p> <p>(e) to remove or destroy, at the earliest reasonable time, individual identifiers;</p> <p>(f) to not disclose the information in individually identifiable form;</p> <p>(g) to notify the archival institution immediately of a breach of the agreement.</p>		
Prohibition re use and disclosure		
<p>13 An archival institution shall not use or disclose personal information that is contained in its archival records for any purpose other than for archival purposes or research purposes.</p>		
Collection, use and disclosure by non-archival institution		
<p>14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in</p> <p>(a) the acquisition of records of historical importance for transfer to an archival institution, and</p> <p>(b) the preparation of organizational records for archival appraisal and transfer to an archival institution.</p> <p>(2) An organization that is not an archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in</p> <p>(a) the obtaining of an archival appraisal of the organization's record, and</p> <p>(b) the transferring of custody and control of the organization's records to an archival institution.</p>		

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<p>(3) An organization that is not an archival institution may, under a research agreement, disclose personal information about an individual without the consent of the individual but only if</p> <p>(a) the person to whom the information is to be disclosed agrees to comply with the same requirements as those established in respect of archival institutions under section 12(3),</p> <p>(b) the research has been approved by a recognized research ethics review committee, and</p> <p>(c) the researcher has agreed to any additional conditions imposed by the ethics review committee.</p>		
Part 5: Fees		
Providing of estimate		
<p>15 If an organization pursuant to section 32 of the Act intends to charge a fee for processing a request for access to personal information or for information about the use or disclosure of the applicant's personal information and provides a written estimate to an applicant, processing of the request ceases once the notice of estimate has been sent to the applicant and is not to recommence until</p> <p>(a) the estimate has been accepted, and</p> <p>(b) where a deposit is required, the deposit has been paid.</p>		
Acceptance of estimate, etc.		
<p>16 Where</p> <p>(a) an applicant has been given an estimate by an organization under section 32(3) of the Act, and</p> <p>(b) the organization has not received a response from the applicant within 30 days from the day that the estimate was given to the applicant,</p> <p>the organization may consider the applicant's request to have been withdrawn.</p>		
Fees owing		
<p>17(1) Where, prior to the providing of information pursuant to a request, all or a portion of the fee payable in respect of that request remains owing, the balance of the fee that is owing is payable at the time that the information is delivered to the applicant.</p>		

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(2) An organization may decline to deliver any information pursuant to a request until the total fee payable in respect of that request is paid.		
18 [repealed A.R. 51/2010]		
Part 6: Notification of Loss of or Unauthorized Access to or Disclosure of Personal Information		
Notice to the Commissioner		
<p>19 A notice provided by an organization to the Commissioner under section 34.1(1) of the Act must be in writing and include the following information:</p> <p>(a) a description of the circumstances of the loss or unauthorized access or disclosure;</p> <p>(b) the date on which or time period during which the loss or unauthorized access or disclosure occurred;</p> <p>(c) a description of the personal information involved in the loss or unauthorized access or disclosure;</p> <p>(d) an assessment of the risk of harm to individuals as a result of the loss or unauthorized access or disclosure;</p> <p>(e) an estimate of the number of individuals to whom there is a real risk of significant harm as a result of the loss or unauthorized access or disclosure;</p> <p>(f) a description of any steps the organization has taken to reduce the risk of harm to individuals;</p> <p>(g) a description of any steps the organization has taken to notify individuals of the loss or unauthorized access or disclosure;</p> <p>(h) the name of and contact information for a person who can answer, on behalf of the organization, the Commissioner's questions about the loss or unauthorized access or disclosure.</p>		
Notification to individuals		
<p>19.1(1) Where an organization is required under section 37.1 of the Act to notify an individual to whom there is a real risk of significant harm as a result of a loss of or unauthorized access to or disclosure of personal information, the notification must</p> <p>(a) be given directly to the individual, and</p> <p>(b) include</p> <p>(i) a description of the circumstances of the loss or</p>		

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<p>unauthorized access or disclosure, (ii) the date on which or time period during which the loss or unauthorized access or disclosure occurred, (iii) a description of the personal information involved in the loss or unauthorized access or disclosure, (iv) a description of any steps the organization has taken to reduce the risk of harm, and (v) contact information for a person who can answer, on behalf of the organization, questions about the loss or unauthorized access or disclosure.</p> <p>(2) Notwithstanding subsection (1)(a), where an organization is required to notify an individual under section 37.1 of the Act, the notification may be given to the individual indirectly if the Commissioner determines that direct notification would be unreasonable in the circumstances.</p>		
Part 7: Professional Regulatory Organization		
Interpretation		
<p>20(1) In this Part, (a) "authorization" means an authorization referred to in section 21(a); (b) "code" means a personal information code as defined in section 55 of the Act.</p> <p>(2) For the purposes of this Part, operating in accordance with a code includes the collection, use and disclosure of personal information pursuant to the code insofar as the code provides for the collection, use and disclosure.</p>		
Establishment of professional regulatory organization program		
<p>21 There is hereby established a program under which the Minister may (a) grant an authorization to a professional regulatory organization authorizing the professional regulatory organization to operate in accordance with a personal information code; (b) direct that, during the period that a code is in effect for a professional regulatory organization, (i) the code, with respect to matters provided for under the</p>		

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<p>code, is to operate in the place of sections 1 to 35, or any one or more of those provisions, of the Act insofar as the code provides for those matters, and</p> <p>(ii) compliance by the professional regulatory organization with the code, the terms or conditions, if any, imposed by the Minister and the directions, if any, of the Commissioner given under section 55 of the Act is deemed to be compliance with sections 1 to 35, or any one or more of those provisions, of the Act insofar as the code operates in the place of those provisions;</p> <p>(c) impose any terms or conditions in respect of a code, an authorization referred to in clause (a) or a direction referred to in clause (b).</p>		
Personal information code		
<p>22(1) A personal information code must, at least, meet the following criteria:</p> <p>(a) the code must, with respect to sections 1 to 35 of the Act, address in whole or in part, the matters dealt with by those provisions;</p> <p>(b) the code must include a provision stating which sections of the Act the code addresses;</p> <p>(c) the code must include provisions relating to the way the code is established and the way in which it will be reviewed by the professional regulatory organization;</p> <p>(d) the code must include a provision for publishing the code in printed or electronic form.</p> <p>(2) A code may include</p> <p>(a) additional provisions for the protection of personal information that are consistent with the purposes and intent of sections 1 to 35 of the Act;</p> <p>(b) provisions for a complaint or review procedure to be operated by the professional regulatory organization.</p>		
Application for authorization		
<p>23(1) A professional regulatory organization that wishes to operate under a code must apply to the Minister for an authorization in respect of that code.</p> <p>(2) In making an application for an authorization, the applicant must</p>		

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<p>(a) file with the Minister a copy of the code in a form or format that is acceptable to the Minister, and</p> <p>(b) provide to the Minister a proposed date on which the code is to come into force and any other information that the Minister requests.</p> <p>(3) The application for an authorization must be signed by a person authorized to sign on behalf of the governing body of the professional regulatory organization.</p>		
Granting of authorization		
<p>24 After receiving an application from a professional regulatory organization for an authorization in respect of a code, the Minister may, subject to any terms or conditions that the Minister considers appropriate,</p> <p>(a) grant an authorization to the professional regulatory organization authorizing the professional regulatory organization to operate in accordance with the code, and</p> <p>(b) direct that, during the period that the code is in effect,</p> <p>(i) the code with respect to matters provided for under the code, will operate in the place of sections 1 to 35, or any one or more of those provisions, of the Act insofar as the code provides for those matters, and</p> <p>(ii) compliance by the professional regulatory organization with the code, the terms or conditions, if any, imposed by the Minister and the directions, if any, of the Commissioner given under section 55 of the Act is deemed to be compliance with sections 1 to 35, or any one or more of those provisions, of the Act insofar as the code operates in the place of those provisions.</p>		
Effect of authorization		
<p>25(1) During the period that an authorization for a code is in effect,</p> <p>(a) the code is in effect,</p> <p>(b) the professional regulatory organization may operate in accordance with the code, and</p> <p>(c) the direction given under section 24(b) is in effect.</p> <p>(2) During the period that code is in effect,</p> <p>(a) the code, with respect to matters provided for under the code, operates in the place of sections 1 to 35, or any</p>		

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<p>one or more of those provisions, of the Act insofar as the code provides for those matters, and</p> <p>(b) compliance by the professional regulatory organization with the code, the terms or conditions, if any, imposed by the Minister and the directions, if any, of the Commissioner given under section 55 of the Act is deemed to be compliance with sections 1 to 35, or any one or more of those provisions, of the Act insofar as the code operates in the place of those provisions.</p>		
<p>Revocation of authorization</p>		
<p>26(1) The Minister may revoke an authorization either</p> <p>(a) at the request of the professional regulatory organization, or</p> <p>(b) where the Minister considers it appropriate to do so.</p> <p>(2) The Minister may make the revocation subject to any terms or conditions that the Minister considers appropriate in order to permit the revocation to take effect in an orderly manner.</p> <p>(3) On the revocation of an authorization,</p> <p>(a) the code, subject to any terms or conditions imposed by the Minister, ceases to be in effect, and</p> <p>(b) to the extent that code ceases to be in effect, the direction given under section 24(b) ceases to operate.</p> <p>(4) Where the Minister intends to revoke an authorization, the Minister must notify</p> <p>(a) the professional regulatory organization to which the authorization was granted, and</p> <p>(b) the Minister who is responsible for the statute under which the professional regulatory organization was established or otherwise operates.</p>		
<p>Publication in The Alberta Gazette</p>		
<p>27 The Minister must publish in Part 1 of <i>The Alberta Gazette</i> a copy of every</p> <p>(a) authorization granted and the code for which the authorization was granted;</p> <p>(b) direction given under section 24(b);</p> <p>(c) revocation of an authorization.</p>		

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Act and personal information code prevail		
<p>28 If a provision of (a) any legislative instrument of a professional regulatory organization, other than a personal information code, or (b) any rule of conduct or practice, policy, directive or instruction of any nature of a professional regulatory organization is in conflict with a provision of the Act, the personal information code of the professional regulatory organization or the operation of the Act as modified by the personal information code, the Act and the personal information code prevail.</p>		
Part 8: Coming into Force and Expiry		
29 This Regulation comes into force on January 1, 2004.		
30 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2019.		
	Disclosure of health care information	
	<p>1 In this regulation:</p> <p>"Act" means the <i>Personal Information Protection Act</i>;</p> <p>"committee" means a committee under the <i>Patients Property Act</i>;</p> <p>"health care professional" means a medical practitioner, psychologist, registered nurse or registered psychiatric nurse;</p> <p>5(1) Subject to this section, before disclosing information to an individual under section 23 of the Act, an organization may disclose information relating to the mental or physical health of the individual to a health care professional for the purpose of obtaining an assessment from the health care professional as to whether the disclosure of that information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or</p>	

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	<p>physical health.</p> <p>(2) A health care professional to whom information is disclosed under subsection (1) must not use or disclose the information except for the purposes of making an assessment described in subsection (1).</p> <p>(3) An organization must not disclose information to a health care professional under subsection (1), unless the health care professional has entered into a confidentiality agreement in the form provided by the organization.</p> <p>(4) If a copy of personal information is provided to a health care professional under subsection (1), the health care professional must return the copy to the organization as soon as possible after providing his or her assessment of the personal information to the organization.</p>	
	<p><i>The B.C. PIPA Regulations also contain provisions regarding the exercise of rights by other persons, see page 85.</i></p>	
		<p>PIPEDA REGULATIONS SPECIFYING INVESTIGATIVE BODIES SOR/2001-6, SOR/2004-60, SOR/2005-34, SOR/2006-159, SOR/2008-155</p>
		<p>1 The following investigative bodies are specified, by name or by class, for the purposes of paragraphs 7(3)(d) and (h.2) of the <i>Personal Information Protection and Electronic Documents Act</i>:</p> <p>(a) Investigative Services, a division of Insurance Bureau of Canada;</p> <p>(b) the Bank Crime Prevention and Investigation Office of the Canadian Bankers Association;</p> <p>(c) the College of Audiologists and Speech-Language Pathologists of Ontario;</p> <p>(d) the College of Chiropractors of Ontario;</p> <p>(e) the College of Chiropractors of Ontario;</p> <p>(f) the College of Dental Hygienists of Ontario;</p> <p>(g) the College of Dental Technologists of Ontario;</p> <p>(h) the College of Denturists of Ontario;</p>

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		<p>(i) the College of Dietitians of Ontario; (j) the College of Massage Therapists of Ontario; (k) the College of Medical Laboratory Technologists of Ontario; (l) the College of Medical Radiation Technologists of Ontario; (m) the College of Midwives of Ontario; (n) the College of Nurses of Ontario; (o) the College of Occupational Therapists of Ontario; (p) the College of Opticians of Ontario; (q) the College of Optometrists of Ontario; (r) the Ontario College of Pharmacists; (s) the College of Physicians and Surgeons of Ontario; (t) the College of Physiotherapists of Ontario; (u) the College of Psychologists of Ontario; (v) the College of Respiratory Therapists of Ontario; (w) a corporation or other body</p> <p style="padding-left: 20px;">(i) that is licensed by a province to engage in the business of providing private investigators or detectives and that has a privacy code that is compliant with the Canadian Standards Association Standard CAN/CSA-Q830-96, <i>Model Code for the Protection of Personal Information</i>, as amended from time to time, and</p> <p style="padding-left: 20px;">(ii) that is a member in good standing of a professional association that represents the interests of private investigators or detectives and that has such a privacy code;</p> <p>(x) a corporation or other body</p> <p style="padding-left: 20px;">(i) that is licensed by a province to engage in the business of providing insurance adjusters and that has a privacy code that is compliant with the Canadian Standards Association Standard CAN/CSA-Q830-96, <i>Model Code for the Protection of Personal Information</i>, as amended from time to time, or</p> <p style="padding-left: 20px;">(ii) that is a member in good standing of a professional association that represents the interests of insurance or claims adjusters and that has such a</p>

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		privacy code; (y) the Certified General Accountants Association of Alberta; (z) the Certified General Accountants Association of British Columbia; (z.1) the Certified General Accountants Association of Manitoba; (z.2) the Certified General Accountants Association of New Brunswick; (z.3) the Certified General Accountants Association of Nova Scotia; (z.4) the Certified General Accountants Association of Newfoundland and Labrador; (z.5) the Certified General Accountants Association of Ontario; (z.6) the Certified General Accountants Association of Prince Edward Island; (z.7) the Certified General Accountants Association of Saskatchewan; (z.8) the Certified General Accountants Association of Northwest Territories-Nunavut; (z.9) the Certified General Accountants Association of Yukon; (z.10) the Credit Union Office of Crime Prevention and Investigation of the Credit Union Central of Canada; (z.11) the Law Society of Alberta; (z.12) the Law Society of Manitoba; (z.13) the Law Society of the Northwest Territories; (z.14) the Law Society of New Brunswick; (z.15) the Law Society of Newfoundland; (z.16) the Law Society of Saskatchewan; (z.17) the Law Society of Upper Canada; (z.18) the Law Society of Yukon; (z.19) l'Ordre des comptables généraux licenciés du Québec; (z.20) the Nova Scotia Barristers' Society; (z.21) the Ontario College of Social Workers and Social Service Workers; (z.22) the Royal College of Dental Surgeons of

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		<p>Ontario;</p> <p>(z.23) Teranet Services Inc.</p> <p>(z.24) Alberta Dental Association and College;</p> <p>(z.25) Association of Ontario Land Surveyors;</p> <p>(z.26) Board of Funeral Services;</p> <p>(z.27) Canadian Association of Insolvency and Restructuring Professionals;</p> <p>(z.28) College of Physicians and Surgeons of Manitoba;</p> <p>(z.29) College of Veterinarians of Ontario;</p> <p>(z. 30) Ontario Association of Architects;</p> <p>(z.31) Ontario College of Teachers;</p> <p>(z.32) Ontario Motor Vehicle Industry Council;</p> <p>(z.33) Ontario Professional Foresters Association;</p> <p>(z.34) Association of Professional Engineers of Yukon;</p> <p>(z.35) Association of Professional Engineers and Geoscientists of the Province of British Columbia;</p> <p>(z.36) Association of Professional Engineers, Geologists and Geophysicists of Alberta;</p> <p>(z.37) Association of Professional Engineers, Geologists and Geophysicist of the Northwest Territories;</p> <p>(z.38) Association of Professional Engineers and Geoscientists of Saskatchewan;</p> <p>(z.39) Association of Professional Engineers and Geoscientists of Manitoba;</p> <p>(z.40) Association of Professional Engineers of Ontario;</p> <p>(z.41) Ordre des ingénieurs du Québec;</p> <p>(z.42) Association of Professional Engineers and Geoscientists of New Brunswick;</p> <p>(z.43) Association of Professional Engineers of the Province of Nova Scotia;</p> <p>(z.44) Association of Professional Engineers of Prince Edward Island;</p> <p>(z.45) Association of Professional Engineers and Geoscientists of Newfoundland;</p> <p>(z.46) Real Estate Council of Alberta;</p> <p>(z.47) Real Estate Council of Ontario;</p>

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		<p>(z.48) Technical Standards & Safety Authority; (z.49) Travel Industry Council of Ontario; (z.50) College of Registered Nurses of Nova Scotia; (z.51) Association of Professional Geoscientists of Ontario; (z.52) Ordre des géologues du Québec; (z.53) College of Alberta Psychologists; (z.54) College of Physicians and Surgeons of Alberta; (z.55) College of Physicians and Surgeons of Nova Scotia; (z.56) Investment Dealers Association of Canada; (z.57) Mutual Fund Dealers Association of Canada; and (z.58) Registered Insurance Brokers of Ontario.</p> <p>COMING INTO FORCE 2. These Regulations come into force on the day on which they are registered.</p>