



Office of the
Privacy Commissioner
of Canada

Commissariat
à la protection de
la vie privée du Canada

Silhouettes of four business professionals in a professional setting. A man in a suit stands on the left, holding a briefcase. A woman in a business suit stands next to him, gesturing. Another man in a suit stands in the background. A fourth man in a suit stands in the foreground, looking at a tablet. The silhouettes are overlaid on a background of overlapping circles.

Privacy Impact Assessments in Canada

May 14, 2013



Privacy in Canada

- *Canadian Human Rights Act, Part IV*
- *Privacy Act, 1983*
- **PIPEDA, 2000**



PIAs

- Ensure privacy implications are appropriately identified, assessed and resolved before program or activity involving personal information is implemented
- Important tool to help organizations manage risk



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PIAs in Federal Government

- Requirement since 2002
- New Directive on PIAs implemented in 2010



Benefits of PIAs

- Help to identify and resolve privacy risks
- Ensure that privacy protections are incorporated into program design
- Compliance with *Privacy Act* and relevant government policies/directives
- Public accountability



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Stakeholders in Federal Government PIA Process

- Federal departments and agencies
- Treasury Board Secretariat (TBS)
- Office of the Privacy Commissioner (OPC)
- Canadian public



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TBS PIA Directive

Goal to streamline process to ensure that a PIA is conducted in a manner that is commensurate with the privacy risks identified and respects the operating environment of the government institution



PIAs Required When:

- Decision-making process directly affects the individual
- Substantial modifications made to existing programs where personal information is used for an administrative purpose
- Contracting out or transferring a program to another level of government or the private sector results in substantial modifications



TBS PIA Directive

- Concept of “core” PIA
- Guidance on multi-institutional programs
- Public reporting requirement
- Ensuring ongoing relevance of assessment



OPC Guidance



- Expectations Guide
- PIA Video
- Outreach



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OPC PIA Expectations Guide

Type and depth of information needed by OPC to fulfill its role as guardian of Canadians' privacy rights different from minimum TBS requirements



OPC PIA Expectations Guide

- Four-part test
- Privacy principles
- Action plan
- Multi-institutional PIAs
- Checklists



OPC's Four-Part Test

Institution
to respond
to the
following
questions
at outset
of PIA:

- Is the measure demonstrably necessary to meet a specific need?
- Is it likely to be effective in meeting that need?
- Is the loss of privacy proportional to the need?
- Is there a less privacy-invasive option?



The Privacy Principles

- Provide an accessible and logical framework for completing a privacy analysis
- Internationally-recognized
- Form Schedule I of PIPEDA



Issues with Conduct of PIAs

- Risk assessments can be subjective
- Privacy is a specialized field
- Timing of assessment



Issues with Conduct of PIAs

- Implementing mitigating measures
- Maintaining PIA
- Interdependency between privacy and security



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1-800-282-1376

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