

Outsourcing of Personal Information

	<u>PIPEDA</u>	<u>PIPA Alberta</u>	<u>PIPA British Columbia</u>	<u>Quebec Private Sector Privacy Act (as amended by Law 25)</u>
Organization responsible for personal information transferred to third party for processing	<p>Principle 4.1.3</p> <p>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.</p>	<p>s. 5</p> <p>(1) An organization is responsible for personal information that is in its custody or under its control.</p> <p>(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.</p> <p>(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act..</p> <p>(4) An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.</p> <p>(5) In meeting its</p>	<p>s. 4(2)</p> <p>An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.</p>	<p>s. 3.1</p> <p>Any person carrying on an enterprise is responsible for protecting the personal information held by the person. [...]</p> <p>s. 10</p> <p>A person carrying on an enterprise must take the security measures necessary to ensure the protection of the personal information collected, used, communicated, kept or destroyed and that are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.</p>

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		<p>responsibilities under this Act, an organization must act in a reasonable manner.</p> <p>(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.</p>		
<p>Policies and practices regarding service provider outsider Canada/Quebec</p>	<p>N/A</p> <p>N/A</p>	<p>s. 6(2)-(3)</p> <p>(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</p>	<p>N/A</p> <p>N/A</p>	<p>s. 17</p> <p>Before communicating personal information outside Québec, a person carrying on an enterprise must conduct a privacy impact assessment. The person must, in particular, take into account:</p> <p>(1) the sensitivity of the information;</p> <p>(2) the purposes for which it is to be used;</p> <p>(3) the protection measures, including those that are contractual, that would apply to it; and</p>

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		<p>to collect, use or disclose personal information for or on behalf of the organization.</p> <p>(3) An organization must make written information about the policies and practices referred to in subsections (1) and (2) available on request</p>		<p>(4) the legal framework applicable in the State in which the information would be communicated, including the personal information protection principles applicable in that State.</p> <p>The information may be communicated if the assessment establishes that it would receive adequate protection, in particular in light of generally recognized principles regarding the protection of personal information. The communication of the information must be the subject of a written agreement that takes into account, in particular, the results of the assessment and, if applicable, the terms agreed on to mitigate the risks identified in the assessment.</p> <p>The same applies where the person carrying on an enterprise entrusts a person or body outside Québec with the task of collecting, using,</p>

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				<p>communicating or keeping such information on his behalf.</p> <p>This section does not apply to a communication of information under subparagraph 7 of the first paragraph of section 18.</p>
Notification respecting service provider outside Canada	<p>N/A</p> <p>N/A</p>	<p>s. 13.1</p> <p>(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 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>N/A</p> <p>N/A</p>	<p>s. 8</p> <p>Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person:</p> <p>(1) of the purposes for which the information is collected;</p> <p>(2) of the means by which the information is collected;</p> <p>(3) of the rights of access and rectification provided by law; and</p> <p>(4) of the person's right to withdraw consent to the</p>

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		<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 (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 (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>		<p>communication or use of the information collected.</p> <p>If applicable, the person concerned is informed of the name of the third person for whom the information is being collected, the name of the third persons or categories of third persons to whom it is necessary to communicate the information for the purposes referred in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec.</p> <p>On request, the person concerned is also informed of the personal information collected from him, the categories of persons who have access to the information within the enterprise, the duration of the period of time the information will be kept, and the contact information of the person in charge of the protection of personal information.</p>

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				The information must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information.