

Comparison of personal information protection obligations under PIPEDA and the *Canada Elections Act*

Federal political parties are subject to privacy obligations under the *Canada Elections Act*, which were recently amended by Bill C-4 (with those amendments retroactively in force as of May 31, 2000). Further amendments have been introduced by Bill C-25, which has passed second reading in the House of Commons.

The following chart compares the privacy obligations imposed on federal political parties under the *Canada Elections Act* (as amended) with the corresponding obligations under *Personal Information Protection and Electronic Documents Act*.

Privacy Protection Obligation	PIPEDA	Canada Elections Act
Oversight and enforcement by the Office of the Privacy Commissioner of Canada	Yes	No
Organizations must designate an individual (e.g. privacy officer) responsible for ensuring compliance with privacy legislation	Yes	Yes Requirement for privacy officer to oversee the party's compliance with its own privacy policy, not with the statutory requirements generally (Bill C-4).
Organizations must document and implement policies and practices to ensure compliance with statutory requirements	Yes	No
Organizations must make privacy policies and practices publicly available and accessible	Yes	Yes
Organizations must obtain consent for the collection, use, and disclosure of personal information, subject to limited exceptions	Yes	No
Requirement that organizations may only collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances	Yes	No

Privacy Protection Obligation	PIPEDA	Canada Elections Act
<p>Statutory prohibitions of the following:</p> <ul style="list-style-type: none"> (i) providing false or misleading information to individuals about the purposes for the collection of personal information, (ii) selling personal information, (iii) disclosing personal information to the public for the purpose of causing harm 	<p>Yes</p> <p>These particular scenarios are not enumerated, but they would be prohibited under PIPEDA by application of section 5(3) [reasonable purposes] and clauses 4.3 [valid consent], 4.4 [purpose identification], 4.5 [consent for use, disclosure and retention], 4.7 [safeguarding], and/or 4.8 [transparency] of Schedule 1.</p>	<p>Yes</p> <p>Enumerated prohibitions introduced by Bill C-25.</p>
<p>Organizations may retain personal information only as long as necessary to fulfill identified purposes</p>	<p>Yes</p>	<p>No</p>
<p>Organizations must protect personal information by implementing security safeguards appropriate to the sensitivity of the information</p>	<p>Yes</p>	<p>Yes</p> <p>Privacy policy must require the party (and its service providers) to protect personal information via appropriate safeguards (Bill C-25).</p>
<p>Organizations must retain records of every breach of security safeguards for a prescribed period</p>	<p>Yes</p>	<p>No</p>
<p>Organizations must report breaches of security safeguards involving personal information to the Office of the Privacy Commissioner of Canada if it is reasonable to believe that the breach creates a “real risk of significant harm” to an individual (RROSH)</p>	<p>Yes</p>	<p>No</p>
<p>Organizations must notify affected individuals of breaches of security safeguards giving rise to a RROSH</p>	<p>Yes</p>	<p>Yes</p> <p>Privacy policy must require the party to “take appropriate steps”, including informing affected individuals as soon as feasible if there is a RROSH (Bill C-25).</p>

Privacy Protection Obligation	PIPEDA	Canada Elections Act
Individuals have a right to access their personal information held by an organization	Yes	No
Individuals have a right of correction of inaccurate or incomplete personal information held by an organization	Yes	No
Individuals have a right of data portability	<p style="text-align: center;">Yes</p> <p>Individuals may request that organizations provide their personal information to another organization, if both are subject to a data mobility framework meeting prescribed requirements.</p> <p>This new right was created by Bill C-15 – assented to but not yet in force.</p>	No

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