



Office of the
Information &
Privacy
Commissioner
for British Columbia

Protecting privacy. Promoting transparency.

VISOA PIPA & Privacy Workshop

November 2, 2014 – Comfort Inn Victoria
Justin Hodgkinson, Investigator

Agenda

1. Introduction to PIPA and OIPC
2. Video Surveillance
3. Coffee Break & DOOR PRIZES
4. Privacy policies generally
5. Contents of a strata privacy policy
6. Questions



Disclaimer



- ❖ This presentation is general information only
- ❖ It is not intended to be legal or other advice
- ❖ Each organization is responsible for complying with PIPA
- ❖ OIPC does not approve policies or procedures
- ❖ OIPC will investigate complaints received with an open mind
- ❖ Nothing in this presentation constitutes a decision by the OIPC
- ❖ This presentation does not bind or fetter the OIPC

Role of the OIPC



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for British Columbia

What is personal information?

Name

Address

Gender

Education

Income

S.I.N.

Birth date

Medical History

Financial Information

Credit Card Information

Driver's License #

Photographs

Opinion about you

Employment History





About PIPA...

- ▶ Applies to “personal information” only
- ▶ Rules for collecting, using & disclosing personal information
- ▶ Rules on rights to access to personal information

PERSONAL INFORMATION PROTECTION ACT

[SBC 2003] CHAPTER 63

Assented to October 23, 2003

Contents

Part 1 — Introductory Provisions

- 1 Definitions
- 2 Purpose
- 3 Application

Part 2 — General Rules Respecting Protection of Personal Information by Organizations

- 4 Compliance with Act
- 5 Policies and practices

Part 3 — Consent

- 6 Consent required
- 7 Provision of consent
- 8 Implicit consent
- 9 Withdrawal of consent

Part 4 — Collection of Personal Information

- 10 Required notification for collection of personal information
- 11 Limitations on collection of personal information
- 12 Collection of personal information without consent
- 13 Collection of employee personal information

Part 5 — Use of Personal Information

- 14 Limitations on use of personal information
- 15 Use of personal information without consent
- 16 Use of employee personal information

17 Use of employee personal information

18 Use of personal information without consent

19 Limitations on use of personal information

Part 2 — Use of Personal Information

20 Collection of employee personal information

21 Collection of personal information without consent



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When does PIPA apply?

All organizations:

- ✓ Corporations
- ✓ Partnerships
- ✓ Unincorporated associations
- ✓ Individuals involved in commercial activities
- ✓ Trade unions

Does not apply to:

- ✗ Personal or domestic uses
- ✗ Journalistic, artistic uses
- ✗ Court records
- ✗ Public bodies or information under FIPPA
- ✗ Information captured by PIPEDA



Keeping PI Secure



A FLY ON THE WALL

OMG! The
things I've
heard!



©nakedpastor

edhayward.

Video Surveillance Systems



What is a Privacy Policy?



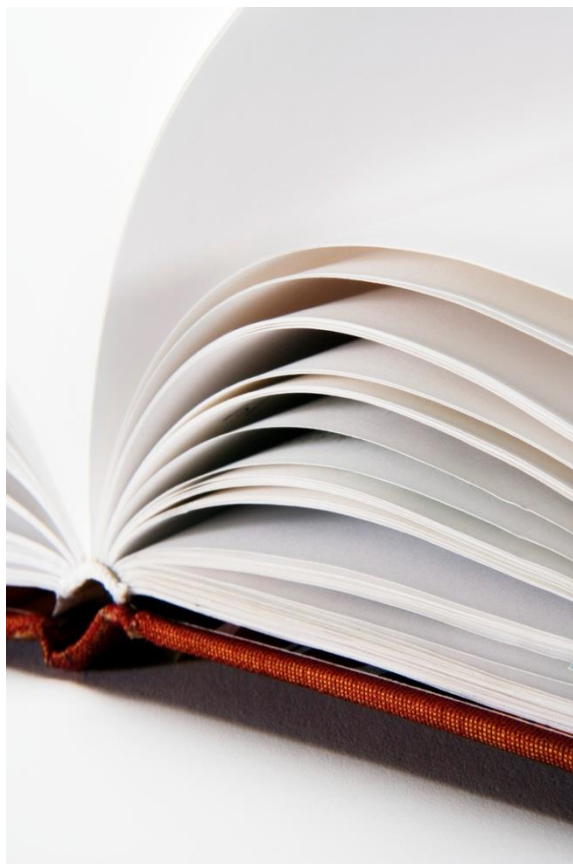
- ▶ About protection of personal information
- ▶ Impacts your
 - Strata lot owners, tenants or guests
 - Employees, volunteers & contractors
- ▶ Communication tool



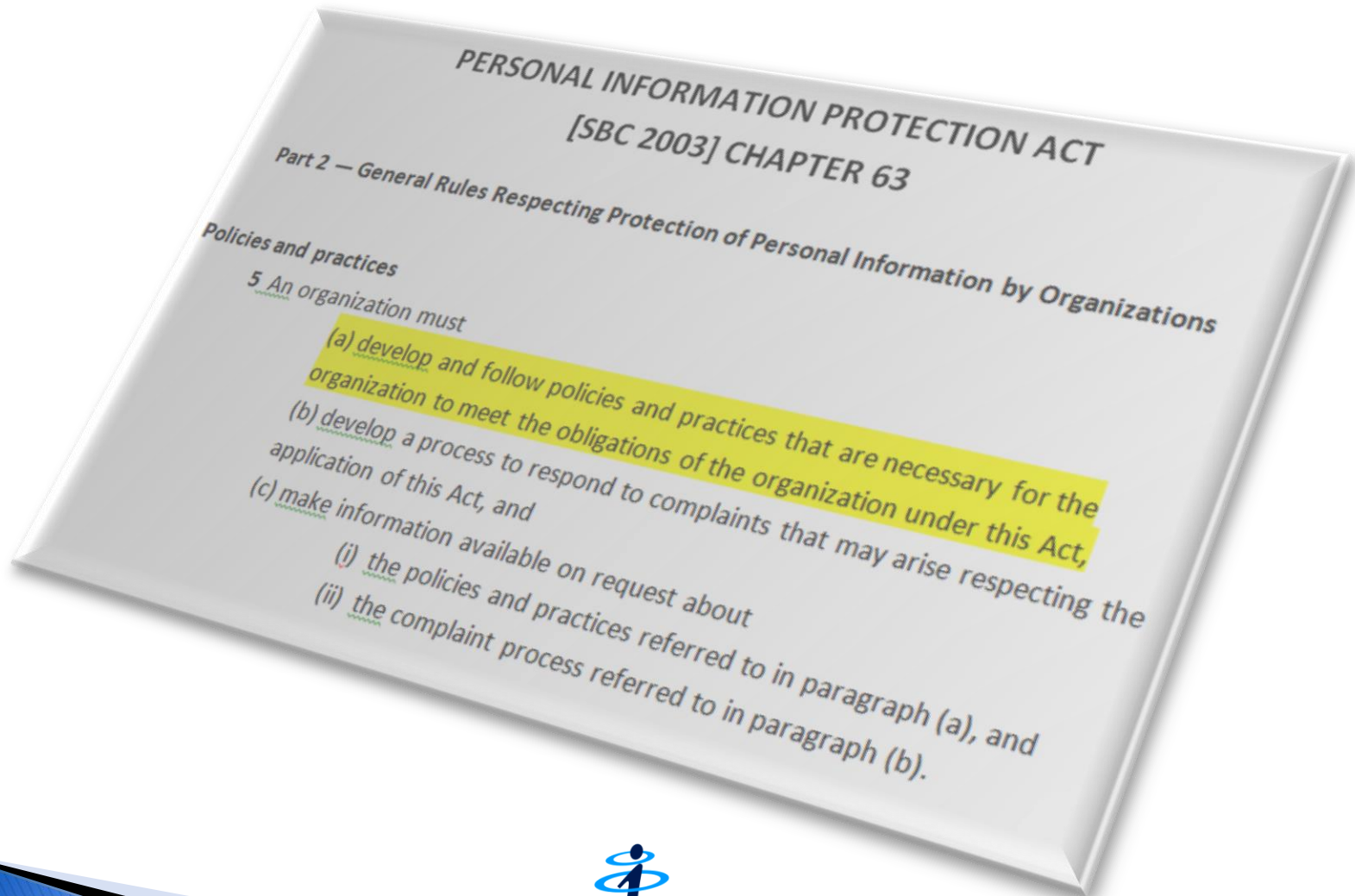


About Privacy Policies...

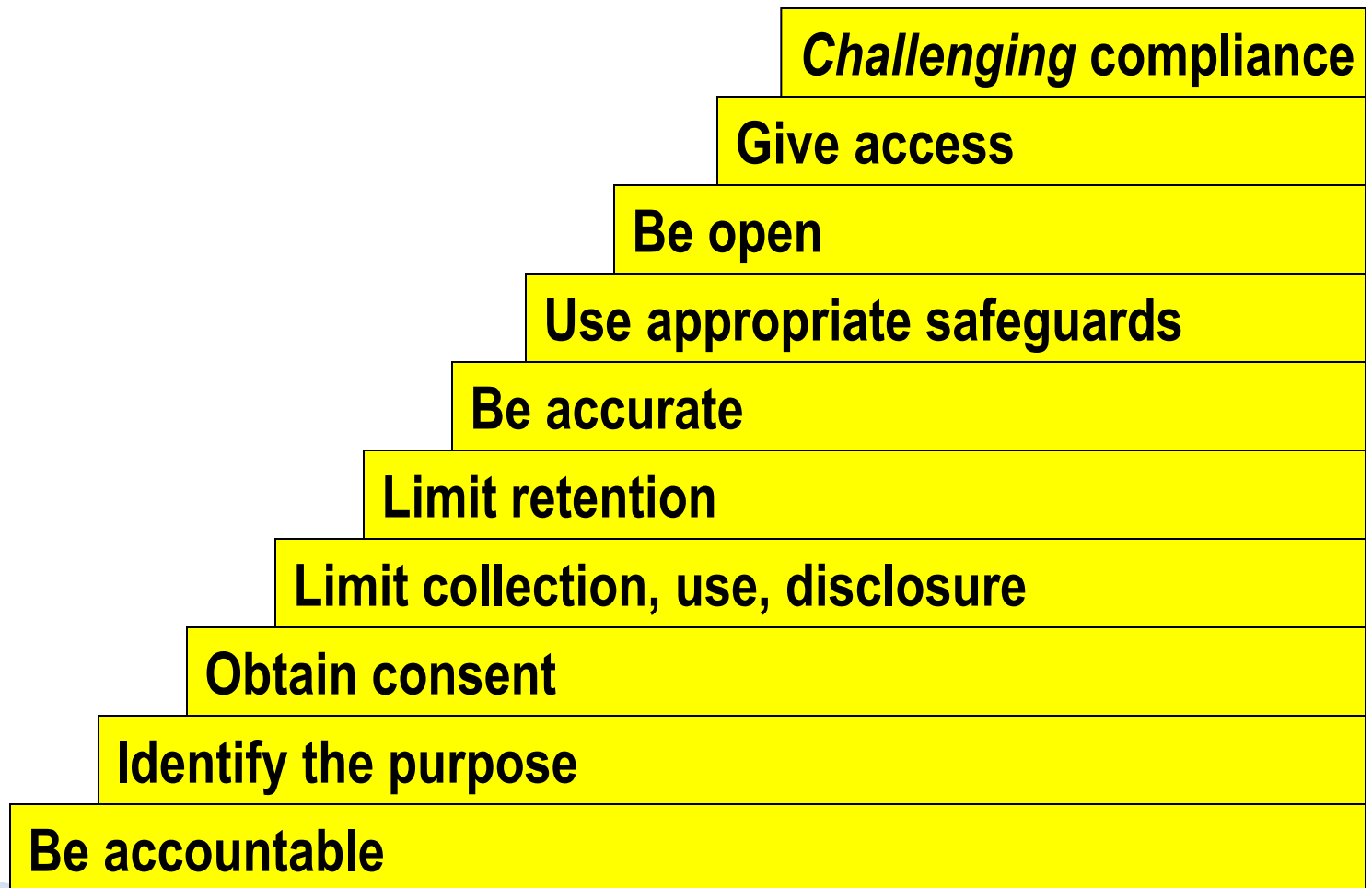
- ▶ Required under PIPA
- ▶ Part of an overall “privacy management program”
- ▶ Impacts your:
 - Clients, customers or members
 - Employees & volunteers



Why have a Privacy Policy?



10 Principles for Privacy Compliance



Parts of a Privacy Policy

What personal information you collect, use & disclose

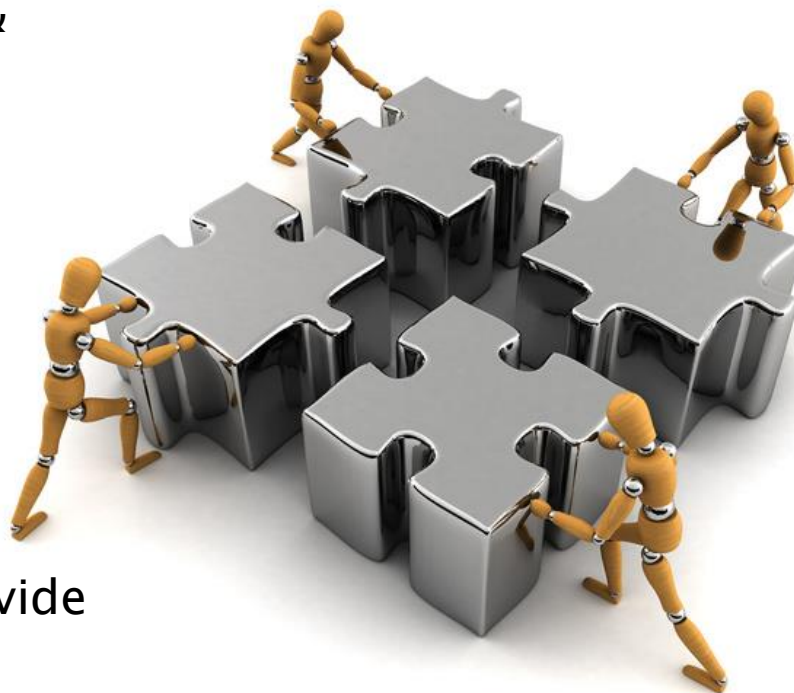
How you protect & dispose of personal information

How and why you collect, use & disclose personal information

How long you retain personal information

How you provide access to & correction of personal information

Who to contact about your privacy policy & practices



POP QUIZ!

- ▶ What does PIPA stand for?
- ▶ Why have a privacy policy?
- ▶ What is a privacy policy?
- ▶ What are the key parts to a privacy policy?



Introducing your Privacy Policy

Consider mentioning....

- ▶ Accountability
- ▶ PIPA
- ▶ Scope
- ▶ Topics
- ▶ Privacy Officer
- ▶ Definitions



What PI do you collect, use & disclose?

Basic principles under PIPA:

- ✓ Collect only the **amount & type** of personal information you need
- ✓ Collect directly from the individual
- ✓ Collect, use & disclose personal information only for purposes that are “reasonable”





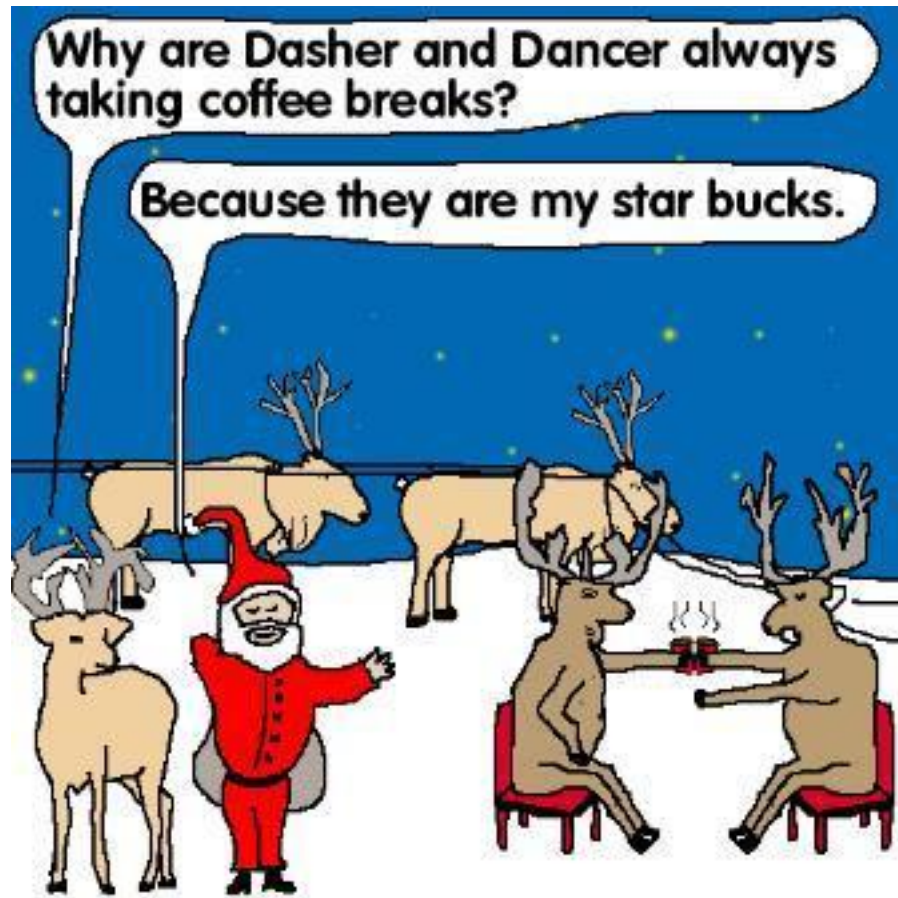
STOP IN
THE NAME
OF CUD

What is Reasonable

Reasonable = What a
reasonable person would
consider appropriate in the
circumstances



Coffee Break



Know what you have & why you have it



See if the personal information your strata collects matches your strata's purposes for its collection, use & disclosure.



Consent and Notification

PIPA is consent-based law

What to include in your notification

Purpose must be reasonable



Types of consent

Express consent

Naomi signs up for a loyalty card to obtain lower prices and special offers. She signs a consent form explaining all the uses & disclosures of her personal information.

Implied consent

Paulette hands her credit card to a clerk pay for a product or service.



Types of consent

Opt-out consent

If you do
promote

☐

Receive Community Updates

The [REDACTED] Community is evolving. By checking this box, you will get updated with the latest news from the [REDACTED] Community by email. There will be not more than 1 email send to you within 2 weeks.

☐

Receive [REDACTED] Product Updates

By checking this box, you allow us to send you updates about [REDACTED] products. There will be only few mailings per year, e.g. each time a major new version or a new product is released.

☒

Allow to be Contacted by [REDACTED]

By checking this box, you agree that sales representatives of [REDACTED] may contact you by email or phone.



Withdrawing or refusing consent

- ✓ Individuals may refuse or withdraw consent
- ✓ Explain if refusing or withdrawing consent will affect services
- ✓ Only require consent where necessary



Use and disclosure for a new purpose

- ✓ Obtain consent
- ✓ Identify the *reasonable* purpose



Fact Pattern

Roger runs the Strata Wine Club. He maintains an email list of strata lot owners who want information on new wines. He collects this information by asking strata lot owner members whether they would like to be on the “new publications” email list and collecting their email addresses if they say yes.

Roger’s friend, John, decides to run for the strata council. Roger decides to use his “new publications” email list to send a mass email to the Strata Wine Club members urging them to vote for John.



When you don't need consent

Sections 12, 15
and 18 of PIPA
outline when you
are authorized or
required to
collect, use or
disclose personal
information
without consent

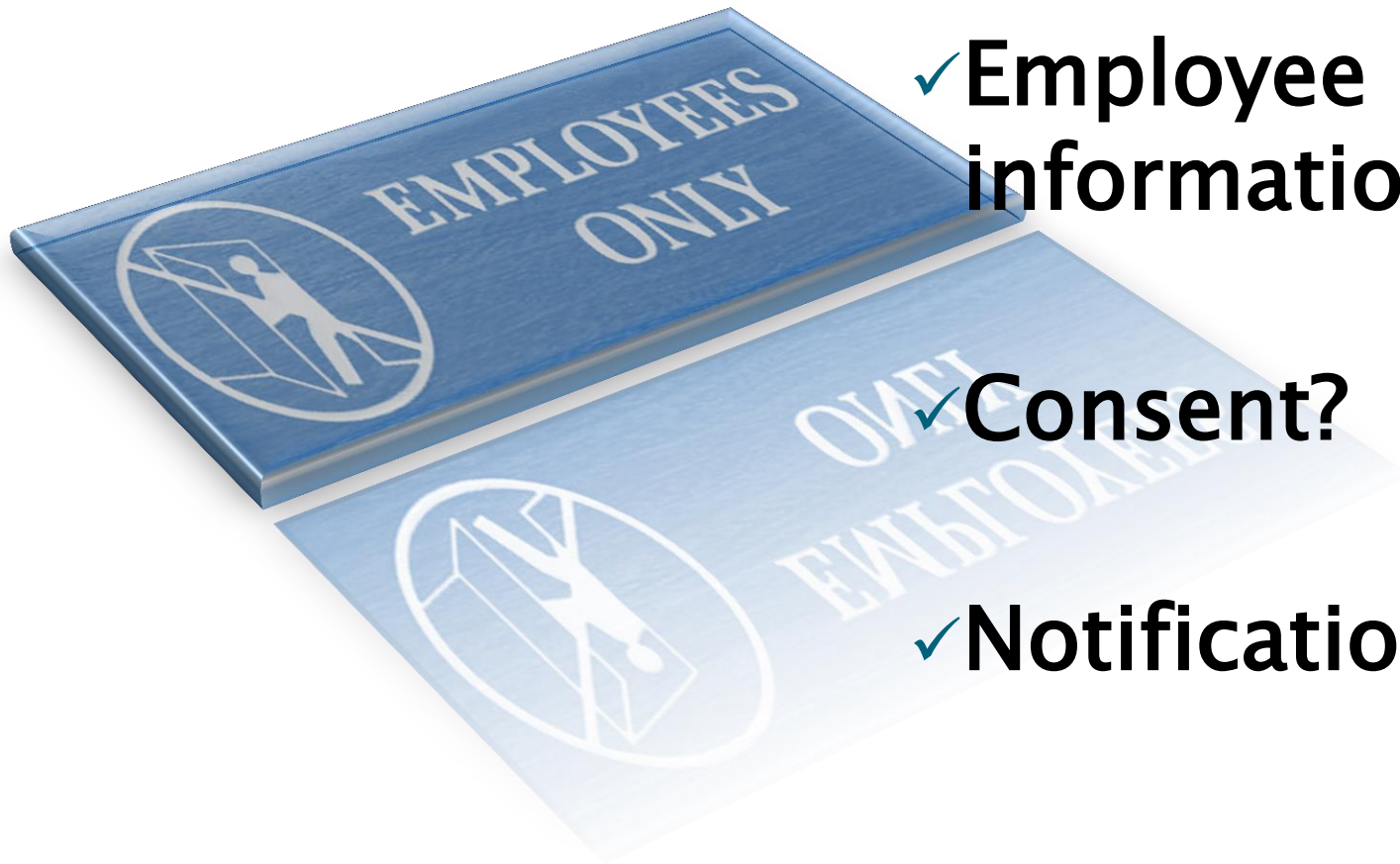


Be the expert

- ▶ A strata complex wants to put up video surveillance to monitor residence for bylaw infractions.
- ▶ A strata wine club wants to disclose a member's identity & emergency contact information to paramedics when, during a club event, the member stumbles badly & is unconscious



Employees and volunteers



✓ **Employee personal information**

✓ **Consent?**

✓ **Notification**



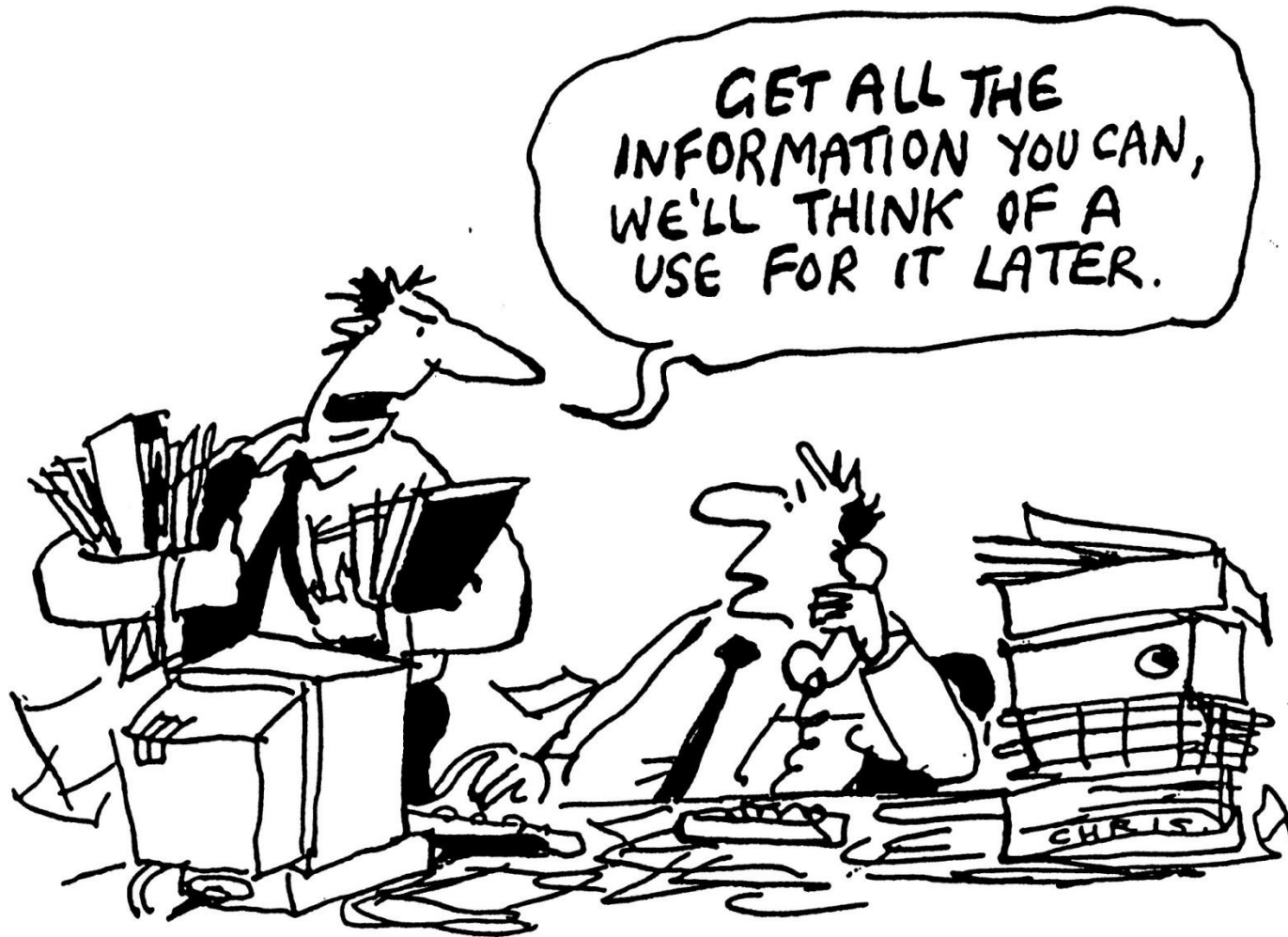
Safeguarding personal information

Security Practices

Disposal Practices

Retention Practices





Correction Requests

Ensure accuracy

Requests for correction

- ▶ Should be in writing and provide enough detail
- ▶ No fee for the request

If you agree to correction

- ▶ Correct and disclose the correction

If you don't agree to correction

- ▶ annotate

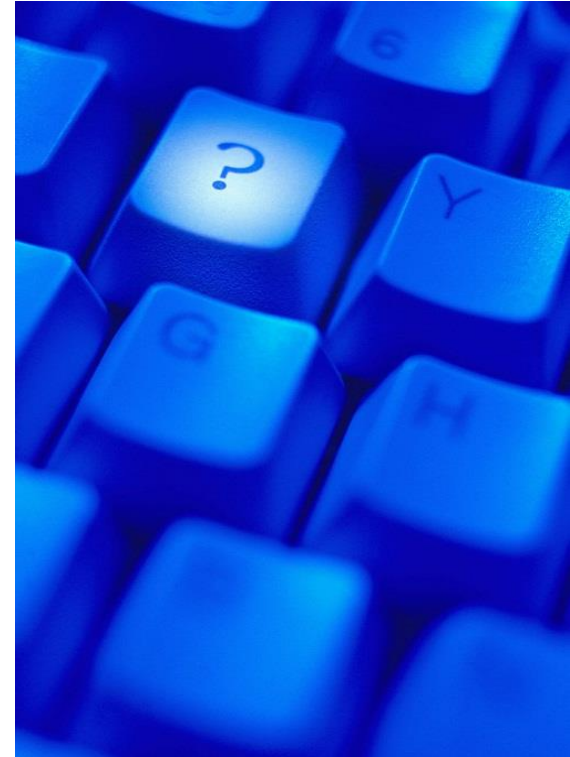


Questions and Complaints

Privacy officer

OIPC role

**Internal complaint
resolution process**



What comes next?



- ▶ Train your strata council volunteers & employees
- ▶ Support your Privacy Officer
- ▶ Develop other privacy management tools
- ▶ Review your policy
- ▶ Contact the OIPC



Questions?



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Thank you

**Office of the Information and Privacy
Commissioner for British Columbia**

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