



## CAIP SUMMARY of MEMBER PRIVACY OBLIGATIONS



Part 1 of the **Protection of Personal Information and Electronic Documents Act**, the new private sector privacy legislation, came into force January 1, 2001, and may apply to all ISPs. The new Act sets out the ground rules for your handling of personal information by balancing an individual's right to privacy of personal information and your need to collect, use and disclose it for legitimate business purposes.

See the **CAIP Privacy Code**

(<http://www.caip.ca/issueset.htm>) and the **Act** ([www.parl.gc.ca/36/2/parlbus/chambus/house/bills/government/C-6/C-6\\_4/C-6\\_cover-E.html](http://www.parl.gc.ca/36/2/parlbus/chambus/house/bills/government/C-6/C-6_4/C-6_cover-E.html)) for more information and details.

### What is "personal information"?

Personal information is information about a user or employee, but not aggregated information that cannot be associated with a specific individual.

e.g. a user or employee's name, postal and electronic address, age, gender, income, employment records, credit information, billing records

Clickstream data is really only considered personal information if it is linked to other personal information about a user.

### What are your responsibilities?

The following are the basic and fundamental obligations under the CAIP Privacy Code and the new privacy legislation.

**1) BE ACCOUNTABLE** - Identify someone in your organization to be responsible for personal information under your control.

**2) IDENTIFY YOUR PURPOSES** - Generally, members collect personal information for the following purposes:

- to establish and maintain responsible commercial relations with users and to provide ongoing service;
- to understand user needs;
- to develop, enhance, market or provide products and services;
- to manage and develop your business and operations, including personnel and employment matters; and
- to meet legal and regulatory requirements.

**3) GET CONSENT** - Get an individual's consent before you collect, use or disclose their personal

information and let them know for what purposes you need it. Get permission for any new purpose.

There are exceptions to the obligation to get consent, e.g. life or security of an individual is threatened, investigation of an offence, compliance with a court order.

**4) LIMIT COLLECTION** - Only collect what you need for your identified purposes.

When clickstream data will be linked with other personal information, advise users what information is being collected and how it will be used.

**5) LIMITS FOR USING, DISCLOSING AND KEEPING PERSONAL INFORMATION** - Only use or disclose personal information for the purposes you identified. Keep personal information only as long you need it for the purposes you identified or as required by law - otherwise, destroy, erase or make it anonymous.

**6) ACCURACY** - Keep personal information as accurate and up-to-date as needed for your identified purposes.

**7) SAFEGUARDS** - Now that you have it, keep it safe from loss, theft, unauthorized access, modification or destruction.

**8) OPENNESS** - Consider adopting the CAIP Privacy Code. Post your code and privacy policy on your web site in a conspicuous and easily accessible location.

**9) ACCESS** - Give your users and employees access to their personal information and amend it when necessary.

In certain situations, you must deny access to information, e.g. if it will reveal information about another individual or it would threaten the life or security of another individual.

**10) COMPLIANCE** - Make sure you have procedures in place to receive and respond to complaints about your privacy policy and handling of personal information.

### What if I do not comply?

Non-compliance with the CAIP Privacy Code and the Act could result in an investigation by the Privacy Commissioner or an audit of your practices, extending to possible public embarrassment and even monetary damages imposed by the Federal Court of Canada.