

# Reforming the *Privacy Act* – A Chronology of Recommendations

Theme	Open and Shut: <i>Enhancing the Right to Know and the Right to Privacy</i> Report of the Standing Committee of Justice and Solicitor General on the Review of the <i>Access to Information Act</i> and the <i>Privacy Act</i> (March 1987)	The Steps Ahead: Government Response to <i>Open and Shut: Enhancing the Right to Know and the Right to Privacy</i> (1987)	Government Accountability for Personal Information - Reforming the <i>Privacy Act</i> (June 2006)	Addendum to Government Accountability for Personal Information: Reforming the <i>Privacy Act</i> (April 2008) & Opening Statement by Jennifer Stoddart, Privacy Commissioner of Canada on <i>Privacy Act</i> Reform (April 2008)
1. Limiting Collection			Amend <i>Privacy Act</i> to include a "necessity test" for the collection of personal information.  Amend <i>Privacy Act</i> to strengthen notice requirements to individuals.	<b>Amend <i>Privacy Act</i> to include a "necessity test" for the collection of personal information.</b>
2. Expanding Court Review	Simplify rules of court to allow individuals to seek court review in as simple a manner as possible and that Federal Court should award costs on solicitor-client basis to a successful applicant.  Amendment to provide individuals with monetary damages for identifiable harm resulting from unauthorized collection, improper disclosure and denial of access.	No direct response with respect to simplifying rules of court.  Creation of civil sanctions in <i>Privacy Act</i> not warranted at this time.	Amend the <i>Privacy Act</i> to permit Court review of inappropriate collection, use, disclosure of personal information.  Amend Act to give Court the power to award damages.	<b>Amend the <i>Privacy Act</i> to permit Court review of inappropriate collection, use, disclosure of personal information.</b>  <b>Amend Act to give Court the power to award damages.</b>

<p><b>3. Privacy Impact Assessments</b></p>	<p>Privacy Impact statement requirement for all legislation before Parliament with privacy implications.</p>	<p>Government will not move to require that a PIA accompany each piece of legislation.</p>	<p>Amend <i>Privacy Act</i> to require PIAs and public reporting on results of PIAs.</p>	<p><b>Amend <i>Privacy Act</i> to require PIAs and public reporting on results of PIAs.</b></p>
<p><b>4. Research and Public Education Mandate</b></p>	<p>Amend <i>Privacy Act</i> to include public education mandate for Treasury Board and Privacy Commissioner.</p> <p>Amend <i>Privacy Act</i> to enable Privacy Commissioner to undertake research studies.</p>	<p>Government will establish public awareness program.</p> <p>Government will amend <i>Privacy Act</i> to include public education mandate for Privacy Commissioner.</p> <p>No direct response with respect to research mandate.</p> <p>Government recognized Privacy Commissioner should have public education mandate.</p>	<p>Amend <i>Privacy Act</i> to give Privacy Commissioner research and education mandate.</p>	<p><b>Amend <i>Privacy Act</i> to give Privacy Commissioner research and education mandate.</b></p>
<p><b>5. Communication with Public</b></p>			<p>Amend the <i>Privacy Act</i> to enable the Privacy Commissioner to disclose information on the privacy management practices of government institutions outside the Annual Reporting vehicle.</p>	<p><b>Amend the <i>Privacy Act</i> to enable the Privacy Commissioner to disclose information on the privacy management practices of government institutions outside the Annual Reporting vehicle.</b></p>
<p><b>6. Discretion in Dealing with Complaints</b></p>			<p>Amend the <i>Privacy Act</i> to give the Privacy Commissioner the discretion to more efficiently and expeditiously deal with complaints which have less systemic and societal significance.</p>	<p><b>Amend the <i>Privacy Act</i> to give the Privacy Commissioner the discretion to more efficiently and expeditiously deal with complaints which have less systemic and societal significance.</b></p>

<b>7. Definition of "Personal Information"</b>	Amend definition of "personal information" to include personal data in any form.	Maintain definition, monitor government surveillance and testing activities.	Amend definition of "personal information" to include unrecorded information.	<b>Amend definition of "personal information" to include unrecorded information.</b>
<b>8. Annual Reporting Requirements</b>	Establish hearings to review annual reports of institutions under section 72 of the <i>Privacy Act</i> . Amend section 72 of <i>Privacy Act</i> to require TBS to prepare a Consolidated Annual Report on annual reports received from government institutions.	No direct response. Government will prepare the consolidated annual report for 1987-1988 fiscal year.	Amend section 72 of the <i>Privacy Act</i> to strengthen annual reporting requirements for government institutions.	<b>Amend section 72 of the <i>Privacy Act</i> to strengthen annual reporting requirements for government institutions.</b>
<b>9. Public Consultation/ Review of Act</b>	Amend section 75(2) of the <i>Privacy Act</i> to provide for a second legislative review four years after tabling of Open and Shut.	Government supports ongoing parliamentary oversight, however, Committee should set its own agenda.	Need for broad based public consultation.	<b>Introduction of a provision in the <i>Privacy Act</i> requiring an ongoing five-year parliamentary review of the Act.</b>
<b>10. Transborder Data Flows</b>	No Amendment to <i>Privacy Act</i> recommended, but Government should conduct a review/study of TBDF.	Government agreed.	Amend paragraph 8(2)(f) of the <i>Privacy Act</i> to tighten control over information sharing with foreign states.  Amend section 77 of the <i>Privacy Act</i> to add regulation making power regarding information sharing agreements.	<b>Amend paragraph 8(2)(f) of the <i>Privacy Act</i> to tighten control over information sharing with foreign states.</b>  <b>Amend section 77 of the <i>Privacy Act</i> to add regulation making power regarding information sharing agreements.</b>