Human Resources Legislative Update

Proposed PIPEDA amendments re-introduced as Bill C-12

Date: September 30, 2011

On September 29, 2011, the federal government introduced Bill C-12, *Safeguarding Canadians' Personal Information Act*, which, if passed, will amend the *Personal Information Protection and Electronic Documents Act* ("*PIPEDA*").

Bill C-12 reintroduces Bill C-29 (previously reported here), which expired on the Order Paper when Parliament was proclaimed dissolved in March, 2011.

Among other things, Bill C-12 would:

- specify the elements of valid consent for the collection, use or disclosure of personal information;
- permit the disclosure of personal information without the knowledge or consent of the individual for prescribed purposes;
- clarify the meaning of lawful authority for the purpose of disclosures to government institutions of personal information without the knowledge or consent of the individual;
- permit organizations, for certain purposes, to collect, use and disclose, without the knowledge or consent of the individual, personal information contained in witness statements related to insurance claims, or produced by individuals in the course of their employment, business or profession;
- permit federal works, undertakings and businesses to collect, use and disclose personal information without the knowledge or consent of the individual to establish, manage or terminate employment relationships;
- provide a framework for organizations to notify individuals proactively about disclosures of their personal information made in certain circumstances to government institutions; and
- require organizations to report material breaches of security safeguards to the Privacy Commissioner and to notify certain individuals and organizations of breaches that create a real risk of significant harm.