Human Resources Legislative Update

Manitoba Passes Private Sector Privacy Legislation

Date: September 30, 2013

On September 12, 2013, Bill 211 The Personal Information Protection and Identity Theft Prevention Act, a Private Member's Bill, passed Third Reading in the Manitoba Legislature. It received Royal Assent on September 13, 2013.

Subject to specified exemptions, Bill 211 will apply to all organizations in the province (including private sector organizations) and will govern the collection, use, disclosure and care of personal information by those organizations. Like other Canadian privacy statutes, Bill 211 is based on "fair information practice principles." Among other things, it:

- requires that policies and procedures be established to ensure reasonable compliance with the Bill;
- establishes a consent requirement with provisions that govern obtaining consent and the withdrawal of consent;
- establishes a reasonableness requirement for the collection, use and disclosure of personal information;
- establishes special rules for the collection, use and disclosure of personal employee information;
- permits the non-consensual collection, use and disclosure of personal information for the purposes of a business transaction if certain requirements are met;
- establishes when personal information can be accessed by the individual to whom it relates or when access can be refused;
- requires organizations to maintain accurate personal information and provides for correction of that information as may be necessary;
- requires organizations to protect the personal information in their custody and under their control; and
- requires organizations to notify an individual if personal information about the individual that is in their custody or under their control is stolen, lost or accessed in an unauthorized manner. Notice is to be provided as soon as reasonably practicable and in the prescribed manner, except where the organization is instructed to refrain from doing so by a law enforcement agency or where "the organization is satisfied that it is not reasonably possible for the personal information to be used unlawfully."

Bill 211 will come into effect upon proclamation.

For more information on Bill 211, see our *FTR Now* of Septermber 30, 2013, "New Privacy Legislation in Manitoba."