

Human Resources Legislative Update

Public Consultation on Ontario Privacy Law Reform for Private Sector

Date: August 28, 2020

The Ontario government has opened a public consultation phase seeking input on reform for private sector privacy law, specifically to address gaps in the existing law and to enact new rules to protect privacy rights and increase confidence in digital services. This could be an initial step towards the introduction of a private sector privacy law in Ontario, and would make Ontario the fourth province to enact such a law.

Currently, the collection, use, retention and disclosure of personal information in the course of commercial activities is governed by the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA). However, PIPEDA permits individual provinces to enact independent private sector privacy laws so long as they are “substantially similar” to the federal privacy statute.

The introduction of a private sector privacy law would localize the regulation of personal information collected in the course of commercial activities by bringing private sector organizations under the jurisdiction of the Office of the Information and Privacy Commissioner of Ontario. It could also address gaps in Ontario’s personal information that currently exist for employment-related personal information for provincially regulated private sector employees and for not-for-profit organizations including charities, professional associations and political parties.

The public consultation announcement was accompanied by a [discussion paper](#) that sets out a number of possible areas of privacy reform:

- Increased consent and transparency requirements
- Data rights (erasure and portability)
- Oversight, enforcement, and fines
- Application to non-commercial organizations
- Deidentified personal information
- Privacy conscious data-sharing.

Feedback can be submitted through an [online survey](#) until October 1, 2020.