



Authority to collect, use, and disclose personal information

Today's webinar covers the **authority to collect, use, and disclose personal information**.

The *Personal Information Protection Act* (PIPA) provides private sector organizations with the authority to collect, use, or disclose personal information, or PI, for short.

Organizations are **ONLY** allowed to collect, use or disclose PI for:

- purposes that a reasonable person would consider appropriate in the circumstances,
- when the organization has notified the individual and has received their informed consent, or
- the organization is authorized to collect without consent.

Some specific examples of PI are a person's:

- name,
- address,
- gender,
- education,
- income,
- financial information,
- medical and genetic information,
- date of birth,
- drivers' license number,
- photographs and images of this person,
- and employment history.

The OIPC has many guidance documents online that help organizations and individuals understand what PI can be collected and when it may be appropriate to collect, use or disclose the different types of PI.

One common theme? Collect the **least amount of PI possible** to meet your business needs.

Today we will focus on the types of PI an organization may need to collect and how to determine whether a reasonable person would consider that collection appropriate.

As you consider what PI is appropriate for you to collect, think about the type of business **you** operate.



For example, a liquor store may need to collect PI of a financial nature, such as a credit number and the cardholder's name, in addition to viewing an individual driver's license for proof of age.

Let's consider another example: a pharmacy. A pharmacist may also need to collect financial information, along with billing information, personal health numbers and even more sensitive PI, such as medical condition, medication history, and allergic reactions.

Another example is an investment advisor. It would likely be appropriate for them to collect financial information such as a client's employment, income sources, and copies of tax returns, along with more sensitive PI like social insurance numbers, pension amounts, family structure, home ownership, and perhaps even basic health information.

So, the type of business you have will help you understand what types of PI may be appropriate to collect, use, or disclose. Always keep in mind that the PI must be what a reasonable person would consider appropriate in the circumstances.

Use the 'Reasonable Person Test' to determine if your organization would have the authority to collect, use, or disclosure different types of PI under PIPA. Ok, so what does that mean?

The reasonable person test considers the nature of the information collected, the purposes and circumstances surrounding the collection and the use of the information, and how the organization handles the information. Think about whether a reasonable person with no special interest would consider the way your business handles personal information appropriate.

Basically, this test includes asking yourself a series of questions about the PI you want to collect **BEFORE** you collect it. These questions may include:

- What are the **purposes** for collection of PI? How do we want to use the PI we collect?
- What **types** of PI do we need to fulfil those purposes?
- Is the PI of a **sensitive** nature? If so, are there other types of PI we can collect instead that are less sensitive or ways to reduce the sensitivity of this PI?
- How likely is each type of PI going to be useful and **effective** in achieving those purposes?
- How much PI do we really need to meet those purposes? Can we **collect less PI** and still effectively achieve the purposes?
- How do we want to collect the PI? Are there **less privacy-intrusive means** to collect it?

This test should be done **before** you collect the personal information – and at regular intervals – to ensure that the PI you collect continues to effectively meet your purposes for its collection.



Similar questions should be asked to determine whether your organization's intended use or disclosure of the PI is also appropriate.

If you are considering a new use for personal information you have already collected, you need to first ensure that a reasonable person would consider the purpose appropriate.

You also need to determine whether the new use is consistent with the original purposes for collection. If it isn't consistent, you need to go back and notify individuals again and obtain their consent for the new use.

If you have determined that a reasonable person would consider the PI you want to collect, and the methods for collection, to be appropriate within your business context, the **next step** is to work on providing notification to the individuals (**before** collecting the PI) and obtaining their informed consent.

One final thing to note is that, under PIPA, if your organization's collection, use, disclosure or disposal of PI is not what a reasonable person would consider appropriate, individuals can complain to the OIPC. If the OIPC investigates, your organization may be ordered to change its practices.