

Canadian Privacy Certification

Outline of the Body of Knowledge for the Certified Information Privacy Professional/Canada (CIPP/C™)



I. Canadian Privacy Fundamentals

A. Legal Basics

- a. The Canadian government and legal system
 - i. Political structure
 - ii. Division of powers
 - iii. Role of courts and administrative tribunals
- b. Canadian laws and their interpretation
 - i. Civil versus common law
 - ii. Sources of law
 - iii. Scope and application of law
 - iv. Relationship to other laws
 - v. Enforcement
- c. Enforcement agencies and powers
 - i. Canada
 - 1. Privacy commissioners
 - a. Office of the Federal Privacy Commissioner
 - b. Provincial and territorial privacy commissioners
 - 2. Courts and remedies
 - a. Federal Court of Canada
 - b. Provincial courts

B. Privacy Basics

- a. Understand that definitions of personal information vary among Canadian jurisdictions and legislation.
- b. Types of personal information
 - i. Employee and work-related information
 - ii. Public records
 - iii. Publicly available information
 - 1. Office of the Privacy Commissioner of Canada, Interpretation Bulletin: Publicly Available Information

- 2. Provincial legislation
- c. Private/sensitive information
- d. Safeguarding personal information
- e. General concepts of fair information practice
 - i. Notice
 - ii. Consent (Opt out vs. Opt in)
 - iii. Access controls and accountability
- C. Privacy Principles
 - a. Canadian Standards Association (CSA)
 - i. Model Code for the Protection of Personal Information (CAN/CSA-Q830-96)
 - ii. CSA Principles in Canadian privacy law
 - b. Model codes and cooperation
 - i. Organisation for Economic Co-operation and Development (OECD); American Institute of Certified Public Accountants/Canadian Institute of Chartered Accountants (AICPA/CICA); Generally Accepted Privacy Principles (GAPP)

II. Canadian Privacy Laws and Practices—Private Sector

- A. Statutes
 - a. Understand when to apply The *Personal Information Protection and Electronic Documents Act* of Canada (PIPEDA)
 - b. Understand when to apply the private sector privacy legislation in BC, Alberta and Quebec.
 - c. Understand when to apply Canada's Anti-Spam Legislation (CASL)
- B. Key Concepts and Practices
 - a. Accountability
 - i. Under the Quebec Act
 - ii. Other Canadian statutes
 - b. Openness
 - c. Collection, use and disclosure
 - i. Commercial activity as it relates to PIPEDA
 - ii. Business transactions
 - d. Enhanced and valid consent
 - i. Reasonableness
 - ii. Opt-out consent mechanisms, their use and limitations
 - iii. Consent to new purposes
 - iv. Installation of computer programs
 - v. Automatic downloads
 - vi. Documentation
 - e. Notice requirements
 - f. Data breach reporting
 - i. Record keeping
 - ii. PIPEDA
 - iii. Understand when to apply privacy legislation regarding data breach reporting (e.g., Ontario's *Personal Health Information Protection Act* (PHIPA), Alberta's

Personal Information Protection Act (PIPA), New Brunswick's Personal Health Information Privacy and Access Act (PHIPAA))

- g. Managing privacy protection requirements of third parties (e.g. service providers)
- h. Access
 - i. Rights and obligations
- i. Compliance trends
 - i. Commissioner rulings (e.g., agreements, guidance and published positions, appealed decisions, expectations)
 - ii. Relevant Canadian court rulings
- j. Compliance issues

III. Canadian Privacy Laws and Practices—Public Sector

A. Statutes

- a. Understand when to apply the *Privacy Act* of Canada
- b. Understand when to apply the *Freedom of Information and Protection of Privacy Acts* of the different provinces and territories

B. Key Concepts

- a. Consent
 - i. Authority to collect
 - ii. Consistent use
- b. Disclosure and transfer
- c. Retention
- d. Openness and access
- e. Privacy implications of service delivery models
 - i. E-government initiatives
- f. Sub-contracting and Shared Services
- g. Research and Statistical use of Personal Information

IV. Canadian Privacy Laws and Practices—Health Sector

A. Statutes

- a. Understand when to apply the various Health Information Acts of the provinces and territories

B. Application and scope

- a. Personal health information
 - i. Definitions
 - ii. Interaction with PIPEDA
 - iii. Substantially similar to PIPEDA
- b. The health information custodians and trustees
 - i. Custodians working for non-custodians
 - ii. When non-custodians receive personal health information from custodians
 - iii. Agents

C. Key concepts and issues

- i. Consent and exceptions to consent

- ii. Authorized purposes
- iii. Disclosures to non-custodians
- iv. Safeguarding and breach notification
 - 1. Agents
 - 2. Notice of loss
- v. Integrity
- vi. Accountability and openness
- vii. Access and right to correct information
- viii. Oversight
- ix. Surveillance
- D. Health Sector Information
 - i. Organisations
 - 1. eHealth Ontario
 - 2. Canadian Organisation for the Advancement of Computers in Health (COACH)
 - 3. Canadian Institute for Health Information (CIHI)
- E. Genetic testing
 - i. Canadian Life and Health Insurance Association Inc. (CLHIA)
 - ii. PIPEDA and OPC rulings
 - iii. The *Genetic Non-Discrimination Act*