Privacy Officer

Who is responsible for the protection of personal information in a company?

The person with the highest authority in the company, such as the CEO, is by default responsible for the protection of personal information. He or she performs the privacy officer role by **ensuring implementation of, and compliance with, the Privacy Act**.

Delegation of the privacy officer role

The role may be entirely or partially delegated, in writing, to a person who can take it on effectively. In this case, the Commission recommends appointing someone with the required skills and decision-making authority at a senior level.

The person with the higher authority must support the person to whom he or she delegates the role. Such support includes, but is not limited to:

- Providing the necessary human, technical and financial resources to fully carry out the duties of the position
- Remaining accountable for the company's implementation of and compliance with the Act, even though the role has been delegated

Publication of the privacy officer's contact information

The privacy officer's title and contact information must be posted on the company's website. If it does not have a website, the company must notify the public by any other appropriate means. The Commission does not need to be notified.

DUTIES OF THE PRIVACY OFFICER

The Privacy Officer is assigned specific duties pursuant to the Act. In the event of a confidentiality incident involving personal information, the privacy officer must:

- Keep a record of communication with any person or organization that may reduce the risk to the individual involved, after the incident
- Participate in the incident damage assessment

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For more information on privacy incidents, see the section "Confidentiality Incidents Involving Personal Information."

New responsibilities – 2023

As of September 22, 2023, a company's privacy officer also has several new responsibilities.

Governance rules

The privacy officer must approve the company's policies and practices for the governance of personal information within the company.

Requests regarding personal information

- The privacy officer will be responsible for receiving and processing requests from people who want to access or correct their personal information.

If the officer denies such a request, he or she must explain the reasons for the denial, upon request from the person involved. For example, the privacy officer could have a conversation with the person to discuss the issue.

- **Disclose the personal information of a deceased person:** The personal information of a deceased person may be shared with their spouse or a close relative if knowledge of the information is likely to help them in the bereavement process. A restriction will apply, however, if a deceased person has previously indicated in writing their refusal to grant this right of access.

Take part in a privacy impact assessment

The officer will be required to participate in the privacy impact assessment of projects to acquire, develop or overhaul an information system or electronic service delivery system involving personal information, from the outset of the project.

At all stages, he or she may suggest privacy safeguards such as:

- The appointment of a person to implement privacy measures
- Adding privacy safeguards to all project documents
- A description of the project participants' privacy responsibilities

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- Privacy training activities for project participants

The privacy officer may also participate in other privacy impact assessments under the Act.

Respond to requests for the company to de-index, re-index or stop releasing information

The general public will have new rights to control the release of their personal information. As a result, the officer will be required to respond to written requests from people asking the company to:

- Stop releasing their personal information
- De-index a hyperlink attached to his or her name that provides access to personal information by technological means

People will be able to make these requests in one of the following cases:

- If the release of their information contravenes the Act or a court order
- If the release of personal information causes serious harm to the person in relation to the right of respect for their reputation or privacy. In this case, they can also ask for their information to be re-indexed. The Act sets out certain conditions.

The privacy officer must respond in writing to this request, in the same manner as access and rectification requests. If the request is granted, the written response must confirm that the information will no longer be released or that the hyperlink has been de-indexed or re-indexed.

Be notified of breaches of confidentiality obligations and conduct audits

Agents or contractors performing a service or business contract must **immediately notify the privacy officer of**:

- Any breach or attempted breach of any of the obligations to maintain the confidentiality of personal information shared with them by the company.

They will then have to allow the privacy officer to conduct a privacy audit.

New task for privacy officers – 2024

Respond to requests from individuals regarding the right to portability

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As of September 22, 2024, the privacy officer will also be required to respond to requests from the public regarding the right to portability of their personal information.

- Portability is the communication of electronic personal information in a structured and commonly used technological format.

To prepare for these new requests, refer to the checklist of new responsibilities for companies, steps to take and best practices.

Other duties of the privacy officer

The privacy officer may be responsible for other tasks. For example:

- Providing in-house training
- Acting as the company's contact with the Commission

The privacy officer plays a critical role in the company. He or she is also called upon to put in place preventive privacy protection measures.

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