Statutory Exceptions to Consent in Emergency Situations

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
Consent Exception for Use of Information in Emergencies	**Section 7 (2)** For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may, without the knowledge or consent of the individual, use personal information only if **…** (b) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;	**Section 17** An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable: … (i) the use of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public	**Section 15(1)** An organization may use personal information about an individual without the consent of the individual, if … (l) the use is necessary to respond to an emergency that threatens the life, health or security of an individual.	**N/A**
Consent Exceptions for Disclosure	**Section 7(3)** **(3)** For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is…	**Section 20** **20.** An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:	**Section 18(1)** **(1)** An organization may only disclose personal information about an individual without the consent of the individual, if …	**Section 18** **18.** A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information he holds on that person…

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Contacting Next of Kin	**Section 7(3)(c.1)(iv)** **(c.1)(iv)**…made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that the disclosure is requested for the purpose of communicating with the next of kin or authorized representative of an injured, ill or deceased individual;	**Section 20(h)** **(h)** the disclosure of the information is for the purposes of contacting the next of kin or a friend of an injured, ill or deceased individual;	**Section 18(1)(l)** **(l)** the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual,	**Section 40.1** A person carrying on an enterprise may communicate personal information that he holds concerning a deceased person to the spouse or a close relative of the person if knowledge of the information could help the applicant in the grieving process and if the deceased person did not record in writing his refusal to grant such a right of access.
Identifying Injured, Ill or Deceased	**section 7(3)(d.4)** **(d.4)** …necessary to identify the individual who is injured, ill or deceased, made to a government institution, a part of a government institution or the individual's next of kin or authorized representative and, if the individual is alive, the organization informs that individual in writing without delay of the disclosure;	**N/A**	**N/A**	**N/A**

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Emergencies	**Section 7(3)(e)** **(e)** made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;	**Section 20(g)** **(g)** the disclosure of the information is necessary to respond to an emergency that threatens the life, health or security of an individual or the public.	**Section 18(1)(k)** **(k)** there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates,	**Sections 18, 18.1** **18(7)** to a person to whom the information must be communicated by reason of the urgency of a situation that threatens the life, health or safety of the person concerned; **(7.1)** to a person or body in accordance with sections 18.1 to 18.4; […] **18.1** In addition to the cases referred to in section 18, a person who carries on an enterprise may also communicate personal information the person holds on another person, without the consent of the persons concerned, in order to protect a person or an identifiable group of persons where there is reasonable cause to believe that a serious risk of death or of serious bodily injury, related in particular to a disappearance or to an act of violence, including a suicide attempt, threatens the person or group and where the nature of the threat generates a sense of urgency. The information may in such case be communicated to any person exposed to the risk or that person's

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				representative, and to any person who can come to that person's aid. A person carrying on an enterprise who communicates information pursuant to this section may only communicate such information as is necessary to achieve the purposes for which the information is communicated. Where information is so communicated by a person carrying on an enterprise, the person must make an entry of the communication. No proceedings may be brought against a person carrying on an enterprise for communicating information in good faith under this section. The same applies to any person who, on behalf of the person carrying on an enterprise, participates in good faith in such a communication, even indirectly. For the purposes of the first paragraph, "serious bodily injury" means any physical or psychological injury that is significantly detrimental to the physical integrity or the health

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				or well-being of a person or an identifiable group of persons.
Access to Third Party Information	**Section 9(1)** Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information if doing so would likely reveal personal information about a third party. However, if the information about the third party is severable from the record containing the information about the individual, the organization shall sever the information about the third party before giving the individual access. **9 (2)** Subsection (1) does not apply if the third party consents to the access or the individual needs the information because an individual's life, health or security is threatened.	**Section 24(3)** An organization shall not provide access to personal information under subsection (1) if . . . b) the information would reveal personal information about another individual; c) the information would reveal the identity of an individual who has in confidence provided an opinion about another individual and the individual providing the opinion does not consent to disclosure of his or her identity.	**Section 23(4)** An organization must not disclose personal information and other information under subsection (1) or (2) in the following circumstances: . . . c) the disclosure would reveal personal information about another individual; d) the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.	**Section 40** Any person carrying on an enterprise must refuse to give communication of personal information to a person to whom it relates where disclosure would be likely to reveal personal information about a third person or the existence of such information and the disclosure may seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.