Exception to Consent: Statistical, Scholarly Study, or Research Purposes

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Collection without Consent	**N/A**	**s. 14** An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable: … **(j)** the organization collecting the information is an archival institution and the collection of the information is reasonable for archival purposes or research; **(k)** the collection of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about…	**s. 12(1)** An organization may collect personal information about an individual without consent or from a source other than the individual, if … **(i)** the information was disclosed to the organization under sections 18 to 22.	**N/A**

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Use without Consent	**s. 7(2)** … [A]n organization may, without the knowledge or consent of the individual, use personal information only if … **(c)** it is used for statistical, or scholarly study or research, purposes - that cannot be achieved without using the information, - the information is used in a manner that will ensure its confidentiality, - it is impracticable to obtain consent and the organization informs the Commissioner of the use before the information is used …	**s. 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: … **(k)** the organization using the information is an archival institution and the use of the information is reasonable for archival purposes or research; **(l)** the use of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about …	**s. 15(1)** An organization may use personal information about an individual without the consent of the individual, if … **(i)** the personal information was disclosed to the organization under sections 18 to 22.	**s. 12(5)** Unless the person concerned gives his consent, personal information may not be used within the enterprise except for the purposes for which it was collected. Such consent must be given expressly when it concerns sensitive personal information. Personal information may, however, be used for another purpose without the consent of the person concerned, but only… **(5)** if its use is necessary for study or research purposes or for the production of statistics and if the information is de-identified… For the purposes of this Act, personal information is **(1)** de-identified if it no longer allows the person concerned to be directly identified; … Every person carrying on an enterprise who uses de-identified information must take reasonable measures to limit the risk

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				of someone identifying a natural person using de-identified information.
Disclosure without Consent	**s. 7(3)** … [A]n organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is … **(f)** for statistical, or scholarly study or research, purposes - that cannot be achieved without disclosing the information, - it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed; **(g)** made to an institution whose functions include the	**s. 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: … **(p)** the organization disclosing the information is an archival institution and the disclosure of the information is reasonable for archival purposes or research; **(q)** the disclosure of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about …	**s. 18(1)** An organization may only disclose personal information about an individual without the consent of the individual, if … **(n)** the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes, … **(p)** the disclosure is in accordance with sections 19 to 22.	**s. 18, 18.2, 21, 21.0.2** **18.** A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information it holds on that person… **(7.1)** to a person or body in accordance with sections 18.1 to 18.4; **(8)** to a person who may use the information for study, research or statistical purposes in accordance with section 21 or a person authorized pursuant to section 21.1… A person carrying on an enterprise must make an entry of every communication made under subparagraphs 6 to 9.1 of the first paragraph… […] **18.2** A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information concerning another person to

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	conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation …			an archival agency if the archival agency is a person carrying on an enterprise whose object is the acquisition, preservation and distribution of documents for their general informational value and if the information is communicated as part of the transfer or deposit of the archives of the enterprise. A person carrying on an enterprise may also communicate personal information to any person without the consent of the person concerned if the document containing the information is more than 100 years old or if more than 30 years have elapsed since the death of the person concerned. However, no information relating to a person's health may be communicated without the consent of the person concerned unless 100 years have elapsed since the date of the document. Notwithstanding the first and second paragraphs, the information may be communicated for research purposes, without the consent of the person concerned, before the time specified has elapsed if the documents containing the information are not structured so as to

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				allow retrieval by reference to a person's name or identifying code or symbol and the information cannot be retrieved by means of such a reference. The person to whom the information is communicated must preserve the confidentiality of the personal information throughout the period during which it may not be communicated without the consent of the person concerned. […] **21.** A person carrying on an enterprise may communicate personal information without the consent of the persons concerned to a person or body wishing to use the information for study or research purposes or for the production of statistics. The information may be communicated if an assessment of the privacy-related factors concludes that **(1)** the objective of the study or research or of the production of statistics can be achieved only if the information is communicated in a form allowing the persons concerned to be identified;

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				(2) it is unreasonable to require the person or body to obtain the consent of the persons concerned; **(3)** the objective of the study or research or of the production of statistics outweighs, with regard to the public interest, the impact of communicating and using the information on the privacy of the persons concerned; **(4)** the personal information is used in such a manner as to ensure confidentiality; and **(5)** only the necessary information is communicated. […] **21.0.2** A person who communicates personal information in accordance with section 21 must first enter into an agreement with the person or body to whom or which the information is to be sent that stipulates, among other things, that the information **(1)** may be made accessible only to persons who need to know it to exercise

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				their functions and who have signed a confidentiality agreement; **(2)** may not be used for purposes other than those specified in the detailed presentation of the research activities; **(3)** may not be matched with any other information file that has not been provided for in the detailed presentation of the research activities; and **(4)** may not be communicated, published or otherwise distributed in a form allowing the persons concerned to be identified. The agreement must also **(1)** specify the information that must be provided to the persons concerned if personal information concerning them is used to contact them to participate in the study or research; **(2)** provide for measures for ensuring the protection of the personal information; **(3)** determine a preservation period for the personal information;

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				(4) set out the obligation to notify the person who communicates the personal information of its destruction; and **(5)** provide that the person who communicates the personal information and the Commission must be informed without delay (a) of non-compliance with any condition set out in the agreement; (b) of any failure to comply with the protection measures provided for in the agreement; and (c) of any event that could breach the confidentiality of the information. The agreement must be sent to the Commission and comes into force 30 days after it is received by the Commission.
Other relevant provisions and regulations	**N/A**	**s. 11** For the purposes of the Act and this Part, (a) "archival institution" means an institution	**s. 21** **(1)** An organization may disclose, without the consent of the individual, personal information for a	**s. 21.0.1** A person or body wishing to use personal information for study or research purposes or for the production of statistics must

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		(i) to which archival records are transferred for permanent preservation, and (ii) that provides public access to its archival collections; (b) "archival records" means records of historic or archival importance; (c) "for archival purposes" means for the purposes (i) of preserving archival records, and (ii) making those records accessible in an archival institution to the public. **14(1)** An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in	research purpose, including statistical research, only if (a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form, (b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research, (c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest, (d) the organization to which the personal information is to be disclosed has signed an	**(1)** request it in writing; **(2)** enclose a detailed presentation of the research activities with the request; **(3)** state the grounds supporting fulfillment of the criteria set out in subparagraphs 1 to 5 of the second paragraph of section 21; **(4)** mention all the persons and bodies to whom or which the person or body is making a similar request for the purposes of the same study or research or production of statistics; **(5)** if applicable, describe the different technologies that will be used to process the information; and **(6)** if applicable, send the documented decision of a research ethics committee relating to the study or research or the production of statistics.

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		(a) the acquisition of records of historical importance for transfer to an archival institution, and (b) the preparation of organizational records for archival appraisal and transfer to an archival institution. **(2)** An organization that is not an archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in (a) the obtaining of an archival appraisal of the organization's record, and (b) the transferring of custody and control of the organization's records to an archival institution. **(3)** An organization that is not an archival institution may,	agreement to comply with the following: (i) this Act; (ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information; (iii) security and confidentiality conditions; (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity; (v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and	

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		under a research agreement, disclose personal information about an individual without the consent of the individual but only if (a) the person to whom the information is to be disclosed agrees to comply with the same requirements as those established in respect of archival institutions under section 12(3), (b) the research has been approved by a recognized research ethics review committee, and (c) the researcher has agreed to any additional conditions imposed by the ethics review committee.	(e) it is impracticable for the organization to seek the consent of the individual for the disclosure. **(2)** Subsection (1) does not authorize an organization to disclose personal information for market research purposes.	