Retention and Destruction

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
Retention of Personal Information	**s. 4.5** **Principle 5 —** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes. **4.5.2** Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These guidelines should include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. An organization may be subject to	**s. 35** (1) An organization may retain personal information only for as long as the organization reasonably requires the personal information for legal or business purposes. (3) Subsection (1) applies notwithstanding any withdrawal or variation of the consent of the individual that the personal information is about under section 9.	**s. 35** (1) Despite subsection (2), if an organization uses an individual's personal information to make a decision that directly affects the individual, the organization must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.	**Sections 8, 11, 23, 36** **8** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person… […] On request, the person concerned is also informed of the personal information collected from him, the categories of persons who have access to the information within the enterprise, the duration of the period of time the information will be kept, and the contact information of the person in charge of the protection of personal information. The information must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information. **11** Every person carrying on an enterprise must ensure that any personal

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	legislative requirements with respect to retention periods.			information held on another person is up to date and accurate when used to make a decision in relation to the person concerned. The information used to make such a decision is kept for at least one year following the decision. **23** Where the purposes for which personal information was collected or used are achieved, the person carrying on an enterprise must destroy the information, or anonymize it to use it for serious and legitimate purposes, subject to any preservation period provided for by an Act. […] **36** The person holding information that is the subject of a request for access or rectification must, if he does not grant the request, retain the information for such time as is necessary to allow the person concerned to exhaust the recourses provided by law. **s. 19 and 21,** *An Act to establish a legal framework for information technology* **19** Every person must, during the period a document is required to be retained,

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
				ensure that its integrity is maintained and see to it that equipment is available to make the document accessible and intelligible and usable for the purposes for which it is intended. **21** If a technology-based document is modified during its retention period, the person having the authority to make the modification must, in order to preserve the integrity of the document, record the name of the person having requested the modification, the time and reason for the modification and the name of the person having made the modification. The modification forms an integral part of the document even if it is recorded in a separate document.
Destruction of Personal Information	**s. 4.5.3** Personal information that is no longer required to fulfil the identified purposes should be destroyed, erased, or made anonymous. Organizations shall develop guidelines and implement procedures to govern the destruction of personal information.	**s. 35** (2) Within a reasonable period of time after an organization no longer reasonably requires personal information for legal or business purposes, the organization must (a) destroy the records containing the personal information, or	**s. 35** (2) An organization must destroy its documents containing personal information, or remove the means by which the personal information can be associated with particular individuals, as soon as it is	**sections 10, 23** **10** A person carrying on an enterprise must take the security measures necessary to ensure the protection of the personal information collected, used, communicated, kept or destroyed and that are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	4.7.5 Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information (see Clause 4.5.3). **8(8)** Despite clause 4.5 of Schedule 1, an organization that has personal information that is the subject of a request shall retain the information for as long as is necessary to allow the individual to exhaust any recourse under this Part that they may have.	(b) render the personal information non-identifying so that it can no longer be used to identify an individual.	reasonable to assume that (a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and (b) retention is no longer necessary for legal or business purposes.	**23** Where the purposes for which personal information was collected or used are achieved, the person carrying on an enterprise must destroy the information, or anonymize it to use it for serious and legitimate purposes, subject to any preservation period provided for by an Act. For the purposes of this Act, information concerning a natural person is anonymized if it is, at all times, reasonably foreseeable in the circumstances that it irreversibly no longer allows the person to be identified directly or indirectly. Information anonymized under this Act must be anonymized according to generally accepted best practices and according to the criteria and terms determined by regulation. **s. 20,** *An Act to establish a legal framework for information technology* Documents that are required by law to be retained and that have been transferred may be destroyed and replaced by the documents resulting

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
				from the transfer. However, before such documents may be destroyed, the person responsible must (1) unless the person is an individual, establish and update rules to be applied prior to the destruction for transferred documents ; (2) make sure that any confidential personal information contained in the documents to be destroyed is protected ; and (3) make sure that the documents, if in the possession of the State or of a legal person established in the public interest, are destroyed in accordance with the retention schedule established under the Archives Act (chapter A-21.1). However, a document which, in its original medium, has archival, historical or heritage value according to the criteria established under paragraph 1 of section 69 must be preserved in its original medium even if it has been transferred.

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
Use of Service Providers	**Principle 4.1.3** An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.	**Section 5(2)** For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those services, responsible for that person's compliance with this Act.	**N/A**	**Section 18.3** A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information to any person or body if the information is necessary for carrying out a mandate or performing a contract of enterprise or for services entrusted to that person or body by the person carrying on an enterprise. In such a case, the person carrying on an enterprise must (1) entrust the mandate or contract in writing; and (2) specify in the mandate or contract the measures the mandatary or the person performing the contract must take to protect the confidentiality of the personal information communicated, to ensure that the information is used only for carrying out the mandate or performing the contract and to ensure that the mandatary or person does not keep the information after the

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
				expiry of the mandate or contract. […] **s. 22,** *An Act to establish a legal framework for information technology* A service provider, acting as an intermediary, that provides document storage services on a communication network is not responsible for the activities engaged in by a service user with the use of documents stored by the service user or at the service user's request. […]