Outsourcing of Personal Information

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
Accountability	**Principle 4.1** An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.	**s. 5(1), s. 5(3)** **5(1)** An organization is responsible for personal information that is in its custody or under its control. **5(3)** An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.	**s. 4(2)** An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.	**s. 1, 3.1** …The Act applies to such information, whether the enterprise keeps the information itself or through the agency of a third person, whatever the nature of its medium and whatever the form in which it is accessible, whether written, graphic, taped, filmed, computerized, or other… […] **3.1** Any person carrying on an enterprise is responsible for protecting the personal information held by the person. Within the enterprise, the person exercising the highest authority shall see to ensuring that this Act is implemented and complied with. That person shall exercise the function of person in charge of the protection of personal information; he may delegate all or part of that function in writing to any person…
Organization responsible for personal information transferred to third party for processing	**Principle 4.1.3** An organization is responsible for personal information in its possession or custody, including	**s. 5(2) and 6(2)** **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	**s. 4(2)** An organization is responsible for personal information under its control,	**s. 1, s. 18.3** **1** …The Act applies to such information, whether the enterprise keeps the information itself or through the agency of a third person, whatever the nature of its medium and whatever the form in

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	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.	services, responsible for that person's compliance with this Act. **6(2)** If an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the policies and practices […] must include information regarding **(a)** the countries outside Canada in which the collection, use, disclosure or storage is occurring or may occur, and **(b)** the purposes for which the service provider outside Canada has been authorized to collect, use or disclose personal information for or on behalf of the organization.	including personal information that is not in the custody of the organization.	which it is accessible, whether written, graphic, taped, filmed, computerized, or other… […] **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 expiry of the mandate or contract. A person or body carrying out a mandate or performing a contract of

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Policies and practices regarding service provider outside Canada/Quebec	**N/A**	**s. 6(2)-(3)** **(2)** If an organization uses a service provider outside Canada to collect, use, disclose or store personal information for or on behalf of the organization, the policies and practices referred to in subsection (1) must include information regarding **(a)** the countries outside Canada in which the collection, use, disclosure or storage is occurring or may occur, and; **(b)** the purposes for which the service provider outside Canada has been authorized to collect, use or disclose personal information for or on behalf of the organization.	**N/A**	**s. 17** Before communicating personal information outside Québec, a person carrying on an enterprise must conduct a privacy impact assessment. The person must, in particular, take into account: **(1)** the sensitivity of the information; **(2)** the purposes for which it is to be used; **(3)** the protection measures, including those that are contractual, that would apply to it; and **(4)** the legal framework applicable in the State in which the information would be communicated, including the personal information protection principles applicable in that State.

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		(3) An organization must make written information about the policies and practices referred to in subsections (1) and (2) available on request		The information may be communicated if the assessment establishes that it would receive adequate protection, in particular in light of generally recognized principles regarding the protection of personal information. The communication of the information must be the subject of a written agreement that takes into account, in particular, the results of the assessment and, if applicable, the terms agreed on to mitigate the risks identified in the assessment. The same applies where the person carrying on an enterprise entrusts a person or body outside Québec with the task of collecting, using, communicating or keeping such information on his behalf…
Notification respecting service provider outside Canada/Quebec	**N/A**	**s. 13.1** **(1)** Subject to the regulations, an organization that uses a service provider outside Canada to collect personal information about an individual for or on behalf of the organization with the consent of the individual must notify the individual in accordance with subsection (3). **(2)** Subject to the regulations, an organization that, directly or indirectly, transfers to a service	**N/A**	**s. 8** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person: **(1)** of the purposes for which the information is collected; **(2)** of the means by which the information is collected;

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		provider outside Canada personal information about an individual that was collected with the individual's consent must notify the individual in accordance with subsection (3). **(3)** An organization referred to in subsection (1) or (2) must, before or at the time of collecting or transferring the information, notify the individual in writing or orally of (a) the way in which the individual may obtain access to written information about the organization's policies and practices with respect to service providers outside Canada, and (b) the name or position name or title of a person who is able to answer on behalf of the organization the individual's questions about the collection, use, disclosure or storage of personal information by service providers outside Canada for or on behalf of the organization. **(4)** The notice required under this section is in addition to any notice required under section 13.		**(3)** of the rights of access and rectification provided by law; and **(4)** of the person's right to withdraw consent to the communication or use of the information collected. If applicable, the person concerned is informed of the name of the third person for whom the information is being collected, the name of the third persons or categories of third persons to whom it is necessary to communicate the information for the purposes referred in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec. 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.