"Customers, Employees and Privacy: An Educational Forum for Business

PIPA Conference 2006
Calgary, Alberta
April 27th, 2006

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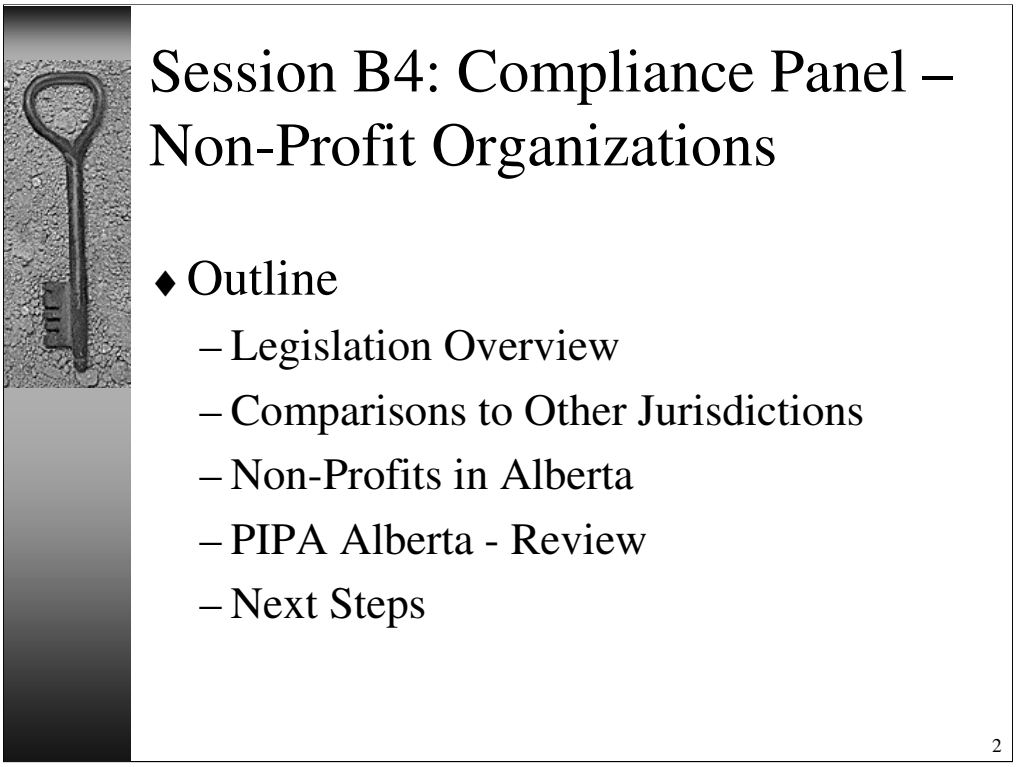
Session B4: Compliance Panel – Non-Profit Organizations
♦ Outline
– Legislation Overview
– Comparisons to Other Jurisdictions
– Non-Profits in Alberta
– PIPA Alberta - Review
– Next Steps
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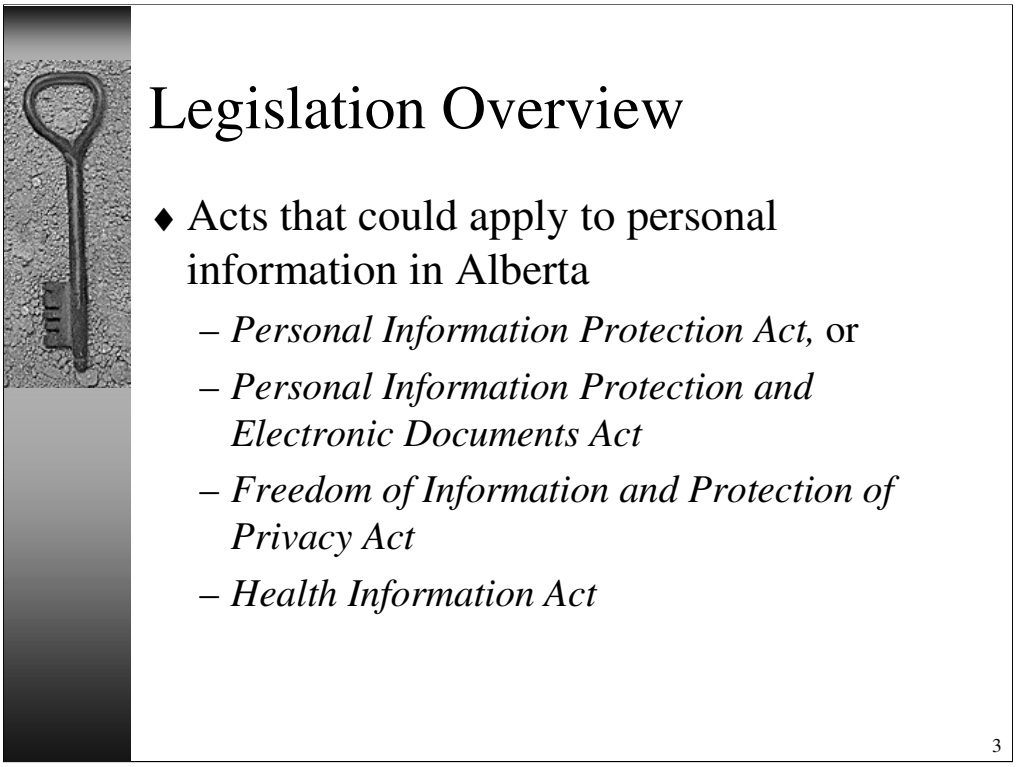
Legislation Overview
♦ Acts that could apply to personal information in Alberta
– *Personal Information Protection Act,* or
– *Personal Information Protection and Electronic Documents Act*
– *Freedom of Information and Protection of Privacy Act*
– *Health Information Act*
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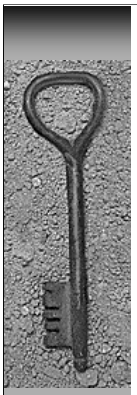

Comparison

Jurisdiction	Employee information	Client information
British Columbia	Act applies	Act applies
Federal	Does not apply	Applies to a commercial activity
Alberta – societies, agric. societies, s.9 companies	Does not apply	Applies to a commercial activity

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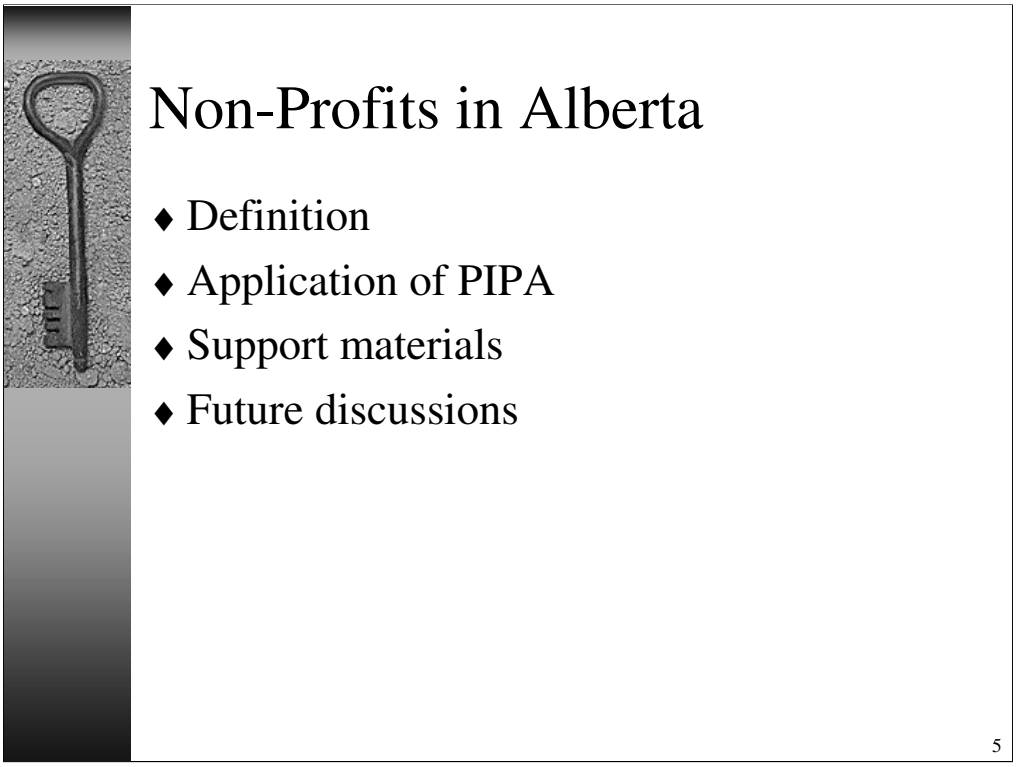
Non-Profits in Alberta
♦ Definition
♦ Application of PIPA
♦ Support materials
♦ Future discussions
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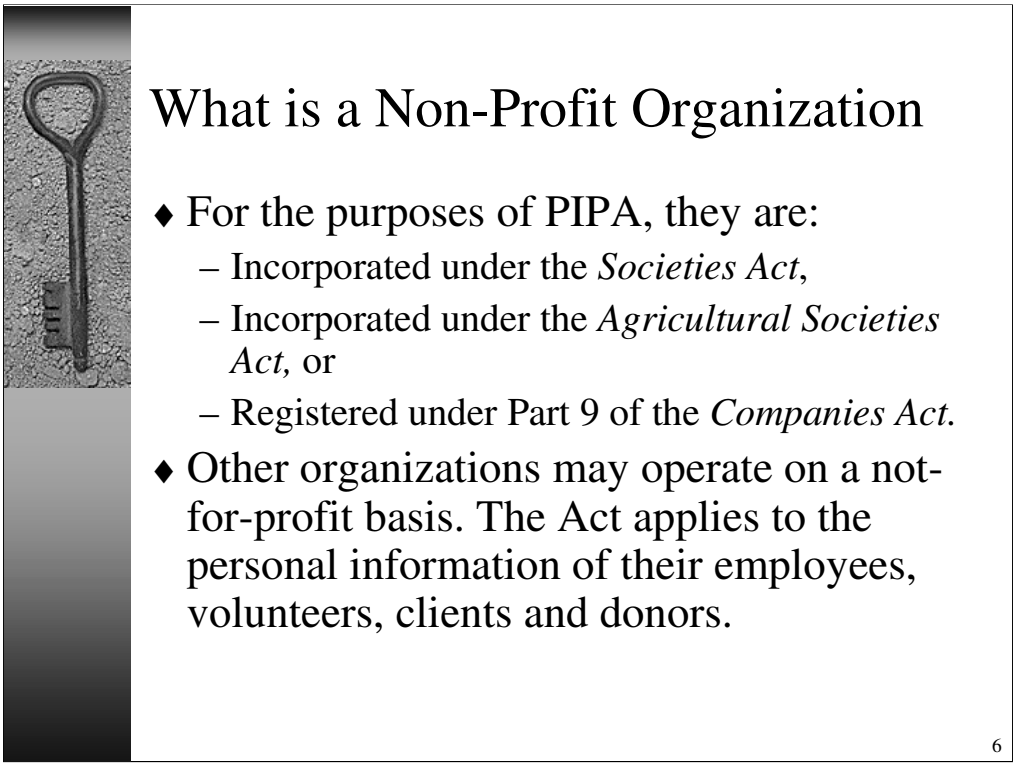
What is a Non-Profit Organization
♦ For the purposes of PIPA, they are:
– Incorporated under the *Societies Act*,
– Incorporated under the *Agricultural Societies Act,* or
– Registered under Part 9 of the *Companies Act.*
♦ Other organizations may operate on a not-for-profit basis. The Act applies to the personal information of their employees, volunteers, clients and donors.
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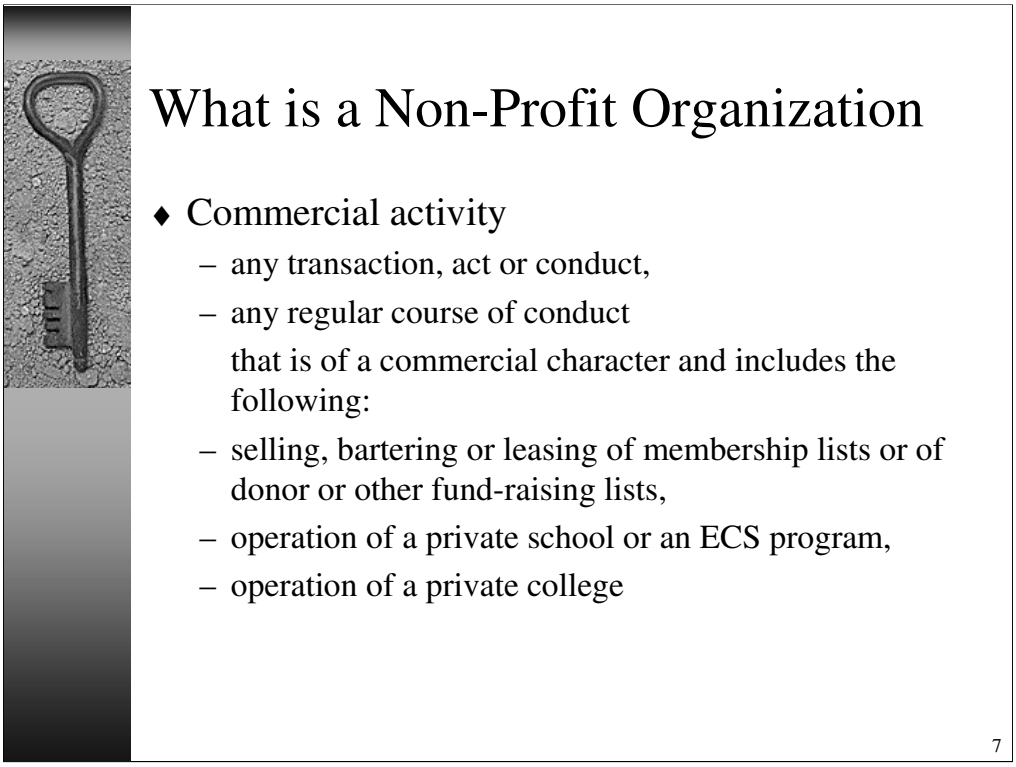
What is a Non-Profit Organization
♦ Commercial activity
– any transaction, act or conduct,
– any regular course of conduct
that is of a commercial character and includes the following:
– selling, bartering or leasing of membership lists or of donor or other fund-raising lists,
– operation of a private school or an ECS program,
– operation of a private college
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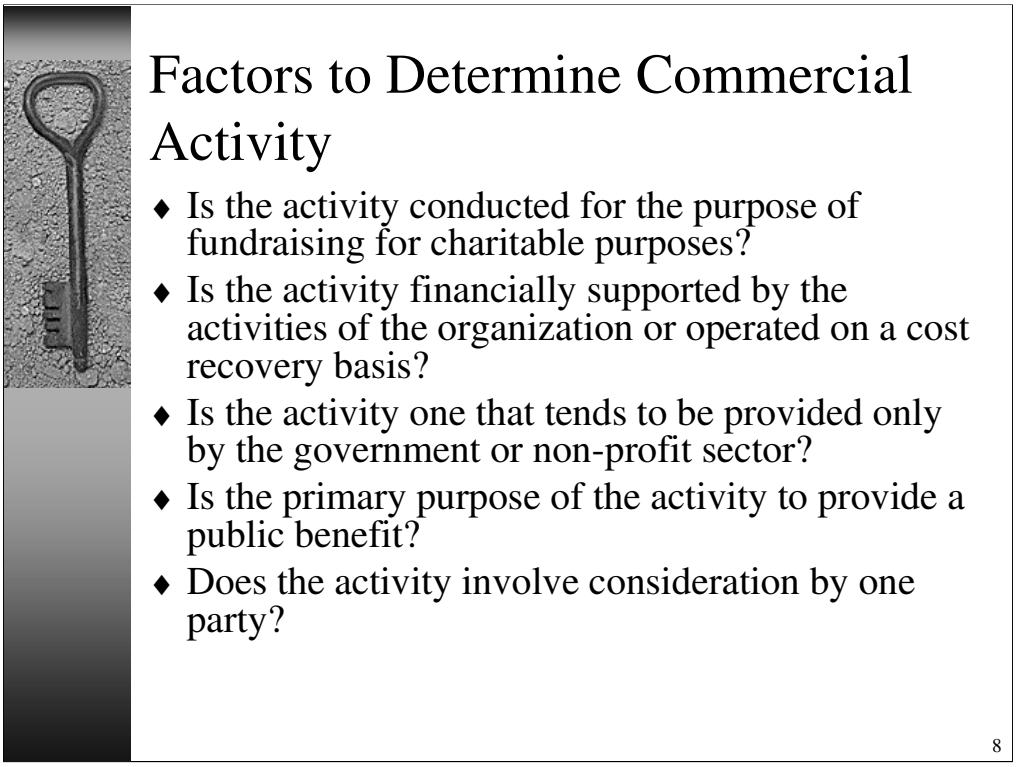
Factors to Determine Commercial Activity
♦ Is the activity conducted for the purpose of fundraising for charitable purposes?
♦ Is the activity financially supported by the activities of the organization or operated on a cost recovery basis?
♦ Is the activity one that tends to be provided only by the government or non-profit sector?
♦ Is the primary purpose of the activity to provide a public benefit?
♦ Does the activity involve consideration by one party?
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PIPA Alberta - Review

- PIPA is scheduled for review this summer
- Select Special Committee of the Legislative Assembly
- Time line of 18 months to report
- Format hasn't been finalized but may include a discussion guide requesting input from Albertans
- Status of non-profit organizations will probably be one of the issues identified during the review

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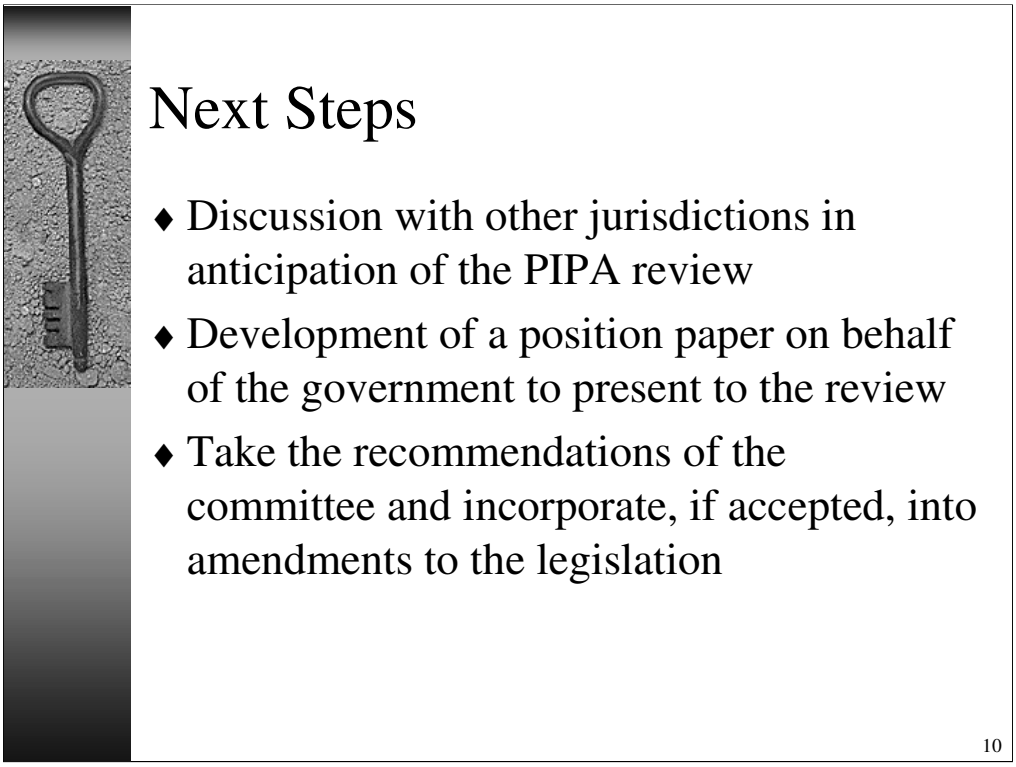
Next Steps
♦ Discussion with other jurisdictions in anticipation of the PIPA review
♦ Development of a position paper on behalf of the government to present to the review
♦ Take the recommendations of the committee and incorporate, if accepted, into amendments to the legislation
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