

PIPA Conference
Session Summary - The Top 10 Access Issues
November 17, 2008

In this session, you will learn how to respond to a request for access of personal information under both the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and the *Personal Information Protection Act* (PIPA), what the jurisdiction of each Act is, and how to manage the following top 10 access issues.

The top 10 access issues:

1. You must ensure that the access request is made in writing, that it targets only personal information (PI) and that it covers a specific period of time.
2. Your organization has a duty to assist the applicant/requester in responding within a specific time period and in clarifying the request for access whenever it is necessary.
3. The range of information that qualifies as PI is very wide. It can include not only the name, age, race, ethnic origin, address and social insurance number but also in some cases the income, spending habits, financial information, photographs and computer Internet protocol (IP) addresses of an applicant/requester.
4. There are some exceptions where PIPA and PIPEDA do not apply such as information collected for journalistic, artistic or literary purposes.
5. PI may be contained inside different types of records: paper and electronic documents, memoranda and correspondence, databases, photos, films, sound/audio recordings, etc.
6. You must sever the third party personal information and be aware of the other exemptions under each Act.
7. There are some similarities under each Act as to what should not be disclosed to the applicant. For example, under PIPEDA and PIPA an organization may need to sever or refuse access to some confidential commercial information or information covered by a legal privilege.
8. Only reasonable fees should be requested from the applicant to process the access request.
9. An applicant has the right to request corrections of his/her PI.
10. Under PIPA your organization can apply for authorization to disregard repetitious or systematic requests from an applicant.

Finally, the best way to prepare your organization in responding to an access request is to put in place a process that allows the nomination of a privacy officer, and a written procedure for handling requests which is made available to all customers/clients and employees.