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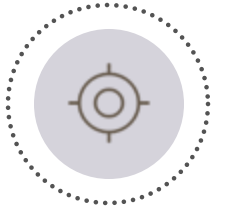
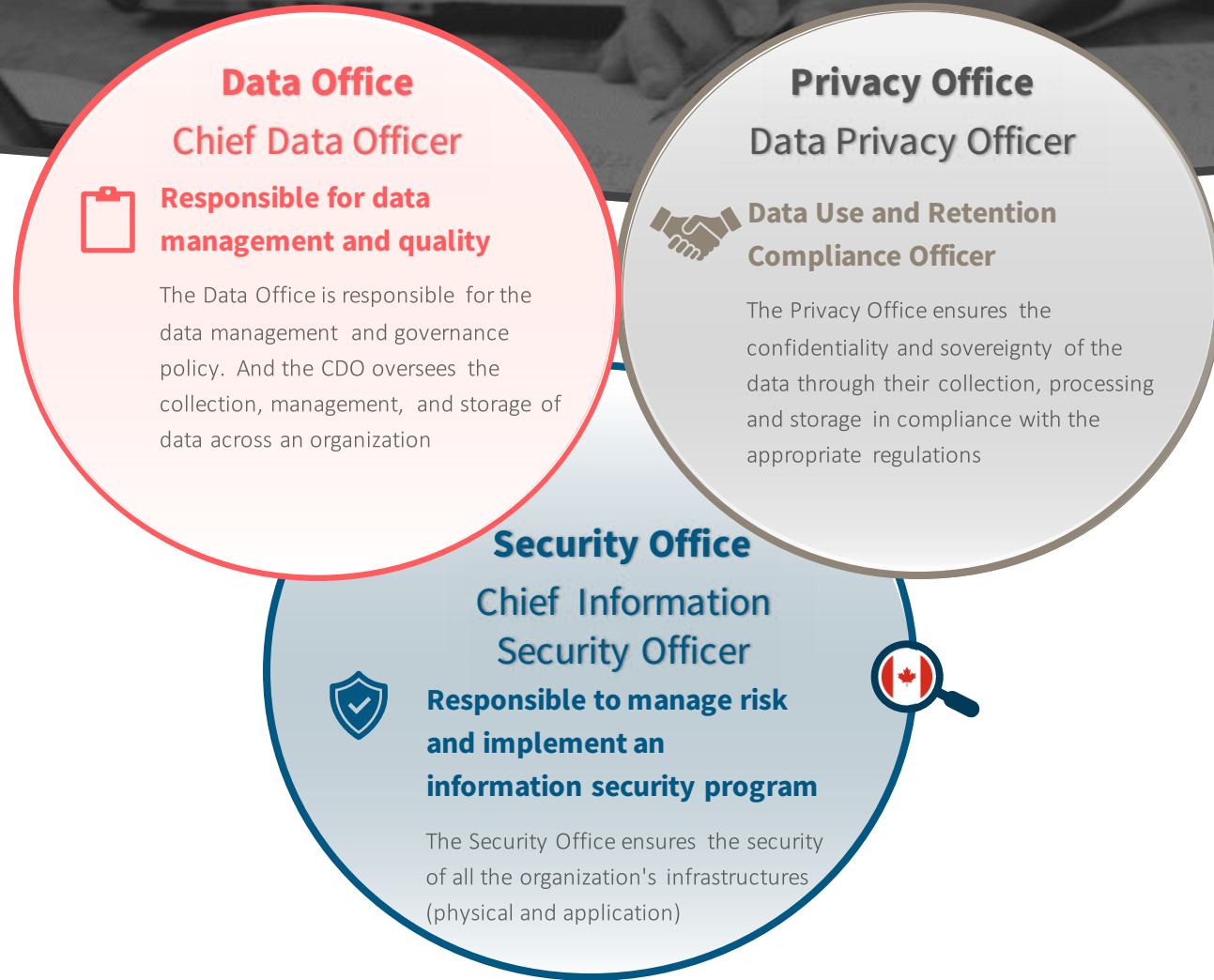
January 2023

DATA PROTECTION IN CANADA

*BRINGING VALUE,
TOGETHER*

Organization around data

Key roles and responsibilities



ZOOM ON :

- Companies are facing massive use of data combined with increased regulatory requirements, resulting in the critical importance of data management roles in the organization
- More than 120 countries are already engaged in international privacy laws with regards to data protection
- Regulations vary significantly from country to country
- Canada is considered an international hub, making it key to understand how data privacy is regulated worldwide

- ✓ The level of data protection in Canada can be considered equivalent to the EU level
- ✓ The **Personal Information Protection and Electronic Documents Act (PIPEDA)** applies to private sector and commercial organizations across Canada to collect and use personal information. *Attention point : it will soon be replaced by the **Consumer Privacy Protection Act (CPPA)** introduced in the Digital Charter Implementation Act, 2022, currently known as **Bill C-27***

The Digital Charter Implementation Act

- **Consumer Privacy Protection Act (CPPA)** is an Act to support and promote electronic commerce by protecting personal information that is collected, used, or disclosed in the course of commercial activities. Once passed, this law **will replace** the Personal Information Protection and Electronic Documents Act (PIPEDA).
- **Personal Information and Data Protection Tribunal Act** is an Act that provides a **recourse mechanism** for enforcement of the CPPA. The Tribunal would impose **monetary penalties and rule** on appeals from orders by the federal Privacy Commissioner.
- **Artificial Intelligence and Data Act (AIDA)** is an Act that will rule over the development and deployment of **high-impact AI systems**.

... to be implemented

US regulations challenges

- **July 2020** The Court of Justice of the European Union (CJEU) has **annulled** the **Privacy Shield**, which guaranteed the free flow of data between the EU and the US (Schrems II).
- For each transfer (outside the US), a **case-by-case analysis (risk assessment)** is made to ensure that U.S. law does not compromise the adequate level of protection
- **March 2022**, a first step towards a new agreement : the Trans-Atlantic Data Privacy Framework.
- **December 2022** the Commission entered into talks with the U.S. government with a view to a possible **new adequacy decision**.

... in progress for March 2023

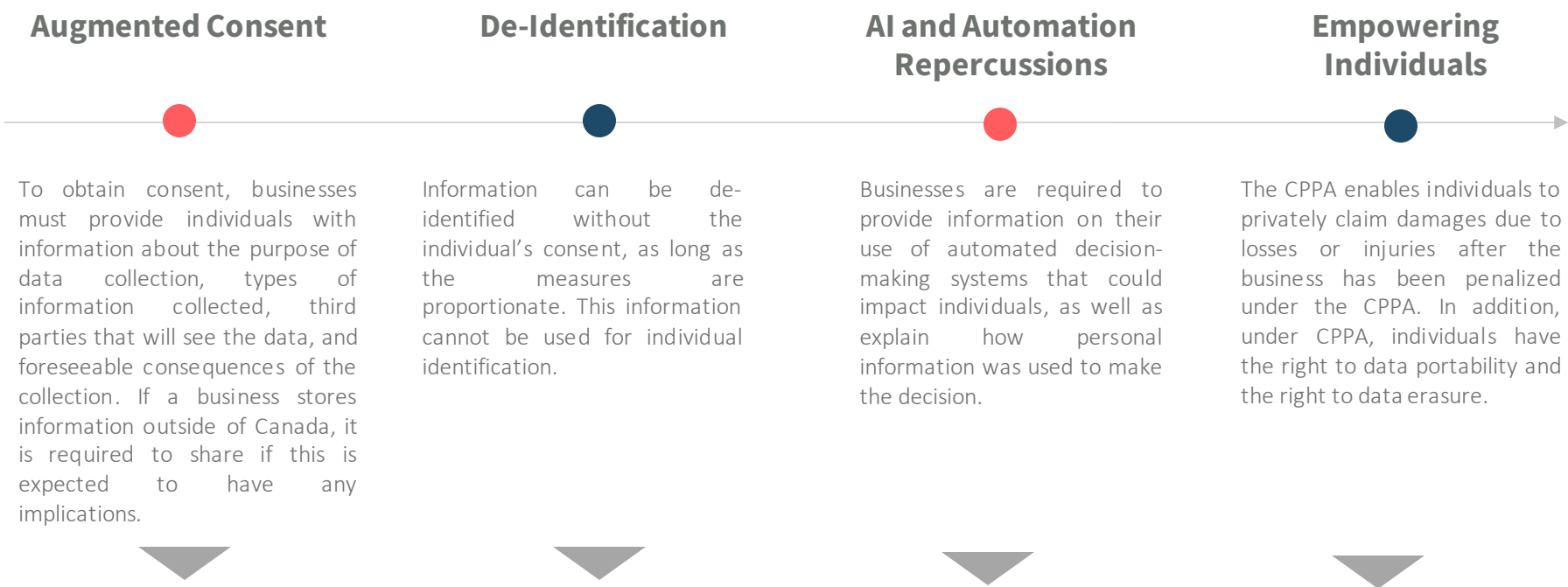


Data protection in Canada (2/2)

Impact of CPPA new regulation on PIPEDA

The CPPA (Consumer Privacy Protection Act) is intended to replace and reinforce PIPEDA. It aims at giving consumers control over their private data while providing transparency about how businesses use their personal data

OBJECTIVES



With CPPA, data protection in Canada is now closer to GDPR

Fines

3% of a business's annual revenue for routine cases

5% of a business's annual revenue for serious cases

or

10M Canadian dollars for routine cases

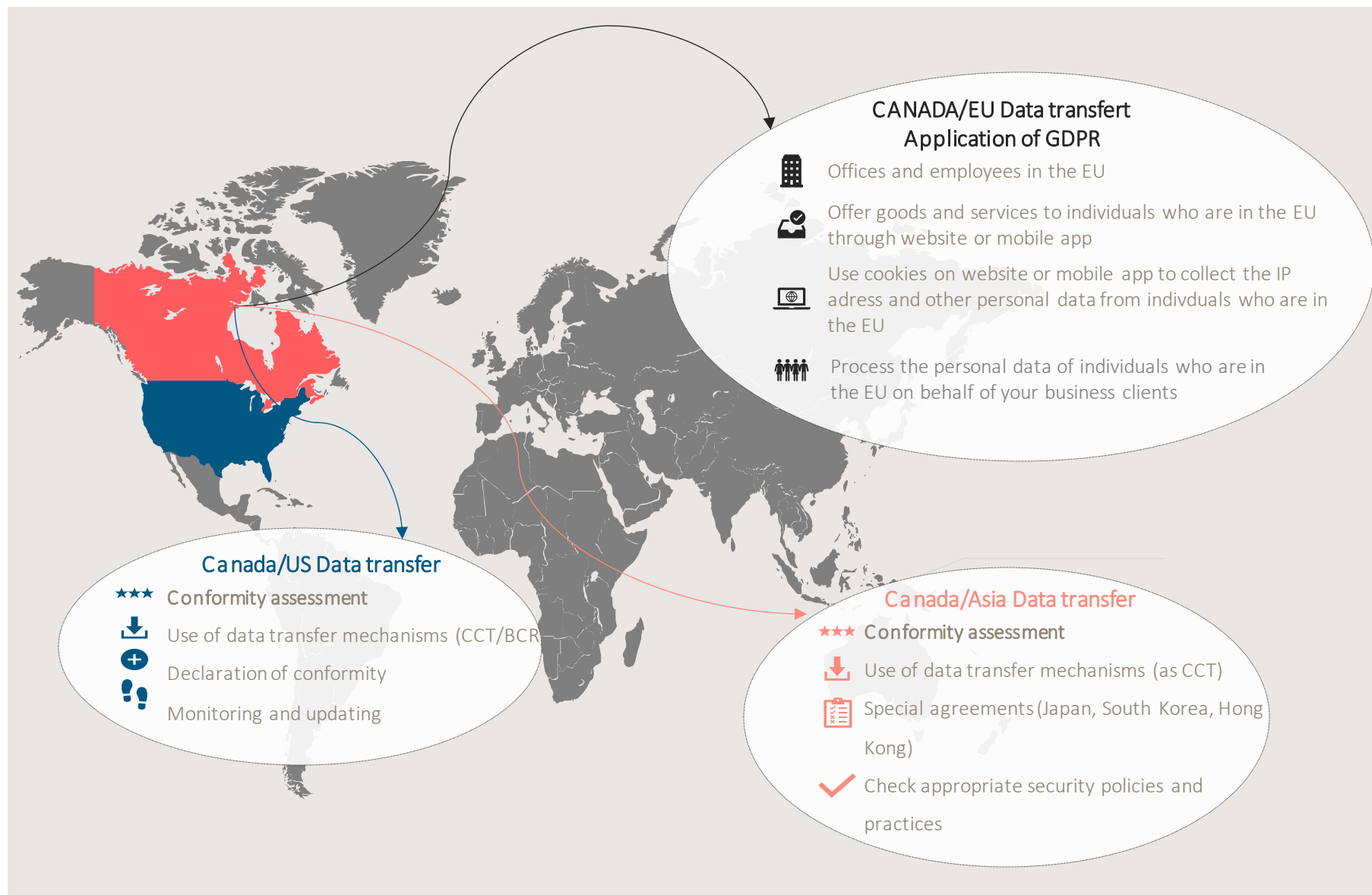
25M Canadian dollars for serious cases



PIPEDA applies to Canada

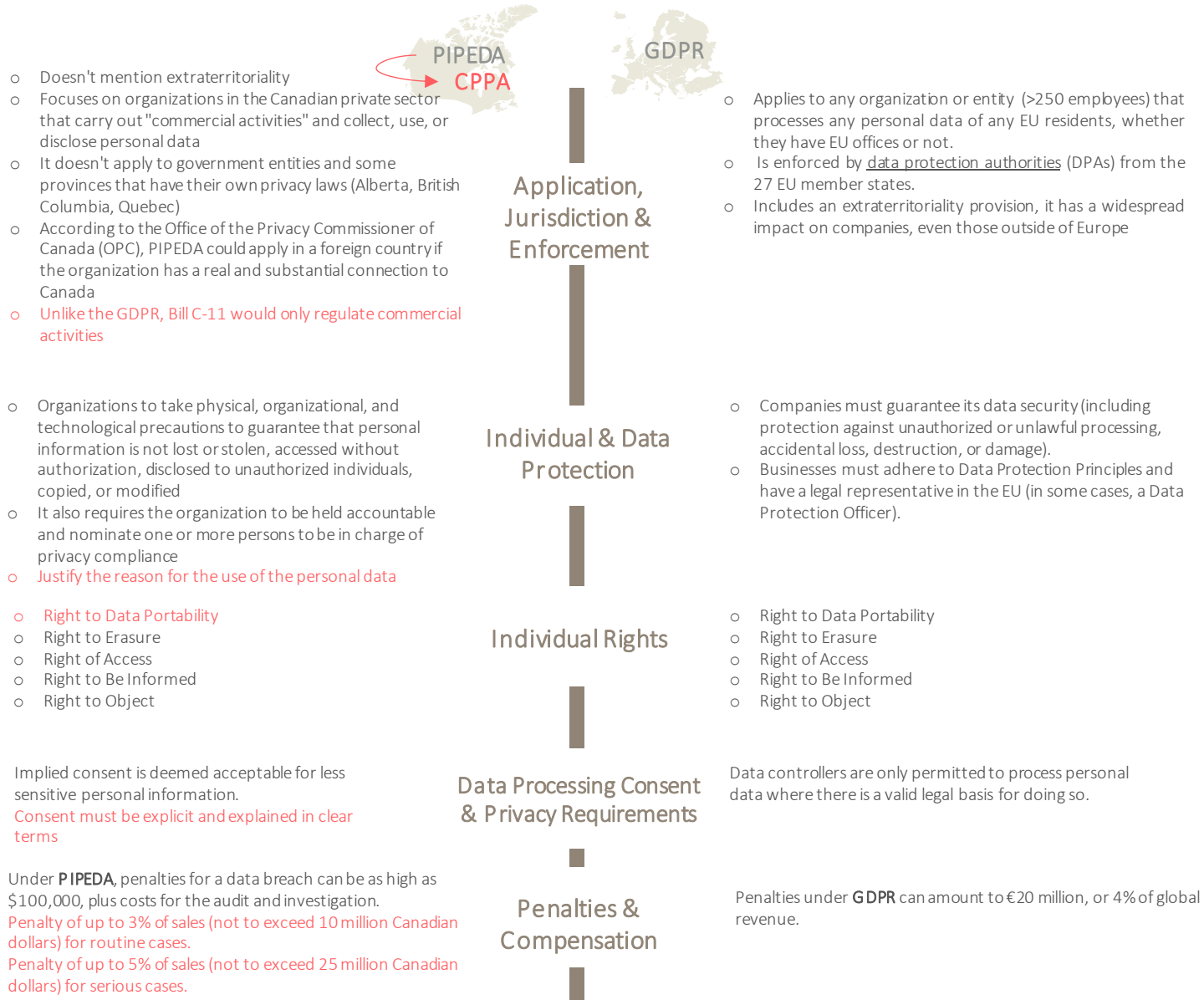
If the third party operates outside of Canada, PIPEDA will also apply (only for Canadian clients involved or Canadian's business)

Otherwise, organizations will have to assess the risks that could jeopardize the integrity, security and confidentiality of customer personal information (except for EU)



Data protection

The differences between PIPEDA / CPPA and GDPR



PIPEDA

- ✓ Accountability
- 📍 Identifying Purposes
- 📄 Consent
- 👥 Limiting Collection
- 🔪 Accuracy
- ✓ Safeguards
- 📄 Openness
- 🔄 Individual Access
- 🛡️ Challenging Compliance
- 🎯 Limiting Use, Disclosure, and Retention

GDPR

- Individual rights
- Data protection officer
- Consent
- Privacy from start to finish
- Wider scope
- Mandatory breach reporting
- Data portability
- Penalties



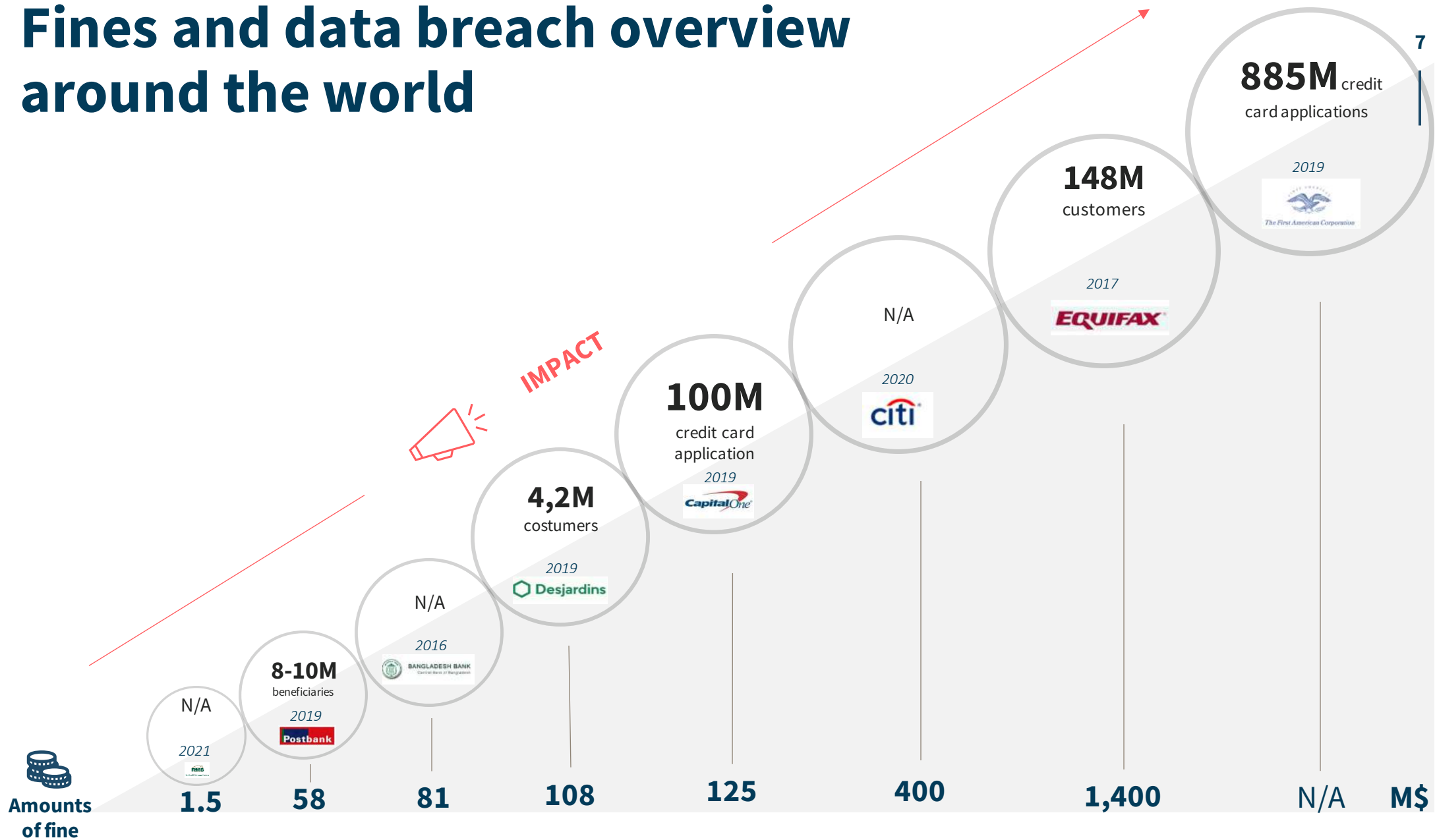
Scope of PIPEDA

PIPEDA applies to private-sector organizations across Canada that collect, use or disclose personal information during a commercial activity.

- Alberta
- British Columbia
- Quebec

They have their own private-sector privacy laws (similar to PIPEDA)

Fines and data breach overview around the world



www.aurexia.com

Data from study "10 Biggest Data Breaches in Finance" updated August 2022

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**WITH
7 OFFICES**

Our data protection specialists give you the tools, information & confidence that you need, to manage risk and make informed decisions. Combining expert legal advice with leading technology, we guide you through the complex international regulation, strengthening your data and compliance processes, and helping you achieve your goals



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Bringing value, together