

ICDPPC Global Privacy and Data Protection Awards

2019

Entry Form

Deadline 29 July 2019

To submit an entry to the ICDPPC Global Privacy and Data Protection Awards please complete and email this form to ExCoSecretariat@icdppc.org no later than 29 July 2019.

Note: ICDPPC member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline of 29 July. Languages: the conference documentation rule 6.2¹ applies:

1. **Contact details for this entry:**

- a. Name and email address of person completing this form: **Miguel Bernal-Castillero** – Miguel.bernal-castillero@priv.gc.ca
- b. Name of Data Protection or Privacy Authority: **Office of the Privacy Commissioner of Canada**

2. **Eligibility:** By submitting this entry I confirm that:

- a. The Authority is a member of the International Conference of Data Protection and Privacy Commissioners.
- b. The initiative described in this entry was undertaken since the last edition.
- c. I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the ICDPPC Secretariat.

YES to all.

3. Please indicate which **category** you wish to enter (delete those that do not apply; you can enter multiple categories but please use separate forms for each entry):

- a. Education and public awareness
- b. Accountability**
- c. Dispute resolution and enforcement
- d. Innovation
- e. People's Choice

4. **Description of the initiative**

- a. Please provide a brief summary of the initiative (no more than 75 words):

This guidance on mandatory breach reporting responds to modifications in the *Personal Information Protection and Electronic Documents Act* (PIPEDA) that came into effect in November 2018. Organizations are now required to report breach with a real risk of significant harm to individuals. The Office of the Privacy Commissioner of Canada (OPC) prepared a draft and held consultations before issuing this guidance to help clarify the new obligations and legal standards.

¹ 6.2 Conference documents

Without prejudice to section 4.2, conference documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other conference documents such as the Conference Rules and Procedures.

- b. Please provide a full description of the initiative (no more than 350 words):

New provisions for mandatory reporting of privacy breaches under the Personal Information Protection and Electronic Documents Act (PIPEDA) came into force November 1, 2018. In anticipation of that change, the Office of the Privacy Commissioner prepared a draft guidance on mandatory breach reporting requirements and held a consultation on the document, inviting feedback on its materials.

Previously, PIPEDA had no breach reporting requirements, so this was an important change in that it imposes new obligations to organizations. The Act now requires an organization to report a breach involving personal information under its control. Therefore, the obligation to report the breach rests with an organization in control of the personal information implicated in the breach. However, the term “control” is not defined in the Act and is used in a number of provisions and contexts, which can lead to some ambiguity as to its meaning. It was thus highly important for OPC to clarify the obligations for reporting breaches and to help organizations interpret and meet these new expectations.

This Guidance on Mandatory Reporting of Breaches of Security Safeguards provides organizations with what they need to know about their new obligations to report to the Privacy Commissioner of Canada breaches of security safeguards involving personal information that pose a real risk of significant harm to individuals. They help organizations determine what breaches need to be reported and what kind of notice needs to be given to affected individuals.

- c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

This piece of guidance, developed in consultation with stakeholders via public consultations, has been key in helping organizations understand and meet their obligations under Canada’s new federal breach reporting obligations. Available in both English and French, the guidance is written in accessible language so that companies understand their obligations and citizens understand what to expect if and when a breach of their personal information occurs.

Given the changes to Canadian law and their impact on organizations and individuals, it was important to have these done in a timely way. The guidelines were published in parallel with the coming into effect of the mandatory breach requirements and have been well received. Further, the creation of a companion breach report form has given added clarity on the type and amount of information businesses are to provide OPC.

At the end of the day, this guidance has led to the greater protection of Canadians’ privacy by both: (i) promoting compliance with organizations, and (ii) empowering Canadians with knowledge and awareness of mandatory breach reporting expectations.

- d. Include a photograph or image if you wish (note this will be published with your entry on the ICDPPC website; the image can be pasted into the entry or send as an attachment or a link may be provided):

- e. Please provide the most relevant link on the authority’s website to the initiative (if applicable) (The website content does not need to be in English):

In English: https://www.priv.gc.ca/en/privacy-topics/privacy-breaches/respond-to-a-privacy-breach-at-your-business/gd_pb_201810/

In French: https://www.priv.gc.ca/fr/sujets-lies-a-la-protection-de-la-vie-privee/atteintes-a-la-vie-privee/comment-reagir-a-une-atteinte-a-la-vie-privee-dans-votre-entreprise/gd_pb_201810/

- f. Please provide any other relevant links that you wish that help explain the initiative or its impact or success (e.g. links to news reports or articles):
- [PIPEDA breach report form](#)
 - [Consultation on mandatory breach reporting guidance](#)