

Manitoba's privacy bill needs employer support

Private member's bill more business friendly than PIPEDA

The Manitoba legislature is debating Bill 219, The Personal Information Protection and Identity Theft Protection Act.

The private member's bill was introduced by Mavis Taillieu of the opposition Progressive Conservative Party of Manitoba. It seeks to regulate the collection, use and disclosure of personal information by organizations in the private sector and is intended to be "substantially similar" to the federal Personal Information Protection and Electronic Documents Act (PIPEDA).

It would also establish a duty for organizations to notify individuals who may be affected when the personal information an organization has collected is lost, stolen or compromised. Such a requirement would be groundbreaking in Canada (notwithstanding Ontario's Personal Health Information Protection Act, which has a mandatory breach notification requirement).

Regrettably, the government of Manitoba indicated in the legislative assembly debate last month it has two primary concerns with the bill. The first concern is the



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bill lacks an independent oversight body, such as a provincial privacy commissioner. Legislative rules prevent a private member's bill from containing financial penalties and so it could not contain such provisions. However, the government could add those provisions in amendments.

The second concern raised by the government is the bill would introduce legislation in Manitoba that (according to the government) would regulate activities in the private sector already governed by PIPEDA. However, PIPEDA does not apply to the activities of private sector organizations in provinces such as Alberta and British Columbia, both of which have personal information protection legislation, because PIPEDA does not apply where "substantially similar" provincial legisla-

tion exists.

Manitoba's bill was first introduced in 2005 and since that time the need for such a law has significantly grown. It's modelled after Alberta's Personal Information Protection Act, which provides a more business-friendly and clear legislative scheme than PIPEDA. It would be good policy for the government of Manitoba to support the bill and I urge them to do so.

If you want a more business-friendly privacy law in Manitoba, I strongly encourage you to contact the government of Manitoba and Mavis Taillieu to indicate your support.

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