

Wednesday, October 3rd, 2007



Businesses face challenge in winning people's trust

Wed Nov 7 2007

On the cutting edge / Brian T.D. Bowman

CANADIAN privacy commissioner Jennifer Stoddart has released her annual report on the Privacy Act. She also released a noteworthy survey and report on a government-wide audit that her office conducted on the use of privacy impact assessments by federal departments.

The survey demonstrates that businesses have work to do in gaining the trust of Canadians. The audit should highlight to businesses that a key tool for privacy compliance is the regular use of privacy impact assessments.

The survey, conducted by EKOS Research Associates, reveals some startling results. It concludes that "a large proportion of Canadians continue to worry about their privacy" and "think that businesses and the government need to take their responsibilities in this regard more seriously."

That may explain why "only a small proportion of Canadians believe the government (17 per cent) and businesses (13 per cent) take protecting personal information very seriously."

The lack of faith that Canadians have in government and businesses has resulted in "seven in 10 Canadians feel(ing) they have less protection of their personal information than they did 10 years ago."

Are Canadians justified in feeling that their personal information is less protected? I am not convinced, since many Canadian businesses have spent considerable resources ramping up and are engaged in ongoing privacy protection efforts.

Nonetheless, the commissioner says, "Canadians overwhelmingly feel their personal information is less protected than it was a decade ago, and they are right to be worried."

Canadians' confidence in businesses was rattled earlier this year with the widely reported news of the Winners/Homesense data breach. These and other similar headlines lead to the views Canadians expressed in the EKOS survey.

What can businesses learn from the survey? They need to more actively demonstrate that they take the issue of privacy seriously.

Businesses that have introduced privacy policies and regularly conduct staff privacy training are on the right path. But many of the reported breaches do not stem from organizations that have failed to introduce policies. Rather, privacy breaches often result from poor enforcement of existing policies.

The commissioner's audit on the use of privacy impact assessments by federal departments should highlight to the private sector that privacy policies should be enforced by using what are known as privacy impact assessments.

As the commissioner declares, "one of the best tools federal government departments have to identify -- and then reduce -- the potential privacy risks of new or redesigned programs and services is a privacy impact assessment." The same can be said for businesses. When properly utilized, privacy impact assessments work.

Privacy impact assessments are self-evaluation forms that help organizations to assess how their business initiatives, such as new products or services, will affect privacy. They are available online, but progressive businesses are having impact assessments customized for their unique operations and industry.

The commissioner states that privacy impact assessments are "frequently completed after program implementation" and "in some cases, (privacy impact assessments) were not completed at all." Surely, private sector businesses can do better.

Brian Bowman is a business lawyer with the Information & Ideas Group of Pitblado LLP. He can be reached at (204) 956-3520 or bowman@pitblado.com.