

# INFORMATION + PRIVACY



Issues around protection of privacy and access to information have a growing significance in both the public and private sector. Public sector organizations face increased scrutiny on the transparency of their decision making and accountability for expenditures of public funds.

Both public and private sector organizations must deal with managing personal information of members of the public, clients, customers and employees and meeting the challenges of properly securing personal information from both cyber attacks and failure of internal system controls to protect personal information from unauthorized access, both external and internal. Our team of lawyers advises clients on developing and updating privacy programs, breach response, compliance with access obligations and advising and representing clients in regulatory proceedings and claims advanced in court on privacy and access matters.

## OUR EXPERTISE

Our lawyers work closely with clients in both the public and private sectors, providing advice and representation on privacy and information management, including developing policies to ensure compliance with access to information and privacy laws and systems to manage critical aspects of our clients' operations.

We advise on compliance with the access to information and privacy requirements in the British Columbia *Freedom of Information and Protection of Privacy Act* ("FOIPPA"). We advise health sector clients on compliance with the *E-Health (Personal Health Information Access and Protection of Privacy) Act* ("E Health"). We conduct privacy audits and contract reviews for public sector clients to ensure compliance with their privacy and security obligations in FOIPPA and E-Health. We provide advice on service contract language to ensure the security of sensitive personal information. We respond to requests for information and provide procedural advice and support as well as advice on discretionary and mandatory severance of information under FOIPPA. We represent public and private sector clients in proceedings before the Information and Privacy Commissioner and in applications for judicial review of the Commissioner's orders. We provide training and education for management teams and employee groups on the obligations of public bodies under FOIPPA and E-Health. We advise and represent private sector business clients on the privacy implications of doing business with public bodies and protecting confidential business information provided to public bodies from disclosure under FOIPPA. We advise private sector clients seeking disclosure of information from public bodies.

## TEAM LEADER



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We regularly advise clients on the application of the British Columbia *Personal Information Protection Act* (“*PIPA*”) and the federal private sector legislation, the *Personal Information Protection and Electronic Documents Act* (“*PIPEDA*”). We advise on compliance with the privacy and access to information requirements under *PIPA* and *PIPEDA*, potential liability for breach of privacy under the British Columbia *Privacy Act* and the common law, and on responding to privacy breaches. We conduct information and privacy audits. We draft privacy policies and other required forms such as consent to collect, use and disclose personal information to ensure our clients are in compliance with the prevailing legislation. We advise on and draft privacy schedules and privacy clauses in agreements. We advise clients on conflict of laws and overlapping jurisdiction issues with respect to inter-provincial and international data flows. We lead staff training on privacy legislation and company privacy policy. We manage the resolution of complaints under *PIPA* and *PIPEDA* and advise on steps required to avoid future breaches of privacy. We represent clients in proceedings before the British Columbia Information and Privacy Commissioner and the federal Privacy Commissioner and in litigation involving breach of privacy in British Columbia courts.

Private sector privacy regulation in British Columbia is still relatively new and the guidelines related to the application of the private sector privacy legislation are still developing. At the same time the risks to privacy and security of personal information are growing and becoming more sophisticated. Part of the service we provide includes ensuring our clients are kept updated with guidelines and decisions about how employee and customer privacy and other issues are being dealt with by the British Columbia Information and Privacy Commissioner, the federal Privacy Commissioner and the courts. We also monitor developments in the interpretation and application of key *FOIPPA* provisions that affect our public sector clients and private sector clients who do business with the public sector.

## OUR SERVICES

Our clients range from large institutional clients through to small businesses and include universities, health authorities, local governments, school boards, professional governing bodies, major Canadian retailers, credit bureaus, medical research companies, accounting firms, health sector organizations, charitable organizations and numerous small to medium-sized private sector operations.

## INDUSTRY INVOLVEMENT

Members of our practice maintain membership in the [Information and Privacy subsection of the Canadian Bar Association](#) and the [International Association of Privacy Professionals](#) regularly attend CLE events and information and privacy conferences. We also participate periodically in consultation groups with government in drafting and amending information and privacy legislation.

