

FIPPA/PHIA INFORMATION SHEET #4

Principles of Access and Privacy of Information Legislation

The PURPOSE of this Information Sheet is to explain the PRINCIPLES that underlie ACCESS and PRIVACY LEGISLATION.

Access and privacy legislation is based on two fundamental rights of people in contemporary democratic society:

- The right to access information held by governments and other public bodies, including information about oneself, subject only to certain specified exceptions;
- The right to privacy for personal information collected, stored, used and disclosed by public bodies.

The rights to access and privacy of personal information are based on principles of fair information practices. These practices have been presented in various ways in different countries and organizations.

In **Manitoba**, the principles have been articulated in *The Freedom of Information and Protection of Privacy Act* (Manitoba). These principles apply **directly** to the University because it is a local public body in the Province of Manitoba.

In **Canada**, access and privacy principles have been articulated in the *Personal Information Protection and Electronic Documents Act* (PIPEDA). PIPEDA applies to the Canadian private sector, that is, to organizations that conduct commercial activities in this country. It does not directly apply to the University. However, it applies to the many organizations with which the University does business. Agreements with these organizations are required in order to protect personal information that may be transferred between the University and the organizations.

For reference see following table:

MANITOBA		CANADA	
<i>The Freedom of Information and Protection of Privacy Act (FIPPA)</i>		<i>The Freedom of Information and Protection of Privacy Act (FIPPA)</i>	
Collection	Organizations must collect personal information from the individual concerned, except in specified circumstances, and collect only what is required.	Limiting Collection	The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
		Identifying Purposes	The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

MANITOBA		CANADA	
<i>The Freedom of Information and Protection of Privacy Act (FIPPA)</i>		<i>Personal Information Protection and Electronic Documents Act (PIPEDA)</i>	
Use	Personal information collected for one purpose cannot be used for another purpose, without the consent of the individual.	Limiting Use, Disclosure, and Retention	Personal information shall not be used for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as is necessary for the fulfilment of those purposes.
Disclosure	Personal information cannot be released to another organization or individual, except in specified circumstances.	Consent	The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
Information management	Records and data management procedures must be followed to ensure that personal information is secure and not retained any longer than necessary.	Safeguards	Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
Individual access	An individual must be able to access his or her own personal information and to correct or annotate this information	Individual Access	Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
		Accuracy	Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
Openness	Documentation about information management policies and practices, as well about personal information holdings, should be available to the public and easily understandable.	Openness	An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
Accountability	Organizations are accountable for their personal information policies, practices and holdings. They shall designate an individual who is responsible for the organization's compliance with fair information practices.	Accountability	A public body is responsible for personal information in its custody or under its control and shall designate an individual or individuals who are accountable for compliance with the ten principles.
Independent review	There should be an avenue of independent review for individuals concerned about the personal information policies, practices or holdings of an organization.	Challenging Compliance	An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals, accountable for the organization's compliance.

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