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### PRIVACY LAW IN THE PRIVATE SECTOR

Jeffrey Kaufman

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### Publisher's Special Release Note 2021

The pages in this work were reissued in July 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This indispensable guide to the law regulating privacy in the private sector in Canada provides the text and cross-referencing for current federal and provincial statutes and regulations that address private sector privacy, together with annotations, commentaries and case law references and summaries.

### **Privacy law in the Private Sector: An Annotation of the legislation in Canada**

This release features

- This release features updates to the General Information Privacy and Health Information Privacy Procedural Summaries found in Appendix PS. The procedural summaries provide an outline of the process for access to information requests in each jurisdiction. The summaries describe who must take certain steps, what must happen at each stage, and when the steps need to be completed. The summaries are referenced to the relevant sections of the legislation governing the procedures. Steps covered include: the method of making a request; the response required by the government body; the method by which information is given to the requestor; the response required where government body information refuses to disclose information; and appeal procedure in the case of information request refusals. Jurisdictions updated in this release are: Federal, Alberta, Quebec, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, and Saskatchewan.

### **Highlights:**

#### **Summary of Procedure for Accessing Personal Health Information under the Personal Health Information Act (Manitoba)**

#### **Trustee**

*What:* The Trustee may disregard the request if the Trustee reasonably believes that (a) the request is for information already provided to the Information Requester, (b) the request amounts to an abuse of the right to make a request because it is unduly repetitive or systematic, or otherwise made in bad faith. In this case, the Trustee must advise the Information Requester accordingly in writing. This notice must include the reasons for such decision and advise the Information Requester of his/her right to make a complaint to the Ombudsman about the refusal.—(PHIA, s. 11.1)

#### **Trustee**

*When:* Upon receipt of the Information Requester's request

*What:* May require the Information Requester to provide additional information in relation to the request, including information that is necessary to respond to the request, and, if applicable, to indicate whether the Information Requester accepts the Trustee's estimate or wants to redefine the scope of the request to reduce the fee. The Trustee must make this request in writing. If the Information Requester fails to provide the requested additional information and/or indicate their acceptance of the estimate within 30 days after the request is given, the Trustee may determine that the request has been abandoned. In this case, the Trustee must notify the Information Requester accordingly and advise that s/he has the right to make a complaint about the determination to the Ombudsman. If the Information Requester timely responds to the Trustee's written request, the statutory deadline for the Trustee's response starts on the day the Information Requester provides the necessary additional information or indicate their acceptance of the estimate.—(PHIA, s. 10.1(1) through (5))

## **ProView Developments**

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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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