

Personal Information Protection and Electronic Documents Act

S.C. 2000, c. 5

Assented to 2000-04-13

An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Marginal note: Short title

1 This Act may be cited as the [*Personal Information Protection and Electronic Documents Act*](#).

PART 1 Protection of Personal Information in the Private Sector

Interpretation

Marginal note: Definitions

- 2 (1) The definitions in this subsection apply in this Part.

alternative format, with respect to personal information, means a format that allows a person with a sensory disability to read or listen to the personal information. (*support de substitution*)

breach of security safeguards means the loss of, unauthorized access to or unauthorized disclosure of personal information resulting from a breach of an organization's security safeguards that are referred to in clause 4.7 of Schedule 1 or from a failure to establish those safeguards. (*atteinte aux mesures de sécurité*)

business contact information means any information that is used for the purpose of communicating or facilitating communication with an individual in relation to their employment, business or profession such as the individual's name, position name or title, work address, work telephone number, work fax number or work electronic address. (*coordonnées d'affaires*)

business transaction includes

- **(a)** the purchase, sale or other acquisition or disposition of an organization or a part of an organization, or any of its assets;
- **(b)** the merger or amalgamation of two or more organizations;
- **(c)** the making of a loan or provision of other financing to an organization or a part of an organization;
- **(d)** the creating of a charge on, or the taking of a security interest in or a security on, any assets or securities of an organization;
- **(e)** the lease or licensing of any of an organization's assets; and
- **(f)** any other prescribed arrangement between two or more organizations to conduct a business activity. (*transaction commerciale*)

commercial activity means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists. (*activité commerciale*)

Commissioner means the Privacy Commissioner appointed under section 53 of the [Privacy Act](#). (*commissaire*)

Court means the Federal Court. (*Cour*)

federal work, undertaking or business means any work, undertaking or business that is within the legislative authority of Parliament. It includes

- **(a)** a work, undertaking or business that is operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;
- **(b)** a railway, canal, telegraph or other work or undertaking that connects a province with another province, or that extends beyond the limits of a province;
- **(c)** a line of ships that connects a province with another province, or that extends beyond the limits of a province;
- **(d)** a ferry between a province and another province or between a province and a country other than Canada;
- **(e)** aerodromes, aircraft or a line of air transportation;
- **(f)** a radio broadcasting station;
- **(g)** a bank or an authorized foreign bank as defined in section 2 of the [Bank Act](#);
- **(h)** a work that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more provinces;

- (i) a work, undertaking or business outside the exclusive legislative authority of the legislatures of the provinces; and
- (j) a work, undertaking or business to which federal laws, within the meaning of section 2 of the *Oceans Act*, apply under section 20 of that Act and any regulations made under paragraph 26(1)(k) of that Act. (*entreprises fédérales*)

organization includes an association, a partnership, a person and a trade union.
(*organisation*)

personal health information, with respect to an individual, whether living or deceased, means

- (a) information concerning the physical or mental health of the individual;
- (b) information concerning any health service provided to the individual;
- (c) information concerning the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual;
- (d) information that is collected in the course of providing health services to the individual; or
- (e) information that is collected incidentally to the provision of health services to the individual. (*renseignement personnel sur la santé*)

personal information means information about an identifiable individual.
(*renseignement personnel*)

prescribed means prescribed by regulation. (*Version anglaise seulement*)

record includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine-readable record and any other documentary material, regardless of physical form or characteristics, and any copy of any of those things. (*document*)

- **Marginal note:Notes in Schedule 1**

(2) In this Part, a reference to clause 4.3 or 4.9 of Schedule 1 does not include a reference to the note that accompanies that clause.

- 2000, c. 5, s. 2
- 2002, c. 8, s. 183
- 2015, c. 32, s. 2

[Previous Version](#)

Purpose

Marginal note:Purpose

3 The purpose of this Part is to establish, in an era in which technology increasingly facilitates the circulation and exchange of information, rules to govern the collection, use and disclosure of personal information in a manner that recognizes the right of privacy of individuals with respect to their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.

Application

Marginal note:Application

- **4 (1)** This Part applies to every organization in respect of personal information that
 - **(a)** the organization collects, uses or discloses in the course of commercial activities; or
 - **(b)** is about an employee of, or an applicant for employment with, the organization and that the organization collects, uses or discloses in connection with the operation of a federal work, undertaking or business.

- **Marginal note:Application**

(1.1) This Part applies to an organization set out in column 1 of Schedule 4 in respect of personal information set out in column 2.

- **Marginal note:Limit**

(2) This Part does not apply to

- **(a)** any government institution to which the [*Privacy Act*](#) applies;
- **(b)** any individual in respect of personal information that the individual collects, uses or discloses for personal or domestic purposes and does not collect, use or disclose for any other purpose; or
- **(c)** any organization in respect of personal information that the organization collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose.

- **Marginal note:Other Acts**

[*Footnote*](#)**(3)** Every provision of this Part applies despite any provision, enacted after this subsection comes into force, of any other Act of Parliament, unless the other Act expressly declares that that provision operates despite the provision of this Part.