

Bill #2
The Protection of Consumers' Information Rights Act
Moved by: Minister of Government Services

WHEREAS “Canadian privacy laws are too permissive and give companies the wide latitude to use personal information for their own benefit”;¹ and

WHEREAS organizations based in Alberta, British Columbia, and Quebec are outside the scope of federal privacy laws;² and

WHEREAS over 19 million Canadians have had their data breached between November 2018 and June 2019.³

THEREFORE HER MAJESTY, BY AND WITH THE CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA, ENACTS AS FOLLOWS:

Purpose

1. The purpose of this Act is to:
 - a. Harmonize current privacy laws across Canada
 - b. Expand the Office of the Privacy Commissioner’s mandate;
 - c. Give consumers the power to control their personal information; and
 - d. Impose sanctions on private-sector organizations found violating privacy laws.

Definitions

2. The following terms shall be defined for the purposes of this Act:
 - a. **Personal Information Protection and Electronic Documents Act (PIPEDA):** Canada’s federal privacy protection law.
 - b. **Privacy Act:** An Act regulating the handling of personal information by the Government of Canada.
 - c. **Personal data/information:** Any information that can be used to identify a person (e.g., name, address, social security number, bank information)
 - d. **Private-sector organization:** An organization, corporation, or company run by private individuals.

PIPEDA adopted at the provincial and territorial level

3. PIPEDA and the *Privacy Act* shall be adopted in every Canadian every province and territory.

Mandate and powers expanded

4. The Office of the Privacy Commissioner of Canada’s mandate is
 - a. to ensure compliance with this Act, PIPEDA, and the *Privacy Act*;
 - b. to cooperate and collaborate with provincial and territorial privacy commissioners;
 - c. to investigate private sector bodies suspected of breaching the Acts;
 - d. to sanction private bodies found in violation of the Acts; and
 - e. to educate the public on the importance of privacy and security of information.

¹ Howard Solomon, *ITWorld Canada*, September 2018 <<https://www.itworldcanada.com>>.

² Government of Canada, “The Personal Information Protection and Electronic Documents Act (PIPEDA)”, September 2019 <<https://www.priv.gc.ca/>>.

³ CTV News, “19 million Canadians have had their data breached in eight months”, September 2019 <<https://www.ctvnews.ca/politics/>>.

Private sector reporting requirements

5. All private sector organizations must submit a quarterly report to the Office of the Privacy Commissioner describing their use of consumer information, including:
 - a. personal information collected from consumers;
 - b. what the information is used for;
 - c. where the information is stored;
 - d. what technical and organisational measures they are taking to keep the information safe;
 - e. whether the information has been sold, and to whom; and
 - f. for how long the information is kept.

Right to access

6. Private-sector organizations must inform all new consumers of all information listed in clause 5 in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

Right to be forgotten

7. Private organizations must delete all personal data collected from consumers within 30 days of the consumer terminating their use of the service.

Restrictions on the nature of information collected

8. Private organizations are prohibited from collecting sensitive information, including but not limited to:
 - a. a person's race;
 - b. religious belief;
 - c. political affiliation; and
 - d. sexual orientation.

Collecting children's information

9. Private organizations must receive permission to collect information from those under the age of 13 in the form of:
 - a. an approved request from the Office of the Privacy Commissioner to collect data from minors on the basis that the service is specifically marketed to children; and
 - b. verified consent given or authorized by the child's legal or parental guardian.

Mandatory privacy breach reporting

10. Private sector organizations must notify their provincial privacy officer and their consumers within 72 hours of a privacy breach. Failure to do so will result in sanctions as outlined in Clause 11.

Sanctions for organizations found violating privacy laws

11. Organizations found to be violating privacy laws will be subject to a fine of at least 5% of the company's global annual profit, depending on the severity of the violation.