

## Provincial Privacy legislation for the private sector

The private sector in Saskatchewan has been governed by *The Personal Information Protection and Electronic Documents Act* ([PIPEDA](#)). The federal government has proposed changes to that legislation in [Bill C-11](#), *Digital Charter Implementation Act, 2020*. Bill C-11 was tabled prior to the federal election 2021. It is expected the federal government will introduce a replacement to Bill C-11, but this has not occurred yet.

The Canadian Bar Association (CBA) in an [article](#) by Brigitte Pellerin on March 1, 2022 has stated:

“The Canadian Bar Association’s Privacy and Access Law Section had already responded to a consultation document on Strengthening Privacy for the Digital Age in 2019. It is now offering its comments on Bill C-11 to help guide the government before it introduces the new bill.”

The article goes on to point out some concerns with Bill C-11.

Ontario has issued a [White Paper](#) entitled “Modernizing Privacy in Ontario – Empowering Ontarians and Enabling the Digital Economy.” That White Paper stated in the introduction:

“Paramount to this work is digital privacy, and ensuring Ontarians have the power to control what personal data they share, when they share it, and with whom they share it. This is a priority of the Ontario government...it is essential for the future of our economy and the well-being of our people to update our privacy laws.”

The White Paper goes on to state:

“Ontario is considering proposals that would implement a fundamental right to privacy for Ontarians, introduce more safeguards for artificial intelligence (AI) technologies, introduce dedicated protections for children, update consent rules to reflect the modern data economy, promote responsible innovation and correct the systemic power imbalances that have emerged between individuals and organizations that collect and use their data.

In brief, the proposals in this paper are organized by the following themes:

- rights-based approach to privacy;
- safe use of automated decision-making;
- enhanced consent and lawful uses of personal data;
- data transparency for Ontarians;
- protecting children and youth;
- a fair, proportionate and supportive regulatory regime; and
- support for Ontario innovators.

These proposals will only be meaningful if their protections are comprehensive. The scope of the federal privacy regime is limited to commercial activities. This means that many private sector organizations, including charities, unions, associations and other non-profits, are not covered under the proposed bill, despite the collection and use of Ontarians’ personal information by these organizations. To close this gap, the province is considering expanding the scope of privacy requirements under each of these themes to include non-commercial

organizations, ensuring that Ontarians' personal information receives adequate coverage and protection in every aspect of life."

Alberta has had private sector legislation, the *Personal Information Protection Act* ([PIPA](#)) since January 1, 2004, and British Columbia has had such legislation, the *Personal Information Protection Act* ([PIPA](#)) since January 1, 2004. Is it time Saskatchewan begins to discuss whether this province should introduce its own private sector privacy legislation?

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