

Personal information is being protected

By **Melanie Furlong**
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Last November, legislation to ensure that Nova Scotians' personal information is not disclosed under the U.S. Patriot Act was proclaimed. The new Personal Information International Disclosure Protection Act (PIIDPA) outlines a series of requirements and penalties that protect personal information from inappropriate disclosure.

"This legislation will help ensure that Nova Scotians' personal information will be protected," said Justice Minister Murray Scott in a department of justice news release. "The act outlines the responsibilities of public bodies, municipalities and service providers and the consequences if these responsibilities are not fulfilled."

The act provides protection regarding storage, disclosure and access to personal information outside of Canada or in the custody or under the control of a public body or municipality.

David Fraser, a privacy lawyer for McInnes Cooper, says the concern was that if a public body in Nova Scotia, such as the department of health, hired a company based in the U.S. to provide software for processing files, the FBI would be able to just ask that American company for access to the information about Nova Scotians.

"There was a fear that was greatly and loudly proclaimed, particularly by organized labour in B.C., that if an American company was processing claims they would be readily available for the FBI to go on fishing expeditions," says Fraser. "The privacy com-

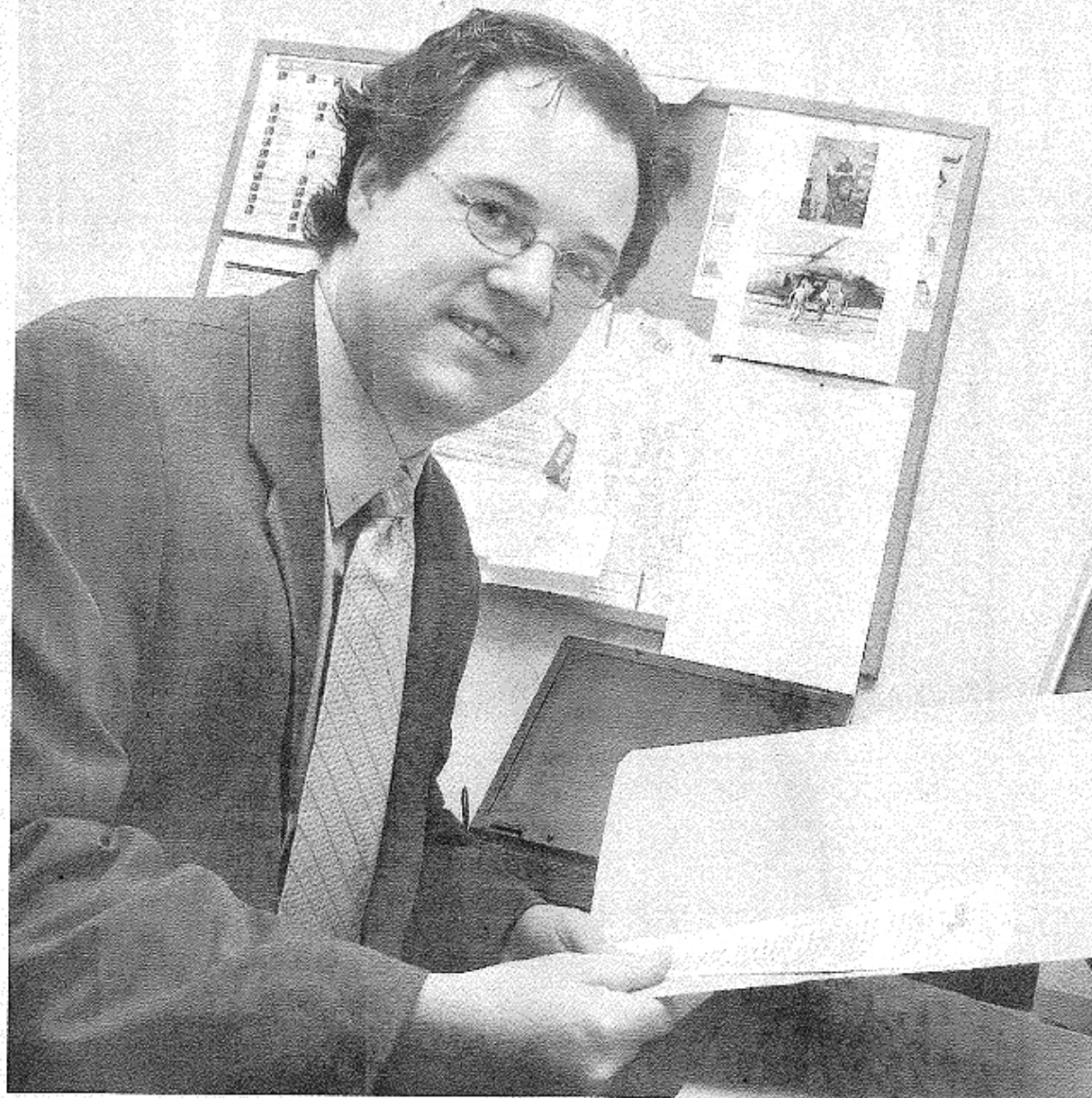
missioner of B.C. did a study and suggested amendments to their privacy legislation, their equivalent to our FOIPOP, and similar amendments have been made by Alberta, Quebec and now Nova Scotia."

How the legislation will actually be implemented remains to be seen. Fraser says it could have beneficial effects on technology companies in Canada and in Nova Scotia in particular.

"It would encourage companies or public bodies in Nova Scotia to hire Canadian service providers for these sorts of services so information will be kept in Canada. And it will encourage U.S. companies and other non-Canadian companies to set up their data centres in Canada in order to serve Canadian clients. Obviously, it's good for the technology industry in Nova Scotia to have all that done here rather than have it handed over to a company outside of Canada."

Fraser says it's worth noting that for over six years the European Union has had laws that regulate the export of information from Europe.

"The country the information is going to has to have similar laws of privacy protection and Canada's privacy protection is seen as adequate for European standards, but U.S. laws aren't. So, hopefully Canadian companies and Nova Scotian companies can capitalize on the fact that we have strong privacy laws here, and that a very good regulatory climate allows technology companies to flourish. Those factors would encourage more companies to set up their operations here rather than the U.S."



Bonnie Bobryk Photography

David Fraser, a privacy lawyer with McInnes Cooper.