



book reviews

The Personal Information Protection and Electronic Documents Act: An Annotated Guide

The enactment by Canada's Parliament of the above Act has dramatically changed Canada's data protection landscape by extending data protection legislation to commercial activities under the legislative jurisdiction of Parliament.

The Act incorporates the national standard entitled the Model Code for the Protection of Personal Information. This voluntary model code was the product of extensive negotiations among business, public interest and data protection groups. However, some critics argue that by incorporating this model code as a schedule to the Act, the Act becomes excessively complex; anyone trying to decipher the Act must switch back and forth between the legislative provisions and the schedule to reconcile their provisions.

This gives all more reason to welcome this annotated guide to interpreting the Act. The inherent difficulty with writing an annotated guide to new legislation is the lack of

precedents interpreting the legislation. As the federal government and the private sector gain experience with the Act, the body of precedents will develop.

The authors have indicated that they will prepare a further edition, and such precedents will undoubtedly be incorporated then. For now, the reader can take comfort in the knowledge that two of the authors formed part of the team that brought the Act to fruition and that the other two authors have extensive experience on data protection issues.

The book begins with a description of the events leading to the introduction and enactment of the legislation. Chapter 2 examines and amplifies the 10 data protection principles contained in Schedule 1 of the Act, containing the model code. These principles form the core of the legislation. Chapter 3 then examines in detail how the additional legislative principles set out in Part 1 of the Act complement and, clarify or modify the principles set out in Schedule 1. Most useful in this chapter is the range of examples of how the Act is likely to be applied.

Chapter 5 examines what the authors describe as "critical privacy issues", which include: the definitions of personal information and anonymity; the public availability of vast amounts of personal information through computer technologies; disclosure of personal information by private or commercial investigative bodies; sharing of personal data with business partners and affiliates; and the extent to which the Act covers medical information and organisations in the health sector. These, and other aspects, will be covered in future publications.

Almost half the book consists of useful appendices.

This book will undoubtedly prove useful for anyone attempting to navigate the complexities of the Personal Information Protection and Electronic Documents Act. It also proves a useful compendium of the surrounding legislative framework, both domestic and international. If, as the authors indicate, a future edition is planned, the book will prove even more useful as it incorporates the jurisprudence that will develop around the Act.

Stephanie Perrin, Heather H. Black, David H. Flaherty, T. Murray Rankin, The Personal Information Protection and Electronic Act (Irwin Law Inc. Toronto, 2001) ISBN: 1-55221-046-4. Price: \$56.95 Canadian.

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violations and give cheap and quick access to redress;

Consumers International also called on companies to incorporate internal practices in line with all existing legislation and guidelines regarding privacy of personal data.

The report by Consumers International provides a five-point plan for people to protect themselves from misuse of private information in e-commerce:

1. Limit disclosure of your personal information.

2. Set up a separate e-mail account for e-commerce activities.

3. Reject cookies planted in your computer by intrusive businesses.

4. Consider using an internet privacy tool which allows you to surf anonymously.

5. Learn about your legal rights and be prepared to use them.

Just three months earlier, in October 2000, the Article 29 Working Party adopted a document on Privacy on the Internet (PL&B Feb 01 p. 12)

dealing with new privacy risks for Internet users.



*The full Consumers International report and the 5 point checklist are available at the Consumers International website:
<http://www.consumersinternational.org/campaigns/index.html>
Contact: Rinske van Duifhuizen:
rvan-dui@consint.org*