

2014 Bill 3

Third Session, 28th Legislature, 63 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 3

PERSONAL INFORMATION PROTECTION AMENDMENT ACT, 2014

MR. QUADRI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 3
Mr. Quadri

BILL 3

2014

PERSONAL INFORMATION PROTECTION AMENDMENT ACT, 2014

(Assented to , 2014)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2003 cP-6.5

1 The *Personal Information Protection Act* is amended by this
Act.

2 Section 12 is amended by adding “14.1,” after “14.”.

3 Section 14(l) is amended by striking out “section 15 or 22”
and substituting “section 14.1, 15 or 22”.

4 The following is added after section 14:

Explanatory Notes

1 Amends chapter P-6.5 of the Statutes of Alberta, 2003.

2 Section 12 presently reads:

12 An organization may without the consent of the individual collect personal information about an individual from a source other than that individual if the information that is to be collected is information that may be collected without the consent of the individual under section 14, 15 or 22.

3 Section 14(1) presently reads:

14 An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable:

(1) the collection of the information is in accordance with section 15 or 22.

4 Collection by a trade union relating to a labour dispute.

Collection by a trade union relating to a labour dispute

14.1(1) Subject to the regulations, a trade union may collect personal information about an individual without the consent of the individual for the purpose of informing or persuading the public about a matter of significant public interest or importance relating to a labour relations dispute involving the trade union if

- (a) the collection of the personal information is reasonably necessary for that purpose, and
- (b) it is reasonable to collect the personal information without consent for that purpose, taking into consideration all relevant circumstances, including the nature and sensitivity of the information.

(2) Nothing in this section is to be construed so as to restrict or otherwise affect a trade union's ability to collect personal information under section 14.

5 Section 17(m) is amended by striking out "section 18 or 22" **and substituting** "section 17.1, 18 or 22".

6 The following is added after section 17:

Use by a trade union relating to a labour dispute

17.1(1) Subject to the regulations, a trade union may use personal information about an individual without the consent of the individual for the purpose of informing or persuading the public about a matter of significant public interest or importance relating to a labour relations dispute involving the trade union if

- (a) the use of the personal information is reasonably necessary for that purpose, and

5 Section 17(m) presently reads:

17 An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

(m) the use of the information is in accordance with section 18 or 22.

6 Use by a trade union relating to a labour dispute.

(b) it is reasonable to use the personal information without consent for that purpose, taking into consideration all relevant circumstances, including the nature and sensitivity of the information.

(2) Nothing in this section is to be construed so as to restrict or otherwise affect a trade union's ability to use personal information under section 17.

7 Section 20(r) is amended by striking out “section 21 or 22” and substituting “section 20.1, 21 or 22”.

8 The following is added after section 20:

Disclosure by a trade union relating to a labour dispute

20.1(1) Subject to the regulations, a trade union may disclose personal information about an individual without the consent of the individual for the purpose of informing or persuading the public about a matter of significant public interest or importance relating to a labour relations dispute involving the trade union if

- (a) the disclosure of the personal information is reasonably necessary for that purpose, and
- (b) it is reasonable to disclose the personal information without consent for that purpose, taking into consideration all relevant circumstances, including the nature and sensitivity of the information.

(2) Nothing in this section is to be construed so as to restrict or otherwise affect a trade union's ability to disclose personal information under section 20.

9 Section 62 is amended

7 Section 20(r) presently reads:

20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:

(r) the disclosure is in accordance with section 21 or 22.

8 Disclosure by a trade union relating to a labour dispute.

9 Section 62 presently reads in part:

62(1) The Lieutenant Governor in Council may make regulations

(a) in subsection (1)

(i) by adding the following after clause (e):

(e.1) respecting the collection, use and disclosure of personal information by trade unions under sections 14.1, 17.1 and 20.1;

(ii) in clause (k) by striking out “section 14, 15, 17, 18, 20, 21 or 22” **and substituting** “section 14, 14.1, 15, 17, 17.1, 18, 20, 20.1, 21 or 22”;

(b) in subsection (2)(b)(i) and (ii) by striking out “section 14, 15, 17, 18, 20, 21 or 22” **and substituting** “section 14, 14.1, 15, 17, 17.1, 18, 20, 20.1, 21 or 22”.

- (e) governing the collection, use and disclosure of personal information for archival purposes or research and respecting requirements concerning archival purposes or research;*
 - (k) prescribing or otherwise determining whether or not personal information or a specific type of personal information does or does not come within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22 under which personal information may be collected, used or disclosed without the consent of the individual;*
- (2) Where a regulation made*
- (b) under subsection (1)(k) prescribes or otherwise determines that personal information*
 - (i) comes within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22, as the case may be, that information is to be treated in the same manner as any other personal information that is dealt with under that provision, or*
 - (ii) does not come within the meaning of a provision of section 14, 15, 17, 18, 20, 21 or 22, as the case may be, that information is to be treated in the same manner as any other personal information that does not come within the meaning of that provision;*

