



Dear Sirs and Madams:

On January 4th 2016, Calgary Urban Project Society received a note for input on a “review of the *Personal Information Protection Act*” from the Standing Committee on Alberta’s Economic Future.

Calgary Urban Project Society is a registered charity and non-profit organization dedicated to helping individuals and families in Calgary overcome poverty. Through integrated health care, education and housing services, CUPS empowers people to overcome the challenges of poverty and reach their full potential. Last year, CUPS worked with over 8,400 struggling Calgarians. <http://cupscalgary.com/> Our services include child development, family support, housing, and health services. These services are offered through the lens of the Social Determinants of Health. We believe that the best way to assist the vulnerable people who come to us is through integrated care. To accomplish this, we have diverse professional staff that includes Doctors, Nurses, Psychiatrists, Psychologists, Pediatricians, Registered Nurses, Licenced Practical Nurses, Social Workers, Teachers, Child Development Specialists, Speech and Language Pathologists, as well as partnerships with researchers from Universities. This wrap-around service delivery works wonderfully; however, there are challenges.

The review of the Personal Information Protection Act is an opportunity to address one of these challenges: the real or perceived barriers to service created by concerns of protecting personal privacy.

The Discussion Guide contains detailed information and points to consider. Some of these apply to CUPS while others do not. The response below is formatted to cover the areas that affect CUPS and the population we serve the most. Not each question in the study guide is answered.

CUPS Review - Personal Information Protection Act

Proviso of Reasonableness

The proviso of reasonableness works well. “In its stated purpose and other provisions, PIPA uses a test of what is reasonable. This is defined as what a reasonable person would think is appropriate in a given circumstance.” As a beginning, the proviso is helpful, however in its application this runs into the ethics and guidelines of the professions listed above. So when a Professional College sets a higher standard than this proviso, then differences appear. With differences, then inconsistencies and barriers to service also appear.

Question 3. Are the exemptions to PIPA appropriate?

Yes, the exemptions are appropriate. And, no, the exemptions are not appropriate. The organization that I work in has areas of work that are governed by each. As we work to ensure the best outcomes for the participant, the barriers that information sharing create are unfortunate. These get in the way of



delivering comprehensive service. The barriers appear in how databases are structured, how data is accessed, and mostly, in perceived understanding of the limitations of what information can be shared.

Each act is understandable on its own. However, combined confusion begins.

For example:

- “instances in which non-profit organizations are partially exempted from PIPA ...” and
- PIPA is “not to be applied so as to affect any legal privilege, limit information available by law ...to which a lawyer is subject”

We have lawyers working with us, how does this intersect with the exemptions?

Question 5 Does PIPA adequately support individuals...

Yes. Peoples’ information in the social services is adequately protected. The timelines for giving consent need to be explicit. As above, different rules are built in organizations depending upon local culture. These differ from each place, so that consent needs to be renegotiated every one or two years. The end result is that the participant is continually giving consent, and as such, the concept loses its validity.

Question 8 Should organizations be required to publish transparency reports ...?

Ideally yes, organizations should publish transparency reports. However, if this is desirable for PIPA, it ought to be desirable for Health Act, FOIP, and Children’s First Act.

16. Is the level of transparency ... outside of Canada.

The complications that arise when working with data systems that are affected by the USA Homeland Security Act, Patriot Act or other such laws adds to further confusion. When data systems built in the USA are used, the interjurisdictional nature of this more levels are added to the protection of data. These rules need to be understood and consistently applied across the community.

17. Is the application to non-profit appropriate...

No. The application of the laws are inconsistent from agency to agency.

22 Other suggestions

The use of personal data to assist in the mission of this charitable organization is an absolute. We cannot be effective without it. The suggestion is to clarify, standardize and simplify the rules and acts. The Children’s First act is a great example of this. Do not effect change in one set of rules without considering the others. This includes provincial, federal, international and professional rules and obligations.