

# Fact Sheet: Table of Concordance – Protection of Privacy Act

## Proclamation and Supporting Regulations

The *Freedom of Information and Protection of Privacy* (FOIP) Act is repealed and replaced with the *Access to Information Act* (ATIA) and the *Protection of Privacy Act* (POPA).

POPA enhances privacy protections, maintains public trust, and requires that public bodies adopt a “privacy by design” approach to their programs and services. This means public bodies must consider the privacy implications of how they manage personal information when they do business and create or make changes to their programs, services, and systems.

There are two Protection of Privacy Regulations that establish administrative and procedural requirements of the Act:

- Protection of Privacy Regulation (PPR), authorized by the Lieutenant Governor in Council, contains provisions pertaining, but not limited to defining terms not already defined in POPA and respecting any other matter the Lieutenant Governor in Council considers necessary.
- Protection of Privacy (Ministerial) Regulation (PPMR), under the authority of the Minister of Technology and Innovation, contains provisions pertaining, but not limited to: requirements for Privacy Breach Reporting, Privacy Impact Assessments and Privacy Management Programs.

## Explanatory Notes

This Table of Concordance was compiled to provide users with a guide regarding the changes in legislation due to the enactment of the POPA. While every effort was made to achieve accuracy, only the statutes are authoritative. It is recommended that a legal opinion be sought if interpretation of the legislation is required.

This table is based on the table of contents for the POPA. The left column lists each section of that Act in a separate row. The right column of that row indicates the source provision of the FOIP Act. The notes section also indicated where a section has additional requirements, guidance or interpretation in one of the accompanying regulations.

Please note small grammatical or word changes may not be reflected on this table. The intent of this table is to identify sections of the POPA that are new or have been revised or added from the FOIP Act.

## Table of Contents

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
1	Definitions	1	<i>New definitions:</i> s.1(b), s.1(d) to (f), s.1(n), s.1(s), s.1(t), s.1(w) <i>Revised definitions:</i> s.1(j), s.1(q)(i), s.1(q)(iii), s.1(q)(vi), s.1(v)  <i>See also PPR s.1</i>
2	Purposes of this Act	2	<i>Revised:</i> s.2, s.2(a) to (c)
3	Application of this Act	4	<i>New:</i> s.3(1)(t), s.3(1)(x), s.3(5) <i>Revised:</i> s.3(1), s.3(1)(a), s.3(1)(m), s.3(1)(n), s.3(2), s.3(3)(b)

### PART 1 - PERSONAL INFORMATION

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
<b>Division 1 – Collection of Personal Information</b>			
4	Purpose of collection of personal information	33	<i>Revised:</i> s.4(c)
5	Manner of collection of personal information	34	<i>New:</i> s.5(1)(p), s.5(2)(d) <i>Revised:</i> s.5(2)(c), s.5(4)
6	Accuracy and retention	35	<i>Revised:</i> s.6
7	Right to request correction of personal information	36	<i>Revised:</i> s.7(7)
8	Transferring request to correct personal information	37	<i>Revised:</i> s.8(2)(b)
9	Request under section 7 deemed to be a request under HIA	37.1	<i>No change</i>
10	Protection of personal information	38	<i>New:</i> s. 10(2), s.10(3) <i>Revised:</i> s.10(1)  <i>See also PPMR s.1, s.2, s.3, s.4</i>

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<b>Section</b>		<b>Section</b>	
<b>Division 2 – Use and Disclosure of Personal Information</b>			
11	Sale of personal information prohibited		<i>New</i>
12	Use of personal information	39	<i>No change</i>  <i>See also PPR s. 2</i>
13	Disclosure of personal information	40	<i>New:</i> s.13(1)(ff) <i>Revised:</i> s.13(1), s.13(1)(a), s.13(1)(h), s.13(1)(w)  <i>See also PPR s.2, s.3, s.4</i>
14	Consistent purposes	41	<i>Revised:</i> s.14(b)
15	Disclosure for research or statistical purposes	42	<i>Revised:</i> s.15, s.15(b)  <i>See also PPR s.4</i>

## **PART 2 – DISCLOSURE OF INFORMATION IN ARCHIVES**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
16	Disclosure of information in archives	43	<i>Revised:</i> s.16(a)(i)(A), s.16(b)(i), s.16(b)(iii)

## **PART 3 – DATA MATCHING, DATA DERIVED FROM PERSONAL INFORMATION AND NON-PERSONAL DATA**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
<b>Division 1 – Data Matching and Data Derived from Personal Information</b>			
17	Data matching		<i>New</i>
18	Retention and use of data derived from personal information		<i>New</i>
19	Disclosure of data derived from personal information		<i>New</i>

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<b>Section</b>		<b>Section</b>	
20	Protection of data derived from personal information		<i>New</i>  <i>See also PPMR s.1, s.2, s.3,</i>
<b>Division 2 – Non-personal Data</b>			
21	Creation of non-personal data		<i>New</i>  <i>See also PPMR s.5</i>
22	Use of non-personal data		<i>New</i>
23	Disclosure of non-personal data		<i>New</i>
24	Protection of non-personal data		<i>New</i>  <i>See also PPMR s.2, s.3,</i>

#### **PART 4 – PRIVACY MANAGEMENT PROGRAMS AND PRIVACY IMPACT ASSESSMENTS**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
25	Privacy management program		<i>New</i>  <i>See also PPMR s.1, s.2, s.3, s.6</i>
26	Privacy impact assessment		<i>New</i>  <i>See also PPMR s.7</i>

#### **PART 5 – POWERS OF INFORMATION AND PRIVACY COMMISSIONER**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
27	General powers of Commissioner	53	<i>New:</i> s.27(1)(g)(i) to (iv), s.27(1)(j), s.27(2)(c), s.27(2)(d) <i>Revised:</i> s.27(1), s.27(1)(f), s.27(1)(g), s.27(2)
28	Advice and recommendations	54	<i>No change</i>
29	Powers of Commissioner in conducting investigations or inquiries	56	<i>New:</i> s.29(6), 29(7) <i>Revised:</i> s.29(3), s.29(5)

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
30	Statements made to Commissioner not admissible in evidence	57	<i>No change</i>
31	Privileged information	58	<i>No change</i>
32	Restrictions on disclosure of information by Commissioner and staff	59	<i>Revised:</i> s.32(3)
33	Protection of Commissioner and staff	60	<i>No change</i>
34	Delegation by Commissioner	61	<i>No change</i>
35	Role of Ombudsman	62	<i>No change</i>
36	Annual report of Commissioner	63	<i>Revised:</i> s.36(1), s.36(1)(c)

#### **PART 6 – REVIEWS AND COMPLAINTS**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
<b>Division 1 – Reviews by Commissioner</b>			
37	Right to ask for review by Commissioner	65	<i>Revised:</i> s.37, s.37(2), s.37(4)
38	How to ask for review by Commissioner	66	<i>New:</i> s.38(2), s.38(3) <i>Revised:</i> s.38(4)
39	Notifying others of review by Commissioner	67	<i>No change</i>
40	Mediation may be authorized	68	<i>No change</i>
41	Inquiry by Commissioner	69, 70	<i>New:</i> s.41(2)(b), s.41(3), s.41(4), s.41(9)(a) to (c), s.41(10) to (12) <i>Revised:</i> s.41(2), s.41(9)
42	Commissioner's orders	72	<i>New:</i> s.42(e), s.42(f) <i>Revised:</i> s.42(2)
43	No appeal	73	<i>No change</i>
44	Duty to comply with orders	74	<i>Revised:</i> s.44(4)

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<b>Section</b>		<b>Section</b>	
<b>Division 2 – Investigations and Reviews by Independent Adjudicator</b>			
45	Independent adjudicator to investigate complaints and review decisions	75	<i>Revised:</i> s.45(1), s.45(1)(c), s.45(1)(f)
46	Powers, duties, functions and protections of independent adjudicator	76	<i>Revised:</i> s.46(1)
47	Right to ask for review by independent adjudicator	77	<i>New:</i> s.47(4) <i>Revised:</i> s.47, s.47(3)
48	Review where Commissioner in conflict	78	<i>New:</i> s.48(4) <i>Revised:</i> s.48(1), s.48(3)
49	How to ask for review by independent adjudicator	79	<i>Revised:</i> s.49(2)(a)
50	Notifying others of review by independent adjudicator	80	<i>No change</i>
51	Conduct and outcome of review	81	<i>Revised:</i> s.51(1)
<b>Division 3 – Disclosure to Commissioner</b>			
52	Disclosure to Commissioner	82	<i>Revised:</i> s.52(1), s.52(4)(b), s.52(5)(a)

## **PART 7 – GENERAL PROVISIONS**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
53	Manner of giving notice	83	<i>Revised:</i> s.53(d), s.53(e)
54	Exercise of rights by other persons	84	<i>No change</i>
55	Delegation by head of public body	85	<i>No change</i>
56	Annual report of Minister	86	<i>No change</i>
57	Directory of personal information banks	87.1	<i>No change</i>
58	Protection of public body from legal suit	90	<i>Revised:</i> s.58(a)

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<b>Section</b>		<b>Section</b>	
59	Protection of employee	91	<i>Revised:</i> s.59(1)
60	Offences and penalties	92	<i>New:</i> s.60(1)(c) to(e), 60(3) <i>Revised:</i> s.60(1), 60(2), s.60(4), s.60(6)
61	Lieutenant Governor in Council regulations	94	<i>Revised:</i> s.61, s.61(a), s.61(f)
62	Ministerial regulations		<i>New</i>
63	Review of Act	97	<i>Revised:</i> s.63

#### **PART 8 – TRANSITIONAL PROVISIONS AND COMING INTO FORCE**

<b>Protection of Privacy Act P-28.5</b>		<b>Freedom of Information and Protection of Privacy Act F-25 RSA 2000</b>	<b>Notes</b>
<b>Section</b>		<b>Section</b>	
64	Transitional		<i>New</i>
65	Coming into force		<i>New</i>