

Emerging Issues in Trans-border Data Flow

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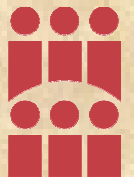
Access and Privacy Workshop

October 26, 2009



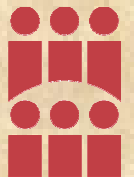
Outline

- ✓ Historical Overview
- ✓ Public Sector Case Study
 - BC Health Information Data Outsourcing
- ✓ Private Sector Case Study
 - Bank Notification of Credit Card Data Outsourcing Investigation
 - US Data Broker Investigation
- ✓ Changes to the Privacy Landscape



Themes

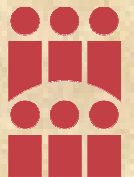
- ✓ Underlying Fears
- ✓ Technological Shift
- ✓ Consent
- ✓ Individual Awareness





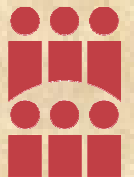
Historical Overview

- ✓ Limited Early Discussions
- ✓ Efforts to Co-ordinate and Cooperate
- ✓ Building Frameworks
- ✓ Gather Experience
- ✓ Review / Adapt / Revise



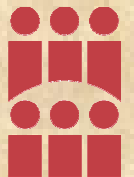
Public Sector Case Study

- ✓ U.S. PATRIOT ACT (2001)
- ✓ BC Privacy Commissioner Report (2004)
- ✓ BC Legislative Changes (Fall 2004)
- ✓ *BC Govt Serv. Empl. Union v. British Columbia (Minister of Health Services)* (2005 BCSC)
- ✓ Result: Raised Awareness



Private Sector Case Study

- ✓ PIPEDA Case Summary #2005-313:
CIBC Visa Outsourcing Disclosure -
Privacy Commissioner Investigation
 - Access
 - Consent
- ✓ *Lawson v. Accusearch Inc.* (2007 FC)
 - Increased Advocacy



Changes

- ✓ Legal Framework
- ✓ Change of Individual
- ✓ Structure of Deals
 - Information Providers
 - Information Receivers

