

Privacy Resource Kit

Practical Guidance Lawyer Team

Go to: Privacy Law Fundamentals | Privacy Policies and Notices | Privacy Complaints and Litigation Matters
| Canada's Anti-Spam Legislation | Managing Data Breaches | General Data Protection Regulation (UK, EU)
| Industry Compliance | Employee Privacy | Corporate and Private M&A Documents

Maintained

This Resource Kit includes materials from multiple Practical Guidance practice areas. If you do not subscribe to certain practice areas, you may be unable to access all the materials referenced.

This resource kit provides an overview of the Canadian privacy law considerations. The resource kit sets out the fundamentals of privacy law and anti-spam legislation and provides useful information with respect to data breaches and the legal requirements for breach notification, the requirements of the General Data Protection Regulation (UK, EU) and industry compliance. The resource kit also includes documents related to privacy in the workplace, and in the context of business corporations and private M&A.

This resource kit contains guidance materials, including practice notes, precedents, clauses, tables, flowcharts and checklists.

Privacy Law Fundamentals

The following documents cover privacy law fundamentals, including the basics of privacy law generally, Canadian laws and standards, information relating to privacy legislation by jurisdiction, security safeguards under PIPEDA and transfers of personal information internationally. Also set out are sample documents.

Document Title	Document Type
Privacy Law	Practice Note
International Transfers of Personal Information	Practice Note
Digital Charter Implementation Act (Bill C-27) Overview	Practice Note
Personal Information in the Private Sector Access	Practice Note
Online Behavioural Advertising and Use of Cookies and Other Technologies	Practice Note
Overt and Covert Video Surveillance in the Private Sector	Practice Note
Privacy Implications of Recording Client Phone Calls (Federal)	Practice Note
Privacy Law: Customers' Driver's Licences, Licence Plates and other Methods of Proving Identity	Practice Note
Security Safeguards under PIPEDA Checklist	Checklist
Privacy Law Compliance Checklist (Organizations)	Checklist
Privacy Legislation by Jurisdiction	Table
Transfers of Personal Information Internationally Table (Comparable Level of Security)	Table
IT and Privacy Representations and Warranties (Commercial Transaction)	Precedent
Background and Credit Checks Privacy Consent (Long Form)	Precedent
Personal Information Access Request	Precedent
Privacy and Data Protection Requirements	Precedent

Privacy Policies and Notices

Privacy Resource Kit

The following documents discuss the key distinctions between privacy policies and privacy notices and contain sample privacy policies.

Document Title	Document Type
Privacy Policies and Notices	Practice Note
Privacy Notice Checklist	Checklist
Cookie Policy	Precedent
Corporate Information Security Privacy Policy	Precedent
Corporate Privacy Policy	Precedent
Mobile Application Privacy Policy	Precedent
WiFi Acceptable Use Policy (Long Form)	Precedent

Privacy Complaints and Litigation Matters

The following documents cover privacy complaints and litigation matters, including private and public sector complaints, privacy violation applications, privacy torts and privacy and cybersecurity litigation.

Document Title	Document Type
Private Sector Privacy Complaints under PIPEDA and Public Sector Privacy Complaints	Practice Note
Privacy Violation Application (Federal)	Practice Note
Privacy Torts	Practice Note
Privacy and Cybersecurity Litigation Exposure Primer	Practice Note
Notice of Application for a Privacy Violation (Federal)	Precedent
Private Sector Privacy Complaint under PIPEDA to the Office of Privacy Commissioner of Canada	Precedent
Public Sector Privacy Complaint with the Office of the Privacy Commissioner of Canada	Precedent
Statement of Claim (Appropriation of Personality)	Precedent

Canada's Anti-Spam Legislation

The following items provide an overview of Canada's Anti-Spam Legislation ("CASL"), which governs the sending of "commercial electronic messages" and the installation of "computer programs". The documents cover the CASL's scope and application, and mechanisms for its enforcement and compliance.

Document Title	Document Type
Anti-Spam Legislation Fundamentals	Practice Note
CASL Application, Purpose, and Scope	Practice Note
CASL Installation of Computer Program Provisions	Practice Note
CASL Enforcement	Practice Note
CASL Compliance Program and Record-Keeping	Practice Note
CASL Compliance FAQ	Practice Note
Anti-Spam Legislation Compliance Checklist	Checklist
CASL Installation of Computer Program Checklist	Checklist
CASL Commercial Electronic Message Policy	Precedent
CASL Compliance Language for Consent and Opt-Out (Sample)	Precedent
E-Mail Message under CASL	Precedent

Managing Data Breaches

Privacy Resource Kit

The following documents cover data breaches and breach reporting under the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5 ("PIPEDA"), including an overview of breach notification and management, response procedures, breach notification and developing a data breach crisis communication plan.

Document Title	Document Type
Breach Notification and Management	Practice Note
Data Breach Crisis Communication Plan	Practice Note
Data Breach Notification Webinar	Practice Note
Data Breach Pro Tips	Practice Note
Data Breach Response Procedure	Practice Note
Canadian Data Breach Notification and Reporting Requirements (Private Sector)	Table
Breach Report to an Individual	Precedent
Breach Report to a Privacy Commissioner	Precedent
Data Breach Log	Precedent

General Data Protection Regulation (UK, EU)

The following documents provide an overview of the UK General Data Protection Regulation ("UK GDOR" and the EU General Data Protection Regulation ("EU GDPR"), which apply to the processing of information related to an identified or identifiable natural person. The documents set out the fundamentals of the of the GDPR pre-Brexit, the implications for data protection after Brexit, an introduction to the EU GDPR and the UK GDPR post-Brexit, the determination of domain name owner in relation to the GDPR impact and the application of the EU GDPR to Canadian organizations.

Document Title	Document Type
GDPR Fundamentals	Practice Note
Brexit — Implications for Data Protection (UK, EU)	Practice Note
Introduction to the EU GDPR and the UK GDPR	Practice Note
The EU General Data Protection Regulation (EU GDPR)	Practice Note
The UK General Data Protection Regulation (UK GDPR)	Practice Note
Domain Name Owner Determination and GDPR Impact	Practice Note
Data Portability Under the GDPR (UK, EU)	Practice Note
Data Protection Principles under the GDPR (UK, EU)	Practice Note
Outsourcing and Data Protection Under the GDPR (UK, EU)	Practice Note
GDPR Compliance — Managing Personal Data Breaches (UK, EU)	Practice Note
GDPR for Canadian Organizations: Does It Apply to You?	Flowchart

Industry Compliance

Canadian federal and provincial privacy legislation provides exceptions for the collection, use and disclosure of personal information in emergency situations. The following documents set out set out the details of what to do in terms of privacy considerations when responding to emergencies, such as a general discussion of privacy in emergencies, de-identification of health information, data geolocation in the storage of health information, and includes all health information privacy legislation and breach reporting requirements.

Document Title	Document Type
Privacy in Emergency Situations	Practice Note
De-Identification of Health Information	Practice Note

Privacy Resource Kit

Data Geolocation: Health Information Storage	Practice Note
Breach Notification under the Health Information Act (AB)	Checklist
Privacy Breach Protocols Checklist (Canadian Healthcare Organizations)	Checklist
Privacy Training Checklist (Canadian Healthcare Organizations)	Checklist
Privacy in Emergency Situations Table	Table
Health Information Privacy Legislation	Table
Health Information Privacy Legislation: Breach Reporting Requirements	Table

Employee Privacy

The following documents cover items in the context of privacy in the workplace. The documents discuss topics such as employee privacy, privacy policies, monitoring and information management, privacy compliance, disclosure of information to third parties and the collection and use of data. Also included are various sample privacy policies.

Document Title	Document Type
Employee Privacy and Privacy Policies	Practice Note
Employee Monitoring and Information Management	Practice Note
Privacy Compliance Checklist	Checklist
Privacy Policy Checklist	Checklist
Disclosure of Information to Third Parties Checklist	Checklist
Collection and Use of Data Checklist	Checklist
Privacy Policy (Sample)	Precedent
Privacy Policy (Personal Information of Employees)	Precedent
Technology Use Policy	Precedent
Document Retention Policy	Precedent
Bring Your Own Device (BYOD) Policy	Precedent
Internet and E-Mail Usage Policy	Precedent
Employee Privacy Notice	Precedent
Employee Privacy Training Slides	Precedent

Corporate and Private M&A Documents

The following documents set out privacy law considerations that arise in the context of business corporations and business acquisitions. It also includes specific clauses that address privacy concerns in agreements of purchase and sale and clauses to seek consent after closing.

Document Title	Document Type
Corporate Records and the Duty to Maintain Privacy	Practice Note
Privacy Law Considerations: Acquisitions	Practice Note
CASL Covenant Clause	Clause
Privacy Covenant Clause	Clause
Privacy and CASL Representations and Warranties Clause	Clause
Privacy Laws and CASL Definitions Clause	Clause

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