



Legislative Assembly of Alberta

The 31st Legislature
First Session

Standing Committee
on
Resource Stewardship

Personal Information Protection Act Review

Monday, December 9, 2024
9 a.m.

Transcript No. 31-1-14

**Legislative Assembly of Alberta
The 31st Legislature
First Session**

Standing Committee on Resource Stewardship

Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC), Chair
Sweet, Heather, Edmonton-Manning (NDP), Deputy Chair

Al-Guneid, Nagwan, Calgary-Glenmore (NDP)
Armstrong-Homeniuk, Jackie, Fort Saskatchewan-Vegreville (UC)
Calahoo Stonehouse, Jodi, Edmonton-Rutherford (NDP)
Dyck, Nolan B., Grande Prairie (UC)
Eggen, David, Edmonton-North West (NDP)
Hunter, Grant R., Taber-Warner (UC)
McDougall, Myles, Calgary-Fish Creek (UC)
Sinclair, Scott, Lesser Slave Lake (UC)
Singh, Peter, Calgary-East (UC)*

* substitution for Jackie Armstrong-Homeniuk

Office of the Information and Privacy Commissioner Participants

Diane McLeod	Information and Privacy Commissioner
Cara-Lynn Stelmack	Assistant Commissioner, Case Management
Chris Stinner	Assistant Commissioner, Strategic Initiatives and Information Management

Support Staff

Shannon Dean, KC	Clerk
Trafton Koenig	Law Clerk
Philip Massolin	Clerk Assistant and Executive Director of Parliamentary Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Abdul Bhurgri	Research Officer
Rachel McGraw	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Christina Steenbergen	Supervisor of Communications Services
Amanda LeBlanc	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Resource Stewardship

Participants

Ministry of Technology and Innovation

Hilary Faulkner, Acting Assistant Deputy Minister, Innovation, Privacy and Policy

Breanne McEachren, Acting Director, Access and Privacy Policy

9 a.m.

Monday, December 9, 2024

[Mr. Rowswell in the chair]

The Chair: I'd like to call this meeting of the Standing Committee on Resource Stewardship to order and welcome everyone in attendance.

My name is Garth Rowswell, MLA for Vermilion-Lloydminster-Wainwright and chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record. We will begin to my right.

Mr. Sinclair: Good morning. My name is Scott Sinclair. I'm the MLA for Lesser Slave Lake.

Mr. Dyck: My name is Nolan Dyck. I'm the MLA for Grande Prairie.

Mr. Stinner: Good morning. I'm Chris Stinner, Assistant Commissioner for strategic initiatives and information management.

Ms McLeod: Good morning. Diane McLeod, Information and Privacy Commissioner.

Ms Stelmack: Cara-Lynn Stelmack, Assistant Commissioner, case management.

Ms Faulkner: Hilary Faulkner, acting assistant deputy minister of innovation, privacy and policy with Alberta Technology and Innovation.

Ms McEachren: Breanne McEachren, acting director for access and privacy policy in Technology and Innovation.

Mr. Eggen: Good morning. I'm Dave Eggen, MLA for Edmonton-North West.

Ms Sweet: Morning. Heather Sweet, MLA, Edmonton-Manning.

Mr. Bhurgri: Abdul Aziz Bhurgri, research officer.

Ms Govindarajan: Good morning. Vani Govindarajan, office of Parliamentary Counsel.

Ms Robert: Good morning. Nancy Robert, clerk of *Journals* and committees.

Mr. Huffman: Good morning. Warren Huffman, committee clerk.

The Chair: We will now go to those joining us online. Please introduce yourselves as I call your names.

Member Al-Guneid.

Ms Al-Guneid: Good morning. Nagwan Al-Guneid, the MLA for Calgary-Glenmore.

The Chair: MLA Calahoo Stonehouse.

Member Calahoo Stonehouse: Good morning. MLA Jodi Calahoo Stonehouse, Edmonton-Rutherford.

The Chair: MLA McDougall.

Mr. McDougall: Good morning. Myles McDougall, MLA for Calgary-Fish Creek.

The Chair: MLA Singh.

Mr. Singh: Good morning, everyone. Peter Singh, MLA, Calgary-East.

The Chair: MLA Hunter.

Mr. Hunter: Good morning. Grant Hunter, MLA for Taber-Warner.

The Chair: For the record I will note the following substitutions: Member Singh for Member Armstrong-Homeniuk.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostreams and transcripts of the meetings can be accessed via the Legislative Assembly website. Those participating by videoconference are encouraged to please turn on your camera while speaking and mute your microphone when not speaking. Members participating virtually who wish to be placed on the speakers list are asked to e-mail or message the committee clerk. The members in the room are asked to please signal the chair. Please set your cellphones and other devices to silent during the meeting.

Approval of the agenda. Are there any changes or additions to the draft agenda? If not, would someone like to make a motion to approve the agenda? Member Dyck. Any discussion? In the room all in favour, say aye. Any opposed, say nay. Online all in favour, say aye. Any opposed, say nay. Okay. That is carried.

Approval of the minutes. Next we have our draft minutes of our September 24, 2024, meeting. Are there any errors or omissions to note? If not, would a member like to make a motion to approve the minutes? Member Eggen. Any discussion? In the room all in favour, say aye. Any opposed, say nay. Online all in favour, say aye. Any opposed, say nay. Okay. That is carried.

Review of the Personal Information Protection Act. The committee requested an issues and proposals summary to be prepared for our consideration of the Personal Information Protection Act. This document compiles and summarizes the input received by the committee during its review process. The document itself does not make recommendations, nor is it intended to limit the scope of our deliberations. However, it is a convenient reference tool often used by committees to organize their deliberations.

Before I open the floor to questions, I will ask Mr. Bhurgri to provide us with a brief overview of the document.

Mr. Bhurgri: Thank you very much, Chair. I'll take this opportunity to give the committee a brief overview of the issues and proposals document that has been prepared by research services. This document is a summary of the issues and proposals that were raised by stakeholders in their submissions to the committee.

Before I delve into the structure of the document, I'd just like to briefly clarify the purpose of this document. This document was prepared to assist the committee in its deliberation process. I just want to be clear that this is not a comprehensive summary of the submissions that were made to the committee. For those, we always recommend the submission summary document that was prepared by research services as well as the submissions that are posted to the committee's internal website. It is also entirely up to the committee to discuss the order in which they choose to discuss the proposals that are mentioned in the issues and proposal document or not consider issues that were raised by stakeholders. That is entirely the committee's prerogative.

Coming to the structure of the document, there are six sections within which we have divided this document. The first is the introduction. The second section talks about how to use this

document. The third section is the executive summary. This has all the proposals that were made to the committee. This is further divided into six parts. I'm just going to read those parts out loud: the first one is changes in the legislative landscape, the second is the scope of the act, third is privacy rights, fourth is privacy protection measures, fifth is data use and privacy in innovative technologies, and the sixth is enforcement of the act.

The fourth section of the document is the core of the document. This has all the issues and proposals. If you refer to page 7 of this document, you notice that this document is drafted in a table format. There are four columns that we have. Again, I'll very briefly explain the purpose of each column. The first column is the issues column. That provides a short statement to the specific issue that is being discussed. The second column is the proposals column. This mentions any comments or suggestions that stakeholders have made to the committee. The third column is the notes column. This is a column that is intended to provide additional context to the committee, so in most cases it would have the rationale that the stakeholders provided. It may also include some cross-jurisdictional information, any contextual information that may be relevant to the proposal. The notes column may also contain the specific recommendation in cases where the recommendation is very prescriptive and specific. The last column is the relevant sections column. This is a column that identifies a specific provision in the legislation that is under discussion, where relevant.

Section 5 and section 6 have the submitters, those who made written submissions to the committee, as well as those who made oral submissions.

I do believe that is it for my part, but if there are any questions about the document, I'm happy to answer. Thank you.

The Chair: Thank you, Mr. Bhurgri.

Do members have questions about the report?

Okay. Thank you, Mr. Bhurgri. Thank you very much.

This takes us to the final stage of our review for the Personal Information Protection Act. I will remind committee members that we began the review on January 22, and we were given 18 months to complete our review of the act and report back to the Assembly. We have today's meeting and another scheduled tomorrow morning for our deliberations.

A number of motions were put on notice for potential consideration today. I will now open the floor to motions. Member Dyck, go ahead.

Mr. Dyck: Excellent. Well, thank you so very much, Chair. I really appreciate the opportunity. I would like to move a motion here this morning. The motion is that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to provide for specific requirements for the collection, use, and disclosure of the personal information of a minor.

The Chair: Did you want to back that . . .

Mr. Dyck: I would love to chat a little bit if that's okay.

The Chair: Okay. Yep.

Mr. Dyck: Perfect. That's correct on screen.

As a father of three little boys I do believe that our children do need privacy. They need that opportunity to have privacy legislation for them. I think it's important that as a minor and as a child they have those opportunities. PIPA's current provisions treat children's personal information similar to adults, and I believe there need to be some specific measures within PIPA that protect

children's personal information. I do believe that the government should consider the particular privacy concerns of children and minors and offer specific protection for children's personal information.

I think this encompasses the intent of what I'm trying to do with this motion. Thank you, Chair.

9:10

The Chair: Any discussion? Go ahead, Member Eggen.

Mr. Eggen: Yes. Thanks for that motion. Have you kind of fleshed out what the special provisions might look like?

Mr. Dyck: You know, at some level, because of the complexity of this in other jurisdictions, which I think we'll talk about here in a little while, I think that we need to make sure that we allow the department to look at those provisions and also gather those because those are different. But the key point, what I believe, throughout the motions here today is that we want some of the best privacy legislation in the world here in Alberta. Lining that up with other legislation is also part of that but then also making sure that it is still protecting. So I think, broadly, this works for me to make sure that we allow them to look at the specifics as a minor.

Mr. Eggen: So might you be suggesting – and I would stand behind it – to have the committee look for best practices throughout the country that might help to provide special requirements for minors' information?

Mr. Dyck: Yeah. We could even broaden that to world class, but we do need to make sure that they have the great provisions. We need to make sure that they're broad as well as not give them too prescriptive because if we get too prescriptive and not allow them to actually look broadly, then all of a sudden it really makes a challenge here. I think there's an opportunity here to allow great provisions, but it also allows, broadly, protections for minors, which is the goal here, that a broad view will allow world class and have the best protections without being prescriptive. As legislators I think we need to allow the professionals in the background to do their work.

Mr. Eggen: Okay.

The Chair: Member Al-Guneid, go ahead.

Ms Al-Guneid: I just wanted to flag that I also have a motion, so I'll wait until this is done.

Thank you.

The Chair: Fair enough. Thank you.

Any other discussion?

Okay. We can go to a vote on that. All in favour of the motion in the room, say aye. Any opposed? Online all in favour of the motion, say aye. All opposed, say nay. Okay. I would say that that one is carried.

Thank you very much.

I think what we'll do is go back and forth, so I'll go to the opposition side. Member Al-Guneid, go ahead.

Ms Al-Guneid: Yeah. It's actually in a similar context. I'm introducing a motion that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to enhance protections for children's personal information as follows while maintaining the act's principles-based approach and considering the current protections:

- (a) establishing targeted organizational requirements that focus on entities that primarily collect or process children's data,
- (b) defining a clear age threshold and consent mechanism,
- (c) providing for appropriate exemptions for organizations that do not primarily collect or process children's information,
- (d) implementing enhanced safeguards for data collection and use where children's data is deliberately collected.

Similar to the previous member, like, Alberta's children are increasingly – we're seeing more vulnerability online. We have social media, all these educational apps. Their data is being collected at a higher rate right now. We're seeing them online earlier, too, because of the services offered, because of the educational apps. Also, we keep hearing from parents that they are worried about their kids' privacy at an early age. Then, if we see other jurisdictions, there are even more detailed provisions on laws. For example, the U.S. has COPPA, which is the Children's Online Privacy Protection Act. I see in the notes, in the summary as well, that the EU's GDPR also has provisions for children.

It's about also having stricter parental consent requirements; for example, ensuring that platforms require some verifiable parental consent before collecting and sharing and storing children's data. Also, you know, there are so many examples we see setting age-appropriate guidelines, defining that age threshold for data collection practices and ensuring compliance with the children's developmental needs. That's really the spirit of this motion.

Thank you.

The Chair: Thank you very much.

Any discussion? Member Dyck, go ahead.

Mr. Dyck: Excellent. I just want to thank the member opposite for bringing this forward. I think we agree on a point here. I think that we all believe that children and their information should be protected. I am hesitant with being over prescriptive. In my prior motion I also mentioned, and I'll mention it here, that we do want to allow the opportunity to view and have world class. I think when we get too prescriptive, then all of a sudden it challenges that and doesn't necessarily allow that world class to happen. I think what we just voted on already encompasses some of this, so we don't need to include this motion in it.

Along with this, children's data also greatly varies on context: education, health care, online services. We don't know the impact that this would necessarily have upon small businesses either. At the end of the day, I appreciate your intent, but I think we're too prescriptive on this motion, and I can't support this motion as is. But I do want to thank the member opposite for bringing it forward.

The Chair: Any other discussion?

Okay. We'll go to a vote. All in favour of the motion in the room, say aye. All opposed, say nay. Online those in favour, say aye. Those opposed, say nay. Okay.

That is defeated.

Okay. Next motion, go ahead.

Mr. Dyck: Thank you, Chair. I move that

the Standing Committee on Resource Stewardship recommend that the government monitor the consideration of the federal Bill C-27 and take the necessary steps to ensure that the Personal Information Protection Act continues to be substantially similar to federal private-sector personal information privacy legislation.

If I may make a few comments here, the purpose of being "substantially similar": this wording is to allow provinces to regulate the personal information management practices of organizations operating within their borders as well as crossborder.

With being substantially similar to the PIPEDA, the federal legislation guiding this, we need to make sure that it is always maintained as they develop this. But, also, that bill has not passed yet, so we need to make sure that they can just monitor to make sure that we do match in the future without being prescriptive now because it hasn't come into law yet. That is where the recommendation to monitor this comes from, and I believe that's appropriate with where that stage of that bill is at, too.

Thank you, Mr. Chair.

The Chair: Any other discussion? Go ahead.

Ms Sweet: Thank you, Mr. Chair. I don't think there's any issue with this. I think it's important that we make sure that our provincial and federal legislation align, so we would support this.

The Chair: Thank you.

Any other discussion?

Okay. I'll go to vote. In the room all those in favour of this motion, say aye. Any opposed? Online those in favour of this motion, say aye. Any opposed?

That is carried.

Okay. We'll go back to the opposition side. Member Eggen.

9:20

Mr. Eggen: Thanks, Chair. I have a motion that might appear on the screen. The motion that I am putting forward is that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to authorize the Information and Privacy Commissioner

- (a) to impose monetary administrative penalties on an organization with clear criteria for determining the penalty amounts, including increased amounts for serious contraventions, repeated contraventions, and wilful noncompliance or deliberate errors, and
- (b) to provide for a mechanism for an organization to appeal an administrative monetary penalty.

The rationale behind this, Chair, is that privacy violations in Alberta might be better pursued if we have effective enforcement controls. Currently Alberta's Information and Privacy Commissioner can investigate but lacks, you know, substantive power to penalize people in contravention to the act. I think that we need stronger deterrents. Administrative penalties could be faster than running through the courts. This recommendation would bring our province into line with British Columbia and Ontario's enforcement capabilities, and it would also send a message that we are serious about protecting Albertans' privacy with real consequences for companies that repeatedly violate privacy rights.

I would humbly ask that people might consider this motion. Thanks.

The Chair: Go ahead, MLA Dyck.

Mr. Dyck: Thank you, Chair. Yeah. I'm supportive of this. Administrative monetary policies are a great regulatory tool that keep things out of the courts. As well, as we consider, as the prior motion stated, again, Bill C-27, and as Member Eggen mentioned, we need to consider that. It will be necessary for us to have similar penalties in PIPA as what Bill C-27 has. I would be supportive of this motion. Thank you to the member opposite for bringing this forward.

The Chair: Any other discussion?

Okay. We'll go to a vote. All those in favour in the room, say aye. Any opposed, say nay. Online all those in favour, say aye. Any opposed, say nay.

That is carried.

Okay. We will go to the next one. Member Dyck, go ahead.

Mr. Dyck: Excellent. Thank you, Mr. Chair. I move that the Standing Committee on Resource Stewardship recommend that the government continue to monitor privacy legislation developments in world-leading jurisdictions and take necessary steps to ensure that the Personal Information Protection Act requires comparable or better requirements for organizations to protect personal information.

A few comments here. The ministry of technology did suggest in our notes that the committee should explore opportunities to balance PIPA with leading privacy legislation across the world and leading Canadian jurisdictions as well. I believe we want some of the best. This motion allows us to get there and also to monitor. It also allows us to see changes that come about, and we need to be able to do that. We heard from various different jurisdictions as well just on breach notification requirements, on their different privacy protection mechanisms, and individual data rights concepts that are not currently in PIPA, but we need to monitor that and allow for that to potentially happen.

Once again, Albertans should have access to the best privacy protection available in the world, and I believe this is encompassed. When we match other international legislation, too, it is good for international commercial activity that wants to come to Alberta to have some alignment as well with different privacy legislation. It allows for them to get off the ground in our business-friendly environment here in Alberta.

Mr. Chair, I would love the support of the committee on this motion.

The Chair: Okay. Any discussion? No. Okay.

It looks like our online thing here may be frozen. Can anyone online speak, just to see if we've got you?

Mr. Singh: Sound check is clear.

Mr. McDougall: Test, one, two, three.

The Chair: All right. Okay. Everyone's face is frozen.

Ms Sweet: They're all listening intently.

The Chair: Yeah, perfectly. That's good.

Okay. So we'll go to a vote. In the room all those in favour, say aye. Any opposed? Online all those in favour, say aye. Any opposed? Okay.

That is carried.

Our next motion comes from Member Calahoo Stonehouse.

Ms Sweet: I move on behalf of Member Calahoo Stonehouse that the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to include comprehensive provisions regarding deidentification and anonymization of personal information that

- (a) includes the following:
 - (i) standardized definitions aligned with those found in comparable privacy legislation in other Canadian jurisdictions,
 - (ii) clear requirements of subsequent use of deidentified data,
 - (iii) identical standards for deidentification processes, and
- (b) considers the Information and Privacy Commissioner of Alberta's detailed recommendations in respect of the matters referred to in clause (a).

Thank you, Mr. Chair. The reason we're moving this is that Alberta businesses are having to analyze more and more data while protecting privacy. This is becoming a challenge for them as the

current rules around deidentification are unclear and inconsistent. This uncertainty holds back innovation and puts privacy at risk.

This motion recommends providing clear technical standards businesses can follow. This will allow Alberta to align with other provinces to make compliance simpler for Alberta companies. This motion is based on IPC recommendations and will help position Alberta as a leader in responsible data innovation. We need to give businesses basically the clarity they need while protecting Albertans' privacy.

The Chair: Any discussion? Go ahead, Member Dyck.

Mr. Dyck: Thank you very much, Chair. Yeah. I agree with this motion. Thank you, Member Sweet, for moving this on behalf of Member Calahoo Stonehouse.

A few comments here. PIPA currently has some provisions that address the use of nonidentifying information. However, the term "nonidentifying" is not defined in the act, and PIPA also has no provisions that directly address the use of anonymized data. As organizations continue to use deidentified, anonymized, and synthetic data to use and store personal information for research and technological development, we do need some definition around that. That is clear, especially as industry continues to use that. They have definitions. We need to be able to allow our people to be able to look into that and make some decisions as well.

This is also in line with the recommendations provided by the ministry, which ask the government to consider the detailed recommendations from the Information and Privacy Commissioner on this subject.

I'm in favour of this motion. Thank you very much to the members opposite for bringing this forward.

The Chair: All right. Thank you.

Any other discussion?

We're going to do something with the technology. I'll just pass it over to our clerk, and he can talk about it.

Mr. Huffman: Yes. Thank you, Mr. Chair. There seems to be something going on with our videoconference. IT has advised that we're just going to disconnect for a second. You'll lose audio for a couple of seconds. They'll reconnect, and it should work right away. It'll just be a couple of seconds, if you don't mind holding on.

Thank you.

9:30

The Chair: Okay. I'm just going to do a sound check. Can everyone hear me?

Mr. Singh: Sound check is good.

The Chair: Good. Okay. Looks like we're okay.

Member Calahoo Stonehouse, we'll just check with you. We can see you moving and everything, so that's good.

Member Calahoo Stonehouse: Can you hear me now?

The Chair: Yeah. We can. Perfect.

Member Calahoo Stonehouse: Oh, great. Thank you.

The Chair: Okay. Good. I'm assuming we got everybody, so we can go ahead with the vote. Oh, I'm sorry. Any discussion on this issue with the people online?

Member Calahoo Stonehouse: Thank you, Member Sweet, for speaking on my behalf. I appreciate it.

The Chair: Okay. Thank you very much.

Okay. Those in the room that support this policy, say aye. Any opposed? Those online that support the policy, say aye. Any opposed? No. Okay.

That is carried.

Okay. Our next one. MLA Dyck, go ahead.

Mr. Dyck: Thank you, Chair. I move that

the Standing Committee on Resource Stewardship recommend that the government take all necessary steps, including through proposing amendments to the Personal Information Protection Act, to improve alignment of all provincial privacy legislation, including in the private, public, and health sectors.

Yeah. The government should approve this alignment between our three privacy acts right now to help streamline compliance efforts and also just to promote consistency in privacy practices across the public, private, and health sectors. Then doing this between PIPA legislation and also the Health Information Act and previously the Freedom of Information and Protection of Privacy Act, which are streamlined processes, I believe will also help promote consistency between our ministries and Albertan institutions. I think there are some great things, as said prior. This is broad enough to also include all those to improve alignment across those. Many businesses and organizations are also subject to different types of privacy legislation in Alberta, and there should be consistency so they can comply better with these legislations.

I hope the committee would support this motion, and thank you, Chair, for allowing me to move this.

The Chair: Okay. Thank you.

Any discussion on the motion? No? Okay. Online anybody? No? Okay.

I will ask for a vote on this motion. All those in favour in the room on the motion, say aye. Any opposed? All those in favour online, say aye. Any opposed?

That is carried.

Next motion. Member Dyck, go ahead.

Mr. Dyck: Excellent. Thank you, Chair. I move that

the Standing Committee on Resource Stewardship recommend that

- (a) the Personal Information Protection Act be amended to clarify the definition of commercial activity in respect to nonprofit organizations and
- (b) the government develop guidelines for best practices for nonprofit organizations in respect of the collection, use, and disclosure of personal information in carrying out noncommercial activities.

Okay, Mr. Chair. Yeah. A few comments here. Since nonprofits are subject to the legislation when Albertans' information is used for commercial purposes, it's important that what that means is very clear in our legislation. This will also help nonprofits better understand their obligations under this act and that they have the tools they need to be compliant with the law.

In addition, nonprofits should ensure that Albertans' information is protected despite it being used or not used for commercial purposes, but it is quite important as well to recognize the limited capacity that many nonprofits have and that the administrative and financial burden in overregulating this area would create significant challenges for many nonprofits across Alberta. We need to make sure that Alberta's nonprofits are still able to function. They do great work. I'm very proud of the work they do, but we also need to make sure that they are able to function and not put unnecessary burden on them. So that's where this provision is.

This is why we would also suggest to the government that they develop guidelines for best practices to follow when it comes to protecting Albertans' information. For nonprofits this is also important, to give them a helping hand and also be clear in that. I believe this encompasses that.

Thank you, Mr. Chair.

The Chair: Thank you very much.

Any discussion? Online?

Okay. I guess we'll go to a vote. Those all in favour in the room, say aye. Any opposed? All those in favour online, say aye. Any opposed?

That is carried.

Next motion. Member Dyck, go ahead.

Mr. Dyck: Thank you, Chair. We're going to go to the next motion on the screen – thank you – that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to more clearly define, using plain language, the forms of consent to the collection, use, and disclosure of an individual's personal information, including deemed consent, express consent, and opt-out consent.

Chair, just a few comments on this. Alberta's PIPA, like all comparative legislation in Canada, establishes consent as the primary mechanism by which individuals may control collection, use, and disclosure of their personal information by organizations. We have three types of consent: express consent, implicit and deemed consent, and consent by not opting out. We need these definitions. Consent requirements do need to be clear, they do need to be transparent, and they do need to be expressed in plain language so that people can understand what their rights are on being able to consent to their collection by organizations.

Thank you, Chair, for the opportunity to move this forward.

The Chair: Any discussion on that one? Online?

Okay. We'll go to a vote. All those in favour of this motion, say aye. In the room, any opposed? Okay. Online those in favour, say aye. Any opposed?

That is carried.

Next motion, Member Dyck.

Mr. Dyck: Excellent. Thank you, Mr. Chair. I move that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to ensure that the penalties for committing an offence under the act are the same or higher than those of similar legislation in other Canadian jurisdictions.

Mr. Chair, a few comments on this. Currently the courts may levy fines against a person or an organization found to have committed an offence under section 59 of PIPA. These fines are \$10,000 for an individual and \$100,000 for a person other than an individual such as an organization. Fines for offences in Alberta are lower than those provided in the QPSA and Bill C-27. We need to make sure that those are similar as in other areas so that nobody is just a bad actor here in Alberta.

The Information and Privacy Commissioner of Alberta recommends that the committee make amendments to PIPA to align PIPA's fine regime with other jurisdictions. I think that's a great suggestion. We should have the best privacy protections in the country, and I also see the highest penalties for those who break the law as well. I believe this encapsulates both those desires and would love the support of the committee on this as well.

The Chair: Thank you.

Any discussion on this one? Go ahead, Member Sweet.

Ms Sweet: Thank you, Mr. Chair. I'm just looking at the motion, and I'm not sure I understand what the difference between motion 10 and motion 2 is. We already voted on motion 2, which speaks to imposing monetary administration penalties on an organization with "clear criteria for determining the penalty amounts, including increased amounts for serious contraventions, repeated contraventions, and wilful noncompliance or deliberate errors" and then obviously having an appeal process.

I mean, I guess we could say that 10 is just saying that it must be aligned with other jurisdictions. I would think that as motion 10 explicitly said that it should have clear criteria for determining those penalty amounts, that would have alignment. I mean, like, we're not disagreeing. I'm just not quite sure why we need a repetitive motion to do the exact same thing.

The Chair: Go ahead, Member Dyck. I think, for clarity's sake, I believe the penalties are for the commissioner and the fines are for the courts. Feel free to correct me on this, but that is my current understanding. I'm getting some head nods. Two motions are required, I believe, for clarity on this as well so that they aren't confused. Fair?

Ms Sweet: Fair.

9:40

The Chair: Commissioner, did you have anything you'd like to add from a technical perspective?

Ms McLeod: No. I was just chatting with Chris here about Quebec's regime because they do have administrative monetary penalties and offence provisions. You know, I was just clarifying that you take one path or the other and not both, for obvious reasons.

Chris, do you want to add anything to that just for clarity for the committee's sake?

Mr. Stinner: Yeah, absolutely. Very much how Member Dyck summarized it for the committee, the AMPs would be for the IPC in Alberta to set, and then for an offence the fine amount would be for the court to set.

The Chair: All right. Thank you.

Any other discussion?

Okay. We'll go to vote on this motion. All in favour in this room, say aye. Any opposed? Online those in favour, say aye. Any opposed?

That is carried.

Next motion. Member Dyck, go ahead.

Mr. Dyck: Excellent. Thank you, Chair. I move that the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to define "significant harm" in respect of "the loss or unauthorized access or disclosure" of personal information.

Mr. Chair, PIPA currently uses the reasonable person standard to determine what qualifies as significant risk, not a functional definition. Just in regard to transparency we do need some more definition of this regarding the criteria determining the real risk of significant harm. I believe that this encapsulates that. Without a real, clear definition of significant harm, there is a great deal of leeway that can happen determining what significant harm is. By amending this term, we can ensure consistency in what significant harm is and do this consistently across organizations as well.

I would love the committee's support on this motion.

The Chair: Thank you very much.
Any discussion? Member Eggen.

Mr. Eggen: Yeah. Thanks for this motion. Perhaps we need to help with that definition somehow. I think it's worthy of reflection if we thought about what significant harm might be, say?

Mr. Dyck: Once again thanks for the question. As I move this motion, one of the opportunities, I think, is going along with the prior motion we moved with looking at international standards. This allows this as well to come under that, to have international standards, and then also to find that significant harm in that scope as well.

I want to make sure it's broad enough so that we can encapsulate and have the best standards and also a very clear definition that works both here, across the country, and potentially across the world as organizations come to Alberta and make Alberta their home.

I do want to make sure that it's broad enough in definition that they can actually make that definition quite clear and also quite strong.

Mr. Eggen: Okay. Yeah. I don't disagree. I'm just wondering what it is. Like, is that not there already, maybe I could ask?

Ms McLeod: No, it's not. PIPA was the first legislation in Canada that had breach reporting, and most legislation that follows now clarifies the meaning of significant harm in a nonexhaustive way, clarifies what it is in certain circumstances. It is relatively common in breach reporting provisions included in privacy laws now. It's actually in HIA as well.

Mr. Eggen: Right. Okay. Good.

The Chair: All right. Great. Any other discussion? Online?

We'll move to a vote on this motion. All in favour in the room, say aye. All opposed, say nay. Online all those in favour, say aye. Any opposed, say nay.

That is carried.

Next motion.

Mr. Dyck: Okay. Chair, I move that the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to require organizations to notify individuals if an automated processing system is used to make a decision about that individual.

Automated decision-making systems, or ADSs, use computer systems such as algorithms – it could be an AI, but predominantly more a system – and some programming to analyze that data and make decisions on that data, often without direct human interaction, in order to allow efficiency and also, in many times, bring down the price in order to make those decisions.

We need the algorithm to be transparent. This is a principle that, I think, where decisions are made by algorithms, we need people to be aware that that is a decision that was made by a system, not by a person. We should be transparent with those people when these decisions affect them. I think we want clarity and transparency, and I believe this encompasses both.

The Chair: Any discussion? Online?

Okay. We'll move to a vote on this motion. All those in favour in the room, say aye. Any opposed, say nay. Online all those in favour, say aye. Any opposed, say nay.

That is carried.

Okay. Next motion.

Mr. Dyck: Mr. Chair, I move that

the Standing Committee on Resource Stewardship recommend that the Personal Information Protection Act be amended to require an organization to contractually bind a third-party service provider to comply with the requirements of the act in respect of personal information in its custody or under its control.

Mr. Chair, under our current PIPA legislation third-party service providers are not held to the same privacy requirements or privacy protection standards as the organization directly interfacing with users' personal information. That third party does not have the same requirements and therefore does not have the same protection for Albertans. We need to make sure that this oversight is changed and amended to protect Albertans' personal information so that all the organizations that hold that or people working with them are under this act.

I would love the committee's support on this motion as well.

The Chair: Any discussion on that one?

Okay. We will go to the vote. In the room all those in favour of this motion, say aye. Any opposed, say nay. Online all those in favour, say aye. Any opposed, say nay.

That is carried.

Are there any more motions?

Okay. We're good? All righty.

Well, thank you, all, for your work on this review. In order to complete the consideration of the act, we will need to report to the Assembly. As this will be the first report from this committee in this Legislature, I'd like to ask Ms Robert to provide us with a quick overview of what is included in the committee reports and what is required should any committee member wish to submit a minority report.

Ms Robert: Thank you, Mr. Chair. Yes. Since this is, I think, the first statute review report this committee in this Legislature will produce, I will just sort of go over the general process and the contents of the report. Typically a committee will direct research services of the Legislative Assembly Office to draft a report for the committee's consideration and approval. Typically these reports will include the activities of the committee, so the activities you took to gather information from stakeholders and members of the public, the oral presentations that were made by stakeholders, a sort of summary of information about that.

There's typically an executive summary outlining all of the recommendations that the committee has agreed to. Then in the main body of the report each of the recommendations is sort of gone through again in context as provided in terms of how the committee came to its decisions. Then there's sort of, like, an appendix listing all of the people and organizations that made submissions to the committee. That's the basic structure of the report.

9:50

In Alberta minority reports are permitted, so if a member wanted to submit a minority report, that is certainly fine. The committee or the chair could set a deadline for that, and then that minority report would just be appended to the end of the main report.

The committee then considers and approves the report or makes changes to it and then eventually approves it, and that's it. As chair you would either present that report in the Assembly if the

Assembly is meeting, or if not, there is an intersessional deposit process that exists.

That's basically it, but I'd be happy to answer any questions if there are any.

Thanks.

The Chair: Are there any questions? No? Okay.

Thank you for that explanation.

I would note that the potential wording of a motion for the Legislative Assembly Office to prepare a draft report of the committee's review was provided along with a motion put on notice by committee members. Is there a committee member prepared to move the following motion? Go ahead, Member Sinclair.

Mr. Sinclair: Thank you, Mr. Chair. I move that the Standing Committee on Resource Stewardship

- (a) direct the Legislative Assembly Office to prepare a draft final report on the committee's review of the Personal Information Protection Act and
- (b) authorize the chair to approve the report after members have had an opportunity to review and provide comments on the draft.

The Chair: Any discussion about that? Online?

If not, all those in favour in the room, say aye. Any opposed, say nay. Online those in favour, say aye. Any opposed, say nay.

That is carried.

The committee received written follow-ups from the Information and Privacy Commissioner for British Columbia and the Ministry of Technology and Innovation based on discussions at our last meeting. They were made available to committee members on the internal website.

Are there any other issues for discussion at today's meeting?

Okay. The date of the next meeting will be at the call of the chair.

If there's nothing else for the committee's consideration, I would call for a motion to adjourn.

Ms Sweet: Just a point of clarity, Mr. Chair.

The Chair: Go ahead.

Ms Sweet: We have a meeting booked for tomorrow, so . . .

The Chair: Yeah, but that's cancelled.

Ms Sweet: Okay. We just hadn't said it.

The Chair: Unless you want to review them all again.

Ms Sweet: No. I'm good.

The Chair: Okay. Good.

Ms Sweet: With that, I would move that we adjourn.

The Chair: Okay. Perfect. All those in favour in the room, say aye. Any opposed, say nay. Online say aye. Any opposed, say nay.

The meeting is adjourned. Thank you, everyone.

[The committee adjourned at 9:53 a.m.]

