

## **Personal Information Protection Act (PIPA) – Bill 38**

### **Information about the new legislation and industry compliance**

---

The following information is provided to assist individuals and dealerships to better understand the impact of the new personal information protection legislation on daily activities within the retail motor dealer industry.

It is important that every dealership create and maintain their own privacy policies and procedures to comply with the new Provincial (PIPA) and Federal (PIPEDA) regulations for the collection, use, and disclosure of personal information.

This privacy legislation affects not only information collected from current, past, and potential clients, but also the collection, use, and disclosure of information about former and current employees. Employers are required by law to keep certain former and current employee personal information on file for a specified period.

#### **What is "personal information"?**

Personal information is any factual or subjective information, recorded or not, about an identifiable individual. It includes, but is not limited to:

1. age, name, weight, height, marital status;
2. medical records;
3. information about employees, or their family members, which may be forwarded to employee benefits carriers;
4. ID numbers, income, ethnic origin, or blood type;
5. opinions, evaluations, comments, social status, disciplinary action, employee files;
6. credit records, loan records, existence of a dispute between a consumer and a merchant, intentions (e.g.: to acquire goods or services, or change jobs)

Personal information does not include job title, telephone number or address, anything that might appear on a business card or in a phone book.

#### **Requirements / Recommendations:**

1. **Every dealership must have a written Privacy Policy.**
2. **Every dealership must have a Privacy Officer(s).**
3. **Dealers should be pro-active in disclosing their privacy policy** to their existing and prospective customers and employees. Post signage within your dealership that

recognizes your business as one that is in compliance with Provincial and Federal Personal Privacy Legislation.

4. **Include privacy statements on all documentation** that deals with the collection of personal information from customers and employees. For existing documentation, an attachment containing a generic privacy statement can be used.
5. **Dealerships that use a call management telephone system** should include a privacy disclaimer in the pre-recorded message. The reason for calling and the purposes for collecting the personal information must be identified.
6. **All new and existing employees** should sign a “confidentiality agreement” that clearly identifies that any and all personal information collected at or for the dealership is the property of the dealership and cannot be taken with the individual in the event their employment with the dealership concludes
7. **Personal information collected through marketing efforts** (i.e. contests) must contain a “privacy statement” on the draw box or on the entry forms stating the intention(s) for collecting this information.
8. **Have a clear and concise method of destroying personal information.** Information should be discarded once the purpose for its collection is no longer required for legal or business reasons. However, if the personal information was used to make a decision that affects the individual, the personal information must be retained for at least one year after use. This policy should be developed, maintained, and overseen by the dealership Privacy Officer.
9. **Personal information should be easily available to the public.** Have a clear and concise procedure to follow when people request to see their personal information. Individuals must request their information in writing and a minimal fee may be charged.
10. **Personal information must be destroyed when requested by customer.** Have a clear and concise procedure for eliminating customer information once a request has been made to remove their personal information from your records. (i.e. “take my name off your list”).
11. **Job application forms should include a privacy consent statement** to allow the employer to proceed with reference checks or retain, use, or disclose the information included on the application.
12. **Permission is not required to retain personal information** that was collected prior to January 1, 2004. However, if a dealership intends to use or disclose customer information that was collected prior to January 1, 2004, it is recommended that a privacy notice be sent with the dealership’s first mail-out after January 1, 2004.
13. **For any additional transactions** in which personal information is collected the dealership’s privacy notice should be included. (i.e. service work orders, rental agreements)

**10 Principles for the protection of privacy:**

To be applied when dealing with all customer information...

1. Be accountable
2. Identify the purpose
3. Obtain consent
4. Limit collection
5. Limit use, disclosure and retention
6. Be accurate
7. Use appropriate safeguards
8. Be open
9. Give individuals access
10. Provide recourse

**10 Steps to compliance: Developing a Privacy Plan**

1. **Assign Responsibility** – designate a Privacy Officer
2. **Become Familiar with the Ten Privacy Principles** - relevant members of your dealership should become familiar with PIPA.
3. **Conduct a Privacy Audit** – Where do you have personal information and how do you manage it?
4. **Put your Practices to the Test** – Assess how your current practices measure up against the privacy principles in PIPA and PIPEDA.
5. **Implement Changes** – Involve all necessary staff.
6. **Develop a Privacy Policy** – Create a policy that works for your dealership's system of collecting personal information. (Refer to the 10 Principles for the Protection of Privacy)
7. **Train Staff** - Your Privacy Policy should include a plan for training all staff.
8. **Develop or revise forms and communications materials** – This should include all forms, documents, and websites, and any other means of collecting personal information.
9. **Review and revise service contracts** – Any personal information transferred to third parties is still the responsibility of the dealership that collected the information.
10. **Develop an effective complaints handling process** – Help your dealership: address complaints; identify compliance problems; increase customer confidence; avoid investigation.

For a more detailed description for each of the “**10 principles for the protection of privacy**” and “**10 steps to compliance**” plus other useful implementation tools refer to the following website: [www.mser.gov.bc.ca/foi\\_pop/privacy/default.htm](http://www.mser.gov.bc.ca/foi_pop/privacy/default.htm)  
Pay particular interest to “**Implementation Tools**”

### **Additional Helpful Resources**

#### **Trade Associations** (subject to membership status)

Canadian Automobile Dealers Association (CADA)  
“**A Dealers Guide to Federal Privacy Legislation**”  
Tim Ryan, CADA (available at [www.cada.ca](http://www.cada.ca))

New Car Dealers of BC (formerly BCADA)  
“**BC Legislation – Addendum to A Dealer’s Guide to Federal Legislation**”  
Rod McCloy, BCADA (contact [www.bcada.org](http://www.bcada.org))

Automotive Retailers Association (ARA)  
Information and Forms in “Members Only” Section of web site at [www.ara.bc.ca](http://www.ara.bc.ca)

### **Government Offices**

David Loukidelis  
**Information and Privacy Commissioner for British Columbia**  
4-1675 Douglas Street  
Victoria, British Columbia V8V 1X4  
Phone: (250) 387-5629  
Toll free: 1-800-663-7867 (free within BC)  
Fax: (250) 387-1696  
Email: [info@oipc.bc.ca](mailto:info@oipc.bc.ca)  
Web Site: [www.oipc.bc.ca](http://www.oipc.bc.ca)

**Corporate Privacy and Information Access Branch**  
Information, Science and Technology Agency  
Government of British Columbia  
Victoria, British Columbia  
Phone: 604-660-2421 or 800-663-7867 (ask to be transferred to 356-1851)  
Email: [enquirybc@gems3.gov.bc.ca](mailto:enquirybc@gems3.gov.bc.ca)  
Web Site: [www.mser.gov.bc.ca/foi\\_pop/privacy/default.htm](http://www.mser.gov.bc.ca/foi_pop/privacy/default.htm)

If you would like to view additional information on the subject of Privacy Legislation, please refer to the **Federal Privacy Commissioners’ Office** website at: [www.privcom.gc.ca](http://www.privcom.gc.ca)