

# MANAGING PRIVACY COMPLIANCE AND BUSINESS SUCCESS IN 2023

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# Welcome and thank you for joining us today



**Alison Brunelle**

Senior Director

National Privacy Services Leader

[alison.brunelle@rsmus.com](mailto:alison.brunelle@rsmus.com)

Alison is a national privacy services leader within the security and privacy risk consulting (SPRC) practice. In this role, she helps organizations achieve investment return, change success and third-party synergies via a principles-based approach to operationalizing privacy outcomes. Alison's multifaceted background as a privacy, risk management and legal professional in both the private and public sectors allows her to solve complex business problems while increasing enterprise value and mitigating risk to highly valued data.

Alison's pivotal experience as a professional services solution provider and thought leader includes extensive focus on legislative and regulatory compliance, privacy program maturity and sustainability, and specialization in performing compliance posture capability and gap assessments, as well as non-attestation internal audits across all industries impacted by global privacy, personal data ethics and security requirements.



**Horia Tabatabaei Soltani**

Senior Associate

[Horia.soltani@rsmcanada.com](mailto:Horia.soltani@rsmcanada.com)

Horia possesses extensive knowledge on privacy governance, compliance, and leading practices. With her expertise she has helped organizations establish and transform their privacy program through supporting them on privacy risk management, audit, vendor assessment and privacy capability and gap analysis. She has provided virtual chief privacy officer services and has guided organizations in embedding privacy by design in their systems and leveraging privacy for their business growth.

Throughout her practice, which included running a privacy law firm, Horia has helped small to large enterprises in various industries including technology, non-for-profit organizations, and regulatory bodies, in understanding the Canadian privacy regime and how they can operate within other privacy jurisdictions. She has worked with organizations in designing and implementing systems and controls based on various standards and laws and regulations, such as the National Institute of Standards and Technology (NIST) and the Personal Information Protection and Electronic Documents Act (PIPEDA).

# Welcome and thank you for joining us today

## Webinar outcome

The intend of today's webinar is to discuss the new Canadian privacy laws and regulations that have come into effect in the past year and what to expect in 2023. As well as what organizations should consider in their efforts to be compliant with the ever-changing privacy laws and regulations.

## Agenda:

## Why is privacy important?

## Privacy trends

## Canadian privacy update

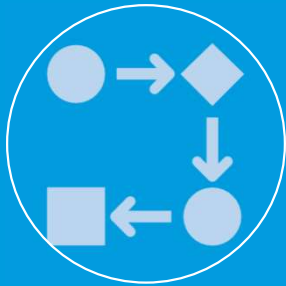
## Managing organizational impacts of privacy



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# Why is privacy important?

The conversation around privacy is ever-evolving due to technology impacts, legislative and regulatory developments along with individuals' expectations and preferences.



## Operational risks

Privacy today is more than just a compliance obligation; it impacts strategic growth, decision making, and operational effectiveness.

Organizations need to manage personal data as it would any other company asset and instill a company culture that respects privacy.



## Reputational risks

Transparency and trust are paramount in the global economy amongst consumers, employees, and business partners.

The impact to a company's brand could be substantial in terms of perception about ethical personal data practices.



## Financial risks

Loss of trust may result in loss of current and future business opportunities.

Enforcement actions from regulatory and supervisory authorities can be costly; or in some instances result in further private legal action from individuals and their attorneys.

Privacy is important as business and marketplace differentiator.

# PRIVACY TRENDS

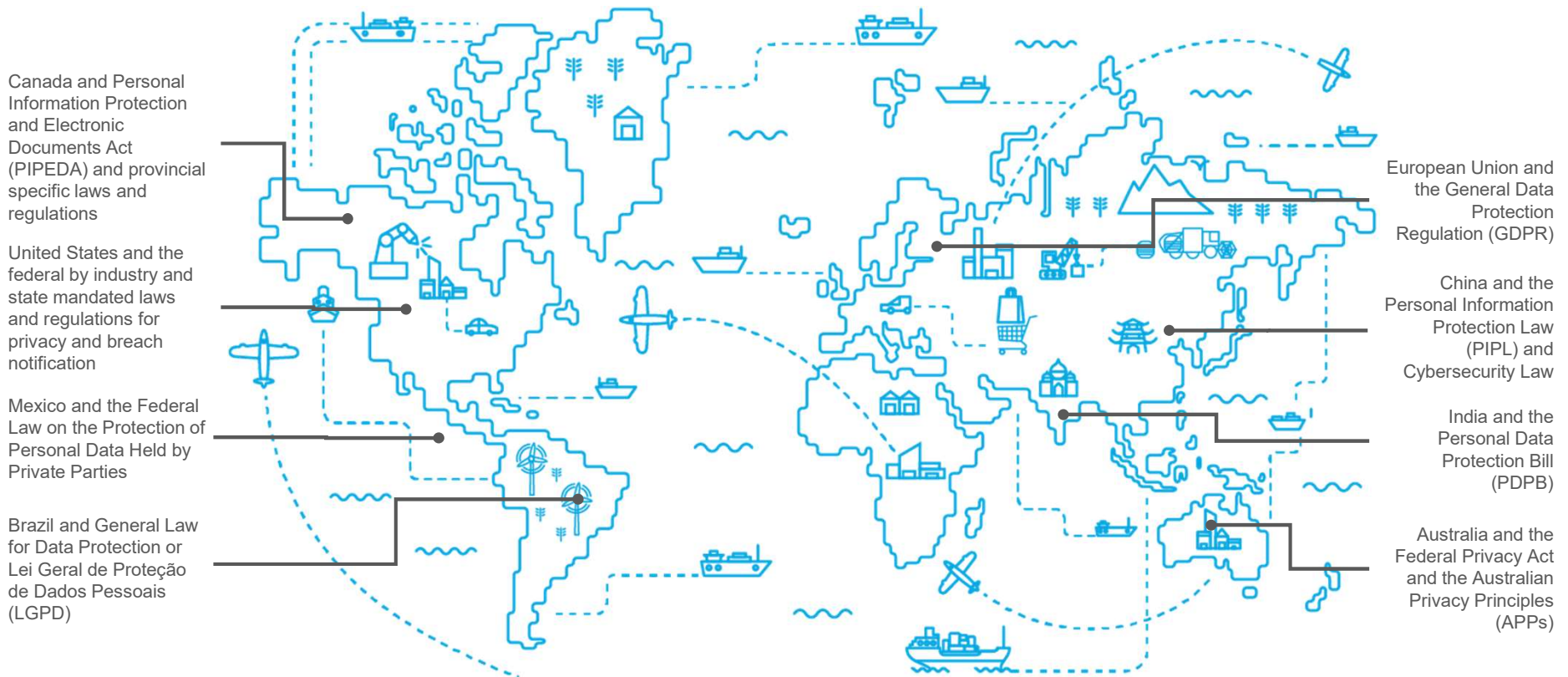
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# Keeping pace with global privacy requirements



In today's global and data rich economy, keeping pace with privacy and personal data protection requirements can be a challenge no matter what the impact may be to an organization due to the evolving laws and regulations ensuring privacy rights to individuals in countries around the world.








# CANADIAN PRIVACY UPDATE

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# Canadian privacy landscape

<div data-bbox="48 467 394 657"> <b>Federal</b>  </div> <div data-bbox="48 657 394 1245"> <p><b>Bill C-27, the Digital Charter Implementation Act, 2022</b></p> <p>If passed would change federal government's current privacy framework and PIPEDA.</p> <p>Some of the proposals by Bill C-27 includes:</p> <ul style="list-style-type: none"> <li>• Personal Information and Data Protection Tribunal</li> <li>• Artificial Intelligence and Data Act</li> <li>• Broader Powers for the Privacy Commissioner</li> <li>• Significant financial penalties and Privacy Right of Action</li> <li>• Expansion on individual rights and consent</li> </ul> </div>	<div data-bbox="464 467 808 657"> <b>Ontario</b>  </div> <div data-bbox="464 657 808 1245"> <p><b>Bill 88, the Working for Works Act, 2022</b></p> <p>Was passed in April 2022 and amended the Employment Standards Act, 2000.</p> <p>Employers with 25 or more employees need to create a written policy containing information on whether, how, and in what circumstances employee's behavior is monitored through electronic devices.</p> </div>	<div data-bbox="877 467 1222 657"> <b>Quebec</b>  </div> <div data-bbox="877 657 1222 1245"> <p><b>Law 25 (ex Bill 64), amending Quebec's private sector privacy law</b></p> <p>Was passed in September 2021 and implementation of it has been put into a phased rollout, with the first having started September 2022.</p> <p>September 2022 required organizations to:</p> <ul style="list-style-type: none"> <li>• Appoint a Privacy Officer</li> <li>• Mandatory Reporting of Privacy Breaches</li> <li>• Database of Biometric Measurements Usage and Reporting</li> </ul> </div>	<div data-bbox="1291 467 1635 657"> <b>Alberta</b>  </div> <div data-bbox="1291 657 1635 1245"> <p><b>Considerations to update Private Sector Privacy Law – Personal Information Protection Act (PIPA)</b></p> <p>Ongoing consideration to modernize the private sector privacy law. No bill introduced.</p> <p>Public consultation held to receive feedback on how to strengthen privacy protection and building trust.</p> </div>	<div data-bbox="1705 467 2051 657"> <b>British Columbia</b>  </div> <div data-bbox="1705 657 2051 1245"> <p><b>Considerations to update Private Sector Privacy Law – Personal Information Protection Act (PIPA)</b></p> <p>Ongoing consideration to modernize the private sector privacy law. No bill introduced.</p> <p>Special committee was introduced in 2021 to review the PIPA and recommended that the PIPA must be modernized to safeguard the rights of individuals.</p> </div>
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## Requirements for September 2023

### Notice and communication

- Ensure your privacy policy is updated and provides required information to meet transparency obligations.

### Privacy by design

- Technological products or services with privacy settings must ensure the settings provide the highest level of confidentiality by default.
- Mandatory PIA when PII is leaving Quebec, or when acquiring systems involving PII.

### Privacy rights management

- Ensure individuals are informed if PII is used to render a decision based exclusively on automated processing of that PII.
- Review consent process to ensure it is adequate with new requirements.

### Personal data lifecycle management

- Review de-indexation process as individual's have a right to request dissemination of their PII.
- Review anonymization process of PII in control of the business.

### Third party risk management

- Requirement to have written agreement with service providers outlining privacy and security obligations.
- Outline the obligations of the service provider to use the PII for purposes of rendering the services and deletion process.

### Policies and procedures

- Develop a Privacy Program Framework.
- Establish and implement policies for protecting PII.

## Cyber security – Bill C-26



In June 2022, the federal government introduced a new cyber security law, Bill C-26, which includes the Critical Cyber Systems Protection Act (CCSPA). If passed, the bill will impose obligations on designated operators.

### 1. Designated operators

- Designated operators defined as those who work or carry on an undertaking or business in respect of a vital service or vital system
- The government can add services and systems to the designated operator definition.
- Current identified vital services and systems:
  - Telecommunication services
  - Interprovincial or international pipelines and power line systems
  - Transportation systems within the legislative authority of parliament
  - Banking systems
  - Clearing and settlement systems
  - Nuclear energy systems



### 2. Requirements

- Mandatory establishment of Cyber Security Program (CSP)
- File the CSP with the corresponding regulator and inform regulator of any changes to the CSP
- Cyber Security Directions can be issued to order designated operators to comply with certain measures
- Mandatory cyber security incident reporting and record keeping

# MANAGING ORGANIZATION IMPACTS OF PRIVACY

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# Managing compliance impacts



With the ongoing enactment and change of Canadian privacy laws and regulations, organizations should turn their attention to reviewing their privacy program for adequacy and sufficiency.

## Understand your organizations compliance obligations through your personal data holdings

- Organizations should ensure they have adequate visibility into their personal data holdings as it drives the applicability of global privacy laws and regulations to its operations and how they should address the complexities of compliance.
- To ensure a successful privacy program, organizations need to deploy and maintain a comprehensive view of their personal data holdings across the personal data life cycle.

## Establish a privacy framework to stay up to date with privacy laws and regulations

- A privacy framework is the foundation to a privacy program because it translates laws and regulations into actionable requirements that can resonate with stakeholders and thus be embedded into operations.
- A privacy framework based on laws and regulations helps organizations maintain their compliance posture by understanding their obligations as well as to anticipate changes to requirements caused by new laws and regulations.

## Review privacy program and operationalize functions with a broader view

- Organizations should focus on the bigger picture such as what is the organization's plan for strategic growth and are there any impacts to personal data that could alter the needs and capabilities of the privacy program.
- This will allow an organization to reengineer its programs and processes to effectively achieve and sustain compliance with current and future privacy requirements.

# Components of a privacy function

Keeping pace with privacy and personal data protection requirements, regardless of the jurisdiction and industry sector, can be distilled to the following ten (10) components of a privacy function that are the key to operating a successful and holistic privacy program that is fit-for-purpose.



Governance and Accountability



Privacy by Design



Policies and Procedures



Incident Response



Notice and Communication



Breach Management



Personal Data Life Cycle Management



Third Party Risk Management



Privacy Rights Management



Training and Awareness

# How we can help with your privacy journey



New technologies make yesterday's security and privacy solutions obsolete. And the list of possible negative outcomes in the battle to protect the integrity of your personal data is a long one. RSM is here to provide privacy services that are fit-for-purpose with your needs.



## Personal Data and Privacy Function Strategy Workshop

Identifying and developing a clear path forward for the desired target state for the privacy function by identifying the compliance obligations for privacy requirements from reported workshop outcomes.



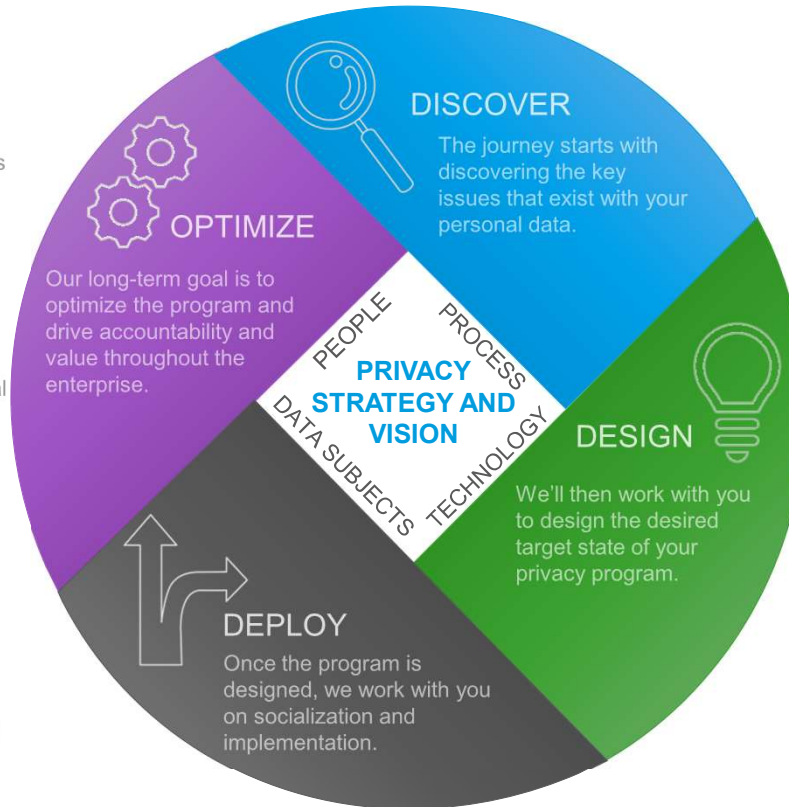
## Privacy Function Internal Audit

Assessing the design and operational effectiveness of the privacy function capabilities with the rigor of a controls-based assessment at the direction of an internal audit department.



## Subject Matter Specialty (SMS) Support

Providing SMS supplemental support with a Client's engagement sponsor to assist with the compliance obligations for privacy requirements.



## Privacy Function Rapid Diagnostic

Evaluating the design and operational effectiveness of the privacy function capabilities without the full rigor of controls-based testing and evaluation to quickly identify what the privacy function needs are for the organization.



## Privacy Function Assessment

Evaluating the design and operational effectiveness of the privacy function capabilities against either an authoritative control framework based on leading practices, or our proprietary controls framework based on applicable and in-scope privacy and data protection legislative and regulatory requirements.



## Privacy Function Operationalization

Designing, deploying, and implementing customized solutions that meet compliance obligations for privacy requirements in order to operationalize and sustain the privacy function.

THANK YOU FOR  
YOUR TIME AND  
ATTENTION

RSM Canada Consulting LP  
+1 855 420 8473  
[rsmcanada.com](http://rsmcanada.com)


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