

Privacy Secret Revealed

It's All About the Principles

An easier way to navigate the privacy landscape.

Did you know that before privacy legislation was written there were privacy principles and that privacy legislation across the globe is based on these principles?

It's true! If you understand the principles you will have a solid foundation from which to make informed decisions about privacy issues that you encounter in your work.

The Ten Principles:

1. ACCOUNTABILITY

Accountability is the overarching principle. It states that we are each responsible for the personal information under our control.

2. Identifying Purposes When we collect personal information from people, **we have to tell them the reasons why**—either when we collect the information or beforehand. This is why you see a “notice of collection” on forms. Unfortunately, it is often in very tiny font.

3. Consent Informed consent of individuals must be obtained **before we collect, use or disclose** their personal information....

except when informed consent is *not* required by law. When is it not required? When the information collected is not needed in order to conduct our business (i.e., to educate kids). That is why we do not ask for consent to collect information on student registration forms. We need that information to operate schools. We do, however, provide a notice of collection. Where consent is required, we need to make sure it is meaningful, and easy to understand. Incidentally, individuals have the right to withdraw their consent at any time.

Privacy Principles History Lesson



•The OECD (Organization for Economic Co-operation and Development) Privacy Principles were developed in the 1970s and provide the most commonly used privacy framework among OECD countries globally.

•The OECD principles are reflected in existing and emerging privacy and data protection laws from the EU to Japan to as far as India.

•These principles were the genesis for the CSA Model Code, and the Generally Accepted Privacy Principles (GAPP) created in 2009 by the Canadian Institute of Chartered Accountants together with the American Institute of Certified Public Accountants.

•You will see these principles reflected in all of our privacy legislation.



4. Limiting Collection We must **not collect more information than we need** and it must be collected by fair and lawful means. What is “more than we need?” An example is asking parents for the name of their employer when all we really need is a number to reach them when they aren’t at home. What does it mean to be lawful? Organizations must identify the purposes for the collection, obtain consent where necessary, and do so in a way that is straightforward--no deception or ambiguity to mislead individuals or mask what you are doing.

5. Limiting Use, Disclosure, and Retention Personal information **cannot be used or disclosed for purposes other than those for which it was collected**--except with the consent of the individual or as required by law, e.g., we can’t use the phone numbers of student emergency/alternate contacts to send messages to publicize school promotions/fundraisers. Also, **personal information is not supposed to be kept forever**. It has a lifecycle and needs to be destroyed when it is no longer needed. Boards have records retention schedules that stipulate how long documents need to be retained.

6. Accuracy We have an obligation to make sure the personal information we have is **accurate, complete, and up-to-date** as is necessary for the purposes for which it is to be used.

7. Safeguards We have an **obligation to protect personal information under our control** with security safeguards that are appropriate to the sensitivity of the information.

8. Openness We are obligated to **be open about and make available our policies and practices** relating to how we manage personal information.

9. Individual Access When requested by an individual, we **must inform them of the existence, use, and disclosure** of their personal information and we must also **give them access** to that information. Individuals must be permitted to challenge the accuracy and completeness of the information and we must amend it as appropriate.

10. Challenging Compliance **Individuals have the right to challenge us** when they believe we are not in compliance with these principles. This is one of the reasons why Board websites often list contact information for the person in charge of privacy compliance.

Resources

[Privacy Principles Compliance Assessment Guide](#) by the Privacy Commissioner of Canada explains what organizations should be doing in order to be in compliance with the principles.

What exactly is personal information? Find out here: <http://www.privacysense.net/terms/personal-information/>

Here is a guide if you wish to learn more about the CSA Model Code:
<https://www.cippguide.org/2010/06/29/csa-model-code/>

Challenge

Look up HWDSB’s [Privacy Policy](#).
Is it based on the principles?



Reflection

Which principle do you need to learn more about?