



August 7, 2009

The Hon. Tony Clement
Minister of Industry
Industry Canada
C.D. Howe Building
235 Queen Street
Ottawa, ON K1A 0H5

Dear Minister:

Re: Review of the *Personal Information Protection and Electronic Documents Act* (PIPEDA)

I am writing on behalf of the Canadian Bar Association's National Privacy and Access Law Section (CBA Section) to urge that amendments to the *Personal Information Protection and Electronic Documents Act* (PIPEDA) be promptly introduced when Parliament reconvenes in the fall.

The CBA Section contributed to the statutory review of PIPEDA throughout the recent consultation process. In addition to frequently providing our views to Industry Canada, we presented a submission to the Commons Standing Committee on Access to Information, Privacy and Ethics when it considered proposed amendments to PIPEDA in 2008.

The comprehensive consultation and review of the legislation was valuable, and we are concerned about the apparent delay in now moving ahead with important changes to improve the operation of PIPEDA. Both consumers and businesses, many of which were also involved in the review, expect amendments and lack clear guidance at present. It is particularly important for government to provide clear direction to businesses and consumers on current issues such as trans-border data flows and breach notification to encourage continuing confidence in electronic commerce and global business. Educational materials or guidelines could be useful in dealing with some of the issues raised. However, businesses cannot prudently begin to make adjustments in their operations in the absence of concrete legislative amendments.

Amendments to PIPEDA would complement other proposed legislation relating to privacy issues tabled during the last session of Parliament. In particular, the *Electronic Commerce Protection Act* contains amendments to PIPEDA that we believe should be considered concurrently with the amendments suggested by the statutory review process.

The CBA Section urges you to introduce amendments to PIPEDA as soon as practicable when Parliament reconvenes in the fall. Thank you for considering our views.

Yours truly,

(Original signed by Gaylene Schellenberg for Noela J. Inions)

Noela J. Inions
Chair, National Privacy and Access Law Section