Legal Literature Bibliography

[Note: The following articles are ones I have identified as being relevant to the topic of privacy and access to personal information from the last five years (2009-2014). While I have not been able to access the articles themselves to review them (unless otherwise noted), I have based my conclusion as to relevancy primarily on the titles and/or subjects listed.]

The search results have been grouped according to general topic into the following groups: PIPEDA, PIPA, HEALTH INFORMATION, LAW ENFORCEMENT, CYBERSPACE, CYBERSPACE – MARKETING, CYBERSPACE – DATA SECURITY, GOVERNMENT RECORDS, WORKPLACE, OTHER – TORT, OTHER

Legal Literature Bibliography

WESTLAW SEARCH #1

PIPEDA

PIPA

HEALTH INFORMATION

LAW ENFORCEMENT

CYBERSPACE – GENERAL

CYBERSPACE – MARKETING

CYBERSPACE – DATA SECURITY

GOVERNMENT RECORDS

WORKPLACE

OTHER – TORT

OTHER

WESTLAW SEARCH #2

PIPA

CYBERSPACE – DATA SECURITY

WORKPLACE

OTHER

WESTLAW SEARCH #3

LAW ENFORCEMENT

QUICKLAW COMMENTARY SEARCH

QUICKLAW ARTICLE SUMMARIES – Full-text Available

1. Privacy By the Wayside: The New Information Superhighway, Data Privacy, and the Deployment of Intelligent Transportation Systems p.1
2. Privacy Protection and Genetic Research p.32
3. Paediatric Biobanks p.53
4. The Idea of Privacy Law: Jones v. Tsige p.74
5. Cancer Surveillance p.91

1
7. The Year in Review: 2012 p.132  
9. Surveillance and Privacy in the 21st Century: the Impact of Bills C-51 (IP21C) and C-52 (IPCEC) p.185  
10. Research Participants' Rights to Access Information about Themselves held by Public Research Institutions p.198  
11. Regulation of Patient Management Software p.206  
12. Lights, Judges, Access… p.227  
13. Supreme Court Recognizes (a Derivative) Right to Access Information p.250  
15. Privacy Gets Personal p.276  
17. Action plan beyond the pale p.309  
18. Background checks - uncovering ominous pasts p.311  
19. Just how public are a public official's files? p.313  
20. Alberta ruling expands privacy act: 'Commercial activity' designation opens Legal Aid Society files p.315  
21. Transparency Confined to the Courthouse p.316  
22. Right to access is Charter right: SCC p.333  
23. Tips for employers on pre-employment screening p.334  

LIBRARY & OTHER MATERIALS OF ASSISTANCE
WESTLAW SEARCH #1

Westlaw Delivery Summary Report
Your Search: (SUJ(privacy)) & (DA(AFT 11/06/2011))

Database: ICLL
Documents: 85
Relevant: 75 (listed below)
Organized by: Year

PIPEDA
Title/Titre: Civil liberties group ready to do battle over PIPEDA [Personal Information Protection and Electronic Documents Act].
Author/Auteur: by Kim Arnott
Cite/Référence: (June 2014) 34 Lawyers Wkly. No. 6, 3
Year/Année: 2014
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF DATA PROTECTION, PERSONAL INFORMATION MANAGEMENT

Title/Titre: Decision lowers bar to PIPEDA [Personal Information Protection and Electronic Documents Act] damages.
Author/Auteur: by Michael McKiernan
Cite/Référence: (Jan. 2014) 25 L. Times No. 3, 12
Year/Année: 2014
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF DAMAGES

Title/Titre: Stoddart terms Bill C-12 "a lost cause".
Author/Auteur: by Christopher Guly
Cite/Référence: (June 2013) 33 Lawyers Wkly. No. 8, 9
Year/Année: 2013
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF

Title/Titre: Damages under PIPEDA [Personal Information Protection and Electronic Documents Act]: a purposive approach and a new high water mark.
Author/Auteur: by Neil Wilson
Cite/Référence: (Dec. 2013) 11 Can. Privacy L. Rev. 1-6
Year/Année: 2013
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF--DAMAGES
Title/Titre: Privacy law a bomb waiting to go off.
Author/Auteur: by Mark Cardwell
Cite/Référence: (May 2012) 36 Can. Lawyer No. 5, 44-46

Year/Année: 2012
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

PIPA

Title/Titre: Alberta ruling may spark challenges to other provinces' laws.
Author/Auteur: by Michael McKiernan
Cite/Référence: (Jan. 2014) 25 L. Times No. 3, 11
Year/Année: 2014
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF

Title/Titre: Fixing Alberta's privacy legislation.
Author/Auteur: by Bob Pakrul
Year/Année: 2014
Jurisdiction/Juridiction: Alberta
Case/Décision: UFCW, Local 401 v. Alberta (Information and Privacy Commissioner) 60 Admin. L.R. (5th) 173
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF

Title/Titre: Supreme Court of Canada finds Alberta privacy legislation unconstitutional.
Author/Auteur: by Martin Lapner and Ashley Stacey
Cite/Référence: (Feb. 2014) 3 Elec. Healthcare L. Rev. 21-24
Year/Année: 2014
Case/Décision: UFCW, Local 401 v. Alberta (Information and Privacy Commissioner) 60 Admin. L.R. (5th) 173
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF

Title/Titre: Supreme Court strikes down privacy legislation.
Author/Auteur: by John B. Laskin and Sarah Whitmore
Cite/Référence: (Feb. 2014) 32 Leg. Alert 81-83
Year/Année: 2014
Case/Décision: UFCW, Local 401 v. Alberta (Information and Privacy Commissioner) 60 Admin. L.R. (5th) 173
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT, CANADIAN CHARTER OF RIGHTS AND FREEDOMS s.1.
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: Supreme Court of Canada releases two decisions dealing with the impact of privacy legislation on labour relations.
Cite/Référence: (Feb. 2014) 35 Employ. L.R. 1-3
Year/Année: 2014
Case/Décision: UFCW, Local 401 v. Alberta (Information and Privacy Commissioner)60 Admin. L.R. (5th) 173
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

HEALTH INFORMATION

Title/Titre: Is using health information for interest-based advertising really off limits?
Author/Auteur: by Timothy M. Banks
Cite/Référence: (Mar. 2014) 14 Internet & E-Com. L. Can. 86-88
Year/Année: 2014
Subject/Sujet: INTERNET ADVERTISING, PRIVACY, RIGHT OF MEDICAL RECORDS

Title/Titre: Privacy protection and genetic research: where does the public interest lie?
Author/Auteur: by Ubaka Ogbogu and Sarah Burningham
Cite/Référence: (Mar. 2014) 51 Alta. L. Rev. 471-495
Year/Année: 2014
Subject/Sujet: PRIVACY, RIGHT OF GENETICS – Research PUBLIC INTEREST [*NB: full-text available on Quicklaw]

Title/Titre: Canadian Anti-Spam Legislation (CASL): impact on health care providers.
Author/Auteur: by Anca Sattler and Martin Lapner
Cite/Référence: (Feb. 2014) 3 Elec. Healthcare L. Rev. 24-27
Year/Année: 2014
Subject/Sujet: SPAM (ELECTRONIC MAIL) -- Prevention -- Law and legislation--PRIVACY, RIGHT OF
Title/Titre: Becoming part of the innovation conversation: privacy and health care.
Author/Auteur: by Jean Nelson
Cite/Référence: (May 2013) 2 Elec. Healthcare L. Rev. 56-60
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--ELECTRONIC RECORDS -- Access control--MEDICAL RECORDS

Title/Titre: Embedding privacy into the design of EHRs [electronic health records] to enable multiple functionalities:
win/win.
Author/Auteur: by Ann Cavoukian and Richard C. Alvarez
Cite/Référence: (June 2012) 1 Elec. Healthcare L. Rev. 105-120
Year/Année: 2012
Subject/Sujet: PRIVACY, RIGHT OF--MEDICAL RECORDS -- Access control -- Law and legislation--ELECTRONIC RECORDS

**LAW ENFORCEMENT**

Title/Titre: Privacy rights not breached, court rules.
Author/Auteur: by Michael Benedict
Cite/Référence: (Feb. 2014) 33 Lawyers Wkly. No. 38, 1 (2)
Year/Année: 2014
Case/Décision: R. v. Felger 8 C.R. (7th) 127
Legislation/Législation: CANADIAN CHARTER OF RIGHTS AND FREEDOMS s.8.
Subject/Sujet: PRIVACY, RIGHT OF SEARCHES AND SEIZURES, WARRANTS (LAW)

Title/Titre: R. v. Vu: the right to digital privacy and the need for search protocols.
Author/Auteur: by Nader Hasan
Cite/Référence: (Mar. 2014) 35 For the Defence No. 1, 6-15
Year/Année: 2014
Legislation/Législation: CANADIAN CHARTER OF RIGHTS AND FREEDOMS s.8.
Subject/Sujet: SEARCHES AND SEIZURES PRIVACY, RIGHT OF

Title/Titre: Privacy experts worried about cyber-bullying law.
Author/Auteur: by Michael McKiernan
Cite/Référence: (Jan. 2014) 25 L. Times No. 3, 10
Year/Année: 2014
Subject/Sujet: PRIVACY, RIGHT OF
CYBERBULLYING -- Prevention -- Law and legislation

Title/Titre: "The Digital and internet age meets the law of search and seizure" as the S.C.C. clarifies the law on search warrants and computers in R. v. Vu.
Author/Auteur: by Justin Nasseri
Cite/Référence: (Feb. 2014) 11 Can. Privacy L. Rev. 17-23
Title/Titre: A Few tweaks and it is a go: CBA [Canadian Bar Association] on "viable" draft of [Bill] C-13: [Protecting Canadians from Online Crime Act].
Author/Auteur: by Cristin Schmitz
Cite/Référence: (June 2014) 34 Lawyers Wkly. No. 6, 1 (2)
Year/Année: 2014
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES--ELECTRONIC SURVEILLANCE

Title/Titre: Phone searches on spring docket.
Author/Auteur: by Cristin Schmitz
Cite/Référence: (Apr. 2014) 33 Lawyers Wkly. No. 45, 2 (2)
Year/Année: 2014
Subject/Sujet: SEARCHES AND SEIZURES--CELL PHONE SYSTEMS--PRIVACY, RIGHT OF--EMPLOYEES -- Dismissal of

Title/Titre: Content, context, and privacy in warrantless searches of cell phones and cameras.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (July 2013) 10 Can. Privacy L. Rev. 65-67
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES--WARRANTS (LAW)--CAMCORDERS

Title/Titre: The Supreme Court of Canada, privacy and text messaging.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (May 2013) OBA Privacy L. (Online). [Retrieved August 14, 2013 from http://www.oba.org (access limited to members of the Ontario Bar Association)]
Year/Année: 2013; 2013
Case/Décision: R. v. Telus Communications Co.100 C.R. (6th) 221
Subject/Sujet: PRIVACY, RIGHT OF--TEXT MESSAGES (CELL PHONE SYSTEMS)--SEARCHES AND SEIZURES--WARRANTS (LAW)

Title/Titre: Lawyers take note of R. v. Vu.
Author/Auteur: by Marg. Bruineman
Cite/Référence: (Dec. 2013) 24 L. Times No. 40, 12
Year/Année: 2013
Case/Décision: R. v. Vu 6 C.R. (7th) 1
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES

Title/Titre: A Very texting question: [seizure of private communications].
Author/Auteur: by Shannon Kari
Title/Titre: Trying to keep up: courts are battling to stay on top of the intermingling of privacy rights, changing and emerging technology, and the search and seizure powers of the state.

Author/Auteur: by Shannon Kari

Cite/Référence: (May 2013) 37 Can. Lawyer No. 5, 43-45

Year/Année: 2013

Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES--TEXT MESSAGES (CELL PHONE SYSTEMS)

Title/Titre: "Reasonable expectation of privacy". (Case comm.)

Author/Auteur: by Paul Lomic


Year/Année: 2012; 2013


Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES

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**CYBERSPACE - GENERAL**

Title/Titre: Cloud computing: privacy and other risks.

Author/Auteur: by George Waggott, Michael Reid and Mitch Koczerginski

Cite/Référence: (Feb. 2014) 14 Internet & E-Com. L. Can. 73-80

Year/Année: 2014

Legislation/Législation: UNITED STATES. PATRIOT ACT

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

Subject/Sujet: CLOUD COMPUTING, PRIVACY, RIGHT OF OFFSHORE OUTSOURCING, PERSONAL INFORMATION MANAGEMENT

Title/Titre: I know what you downloaded last summer: disclosure of Internet user identity.

Author/Auteur: by Antonio Turco and Tariq Remtulla

Cite/Référence: (Mar. 2014) 23 Can. Corp. Counsel 76-77

Year/Année: 2014


Subject/Sujet: PRIVACY, RIGHT OF--DISCOVERY (LAW)--COPYRIGHT INFRINGEMENT

Title/Titre: Through a Google glass, darkly: [privacy and ownership concerns of Google Glass].

Author/Auteur: by Michael Benedict

Cite/Référence: (Sept. 2013) 33 Lawyers Wkly. No. 20, 12-13

Year/Année: 2013

Subject/Sujet: PRIVACY, RIGHT OF
Title/Titre: Reasonable expectations about privacy in the digital age.  
Author/Auteur: by Peter De Freitas  
Cite/Référence: (Winter 2013) 35 Prov. Judges' J. No. 2, 32  
Year/Année: 2013  
Subject/Sujet: ELECTRONIC EVIDENCE--PRIVACY, RIGHT OF  

Title/Titre: Preventing and investigating the financial abuse of other adults: critique of proposed changes to the Personal Information Protection and Electronic Documents Act (PIPEDA).  
Author/Auteur: by Heather Conklin  
Cite/Référence: (Feb. 2012) CBA Sage Advice (Online). [Retrieved June 10, 2012 from http://www.cba.org (access limited to members of the Canada Bar Association)]  
Year/Année: 2012; 2012  
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT  
Subject/Sujet: PRIVACY, RIGHT OF--OLDER PEOPLE--FRAUD  

**CYBERSPACE – MARKETING**

Title/Titre: Creepily efficient advertising.  
Author/Auteur: by George Takach  
Cite/Référence: (Apr. 2014) 15 Lexpert No. 6, 63-64  
Year/Année: 2014  
Subject/Sujet: PRIVACY, RIGHT OF--INTERNET ADVERTISING--TARGET MARKETING  

Title/Titre: PIPEDA [Personal Information Protection and Electronic Documents Act] is not enough.  
Author/Auteur: by Vawn Himmelsbach  
Cite/Référence: (Apr. 2013) 37 Can. Lawyer No. 4, 47-49  
Year/Année: 2013  
Legislation/Législation: PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT  
Subject/Sujet: PRIVACY, RIGHT OF--SPAM (ELECTRONIC MAIL) -- Prevention -- Law and legislation  

Title/Titre: Privacy requirements in the era of cloud computing.  
Author/Auteur: by Lisa R. Lifshitz  
Cite/Référence: (Feb. 2013) OBA Business L. (Online). [Retrieved April 17, 2013 from http://www.oba.org (access limited to members of the Ontario Bar Association)]  
Year/Année: 2013; 2013  
Subject/Sujet: PRIVACY, RIGHT OF--CLOUD COMPUTING--OFFICE OF THE PRIVACY COMMISSIONER OF CANADA  

Title/Titre: Stoddart stands firm on privacy rights.
CYBERSPACE – DATA SECURITY

Title/Titre: Reports of data breaches soaring.
Author/Auteur: by Michael McKiernan
Cite/Référence: (Jan. 2014) 25 L. Times No. 3, 9-10
Year/Année: 2014
Subject/Sujet: DATA PROTECTION--PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: Data risk, privacy breach and insurance coverage.
Author/Auteur: by David R. Mackenzie
Cite/Référence: (Sept. 2013) 31 Can. J. Ins. L. 49-56
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--BIG DATA--PERSONAL INFORMATION MANAGEMENT
DATA PROTECTION – Insurance
Available Online: http://www.parl.gc.ca/content/hoc/Committee/411/ETHI/Reports/RP6094136/ethirp05/ethirp05-e.pdf

Title/Titre: Privacy issues grow as cloud computing mushrooms.
Author/Auteur: by Julius Melnitzer
Cite/Référence: (Jan. 2013) 24 L. Times No. 3, 10
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--CLOUD COMPUTING--DATA PROTECTION

Title/Titre: As data collection matures, need for due diligence rises.
Author/Auteur: by donalee Moulton
Cite/Référence: (Mar. 2013) 32 Lawyers Wkly. No. 41, 12
Year/Année: 2013
Subject/Sujet: REASONABLE CARE (LAW)--PERSONAL INFORMATION MANAGEMENT--PRIVACY, RIGHT OF

Title/Titre: Stormy weather: jurisdiction over privacy and data protection in the cloud (Part 2).
Author/Auteur: by Patrick D. Flaherty and Giancarlo Ruscio
Cite/Référence: (Feb. 2013) 13 Internet & E-Com. L. Can. 73-80
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--CLOUD COMPUTING--DATA PROTECTION--PERSONAL INFORMATION MANAGEMENT

Title/Titre: Stormy weather: jurisdiction over privacy and data protection in the cloud (Part 1).
Author/Auteur: by Patrick D. Flaherty and Giancarlo Ruscio  
Cite/Référence: (Jan. 2013) 13 Internet & E-Com. L. Can. 65-72  
Year/Année: 2013  
Subject/Sujet: PRIVACY, RIGHT OF--DATA PROTECTION--CLOUD COMPUTING--PERSONAL INFORMATION MANAGEMENT  

Title/Titre: Protecting your personality rights in Canada: a matter of property or privacy?  
Author/Auteur: by Amy M. Conroy  
Cite/Référence: (2012) 1 UWO J. Leg. Studies No. 1  
Year/Année: 2012  
Subject/Sujet: PRIVACY, RIGHT OF--PERSONALITY (LAW)  

Title/Titre: Geo-location technologies raise privacy concerns.  
Author/Auteur: by Mark Hayes  
Cite/Référence: (Nov. 2012) 32 Lawyers Wkly. No. 27, 22  
Year/Année: 2012  
Subject/Sujet: PRIVACY, RIGHT OF--LOCATION-BASED SERVICES  

GOVERNMENT RECORDS  
Title/Titre: Re-identification risk and proactive disclosure of data for open government: lessons from the Supreme Court of Canada?  
Author/Auteur: by Teresa Scassa  
Cite/Référence: (May 2014) 11 Can. Privacy L. Rev. 57-59  
Year/Année: 2014  
Case/Décision: ONTARIO (Ministry of Community Safety & Correctional Services) v. Ontario (Information & Privacy Commissioner) 67 Admin. L.R. (5th) 1  
Subject/Sujet: PERSONAL INFORMATION MANAGEMENT--PRIVACY, RIGHT OF  

Title/Titre: Just how public are a public official's files?  
Author/Auteur: by John Mascarin  
Cite/Référence: (June 2013) 33 Lawyers Wkly. No. 6, 14-15  
Year/Année: 2013  
Legislation/Législation: ONTARIO. MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT  
Subject/Sujet: FREEDOM OF INFORMATION--PRIVACY, RIGHT OF--CITY COUNCILS -- Records and correspondence  

WORKPLACE  
Author/Auteur: by Kim Arnott  
Cite/Référence: (Sept. 2013) 33 Lawyers Wkly. No. 20, 2  
Year/Année: 2013
Subject/Sujet: ELECTRONIC MONITORING IN THE WORKPLACE--PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: Blurring of personal and professional e-mail accounts.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (Nov. 2013) 10 Can. Privacy L. Rev. 111-112
Year/Année: 2013
Legislation/Législation: BRITISH COLUMBIA. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
Subject/Sujet: ELECTRONIC MAIL SYSTEMS--PRIVACY, RIGHT OF

Title/Titre: Social media & employees: when every little thing is searchable.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (Jan. 2013) 10 Can. Privacy L. Rev. 20-23
Year/Année: 2013
Jurisdiction/Juridiction: Canada / United States / United Kingdom
Subject/Sujet: ONLINE SOCIAL NETWORKS--PRIVACY, RIGHT OF--LABOR DISCIPLINE

Title/Titre: LinkedIn: is employer oversight appropriate?
Author/Auteur: by Ryan D. Campbell
Cite/Référence: (July 2013) OBA Young Lawyers Division (Online). [Retrieved August 14, 2013 from http://www.oba.org (access limited to members of the Ontario Bar Association)]
Year/Année: 2013; 2013
Subject/Sujet: ONLINE SOCIAL NETWORKS--PRIVACY, RIGHT OF--BUSINESS NETWORKS

Title/Titre: Challenges arise when devices used for work and play.
Author/Auteur: by David Elder
Cite/Référence: (Sept. 2013) 33 Lawyers Wkly. No. 20, 15
Year/Année: 2013
Subject/Sujet: SMARTPHONES--PRIVACY, RIGHT OF

Title/Titre: Computers in the workplace and the employee's reasonable expectation of privacy.
Author/Auteur: by Lisa L. Fineberg
Year/Année: 2012; 2013
Legislation/Législation: CANADIAN CHARTER OF RIGHTS AND FREEDOMS
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES

Title/Titre: Supreme Court recognizes employee privacy in workplace computers.
Author/Auteur: by Brian Thiessen, Andrea York and Skye Friesen
Year/Année: 2012; 2013
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES

Title/Titre: I spy with my little GPS [Global Positioning System] eye ...
Author/Auteur: by Michelle McCann
Cite/Référence: (Dec. 2013) 11 Can. Privacy L. Rev. 6-7
Year/Année: 2013
Subject/Sujet: ELECTRONIC MONITORING IN THE WORKPLACE--PRIVACY, RIGHT OF

Title/Titre: Employers may face liability for monitoring e-mail.
Author/Auteur: by Doug McLeod
Cite/Référence: (Mar. 2013) 32 Lawyers Wkly. No. 40, 11
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--ELECTRONIC MONITORING IN THE WORKPLACE--PERSONAL INTERNET USE IN THE WORKPLACE

Title/Titre: Employees left to their own devices: legal risks of the BYOD ["bring your own device"] trend.
Author/Auteur: by Jennifer Saull and Wendy Mee
Year/Année: 2013; 2013
Subject/Sujet: DATA PROTECTION--POCKET COMPUTERS--PRIVACY, RIGHT OF

Title/Titre: Cole prompts vigorous debate on privacy at work.
Author/Auteur: by Julius Melnitzer
Cite/Référence: (Jan. 2013) 24 L. Times No. 3, 11
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INTERNET USE IN THE WORKPLACE--SEARCHES AND SEIZURES

Title/Titre: Private concerns: [workplace privacy].
Author/Auteur: by Luis Millan
Cite/Référence: (2013) 6 Lawyers Wkly. In-House Counsel No. 1, 30-33
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--ELECTRONIC MONITORING IN THE WORKPLACE--SOCIAL MEDIA

Title/Titre: Technology posing added challenges for privacy law.
Author/Auteur: by Elizabeth Thompson
Cite/Référence: (Oct. 2013) 24 L. Times No. 32, 1 (2)
Year/Année: 2013
Subject/Sujet: PRIVACY, RIGHT OF--ELECTRONIC MONITORING IN THE WORKPLACE
ELECTRONIC SURVEILLANCE

Title/Titre: Supreme Court defines privacy expectations.
Author/Auteur: by Rich Appiah
Cite/Référence: (Dec. 2012) 25 Can. Employer No. 12, 7-8
Year/Année: 2012
Subject/Sujet: PRIVACY, RIGHT OF--SEARCHES AND SEIZURES--ELECTRONIC MONITORING IN THE WORKPLACE

Title/Titre: Social media and workplace discipline: bringing employee free speech and reasonable expectations of privacy into the analysis.
Author/Auteur: by Dennis Ellickson and Meg Atkinson
Year/Année: 2012; 2012
Subject/Sujet: ONLINE SOCIAL NETWORKS--EMPLOYEES – Discipline--PRIVACY, RIGHT OF--FREEDOM OF SPEECH--PERSONAL INTERNET USE IN THE WORKPLACE

Title/Titre: Ownership & policies not determinative of privacy in electronic devices.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (Dec. 2012) 13 Internet & E-Com. L. Can. 61-63
Year/Année: 2012
Subject/Sujet: PRIVACY, RIGHT OF--SMARTPHONES

Title/Titre: Off limits?: maybe not: Supreme Court addresses employee privacy on company computer.
Author/Auteur: by Christina Hall and Andrew Carricato
Year/Année: 2012
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INTERNET USE IN THE WORKPLACE

Title/Titre: The Supreme Court weighs in on privacy rights in "personal" data stored on an employer's computer.
Author/Auteur: by R. Mark Fletcher
Year/Année: 2012
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INTERNET USE IN THE WORKPLACE

Title/Titre: Supreme Court recognizes employee privacy in workplace computers.
Author/Auteur: by Brian Thiessen, Andrea York and Skye Friesen
Cite/Référence: (Dec. 2012) 10 Can. Privacy L. Rev. 8-10
Year/Année: 2012  
Subject/Sujet: PRIVACY, RIGHT OF--ELECTRONIC MONITORING IN THE WORKPLACE

Title/Titre: Technology increasingly used to monitor time theft.  
Author/Auteur: by Danielle Harder  
Year/Année: 2012  
Subject/Sujet: ELECTRONIC MONITORING IN THE WORKPLACE--PRIVACY, RIGHT OF

Title/Titre: Top five workplace privacy questions.  
Author/Auteur: by Lyndsay A. Wasser  
Cite/Référence: (June 2013) 22 Can. Corp. Counsel 106-109  
Year/Année: 2013  
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

OTHER -- TORT

Title/Titre: The Idea of privacy law: Jones v. Tsige and the limits of the common law.  
Author/Auteur: by Stephen Aylward  
Cite/Référence: (Winter 2013) 71 U.T. Fac. L. Rev. 61-85  
Year/Année: 2013  
Subject/Sujet: PRIVACY, RIGHT OF—TORTS--LIABILITY FOR EMOTIONAL DISTRESS

Title/Titre: Intrusion upon seclusion one year later: trickle or floodgate?  
Author/Auteur: by Darren Charters  
Cite/Référence: (Mar. 2013) 10 Can. Privacy L. Rev. 33-40  
Year/Année: 2013  
Case/Décision: JONES v. Tsige 6 R.F.L. (7th) 247  
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: The Exponential growth of privacy law.  
Author/Auteur: by Julius Melnitzer  
Cite/Référence: (Oct. 2013) 15 Lexpert No. 1, 68-78  
Year/Année: 2013  
Case/Décision: JONES v. Tsige 96 B.L.R. (4th) 1  
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: Privacy tort no sure thing in other provinces.  
Author/Auteur: by Julius Melnitzer  
Cite/Référence: (July 2013) 24 L. Times No. 24, 3  
Year/Année: 2013  
Case/Décision: JONES v. Tsige 6 R.F.L. (7th) 247  
Subject/Sujet: PRIVACY, RIGHT OF--TORTS
OTHER

Title/Titre: Damages awards for privacy violations are on the rise.
Author/Auteur: by Éloïse Gratton
Year/Année: 2014
Subject/Sujet: PRIVACY, RIGHT OF DAMAGES

Title/Titre: Nosiness comes at a cost: damages for privacy violations in the workplace.
Author/Auteur: by Denis W. Ellickson and Meg Atkinson
Year/Année: 2013; 2013
Subject/Sujet: PRIVACY, RIGHT OF

Title/Titre: Extending privacy protection obligations to non-profits in Alberta.
Author/Auteur: by Timothy M. Banks
Cite/Référence: (Oct. 2013) 10 Can. Privacy L. Rev. 103-104
Year/Année: 2013
Jurisdiction/Juridiction: Alberta
Legislation/Législation: ALBERTA. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT--NONPROFIT ORGANIZATIONS
WESTLAW SEARCH #2

Westlaw Delivery Summary Report
Your Search: CI(Can Privacy L Rev) & "personal information" /p alberta & DA(LAST 10 YEARS)

Database: ICLL
Documents: 9
Relevant: 9 (Listed Below)

PIPA
Title/Titre: Two courts of appeal stake out different philosophical approaches to privacy.
Author/Auteur: by Christine Lonsdale
Year/Année: 2011; 2012
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT--PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT
Subject/Sujet: PRIVACY, RIGHT OF--PERSONAL INFORMATION MANAGEMENT

Title/Titre: The "New" Alberta privacy regime: what bill 54 means to organizations in Alberta.
Author/Auteur: by Matthew D. Wanford and Erika L. Ringseis
Cite/Référence: (Apr. 2010) 7 Can. Privacy L. Rev. 56-58
Year/Année: 2010
Jurisdiction/Juridiction: Alberta
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF PERSONAL INFORMATION MANAGEMENT -- Law and legislation

Title/Titre: Swiping away our privacy: Alberta's Privacy Commissioner prohibits ID-scanning in nightclubs.
Author/Auteur: by Nyall Engfield
Cite/Référence: (May 2008) OBA Privacy L. (Online). [Retrieved April 20, 2009 from http://www.oba.org (access limited to members of the Ontario Bar Association)]
Year/Année: 2008; 2009
Jurisdiction/Juridiction: Alberta
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT
Subject/Sujet: PRIVACY, RIGHT OF--SCANNING SYSTEMS--PERSONAL INFORMATION MANAGEMENT

Title/Titre: 2004: Alberta's first year of private sector privacy.
Author/Auteur: by Stephen D. Burns  
Year/Année: 2005  
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT  
Subject/Sujet: DATA PROTECTION--PERSONAL INFORMATION MANAGEMENT--PRIVACY, RIGHT OF

**CYBERSPACE – DATA SECURITY**

Title/Titre: Mandatory breach reporting thresholds: a summary of the results of workshops exploring the meaning of the "real risk of significant harm" breach notification threshold under the Personal Information Protection Act (Alberta).  
Author/Auteur: by Adam Kardash and Pamela Snively  
Cite/Référence: (Jan. 2012) OBA Privacy L. (Online). [Retrieved March 5, 2012 from http://www.oba.org (access limited to members of the Ontario Bar Association)]  
Year/Année: 2012; 2012  
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
Subject/Sujet: PRIVACY, RIGHT OF PERSONAL INFORMATION MANAGEMENT -- Law and legislation

**WORKPLACE**

Title/Titre: A Brave new world: biometrics in the workplace.  
Author/Auteur: by Cappone D'Angelo and Tina Giesbrecht  
Cite/Référence: (Jan. 2009) 6 Can. Privacy L. Rev. 18-20  
Year/Année: 2009  
Jurisdiction/Juridiction: Alberta  
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
Subject/Sujet: BIOMETRIC IDENTIFICATION--PRIVACY, RIGHT OF--PERSONNEL MANAGEMENT PERSONAL INFORMATION MANAGEMENT

**OTHER**

Title/Titre: Privacy Commissioner confirms narrow test for "reasonableness" in background check decision.  
Author/Auteur: by Claire Marchant, Brian Thiessen and Tara Russell  
Cite/Référence: (July 2013) 10 Can. Privacy L. Rev. 69-71  
Year/Année: 2013  
Legislation/Législation: ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
Subject/Sujet: EMPLOYMENT REFERENCES--PERSONAL INFORMATION MANAGEMENT -- Law and legislation

**Author/Auteur:** by David Quayat  
**Cite/Référence:** (May 2012) OBA Admin. L. (Online). [Retrieved June 14, 2012 from http://www.oba.org (access limited to members of the Ontario Bar Association)]

**Year/Année:** 2012; 2012  
**Case/Décision:** A.T.A. v. Alberta (Information & Privacy Commissioner) NEW BRUNSWICK (Board of Management) v. Dunsmuir 28 Admin. L.R. (5th) 17769 Admin. L.R. (4th) 1  
**Legislation/Législation:** ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
**Subject/Sujet:** JUDICIAL REVIEW OF ADMINISTRATIVE ACTS ADMINISTRATIVE COURTS

**Title/Titre:** Recent Court of Appeal decision may have serious consequences for Alberta's OIPC [Office of the Information and Privacy Commissioner].  
**Author/Auteur:** by Monica Muller  
**Cite/Référence:** (May 2010) CBA Privacy Pages (Online). [Retrieved August 9, 2010 from http://www.cba.org (access limited to members of the Canadian Bar Association)]  
**Year/Année:** 2010; 2010  
**Jurisdiction/Juridiction:** Alberta  
**Legislation/Législation:** ALBERTA. PERSONAL INFORMATION PROTECTION ACT  
**Subject/Sujet:** LIMITATION OF ACTIONS

**WESTLAW SEARCH #3**

<table>
<thead>
<tr>
<th>Westlaw Delivery Summary Report</th>
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<td>Your Search: (&quot;personal information&quot; &amp; &quot;protection of privacy&quot;) &amp; (DA(AFT11/09/2004))</td>
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Database: ICLL  
Documents: 3  
Relevant: 1 (listed below)

**LAW ENFORCEMENT**

**Title/Titre:** Using protection of privacy legislation to erode privacy: R. v. Chehil.  
**Author/Auteur:** by Steve Coughlan  
**Cite/Référence:** (Mar. 2010) 71 C.R. (6th) 77-80  
**Year/Année:** 2010  
**Legislation/Législation:** PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT  
**Subject/Sujet:** PRIVACY, RIGHT OF
### QUICKLAW COMMENTARY SEARCH

Search: Commentary > (privacy AND "freedom of information" AND DATE(>2008))

Results: 90 - Legal Journals (55), Legal News (35)

Relevant: 23

Full text of articles downloaded to file named: “Quicklaw Articles (full text).doc”

Summaries of articles below.

<table>
<thead>
<tr>
<th>Title</th>
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<td>7. TITLE/TITRE: The Year in Review 2012, (2013) 71:2 UT Fac L Rev 113 - 165</td>
<td>University of Toronto Faculty of Law Review</td>
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<td>18 Health L. J. 73 - 111</td>
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<td>Discretionary Decisions Protects Access to Government Information,</td>
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<td>(2013) 51:1 Alta L Rev 49 - 75</td>
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<td>13</td>
<td>Supreme Court Recognizes (a Derivative) Right to Access Information,</td>
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<td>(2010), 51 S.C.L.R. (2d) 233 - 243</td>
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<td>Information under Section 2(b) of the Charter, (2010), 51 S.C.L.R.</td>
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<td>PRIVACY GETS PERSONAL COURTS INCREASINGLY UNDERTAKING</td>
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<td>CRITICAL EXAMINATIONS OF STATUTES, Vol. 32, No. 10 (July 6, 2012)</td>
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<td>53</td>
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<td>17</td>
<td>Action plan beyond the pale, groups say, Vol. 31, No. 32 (December</td>
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<td>23, 2011</td>
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<td>18</td>
<td>Background checks - uncovering ominous pasts, Vol. 31, No. 10 (July 8,</td>
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<td>2011)</td>
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<td>19</td>
<td>Just how public are a public official's files? When right to privacy</td>
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<td>trumps the perceived public good, Vol. 33, No. 6 (June 7, 2013)</td>
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<td>20</td>
<td>Alberta ruling expands privacy act ‘Commercial activity’ designation</td>
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<td>opens Legal Aid Society files, Vol. 32, No. 43 (March 22, 2013)</td>
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<td>21</td>
<td>Constitutional Cases 2010 Transparency Confined to the Courthouse: A</td>
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<td>Critical Analysis of Criminal Lawyers’ Assn., C.B.C. and National Post,</td>
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<td>(2011), 54 S.C.L.R. (2d) 169 - 196</td>
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<td>22</td>
<td>Right to access is Charter right: SCC, Vol. 30, No. 9 (July 2, 2010)</td>
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<td>23</td>
<td>Tips for employers on pre-employment screening, Vol. 29, No. 17</td>
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<td>(September 11, 2009)</td>
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1. Privacy By the Wayside: The New Information Superhighway, Data Privacy, and the Deployment of Intelligent Transportation Systems p.1

This paper discusses the basic privacy and information legislative regime in Canada as well as the elements of the Fair Information Principles and their application to ITS (Intelligent Transportation Systems). This includes the definition of personal information, rules on the collection, consent, use, and disclosure, as well as data security and data retention obligations.

ITS technologies include for example infrared sensors, weight and motion sensors, vehicle safety systems, radar, transponders, smart cards, cell phones, internet, radio, closed-circuit television (CCTV), global positioning systems (GPS), onboard computers, variable message signs, black boxes, emergency response systems, and video surveillance.

The data protection and privacy issues raised by the use of ITS in Canada are identified and then the legal and institutional privacy framework in Canada is discussed. One of the main concerns is where ITS data is collected for one purpose and then also used for regulatory and enforcement purposes (e.g. data from electronic payment collection at tolls being used to detect speeding violations or data from electronic clearance for trucks being used to monitor driver hours or tax compliance); this potentially contravenes the privacy principle that data collected should be limited in scope and that individuals should be aware of the purposes for which the data is collected and must consent to any new purposes. The private sector also has a strong interest in accessing various ITS data for data profiling and marketing including insurance, telecommunications, and marketing firms.

The paper concludes that, while ITS may offer significant benefits for safety, security, and environmental sustainability, it also raises considerable informational privacy risks. However, the authors argue that these information privacy risks can be moderated by ensuring that the design and deployment of ITS from the outset not only complies with existing data protection obligations but also anticipates and addresses user concerns about privacy risks.

2. Privacy Protection and Genetic Research p.32

The article also explores the tension between the public interest in genetic research, specifically the open access principle to which there has been a shift in the last decade since the Human Genome Project and which is often now a prerequisite to receive research funding, and the protection of individual privacy particularly for those who have contributed their biological materials to genetic research (and in fact their genetically-linked kin). It also reviews existing statutory rules, case law, and administrative decisions on the public interest exception to privacy.

There is significant public interest in the outcomes of genetic research (e.g. diagnostic, therapeutic, and preventative health methods and products, early detection of genetic susceptibility to disease, and economic growth through job creation and product revenues) and at the same time a great deal of concern...
that genetic research and associated activities, such as cell therapy research and biobanking, will foster the use and disclosure of personal health and genetic information in ways that undermine protected privacy interests.

Given that the individual's ability to control the use and disclosure of his or her personal information relies largely on specific consent and a robust right of withdrawal, limitations imposed by recently favoured broad or blanket consents for future unknown research purposes and an emerging policy preference for ongoing linkage of biological material and associated health information is of concern. Variations or limitations of accepted consent norms in the genetic research context are often justified by reference to public interest considerations, the extent of which are examined in this paper including that in Alberta's Health Information Act and FIPPA.

The paper finds that Canadian jurisprudence supports both the view that it is in the public interest to promote and facilitate genetic research, and also that there is public interest in promoting and protecting individual privacy. However, it notes that the latter objective is not adequately reflected in existing genetic research policies.

3. Paediatric Biobanks p.53

This paper poses some grand philosophical questions about the meaning of "privacy" the outset, but quickly narrows its focus to answering the following questions: First, does information privacy differ in ambit and application when the individual concerned is a child? Second, how well does information privacy law, even when purposively drafted to anticipate unknown trajectories and technoscientific innovations, cover emerging areas such as biobanks?

The article looks at the intersection of laws protecting privacy and facilitating international research collaboration in relation to paediatric biobanks. The researchers undertook a legislative and caselaw analysis of privacy laws relevant to paediatric biobanks, consulting databases including Westlaw, Quicklaw, CANLII, and "A Compendium of Canadian Legislation Respecting the Protection of Personal Information in Health Research" and conclude that general privacy legislation may not cover biobanks but that health privacy legislation may be of more help.

The paper also presents a case study of three selected paediatric biobanks and examines the following three issues that highlight the tension between the scientific promises of research and the legal obligations to protect a child's privacy: (1) the access, use and transfer of the child's data and samples; (2) the risks of unauthorized access by third parties; and (3) the nature of the shared relationship between the child, the parents and the researcher. The case studies highlight how biobank policies differ quite dramatically with respect to the coverage of these three issues, causing concern about the level of privacy protection afforded to children in the absence of comprehensive and clear legislation.

4. The Idea of Privacy Law: Jones v. Tsige p.74

This is a case review of the recent decision of the Ontario Court of Appeal in Jones v Tsige. The case has redefined the common law of privacy in Canada by recognizing, for the first time, the existence of a common law privacy tort known as "intrusion upon seclusion". Until this case, there was a conspicuous absence of
appellate authority on the common law of privacy in Canada. The decision in Jones has now filled this void with a sophisticated and thought-provoking discussion of the protection of privacy at common law.

The author examines the decision itself and then the jurisprudence on the tort of intentional infliction of mental suffering and concludes that the Jones decision is difficult to reconcile with the body of case law in which the Canadian courts have expressed hostility toward awarding compensation for mental suffering.

In the decision Justice Sharpe considers privacy legislation, case law on privacy, values underlying the Charter, trends in foreign jurisdictions, and academic support for the recognition of a new tort.

5. Cancer Surveillance p.91

This article provides a comprehensive overview of the legal and policy framework in relation to the use of cancer patient information for surveillance and research purposes in Canada. It analyzes various sources of law and policies applicable to cancer registries and to the use and disclosure of personal health information in this context, and identifies key gaps as well as suggests potential reforms.


This is also a case comment on the Ontario Court of Appeal decision of R v. Ward (Oct 2, 2012) and decided before the SCC decision in R. v. Spencer. Ward was the third Canadian appellate-level decision within a year to focus on warrantless police access to internet customer name and address information held by internet service providers. The two earlier decisions were Saskatchewan Court of Appeal cases: R v Trapp and R v Spencer (which went to the SCC).

All three cases held that the appellants' rights under section 8 of the Canadian Charter of Rights and Freedoms, which protects against unreasonable search and seizure, had not been violated but reached their decisions differently.

7. The Year in Review: 2012 p.132

This is an annual publication (available free of charge online through the University of Toronto Faculty of Law website) summarizing the significant judgments and identifying significant aspects of the cases, rather than editorial comments, out of appellate courts from across Canada. The cases reviewed in this issue related to Privacy are Jones v. Tsige (at p.152 of the pdf provides a more in-depth analysis of the decision) and R. v. Ward (at p.154 of the pdf).

This article explores the influence of R v Oakes in labour arbitration law. It reviews how labour arbitrators have adopted an analytical framework inspired by Oakes when assessing the reasonableness of employer conduct towards the employee. The article focuses on the assessment of the reasonableness of employer policies, rules or practices that interfere with employee privacy rights, specifically in the following two contexts: 1) the use of video surveillance of employees conducted by employers and its admissibility at arbitration hearings; and 2) employers’ rights to access employee medical information.

9. Surveillance and Privacy in the 21st Century: the Impact of Bills C-51 (IP21C) and C-52 (IPCEC) p.185

This article comments on the two federal bills introduced in Nov 2010 which would grant law enforcement agencies greater powers to acquire digital evidence in the course of their investigations.

Bill C-51, An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, 3rd Sess, 40th Parl, 2010 (first reading 1 November 2010) "The Investigative Powers for the 21st Century Act" (IP21C);

Bill C-52, An Act regulating telecommunications facilities to support investigations, 3rd Sess, 40th Parl, 2010 (first reading 1 November 2010) "The Investigating and Preventing Criminal Electronic Communications Act" (IPCEC).

The article considers the impact of the proposed legislation on state surveillance powers, and identifies some areas of concern.

[*NB: these two bills have not gone farther than Introduction and First Reading in the House of Commons*]
10. Research Participants' Rights to Access Information about Themselves held by Public Research Institutions p.198

This article focuses on the right of study participants to access information about themselves and examines questions like what is the scope of a research participants’ right to obtain access to information about themselves held by researchers in public institutions such as universities? How does legislation apply to records created for research purposes? What factors should researchers consider in developing policies to handle access requests? The paper looks at the development of Canadian legal principles (common law and legislative) on access to personal health information and provides some practical considerations for developing access to information policies.

11. Regulation of Patient Management Software p.206

This paper focuses more on laws regulating medical devices than on the privacy concerns, although the authors do briefly touch on the federal PIPEDA privacy legislation and note Ontario's Health Information Protection legislation.

Governments and health organizations are investing in the development and acquisition of Patient Management Software (PMS), including billing and scheduling software, electronic medical record software, and personal health records systems. The increasing use of software systems in health care raises new concerns about safety, effectiveness, privacy, and security.

This paper looks at the Canadian regulatory framework for Patient Management Software (PMS), including medical device, privacy, and health information law; Health Canada clarified that patient management software is subject to Canada's medical device regime.

12. Lights, Judges, Access… p.227

This article discusses the role of judicial review in ensuring that government officials properly exercise their discretion under access legislation. It provides a review of three court decisions: the Supreme Court of Canada's decision in Ontario (Public Safety and Security) v. Criminal Lawyers' Association, Attaran v Canada (Minister of Foreign Affairs), 2011 FCA 182, and Bronskill v Canada (Minister of Canadian National Heritage), 2011 FC 983. It begins by providing an overview of the various standards of review and then goes on to explain how these decisions show how Courts are actively supervising the exercise of administrative discretion over access to information, rather than being overly deferential to the growing tendency of government officials to delay and resist access to information based on statutory exemptions from disclosure requirements.

The paper spends a great deal of time discussing the Supreme Court of Canada's decision in Ontario (Public Safety and Security) v. Criminal Lawyers' Association which recognized a limited constitutional protection of access to information through section 2(b) of the Charter. This case is important as it sets the stage for an
active judicial approach to supervising discretionary decisions. The paper also looks at three provincial access to information decisions in which adjudicators have applied the guidelines established in Criminal Lawyers’ Assoc.

13. Supreme Court Recognizes (a Derivative) Right to Access Information p.250

This paper discusses the Supreme Court of Canada decision in Criminal Lawyers’ Assn. v. Ontario (Ministry of Public Safety and Security) and concludes, that while the decision took a cautious approach to the new-found right of access to government information via s.2(b) of the Charter, that we will likely see the scope of the right of access expand over time. The authors argue that this is in line with the developments of laws in other countries and provides some examples.


Another article looking at the SCC case Criminal Lawyer’s Assn. Although it reviews Ontario’s statutory scheme, the bulk of the paper focuses on the SCC decision, summarizing the facts, the decisions of the lower courts and the positions of the parties, and analyzing how the SCC came to its decision in recognizing that s.2(b) Charter gives the right to government information.

15. Privacy Gets Personal p.276

A very short article pointing to the 2011 Alberta Court of Appeal decision in Leon’s Furniture Limited v. Alberta (Information and Privacy Commissioner) and the Alberta Court of Appeal United Food and Commercial Workers, Local 401 v Alberta (Attorney General) decision (*NB: SCC case hadn’t been heard at the time the article was written) among other cases as evidence that the courts are moving towards a more balanced view of the meaning of privacy and away from the rather “pro-privacy” interpretation by privacy commissioners.


This volume of the Supreme Court Law Review examines the constitutional decisions of the Supreme Court of Canada released in 2010. Only two of the decisions related to access to information and/or privacy: Ontario (Public Safety and Security) v. Criminal Lawyers’ Assn. and R. v. Gomboc (a search and seizure Charter s.8 case in which the court upheld the constitutionality of police conduct). The court in Gomboc was divided and
as such no common statement on the privacy rights under s.8 arose. The main issue was whether the accused had a reasonable expectation of privacy in the information recorded by a digital recording ammeter installed outside the accused's property and which disclosed patterns of electricity use consistent with a marijuana grow op.

17. Action plan beyond the pale p.309

A brief article outlining some of the privacy concerns with the Beyond the Border action plan between Canada and the United States, particularly threats to Canadians' Charter rights. The action plan is a cross-border strategy on perimeter security and economic competitiveness. The BCCLA, along with several privacy and civil liberties groups (like the Freedom of Information and Privacy Association (FIPA) in B.C. and the Canadian Civil Liberties Association (CCLA)), issued a statement calling the action plan a "virtual abrogation" of Canadians' privacy rights "and nothing less than the integration of Canada within the U.S. security regime without any protection for Canadians and other persons."

18. Background checks - uncovering ominous pasts p.311

Another brief article, with a focus on the legality of background checks which employers may wish to carry out before hiring a prospective employee. The most common issues that arise in respect of background checks include: (1) privacy laws; (2) human rights laws; and (3) consumer reporting laws. The article briefly examines each of these three areas and concludes that despite the complicated legal framework in most cases potential liability can be avoided by: (i) limiting inquiries to information that is strictly necessary to assess an applicant's suitability for a position; (ii) obtaining express consent to reasonable background checks; and (iii) taking appropriate steps to ensure the accuracy and security of any information obtained.

19. Just how public are a public official's files? p.313

A brief case comment on an Ontario Information and Privacy Commissioner (IPC) ruling under their Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) which denied a request for a municipal councillor's records. This decision is in line with previous Ontario decisions whose reasoning is, the author argues, flawed.
20. Alberta ruling expands privacy act: 'Commercial activity' designation opens Legal Aid Society files p.315

Another case comment, this time on a decision from Alberta which widens the application of PIPA and is of significance for non-profits in the province. The adjudicator found that the provincially funded Legal Aid Society collects, uses and discloses personal information in connection with a commercial activity; the decision broadens the definition of “commercial activity.”

21. Transparency Confined to the Courthouse p.316

This paper reviews and analyzes the following three SCC judgments from 2010-2011: Ontario (Public Safety and Security) v. Criminal Lawyers' Assn., Canadian Broadcasting Corp. v. Canada (Attorney General) and R. v. National Post which apply Charter s.2(b) to access to information and newsgathering particularly within the scope of the open courts principle. The decisions justified the open court principle on the basis that the public needs access to information about the courts in order to properly express themselves about the courts' operations, but they do not extend the same logic to all government or public institutions. Instead, a Charter claimant seeking access to non-judicial government information under section 2(b) must now show that such information is "necessary for meaningful commentary".

The author concludes that the decisions of Criminal Lawyers' Assn. and National Post, respectively, have severely restricted the ability of section 2(b) to achieve openness in any area other than the courthouse.

22. Right to access is Charter right: SCC p.333

Another case comment on Ontario (Public Safety and Security) v. Criminal Lawyers' Association, [2010] S.C.J. No. 23. The Supreme Court says Canadians have a Charter right to gain access to government records, but only if the information is needed to promote “meaningful public discussion on matters of public interest.”

23. Tips for employers on pre-employment screening p.334

An article giving some guidance on pre-employment screening, but based on decisions from Ontario courts; these guidelines may not be applicable in Alberta.
LIBRARY & OTHER MATERIALS OF ASSISTANCE

Canadian Legislative Pulse
Online Tool: http://pulse.cch.ca.ezproxy.lib.ucalgary.ca/pulse.asp

You may find this UofC library resource of interest. It is a tool that provides users with one convenient location to obtain information on the progress of Bills, both federal and provincial.

Power, E. Michael.
2011
Fulltext Available on Quicklaw

The text was published in December 2011 and is current to December 15, 2013. It looks at the statutory and judicial framework that governs relevant to both access and privacy. Topics covered include: (1) Access to information → federal and provincial statutory framework, rules governing data held by government bodies, Procedural issues, Reviews and appeals, Offences and protection from prosecution and liability. (2) Privacy Law → Public sector issues (collection, use, disclosure of personal information by government bodies, Federal Privacy Act considerations and relevant provincial legislation, Storage and care of personal information), Private Sector issues (PIPEDA, substantially similar provincial legislation, role of consent, special rules applicable to health information, privacy in employment and labour, civil liability and privacy torts, Charter)

The Law of Privacy in Canada
By: Barbara McIsaac, Q.C., Rick Shields, Kris Klein, LL.B.
ISBN: 0-459-23969-4
Number of Pages: 736 pages
Number of Volumes: 3 volumes looseleaf
Publisher: Toronto : Thomson Carswell, 2004-

A comprehensive and thorough treatment of the regulation of the collection and use of personal information in Canada. Important areas of coverage include Technology and Privacy: Challenges and Solutions; Privacy Protection Under the Criminal Law; Privacy Protection in the Civil Context; Workplace Privacy; Health Privacy; Public Sector Regulation; Private Sector Regulation; and International Privacy Issues.

Annotated FOIP Binder

Designed to help anyone working with privacy matters understand and apply Alberta’s Freedom of Information and Protection of Privacy (FOIP) Act. Updates are published twice per year and are sold separately.
Location: Alberta Law Libraries - Calgary  
Call Number: KF210 C36 2012

I was not able to access this resource, but the following papers published within the holding appear to be relevant:

- SOCIAL MEDIA/PRIVACY
  - Strengths & Opportunities in a Sharing Culture (pdf) / Doug Jasinski
  - Guidelines for Social Media Background Checks December 2011(pdf) / Diane McLeod-McKay
  - Social Media and Privacy Law (ppt)

Location: Alberta Law Libraries - Calgary  
Call Number: KF210 C37 2012

I was not able to access this resource, but the following papers within the holding appear to be relevant:

- LABOUR & EMPLOYMENT
  - With a Little Help from my Friends: Managing the Workplace in a Very Social Age / S. Leonard Polsky and Zoe Thoms
  - Social Media in Labour & Employment: Privacy and the Formation, Management and Termination of the Employment Relationship / Wayne Benedict

Location: Alberta Law Libraries - Calgary  
Call Number: KF210 C37 2009

I was not able to access this resource, but the following papers within the holding appear to be relevant:

- PRIVACY - PUBLIC POLICY
  - Privacy and Administrative Tribunals: Internet Publication of Private Information / Honourable Justice J.B. Veit and Amy Martin-LeBlanc
  - Administrative Tribunals, Privacy and the Net / R. Gary Dickson, QC

Location: Alberta Law Libraries – Calgary

**Holding Information?**

A newsletter containing short articles on legislation, case law and other topics in the area of privacy law. Suitable for lawyers and other professionals who need to keep current with developments in privacy law, it is indexed in the ICLL.

**Leading by Example: Key Developments in the First Seven Years of the Personal Information Protection and Electronic Documents Act (PIPEDA) (Printable Adobe version)**

OFFICE OF THE PRIVACY COMMISSIONER OF CANADA
Minister of Public Works and Government Services Canada 2008
ISBN 978-0-662-05731-4
Available Online: [https://www.priv.gc.ca/leg_c/leading_e.asp](https://www.priv.gc.ca/leg_c/leading_e.asp)

Although somewhat old now, this is a very good 69pg document which highlights some of the leading case findings the Office of the Privacy Commissioner has released on a number of important issues between 2001-2008. The aim of the document is to share the insights which Canada’s Office of the Privacy Commission has gained since the Act’s inception. It was published on May 23, 2008.

**The Privacy Act: First Steps Towards Renewal,**

Report of the Standing Committee on Access to Information, Privacy and Ethics
June 2009, 40th Parliament, 2nd Session

This 81pg report is the most recent gov’t report about the Privacy Act, which includes recommendations by the then Privacy Commissioner Jennifer Stoddart. Changes to the Privacy Act have been recommended for several years by various parties, including the Canadian Bar Association (see for example their report: “Privacy Act Reform: CANADIAN BAR ASSOCIATION June 2008, available online: [https://www.cba.org/cba/submissions/pdf/08-30-eng.pdf](https://www.cba.org/cba/submissions/pdf/08-30-eng.pdf)), but up to this time (2014) major changes have not been forthcoming. Page 79 of the report contains a good table of the Chronology of Recommendations.

This 2009 government committee report can be read in conjunction with OPC’s Privacy Act annual reports which provide details on privacy trends and investigations involving federal departments over the course of the past fiscal year (available online at: [https://www.priv.gc.ca/](https://www.priv.gc.ca/))
Background:

⇒ In 2006, the OPC tabled with the Committee a comprehensive document: “Government Accountability for Personal Information: Reforming the Privacy Act”.

⇒ In early 2008, when there had still been no reforms to the Privacy Act, the OPC prepared an Addendum discussing how events of the intervening two years showed the ongoing need for reform.

⇒ The OPC’s most recent presentation on reform were remarks made at the Library of Parliament in November 2013 (“The Necessary Rebirth of the Privacy Act”, Remarks at the Library of Parliament, November 29, 2013)

⇒ As of March 2014 (date of OPC’s website section on Privacy Act Reform), the OPC notes that it was still waiting for a comprehensive modernization initiative.

All OPC documents related to Privacy Act reform are available online: https://www.priv.gc.ca/parl/pa_r_e.asp

---LIBRARY MATERIALS---
Available Online: https://www.priv.gc.ca/resource/tool-outil/infographic/leg_info_201405_e.asp

A great simple pictorial resource for helping people decide which Act applies to their situation.

**Access to Information Act and Privacy Act Bulletins**

The Federal Court Decisions Summaries Bulletin contains key federal court decision summaries related to the Access to Information Act and the Privacy Act.

**Title/Titre:** Address to VIP Speakers' Dinner, Access and Privacy Conference, Edmonton, Alberta [electronic resource]: the information revolution: open government-open data.

**Author/Auteur:** presented by Elizabeth Denham

**Publisher/Éditeur:** Victoria: Office of the Information & Privacy Commissioner for British Columbia

**Year/Année:** 2011

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**The law of privacy**

Michael E. Power.

Publisher: Markham, Ontario : LexisNexis Canada, 2013.

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**Privacy and access rights in the age of technology: the state of Canadians' information rights in 2010 and beyond**

Publisher: Ottawa : Canadian Bar Association, c2010.

Location: Alberta Law Libraries - Calgary

Call Number: KF5753 A75 P74 2010

**Fundamentals of privacy and freedom of information in Canada**

Michel W. Drapeau, Marc-Aurèle Racicot.

Variant Title: Privacy and freedom of information, Canadian encyclopedic digest. Fundamentals of privacy and freedom of information in Canada

Publisher: Toronto : Carswell, c2010.

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**Protection of privacy in the Canadian private and health sectors**

Drapeau, Michel W. and Marc Aurèle Racicot.

Variant Title: Protection of privacy in the Canadian private sector

Publisher: Toronto : Thomson Carswell, 2004-

Holding Information??
Understanding personal information: managing privacy risks
Éloïse Gratton.
Publisher: Markham, Ont. : LexisNexis, 2013.
ISBN:9780433474074
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Law of Employee Monitoring in Canada
Melanie R Bueckert
Location: Alberta Law Libraries - Calgary
Call Number: KF 3455 B83 2009

Law of Employee Use of Technology
Howard Simkevitz & Avner Levin
Location: Alberta Law Libraries - Calgary
Call Number: KF 3455 S56 2011

Privacy in the Workplace, 3rd ed
Eloise Gratton & Lyndsay Wasser
Location: Alberta Law Libraries - Calgary
Call Number: KF 1262 P75 2013