



### ***Privacy Act Reform Recommendations***

**Recommendation Number 1:** Create a legislative “necessity test” which would require government institutions to demonstrate the need for the personal information they collect.

**Recommendation Number 2:** Broaden the grounds for which an application for Court review under section 41 of the *Privacy Act* may be made to include the full array of privacy rights and protections under the *Privacy Act* and give the Federal Court the power to award damages against offending institutions.

**Recommendation Number 3:** Enshrine a requirement for heads of government institutions subject to the *Privacy Act* to assess the privacy impact of programs or systems prior to their implementation and to publicly report assessment results.

**Recommendation Number 4:** Amend the *Privacy Act* to provide the Office of the Privacy Commissioner of Canada with a clear public education mandate.

**Recommendation Number 5:** Provide greater discretion for the Office of the Privacy Commissioner of Canada to report publicly on the privacy management practices of government institutions.

**Recommendation Number 6:** Provide discretion for the Privacy Commissioner to refuse and/or discontinue complaints the investigation of which would serve little or no useful purpose, and would not be in the public interest to pursue.

**Recommendation Number 7:** Amend the *Privacy Act* to align it with the *Personal Information Protection and Electronic Documents Act* by eliminating the restriction that the *Privacy Act* applies to recorded information only.

**Recommendation Number 8:** Strengthen the annual reporting requirements of government departments and agencies under section 72 of the *Privacy Act*, by requiring these institutions to report to Parliament on a broader spectrum of privacy-related activities.

**Recommendation Number 9:** Introduction of a provision requiring an ongoing five year Parliamentary review of the *Privacy Act*.

**Recommendation Number 10:** Strengthen the provisions governing the disclosure of personal information by the Canadian government to foreign states.

**Recommendation Number 11:** Introduce a provision for proper security safeguard requiring the protection of personal information.

**Recommendation Number 12:** Enshrine Treasury Board’s breach notification guidelines into legislation.