

BC's New Private Sector Privacy Legislation

BC's Personal Information Protection Act (PIPA) came into force January 1, 2004 and sets out how **private sector organizations** may collect, use or disclose personal information. Public bodies (such as the Workers' Compensation Board) already covered by the BC *Freedom of Information & Protection of Privacy Act* (FIPPA) are not covered by PIPA.

Personal information is information about an identifiable individual and includes a person's name, age, medical information and employment information. PIPA requires organizations to obtain the individual's consent when they collect, use or disclose personal information about the individual. Organizations covered by PIPA include corporations, partnerships, trade unions, unincorporated associations and not-for-profit organizations.

Hearing Tests are Personal Information

Hearing tests conducted under the Occupational Health and Safety (OHS) Regulation are private medical information about an individual. Other personal information (medical history, date of birth and Social Insurance Number) is also collected at the time of the hearing test and filled in on hearing test forms.

The OHS Regulation requires employers to send hearing tests to the Workers' Compensation Board (WCB) and to keep copies of hearing tests. The WCB maintains a database of workers' hearing tests, which is used to evaluate trends in occupational hearing loss and monitor industry's compliance with the Regulation. This database uses Social Insurance Number (SIN) and date of birth to uniquely identify individuals.

The WCB has established procedures for protection of individuals' personal information (including hearing tests) as required under FIPPA. WCB was given permission by BC's FIPP Commissioner in 1997 to use the SIN as an identifier in its database of hearing tests.

Impact of Privacy Legislation on Hearing Conservation Programs

PIPA applies to collection and use of employee information. Companies that conduct hearing tests of noise-exposed workers may now need to review this legislation and determine how the privacy principles apply to their collection, use and disclosure of employee information.

Companies may want to consider the following actions to comply with PIPA:

- Tell workers that personal information on the hearing test form is being disclosed to authorized hearing testers and to the WCB.
- Tell workers how the personal information is used.
- Obtain consent (preferably in writing) to collect, use and disclose the personal information.
- Review their security provisions for storing copies of hearing tests.
- Provide the personal information (hearing test) they have collected to the individual upon request (the OHS Regulation also requires this).

More Information

A [sample consent form](#) is available for use in hearing conservation programs.

Resources to assist businesses to understand and comply with PIPA are available on the BC Ministry of Management Services website at

http://www.mser.gov.bc.ca/foi_pop/Privacy/default.htm and on the website of the Office of the Information and Privacy Commissioner <http://www.oipcbc.org/private/>.