September 18, 2014

To Whom It May Concern:

Executive Summary

1) That PIPA and FIPPA be amended to make clear that it is permissible to transfer information between a public body and a private organization.

2) That PIPA be amended to include direction on video surveillance and cloud computing, based on the guidelines on these matters issued by the Office of the Information and Privacy Commissioner.

3) That PIPA be amended to include direction on publishing photographs.

4) That PIPA be amended to make clear whether it is permissible to release salary and bonus information for the elected officers of an organization.

Details

Thank you for the opportunity to make a submission to the Special Committee. I am making this submission on behalf of the Alma Mater Society (AMS) of UBC Vancouver (the student society at UBC Vancouver), for whom I am the Privacy Officer under PIPA, a position I have held since the coming into force of the Act.

Over the years a number of issues have arisen concerning the Act, including the following:

1) Although section 12(2) of the Act refers to the collection of information by one private organization from another, there is little in the Act about a private organization collecting information from a public body. As the student society at UBC Vancouver, the AMS sometimes receives or seeks to receive information from the University about the students at the University. These students are members of the AMS. It might be useful if the Act included something authorizing this sort of transfer of information, this being a transfer from a public body (UBC) to a private organization (the AMS). It might also be useful to amend the law governing public bodies to allow this.
2) The Office of the Information and Privacy Commissioner has issued guidelines on video surveillance and cloud computing, but there is nothing in the Act itself concerning these issues. It might be helpful to put something in the Act, especially on the issue of storing data outside the country, about which there is much confusion.

3) The AMS has historical photographs, some of which we put online, and questions have been raised about privacy rights for the people in the photographs. I spoke to someone in the Privacy Office once, who said it's a grey area. There is nothing currently in the Act specifically about photographs, though at the AMS we have tried to apply the general guidelines about personal information to the photographs we put online: photos of a public event and posed photographs where the subject has clearly consented to having their picture taken are the ones we put online; if someone asks us to remove a photo, we do so immediately. Still, it would be helpful if the Act addressed photographic issues directly.

4) The AMS has elected officers (a President and four Vice-Presidents) whose salaries are made public on the grounds that the membership has the right to know what is being paid to the officers they elect, since it is their fees that pay for their salaries. In recent years a bonus system for these officers has been introduced, and there has been disagreement over whether it would be appropriate to release the findings of the AMS Oversight Committee on whether individual officers should receive a bonus or not and if so, how much of a bonus.

There is a clash here between the notion that such information is personal information protected under the Act and the notion that it is something that AMS members should be informed about so they can know how well their elected officers have been carrying out their duties.

The Act is silent on this issue. It might be helpful if it included something on whether such information about elected officers of an organization is personal information or not and thus on whether it can be disclosed or not.