



Privacy Act Modernization

Presentation to the 2023 National Claims Research Directors Meeting
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What is the Privacy Act?

- The *Privacy Act* governs the collection, use, disclosure, retention and disposal of **personal information by federal public bodies**
- It also sets out an individual's **right to access their own personal information** held by federal public bodies
- The *Access to Information Act* is a separate act, with a different purpose
 - It provides a right of access to **records** under the control of **federal public bodies** that contains information that is not of a personal nature, subject to applicable exemptions
- The *Privacy Act* only applies to personal information, not all data – for instance, it does not govern all Indigenous data (data about Indigenous peoples collectively, about their land, their cultures, traditions, etc.)

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The Privacy Act and Indigenous peoples in Canada

- The *Privacy Act* has specific impacts on Indigenous peoples in Canada:
 - It has definitions that are unique to Indigenous peoples ("aboriginal government", "Indian band").
 - It has provisions setting out the Indigenous governments/organizations that federal public bodies are allowed to disclose personal information to and for which purposes.
 - Federal public bodies tend to hold more, and more sensitive, personal information about Indigenous individuals than they do about most Canadians.
- In 2016, the Minister of Justice announced that Justice Canada would be leading the modernization of the *Privacy Act*.
- Since then, there have been various external engagement efforts to seek input on how the *Privacy Act* should be modernized, including with Indigenous partners.



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Initial engagement with Indigenous Partners (2020-2021)

- From 2020-2021, Justice Canada held an initial engagement with Indigenous governments and organizations to:
 - Understand Indigenous partners' perspectives and experiences with the *Privacy Act*; and
 - Learn how it could be modernized to better reflect the respective needs and expectations of First Nations, Inuit and Métis.
- Justice Canada met with representatives of 14 Indigenous partners, including the **NCRD**, in bilateral engagement sessions.



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What We Learned from Indigenous Partners in 2022 and Looking Forward

- The *What We Have Learned (so far) and Next Steps Report* was shared with 64 indigenous partners to serve as a basis for continuing our engagement based on a multi-step approach.
- Several consistent messages have emerged on how to modernize the Privacy Act's foundational principles and rules on information sharing between federal public bodies and bodies that represent the interests of Indigenous peoples.
- Once the current stage of the engagement is completed, we will be publishing another What We Learned Report in 2023.
- At a later stage, Justice Canada will engage Indigenous partners to discuss matters such as the more detailed rules and complex questions that need to be addressed to support any initial changes made to modernize the *Privacy Act*.



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