

# Privacy and Access Follow up

University of Regina

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# Plan



- Consent in the context of TCPS2
- Broad consent
- Cross Border data sharing
- Questions/discussion

# Legislation

- ▶ Saskatchewan
  - *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP)
  - *The Health Information Protection Act* (HIPA)
- ▶ Federal & Private Sector
  - *The Personal Information Protection and Electronic Documents Act* (PIPEDA)
- ▶ Other
  - *European Union General Data Protection Regulation* (GDPR)



➤ **Tri Council Policy Statement 2**

# LAFOIP General Principles

- ▶ Freedom of information relates to University records generally
- ▶ Protection of privacy is limited to personal information
- ▶ Confidentiality



LAFOIP Section 5: Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

# Consent

- ▶ No personal information can be collected, used or disclosed without knowledge or consent preferably in writing (subject to limited exceptions)
- ▶ Must relate to the purpose for which the information is required; must be informed; must be given voluntarily; and must not be obtained through misrepresentation, fraud or coercion



## ▶ Obtain consent:

- Consent on enrolment
- Orally or in writing (preferably in writing)
- Implied consent
- Exceptions to consent

# Tri-Council Policy Consent

- Similar requirements as LAFOIP
- Consent must be “free, informed and voluntary”
- TCPS is focussed as much or more on consent to participate in the research as it is on privacy - though personal information protection is one of the considerations

## Chapter 3

# Tri-Council Policy Consent

## Voluntary Consent

- Without undue influence or coercion
- Must not impact any pre-existing right
- Incentives are not prohibited but can “cross the line”
- REB will review

# Tri-Council Policy Consent

## Informed Consent

- A laundry list of criteria in Article 3.2
- Research participants must be given adequate time to review and assimilate the information they are given before consent is obtained. Also should be allowed to ask questions.



# Tri-Council Policy Privacy & Confidentiality

## Key Concepts:

- Privacy
- Confidentiality
- Security
- Identifiability
- Risk of Re-identification
  - Coded Information
  - Anonymized Information
  - Anonymous Information

## Chapter 5

# Broad Consent

- Consent for future, unspecified research
- Blanket consent is not permitted
- REBs must ensure the consent meets all 10 criteria of Article 3.13

# Cross-Border Data Sharing

Canada Privacy Commissioner

Sask OIPC Guidance

Other Governments

- Free, Informed and Voluntary Consent

# Contact Us

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See also: <https://www.uregina.ca/president/executive-team/ed-governance-univ-secretary/privacy/index.html>