Privacy and Access Follow up

University of Regina



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

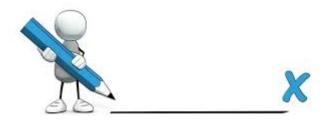
LAFOIP Section 5: Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.





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



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See also: https://www.uregina.ca/president/executive-team/ed-governance-univ-

secretary/privacy/index.html

