

May 31, 2024

Standing Committee on Resource Stewardship
c/o Committee Clerk,
3rd Floor, 9820 – 107 Street NW,
Edmonton, AB T5K 1E7
Attn: Garth Rowswell, MLA

via email to:
RSCommittee.Admin@assembly.ab.ca

Dear Mr. Rowswell,

Re: Input on review of *Personal Information Protection Act* (PIPA)

Based on the discussion items in the emerging issues document on the Standing Committee's website, the Law Society of Alberta provides the following brief comments:

Harmonization and Modernization

- In terms of harmonization of PIPA with other jurisdictions, there is a benefit in harmonization with other jurisdictions from a consistency of application and understanding but also from a technology lens as then software/application providers treat personal information consistently in their software and tools.

Artificial Intelligence

- Regarding Artificial Intelligence (AI) – the above statement is true also.
- Protection of an individual's personal information is going to be much more challenging with AI and we support developing and likely adopting provisions from another jurisdiction.
- Alignment with the European Union's *Artificial Intelligence Act* should seriously be considered as thus far, this legislation has some of the best guardrails in place for AI related issues. However, because this is such an evolving area, while we support legislation the AI area, perhaps is worthwhile to see how the EU's Act plays out before implementing AI – related provisions in PIPA just yet.

Protections of Sensitive Personal Information

- Strong protection of sensitive personal information is needed (voice, facial recognition, fingerprints, etc.)

Consent Requirements

- Provisions related to consent are adequate. We do support individuals receiving notices/explanations in **plain language** regarding purposes for which personal information is collected, used, or disclosed.

Expanding on Individual Rights

- Algorithmic transparency should also be required. Without pressure on the vendor community at the highest levels we are going to be dealing with black boxes of the AI engines.
- Exemptions for various organizations, such as regulators, from any future PIPA requirements around right to erasure or right to be forgotten, must exist. For example, professional regulators have an obligation to make public discipline information. Nothing should impede a regulator's ability to do its work, such as protecting the public.

Safeguarding Personal Information

- De-identified information is temporary; anonymized information is permanent/irreversible. For example, as a regulator issuing public decision, we de-identify when we redact documents. For the provisions of PIPA (and OIPC's authority) to go any further, feels like an overreach.
- The current provisions of PIPA are adequate – most organizations such as have designation privacy officer, privacy policies and comply with PIPA. Our organization has procedures in place on how we deal with privacy incidents/breaches, privacy impact assessments, and access to personal information requests. Organizations benefit from consultation with the OIPC on specific queries and matters, but mandatory measures are an overreach.
- As a regulatory body, the concern is that OIPC does not have the capacity to deal with privacy impact assessments from organizations that fall under PIPA in a timely manner. The backlogs could seriously impact the functioning of organizations.

Breach Notification

- Current provisions related to breach notifications are appropriate and clear.

Administrative Monetary Penalties

- As a regulator requiring compliance, and for consistency across GDPR, CPPA and QPSA, it is reasonable for PIPA to include administrative penalties.

If you need to discuss further, I would be happy to take a phone call on my direct line at [REDACTED]

Thank you,

[REDACTED]

Nancy Bains
Privacy Officer and Tribunal Counsel