Editor's Note: Privacy Component Discussion Draft Review

Pan-Canadian Trust Framework

13 February 2020
Version 1.0
Final

1   Overview

This document provides a summary of comments received during the open review period of the Pan-Canadian Trust Framework Privacy Component. **This review included the Privacy Overview V0.05 and Privacy Conformance Profile V0.12 Discussion Drafts**. DIACC conducted this review from 5 August to 6 September 2019.

338 comments were submitted during the review period. Of these:
- 23 were general comments that responded to the review questions on the overall content and applicability of the documents
- 60 related to the overview document
- 255 related to the conformance profile, most suggesting modifications or additions to the conformance criteria

The PCTF editing team reviewed each comment, identifying 95 as editorial (i.e., that can be addressed by the editorial team) and 243 as substantive, reflecting content changes, and therefore are referred to the Privacy design team for resolution.   The bulk of the substantive comments suggest modifications or additions to the conformance criteria.

The top PIPEDA (Personal Information Protection and Electronic Documents Act) Principles that garnered the most suggested revisions were:
- Principle 3 – Consent (33)
- Principle 1 – Accountability (19)
- Principle 5 – Limiting Use, Disclosure, and Retention (16)

The remaining criteria revision comments (62) were fairly evenly distributed among the other seven PIPEDA Principles. Reviewers suggested 20 new criteria to be considered for addition to the conformance profile.

At this time, the editing team did not refer any comments specifically to TFEC. Comments that the design team is not able to resolve will be referred to TFEC for resolution.

2   Major Themes

The editing team noted the following as significant themes running throughout the comments received. As this note is based on provisional responses to comments, details concerning resolution to these themes are not yet provided.

- Missing Concepts
  - Anonymity and associated requirements
  - Break the Glass and associated requirements
  - Right to be forgotten - elaborate and associated requirements
  - Fraudulent activities – add description and expand requirements; if they do not belong in Privacy, include in another component.

- Expand focus beyond private sector concepts and requirements for privacy
  - Add or refine the conformance criteria considering the Privacy Act, Freedom of Information and Protection of Privacy (FOIPP), as well as PIPEDA, which is private sector oriented, to balance
  - Definition of consent is different between private and public sector
  - Incorporate healthcare concepts and requirements that may be generally applied
  - Update with concepts to modernize PIPEDA (see "Strengthening Privacy in the Digital Age, May 2019, Government of Canada)

- Scope
  - Clarify the Scope Diagram and add description
  - Narrow the scope to focus more on the privacy of the identifiers and processes that handle them for digital identity, and less on organization's privacy programs and policy

- Refine definition of personal information
  - Many suggestions to modify this to be clearer, especially around service information
  - Using a narrow definition, expand to include more common legislative definition

- Streamline to remove redundancy
  - A number of conformance criteria seem to essentially duplicate PIPEDA

3   Other Items

Other items noted by the editing team:

1. **Streamline documents** – Reviewers noted duplicate information between the overview and conformance profile documents, as well as suggestions for stylistic and structural improvements.   Both documents will be updated to reflect the standard structure recently approved to apply to all component documents.

2. **Terminology –** In addition to the definition of "personal information", several comments requested clarification of terms used in PCTF. This is a recurring theme in reviews of all components.   The definitions of terms specific to this component will be referred to the design team and refined in conjunction with the PCTF Provisional Glossary work, which is ongoing.

3. **Organization of requirements** – A suggestion was made to organize criteria by role (e.g., Requesting Organization) rather than by PIPEDA Principles. Similar suggestions have been made for other components and could improve the usability of the document for organizations using it to identify the criteria that may apply to them. It does lead to duplication of requirements common to multiple roles.

4. **Governing Body – Many** of the comments to clarify and expand the role and requirements of the Governing Body will be deferred from the Privacy discussion and redirected to the design group formulating the PCTF Governing Body Conformance Profile.