



Facts

Privacy: a fundamental right in Canada

NDS - National Dosimetry Services

Privacy has long been considered a fundamental right in *Canada*. The *Canadian Charter of Rights and Freedoms*, along with the federal *Privacy Act*, territorial and provincial privacy legislation, work together to protect Canadians with respect to their personal information held by government or private institutions.

Recent trends and events have raised new concerns about whether personal information is adequately

protected by governments and companies when this information travels outside of Canada's borders. With the increasing flow of computerized data across international borders, particularly to the USA, privacy concerns and the rights of Canadians to safeguard their personal information has provoked numerous discussions and resulted in new guidelines for federal departments from the Office of the Privacy Commissioner of Canada.

National Dosimetry Services (NDS)

Canadian monitored workers can take comfort that NDS not only provides a measure of safety in regards to ionizing radiation but also the protection of their personal information. As part of the government NDS adheres to the strictest security standards, ensuring that personal information collected by NDS is secure, confidential, and protected against misuse or wrongful disclosure.

The USA *Patriot Act* and Canada's *Privacy Act*

The USA *Patriot Act* was passed following the attacks on September 11, 2001. The Act provides US law enforcement with measures to expand their surveillance capability while minimizing procedural "legal" obstacles. The *Patriot Act* permits law enforcement officials such as the FBI, to seek a court order allowing them to access the personal records of any individual that is under the control of an American company in the United States or an American affiliate operating in Canada for the purpose of an anti-terrorism investigation, without informing individuals or agencies that such disclosure has occurred. In theory, US officials could access information about Canadians through US firms and/or their affiliates, even if the data is located in Canada. There are no provisions in the *Patriot Act* for challenging a US order and refusing to comply with the order may constitute contempt.



Section 8 of the *Canadian Charter of Rights and Freedom* protects privacy from unreasonable searches and seizures. In addition, the federal *Privacy Act* provides a high level of protection against the disclosure of personal information. This Act governs the collection, use, disclosure, retention and disposal of personal information within federal government jurisdictions. The Canadian private sector is also accountable for protecting privacy under the *Personal Information Protection and Electronic Documents Act* (PIPEDA), and similar provincial legislation in British Columbia, Quebec and Alberta.

What is the risk for Canadians who are affiliated with a US Company?

According to the Privacy Commissioner of Canada, while the likelihood of US authorities using the *Patriot Act* to investigate the personal information of Canadian workers is minimal, the risk nonetheless exists.

National Dosimetry Services

As part of the government, NDS adheres to the strictest security standards, ensuring that personal information collected by NDS is secure, confidential, and protected against misuse or wrongful disclosure. Information collected by NDS may only be sent to the National Dose Registry (www.healthcanada.gc.ca/ndr)—the centralized radiation record system that contains the occupational radiation dose records of all monitored workers in Canada from the 1940's to the present.

If you have any questions or concerns regarding the protection of your personal information with respect to National Dosimetry Services, please call our toll-free number **1-800-261-6689** to speak to a Customer Service Representative.

You are also encouraged to visit the Privacy Commissioner Web site at <http://www.privcom.gc.ca> for more specific information regarding the *Personal Information Protection and Electronic Documents Act*, PIPEDA, and to obtain a copy of "What Canadians Can Do to Protect Their Personal Information Transferred Across Borders" (http://www.privcom.gc.ca/fs-fi/02_05_d_23_e.asp).

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