

TERMS OF REFERENCE

General Data Protection Regulation Working Group Terms of Reference

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| Background/Overview | <ul style="list-style-type: none">• The European Union (EU)'s General Data Protection Regulation (GDPR), which came into force in May 2018, aims to simplify the regulatory environment for international business by unifying legislation within the EU. The GDPR replaces the 1995 EU Data Protection Directive.• The GDPR also contains enhanced measures for data protection and rights for data subject. Measures include: substantial increases to limits for penalties; changes to requirements surrounding consent, changes to breach notification requirements, privacy by design and, in some cases the obligation to appoint a data protection officer (DPO). Rights include the right to be forgotten, data portability, and an enhanced right of access.• The GDPR increases the territorial scope of the legislation providing personal information protection for EU residents even when their information is processed outside the EU.• As such, Canadian organizations may need to comply with the GDPR if they:<ul style="list-style-type: none">◦ Have an establishment in the EU; or◦ Are located outside the EU but either "offer goods or services" to or "monitor the behaviour" of individuals in the EU.• Given this, there are a number of questions related to the provisions, scope, application and enforcement of the GDPR in both private and public sector across Canada.• As such, there is a common interest in ensuring consistent understanding and interpretation of responsibilities for Canadian organizations with respect to the GDPR. |
| Mandate/Scope | <ul style="list-style-type: none">• The purpose of the working group is to arrive at a consistent understanding of the GDPR and provide a forum for sharing information that will be of relevance to members in all jurisdictions.• The federal government liaises directly with the European Commission (EC) on a broad range of questions related to the GDPR including its territorial scope and transfer of personal information under the EU regime.• In this context, the working group will provide an opportunity to disseminate information related to EC engagement activities as well as obtain input from provincial counterparts on issues or questions that may be raised with the EC to enhance Canada's overall understanding of the GDPR.• In parallel to these information sharing activities, working group members will collaborate on the identification of legal questions and/or use cases that may require advice from legal counsel including legal counsel that specializes in the EU GDPR. In this context, we expect that there may be legal costs associated with determining the impacts of GDPR in Canadian jurisdictions. |
| Responsibilities | <ul style="list-style-type: none">• The group will discuss the deliverables and mechanisms for sharing information, costs and the learning outcomes of this review. |
| Membership | <ul style="list-style-type: none">• Federal: Charles Taillefer (ISED)• Provincial/Territorial: Keleigh Annau (BC), Oliver Jones (BC), Neil Edgington (BC), Joanne Gardiner (AB), Katherine Olson (AB), Suzanne Sutherland (AB), Jennifer Berlin (AB), Ryan Warkentin (AB), Shamin Malmas (AB), Joanne Fletcher (NB), Erin Drover (NFLD), Sonja El-Gohary (NFLD), Michael Reardon (NS), Clare Dale (ON), Bobbi-Jo Dow-Baker (PEI), Kathryn Dickson (PEI), Sebastien Beaulieu (Montreal), Jean Marcelo Guede (Montreal), Luke McWilliams (SK), Aaron Orban (SK), Narayan Iyer (TBS), Jennifer Schlofield (TBS), Jeff Sunstrum (YK), Barbara Bucknell (ISED), Jaqueline Jones (ISED) |
| Co-Chairs | <ul style="list-style-type: none">• The GDPR Working Group shall be co-chaired by Keleigh Annau and Charles Taillefer• The Co-Chairs are responsible for facilitating the group in defining the objectives and deliverables, in meeting them and in reporting back to the Privacy & Access Subcommittee Co-Chairs.• The Co-Chairs will: |

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| | <ul style="list-style-type: none">○ Call meetings to order○ Facilitate the group in defining objectives, deliverables and the work plan to achieve them.○ Develop agendas for meetings to support meeting the objectives○ Report on progress and deliverables to the Privacy & Access Subcommittee chairs. |
| Reporting | <ul style="list-style-type: none">• The GDPR Working Group reports to the Privacy & Access Subcommittee and in turn to the Joint Councils |
| Decision Making | <ul style="list-style-type: none">• GDPR Working Group makes recommendations to the Privacy & Access Subcommittee and in turn to the Joint Council who will make final decisions on activities/work plan.• Decisions of the GDPR Working Group will be based on a principled approach to advance initiatives in a collaborative and/or bilateral basis |
| Frequency of Meetings | <ul style="list-style-type: none">• Meetings will be held on a bi-weekly basis, at the call of the chair, through the use of teleconferencing.• Guidance is still in progress by the European Data Protection Board for this complex regulation, so we anticipate that a year is a reasonable time frame to develop the deliverables of this group, with meetings to commence in late summer 2018. |
| Funding | <ul style="list-style-type: none">• Funding for the GDPR Working Group's activities will fall under the Joint Council current funding arrangements and approvals. A funding form must be filled out and submitted to the Councils (via the ICCS Secretariat) along with a Scope of Work. Members of the Councils Privacy & Access Subcommittee must review and approve funding requests.• Members will be responsible for the costs of travel, meals and accommodations incurred in relation to GDPR Working Group activities unless funding for this has been approved by the Councils. |
