

**Step by step guide**

**to creating a**

**privacy** **compliance program**

Advisors[[1]](#footnote-1) and firms must comply with the *Personal information protection and electronic documents Act* (PIPEDA) or applicable provincial privacy legislation and its regulations and need to establish a compliance program for themselves and their employees and/or sub-agents where applicable.

**What does this mean to you?**

Because not everyone operates their business in the same way, your compliance program will be tailored to fit your individual needs and will reflect the nature, size and complexity of your operation.

PIPEDA identifies four key elements to establishing and maintaining your program. These are:

1. appointing a compliance officer – someone who is aware of the process and your responsibilities with respect to compliance with the Act and its regulations. In most cases, this will be you.
2. establishing compliance policies and procedures
3. reviewing your compliance policies and procedures regularly
4. providing initial and ongoing privacy training to employees or other individuals authorized to act on your behalf

Following Canada Life’s [privacy guidelines](file:///C:\stellent1\groups\iiip\@iiipdefaultexternal\documents\content\s3_175935.pdf), becoming familiar with the [best practices](file:///C:\stellent1\groups\iiip\@iiipdefaultexternal\documents\content\s3_175523.pdf) material provided and adopting those best practices appropriate to your business will assist you in complying with the privacy legislation. It is your responsibility to know and comply with this legislation.

The materials provided by Canada Life are intended only as one tool to assist you with your compliance program.

The document that follows is a template you may consider using to help you put together a compliance program. We hope that this document will be a useful reference tool for your business.

***Please note that this sample compliance program constitutes an overview of the main requirements for compliance under Privacy legislation. It is provided to you for information and education purposes only and should not be construed as legal advice or a guarantee of compliance. The information is accurate to the best of our knowledge at the time of publication but keep in mind that rules and interpretation may change. Therefore, applicable laws and regulations have priority over the content of this document. For any particular or complex situation, it is advisable to seek the advice of a legal professional.***

***This document cannot, for any purposes, be reproduced or transmitted to any third party without the express authorization of the Market Conduct Compliance department of Canada Life.***

***How to use this template:***

* ***Fields that are to be filled out are in blue***
* ***Please make sure you follow the instructions in red***
* ***Delete instructions (in red) before printing***

**COMPLIANCE PROGRAM**

**FOR PRIVACY**

**as required UNDER PIPEDA (Personal information protection and electronic documents Act) or** **applicable provincial privacy legislation**

**OUTSIDE QUEBEC:**

**[name of advisor/corporation]**

**IN QUEBEC:**

**[name of advisor/corporation (firm)]**

**Independent representative / Financial services firm**

Effective (date)

Revised on: (date)

**COMPLIANCE PROGRAM FOR PRIVACY**

**(Effective/revised DATE)**

**OUTSIDE QUEBEC:**

**[name of advisor/corporation]**

**IN QUEBEC:**

**[name of advisor/corporation (firm)]**

**Independent representative / Financial services firm**

**I n d e x**

Nomination of a compliance officer 1

Resolution of the board (for firms)

Review/amendments to the program 2

Summary of revisions and amendments

Policies and procedures

Privacy policies of insurers with whom you do business

Privacy policies of (the advisor/firm)

“My commitment to protecting your privacy”

Record Retention

Best practices

Testing of policies and procedures

Self-assessment and action plans

Training

Training material and proofs of training

Useful links

**REVIEWS AND AMENDMENTS TO THE**

**COMPLIANCE PROGRAM FOR PRIVACY**

The present program was adopted on DATE.

The present program was revised and amended on DATE. Below is a summary of these amendments:

* …

*(Insert all documentation regarding privacy reviews or self-assessments, complaints or concerns which led to adjustments to policies and/or procedures)*

*(Adjust if no amendments were made further to the review. A review should be performed at least every two years.)*

*For corporations, modify document for independent representatives/sole proprietors*

**RESOLUTIONS OF THE BOARD OF DIRECTORS OF**

**[NAME OF THE FIRM] (The “Firm”)**

**EFFECTIVE [DATE]**

**WHEREAS** the Firm must adopt a compliance program in order to comply with PIPEDA (the “Act”) and/or applicable provincial legislation, applicable to its operations;

**WHEREAS** the Firm must ensure that persons that it hires and/or who act on its behalf, whether or not they have a sales licence, comply with the same provisions;

**WHEREAS** in order to ensure compliance with the various applicable rules, the Firm wishes to adopt a compliance program and to appoint one or more persons to be responsible for the application of this program;

**IT IS THEREFORE RESOLVED:**

**THAT** the compliance program attached is hereby adopted by the Firm;

**THAT** [name(s) of person(s) in charge of compliance] is/are appointed as compliance officer(s) with regard to the Act;

**THAT** as compliance officer(s) [Name(s) of those in charge of compliance] is/are responsible for:

* Implementation and monitoring of the compliance program;
* Establishing and periodically revising the Firm’s policies and procedures;
* Initial and continuing training of representatives, employees and persons acting for and on behalf of the Firm;
* Immediately notifying the principal of the Firm of any known or presumed violation of the Firm’s compliance program;

**THAT** the compliance officer(s) may obtain the assistance of another person to manage the Firm’s compliance responsibilities provided that this person has the requisite experience and skills in respect of the compliance aspects that are entrusted to him or her, provided that the name of this person or these persons and his/her/their responsibilities are documented in the compliance program.

**THAT** [name of principal of the Firm] is authorized to sign documents and take any other measures required to give full effect to the resolutions herein.

The resolutions herein are adopted by the director(s) of the Firm as witnessed by his/her/their signature(s) below.

**ACCEPTED BY THE COMPLIANCE OFFICER(S):**

**PolicIES & pROCEDUREs**

**FOR PRIVACY COMPLIANCE**

**(NAME OF ADVISOR/FIRM)**

Effective (date)

Revised on: (date)

***Understanding expectations and privacy best practices will help you determine which areas of your business are impacted by the need to protect personal information and for which you may require policies and procedures.***

***Step 1:***

*Review ‘Privacy and your business’ and all related privacy material from*

* *RepNet: Advisor support > Compliance > Privacy, client file & record retention*

*Review privacy polices of the insurer(s) that you do business with*

***Step 2:***

*Determine what measures you/the firm needs to take in order to comply with PIPEDA or applicable provincial privacy legislation and privacy best practices.*

***Step 3:***

*Insert details of policies and procedures, modified to suit your business and adopt it as your policies and procedures.*

**SCHEDULE B**

**Undertakings of employees and representatives of (Name of advisor/firm)**

*Attach undertakings of employees and representatives to comply with your/the firms Privacy policies and procedures. For example:*

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, confirm having read the Compliance guide for privacy of (name of advisor/firm) and related procedures, and undertake to comply therewith.

SIGNED AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Name:

Title:

**TRAINING**

*Add details of any training taken by you, or provided by you/the firm for advisors or staff related to privacy.*

**Training material and proofs of training**

**1.**

**2.**

**3.**

*(Insert proofs of training after each training session, including lists of those attending, copies of the training material and CE/PDU documentation)*

**Self-review of Privacy related policies & procedures**

*To help ensure your business is compliant with policies and procedures required under privacy legislation, you should periodically review your business practices. Done on a regular basis, these reviews will help determine if your business has policies and procedures in place to comply with legislative and regulatory requirements, and whether those policies and procedures are being adhered to.*

*A worksheet will help you conduct a self-review of your business and can be found at:*

* *Repnet > Advisor support > Compliance > Privacy, client file & record retention > Compliance program [insert link]*

*(In this section, you should identify and note weaknesses, proposed corrective actions, a timeline for implementing such actions and any follow-up actions.)*

**USEFUL LINKS**

**Privacy commissioner of Canada:** <http://www.priv.gc.ca/>

**Provincial privacy commissions:**

**Alberta:** [http://www.oipc.ab.ca/](http://www.oipc.ab.ca/pages/home/default.aspx)

**British Columbia:** <http://www.oipc.bc.ca/>

**QC privacy commission:** Commission d’accès à l’information (Privacy): [http://www.cai.gouv.qc.ca/](http://www.cai.gouv.qc.ca/index-en.html)

**RepNet:** Advisor support > Compliance > Privacy, client file & recordretention

*[Insert other links to privacy information from other insurers with whom you do business]*

1. In Quebec, advisor refers to a financial security advisor for individual insurance and segregated fund policies; and to an advisor in group insurance/annuity plans for group products. [↑](#footnote-ref-1)