

## **Part 2 — General Rules Respecting Protection of Personal Information by Organizations**

### **Compliance with Act**

**4** (1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.

(2) An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.

(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.

(4) An individual designated under subsection (3) may delegate to another individual the duty conferred by that designation.

(5) An organization must make available to the public

(a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and

(b) contact information for each individual referred to in paragraph (a).

### **Policies and practices**

**5** An organization must

(a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,

(b) develop a process to respond to complaints that may arise respecting the application of this Act, and

(c) make information available on request about

- (i) the policies and practices referred to in paragraph (a), and
- (ii) the complaint process referred to in paragraph (b).

### **Part 3 — Consent**

#### **Consent required**

- 6** (1) An organization must not
- (a) collect personal information about an individual,
  - (b) use personal information about an individual, or
  - (c) disclose personal information about an individual.
- (2) Subsection (1) does not apply if
- (a) the individual gives consent to the collection, use or disclosure,
  - (b) this Act authorizes the collection, use or disclosure without the consent of the individual, or
  - (c) this Act deems the collection, use or disclosure to be consented to by the individual.

#### **Provision of consent**

- 7** (1) An individual has not given consent under this Act to an organization unless
- (a) the organization has provided the individual with the information required under section 10 (1), and
  - (b) the individual's consent is provided in accordance with this Act.
- (2) An organization must not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product or service.

(3) If an organization attempts to obtain consent for collecting, using or disclosing personal information by

(a) providing false or misleading information respecting the collection, use or disclosure of the information, or

(b) using deceptive or misleading practices

any consent provided in those circumstances is not validly given.

### **Implicit consent**

**8** (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if

(a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and

(b) the individual voluntarily provides the personal information to the organization for that purpose.

(2) An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her enrollment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she

(a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and

(b) is not the applicant for the plan, policy or contract.

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if

(a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,

(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his

or her personal information collected, used or disclosed for those purposes,

(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and

(d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.

(4) Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.

### **Withdrawal of consent**

9 (1) Subject to subsections (5) and (6), on giving reasonable notice to the organization, an individual may withdraw consent to the collection, use or disclosure of personal information about the individual at any time.

(2) On receipt of notice referred to in subsection (1), an organization must inform the individual of the likely consequences to the individual of withdrawing his or her consent.

(3) An organization must not prohibit an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the individual.

(4) Subject to section 35, if an individual withdraws consent to the collection, use or disclosure of personal information by an organization, the organization must stop collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without consent under this Act.

(5) An individual may not withdraw consent if withdrawing the consent would frustrate the performance of a legal obligation.

(6) An individual may not withdraw a consent given to a credit reporting agency in the circumstances described in section 12 (1) (g) or 15 (1) (g).

## **Part 4 — Collection of Personal Information**

### **Required notification for collection of personal information**

**10** (1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing

(a) the purposes for the collection of the information, and

(b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

(2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act.

(3) This section does not apply to a collection described in section 8 (1) or (2).

### **Limitations on collection of personal information**

**11** Subject to this Act, an organization may collect personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that

(a) fulfill the purposes that the organization discloses under section 10 (1), or

(b) are otherwise permitted under this Act.

### **Collection of personal information without consent**

- 12** (1) An organization may collect personal information about an individual without consent or from a source other than the individual, if
- (a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way,
  - (b) the collection is necessary for the medical treatment of the individual and the individual is unable to give consent,
  - (c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,
  - (d) the personal information is collected by observation at a performance, a sports meet or a similar event
    - (i) at which the individual voluntarily appears, and
    - (ii) that is open to the public,
  - (e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
  - (f) the collection is necessary to determine the individual's suitability
    - (i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or
    - (ii) to be selected for an athletic or artistic purpose,
  - (g) the organization is a credit reporting agency that collects the personal information to create a credit report and the individual consents at the time the original collection takes place to the disclosure for this purpose,
  - (h) the collection is required or authorized by law,
  - (i) the information was disclosed to the organization under sections 18 to 22,
  - (j) the personal information is necessary to facilitate

(i) the collection of a debt owed to the organization,  
or

(ii) the payment of a debt owed by the organization,

(k) the personal information is collected for the purposes of the organization providing legal services to a third party and the collection is necessary for the purposes of providing those services, or

(l) the personal information is collected for the purposes of the organization providing services to a third party if

(i) the third party is an individual acting in a personal or domestic capacity,

(ii) the third party is providing the information to the organization, and

(iii) the information is necessary for the purposes of providing those services.

(2) An organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if

(a) the individual previously consented to the collection of the personal information by the other organization, and

(b) the personal information is disclosed to or collected by the organization solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist that organization to carry out work on behalf of the other organization.

### **Collection of employee personal information**

**13** (1) Subject to subsection (2), an organization may collect employee personal information without the consent of the individual.

(2) An organization may not collect employee personal information without the consent of the individual unless

(a) section 12 allows the collection of the employee personal information without consent, or

(b) the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be collecting employee personal information about the individual and the purposes for the collection before the organization collects the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 12 allows it to be collected without the consent of the individual.

## **Part 5 – Use of Personal Information**

### **Limitations on use of personal information**

**14** Subject to this Act, an organization may use personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that

(a) fulfill the purposes that the organization discloses under section 10 (1),

(b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or

(c) are otherwise permitted under this Act.

### **Use of personal information without consent**

**15** (1) An organization may use personal information about an individual without the consent of the individual, if

(a) the use is clearly in the interests of the individual and consent cannot be obtained in a timely way,



(b) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,

(c) it is reasonable to expect that the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or a proceeding,

(d) the personal information is collected by observation at a performance, a sports meet or a similar event

(i) at which the individual voluntarily appears, and

(ii) that is open to the public,

(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,

(f) the use is necessary to determine suitability

(i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or

(ii) to be selected for an athletic or artistic purpose,

(g) the personal information is used by a credit reporting agency to create a credit report if the individual consented to the disclosure for this purpose,

(h) the use is required or authorized by law,

(h.1) the personal information was collected by the organization under section 12 (1) (k) or (l) and is used to fulfill the purposes for which it was collected,

(i) the personal information was disclosed to the organization under sections 18 to 22,

(j) the personal information is needed to facilitate

(i) the collection of a debt owed to the organization, or

(ii) the payment of a debt owed by the organization,

(k) a credit reporting agency is permitted to collect the personal information without consent under section 12 and the information is not used by the credit reporting agency for any purpose other than to create a credit report, or

(l) the use is necessary to respond to an emergency that threatens the life, health or security of an individual.

(2) An organization may use personal information collected from or on behalf of another organization without the consent of the individual to whom the information relates, if

(a) the individual consented to the use of the personal information by the other organization, and

(b) the personal information is used by the organization solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist that organization to carry out work on behalf of the other organization.

### **Use of employee personal information**

**16** (1) Subject to subsection (2), an organization may use employee personal information without the consent of the individual.

(2) An organization may not use employee personal information without the consent of the individual unless

(a) section 15 allows the use of the employee personal information without consent, or

(b) the use is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be using employee personal information about the individual and the purposes for the use before the organization uses the employee personal information without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 15 allows it to be used without the consent of the individual.

## **Part 6 – Disclosure of Personal Information**

### **Limitations on disclosure of personal information**

**17** Subject to this Act, an organization may disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances and that

- (a) fulfill the purposes that the organization discloses under section 10 (1),
- (b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or
- (c) are otherwise permitted under this Act.

### **Disclosure of personal information without consent**

**18** (1) An organization may only disclose personal information about an individual without the consent of the individual, if

- (a) the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way,
- (b) the disclosure is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,
- (c) it is reasonable to expect that the disclosure with the consent of the individual would compromise an investigation or proceeding and the disclosure is reasonable for purposes related to an investigation or a proceeding,
- (d) the personal information is collected by observation at a performance, a sports meet or a similar event
  - (i) at which the individual voluntarily appears, and
  - (ii) that is open to the public,

(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,

(f) the disclosure is necessary to determine suitability

(i) to receive an honour, award or similar benefit, including an honorary degree, scholarship or bursary, or

(ii) to be selected for an athletic or artistic purpose,

(g) the disclosure is necessary in order to collect a debt owed to the organization or for the organization to repay an individual money owed to them by the organization,

(h) the personal information is disclosed in accordance with a provision of a treaty that

(i) authorizes or requires its disclosure, and

(ii) is made under an enactment of British Columbia or Canada,

(i) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information,

(j) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation,

(i) to determine whether the offence has taken place, or

(ii) to prepare for the laying of a charge or the prosecution of the offence,

(k) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates,

(l) the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual,

(m) the disclosure is to a lawyer who is representing the organization,

(n) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes,

(o) the disclosure is required or authorized by law, or

(p) the disclosure is in accordance with sections 19 to 22.

(2) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if

(a) the individual consented to the collection of the personal information by the organization, and

(b) the personal information is disclosed to the other organization solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist the other organization to carry out work on behalf of the first organization.

(3) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if the organization was authorized by section 12 (2) to collect the personal information from or on behalf of the other organization.

(4) An organization may disclose personal information to another organization, or to a public body, without consent of the individual to whom the information relates, if

(a) the personal information was collected by an organization under section 12 (1) (k) or (l),

(b) the disclosure between the organizations, or between the organization and the public body, is for the purposes for which the information was collected,

(c) the disclosure is necessary for those purposes, and

(d) for each disclosure under this subsection, the third party referred to in section 12 (1) (k) or (l), as applicable, consents to the disclosure.

### **Disclosure of employee personal information**

**19** (1) Subject to subsection (2), an organization may disclose employee personal information without the consent of the individual.

(2) An organization may not disclose employee personal information without the consent of the individual unless

(a) section 18 allows the disclosure of the employee personal information without consent, or

(b) the disclosure is reasonable for the purposes of establishing, managing or terminating an employment relationship between the organization and the individual.

(3) An organization must notify an individual that it will be disclosing employee personal information about the individual and the purposes for the disclosure before the organization discloses employee personal information about the individual without the consent of the individual.

(4) Subsection (3) does not apply to employee personal information if section 18 allows it to be disclosed without the consent of the individual.

### **Transfer of personal information in the sale of an organization or its business assets**

**20** (1) In this section:

**"business transaction"** means the purchase, sale, lease, merger or amalgamation or any other type of acquisition, disposal or

financing of an organization or a portion of an organization or of any of the business or assets of an organization;

**"party"** means a person or another organization that proceeds with the business transaction.

(2) An organization may disclose personal information about its employees, customers, directors, officers or shareholders without their consent, to a prospective party, if

(a) the personal information is necessary for the prospective party to determine whether to proceed with the business transaction, and

(b) the organization and prospective party have entered into an agreement that requires the prospective party to use or disclose the personal information solely for purposes related to the prospective business transaction.

(3) If an organization proceeds with a business transaction, the organization may disclose, without consent, personal information of employees, customers, directors, officers and shareholders of the organization to a party on condition that

(a) the party must only use or disclose the personal information for the same purposes for which it was collected, used or disclosed by the organization,

(b) the disclosure is only of personal information that relates directly to the part of the organization or its business assets that is covered by the business transaction, and

(c) the employees, customers, directors, officers and shareholders whose personal information is disclosed are notified that

(i) the business transaction has taken place, and

(ii) the personal information about them has been disclosed to the party.

(4) A prospective party may collect and use personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (2) if the prospective party complies with the conditions applicable to that prospective party under that subsection.

(5) A party may collect, use and disclose personal information without the consent of the employees, customers, directors, officers and shareholders of the organization in the circumstances described in subsection (3) if the party complies with the conditions applicable to that party under that subsection.

(6) If a business transaction does not proceed or is not completed, a prospective party must destroy or return to the organization any personal information the prospective party collected under subsection (2) about the employees, customers, directors, officers and shareholders of the organization.

(7) This section does not authorize an organization to disclose personal information to a party or prospective party for purposes of a business transaction that does not involve substantial assets of the organization other than this personal information.

(8) A party or prospective party is not authorized by this section to collect, use or disclose personal information that an organization disclosed to it in contravention of subsection (7).

### **Disclosure for research or statistical purposes**

**21** (1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if

(a) the research purpose cannot be accomplished unless the personal information is provided in an individually identifiable form,

(b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research,



(c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,

(d) the organization to which the personal information is to be disclosed has signed an agreement to comply with the following:

- (i) this Act;
- (ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information;
- (iii) security and confidentiality conditions;
- (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;
- (v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and

(e) it is impracticable for the organization to seek the consent of the individual for the disclosure.

(2) Subsection (1) does not authorize an organization to disclose personal information for market research purposes.

### **Disclosure for archival or historical purposes**

**22** An organization may disclose, without the consent of the individual, personal information for archival or historical purposes if

- (a) a reasonable person would not consider the personal information to be too sensitive to the individual to be disclosed at the proposed time,
- (b) the disclosure is for historical research and is in accordance with section 21,

- (c) the information is about someone who has been dead for 20 or more years, or
- (d) the information is in a record that has been in existence for 100 or more years.

## **Part 7 — Access to and Correction of Personal Information**

### **Access to personal information**

**23** (1) Subject to subsections (2) to (5), on request of an individual, an organization must provide the individual with the following:

- (a) the individual's personal information under the control of the organization;
- (b) information about the ways in which the personal information referred to in paragraph (a) has been and is being used by the organization;
- (c) the names of the individuals and organizations to whom the personal information referred to in paragraph (a) has been disclosed by the organization.

(2) An organization that

- (a) is a credit reporting agency, and
- (b) receives a request under subsection (1)

must also provide the individual with the names of the sources from which it received the personal information unless it is reasonable to assume the individual can ascertain those sources.

(3) An organization is not required to disclose personal information and other information under subsection (1) or (2) in the following circumstances:

- (a) the information is protected by solicitor-client privilege;
- (b) the disclosure of the information would reveal confidential commercial information that if disclosed, could,

in the opinion of a reasonable person, harm the competitive position of the organization;

(c) the information was collected or disclosed without consent, as allowed under section 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed;

(d) [Repealed 2004-67-23.]

(e) the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act

- (i) under a collective agreement,
- (ii) under an enactment, or
- (iii) by a court;

(f) the information is in a document that is subject to a solicitor's lien.

(3.1) A credit reporting agency is not required to disclose the names of the individuals and organizations to whom the personal information was last disclosed by the agency in a credit report more than 12 months before the request under subsection (1) was made.

(4) An organization must not disclose personal information and other information under subsection (1) or (2) in the following circumstances:

(a) the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;

(b) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;

(c) the disclosure would reveal personal information about another individual;

(d) the disclosure would reveal the identity of an individual who has provided personal information about another

individual and the individual providing the personal information does not consent to disclosure of his or her identity.

(5) If an organization is able to remove the information referred to in subsection (3) (a), (b) or (c) or (4) from a document that contains personal information about the individual who requested it, the organization must provide the individual with access to the personal information after the information referred to in subsection (3) (a), (b) or (c) or (4) is removed.

### **Right to request correction of personal information**

**24** (1) An individual may request an organization to correct an error or omission in the personal information that is

- (a) about the individual, and
- (b) under the control of the organization.

(2) If an organization is satisfied on reasonable grounds that a request made under subsection (1) should be implemented, the organization must

- (a) correct the personal information as soon as reasonably possible, and
- (b) send the corrected personal information to each organization to which the personal information was disclosed by the organization during the year before the date the correction was made.

(3) If no correction is made under subsection (2), the organization must annotate the personal information under its control with the correction that was requested but not made.

(4) When an organization is notified under subsection (2) of a correction of personal information, the organization must correct the personal information under its control.

## **Part 8 — Administration**

## **Definition**

**25** In this Part, "**applicant**" means an individual who makes a request under section 27.

## **Circumstances in which request may be made**

**26** An individual may make a request of an organization as permitted under sections 23 or 24.

## **How to make a request**

**27** For an individual to obtain access to his or her personal information or to request a correction of his or her personal information, the individual must make a written request that provides sufficient detail to enable the organization, with a reasonable effort, to identify the individual and the personal information or correction being sought.

## **Duty to assist individual**

**28** An organization must make a reasonable effort

(a) to assist each applicant,

(b) to respond to each applicant as accurately and completely as reasonably possible, and

(c) unless section 23 (3), (3.1) or (4) applies, to provide each applicant with

(i) the requested personal information, or

(ii) if the requested personal information cannot be reasonably provided, with a reasonable opportunity to examine the personal information.

## **Time limit for response**

**29** (1) Subject to this section, an organization must respond to an applicant not later than

(a) 30 days after receiving the applicant's request, or

(b) the end of an extended time period if the time period is extended under section 31.

(2) If an organization asks the commissioner under section 37 for authorization to disregard a request, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the request is made under section 37 to the end of the day a decision is made by the commissioner with respect to that application.

(3) If an applicant asks the commissioner under section 46 to review a fee estimate, the 30 days referred to in subsection (1) of this section does not include the period from the start of the day the applicant asks for the review to the end of the day the commissioner makes a decision.

### **Content of response**

**30** (1) In a response under section 28, if access to all or part of the personal information requested by the applicant is refused, the organization must tell the applicant

(a) the reasons for the refusal and the provision of this Act on which the refusal is based,

(b) the name, position title, business address and business telephone number of an officer or employee of the organization who can answer the applicant's questions about the refusal, and

(c) that the applicant may ask for a review under section 47 within 30 days of being notified of the refusal.

(2) Despite subsection (1) (a), the organization may refuse in a response to confirm or deny the existence of personal information collected as part of an investigation.

### **Extending the time limit for response**

**31** (1) An organization may extend the time for responding to a request under section 23 for up to an additional 30 days or, with the commissioner's permission, for a longer period if

- (a) the applicant does not give enough detail to enable the organization to identify the personal information requested,
- (b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the organization, or
- (c) more time is needed to consult with another organization or public body before the organization is able to decide whether or not to give the applicant access to a requested document.

(2) If the time is extended under subsection (1), the organization must tell the applicant

- (a) the reason for the extension,
- (b) the time when a response from the organization can be expected, and
- (c) the rights of the applicant to complain about the extension and request that an order be made under section 52 (3) (b).

## **Fees**

- 32** (1) An organization must not charge an individual a fee respecting employee personal information concerning the individual.
- (2) An organization may charge an individual who makes a request under section 23 a minimal fee for access to the individual's personal information that is not employee personal information concerning the individual.
- (3) If an individual is required by an organization to pay a fee for services provided to the individual to enable the organization to respond to a request under section 23, the organization
- (a) must give the applicant a written estimate of the fee before providing the service, and

(b) may require the applicant to pay a deposit for all or part of the fee.

## **Part 9 – Care of Personal Information**

### **Accuracy of personal information**

**33** An organization must make a reasonable effort to ensure that personal information collected by or on behalf of the organization is accurate and complete, if the personal information

(a) is likely to be used by the organization to make a decision that affects the individual to whom the personal information relates, or

(b) is likely to be disclosed by the organization to another organization.

### **Protection of personal information**

**34** An organization must protect personal information in its custody or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.

### **Retention of personal information**

**35** (1) Despite subsection (2), if an organization uses an individual's personal information to make a decision that directly affects the individual, the organization must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

(2) An organization must destroy its documents containing personal information, or remove the means by which the personal information can be associated with particular individuals, as soon as it is reasonable to assume that



(a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and

(b) retention is no longer necessary for legal or business purposes.