



## INVITATION FOR COMMENTS

October 28, 2005

### **FAQs on the *Personal Information Protection Act* (“PIPA”) and the Hiring Process—OIPC File P04-21319**

Last year, I invited comments on draft guidelines regarding employment privacy under PIPA. I particularly sought the comments of stakeholders in the employment, labour relations, labour arbitration and privacy communities. We received a strong response, particularly from the employment and labour relations communities. My office has since received a number of calls enquiring as to the status of the guidelines.

We received many thoughtful submissions, which were of great assistance in our deciding how to proceed. Perhaps not surprisingly, we found that there was little consensus on the more contentious issues covered by the guidelines. There were differing views on whether the guidelines fairly represented the existing jurisprudence. Some considered the draft guidelines to be too prescriptive, others felt that they were not prescriptive enough. A few submissions suggested that I should not be issuing guidelines in the absence of well-developed case law under PIPA.

In response to these submissions, I decided to re-focus this project to issues, which will be of most assistance to smaller employers who do not have the same access to specialized advice as do larger employers. There was considerable consensus in the submissions we received that guidelines concerning the hiring process would be both useful and welcome for smaller employers and their employees.

I am pleased, therefore, to attach for your review and comment a document entitled “PIPA and the Hiring Process”. It is a discussion, in “frequently asked questions” format, of issues relating to personal information in the hiring process. I intend to place this document permanent on our website after considering and incorporating your comments and those of others.

I also attach for your comment a list of additional questions. These questions deal with more sensitive issues that may, it is recognized, require clarification through the formal inquiry process under PIPA. For that reason, we have not included them in the current draft of the "PIPA and the Hiring Process" FAQs. At this time, I look forward to your comments and to your views on the desirability of addressing these issues through a FAQ publication. Depending on the comments we receive on these questions, I may consider including them in a later version of the revised document (after redrafting them for plain language).

We would also be interested in receiving your suggestions for questions that might be used in these or future FAQs on PIPA in the Workplace.

You may direct your responses, by **December 16, 2005**, to my colleague Errol Nadeau at [enadeau@oipc.bc.ca](mailto:enadeau@oipc.bc.ca). Your participation will be welcomed and much appreciated.

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for British Columbia