

The Winston Report

The journal of information access, privacy protection and data governance in Canada

Winter 2011 Vol 5 No 2

(Un)Lawful Access

Its Potentials and its Lack of Necessity

New ISO Management System Standards for Records

**First-Hand Experience with a
Patient Data Security Breach:
Causes, Costs and Consequences**

The Winston Report

The Winston Report is published by AMINA Corp., Canada.
© 2011 AMINA Corp. All rights reserved.

Editor In Chief & Founder — Sharon Polsky

Contributors

- Preet K. Bell
- Sheetal Bedi, MAPP
- Donna G. Curtis
- Martin P.J. Kratz, Q.C.
- Eric Lawton, MAPP
- Christopher Parsons
- Micky Tripathi

WHO WE ARE

AMINA Corp. is Canada’s leading independent consultancy specializing in data protection, privacy, and information risk management. AMINA’s proven solutions for data protection, privacy and information risk management address current realities and future trends in technology, business, and legislation... current business practices and international standards... privacy impacts, advantages and risks of new legislation, new technology, and new markets

NEWSLETTER SERVICES

The Winston Report is published four times a year, on a quarterly basis, by AMINA Corp., Suite 330, Unit 440, 10816 Macleod Trail SE, Calgary Canada T2J 5N8. Annual subscription rates: Canada: \$45; United States \$75; International \$150.

The Winston Report is distributed free of charge to members of The Canadian Association of Professional Access and Privacy Administrators (CAPAPA) as a benefit of membership. Opinions expressed are not necessarily those of the Editor, the publisher or CAPAPA.

Contact the Editor in Chief at the address below with comments on any articles in this issue, or to offer suggestions for articles in future issues.

SUBMISSIONS

Send submissions, announcements, special events, conference dates, and other relevant information to Editor, The Winston Report, AMINA Corp. Suite 330, Unit 400, 10816 Macleod Trail SE, Calgary, AB T2J 5N8 email Editor@AMINAcorp.ca

Submissions (meeting the guidelines) from CAPAPA members may receive priority. The Editor reserves the right to edit submissions, whether solicited or otherwise.

REPRODUCTION RIGHTS

The Winston Report is copyrighted, however we encourage you to circulate or copy this material unmodified for your own internal or private use. You may freely quote, without alteration, any article or portion of article in your print, electronic, or other publications, but it must be accompanied by attribution. Quoting any article or portion of article without attribution is prohibited. The newsletter, its contents or its material may not be sold, intact or modified, nor included in any package or product offered for sale.

This publication should be used as information only and not relied upon or construed as legal advice. For specific interpretation on recent developments or particular factual situations, the opinion of legal counsel should be sought. This publication contains information about federal and other laws, and some information about laws in other jurisdictions, which may vary. Information in this publication is generally applicable to Information Access and Privacy Professionals and other Canadians.

ISSN 1925-3230 (Print)
ISSN 1925-3249 (Online)



Cover Photo: AMINA Corp.

Contents

- (Un)Lawful Access, Its Potentials and its Lack of Necessity 5
- The value of CAPAPA Professional Certification..... 10
- New ISO Management System Standards for Records 11
- Information: A Career Maker 12
- Canada’s Anti-Spam Legislation: Casting a Wide Net 13
- First-Hand Experience with a Patient Data Security Breach 16
- Profile: Information & Privacy Commissioner of Alberta..... 19
- Upcoming Events..... 15
- Important Reading..... 20
- Recent Decisions 23
- Darwin Moments..... 29
- Legislative Changes 26