

Does Canada Match-Up to the GDPR?

The European Court of Justice defines adequacy as equivalency. GDPR Article 45 provides very detailed guidance on how the Commission will determine adequacy. Does Canada match up to the detail?

GDPR Requirement	Yes	No
Core principles that guide the processing of personal data		
Controllers are required to demonstrate compliance with core principles		
Lawful processing based on one of six legal bases – consent reserved for where there is real choice		
Enhanced consent for children’s data and special data categories		
Transparency – data us is described in a very granular fashion with a specification of each individual processing including the legal basis and data subject rights		
Individual has the right to data portability, access, correction, deletion and stop processing		

GDPR Requirement	Yes	No
Contracts with third parties, subcontractor logs		
Direct obligations for processors		
Right to not be subject to automated decision making that is impactful		
Data impact assessments where there are risks, privacy by design and default		
Maintain a detailed record of all data processed, for what purpose, by whom, where, security measures, etc.		
Data breaches reported to agency within 72 hours		

GDPR Requirement	Yes	No
Independent data protection officer for large organizations		
Independent enforcement agency including the ability to levy substantial fines		
A legal culture that would match numerous guidance documents describing in great detail the requirement for compliance with requirements		
Conclusion?		