

**Privacy Commissioner  
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**Commissaire à la protection  
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May 23, 2012

**Ms. Blaze Canadian  
1867 Maple Way  
Maple Sandbox, Canada  
MPL SBX**

**Dear Ms. Canadian:**

This letter is to follow-up on our telephone conversation regarding the inaccurate information provided by one of our Information Officers in response to your questions about the *Foreign Account Tax Compliance Act (FATCA)*.

Once again, we would like to apologize for the response you received, which clearly fell below the quality standards that Canadians have a right to expect from our Office. Thank you for having taken the time to express your concerns in writing, which will allow us to take steps to address this issue.

You had asked us to set out in writing our position regarding issues related to FATCA. The following is a summary of our involvement with, and views on, FATCA:

Our Office has been following this issue closely for more than a year and we have had discussions with a range of industry stakeholders.

It is our understanding that FATCA is aimed at ensuring non-U.S. financial institutions identify and report on U.S. persons that hold financial assets outside the United States and have tax reporting obligations to the United States government. Current information and news on FATCA can be found on the Internal Revenue Service's website at <http://www.irs.gov/newsroom/article/0,,id=254068,00.html>.

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We note that many of the Canadian organizations that may voluntarily enter into FATCA agreements are subject to Canada's private-sector privacy legislation, the *Personal Information Protection and Electronic Documents Act* (PIPEDA). Accordingly, organizations seeking to comply with FATCA requirements would also be expected to comply with their obligations under PIPEDA. Among these obligations are organizations' requirements to limit the amount of personal information they collect about individuals, obtain consent for collections, uses and disclosures of individuals' personal information, and safeguard the personal information in their care. For further information on PIPEDA please consult our website at [www.priv.gc.ca](http://www.priv.gc.ca).

We are aware that, earlier this year, there was an announcement introducing proposed FATCA regulations. It is our understanding these regulations have proposed certain reporting exemptions, however, these regulations remain under discussion. Until those regulations are finalized and in force, we will not be in a position to fully assess what their impact will be on the privacy and personal information of account holders in Canada.

We understand that the federal Department of Finance, as the department responsible for the development of tax law and legislation governing banks and other federal financial institutions, is engaged in this issue and has undertaken discussions with appropriate U.S. government officials in this matter.

We hope this information is useful and, once again, please accept our apologies for the initial response you received from our Office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AMH', written over a light blue circular stamp.

Anne-Marie Hayden  
Director General, Communications  
Office of the Privacy Commissioner of Canada