

# Discussion Paper on Professional Certification



CANADIAN ASSOCIATION FOR PROFESSIONAL ACCESS AND PRIVACY ADMINISTRATORS

## CAPAPA Discussion Paper on Professional Certification

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## 1. Executive Summary

The Canadian Association for Professional Access and Privacy Administrators (CAPAPA) was established in 2002 to promote the formation, growth and strengthening of the Information Access and Protection of Privacy profession. One of the goals identified early on by the Association was the development of a process for the certification of members. Other activities underway include development of communication and networking tools such as an annual general meeting, a network of regional contacts, development and adoption of practice guides and ethical guidelines.

In a survey of CAPAPA members in 2003, 71 per cent of those who responded agreed that the certification process should be a goal, but more information is needed to understand the impact on the Association and the members. This paper is a response to that sentiment and is intended to lay out the wide range of options and issues that ultimately must be considered in order to develop and implement CAPAPA's own certification process.

A couple of things are already clear. The development of a certification process will require a strong and proactive commitment from a sizeable group of volunteers and CAPAPA membership at large. It will require systematic, sustained planning over several years and the allocation of considerable financial and volunteer resources.

If the development of the certification process is not so urgent, then the development of standards for the profession, the common body of knowledge, practice guides, etc., can still continue because those elements are useful for professional development. However, the Association may lose its lead on the establishment of a professional designation to other competing organizations.

The process of *designing* a certification process, as distinct from *establishing* the certification process itself, is expected to be a multi-year effort. It is proposed that a steering committee be formed to gather information on the range of issues and possible activities that CAPAPA could undertake to develop a certification process. For example, there are different types of professional designation and ways of delivering examinations that are beyond the scope of this paper.

The steering committee will also begin to look at what type of relationship CAPAPA should establish with each of the five access and privacy organizations profiled in this report. In the future, CAPAPA will need to be able to respond to inquiries about how CAPAPA's certification process and professional designation compares to the processes and designations of other organizations, so it is best that the membership reflects on those questions early while developing the CAPAPA professional certification process. There may be merit in striking formal

relationships with other organizations, easing the demands on resources or other benefits.

The steering committee would report back to the CAPAPA membership at the Annual General Meeting in 2005. The membership could be polled at that time to seek direction on the type of professional designation and other issues that are identified by the steering committee. All of this work is contingent on the commitment of sufficient volunteer resources to the steering committee. At any time, if the volunteer resources drops or the membership signals lessening interest in professional certification, then the work will be deferred.

Assuming there is sustained interest in pursuing professional certification through 2005, the steering committee could oversee detailed research into the critical issues and activities required to flesh out the appropriate certification process as voted on by the membership in 2005. The product of this work would be brought back to the membership again for evaluation in 2006. At that point, the Association should have a good understanding of the activities required for certification and the level of resources required to establish the process. CAPAPA members will then have the opportunity to decide how and when to proceed with implementing it.

## **2. Introduction**

What is a professional? A professional is someone who possesses specialized knowledge and displays similar characteristics as a whole body of persons engaged in an activity or field of endeavour. A professional is also characterized by or conforms to the technical or ethical standards of a profession.

By this definition, are persons working in Information Access and Protection of Privacy (IAPP) positions “professionals”? Individuals working in this area are certainly conscientious about their work and conduct themselves in a businesslike manner in the workplace. But in today’s environment of IAPP-related work the word does not signify anything beyond the individual’s characteristics. Anyone can call themselves a “professional”, but is this accomplishing everything it can for the person who uses the term?

There are numerous potential benefits to an individual who possesses a professional designation. In general, the benefits to an individual from acquiring a professional designation are an increase in their credibility and mobility in the workplace, recognition of their competence and ethical standards by an authoritative body, and (sometimes) a raise in their earnings.

In society, it is assumed that someone who holds a professional designation possesses a certain amount of knowledge and experience required to perform tasks characteristic to the profession, that the tasks performed are sufficiently

important and specialized that they should be carried out by people who are clearly capable of performing them, and there are major consequences on the professional and others if mistakes are made while performing specialized tasks.

To the extent these assumptions are true for the IAPP field, the benefit to society from professional certification is the creation of organizations that develop and maintain professional standards for important tasks, test the knowledge and experience of candidates, and support competent practitioners. Professional organizations such as CAPAPA provide a service to society that will not or cannot be addressed by another type of body, eg. level of government or academic institution. Depending on the legal status of the professional designation, non-certified professionals may still perform tasks in the professional area, and do so competently, but they have not had their knowledge and experience verified by an authoritative body.

Potential benefits to the profession are:

1. development and harmonization of professional practices;
2. improvement of the credibility and mobility of certified professionals;
3. protection of titles for those who have achieved the standards;
4. identification of competent and ethical professionals for employers;
5. raising revenue for the organization;
6. recognition for achieving education and experience requirements (especially for new entrants).

The purpose of this paper is to provide background and recommended next steps on the establishment of a professional certification process for CAPAPA. CAPAPA members will need to consider many different issues and evaluate various options identified in this paper and during the design process to arrive at an appropriate design. The design process should be open to all members to ensure the final design meets the wishes of the majority of members and serves as a solid guide for going forward.

### 3. Background and Definitions

In January 2004 a working group was formed to investigate how other professional organizations established their certification processes and what characteristics those processes have. This research is intended to contribute to CAPAPA's deliberations on its own certification process. This Discussion Paper is a preliminary contribution to those discussions.

One excellent resource was found quickly, a report on professional certification for the **National Council of the Canadian Evaluation Society** (1997)<sup>1</sup>. That report is a good companion piece to this document and should be read by everyone

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<sup>1</sup> <http://www.unites.uqam.ca/sce/certification/longkishchukreport.html#APPENDIX%20A>

participating in the ensuing CAPAPA discussion. After reading both documents, it will be obvious that this paper draws heavily from the CES paper.

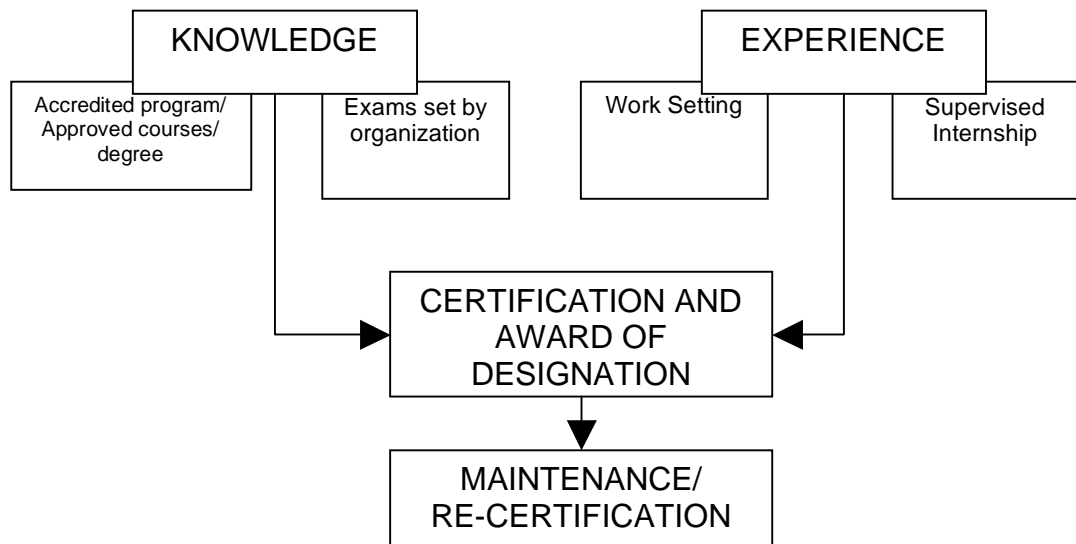
Similar to the CES report, the focus of this paper is on *certification* not *accreditation*. *Certification* means the confirmation by an organization of professionals that a person has the knowledge and experience that it judges necessary to work in that profession.

*Accreditation* means the confirmation by a professional organization that a certain educational course or program, generally one given by a university or college, provides a specific portion of the knowledge required for certification. The organization may, but does not necessarily, go further than this and confirm that the regular exam given at the end of the course will serve as a substitute for an exam held on the same topic by the organization itself. (Section 7 below discusses the link to the University of Alberta’s Information Access and Protection of Privacy programme).

This paper uses the term *Information Access and Protection of Privacy* (IAPP) to mean the field of endeavour that relates to providing the public with access to government information and personal information in the custody and control of public sector institutions or private companies that are subject to Freedom of Information or Privacy laws. Professionals in the IAPP field also work to ensure that organizations follow guidelines for the protection of personal information as defined in legislation, regulations, standards and policies. The term *IAPP* in this paper is interchangeable with *Access to Information and Privacy* (ATIP) and *Freedom of Information and Privacy* (FOIP), which are terms commonly used in different jurisdictions across Canada.

#### 4. Certification Models

The components of certification are summed up in the following chart:



## 4.1 Levels of professional designation

### A. Exclusive Designation

The CES report defines Exclusive Designations as those created by provincial statute typically for self-governing professions such as lawyers, chartered accountants, architects, professional engineers and medical doctors. The provincial statute typically:

- defines the scope of the profession;
- provides that only a “registered” person may purport to be a member of the profession or may practice it, and that anyone who contravenes this restriction is guilty of an offence, and
- authorizes a specific professional body to a) decide who is so registered, b) inspect the practice of such people, c) discipline such people for any breaches of professional ethics or for professional incompetence.

### B. Protected Designation

In this case, a specific provincial statute (or an Order-in-Council) pursuant to a general statute like the BC Society Act:

- specifies a professional title, eg. “registered professional planner or R.P.P”
- provides that a) only a person who is a full member of a particular professional organization may use that title, and b) that anyone who contravenes this requirement is guilty of an offence.

In contrast to the statutes providing for “exclusive” designations, the statute in this case does not state that only a registered person may practice the particular profession. Indeed, in some cases, the statute makes it explicit that there is no such restriction.

### C. Semi-Protected Designation (Certification Mark)

Semi-protected designations, or “certification marks”, are awarded by the federal government under the federal Trademarks Act. They are used to identify wares or services that meet a defined standard. They are owned by an organization which then licenses their use to people who meet that standard.

Certification marks are like “protected titles” with one important difference. It’s not a criminal offence for an unlicensed person to use a certification mark. Rather, the organization to which the mark has been awarded must seek damages in a civil

court (if it chooses to do so). As with the protected title, there is no definition of a profession in the facilitating legislation, nor any restriction on the right of unlicensed person to call themselves, say, “health executives” or to be employed in that capacity.

#### D. Non-Protected Designation

This is defined as designations that organizations award to their members, but without any specific legal basis preventing its use by non-members. Anyone can claim they hold the designation, however the issuing organization would not have any basis for suing a person who was making such a claim.

Examples of this category of designation include some (not all) course and program certificates from commercial training and academic institutions.

## 4.2 **Benefits of Certification**

A recurring question throughout the development of CAPAPA’s certification process will be whether the benefits will outweigh the costs. Unfortunately, the benefits will probably be unquantifiable, as outlined below. The costs will probably be a little more quantifiable than the benefits, but not by much, especially when looking to the future.

### Benefits to Certified Professionals

- recognition as a professional in the field of access and privacy
- recognition as having unique skills to support legislative compliance and corporate objectives
- improved credibility within the professional’s organization
- protection of title
- better quality practice, improved skills
- increased knowledge
- more income
- increased employment opportunities

### Benefits to the IAPP Field (Certified and Non-Certified Professionals)

- legitimize the profession (more public respect)
- increased awareness in the public and employers about the specialized nature of access and privacy work
- overall better quality of practice, improvement in skills
- overall increase in knowledge about access and privacy
- harmonization of titles, practices and expectations in the field across jurisdictions and sectors

- minimum standards defined for IAPP professionals (Core Body of Knowledge)
- better defined career paths
- better defined job descriptions and qualifications

#### Benefits to CAPAPA

- growth in membership
- raising the public profile of the Association
- increased reliance on the Association
- more revenue for the Association

#### Benefits to Others

- identification of competent and ethical practitioners for the public, clients and employers
- improved policies and programs in organizations that employ certified IAPP professionals
- improved ability of the private individuals or advocacy groups or employers to identify incompetent and unethical behaviour by certified or non-certified professionals (as measured against CAPAPA standards)
- increased ability of private individuals or advocacy groups to identify institutions practices that did not meet minimum standards for access and privacy.

### **5. Other Information Access and Privacy Certification Processes**

This section provides an overview on five North American access and privacy organizations that could be considered to be competitors of CAPAPA in the professional certification and training business. CAPAPA will need to consider how its professional certification process compares with or complements the designations of these organizations and how membership in these other organizations affects membership in CAPAPA, if at all. This is not a comprehensive list. There may be other organizations in North America or elsewhere that should have been included in this group. For a list of the issues that will need to be considered in relation to these organizations, see section 7 below.

#### **5.1 Canadian Access and Privacy Association (CAPA)**

URL: [www.capa.ca](http://www.capa.ca)

The Canadian Access and Privacy Association is a national non-profit organization whose goals are to promote knowledge and understanding of

access and privacy laws and experiences in Canada; not only as applied to the three levels of government (federal, provincial, local) but the application to the private sector including a knowledge of the international milieu.

The association is composed of a cross section of individuals in both the public and private sectors with concerns for the effective and responsive administration of Access to Information/ Freedom of Information and Privacy laws. CAPA had its roots in the needs of federal officials involved in administering the Access to Information and Privacy legislations (ATIP). A majority of the Access and Privacy Coordinators of Federal government Ministries, Agencies and Crown Corporations are members of CAPA.

The goals of the association are achieved through regular forums established for the interchange of knowledge and experiences, promoting cooperation & understanding through mutual teaching and learning in addition to presenting an informed voice for public policy development. An annual conference provides an opportunity to review the challenges in the application of laws, and further our understanding and appreciation of information practices.

CAPA holds individual information and training sessions throughout the year and sponsors a larger annual conference every Fall.

Membership is open to ATIP coordinators and their staff in federal, provincial or municipal government service and in privacy industry. There are three levels of membership in CAPA: regular (\$40/yr), associate (\$40/yr) and Corporate (\$250/yr).

## **5.2 International Association of Privacy Professionals (IAPP)**

URL: [www.privacyassociation.org](http://www.privacyassociation.org)

IAPP's mission is to support an individual membership organization by providing a forum for the discussion and debate of issues related to developing and maintaining privacy programs and policies in business. Major functions include:

- promoting privacy programs and safeguards – their introduction, development and maintenance;
- providing a forum for interaction and information exchange for our members;
- creating high-quality educational opportunities for those involved with privacy issues.

IAPP's new Certified Privacy Professional (CPP) program will establish educational and testing standards for privacy professionals of all varieties from

senior executive to their staff. It is the first program to formally recognize privacy professionals with a distinguished certificate of achievement.

The certification curriculum is currently being developed by the IAPP in coordination with the Ponemon Institute, a leading privacy research group, and Carnegie Mellon University's CIO Institute.

There are two categories of annual memberships: Individual and Corporate. Individual memberships consist of four types: Professional (\$250), Business (\$495), Academic (\$100 for faculty, \$50 for student), and Government (\$100). Corporate memberships also have four types: Platinum (US\$20,000), Gold (US\$10,000), Silver (US\$5,000) and Corporate (US\$3,000)

### **5.3 Order of Privacy Officers (OPO)**

URL: [www.opo.ca](http://www.opo.ca)

OPO provides privacy professionals and employers with convenient and efficient access to:

- resources needed to keep their organization in compliance with legal requirements;
- On-line discussion board and chat room communication with other privacy officers;
- Sample privacy policies;
- Compliance guides;
- Education and accreditation programs for your privacy officer.

Order of Privacy Officers membership is open to:

- businesses, charities, non-profits, health care facilities, government departments and other organizations with privacy compliance obligations;
- privacy officers;
- those with expertise in privacy compliance;
- those studying in fields affected by privacy compliance regulation;
- and
- those with an interest in the area of privacy compliance.

The Order of Privacy Officers offers training programs and "Accreditation" as a: Chartered Privacy Officer™; Licensed Privacy Officer™; Certified Privacy Officer™; or Registered Privacy Officer™

The annual membership fee is \$140.

## 5.4 American Society of Access Professionals (ASAP)

URL: [www.accesspro.org](http://www.accesspro.org)

The American Society of Access Professionals (ASAP) is a nongovernmental, independent, educational, not-for-profit association. It was founded in 1980 by concerned federal government employees and private citizens working in the fields of information access through the Freedom of Information Act (FOIA), the Privacy Act (PA), and laws and regulations. ASAP was founded as a professional forum dedicated to bringing government FOIA and Privacy Act personnel in touch with the requester community. The requester community includes private citizens, law firms, businesses, media and nonprofit organizations; it is not a government agency.

ASAP is the leading organization providing quality professional educational programs. ASAP draws upon the highest caliber of government FOIA and Privacy instructors along with known experts in the public requester field to teach and discuss common problems in an open-dialogue forum. Tremendous insight and education are attained by both sides as each learns from the perspective of the other.

ASAP takes great pride in its programs, which have been cited consistently for their content excellence and for providing the opportunity to network with others across the United States and beyond. ASAP programs have something for everyone, from technical sessions to open forum discussions to informal gatherings where members and participants make some of their most important and long-lasting contacts. Learning - updating - enhancing skills - cost effective programs - these are just some of the reasons why our participants keep returning to ASAP programs year after year.

ASAP members come from all walks of life. They are:

- FOIA/PA and access professionals throughout the United States and Canada;
- Federal state, local, and foreign government officials concerned with FOIA releases, information privacy, and electronic records;
- Faculty and staff of colleges and universities;
- Attorneys and paralegals
- Journalists
- Not-for-profit public interest organization personnel
- Government contractors
- Businesses whose records are held by the Federal government
- Librarians
- Privacy advocates

ASAP offers many training opportunities, from multiple-day training sessions to conferences, seminars, newsletters and networking.

Annual membership dues are \$25.

### **5.5 P&AB's Corporate Privacy Officers Program (CPO)**

URL: [www.pandab.org/cpo2001/](http://www.pandab.org/cpo2001/)

The Privacy and American Business' Corporate Privacy Officer's Program 2001 is described as:

“the nation’s premier multi-industry privacy leadership training and support program for privacy officers. Directed by Alan Westin, recognized as the foremost U.S. authority on privacy, the Program is conducted by Privacy & American Business, the nation’s most often quoted and respected business-focused privacy think tank.

CPO 2001 is a comprehensive, year-long professional development initiative to support business staffers managing privacy at every level on and offline. It offers hands-on experience, networking, and access to the latest thinking of decision makers, corporate leaders, and experts. It provides the critical tools, mentoring and strategies CPOs need to understand, craft, direct and communicate their approaches and policies inside and outside their organizations, up the chain of leadership and down.

P&AB has developed a Tiered Membership Structure. Tier One is for organizations wishing to involve and inform multiple staff members and management in growing the company’s privacy approaches by having multiple participation and access to CPO Program 2001’s full range of services and activities. Tier Two is for organizations not needing the full range of services and activities provided by CPO Program 2001. Tier Three is for individuals or organizations which may select optional participation in activities and services provided in the CPO Program 2001.

## **6. Permanent Activities Supporting Professional Certification**

Looking ahead to a time when CAPAPA has a certification process in place, a wide range of activities will need to be supported indefinitely to achieve the maximum benefits of certification for the members, the Association, and the profession. It is useful to look at these various activities to understand the scale of the organization that will be required to support the certification process.

On-going activities will likely consist of the following categories: activities to maintain professional standards as circumstances change; applying those

standards to candidates seeking certification through the testing process; assisting candidates to become certified; and enhancing the benefits of certification. Each of these activity areas is explained in more detail below.

## 6.1 Maintaining Standards

The CES sensibly states that the standards for practitioners of a profession are what define the profession. It's what the members of the profession have in common with each other and what distinguishes them from the members of other professions (CES report, section 3.4.1.1).

The certification process is essentially a means of assuring that the candidate has acquired the body of knowledge and possesses at least a minimum set of skills that have been determined to be important by other members of the profession. Even the required experience is essentially a means of assuring that the candidate has the practical knowledge needed to apply the "theoretical" body of knowledge.

Not only must the Association create the following IAPP Standards, but they will need to be kept up to date. This itself will be a major undertaking if all the standards are left untouched for several years.

- [The Common Body of Knowledge](#)
- [Continuing education and recertification](#)
- [Education and experience requirements](#)
- [Ethical behaviour](#)

- The Common Body of Knowledge (CBK):

The CBK is an absolute concept. It comprises the minimum of what IAPP professionals should be expected to know, even though in practice perfect marks will not be required to pass the certification exam. Upon reviewing the CES Core Body of Knowledge, one can speculate that the CAPAPA CBK might consist of:

1. theory and practice
  2. skills (core competencies)
  3. specialized knowledge
  4. the professional environment
  5. principles and ethics
- Continuing education and recertification requirements.
  - Education and experience requirements.
  - Standards for ethical behaviour.

## **6.2 Applying the Standards**

- Testing the knowledge of candidates.
- Verifying the experience claimed by candidates.
- Responding to complaints, appeals and legal action of unsuccessful applicants.
- Monitoring certified members.
- Disciplining certified members.
- Dealing with clients or employers of certified members who are dissatisfied with professional performance of certified members.
- Warning off people who pretend to be certified members (depends on certification model).

## **6.3 Activities to Assist Candidates to Become Certified**

- Maintaining course standards.
- Delivering courses.
- Accrediting external courses and programs, eg. the University of Alberta's IAPP program.
- Maintaining and distributing information about the certification process.
- Managing exams.
- Cross-referencing/linking to recommended textbooks and articles.
- Awarding honorary certification to professionals that surpass minimum experience and qualification requirements, or so-called "Grandparenting".

## **6.4 Activities to Enhance the Benefits of Certification**

- Publicity targeted at potential clients and employers.
- Identification for clients and employers of certified members with the required specialties in a given location or subject area.

- Demographic and remuneration research on the population of certified members.
- Annual awards and recognition activities.
- Media articles about the profession and work issues.
- Policy statements on issues affecting the development of the profession.

## 7. Research and Development

Obviously, it will be necessary to develop all of the activities listed above in section 6. Some of them may be more important than others and the membership may want to tackle certain activities first. This section identifies additional issues that will need to be researched in order to establish a professional certification process.

- [Select the appropriate Certification Model](#)
  - [Assess membership impacts](#)
  - [Knowledge and experience requirements](#)
  - [External impacts and linkages](#)
  - [Legal issues](#)
  - [Costs of certification activities](#)
  - [Sources of funding for certification activities](#)
- Select the appropriate Certification Model:
    - Conduct research on other Associations and professional designations for an understanding of the impacts and issues associated with each type of professional designation. Which one does the membership deem to be the most appropriate for IAPP professionals?
    - How will CAPAPA's professional designation compare in terms of knowledge and experience requirements with other designations in the same field in Canada or Internationally, and with other professional designations of the same type in other fields in Canada?
    - Should CAPAPA's IAPP professional designation be competitive or complementary with designations by other organizations? What should be the form of relationship with other organizations, eg. partnership, mutual exclusivity, co-existence or merger? How should CAPAPA differentiate itself? (See 'External Linkages' below)

- In considering the CAPAPA certification model and relationship with other organizations, will a professional with membership in both Associations still find that membership to be productive?
- Assess membership impacts:
  - How quickly should standards be implemented by the Association? Members may need time to adjust, absorb and understand the standards. Some will need time to acquire new knowledge and skills. Other members could be eager to seek certification as soon as it's available. What is a fair timetable to implement the certification process given the range of skills and experience among members?
  - What would be the best strategy for achieving high levels of performance and consistency among certified members' knowledge in the long term, if the membership agrees that this should be a goal. For example, the Association may establish a strategy to "upgrade" the professional designation to another type if certain milestones are reached. Another option is to make changes to the standards or the certification process to upgrade the expectations on certified professionals.
  - Could there be a serious negative impact on *non-certified* CAPAPA members from the implementation of the professional designation?
  - Some members perform access and privacy roles on part-time basis. Do the certification process, the professional designation, and standards need to account for this fact? If so, how?
  - How should CAPAPA measure the effectiveness of the activities that maintain and apply the professional standards to applicants, the activities that assist applicants to become certified, and activities that enhance the benefits of certification? Effectiveness is measured in terms of the impact on professionals (customer satisfaction) and the impact on the general public (the IAPP professions ability to influence the social policy debate).
  - What is the threshold membership level that must be reached to break even on the costs of development versus revenue generated?
  - What would be an acceptable range for annual membership fee increases assuming the lower boundary reflects a minimum level of activity focussed on developing the certification process and the higher boundary reflecting the point at which members would not renew their memberships?

- Knowledge and Experience Requirements
  - What parameters should CAPAPA use for evaluating candidates' knowledge and experience? What are reasonable requirements? The expectations should be high enough to reflect the realities of the work demands and to make the professional designation credible, but the expectations should not be so high as to discourage people from seeking certification.
  - There are various ways of getting experience. What is the appropriate mix of types of experience that should be required (if more than one)? How will challenges/exceptions to these requirements be handled?
- External Impacts and Linkages:
  - What are the potential impacts on external stakeholders from certification, eg. non-members, employers, the University of Alberta, UofA IAPP students?
  - To what extent can/should CAPAPA collaborate with UofA Government Studies program on updating the IAPP curriculum
  - Which activities should CAPAPA undertake on its own? Which ones should be carried out in partnership with other organizations under Memorandums of Understanding, contracts or other kinds of agreements? For example, the certification of IAPP Lawyers might be best conducted by a Law Society.
  - What other professional designations will be recognized as equivalent to the CAPAPA designation?
- Legal Issues:
  - Clarify the legal basis for the establishing the certification process and the organization's structure: what legislation authorizes the professional certification process (national/provincial)? What is the mechanism CAPAPA must use to acquire its authority to issue the designation (statute, Order-in-Council, Regulation)? What are the impacts on CAPAPA's organizational structure?
  - What jurisdictions will recognize the IAPP professional designation (provinces/territories/national/international)?
  - How does the movement of certified members between jurisdictions affect their professional status?

- What is the level of legal/financial liability of the association for the certification process, for the designation or standards, for the professional's competence?
- What rights do members and executives have in influencing decisions about the certification process or issues relating to individual certified members, ie. are the by-laws adequate to encompass the activities inherent in the certification process?
- What legal barriers (if any) are there to certifying non-Canadians?
- Costs of the Certification Activities:
  - What is the level of effort required to gather information on key development issues and the development of each component of the certification process? What are the fixed and variable costs associated with these activities?
  - What is the level of effort and costs (fixed/variable) associated with maintaining the certification process?
- Sources of Funding for Certification Activities:
  - What are the potential sources of funding for the development and maintenance activities? Membership fees, profits from conferences and publications, corporate donations, donations by private individuals, in-kind contributions, government grants, revenues from the (re-)certification process?

## **8. IAPP Position Descriptions**

It would seem that a prerequisite for any deliberations on professional certification is having a consensus on the unique characteristics of the work, which can be described in a variety of ways, such as work processes, work environments, types of information, legislative history, social policy issues, etc. In other professional areas, it seems there was fairly widespread agreement about the types of jobs that are encompassed by certification in the field before the professional organization began working on a certification process.

For example, the Institute of Internal Auditors existed from 1942 to 1972 without certification. People were doing jobs of that nature for a period of time prior to the creation of the Institute. This shows that some professions wait a long time before pursuing certification. When they do, the members have a very good understanding of the nature of the work. In contrast to other fields that have

professional designations, the IAPP field has existed for less than 20 years in Canada and the Association has existed for only 2 years. Whether or not the youth of the IAPP field becomes an impediment to the development of the IAPP certification process remains to be seen.

For the sake of encouraging a discussion on the nature of IAPP work which will inform the development of IAPP standards, this section presents a series of job descriptions along with an outline of the professional's responsibilities. These job descriptions are based on the common elements of job advertisements and job descriptions that have been found through research and through discussions with professionals with experience in the IAPP field.

The core competencies articulated here could be used by employers or professionals for creating job descriptions for actual positions, but CAPAPA is not in a position to make them mandatory, nor does it wish to do so. **IAPP professionals who are currently performing these jobs should not fear that their competency will be reassessed using these job descriptions.**

It has been suggested that the IAPP profession has four different types of positions: Privacy Specialist, Freedom of Information (FOI) Coordinator, IAPP Manager, IAPP Lawyer. In simple terms, these roles are discerned by the amount of time spent on Privacy or Freedom of Information issues and the nature of those issues. For example, a Privacy Officer would probably spend 90% of his or her time on privacy-related issues and 10% (or less) on FOI issues. A FOI Coordinator spends 90% or more of his or her time responding to access requests. The FOIP Manager needs to be adept on access and privacy issues equally. A IAPP Lawyer would have special expertise on FOI and Privacy legal issues in addition to his or her legal training.

**Each of these roles may have different levels within the role, such as Chief Privacy Specialist or Assistant FOI Coordinator, that implies a certain level of responsibility within the organization, but it is beyond the scope of this paper to discuss these rankings. The job descriptions are simply intended to support CAPAPA discussions on work standards for professional certification.**

Another benefit of articulating IAPP core competencies for four roles is it begins to promote consistent use of titles and required core competencies for similar positions independently of the jurisdiction or sector in which they might be used.

Before we examine the core competencies of the four roles it is important to note that there are slight variations in the responsibilities of the professionals in these roles that depend on the relationship of the professional to the organization. It is possible, for example, for a Privacy Officer (PO) to have an advisory relationship to the client who may have hired the PO for a short-term contract or the client may be another department of the PO's own organization (relationship type #1). The

Privacy Officer would be accountable for the quality of his or her advice, but the actions to mitigate privacy risks are taken by someone else.

An alternative relationship between the FOIP Professional and the client is one in which the FOIP professional is formally accountable for implementing his or her decisions, usually as a full-time employee of the organization (relationship type #2).

The following job descriptions should be useful for both types of situations, but where a competency is relevant to just one kind of relationship this will be clearly marked.

It may be difficult to think about core competencies position descriptions without also considering the ethics of the profession even though those ethics probably would not appear in a job description. Keeping in mind that employers may use CAPAPA position descriptions in developing FOIP position recruitment processes, a proposed list of professional ethics has been appended to the end of this paper.

And finally, lest there be any doubts about the importance of these positions, FOIP professionals make significant contributions to the efficiency and effectiveness of government access and privacy Act administration. Their focus is on helping the organization to achieve its business objectives while respecting the public's legal right to access information and have their privacy protected. FOIP professionals are skilled at researching, analysing and assessing issues under the watchful eye of the public and the Information and Privacy Commissioner. Their actions can directly affect the government's relationships with special interest groups and the general public. They work hard to support the head of the institution as the individual accountable for complying with legislation.

## **8.1 Privacy Specialist**

There is an equal probability that a Privacy Specialist will have a consultant type of relationship with the organization (type #1) or an employee type of relationship (type #2). The core competencies required for each type of relationship would be similar in both cases, except where noted.

### Knowledge

- Knowledge of the work environment, ie. the organization's decision-making process, business and management structure, clients, stakeholders, corporate priorities and objectives;
- excellent knowledge of relevant legislation, regulations, standards, corporate directives, industry best practices for privacy protection;
- specialized knowledge of I&IT trends and concepts, security techniques, privacy enhancing technologies, organization IT directions and objectives;

- good understanding of related disciplines, eg. IT security, business architecture, legal processes, FOI, auditing, controllership and governance, risk management, project management;
- excellent knowledge of privacy analysis methodologies such as Privacy Impact Assessments, privacy audits and privacy diagnostic tools.
- knowledge of requirements and procedures for preparing responses to FOI requests for personal information, preparing briefing materials to accompany all decisions.

### Skills

- highly developed conceptual analysis skills to understand the privacy implications of policies and I&IT initiatives and to apply innovative ideas in the development of those initiatives;
- strong strategic orientation skills (vision) to be able to work toward goals;
- excellent issue management skills based on well-developed inter-personal, negotiation and consultation skills, research, analytical and problem-solving skills;
- the ability to develop effective relationships with senior management, colleagues, staff and stakeholders;
- excellent verbal and written communication and presentation skills;
- excellent management and leadership skills;
- excellent project management skills to conduct analyses, develop and implement techniques and strategies;
- strong customer-service skills;
- initiative;
- commitment to continuous learning/self-directed research and career-development;
- PC proficiency.

### Judgment

- knowing when a proposal and its components falls within corporate principles, policies, procedures and guidelines, laws, regulations, and where it does not;
- judgement is exercised in analysing and making recommendations on appropriate policies, strategies and administrative steps to bring the proposal into compliance with principles, policies, procedures, etc., thus mitigating the privacy risk;
- judgement is exercised in knowing when to consult or bring in a subject matter expert, how to find the right expert, and to manage his or her input effectively;
- **Relationship type #2 only** - judgement is exercised in responding to potential and actual privacy breaches;
- **Relationship type #2 only** - knowing when to use formal or informal processes to respond to access requests and privacy complaints;

- judgement is exercised in knowing one's responsibilities within the organization and when to escalate an issue to a more senior person who exercises their judgement on the matter according to their level of responsibility.

### Experience

- (5?) years of work experience in business or policy development; [
- demonstrated experience in at least one area of a related specialization, eg. IT security, law, business architecture, public administration;
- educational degree?
- experience performing or assisting in the development of Privacy Impact Assessments;
- experience in conducting educational/training activities or focus groups.

## 8.2 FOI Coordinator

This position is commonly the second type of relationship (employee). The FOI Coordinator is responsible for ensuring that all statutory requirements under FOI legislation for processing access requests are met, including corresponding with other personnel and the requester, locating records and providing access to the records in compliance with the Act. On contentious issues, the FOI Coordinator would advise the head of the institution who holds accountability for making decisions. The FOI Coordinator may make access decisions on non-contentious issues and routine requests if those duties have been formally delegated to the Coordinator.

### Knowledge

- knowledge of the work environment;
- detailed knowledge of relevant legislation, regulations, principles and philosophies of legislation, IPC orders and corporate directives;
- excellent knowledge of requirements and procedures for preparing responses and briefing materials to senior management and staff to respond to access requests and ensure compliance with FOIP requirements;
- specialized knowledge of the appeals process and best practices for judicial reviews.
- good knowledge of records and forms management practices, data security, and information storage and retrieval systems;
- understanding of privacy protection principles and risk analysis methods.

### Skills

- customer-service orientation

- conceptual thinking
- analytical skills
- communication and presentation skills (written and oral)
- information-seeking/research skills
- results orientation
- organizational awareness
- teamwork and cooperation
- time management
- PC proficiency
- the ability to participate in development/delivery of training
- 

#### Judgement

- knowing when to respond to an access request and how to do so effectively, efficiently and in a timely manner.
- judgement is exercised in interacting with the requester and the officials within the institution who have custody of the information sought by the requester.
- judgement is exercised in informing the head of the institution who makes appropriate decisions about the access request and responding to the requester or Information Commissioner as appropriate.

#### Experience

- (to be determined)

### **8.3 IAPP Manager**

The IAPP Manager is an individual charged with operating an organizational unit that handles inquiries on privacy and access to information issues, delivers training on access and privacy to the organization, helps or leads the development of policies related to the organization's responsibilities under privacy and FOI legislation, and sets priorities for acquiring or building resources to respond to those activities. The IAPP Manager is also the point person providing expert advice in the event of a privacy or security breach where personal information has been disclosed without authorization.

The most common type of relationship between the IAPP Manager and the client organization is type #2 (employee), however, it is conceivable that the IAPP Manager could be supporting the organization as a consultant (type #1), which is more common for small organizations or temporary arrangements.

#### Knowledge

- Privacy Officer knowledge (expert level)
- FOI Coordinator knowledge (expert level)
- excellent knowledge of the organization's policy development process
- knowledge of management principles and practices

#### Skills

- privacy officer skills
- FOI Coordinator skills
- leads change and organizational management activities
- conceptualizes 1-3 year future for the organizational unit
- communicates to and influences stakeholders
- influences policy processes and outcomes
- political acuity
- innovates
- builds networks
- negotiates/resolves conflicts
- plans and achieves 1 year operational goals.

#### Judgement

- (to be determined)

#### Experience

- (to be determined)

### **8.4 IAPP Lawyer**

The concept here is of a lawyer who has taken specialized training on Privacy and Freedom of Information laws and decisions that apply in the jurisdiction where the lawyer practices. The position of "IAPP Lawyer" is a title that is possibly even newer than Privacy Officer or FOI Coordinator. It is proposed for inclusion in the IAPP position description inventory because legal counsel is often needed in all kinds of IAPP work but the corresponding level of legal training is beyond what should be expected from typical Privacy Officers and FOI Coordinators.

The growing complexity of the legal framework for IAPP has reached the point where organizations need some form of assurance about the unique IAPP knowledge that a lawyer should have to provide good counsel to the organization. Whether that assurance comes from CAPAPA or an existing lawyer's society remains to be seen. However, there may be merit in CAPAPA initiating the discussion on necessary legal knowledge and skills rather than leaving the certification of IAPP lawyers entirely to another organization. The goal is to know

what minimum qualifications for “FOIP lawyer” should be expected from a lawyer for an organization to have confidence in that individual’s advice in IAPP matters. Once the qualifications are available either from the CAPAPA CBK or another source, acquiring the services of a IAPP lawyer could follow a process that is similar to the search for a qualified Privacy Officer or FOI Coordinator.

#### Knowledge

- federal Access to Information and Privacy laws, PIPEDA
- Health sector legislation
- employment law – access to employee records, employee privacy rights
- internet law – collection, use and disclosure of personal information
- Provincial Access to Information and Privacy laws – exclusions, Commissioner’s rights and powers, appeals, judicial reviews, requester’s rights
- Consumer Protection issues
- third party contract provisions
- knowledge of the oversight and redress mechanisms for FOI and Privacy violations
- Charter of Human Rights and Freedoms
- European Union directives and Data Protection Acts
- US privacy framework

#### Skills

- (to be determined)

#### Judgement

- (to be determined)

#### Experience

- must be licensed to practice in the jurisdiction where the client is located.

## **9. IAPP Professional Ethics**

A set of IAPP Professional Ethics is proposed in this section. CAPAPA should discuss appropriate IAPP values and incorporate them in course material and Association publications. Certified members should be expected to conduct themselves in the workplace professionally according to these values, and base decisions and recommendations on compliance with these values.

IAPP Professionals will:

- respect the client's or head of the institution's authority and responsibility to take advice from the IAPP professional and make their own decision;
- respect legal and policy requirements;
- respect the rights of the public or the applicant, stakeholders and affected parties under privacy, access and human rights legislation;
- follow professional best practices;
- respect the IAPP profession;
- observe decisions of the Information and Privacy Commissioner and any other relevant oversight body;

## 10. Recommended Next Steps

Year 2004-2005:

It is proposed that a Professional Certification Steering Committee be formed to:

- gather information on the range of issues and possible activities that CAPAPA could undertake to develop a certification process.
- consider how CAPAPA could work with the other five organizations profiled in this report in terms of how CAPAPA's certification process and professional designation compares to other processes and designations and what resources might be shared.

The steering committee would report back to the CAPAPA membership at the Annual General Meeting in 2005. The membership could be polled at that time to seek direction on the type of professional designation and other issues that are identified by the steering committee.

All of this work is contingent on the commitment of sufficient volunteer resources to the steering committee. At any time, if the volunteer resources drops or the membership signals lessening interest in professional certification, then the work will be deferred.

2005-2006:

Assuming there is sustained interest in pursuing professional certification through 2005, the steering committee could oversee detailed research into the critical issues and activities required to flesh out the appropriate certification process as voted on by the membership in 2005. The product of this work would be brought back to the membership again for evaluation at the 2006 Annual General Meeting.

2006 and beyond:

Depending on the availability of resources and the will of the membership, the Association should have a good understanding of the activities required for certification and the level of resources required to establish the process. CAPAPA members will then have the opportunity to decide how and when to proceed with implementing it.

Please direct questions or comments to:

Eric Lawton  
CAPAPA Director of Professional Certification  
Main Post Office, P.O. Box 211  
Edmonton, Alberta  
T5J 2J1  
t: 416.327.2659  
e: eric.lawton (at) mbs.gov.on.ca

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