



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

COMMON BUSINESS IDENTIFIER ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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COMMON BUSINESS IDENTIFIER ACT

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COMMON BUSINESS IDENTIFIER ACT

CHAPTER C-11.1

1. Definitions

In this Act,

- (a) “**business entity**” means a person or organization, whether or not incorporated, that provides information to a public body in respect of a business or non-profit undertaking carried on or to be carried on by the person or organization;
- (b) “**designated enactment**” means an enactment designated in the regulations;
- (c) “**governmental or other body**” means
 - (i) the Government of Canada or the government of a province of Canada other than Prince Edward Island, or a department, branch or agency of such a government,
 - (ii) a municipality, and
 - (iii) a body designated as a governmental or other body by the regulations;
- (d) “**Minister**” means the Minister designated by the Lieutenant Governor in Council to administer this Act;
- (e) “**public body**” means
 - (i) the Government of Prince Edward Island or a department, branch or office of the Government, and
 - (ii) a board, commission, association, agency or other body designated as a public body in the regulations,and includes a public officer appointed under the authority of a designated enactment and the member of the Executive Council responsible for the administration of a designated enactment. *2016,c.4,s.1.*

2. Purposes of the Act

The purposes of this Act are

- (a) to facilitate the streamlining of regulatory requirements applicable to business entities; and
- (b) to improve the administration and enforcement of laws applicable to business entities. *2016,c.4,s.2.*

3. System of common business identifiers

- (1) The Lieutenant Governor in Council may establish or adopt a system of common business identifiers for business entities.

Agreement with Government of Canada

- (2) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada for the purposes of
- (a) facilitating the establishment or adoption of a system of common business identifiers; and
 - (b) integrating or coordinating the system established or adopted with any system of common business identifiers established by the Government of Canada. *2016,c.4,s.3.*

4. Agreement with a public body

- (1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with a public body for all or any of the following purposes:
- (a) the use by the public body of the system of common business identifiers established or adopted under section 3;
 - (b) the access by the public body, or by a person or class of persons mentioned in the agreement, to information collected by the Minister pursuant to this Act.

Idem

- (2) Agreements entered into pursuant to subsection (1) may contain provisions that deal with all or any of the following matters:
- (a) the duties and responsibilities of the parties to the agreement;
 - (b) the terms and conditions on which the public body may exercise any of its powers under this Act;
 - (c) the manner in which an agreement may be terminated and the obligations of each party on termination of the agreement;
 - (d) any other matters that the parties consider appropriate or necessary. *2016,c.4,s.4.*

5. Agreement with a governmental or other body

The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with a governmental or other body for any or all of the following purposes:

- (a) to integrate a system of common business identifiers established or adopted under section 3 with a system of business identifiers established or adopted by that body;
- (b) to integrate forms or filing or payment procedures applicable to business entities under this Act or under designated enactments with forms or filing or payment procedures for which that body is responsible;
- (c) to integrate one or more information systems established or integrated under this Act with one or more information systems maintained by that body;
- (d) in order to carry out effectively the intent and purposes of this Act, to disclose, or to prohibit, restrict, authorize or require the disclosure of, information in respect of business entities. *2016,c.4,s.5.*

6. Request for information from a business entity

- (1) Where a business entity provides information to a public body under a designated enactment, the public body may request from the business entity the following information for the purposes of this Act:
- (a) the name of the business entity and any operating or business names used by it;
 - (b) the legal structure of the business entity;

- (c) a physical address where the business entity conducts business;
- (d) a mailing address for the business entity;
- (e) the name of the person to contact when dealing with the business entity and the telephone number, facsimile number and e-mail address for the person;
- (f) where the business entity is a partnership, the names of the partners and their telephone numbers and facsimile numbers;
- (g) where the business entity is a body corporate,
 - (i) the date of its incorporation,
 - (ii) the jurisdiction under whose laws it is incorporated and its corporate certificate number in that jurisdiction,
 - (iii) the names of its directors and their telephone numbers and facsimile numbers;
- (h) where the business entity is an unincorporated organization other than a partnership, the name of at least one individual who alone or together with others is responsible for the management of the business or affairs of the organization, and the telephone number and facsimile number of the individual;
- (i) any other information prescribed by the regulations.

Sharing of information provided to a public body

- (2) A public body that has been provided information referred to in subsection (1) with respect to a business entity
 - (a) shall provide that information to the Minister; and
 - (b) may provide that information to the Government of Canada, for the purposes of this Act.

Use of information provided to a public body

- (3) Where a public body has been provided information by a business entity under a designated enactment before the commencement of this Act, the public body may use the information in its possession for the purposes of this Act and, where the information is incomplete, the public body may request from the business entity such additional information as is specified in subsection (1).

Sharing of additional information

- (4) Subsection (2) applies to the public body with respect to that information obtained pursuant to subsection (3).

Request for information

- (5) A business entity shall provide information under this section as requested by a public body.

Form or format of information

- (6) A public body may request that information be provided under this section in any form or format the public body considers appropriate. *2016,c.4,s.6.*

7. Request for common business identifier

- (1) A public body may require from a business entity the common business identifier that has been assigned to it when the business entity provides information to the public body under a designated enactment.

Business entity to provide information

- (2) A business entity shall provide the common business identifier assigned to it for all matters pertaining to a designated enactment, when required to do so by a public body. *2016,c.4,s.7.*

8. Information to be provided to Minister

A public body that has been provided with a common business identifier by a business entity pursuant to section 7 shall provide that information to the Minister. *2016,c.4,s.8.*

9. Information system established

- (1) The Minister may establish and manage an information system for the purpose of receiving and storing information referred to in subsection 6(2) and section 8 and for the purpose of integrating and updating information in respect of business entities.

Information that may be stored in system

- (2) The information system referred to in subsection (1) may also be used to receive and store the following information:
- (a) the date the common business identifier was assigned to the business entity;
 - (b) the operation type of the business entity, as identified by a public body;
 - (c) the registration status of the business entity;
 - (d) any other information prescribed by the regulations. *2016,c.4,s.9.*

10. Disclosure of information

- (1) Subject to any regulations made under this Act, information in respect of a business entity that is in, or is obtained for, an information system established or integrated under this Act may be disclosed by the Minister
- (a) subject to any agreement made under section 4, to a public body or a person acting for a public body, for the purpose of
 - (i) correcting or updating information in an information system of the public body, or
 - (ii) administering or enforcing an enactment in effect in the province;
 - (b) to a party to an agreement made under section 5 in compliance with the agreement;
 - (c) with the consent of the business entity; or
 - (d) if it is statistical information that does not identify the business entity.

Idem

- (2) The authority under this section to disclose information in respect of a business entity is in addition to any other express or implied authority or obligation to disclose such information and shall not be interpreted to limit the disclosure of information that is not otherwise limited. *2016,c.4,s.10.*

11. Access to information

- (1) Information that business entities are required to file or are authorized to access pursuant to a designated enactment may be filed or accessed, as the case may be, by a person or class of persons authorized to do so in the applicable agreement between the Minister and the public body.

Conditions

- (2) The Minister may attach conditions to an authorization given pursuant to subsection (1). *2016,c.4,s.11.*

12. Delegation

- (1) The Minister may delegate to any person the exercise of any of the powers given to, or the fulfillment of any of the responsibilities imposed on, the Minister pursuant to this Act and the regulations other than the power to enter into agreements.

Terms and conditions

- (2) The Minister may impose any terms and conditions on a delegation pursuant to this section that the Minister considers appropriate.

Deemed decision or action of the Minister

- (3) A decision or action of a delegate in relation to the exercise or performance of any power or responsibility delegated to that delegate pursuant to subsection (1) is deemed to be a decision or action of the Minister. *2016,c.4,s.12.*

13. Relationship of the Act to designated enactments

Where a provision of this Act is inconsistent or in conflict with a provision of a designated enactment, the provision of this Act prevails unless the regulations or the designated enactment expressly provide that the designated enactment, or a provision of it, applies notwithstanding this Act. *2016,c.4,s.13.*

14. Immunity for person acting under the Act

- (1) Subject to subsection (2), no action or proceeding lies or shall be commenced against the Government of Prince Edward Island, the Minister or any officer, employee or agent of the Government of Prince Edward Island if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

Exception

- (2) Subsection (1) does not apply to a claim for compensation that relates to the administration of a designated enactment if the designated enactment provides a right to compensation that may be payable to a person who suffers a financial loss. *2016,c.4,s.14.*

15. False or misleading information

- (1) No person shall knowingly give false or misleading information in any information provided pursuant to this Act.

Offences and penalties

- (2) Every person who contravenes this provision is guilty of an offence and is liable on summary conviction
- (a) in the case of an individual, to a fine of not less than \$500 and not more than \$2,000; and

- (b) in the case of a corporation, to a fine of not less than \$1,000 and not more than \$5,000.

Personal liability of corporate officers

- (3) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in the commission of an offence by that corporation under subsection (1) is guilty of the offence and is liable on summary conviction to a fine of not less than \$500 and not more than \$2,000. *2016,c.4,s.15.*

16. Regulations

The Lieutenant Governor in Council may make regulations

- (a) designating enactments for the purpose of the definition in clause 1(b);
- (b) designating bodies for the purpose of the definition in clause 1(c);
- (c) designating bodies for the purpose of the definition in clause 1(e);
- (d) respecting common business identifiers, including regulations
 - (i) prescribing classes of business entities the members of which may be assigned common business identifiers, and providing for the manner in which they may be assigned,
 - (ii) requiring, authorizing, restricting or prohibiting the use or disclosure of common business identifiers in specified circumstances or under designated enactments;
- (e) for the purpose of integrating or streamlining financial and statistical reporting requirements and procedures for business entities under two or more designated enactments;
- (f) for the purpose of integrating or streamlining filing or payment procedures for business entities under designated enactments, including regulations prescribing common dates or periods for business entities to provide information or pay fees, taxes or other charges under designated enactments;
- (g) respecting the integration of information systems for the purpose of integrating information in respect of business entities;
- (h) respecting the disclosure of information under section 10;
- (i) restricting the application of a provision of this Act or a designated enactment if the provision or a regulation made under this Act conflicts with the designated enactment;
- (j) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purposes of this Act. *2016,c.4,s.16.*