

Section 56: Non-profit organizations

[Previous Section](#) | [Next Section](#) | [Back to Contents](#)

56(1) In this section,

(a) "commercial activity" means

(i) any transaction, act or conduct, or

(ii) any regular course of conduct,

that is of a commercial character and, without restricting the generality of the foregoing, includes the following:

(iii) the selling, bartering or leasing of membership lists or of donor or other fund-raising lists;

(iv) the operation of a private school or an early childhood services program as defined in the *School Act*;

(v) the operation of a private college as defined in the *Post-secondary Learning Act*;

(b) "non-profit organization" means an organization

(i) that is incorporated under the *Societies Act* or the *Agricultural Societies Act* or that is registered under Part 9 of the *Companies Act*, or

(ii) that meets the criteria established under the regulations to qualify as a non-profit organization.

(2) Subject to subsection (3), this Act does not apply to a non-profit organization or any personal information that is in the custody of or under the control of a non-profit organization.

(3) This Act applies to a non-profit organization in the case of personal information that is collected, used or disclosed by the non-profit organization in connection with any commercial activity carried out by the non-profit organization.

(4) The Lieutenant Governor in Council may make regulations

(a) establishing, for the purposes of subsection (1)(b)(ii), the criteria to be met by an organization to qualify as a non-profit organization;

(b) establishing the criteria to be met by non-profit organizations to qualify as non-profit organizations that are restricted or otherwise limited in the scope of their operations and exempting those non-profit organizations from the operation of subsection (3);

(c) governing the coming into force of this Act or any provision of this Act with respect to a non-profit organization;

(d) providing that this Act or any provision of this Act commences to apply to a non-profit organization at a date that is later than January 1, 2004;

(e) providing for and governing any transitional matter relating to the application of this Act to

a non-profit organization.

(5) Any regulation made under this section may be general or specific in its application.

2003 cP-6.5 s56;2005 c29 s4