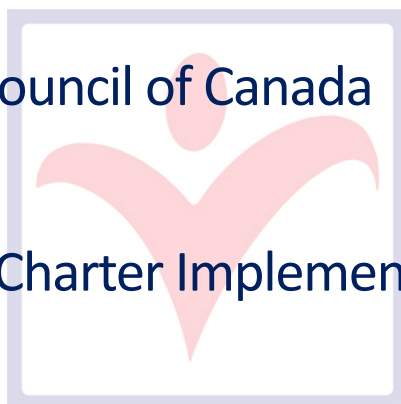


House of Commons
Standing Committee on Industry and Technology

Opening Remarks by Sharon Polsky MAPP
President

Privacy & Access Council of Canada



Bill C-27 — Digital Charter Implementation Act, 2022

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Privacy and Access Council of Canada
Conseil du Canada de l'Accès et la vie Privée
Suite 330, Unit 440, 10816 Macleod Trail SE
Calgary AB Canada T2J 5N8
Telephone: 877.746.7222
Email: info@pacc-ccap.ca
Website: www.pacc-ccap.ca



Thank you for inviting me to appear before you to comment on Bill C-27 on behalf of the Privacy & Access Council of Canada — an independent, non-profit, non-partisan organization that is not funded by government or industry.

Our members work with and assess new technologies every day and have heard the same promises that whole time: technology will provide great benefits.

Canadians have been nudged to do everything digitally, and data *is* now the foundation of many organizations, few of which do anything without collecting, analyzing, and monetizing data — often without the knowledge, much less real consent, of the people the data is about.

So, it's understandable that there is support for Bill C-27 — except that many who support it don't like it. They figure it's taken 20 years to get this much, and we can't wait another 20 for something better to replace PIPEDA, so this is better than nothing.

With respect, we disagree.

We do not share the view that settling for the sake of change is a smarter bet than standing firm for law that, at its heart, will definitively state that Canadians have a fundamental right to privacy, and will protect that privacy.

We disagree that settling for bad law is better than doing nothing — and Bill C-27 *is* bad law because it undermines everyone's privacy, *including* children's — however they're defined in each jurisdiction.

Worse yet, it does *nothing* to counter 'content regulation' laws ...that will undermine encryption, criminalize children trying to report abuse, and make it impossible for even *your* private communications to be confidential, whether you consent or not.

Commissioner Dufresne recently said that "Canadians should not have to choose between participating fully in society and protecting their fundamental privacy rights" but, that's exactly where we are. And Bill C-27 won't change that because, in it, people are consumers, not individuals with a fundamental human right to privacy.

Instead, it promotes data sharing — to foster commerce, jobs and taxes.



It adds a new bureaucracy that will be novel among data protection authorities — and will delay individuals' recourse by years.

It doesn't restrict AI use by governments — only by the private sector ...that hasn't yet been deputized by government, and then gets sheltered by ATIP laws.

It won't slow AI infiltrating all areas of life, or the monetization of our personal information by a global data broker industry already worth more than 300 Billion US.

It doesn't impose any privacy obligations on political parties.

It doesn't allow for executives to be fined, only organizations — that include the fine as a line item in their financials and move on.

It does allow personal information to be used for research — but by whom, or where in the world, isn't limited, so Big Pharma using your DNA for research, without your consent, is just fine, if it's been de-identified — though it can easily be reidentified.

It will require privacy policies to be in plain language — which would be great IF it stated the degree of granularity required. But it doesn't. It allows the same vague language and generalities we now have ...yet still doesn't let you control what data about you may be shared, or with whom.

And it lets organizations collect whatever personal information they can from you and about you, without consent, as long as they say it's to make sure nothing about you is a threat to their "information, system or network security." Or if they say the collection and use outweighs any potential adverse effect on you resulting from that collection or use; and leave it to you to find out and challenge that claim.

And we've heard industry's threat that regulation will hamper innovation. That red herring was invalidated when radio didn't kill newspapers, TV didn't kill radio, and the internet didn't kill either one. Industry adapted and innovated — and tech companies already do, with each new product, update, and patch that helps their bottom line.



Companies that have skirted the edges of privacy compliance can adapt and innovate, and create things that, at their core, have a genuine respect for privacy, human rights, and sound ethics and morality.

They can ...but in almost a half-century since computers landed on desktops, they haven't.

So, politely asking organizations to "consider the special interests of minors" is lovely, but hardly compelling considering that, 20 years after PIPEDA came into force, barely more than half of Canadian companies the OPC [surveyed](#) have privacy policies, or have even designated someone to be responsible for privacy issues. Those are basic, fundamental compliance components that don't take 20 years to figure out.

We *don't* have time to wait. But we also cannot afford legislation that bargains away Canadians' privacy rights for the sake of commercial gain.

A brief with our detailed comments about Bill C-27, and our recommendations, will follow shortly, but I am happy to answer your questions.

-End-

