



**Response to the Office of the Privacy Commissioner of Canada Strategic Plan
Thursday, March 28th, 2024**

Office of the Privacy Commissioner of Canada
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cc: jbriggs@iabcanada.com, [IAB Canada Privacy Working Group Members](#)

Office of the Privacy Commissioner of Canada,

IAB Canada on behalf of its members, would like to thank you for providing us with the opportunity to provide feedback on your recently published Strategic Plan – “A Roadmap for Trust, Innovation and Protecting the Fundamental Right to Privacy in the Digital Age.”

Established in 1997, IAB Canada is the only not-for-profit trade association exclusively dedicated to the development and promotion of the rapidly growing digital marketing and advertising sector in Canada. Our thriving sector is estimated at \$16.8B and employs over 50,000 Canadians.

IAB Canada and its members are committed to helping our government collectively work toward modernizing Canada’s digital capabilities and feel strongly about Canada’s leadership role on the global stage of digital innovation and economic growth.

We have been actively involved in the discussions with your office in the past and maintain that protecting the data of Canadians remains of paramount concern to our sector because our members understand that good privacy practices are ultimately good business practices. Building trust among Canadian citizens is a mutual priority for our members and the Canadian government and we hope you find our written recommendations, insights, and feedback to be useful.

About IAB Canada

IAB Canada represents over 250 of Canada's most well-known and respected stakeholders in the digital advertising and marketing sector, including advertisers, advertising agencies, media companies, digital media publishers and platforms, social media platforms, ad tech providers and platforms, data companies, mobile and video game marketers and developers, measurement companies, service providers, educational institutions, and government associations operating within the space.

Companies in the digital advertising and marketing sector offer a wide range of highly innovative products and services, including valuable service offerings to individual Canadians. This sector is intensely competitive, and the long-term success of our members is fundamentally predicated on their ability to continually design, develop, offer, and improve valuable digital products and services.

Our members include numerous small and medium sized enterprises and represent well over 80% of the estimated \$16.8 billion industry in Canada. IAB Canada has a long history of creating programs that are designed to promote the responsible growth of the online advertising industry in Canada and has been actively involved in productive policy discussions with various government departments including ISED, the OPC, the CAI, Elections Canada, AGCO and Health Canada.

Globally, the IAB network and our collective stakeholders have been committed to modernizing privacy compliance since 2016 having developed a proven [privacy framework](#) that ensures consumers are able to make informed choices online that are technically executed while providing the supply chain with demonstrable accountability to stay in compliance with rapidly evolving cross-jurisdictional laws.

Developed by a community of highly respected international technical engineers, this global approach to responsible, privacy-protected media transactions was first-born in Europe in response to the GDPR. IAB Canada has recently released the framework in Canada to proactively help our market raise the bar on privacy enhanced technology for the purposes of online advertising.

[The Transparency and Consent Framework Canada \(TCF Canada\)](#) which has been adopted by hundreds of Consent Management Platforms (CMPs), allows participants in the online advertising ecosystem to clearly and consistently communicate with Canadian citizens about how their data is being used, while also providing an opportunity for them to object and manage their consent preferences in accordance with jurisdictional privacy laws both federally and provincially. As new legislation comes to pass, the framework is updated accordingly. Our work has reduced the financial burden for hundreds of stakeholders big and small as our sector continues to face mounting compliance costs.

Introduction

We thank you for sharing publicly your Strategic Plan that will guide the work of the OPC for the next three years. We believe that a strong vision is essential, and it is our hope that we can be an integral partner on this journey forward supporting your goals to:

1. Protect and promote privacy with maximum impact.
2. Address and advocate for privacy in this time of technological change.
3. Champion children's privacy rights.

While the plan provides a solid path forward, we feel that collaborating with your strategic partners, including IAB Canada more closely, would have a significant positive impact on reaching our shared goal of further enhancing privacy protections for Canadians online.

Following are some observations and suggestions we would like to express on behalf of our members.

1. Balance the support of innovation and privacy as a fundamental human right.

The OPC's Strategic Plan clearly establishes privacy as a fundamental human right and while likely not intentional, the same emphasis on supporting innovation is not present. The ability to Innovate is critical to our industry – particularly as new technologies emerge, and we want to stress the importance of equal consideration to both objectives. This would preserve the balanced approach to privacy protections that the industry has historically relied upon while continuing to provide opportunities for Canadian businesses to compete effectively on a global stage.

2. Continued Focus on Interoperability with Existing Legislation

With the current patchwork of obligations becoming increasingly complex we want to stress the importance of interoperability between legislative frameworks. Consistencies between privacy legislation and other regulated markets like health and banking would provide greater clarity and eliminate potential "tech debt" created from overlapping interpretations and compliance requirements. Examples could include but are not limited to, consistent definitions, data retention obligations, cross-border data controls and transparency and consent requirements.

Consistencies across regulations make compliance less burdensome both operationally and financially and create more consistent user expectations across a borderless internet.

3. Increase Collaboration Throughout the Entire Legislative Process

IAB Canada is grateful for past invitations to collaborate with your Office on strategic initiatives and have found our involvement in various discussions and consultations to be highly valuable. However, the OPC has an opportunity to leverage industry even more proactively and inclusively. Involving partners like IAB Canada further up-stream would result in better visibility of sector nuances, a more seamless and efficient feedback process, and the provision of better understanding of legislative obligations to set industry up for success. Ultimately, a more inclusive consultation process would directly impact the success of all three strategic priorities outlined in the plan.

To allow us to contribute in a more impactful way, we suggest the following:

- a) More frequent meetings with industry at large to collect input on guidance BEFORE drafting guidance.

Creating opportunities for industry to input on legislative guidance in the *early stages* will enable a more seamless and efficient process resulting in more comprehensive and well-received documentation. Historically, associations including IAB Canada are brought into round table discussions/consultative process to respond to a draft and asked to outline any concerns or questions to what is being presented and, in some cases, the only means for feedback is an online questionnaire.

We are recommending that in the future, associations are given the opportunity at the start of the process to share research, data, and industry intelligence to both deepen your understanding of our stakeholder perspective and allow for a clear understanding of the OPC's objectives prior to guidance being drafted. We also want to reiterate how important it is to us that we are provided with a venue to submit written feedback (vs a feedback form) so that our position(s) can be properly articulated.

Adjusting the OPC's process to reflect these requests will result a more efficient and frictionless workflow. These changes would also allow for greater confidence in the release of guidance into the market knowing that it has been created in a fair, inclusive, and more collaborative way.

- b) Continue to Stay connected with IAB Canada for updates and insights on the online advertising industry.

IAB Canada suggests ongoing meetings between our two organizations. Allowing for a cultivation of the partnership and encouraging one-to-one deep dive dialogue on developments specific to the online advertising industry. These sessions would enable us to share insights into some of the great work that is being done both globally by our international IAB network or more locally by our over 250 members to protect the privacy of Canadian audiences and more specifically in your areas of focus - children's privacy and emerging technologies.

Examples of work we would like to share in detail with the OPC include our recently launched privacy framework TCF Canada, which has achieved rapid adoption from AdTech vendors who are leveraging the signalling framework to meet the new notice and consent obligations of Quebec's Law 25. Our members are also working hard to develop non-intrusive means of addressing audiences in a world without 3rd party cookies, privacy safe ways of verifying age and the responsible use of AI in advertising. These discussions will provide your Office with a deeper understanding and appreciation of the strides our industry is already making will allow our members to have greater confidence in your leadership.

c) Engage with the IAB Canada Membership Directly

We invite the OPC to participate in future discussions with our members on a wide range of privacy matters. Opportunities range from special visits with our Privacy, Advertising to Children or AI policy working groups, to speaking at an industry-wide event or being a guest on a podcast or a webinar. We believe that sharing a table with our esteemed members – representing a diverse range of businesses – would be a welcomed development allowing for our community to hear from you directly. Bridging the gap between regulator and industry allows for a greater understanding on both sides of the table and a shared responsibility for keeping the privacy of Canadians safe.

4. Lean on IAB Canada as a Training Partner to Educate Your Office on the Inner Workings of the Online Advertising Industry and Emerging Technologies

For 20 years, IAB Canada has successfully trained thousands of industry professionals. In fact, it is what we are most known for in the sector and our members often call on IAB Canada to provide custom digital media training for teams of all sizes and proficiency levels.

Our programs range from level-setting digital media fundamentals to more advanced and involved workshops like leveraging data to develop product and sell-through incremental media opportunities or advanced data management which covers collection, organization, and policy practices for data use in the context of media. With rapid developments across

all channels of media, our members need to stay informed on all areas of the business including Connected TV, eCommerce, Responsible Advertising for iGaming, Advertising for Audio to name a few.

IAB Canada's extensive work with government bodies has resulted in the association being sought out by government to level-set on digital media fundamentals. For several years, IAB Canada has provided keynotes and moderation to the Government of Canada Advertising employees – over 500 individuals tasked with government media expenditure. More specific training has also been delivered to Health Canada, Elections Canada and ISED to ensure that regulations were being informed by realistic and current practices in the space.

IAB Canada has also been sought after to advise on best courses of action for the growth and development of provincial and national digitization through various written and townhall style consultations. This is something we would also like to coordinate with your Office as well to ensure that your team is up to speed on the complexities of the digital advertising industry and some of the emerging challenges and opportunities facing our industry in this ever-changing environment particularly around data collection and targeted advertising.

In addition to our formal training IAB Canada shows our commitment to educating through our extensive resource library – with many resources being available industry wide regardless of membership status. These guides, information sessions, and infographics are used extensively as our industry prepares for ongoing changes in the landscape and we believe they could also be of value to your team as you work to enhance your knowledge base regarding technical advancements and emerging technologies. Examples of this included the work we are currently doing to provide clarity around the implications of Google's deprecation of third-party cookies (and how we as an industry can still reach audiences at scale while respecting a user's right to privacy) as well as our current work around an age verification approach that minimizes the data collection of young people.

5. Plan for the effective implementation of potential new privacy legislation.

With a passing of Bill C-27 business will be under a new set of obligations that include much higher requirements and complex rules of engagement for doing business with Canadians. In anticipation of this reality, we encourage your Office to recognize the potential challenges and outline how you plan to support this transition and what tools will be made available. We recommend you follow the earlier comments when creating guidance for the new statute and that you continue to develop and modify your existing PIPEDA Compliance and Training tools. These have proven to be extremely useful and once updated would help to support business (particularly SMEs) during this important transition leading to a more seamless move towards compliance.

We also ask for comprehensive timelines, increased support from your Business Advisory Team as well as an open-door policy for questions and feedback during the full transition period. Details outlining when tools will be made available as well as what the process will be for investigations and audits would be extremely helpful.

Lastly, we would suggest a future approach that looks to find ways to celebrate, highlight and recognize the tremendous work and budget that industry is investing to better protect the privacy of Canadians. We often only hear about the decisions against business but recognizing positive actions would go a long way in building your strategic partnerships and supporting a job well done. Your current support of the upcoming Picasso Awards is a move in the right direction, and we encourage you to continue along this path.

In Closing

Thank for you considering IAB Canada's thoughts and recommendations. We hope that you find our feedback to be helpful.

IAB Canada encourages you to reach out to us at any time with any questions or comments regarding this submission and look forward to participating in upcoming consultations and discussions as you work towards the realization of your strategic vision.

Sincerely,

A handwritten signature in black ink that reads "S. Carreno". The signature is written in a cursive, flowing style.

Sonia Carreno
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