



Friday, August 21st, 2020

Chief Electoral Officer of Canada
Elections Canada
By email: consultations@elections.ca

To Whom It May Concern:

IAB Canada on behalf of its members, would like to thank you for providing us with the opportunity to respond to your discussion paper “The Protection of Electors’ Personal Information in the Federal Electoral Context”. The Canadian online advertising industry is more prepared than ever, to help navigate the issues that were tabled within the document as it aims to encourage discussion on how fair information principles could be applied to political parties, taking into account their unique role in Canada’s democracy. As representatives of the Canadian digital advertising industry, we hope that our feedback and participation will be useful.

During the last Federal Election, IAB Canada on behalf of most of the digital publishers in Canada affected by C-76, worked closely with the team at Elections Canada. Liaising between industry stakeholders, responsible for developing and maintaining registries and Ottawa, we managed to bridge a major communications gap on the guidelines that resulted from the amended Elections Act. Our work dealt specifically with the registry requirements of Bill C-76 and the complexities surrounding issues ads. Given the absence of a centralized mechanism from Elections Canada to identify which issues would fall under regulation, IAB Canada moved quickly to build an effective technical solution to ease compliance in the context of a dynamic digital media marketplace. Through this project we also managed to increase critical facetime for industry members with the Elections Canada team to provide added clarity on the registry guidelines.

It is our hope that we can continue to work with government to help educate and modernize resources that will mitigate unintended consequences of incoherent policy changes. Moving forward, IAB Canada and its membership strongly recommend that Elections Canada remove the burden from publishers of monitoring issue advertising altogether. Additionally, we find that Elections Canada should develop and maintain a centralized registry for political advertisers to lessen both the financial responsibility and the risk of falling out of compliance for digital media publishers in Canada. Such a centralized registry would provide consistency, clarity on required fields and greater access and transparency for citizens.

We acknowledge the complexities of developing a registry of this nature and urge Elections Canada to consult with industry to determine the appropriate requirements, best practices and process flows to ensure its successful implementation. Building out a digital infrastructure must involve inputs from industry as there will inevitably be access points required from many IAB Canada members.

We look forward to productive discussions as we collectively work toward modernizing our mutual digital capabilities to bring Canada to the forefront of global digital innovation and economic growth while simultaneously protecting the electoral process.

About IAB Canada:

Established in 1997, IAB Canada is a not-for-profit association exclusively dedicated to the development and promotion of the rapidly growing digital marketing and advertising sector in 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, adtech 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. Our members include numerous small and medium sized enterprises.

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 represent over 80% of the estimated \$8.5 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. Notably, IAB Canada was the founding member of the self-regulatory Ad Choices Program developed to enable industry compliance within the PIPEDA framework and continues to lead the charge on the modernization of privacy compliance in Canada.

IAB Canada is the only organization fully dedicated to the responsible growth of digital/interactive advertising in Canada by delivering:

- Globally accepted digital ad standards;
- Advocacy for the Canadian digital advertising industry to the Canadian government;
- Trained human capital, through globally standardized courses, certification and custom workshops;

- Original Canadian digital marketing research; and,
- Information to the industry and enhanced communication between members.

IAB Canada would like to submit comments addressing six core areas of the “The Protection of Electors’ Personal Information in the Federal Electoral Context”.

1. Registered Third Parties
2. Accountability
3. Consent
4. Identifying Purposes, Limiting Collection and Limiting Use, Disclosure and Retention
5. Accuracy and Individual Access
6. Safeguarding Personal Information

Registered Third Parties

Should registered third parties be subject to privacy requirements as regulated entities under the CEA?

It is our belief that third parties should be subject to the same privacy requirements as all other advertisers. There should be no exceptions made for political advertisers and they must be held to the same level of accountability, as all other brands are, when using digital advertising. Political ads should provide Canadians with the same transparency and opt-out requirements that other advertisers have been providing for several years under current PIPEDA legislation.

Accountability

Besides publishing their privacy policies, what other requirements could parties be subject to in order to make them accountable for how they collect, use and disclose personal information?

Parties should ensure that their privacy policies are displayed prominently on their websites and use reliable technology to enable citizens to opt-out if they so desire. Furthermore, parties should only engage in third party data relationships that are fully PIPEDA and CASL compliant. IAB Canada recommends the use of certified consent management platforms that can provide assurances to Elections Canada that the citizens are able to effectively opt-out.

When political parties share information with a third-party partner, should they continue to be held accountable for the use of that information?

Yes.

Consent

Under what circumstances should an elector’s consent be implicit or explicit? Should consent be required for the collection and use of publicly available information?

Requirements for explicit consent should remain consistent for all advertisers. Collection, use and disclosure of sensitive personal information of a citizen should be protected with appropriate transparency and explicit consent mechanisms.

Would any uses or disclosures of personal information be unacceptable, even with consent? Should such areas be expressly delineated by law?

Providing comprehensive disclosure would be the first step towards attaining meaningful consent. IAB Canada continues to support a standardized, global approach to consent management. In Europe, IAB developed standardized taxonomy to describe the purposes of data collection. We are currently working on a Canadian initiative and would strongly recommend a collaborative approach with industry to ensure adequacy.

Any information deemed sensitive (i.e. health) is currently unacceptable for uses and disclosures and industry currently uses a framework to avoid collection and use of this type of data. Specific guidance should be reviewed with industry and can be adapted within current systems.

Should there be any regulation about how information that Elections Canada provides to parties can be combined with other sources of information?

IAB Canada is unaware of the data that Elections Canada is referring to. We would have to review this against current segmentation standards within the online advertising sector.

Should electors’ consent be obtained for providing lists of electors and statements of electors who voted to political parties and candidates?

Yes.

Identifying Purposes, Limiting Collection and Limiting Use, Disclosure and Retention

Should there be mandatory restrictions on what type of information parties collect, including sensitive information such as religion or sexual orientation?

Parties must be held to the same standard as any advertiser in Canada.

Should there be restrictions on how long parties can retain personal information? How might that vary depending on the type of information (i.e., political opinions, financial information and address information)?

Current advertising industry guidelines indicate that data should only be held until the purpose is fulfilled.

To what extent should parties be subject to clarifying the purposes for which personal information is collected, used and disclosed?

Providing comprehensive disclosure is critical to attaining meaningful consent. IAB Canada feels strongly about a standardized, global approach to consent management. This includes the development of clear and specific taxonomy around purpose of data collection (for the advertising sector). IAB Europe developed this type of standardization in response to the GDPR. We are currently working on this for Canada and would strongly recommend a collaborative approach with industry to ensure adequacy.

Accuracy and Individual Access

Should Canadians have the right to access their personal information from political parties?

Yes. Parties as advertisers, should be held to the same account as other advertisers.

Are there circumstances when it would be legitimate for political parties to decline access?

IAB Canada is unaware of any circumstances that might constitute legitimacy in this area.

Safeguarding Personal Information

Could there be any challenges when applying PIPEDA's breach notification requirements to political parties? Should there be variations for political parties and/or candidates?

IAB Canada feels that parties should be held to the same account as other organizations collecting, using and disclosing data in Canada. We are unaware of any challenges to applying breach notification requirements under PIPEDA to political parties.

Summary

On behalf of IAB Canada, and all of its members, we thank you for the opportunity to submit our responses to the important questions being asked by the Elections Canada in regard to the Protection of Electors' Personal Information in the Federal Electoral Context. We look forward to continuing a collaborative approach to modernizing our digital capabilities to bring Canada to the forefront of global digital innovation and economic growth while simultaneously protecting the electoral process.

If you have any questions or require any further information, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink that reads "Sonia Carreno". The signature is written in a cursive, flowing style and is set against a light gray rectangular background.

Sonia Carreno
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