



Information and Privacy Commissioner of Ontario
RE: IPC Strategic Priorities
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Toronto, Ontario
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consultation@ipc.on.ca

January 15th, 2021

Dear Madam/Sir,

IAB Canada, on behalf of its 250 stakeholder members in the digital advertising sector, would like to thank you for providing us with the opportunity to respond to your discussion paper "IPC Strategic Priority Setting Consultation".

As recognized in the discussion paper, the trend towards increased digitization has greatly accelerated since the onset of the COVID-19 pandemic. Canadians are relying on digital channels to access news, important information and, increasingly, services that were not previously available online. This new digital reality is ushering in significant privacy and access to information issues that need to be fully understood and appropriately addressed.

A quick pivot is required so that government can focus on advancing these digital capabilities in the areas that matter most to Ontarians while still protecting their individual privacy. The process of identifying strategic priorities in order to guide expenditures and efforts is a worthwhile undertaking and one that will strengthen the IPC's impact on the matters of greatest importance to Canadians.

As representatives of the Canadian digital advertising industry, we felt best equipped to submit comments addressing four of the seven strategic priorities detailed in the "Strategic Priority Setting Consultation" discussion paper:

1. Government Digital Service Delivery
2. Transparency and Open Government
3. Responsible Use of Data for Good

4. Access, Privacy and Youth

We hope that our feedback and participation will be useful. We look forward to participating in further productive discussions as we collectively work toward modernizing your digital capabilities to bring Ontario and Canada to the forefront of global digital innovation and economic growth, while simultaneously protecting the rights and privacy of our citizens.

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. These stakeholders include 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 include numerous small and medium sized enterprises and represent over 80% of the estimated \$8.8 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. Notably, IAB Canada was the founding member of the self-regulatory Ad Choices Program, developed to enable industry compliance within the PIPEDA framework.

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
- Information to the industry and enhanced communication between members

Strategic Priority One: Government Digital Service Delivery

Question 1: Would government digital service delivery be a priority for you? Why or why not?

Yes.

Citizens need to be able to virtually access government services as well as their personal data in order to complete tasks at hand. According to a recent study by Ernst and Young, “today’s citizens expect public services to be as personalized and responsive as the services they get from the private sector.” The ultimate goal of government should be to “improve service quality, promote transparent and efficient interaction, enhance the level of public trust in government, and drive better citizen outcomes.” With the onset of COVID-19 this need for increased digitization has greatly accelerated, resulting in a more immediate need for increased accessibility of government services for all Ontarians and Canadians alike.

Not only does the IPC need to streamline its own efforts to focus on more imminent privacy objectives, such as education and private sector support and consultation, but it is also necessary in order for other departments to recognize these efforts as a leader in this space. This “lead by example” mentality will result in other government departments turning to the office as a trusted source in order to enhance their own digital capabilities and thereby increasing the overall digital IQ of both government and citizens. This will undoubtedly lead to enhanced service delivery and citizen trust in our province.

The IPC, and government as a whole, needs to:

- Understand their citizens better and achieve better outcomes
- Provide services more effectively and efficiently
- Find new solutions to policy challenges
- Engage with external partners to develop new delivery models

Question 2: If the IPC were to make government digital service delivery a priority, do you

agree with our proposed goal statement? If not, how would you suggest changing it?

GOAL: The IPC will be a trusted source of independent advice to government institutions seeking to digitize their services while holding them accountable for respecting the privacy and access rights of individuals who use such services

IAB Canada agrees with your proposed goal statement but would suggest that, over time, you could further extend your influence, providing guidance and access (where appropriate), to private sector institutions as well. We believe that if done correctly, the Ontario government can be positioned as a thought leader and a go-to trusted source for advice and counsel across multiple sectors beyond government constituents.

In order to reach your goal, IAB Canada believes that you must first ensure that your own people are armed with the most relevant and up to date information regarding what consumers expect in the digital space. This can be done through a robust education program that covers off several modules. From a baseline understanding of how digital channels are leveraged to communicate with citizens to understanding the implications of ever-evolving policies and best practices, digital training must be viewed as a fluid, ongoing process.

IAB Canada has been a leading educator since its inception developing custom courses and seminars in this space. We have educated and counselled across all of our stakeholder groups as well as several government departments including Elections Canada, Health Canada and ISED. For the past two years, IAB Canada has also delivered keynote presentations at the annual Government of Canada advertising day events with 200+ government marketing staff in attendance. This year's presentation focuses on misinformation online.

Our policy team continues to work with Health Canada, Elections Canada, ISED, the OPC, as well as the Government of Canada's marketing team to build knowledge and confidence, and we would welcome the opportunity to extend these efforts in a collaboration with the team at IPC. The acquisition of greater knowledge in the digital space will better position you to effectively develop and build consumer-first service offerings. Once adopted, these offerings will give you the credibility as an authority to act as a trusted resource for both public and private sector institutions as they also move to make this shift to digitization. Dedicating only a portion of your resources on educating and supporting citizens will also allow you to keep the remainder of your team focusing on the provinces more urgent privacy matters.

Question 3: If government digital service delivery is selected as one of IPC's strategic priorities, what else could the IPC do to advance this priority area over the next five years?

It is our hope that if the IPC is successful in their mandate to digitize service delivery that the benefits of this work could be extended into the private sector, providing future access to shared data that could aid in areas such as access to education, support around AI and the ability to more accurately age gate which would all ultimately lead to a more secure and protected online environment. The office could act as a platform enabling a multitude of external partners to work together to build better services and online solutions for all Ontarians.

In our work with members, we have come across several situations where partnerships and an access to government information/data would have resulted in a higher level of confidence amongst Canadian businesses as they worked to comply with complex legislation.

In the case of Bill C-76 – the Canadian Elections Act - publishers were required to collect and retain information on all elections and issue advertising, before an ad could run, during the election period. What the publishers needed in order to ensure they were in fact collecting all legally required information was an accessible database of issues and registered advertisers. Elections Canada did not have this in an electronic, up-to-the-minute format, so the industry had to react and, under IAB Canada’s leadership, build a make-shift database. Had the government already upgraded their systems and built this database, they could have provided the necessary information to Canadian publishers struggling to comply, which would have ultimately led to greater levels of compliance, enhancing the integrity of our electoral process.

The legalization of cannabis also came with very stringent legislation around what is and is not permitted in regard to the promotion of cannabis products. According to the law, it is not permitted to promote cannabis to anyone under the required age by province. “All licence holders implement steps to ensure that youth cannot access promotional content.” As referenced in your discussion paper, age verification is a complex issue that needs to be addressed in the online space in government and beyond. Currently, the gateways are not reliable, easily “gamed”, and not in the best interest of minors. It is evident we need to be doing a better job in the public and private sector in protecting our youth from inappropriate content. The suggestion in the discussion paper that partnerships could be formed with financial institutions to validate age is one of great interest to our membership. Not unlike in Alberta, where a user on the provincial cannabis site enters their information, which is then validated via a check with a government database, Ontario could do the same. IAB Canada would suggest going one step further and make these systems available to platforms and publishers who are providing cannabis related content, who are also in need of age authentication helping them further protect Ontario youth.

The IAB global network leads the way in the development of technical compliance mechanisms to

enable adherence with legislation. We have been successful in the areas of privacy, elections law and marketing to kids and we would welcome the idea of sharing some of our learnings in order to help the Government of Ontario provide streamlined, and safeguarded access, to any digital tools/services you build throughout this process.

Strategic Priority Two: Transparency and Open Government

Question 1: Would transparency and open government be a priority for you? Why or why not?

IAB Canada agrees with the statement that “it is critical that people be given access to the non-identifiable information they need to be able to hold their governments to account, express views and make decisions and choices that form the cornerstone of our democracy ”

We believe that the priority of government adopting an “open by default approach to information” goes hand in hand with the digitization of services objective, in that the complexity that comes with modernization information systems needs to be accompanied with an increase in transparency and accountability. One cannot exist without the other.

In a privacy first world, citizens are demanding to know, and have a right to know, how their data is being used and how they can gain access to the data they have shared. This openness will allow citizens to interact with government bodies in a more fluid and positive way. This will not only improve service quality, promote transparency, increase transactions and overall trust in government, but also reduce your offices own internal person power and expenditures, allowing you to focus on more pressing issues at hand. The key to success in this area is providing end users with the tools and information they need in order to complete the information requests and how they can then make use of their data in an informed and practical way. This can be in the form of toolkits, education sessions and general outreach. Involving relevant stakeholders in the development of any guidance will aid in the message being received by your target and we would welcome the opportunity to share our ideas as to how the IPC can make this a reality.

Question 2: If the IPC were to make transparency and open government a priority, do you agree with our proposed goal statement? If not, how would you suggest changing it?

GOAL – *The IPC will reduce barriers to access government-held information by promoting efficient access to information processes, proactive disclosures and an overall culture of open government, while also protecting the personal information of individuals*

IAB Canada agrees with your goal statement as it stands.

Question 3: If government transparency and open government is selected as one of IPC's strategic priorities, what else could the IPC do to advance this priority area over the next five years?

As we are entering a new, and more complex, privacy regime in Canada it will be imperative that any new processes align with new legislation and take into account modernized consent and deidentification requirements. IAB Canada fully supports the outlined objectives that you have included in the discussion paper and believe that the achieved results of putting control of personal data into the hands of citizens will benefit all sectors of business, including the online advertising industry. The work you have outlined is no small feat and we believe that you should not add additional tactics to your mandate.

Strategic Priority 3: Responsible Use of Data for Good

Question 1: Would the responsible use of data for good be a priority for you? Why or why not?

The responsible use of data for good would indeed be a priority for IAB Canada and its members. The development of a code of practice and ethical standards around the use of AI and data for the purposes of advertising is a topic of great interest to our stakeholders. In 2020, IAB Canada formed a working group to begin the work of industry supported codes of practice in this realm and we would welcome the opportunity to share our evolving progress with the IPC.

Question 2: If the IPC were to make the responsible use of data for good a priority, do you agree with our proposed goal statement? If not, how would you suggest changing it?

GOAL- *The IPC will convene, and work with, relevant partners to develop governance frameworks that support responsible use of data for innovative and socially beneficial purposes.*

IAB Canada believes that the goal statement can be slightly modified to reflect the hard work that has already been done by industry over the past two decades of digital experience.

The IPC will convene, and work with, relevant partners and **industry to develop upon existing** governance frameworks that support responsible use of data for innovative and socially beneficial purposes.

Question 3: If the responsible use of data for good is selected as one of the IPC’s strategic priorities, what else could the IPC do to advance this priority area over the next five years?

Following are some suggested considerations for IPC designed to advance this priority:

- Leverage industry’s tremendous amount of work in this area and recognize industry codes of practice.
- Work with industry to continuously improve upon foundational standards as the digital space continues to evolve
- Commit to a learning program that permits IPC to stay ahead of emerging technologies and consumer expectations in the digital space
- Hold regular reviews of case studies and perhaps create an archive to help shape rationale and precedent on emerging issues

Strategic Priority 4: Access, Privacy and Youth

Question 1: Would access, privacy and youth be a priority for you? Why or why not?

IAB Canada, and its members, wholeheartedly agree that it is imperative that the privacy rights of youth are appropriately protected, that they are able to understand how to control the use of their personal information in different contexts, and that they are empowered to learn, grow and develop safely. Youth are an extremely vulnerable population whose information privacy and access rights merit special consideration and support. Jurisdictions across the globe are recognizing this need as exemplified in California with the right to request deletion of personal history from social media platforms that is included in the CCPA. The past work you have completed in the form of resource guides for schools, partnerships with MediaSmarts and other

professionals are all highly commendable actions. Giving youth, the tools and resources they need to understand their rights, and how to exercise those rights, is a great first step toward empowering youth to take control of their digital footprint.

IAB Canada is fully committed to helping where we can, to improve the online experience for our youth. We have and continue to collaborate with industry coalitions and government officials at Health Canada to help develop a set of best practices for the targeting and delivery of “unhealthy” food advertising to children. We have also recently participated in a research study focusing on youth and the use of AI. The purpose of this study is to determine where vulnerabilities exist as to develop strategies amongst educators and policy makers to ensure our young are not being exploited by technology. We also consult with ISED, the OPC, Elections Canada, as well as our member companies, on an ongoing basis to ensure we are up to speed on all pressing issues and working collectively to do the best that we can.

Question 2: If the IPC were to make access, privacy, and youth a priority, do you agree with our proposed goal statement? If not, how would you suggest changing it?

GOAL- *The IPC will champion the access and privacy rights of Ontario’s children and youth, helping them to exercise their independence, protect themselves and make informed choices about their personal information.*

We agree with your goal statement as it stands.

Question 3: If access, privacy and youth is selected as one of IPC’s strategic priorities, what else could the IPC do to advance this priority area over the next five years?

IAB Canada would encourage you to focus on your idea of bringing together a broad group of partners to work toward a children’s access and privacy code for Ontario which would set out a framework for guiding all initiatives that impact the access and privacy rights of children and youth in the province. This is an initiative that could have a profound impact on the advancement of this priority, unifying multiple sectors across our province, in an effort to protect our young.

IAB Canada’s work with the Business privacy group, our position on the Ad Choices Board of Directors and our development of a best-in-class privacy framework, the Transparency and Consent framework, for the online advertising industry in Europe and California, makes us a natural choice for this collaboration. Our work in privacy is respected across all of our stakeholder groups and we have an extremely active privacy committee consisting of publishers, advertisers, marketers and ad

tech who could work with us to bring a unique perspective to your work in this area.

Concluding Questions

Question 1: If you could only select three strategic priorities for the IPC to focus on over the next five years, which would they be?

We would suggest that you focus on the four priorities we have addressed in this response. We feel that #1 and #2 outlined in this document are so intertwined that they cannot exist without one another.

Question 2: Are there any other potential strategic priorities you think we should consider? If so, please describe them and tell us what you think the IPC's role should be in addressing them.

At this time, we do not have any other strategic priorities for you to consider. We would, however, encourage you to ensure that any work that can be done in tandem with federal efforts working to eliminate any gaps that exist. We would also suggest looking to those provinces who have already made progress in some of these areas in order to streamline efforts and learn from best practices.

We also suggest that you continue to work with industry stakeholders throughout this process as collaboration will be key to any future success.

Summary

On behalf of IAB Canada and all of its members, we would like to thank you for the opportunity to submit our feedback as you go through the process of identifying strategic priorities for the next five years. We hope that you find our feedback to be useful and it is our sincere hope that as representatives of our sector we will be invited by the province to further engage in this truly collaborative approach to digitizing government.

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

Sincerely,

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