



OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
for British Columbia

Protecting privacy. Promoting transparency.

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Appearance before the Standing Committee on Access to Information, Privacy and Ethics to discuss the breach of personal information involving Cambridge Analytica and Facebook

Statement by Michael McEvoy  
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(Check against delivery)

Good morning,

I very much appreciate the invitation to appear this morning — my first time before you as BC's new Information and Privacy Commissioner. It is also a great pleasure to do so with my colleague Commissioner Elizabeth Denham. In fact it was only a few short weeks ago, that I was in the UK assisting Commissioner Denham with the investigation she touched on a moment ago.

It also wasn't long after my April return to British Columbia I conferred with Commissioner Therrien of the Office of the Privacy Commissioner of Canada in agreeing to jointly conduct an investigate into Facebook and the BC company AggregatIQ, an entity with which you are familiar.

That investigation continues and of course I am not at liberty to disclose much about it until our work is complete.

What I would like to do is pick up on themes referenced by Commissioner Denham that relate to the broad aspects of your Committee mandate — that being the seeking out of legislative remedies that will help assure Canadians about the privacy of their data and the integrity of our democratic and electoral processes.

Beyond investigating companies like Facebook and Cambridge Analytica, critical inquiries to be sure, it is also important for Canada's political parties themselves to take measures for restoring confidence in the democratic processes in our country.

I would invite you, as my colleague Commissioner Therrien has done, to subject yourselves to accountability measures for the way in which you collect and use the information of Canadian voters.

A question worth pondering is whether the recent Cambridge Analytica scandal would have happened were it not for the increasing demands of political parties to gather and analyze personal data in the hopes of understanding and using it to persuade voters?

Democracy requires the citizenry to have trust and confidence in the political process — and a significant element of that process concerns how political parties collect and use the personal information that belongs to Canadians.

Parliament and some provincial legislators created offices that oversee the collection and use personal information by private and public bodies. Curiously that oversight, with few exceptions, does not apply to political parties.

British Columbia is an exception. BC's *Personal Information Protection Act* or PIPA applies to all organizations in BC. It is substantially similar to PIPEDA and for that reason generally supplants PIPEDA's authority in the province.

Political parties in my province have been subject to PIPA since its enactment in 2004. In the 14 years that have since passed I can assure you democracy has continued to thrive unimpeded in British Columbia. We have NOT heard concerns or suggestions

that laws protecting the personal information of voters restrict the ability of political parties or candidates to engage voters.

Political parties in BC can and do collect personal information about voters, but they do so under the same reasonable, legal responsibilities and obligations that apply to other organizations.

Generally this means political parties get information with the consent of voters accompanied by a clear explanation of how and for what purpose that information will be used.

I said *generally* with consent because there are legislative provisions that allow parties to collect information without consent — specifically, to get the voters' list and other voter data from Elections BC. But these provisions come with a condition — that the party receiving the information provide a satisfactory privacy policy to the Chief Elections Officer.

PIPA also gives citizens the legal right to request and correct personal information political parties collect from them and to register a complaint if necessary — complaints adjudicated by my office.

A citizen's right to exert control over their personal information is a fundamental principle of privacy law. It is a principle strengthened by the EU's General Data Protection Regulation, which comes into effect in a few days in Europe.

You may be interested to know that my office is now undertaking a broad investigation of how the elected parties in our Legislature collect and use voters' personal information. Those parties I note have fully cooperated with our Office's investigators.

I expect that the investigation will result in recommendations and guidance that will help parties improve their privacy practices. Of course, I know that recent proposed amendments to the *Canada Elections Act* will require political parties to adopt a policy to protect personal information and to provide it to the Chief Electoral Officer. These proposals are only a minimal step forward.

They attempt to address the principle of transparency, but that is only one element of a proper data protection regime. The proposed amendments do not require parties to respond to a voter's request for the information a party holds about them.

Nor do they allow a voter the right to ask a party to correct inaccurate information about them. Perhaps most importantly there is no provision for an impartial third party to hear and determine a voter complaint.

These basic legal standards have been part of BC law for years and are the norm in many western democracies.

There should be nothing for political parties to fear in any of these legal obligations. In fact, their implementation will do nothing but enhance the confidence of citizens in their democratic institutions.

With that, Mr Chairman, we are happy to take any questions that you have.