



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

CHECK AGAINST DELIVERY

SPEECH TO THE INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS

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INFORMATION AND PRIVACY COMMISSIONER FOR BC**

Thank you David [Loukidelis] for the kind introduction.

You and David Flaherty (“David the 1st”) both set a very high bar for Commissioners in BC!

Fortunately, I was able to stand on your shoulders.

The substantial groundwork you laid – a remarkable body of access and privacy jurisprudence that has served us to this very day -- put the B.C. office on solid footing as I got my sea legs as a shiny new Commissioner.

Six years later, I hope I have measured up to the high water mark that you set.

It’s fitting that Robert Sawyer and I are paired together this morning ...

...because the truth can be stranger than fiction.

What a surprise – and honour – to have been confirmed as the next Information Commissioner for the United Kingdom.

UK Appointment

I have to tell you, though... that leaving Canada was not an easy decision.

I'm a Richmond, BC girl.

And I love my job.

Being a Commissioner in B.C. is one of the best gigs going.

Access to information and privacy touch nearly all aspects of public and commercial life.

And the ground is always shifting, so you never know what's around the corner – from voter profiling by political parties, to a tailings pond breach at a mining site.

I've been a privacy regulator for more than a dozen years.

Though the pace of the job has quickened, and the scope of work grows wider every day... I count myself lucky that I get to do this job.

But, like a moth drawn to the light, I am a regulator drawn to greater powers.

What a tremendous opportunity to take lessons learned from Canada... to the UK.

And the timing couldn't be better.

The EU's GDPR, with its new compliance requirements AND stronger enforcement, has been given the final approval by the European Parliament and will take effect after a two year grace period.

This law sets a an extraordinarily high bar for privacy and data protection around the world.

Like the current Information Commissioner Christopher Graham, I am looking forward to finalization of a robust Privacy Shield agreement.

Ensuring that the Privacy Shield is fit for purpose is critical for US companies seeking to do business in Europe ...

But also for countries like Canada, where the European Court of Justice's high threshold for privacy could call our adequacy into question. –

...And new UK surveillance laws being debated in Parliament will have major implications for privacy.

A discussion I will be contributing to in my new role.

I'm very much looking forward to being an effective partner in advancing information rights in the UK and an influential voice in Europe -- but I will miss Canada – and all of you.

Canadian Commissioners

That goes double for my fellow Commissioners, who are here today.

Thank you for your friendship, your advice and counsel over the years.

Canadian Commissioners are leaders on the global stage -- from accountability and privacy by design, to international networks like APPA and GPEN.

I look forward to continuing to work with you through those networks.

What Canada has to offer the world...

Since my appointment was first announced, I've had a lot of people ask me:

What's with the colonial sweep in the UK?

There's Mark Carney, Governor of the Bank of England ...

Moya Greene, Chief Executive of the Royal Mail

Justin Bieber is touring there...

But it's not just our friendly and welcoming nature that makes Canadians appealing.

I believe Canada has something special to offer the world... and the privacy community.

Collaboration

Canadians are collaborative at heart.

As a federated state, we have to work together... to make our country work.

We are diverse, geographically, culturally and linguistically – and we believe that's something to be celebrated.

And we resolve our differences through dialogue, consultation, and open and democratic debate.

In the privacy community, you can't talk about collaboration without talking about Jennifer Stoddart.

It was during her tenure that Canada's federal and provincial Commissioners came together, ushering in a new era of collaborative action and enforcement.

We blazed a trail with joint investigations – the first being TGX/Winners -- and statements on issues of public concern.

Commissioners spoke in favour of legislative reform -- to ensure Canada's privacy laws have the flexibility, the tools, and the muscle to address the challenges of the digital society.

We spoke out against legislation that granted warrantless access to the personal information of Canadians by law enforcement.

And we spoke with one voice when -- seven days after the attacks on Parliament Hill -- we affirmed that privacy rights were as important to Canadians as security rights. That one could not be compromised for the other.

United, we are a powerful voice for privacy.

Privacy Bridges

Canadians are also known for bridging the privacy cultures of Europe and the United States.

But Canada is more than just a hybrid of these approaches.

We're not just Euro-lite.

We offer something unique.

And it's found in our approach to the challenges of regulation and compliance.

The Canadian approach is marked by – first – a willingness to engage and build relationships – be it with industry, government, stakeholders, or advocates.

We are reasonable, approachable, practical.

Second, we have the flexibility to address almost any privacy challenge that comes our way – owing to the strength of the principles that ground our legal framework.

Third, we take those principles to the next level with practical compliance tools -- Canada's work on accountability and privacy management is an example of this.

The Canadian approach is open, dynamic, innovative – and it will help us weather the storm of rapid technological change, creeping surveillance, and an ever-crowded marketplace of ideas.

Circumstances that challenge all of us to get to compliance... and beyond.

That approach is what makes Canadians such important contributors to global privacy discussions today.

What I am most proud of

Another question I am often asked these days:

What am I most proud of, in my time as a privacy regulator?

It is impossible to pick just one case, one moment that stands above the rest.

But I can reflect on the broader outcomes of the work -- where I think we have made a difference.

WHEN OUR WORK MADE A DIFFERENCE TO THE ORDINARY PUBLIC

I am extremely proud of the files where we moved the marker in law or policy ... where our work made a difference to the public at large.

The **Facebook investigation**, which I led as Assistant Privacy Commissioner of Canada – resulted in the first-ever privacy controls for the social media site...

These privacy controls which we take for granted today were implemented worldwide – giving users the ability to control their personal information, and how it is shared with third party apps, Facebook users, and the platform itself.

In BC, our broad-brush investigation into **police information checks** resulted in a province-wide policy change...

... where mental health information, including police apprehensions and suicide attempts, was eliminated for all record checks...

...and non-conviction information ceased to be disclosed for all jobs outside the vulnerable sector.

For the thousands of British Columbians who require a police information check each year – that change made a huge difference...

...and lifted the burden of having to explain these sensitive details to a prospective boss.

And our **deleted email investigation**, released in BC last October, prompted a landslide of media coverage.

But, more importantly, prompted Premier Clark to commit to pass duty to document legislation and other key access to information policy changes!

These changes pave the way for clearer skies for public record keeping, greater accountability for citizens, and robust information rights – because records will be created and retained.

PULLED BACK THE CURTAIN – HELPING CITIZENS UNDERSTAND HOW TECHNOLOGIES WORKED

Another important place I feel we have made a real difference... is where our investigations **pulled back the curtain on new technologies**.

From **automatic licence plate recognition systems**, to **facial recognition**, **employee monitoring and spyware** – we've helped the public understand technologies and their impact on privacy.

We've helped guide businesses and public bodies to know where the no-go zones are.

As a regulator, I believe that we have a HUGE role to play in promoting that understanding.

The onus is on us shine a light onto the far corners of a program, policy or issue on behalf of the public.

So that citizens can make informed choices, advocate for change, and contribute to public debate.

BRINGING DIVERSE GROUPS TOGETHER

Finally, I want to mention our work bringing diverse groups together.

Last month, my office partnered with the Conference Board of Canada to host a **Canadian Privacy Summit in Vancouver...**

...where CPOs and major players in government and civil society got together for a two-day conversation about big data, the internet of things and the economics of personal information.

There was intense debate and discussion. And not everyone agreed. But it resulted in a thorough airing of the issues. We really grasped what's at stake... and we also found common ground.

We agreed to continue the dialogue going forward.

Closing

But at the end of the day... no matter how good a job regulators do – no matter how many talented staff we have, or how hard they work -- the impact we're going to have on building a privacy culture is probably pretty modest.

It's this community that is going to make the difference.

It's the privacy officers on the front lines.

The advocates and the academics, who expose the issues, analyze the impacts, and file the complaints.

It's the executive leads who champion privacy across the organization.

And the industry leaders who walk the talk.

In an era of ubiquitous technology, mass data collection, and creeping surveillance, the challenges facing privacy are greater than ever.

It is up to each of us... to defend the value of privacy and its place in our connected world.

I am so very proud to be a part of this community. To have served Canadians for all these years.

Thank you all very much.

I hope to see you all again very soon.