

Appearance before the Standing Committee on Access to Information, Privacy and Ethics, February 14, 2022

Good morning. My name is Christopher Parsons. I am a Senior Research Associate at the Citizen Lab, which is part of the Munk School of Global Affairs & Public Policy at the University of Toronto. I appear before this committee in a professional capacity that represents my views, and my comments are based on research I have conducted at the University of Toronto's Citizen Lab

A Chaotic Communications Environment

The earliest days of the pandemic were chaotic in terms of information that was communicated by all levels of government. One area of confusion arose surrounding the extent to which these governments used mobility data and for what purposes.

A few examples. On March 24, 2020 the Prime Minister and Dr. Tam asserted that telecommunications mobility data was not being used by government agencies. In the March 23, 2020 announcement that the government was partnering with BlueDot, the Prime Minister's official comments do not refer to mobility information; this information was only available by reading press statements, such as from UofT. It was only in December 2020 that information that mobility information was being used appeared on the COVID Trends website. There is still no indication of where precisely that information comes from.

I raise these points not to indicate that the government misled Canadians, per se, but that the information environment was chaotic and yet to be adequately corrected.

To begin this correction I suggest the committee recommend that the Covid Trends website be updated to make clear the specific sources of mobility data the government is using, as well as include an opt-out to TELUS's data-for-good program, and enable individuals to opt-out of BlueDot's collection of information. Further, the committee should recommend that TELUS incorporate the opt-out mechanism into all their customer portals, such as for both TELUS and Koodo, in obvious ways so individuals know they have this option.

I now turn to the issue of using telecom and data analytics information for health surveillance.

Using Telecommunications Networks and Data Analytics Services for Health Surveillance

A key issue before this committee is TELUS and BlueDot's collection of information and disclosure of it to the Government of Canada. In the case of TELUS, they transform the qualitative nature of the data upon repurposing information that might be used to technically service their network into a sellable data asset. In the case of BlueDot it remains unclear just how, and under what terms, they obtained the data that was provided to the government.

Together, the activities of these companies speak to the government's seeming willingness to receive mobility data without first confirming that individuals have meaningfully consented to such disclosures.

As such, I **recommend** that the committee propose a series of *Privacy Act* reforms.

First, that private vendors which provide either anonymized, aggregated, or identifiable information to government agencies be mandated to prove they have obtained meaningful consent from individuals to whom the information relates before it is disclosed.

Second, that the *Privacy Act* be updated to capture anonymous or aggregated information that is collected, or received, by government agencies. Aggregated and anonymous information can drive policies affecting individuals and communities, and those individuals and communities do not lose an interest in the data because it is anonymous. Programs using such information should be required to receive approval from the Privacy Commissioner before they launch.

Third, that the Government of Canada, whenever it is receiving either identifiable or aggregated and anonymized information derived from individuals from private organisations, be required to demonstrate that such information was collected by those organisations after individuals meaningfully consented to the collection and disclosure.

Further *Privacy Act* Reform

The *Privacy Act* presently empowers the government to collect significant volumes of information without the explicit knowledge or consent of individuals. PHAC has not indicated a desire, need, or intention to subsequently re-identify datasets. However, it could change that policy tomorrow given the current status of the *Privacy Act*. This is a problem.

I **recommend** the following. First, that the committee propose updating legislation to include necessity and proportionality requirements, which would compel government organisations to demonstrate that identifiable or anonymized information is required to fulfill a specific activity, and that the sensitivity of the data is proportional to the activity in question..

Second, that government agencies be restricted from re-using information that they have acquired, absent re-acquiring an individual's meaningful consent for re-use where appropriate.

Third, that government agencies be required to ensure that meaningful consent is obtained before individuals are included in anonymised datasets, and that retention limits be placed on these datasets, that re-identification attempts be strictly prohibited, and that the Privacy Commissioner be empowered to assess the proportionality of any anonymised dataset programs.

Conclusion

In addition to the aforementioned suggestions, in the brief that was submitted to this committee I provide additional details and recommendations, and in particular as it pertains to compelling private organizations to disclose how they handle individuals' personal information.

Thank you for your time, and I look forward to your questions.