

**MEMO# 32339**

March 31, 2020

# **ICI Global Letter to Canadian Government on Proposed Overhaul of Data Privacy Legislation**

[32339]

March 31, 2020 TO: ICI Global Members

ICI Global Regulated Funds Committee

Privacy Issues Working Group

SEC Rules Committee

Small Funds Committee SUBJECTS: Compliance

Disclosure

International/Global

Investment Advisers

Privacy

State Issues RE: ICI Global Letter to Canadian Government on Proposed Overhaul of Data Privacy Legislation

ICI Global submitted the attached letter to the Canadian government, providing recommendations regarding changes to its data privacy laws. As we previously reported, the Canadian government is considering sweeping updates to its privacy and data protection laws, including amendments to the Personal Information Protection and Electronic Documents Act (PIPEDA), in which it will address treatment of transborder dataflows.[\[1\]](#)

In connection with these efforts, the government released a discussion paper that outlines potential approaches to reform, including modernizing existing consent and transparency requirements.[\[2\]](#) The government intends these amendments to better align Canadian privacy legislation with international privacy law frameworks (including those in the European Union) in order to achieve an integrated digital economy both domestically and abroad.

ICI's letter responds to the discussion paper, taking a high-level, global approach, and offers the following three recommendations based on "lessons learned" from members' experience with data privacy laws in the United States and European Union:

- Create exceptions for financial institutions' standard business activities;
- Consider carefully the treatment of, and appropriate exemptions for, certain personal information of employees; and

- Avoid conflicts with international privacy frameworks and other legal requirements.

We expect to provide more detailed feedback when the government releases proposed text of any legislative amendments to PIPEDA.

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## [Attachment](#)

### **endnotes**

[1] We provided a more detailed summary of the proposed changes in ICI Memorandum No. 31920, available at [https://www.ici.org/my\\_ici/memorandum/memo31920](https://www.ici.org/my_ici/memorandum/memo31920). ICI Memorandum No. 31985, available at [https://www.ici.org/my\\_ici/memorandum/memo31985](https://www.ici.org/my_ici/memorandum/memo31985), provides additional information on Canada's Office of the Privacy Commissioner (OPC) and its policy position on transborder data flows. The OPC recently released its 2018-2019 Annual Report to Parliament on the Privacy Act and PIPEDA, titled *Privacy Law Reform – A Pathway to Respecting Rights and Restoring Trust in Government and the Digital Economy* (Dec. 10, 2019), available at [https://www.priv.gc.ca/en/opc-actions-and-decisions/ar\\_index/201819/ar\\_201819/](https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/201819/ar_201819/).

[2] *Strengthening Privacy for the Digital Age: Proposals to modernize the Personal Information Protection and Electronic Documents Act*, Innovation, Science and Economic Development (ISED) Canada, available at [https://www.ic.gc.ca/eic/site/062.nsf/eng/h\\_00107.html](https://www.ic.gc.ca/eic/site/062.nsf/eng/h_00107.html).