

MEMO# 32171

January 24, 2020

Draft Letter to Canadian Government on Proposed Overhaul of Data Privacy Legislation; Feedback Requested by February 3

[32171]

January 24, 2020 TO: ICI Global Regulated Funds Committee

Privacy Issues Working Group

SEC Rules Committee

Small Funds Committee RE: Draft Letter to Canadian Government on Proposed Overhaul of Data Privacy Legislation; Feedback Requested by February 3

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. 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.

Attached is a draft letter that responds to the discussion paper. Please send any comments on the letter to Linda French (linda.french@ici.org) and Shannon Salinas (shannon.salinas@ici.org) by close of business on **Monday, February 3**.

The letter takes 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:

1. Create exemptions for financial institutions’ standard business activities;
2. Consider carefully the treatment of and appropriate exemptions for certain personal information of employees; and
3. Ensure interoperability with international privacy frameworks and domestic legal requirements.

We expect to provide more detailed feedback when the government comes forward with

proposed text of any legislative amendments to PIPEDA.

Linda M. French
Assistant Chief Counsel, ICI Global

Shannon Salinas
Assistant General Counsel - Retirement Policy

[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. ICI Memorandum No. 31985, available at 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/.

Copyright © by the Investment Company Institute. All rights reserved. Information may be abridged and therefore incomplete. Communications from the Institute do not constitute, and should not be considered a substitute for, legal advice.