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NEWS

NEW REGULATIONS NEEDED: LAWYER

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lecting anyone's personal information.

The Liberals' planned update to the Personal Information Protection and Electronic Documents Act (PIPEDA) was made known in 2019 with the so-called digital charter. That framework prioritized Canadians having access and control over their personal information and data, fair competition in a digital space dominated by giant American companies, and "strong enforcement" against companies that violate privacy laws.

Canadian regulators currently have few tools to enforce privacy laws, and few penalties to impose for violations — such as collecting data without consent, a situation the government plans to remedy with the creation of a data

protection tribunal.

Kirsten Thompson, a lawyer with Dentons specializing in privacy issues, said technology has outpaced Canada's privacy regime, so an update is needed.

But Thompson said Canada's approach needs to find a balance between the laissez-faire approach of the United States and Europe's more stringent privacy regulations.

"I'm not sure we want to go as far as (the European Union), which puts the emphasis on human rights protection, and I suspect that neither do we want to go in the direction that the U.S. takes, which is laissez-faire capitalism," said Thompson, who represents companies navigating Canada's privacy laws.

"Canada is somewhere in the middle of that," she said. "Getting that balance

right is going to be critical."

It's not clear how the new data protection tribunal will fit in with the Office of the Privacy Commissioner, which has taken an aggressive stance on privacy issues surrounding big tech and social media platforms.

But Thompson said it would be good to separate the advocacy role — which Privacy Commissioner Daniel Therrien has embodied during his tenure — from a neutral enforcement role.

"What is clear is that Canadians want more transparency in how their data is being collected and how it is being used," said a government report on digital charter consultations.

"Current consent-based models with complex and lengthy privacy policies are inadequate and do not help build trust."

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