



March 15, 2010

**By Email**

2010 Consumer Privacy Consultations  
Office of the Privacy Commissioner of Canada  
112 Kent Street  
Ottawa, ON K1A 1H3

Dear Sir or Madam,

**RE: Notice of Consultation and Call for Submissions Understanding Online Tracking, Profiling and Targeting**

The Canadian Wireless Telecommunications Association (CWTA) is pleased to provide initial comments in response to the *Consultation and Call for Submissions on Understanding Online Tracking, Profiling and Targeting*. CWTA is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry. CWTA's members have a direct interest in the subjects under consideration. The following comments are limited to the Association's views regarding the stated objective of the consultation "to inform the next PIPEDA review process".

CWTA feels that the *Personal Information Protection and Electronic Documents Act* (PIPEDA) effectively realizes the privacy needs of consumers while permitting industry to innovate. Furthermore, CWTA submits the OPC has an effective compliance framework that ensures the *Fair Information Principles* are followed.

The advantage to the OPC's investigative procedures and its approach to enforcement is the emphasis on addressing each case on the individual facts. This of course is consistent with the flexible nature of PIPEDA.

This flexible approach allows individual firms to decide on the appropriate form of consent they need given the circumstances around which a service is developed. Different firms, offering similar services, may use different techniques to achieve the same consent objectives. In CWTA's view, this is the strength of the current regime and should be maintained.

PIPEDA's flexibility also permits the introduction of new and innovative technologies without requiring changes to the regime. Any new technology or service can be examined on an individual basis to ensure it meets the standards for the *Fair Information Principles*.

Although each firm introducing a new technology or service may take a different approach to fulfilling the obligations set out in PIPEDA, the objectives remain the same. The expectation is that the principles of disclosure and informed consent are at the core of any new service.

As the Privacy Commissioner of Canada noted on marking Data Privacy Day 2010, “Companies and individuals share responsibility for safeguarding personal information”. CWTA’s members do their part to ensure that the services they offer protect the personal information collected. They also ensure that consumers are provided with the necessary information to supply informed consent regarding the use and collection of their personal information. Consumers, for their part, should avail themselves of the information provided so that they can make considered choices.

While the privacy implications of the increasing online collection of personal information may appear to be significant, the CWTA believes that PIPEDA, in existence for almost a decade, is working well and that it, along with the OPC’s enforcement toolkit, will continue to effectively address the use of new and emerging technologies.

CWTA looks forward to participating in the panel discussions planned for this spring.

Sincerely,

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Keith McIntosh  
Director, Regulatory Affairs