

mcmillan

Emerging technologies and Privacy Issues 2010: Location-based services



America's
Canadian
Law Firm

**The Canadian Bar Association
2010 National Administrative Law, Labour &
Employment Law and Privacy & Access Law Conference
November 26, 2010**

2010 is the year for Location-based services...

- **December '09:** Twitter purchases LBS provider Midxer Labs to know the location of tweets
- **March '10:** Twitter users can add their current location to their tweets
- **March '10:** Revised FB policy hints at location tagging
- **April '10:** Google publishes on its blog “the importance of geolocation services”
- **June '10:** Apple modifies its privacy policy to include its location data handling practices
- **August '10:** Facebook and new “Places” feature (available in Canada in September)
- **September '10:** Motorola purchases LBS provider Aloqa GmbH

What are location-based services?



Various uses for location data

- Location specific wireless features (ex: Location-based billing)
- Employee monitoring
- Taxi, trucks and cargo management
- Road and traffic engineering and planning (ex. Intelligent Transportation Society of America)

But also...

Various uses for location data

- Safety and Emergency Services:
 - e911, roadside assistance
 - Emergency warnings (closed roads, natural disaster, etc.)
 - Criminal investigations and National security
 - Compliance and security purposes (hospitals, governments buildings, etc..)
 - People tracking (ex. Family watch, Digital Angel, etc..)

People tracking (Family watch)

Select your province | TELUS Mobility - Windows Internet Explorer

http://www.telusmobility.com/en/index.shtml?ref=http://www.telusmobility.com/en/ON/support_services/kidfind.shtml

Google telus location family

Home Phones & devices Plans Add-ons Coverage Support Your account

Phones & devices Billing Services Coverage & travelling Being mobile Getting started Learning centre

Important notice: Due to paperless billing's popularity, we're delaying the \$2/mo. paper bill charge until further notice so more clients can switch.

Connectivity: Kid Find

Web browsing Facebook® Twitter® Navigator Ovi Maps Mobile Backup Kid Find TELUS Portal by Pocket Express

Kid Find

Effective March 18 2010, TELUS Kid Find can no longer be added to client accounts.

Using GPS technology, Kid Find gives parents and trusted caregivers the ability to locate loved ones in real time using a TELUS handset or the Internet. Only family members sharing the same TELUS account or assigned individuals can access this sensitive information.

TELUS Kid Find will work anywhere within our [GPS coverage area](#).

To use Kid Find to locate your children, you need a parent phone and a kid phone set up. All TELUS phones are kid phone capable, so most of the set up work is done using the parent phone.

1. Ensure your phone can be a parent phone.

Look at the list of parent phones to see if your phone is capable.

LG Chocolate™ 8500	LG 8100™	LG 490 Fastap™
LG 245™	LG ChocolateFlip™ 8600	Motorola RAZR™
MOTOKRZR™	Motorola v262™	Nokia 6265i™
Nokia 6165i™	Samsung A950™	Samsung A720™
Samsung A870™	Samsung U510™	Motorola RAZR™
MOTOKRZR™	Nokia 6265i™	Nokia 6165i™

If you do not have a compatible phone, you can continue to use Kid Find from your computer.

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12:46 PM

Various uses for location data

- **Various other wireless services** (potentially sponsored):
 - Traffic and navigation information
 - Proximity and directory services
 - Travel, finance services and alerts
 - Entertainment, mobile Gaming and mDating
 - M-commerce and shopping support
 - Buddy Lists

Locating friends

Facebook Places | Facebook - Windows Internet Explorer

http://www.facebook.com/places/

facebook

Email Password


Keep me logged in [Forgot your password?](#)

Explore Facebook Mobile Badges Chat Places Questions [Sign up for Facebook](#)

Places




Who. What. When. And now **Where.**

Share Where You Are

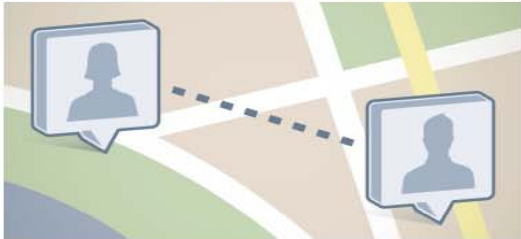


"Best. Concert. Ever."

Easily share where you are, what you're doing and the friends you're with right from your mobile.



-  Check in and your update will appear on the Place page, your friends' News Feed and your Wall.
-  Tag the friends you're with so they can be part of your update.
-  Appear in "Here Now" to friends and others nearby who are also checked in.

Connect With Friends Nearby



"I'm just down the street!"

Never miss another chance to connect when you happen to be at the same place at the same time.

-  Browse status updates of friends checked in nearby.
-  After checking in, tap "Here Now" to see who else is checked in where you are.

When a friend checks in and tags you

Terminé

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Eloise Gratton
Edit My Profile

- News Feed
- Messages 16
- Events 7
- Friends 4
- Application Requests 3
- More 11

- Friends Online
- Adrian POPOVICI
 - Brendan Tully Walsh
 - Lydia Vanessa
 - Michel Courtemanche
 - Paul Suke
 - Ken Schachter
 - Nadine Picard
 - Paul Connolly
- See All

News Feed Top News · Most Recent 174

What's on your mind?

 **Anik Fontaine** was at Art Gallery of Ontario.
3 hours ago via Facebook for iPhone · Comment · Like
Géraldine Faust likes this.

 **Annick D'Auteuil** is packing for a week... I mean three days... no matter what, it's the same thing when packing for a trip with baby. :)
about an hour ago · Comment · Like · Share
Isabelle Landry-Larue and 2 others like this.

 **Laurent Desbois**

Laurent Desbois : Les Américains s'apprentent à imprimer de l'argent | Pierre Duhamel
pierreduhamel.ca

L'auteur est président de la Société Fjord Capital L'éclatement de la bulle de crédit a des conséquences économiques profondes et à long terme aux États-Unis et dans le reste du monde. Chez nos voisins du sud, la baisse généralisée des valeurs des maisons et un taux de chômage structurel élevé modif...

about an hour ago · Comment · Like · Share

 **Onno Alixanian** ARMENIA 3 SLOVAKIA 1
Armenia claimed their first win in Euro 2012 qualifying Group B with an impressive victory over Slovakia in Yerevan
2 hours ago · Comment · Like · Share
Stephan Yazedjian and 2 others like this.

 **Onno Alixanian** http://www.rte.ie/sport/soccer/2010/1008/armenia_slovakia.html
2 hours ago · Like

 **Onno Alixanian** SLOVAKIA IS RANKED NO 16 ON FIFA WORLD RANKINGS ...ARMENIA IS 105 ...!!!
34 minutes ago · Like

Events See All

- What are you planning?
- 7 event invitations
 - The Definitive Long Weeke...** Sunday 9:00pm
 - The Definitive LongWeeken...** Sunday 9:00pm
 - Nicole Lebel's birthday. See All

Requests See All

- 4 friend requests
- 9 group invitations
- 11 Page suggestions

You have 3 games and application requests. In order to view them, click on Games or Applications in the menu on the left.

Pokes

- Roxanne Tremblay · Poke Back

Get Connected

- Who's on Facebook? Find your friends
- Who's not on Facebook? Invite them now
- Who's here because of you? Track your invites
- Connect on the go Try Facebook Mobile

Chat (8)

Locating friends

Google Latitude - Windows Internet Explorer

https://www.google.com/accounts/ServiceLogin?service=friendview&passive=21600&continue=http://www.google.com/latitude&followup=http://www.google.com/latitude

Fichier Edition Affichage Favoris Outils ?

Google google latitude

Rechercher Partager Sidewiki Orthographe Traduire Saisie automatique google latitude Connexion Liens

Google Latitude


Google latitude

Update: the privacy policy has been simplified and updated. [Learn more.](#)

On a mobile device? Visit m.google.com/latitude.

See your friends on a map with Google Latitude

To start using Google Latitude on your computer, sign in or create a free Google Account.




- See your friends locations and status messages on a full-screen map
- Control your location and who gets to see it

[Learn more about Google Latitude](#)

Use Google Latitude on your phone

With Google Latitude on your phone, you can quickly contact your friends with an SMS, IM, or phone call.



To start using Google Latitude on your phone, open your mobile web browser and go to:

google.com/latitude

©2010 Google - [Google Home](#) - [Terms of Service](#) - [Privacy Policy](#) - [Help](#)

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

Locating friends

foursquare - Windows Internet Explorer
http://foursquare.com/

Foursquare on your phone gives you & your friends new ways of exploring your city. Earn points & unlock badges for discovering new things. [LEARN MORE](#)

CHECK-IN FIND YOUR FRIENDS UNLOCK YOUR CITY


RECENT ACTIVITY

-  **Jessica H.** in Minneapolis, MN: wrote a tip @ [Lush Food Bar](#): Ask Evan about his "meatstick" and the hysteria it causes. 
-  **Chee Keat L.** in Batu Lanchang, Penang: wrote a tip @ [Batu Lanchang Market Food Court](#): Store No. 76: Half boil eggs and toast 
-  **Bradley S.** in St. Charles, MO: unlocked the '[Adventurer](#)' badge. 
-  **Terry G.** in Washington, DC: unlocked the '[Superstar](#)' badge. 
-  **Nate B.** in Arvada, CO: unlocked the '[Don't Stop Believin'](#)' badge. 
-  **Urlacher** in 44144, oh: became the owner of [Hedgar's house](#) 

GET IT NOW

- [iPhone](#) →
- [BlackBerry](#) →
- [ANDROID](#) →
- [palm](#) →
- [OTHER DEVICES](#) →

What is foursquare?



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and... location-based advertising



Privacy issues?



1) Data protection laws

Data protection laws regulate the collection, use and disclosure of “personal information”

Data protection laws regulate the collection, use and disclosure of **“personal information”**

What is “personal information”?

- Canada, Quebec (private sector):
 - « Any information which relates to a natural person and allows that person to be identified.»
- Canada, PIPEDA:
 - « Information about an identifiable individual (...).»
- European Directive 95:
 - « Any information relating to an identified or identifiable natural person (...) »

Does location data = personal data?

Europe

- Article 29 Data Protection Working Party, *Opinion on the use of location data with a view to providing value-added services*, November 2005, 2130/05/EN.

« Since location data **always** relate to an identified or identifiable natural person, they are subject to the provisions on the protection of personal data laid down in Directive 95/46/EC of 24 October 1995.»

In Europe....

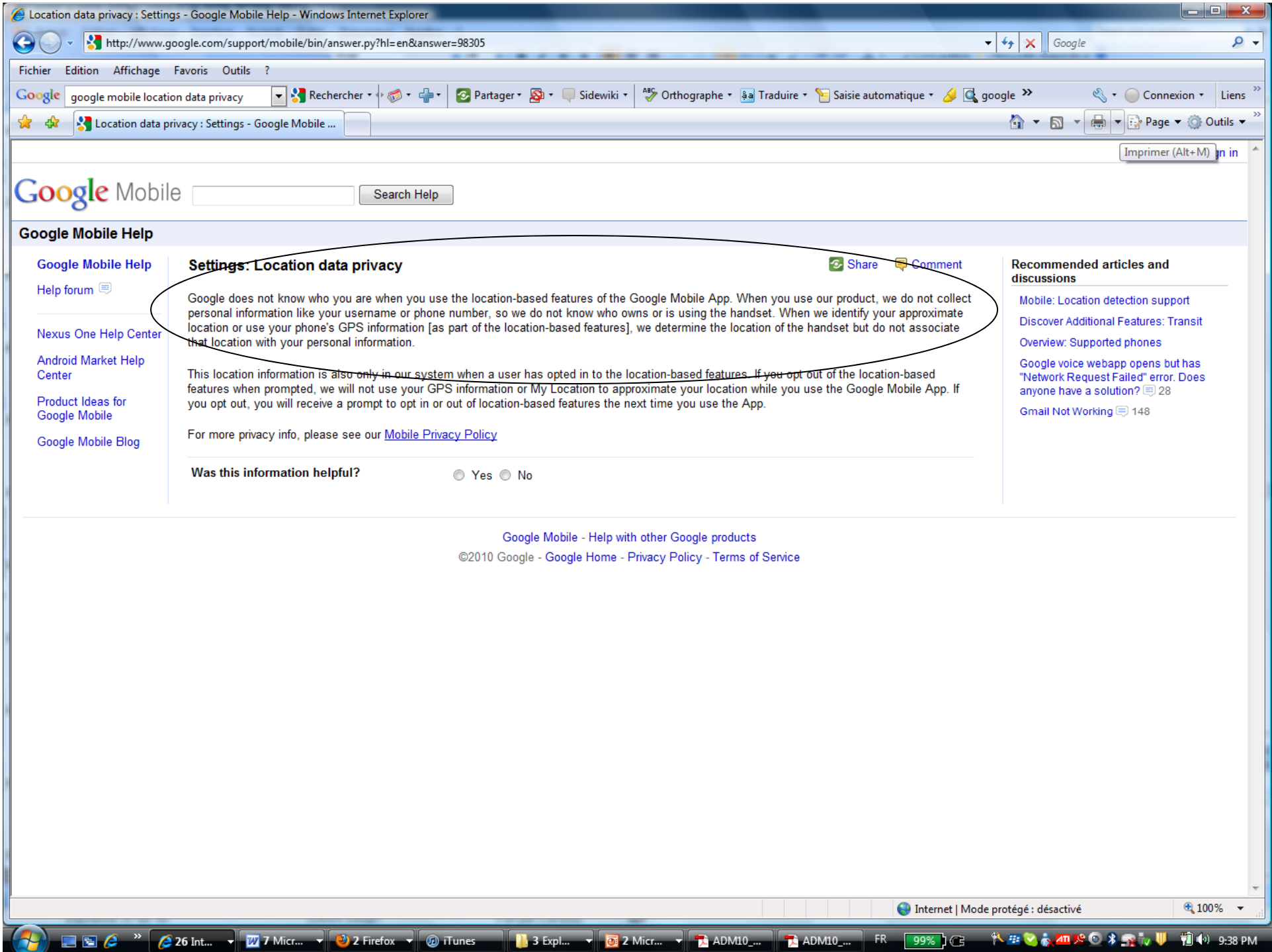
- Article 29 Data Protection Working Party, *Opinion 4/2007 on the concept of personal data*, Adopted on 20 June 2007, 01248/07/EN WP 136.

Example No. 8: monitoring of taxis' position to optimize service having an impact on drivers.

A system of satellite location is set up by a taxi company which makes it possible to determine the position of available taxis in real time. The purpose of the processing is to provide better service and save fuel, by assigning to each client ordering a cab the car that is closest to the client's address. Strictly speaking the data needed for that system is data relating to cars, not about the drivers. The purpose of the processing is not to evaluate the performance of taxi drivers, for instance through the optimization of their itineraries. Yet, the system does allow monitoring the performance of taxi drivers and checking whether they respect speed limits, seek appropriate itineraries, are at the steering wheel or are resting outside, etc. It can therefore have a considerable impact on these individuals, and as such the data may be considered to also relate to natural persons. The processing should be subject to data protection rules.

Profiling issues

- How will profiling be achieved in the mobile space?
 - Static profiling (demographic and psychographic data)
 - Dynamic profiling (historical location data)
 - Location-specific profiling (real-time location data)
 - And correlation with online profiles....



Google Mobile Search Help

Google Mobile Help

Google Mobile Help

Help forum

Nexus One Help Center

Android Market Help Center

Product Ideas for Google Mobile

Google Mobile Blog

Settings: Location data privacy

Share Comment

Google does not know who you are when you use the location-based features of the Google Mobile App. When you use our product, we do not collect personal information like your username or phone number, so we do not know who owns or is using the handset. When we identify your approximate location or use your phone's GPS information [as part of the location-based features], we determine the location of the handset but do not associate that location with your personal information.

This location information is also only in our system when a user has opted in to the location-based features. If you opt out of the location-based features when prompted, we will not use your GPS information or My Location to approximate your location while you use the Google Mobile App. If you opt out, you will receive a prompt to opt in or out of location-based features the next time you use the App.

For more privacy info, please see our [Mobile Privacy Policy](#)

Was this information helpful? Yes No

Recommended articles and discussions

- Mobile: Location detection support
Discover Additional Features: Transit
Overview: Supported phones
Google voice webapp opens but has "Network Request Failed" error. Does anyone have a solution? 28
Gmail Not Working 148

Apple - Apple Customer Privacy Policy - Windows Internet Explorer

http://www.apple.com/privacy/

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Google Rechercher Partager Sidewiki Orthographe Traduire Saisie automatique

Apple - Apple Customer Privacy Policy

Ce site Web souhaite exécuter le module complémentaire « QuickTime » publié par « Apple Inc. ». Cliquez ici si vous faites confiance à ce site et à ce module pour l'autoriser à s'exécuter...

How we use your personal information

- The personal information we collect allows us to keep you posted on Apple's latest product announcements, software updates, and upcoming events. It also helps us to improve our services, content, and advertising. If you don't want to be on our mailing list, you can opt out anytime by [updating your preferences](#).
- We also use personal information to help us develop, deliver, and improve our products, services, content, and advertising.
- From time to time, we may use your personal information to send important notices, such as communications about purchases and changes to our terms, conditions, and policies. Because this information is important to your interaction with Apple, you may not opt out of receiving these communications.
- We may also use personal information for internal purposes such as auditing, data analysis, and research to improve Apple's products, services, and customer communications.
- If you enter into a sweepstake, contest, or similar promotion we may use the information you provide to administer those programs.

Collection and Use of Non-Personal Information

We also collect non-personal information – data in a form that does not permit direct association with any specific individual. We may collect, use, transfer, and disclose non-personal information for any purpose. The following are some examples of non-personal information that we collect and how we may use it:

- We may collect information such as occupation, language, zip code, area code, unique device identifier, location, and the time zone where an Apple product is used so that we can better understand customer behavior and improve our products, services, and advertising.
- We also may collect information regarding customer activities on our website, MobileMe service, and iTunes Store and from our other products and services. This information is aggregated and used to help us provide more useful information to our customers and to understand which parts of our website, products, and services are of most interest. Aggregated data is considered non-personal information for the purposes of this Privacy Policy.

If we do combine non-personal information with personal information the combined information will be treated as personal information for as long as it remains combined.

Cookies and Other Technologies

Apple's website, online services, interactive applications, email messages, and advertisements may use "cookies" and other technologies such as pixel tags and web beacons. These technologies help us better understand user behavior, tell us which parts of our website people have visited, and facilitate and measure the effectiveness of advertisements and web searches. We treat information collected by cookies and other

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Does location data = personal data?

- If linked to a phone number or other unique identifier = personal information, especially since a **device usually belongs to a unique individual**
- If not linked to anything: maybe still personal information, depends on:
 - the quantity and quality of the information collected (potential analogy with clickstream data, AOL data scandal, etc..)

If it is personal information, is it **sensitive**? Probably!

Eric Smith, *iPhone Applications & Privacy Issues: An Analysis of Application Transmission of iPhone Unique Device Identifiers (UDIDs)*, October 1, 2010.

– **Easy to track the location of an iPhone user**

« While there is no direct evidence that this (location) data is being used to physically track iPhone users, it would be trivial to implement such a system using a combination of UDIDs and time-stamped IP addresses. The correlation of this data with a GeoIP library¹⁴ would allow an iPhone user's approximate physical location to be tracked in **real time**. The iPhone's hard-wired preference for local wireless networks over cellular data enhances this tracking ability, as the phone will only use the cell network for data when it has no wifi connectivity. While GeoIP lookups on cellular phone networks generally do not often provide useful location data, lookups on Wifi hot spots are often **remarkably precise**. »

Eric Smith, *iPhone Applications & Privacy Issues: An Analysis of Application Transmission of iPhone Unique Device Identifiers (UDIDs)*, October 1, 2010.

– **Risk of location leaking from iPhones**

« Privacy and security advocates, personal iPhone owners, and corporate iPhone administrators should be concerned that **it would be feasible -- and technically, quite simple -- for their browsing patterns, app usage, and physical location collected and sold to unintended customers such as advertisers, spouses, divorce lawyers, debt collectors, or industrial spies.** Since Apple has not provided a tool for end-users to delete application cookies or to block the visibility of the UDID to applications, iPhone owners are helpless to prevent their phones from leaking this information. »

Consent should be obtained prior to
collecting, using and disclosing
personal information

Consent should be obtained prior to collecting, using and disclosing personal information

Disclosure

- Content of the disclosure
 - Is the location data collected frequently and is it accurate?
 - Is the location data collected over (and kept for) a long period of time ?
 - Who is the data shared with (LBS developer, LBS provider, content provider, network operator, etc..)?
 - What will happen to the location data if the organisation handling the data or any of its partners gets sold or goes out of business?

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logging in to your account at www.apple.com/contact/myinfo. For other personal information, we make good faith efforts to provide you with access so you can request that we correct the data if it is inaccurate or delete the data if Apple is not required to retain it by law or for legitimate business purposes. We may decline to process requests that are unreasonably repetitive, require disproportionate technical effort, jeopardize the privacy of others, are extremely impractical, or for which access is not otherwise required by local law. Access, correction, or deletion requests can be made to the regional [Privacy email addresses](#).

Children

We do not knowingly collect personal information from children under 13. If we learn that we have collected the personal information of a child under 13 we will take steps to delete the information as soon as possible.

Location-Based Services

To provide location-based services on Apple products, Apple and our partners and licensees may collect, use, and share precise location data, including the real-time geographic location of your Apple computer or device. This location data is collected anonymously in a form that does not personally identify you and is used by Apple and our partners and licensees to provide and improve location-based products and services. For example, we may share geographic location with application providers when you opt in to their location services.

Some location-based services offered by Apple, such as the MobileMe "Find My iPhone" feature, require your personal information for the feature to work.

Third-Party Sites and Services

Apple websites, products, applications, and services may contain links to third-party websites, products, and services. Our products and services may also use or offer products or services from third parties – for example, a third-party iPhone app. Information collected by third parties, which may include such things as location data or contact details, is governed by their privacy practices. We encourage you to learn about the privacy practices of those third parties.

International Users

Information you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. Apple abides by the "safe harbor" framework set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information collected by organizations in the European Economic Area and Switzerland. Learn more about the [U.S. Department of Commerce Safe Harbor Program](#).

Please note that personal information regarding individuals who reside in a member state of the European Economic Area (EEA) is jointly controlled by Apple Sales International in Cork, Ireland, and Apple UK Limited in Uxbridge, United Kingdom. Personal information collected in the EEA when using iTunes is controlled by iTunes SARL in Luxembourg.

Our Companywide Commitment to Your Privacy

To make sure your personal information is secure, we communicate our privacy and security guidelines to



Eric Smith, iPhone Applications & Privacy Issues: An Analysis of Application Transmission of iPhone Unique Device Identifiers (UDIDs), October 1, 2010.

Broad consent is obtained, various applications collect location without it being necessary

« A number of the applications considered in this study requested access to the on-board GPS receiver. Several such applications – games, for example -- had no obvious need for this information. In several cases, applications which transmitted UDIDs were observed to transmit the iPhone's latitude and longitude as well. Even though the iPhone API requires that users give explicit permission to an application when it requests access to the phone's GPS receiver, users have already consented to this behavior. Apple's 159-page, single spaced terms of service states:

By using any location-based services on your iPhone, you agree and consent to Apple's and its partners' and licensees' transmission, collection, maintenance, processing, and use of your location data to provide such products and services.»

Eric Smith, *iPhone Applications & Privacy Issues: An Analysis of Application Transmission of iPhone Unique Device Identifiers (UDIDs)*, October 1, 2010.

– **Transferring location to advertisers (sponsored services)**

« Since our study focused on applications which are available free of charge, it was not surprising to find that a large portion of the UDID leakage we observed was directly tied to **advertisements and advertising networks**. Several patterns emerged from our data which suggest that a handful of companies are in control of the in-app advertising market on the iPhone platform. »

Choose Your Privacy Settings

Basic Directory Information

To help real world friends find you, some basic information is open to everyone. We also suggest setting basics like hometown and inter so friends can use those to connect with you. [View settings](#)

Sharing on Facebook

Everyone

Friends of Friends

Friends Only

Recommended

Custom ✓

Everyone Friends of Friends Friends Only

	Everyone	Friends of Friends	Friends Only
My status, photos, and posts			•
Bio and favorite quotations			•
Family and relationships			•
Photos and videos I'm tagged in	•		
Religious and political views			•
Birthday			•
Can comment on posts			•
Places I check in to [?]			•
Contact information			•

[Customize settings](#)

✓ This is your current setting.



Eloïse Gratton

- Edit Friends
- Account Settings
- Privacy Settings**
- Application Settings
- Credits Balance
- Help Center
- Logout

Applications and Websites

Edit your [settings](#) for using applications, games and websites.

Block Lists

Edit your lists of blocked people and applications.

Controlling How You Share

Learn more about your privacy on Facebook.

Choose Your Privacy Settings ▶ Customize settings

[← Back to Privacy](#) [Preview My Profile](#)

Customize who can see and comment on things you share, things on your Wall and things you're tagged in.

Things I share

Posts by me
Default setting for posts, including status updates and photos **Friends Only**

Family **Friends Only**

Relationships **Friends Only**

Interested in and looking for **Friends Only**

Bio and favorite quotations **Friends Only**

Website **Friends Only**

Religious and political views **Friends Only**

Birthday **Friends Only**

Places I check in to
Only Me
Everyone
Friends of Friends
Friends Only
✓ **Custom** edit
[Edit album privacy for existing photos.](#)

Include me in "People Here Now" after I check in
Visible to friends and people checked in nearby (See an example)

Things others share

Photos and videos I'm tagged in **Everyone**

Can comment on posts **Friends Only**

Chat (12)

Places I check in to Only Me

Include me in "People Here Now" after I check in
Visible to friends and people checked in nearby (See an example) Enable

[Edit album privacy for existing photos.](#)

Things others share

Photos and videos I'm tagged in Everyone

Can comment on posts
Includes status updates, friends' Wall posts, and photos Friends Only

Friends can post on my Wall Enable

Can see Wall posts by friends Friends Only

Friends can check me in to Places Edit Settings

Contact information

Mobile phone Friends Only

Other phone Friends Only

Address Friends Only

IM screen name Friends Only

eloise.gratton@mcbm.com Only Me

eloise.gratton@mcmillan.ca Friends Only

Places I check in to Only Me


Include me in "People Here Now" after I check in
Visible to friends and people checked in nearby (See an example) Enable

[Edit album privacy for existing photos.](#)

Things others share

Places: Friend Tags

Diego and 5 other friends have checked in with friends using Places.



Friends can check me in to Places Disabled

You're in control of your location on Facebook:

- Facebook will never share or expose your location automatically
- Only friends can tag you and check you in to a place
- We'll notify you when a friend has tagged you
- As with photos, you can remove a friend's tag at any time

[Learn more](#) Okay

Contact information

Mobile phone Friends Only

Other phone Friends Only

Address Friends Only

IM screen name Friends Only

eloise.gratton@mcbm.com Only Me

eloise.gratton@mcmillan.ca Friends Only

Consent

- Article 29 Data Protection Working Party, *Opinion on the use of location data with a view to providing value-added services*, November 2005, 2130/05/EN:

«Where a service requires ongoing processing of location data, the Working Party takes the view that the service provider should **regularly remind** the individual concerned that his or her terminal equipment has been, will be or can be located. This will allow that person to exercise the right to withdraw under Article 9 of Directive 2002/58/EC, should he or she wish to do so.»

2) Other privacy legal framework and special considerations

Privacy and Tracking

– Civil Code of Quebec

3. Every person is the holder of personality rights, such as the right to life, the right to the inviolability and integrity of his person, and the right to the respect of his name, reputation and **privacy**. (...)

35. Every person has a right to the respect of his reputation and **privacy**. No one may invade the privacy of a person without the consent of the person unless authorized by law.

36. The following acts, in particular, may be considered as invasions of the privacy of a person: (...) (4) **keeping his private life under observation by any means**; (...)

Privacy and Tracking

- **Act to establish a Legal framework for information technology (Quebec)**

« **43.** A person may not be required to submit, for identification purposes, to a process or device that affects the person's physical integrity. Unless otherwise expressly provided by law for health protection or public security reasons, **a person may not be required to be connected to a device that allows the person's whereabouts to be known.**»

Special considerations: Employees



Quebec

- **Art. 46 Quebec Charter of Human Rights and Freedoms:**
«Every person who works has a right, in accordance with the law, to fair and reasonable conditions of employment which have proper regard for his health, safety and physical well-being.»
- **Art. 2087 C.c.Q.:** an employer is bound to take any measures consistent with the nature of the work to protect the health, safety and dignity of the employee.
- *Syndicat des employées et employés de métiers d'Hydro-Québec, section locale 1500 – SCFP (FTQ) et Hydro-Québec, D.T.E. 2009T-273*
 - Employer had reasonable grounds to track his employee's whereabouts with a GPS. Evidence is maintained.

Special considerations: Employees



Canada

- PIPEDA Case Summary #2006-351, *Use of personal information collected by Global Positioning System considered*
- **Complaint:** Employees of a telecommunications company complained that their employer was installing GPS in their work vehicles, to track their daily movements while on the job, without their consent. The company indicated that in order for it remain competitive, it had to install GPS in vehicles used by field employees to manage workforce productivity, ensure safety and development, and protect and manage assets.
- **Finding:** The company's purposes for collecting and using personal information gathered by GPS was accepted and implied consent was present for these purposes. The company agreed to develop and communicate a policy on the utilization of such data. The Assistant Commissioner considered the complaints resolved.

Special considerations: Employees



Europe

- Working Party: must correspond to a specific need on the part of the organisation which is connected to its activity. Ok if:
 - as part of monitoring the transport of people or goods or improving the distribution of resources for services in scattered locations (e.g. planning operations in **real time**)
 - where a **security objective** is being pursued in relation to the employee himself or to the goods or vehicles in his charge.
- Equipment should be equipped with a system allowing employees to switch off the location function.
- Employees should provide their prior consent to the tracking. (dividing line between work and private life)
- Retention period should be reasonable, no longer than two months.



Special considerations: Kids

- Ex: Family watch services which enable parents, using their cell phone or connecting to a website, to obtain the location of their children to whom they have given a mobile telephone.
- Marketed as a « safety » service.
 - Ex. « Kid Find » by Telus
- *International Convention on the Rights of the Child:*
 - Art. 3: « In all actions concerning children (...) the best interests of the child shall be a primary consideration.»
 - Art. 16: « No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.»

Special considerations: Kids



- **Privacy, social and ethical issues:**
 - May possibly upset the normal relations of mutual trust between parents and their children
 - Might cause some parents to abandon their responsibility while maintaining the illusion of controlling their children's activities
 - Accustom individuals from a very young age to monitoring
 - Risk that parents may confuse knowing where their child's mobile telephone is with knowing what the child is actually doing
 - Safety of children: Service providers should introduce procedures for identifying people who register as parents and for limiting access to the service to those people alone.

Questions?

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