



THE CANADIAN  
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March 10, 2010

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

**Re: 2010 Consumer Privacy Consultations**

The National Privacy and Access to Information Law Section of the Canadian Bar Association (the “CBA Section”) welcomes the opportunity to participate in the consultations being conducted by the Office of the Privacy Commissioner of Canada on:

Understanding Online Tracking, Profiling and Targeting; and Privacy Implications of Cloud Computing.

The CBA is a national association representing 37,000 jurists, including lawyers, notaries, professors of law and law students across Canada. The Association's mandate includes improvement in the law and in the administration of justice. The CBA Section comprises over 1325 lawyers with in-depth knowledge in the areas of privacy and access to information. The CBA Section is active in commenting on developments in privacy and access law and policy.

The CBA Section supports the OPC's efforts to consult with and educate Canadians on privacy issues related to the online tracking, profiling and targeting of consumers by marketers and other businesses. It also supports the OPC's efforts to promote debate, educate Canadians and learn more about cloud computing technology, its privacy implications, and the privacy protections that Canadians expect in respect of cloud computing and the use of other emerging technologies.

Many organizations engaged in these activities are already required to comply with the *Personal Information Protection and Electronic Documents Act* (PIPEDA), the common law and consumer protection laws, among others. If Bill C-27, the *Electronic Commerce Protection Act*, is reintroduced and enacted, it may also apply in some cases.

The CBA Section's preliminary view is that PIPEDA, Canada's wide-reaching and technology-neutral privacy law, ought to be capable of adequately addressing privacy issues that may arise as a result of the activities that are the subject of the Consultations. At the same time, the CBA continues to support the ongoing review of PIPEDA and specific changes that would improve PIPEDA for the benefit of all individuals and apply to all commercial activities.<sup>1</sup>

We trust you find these comments of assistance as you move forward in the planning of both consultations. The CBA Section looks forward to receiving further details regarding the format the in-person consultations will take, and would welcome the opportunity to participate as appropriate.

Yours very truly,

*(Original signed David Fraser)*

David Fraser  
Chair, National Privacy and Access to Information Law Section

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<sup>1</sup> The CBA Section's past submissions on PIPEDA and related issues are available at [http://www.cba.org/CBA/sections\\_privacy/main/Section\\_Submissions.aspx](http://www.cba.org/CBA/sections_privacy/main/Section_Submissions.aspx).