



February 27, 2015

Via email: [opc-cpvpcconsult2@priv.gc.ca](mailto:opc-cpvpcconsult2@priv.gc.ca)

Daniel Therrien  
Privacy Commissioner of Canada  
30 Victoria Street  
Gatineau, QC K1A 1H3

Dear Mr. Therrien:

**Re: OPC Priority Setting Consultation**

Thank you for inviting the CBA to participate in the OPC's Priority Setting Consultation. Loïc Berdnikoff, an executive member of the CBA Privacy and Access Law Section (the CBA Section), participated in the Montreal meeting on February 23, 2015 and reported a stimulating and productive dialogue amongst the OPC's representatives and stakeholders in attendance.

The CBA Section supports the content and framing of the OPC's shortlist of priorities. All the issues identified are undeniably important. Rather than rank them, we believe the CBA Section is better placed to suggest guiding principles for the OPC to prioritize issues and work, in the public interest:

1. **Practical:** Favour a practical approach when considering priorities and specific action items, to provide realistic and useful solutions to Canadians, Canadian businesses and public sector organizations. Focus on areas that the OPC can influence with existing powers, recognizing that the OPC can and should seek targeted legislative changes as needed. Consider the roles of the various stakeholders and act accordingly (e.g. leverage the Ombudsman's role by having the OPC act akin to a facilitator). Continue to engage in meaningful consultation with businesses and consumers at various stages of developing guidance.
2. **Clarity:** Be clear about priorities, but still flexible as events may shift over the next five years. Think outside the box to generate innovative guidance and solutions that allow for change, such as technological evolution.
3. **Breadth:** Focus on priorities that pose significant challenges to a broad spectrum of stakeholders (e.g. cybersecurity and surveillance each have important private sector and public sector dimensions).

4. **International influence:** Ensure Canada's ongoing international leadership and influence in the privacy field by promoting Canada's principles-based model and better protecting Canadians' privacy in our interconnected, global environment.
5. **Total perspective:** Undertake unbiased study of the issues taking into account various perspectives such as the individual's interests as a consumer and citizen, government interests, and the commercial and practical interests of organizations.

These proposed guidelines do not relate to specific privacy priorities, themes or key issues identified by the OPC. Rather, they are intended to provide guidance for an approach the OPC may take in identifying its priorities and tackling initiatives with a view to effecting positive change for Canadians and Canadian businesses.

We look forward to working closely with the OPC on its upcoming initiatives. Thank you, again, for the opportunity to participate in this consultation.

Yours truly,

*(original letter signed by Sarah MacKenzie for Deirdre Wade)*

Deirdre Wade, Q.C.  
Chair, Privacy and Access Law Section