

News Release

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Paternalistic Approach to Privacy Will Deliver Unintended Consequences

“In an era of Big Data, Cloud Computing, and the Internet of Things, the individual’s control of personal data is more important than ever”

TORONTO, ON (March 5, 2014) – Challenging a recent view that consent and personal control of one’s information by individuals is a thing of the past, three leading privacy experts propose that both are indeed more important than ever. Dr. Ann Cavoukian, Ontario’s Information and Privacy Commissioner, Dr. Alexander Dix, Berlin Data Protection and Freedom of Information Commissioner, and Dr. Khaled El Emam, Canada Research Chair in Electronic Health Information, discuss their position in their new white paper: [*The Unintended Consequences of Privacy Paternalism*](#).

“If the history of privacy has taught us anything, it is that an individual’s loss of control over their personal data leads to greater privacy abuses, not fewer,” said Commissioner Cavoukian. “Inadequate restraints could lead to more of what we fear most — ubiquitous mass surveillance, detailed profiling, and the abuse of personal information.”

The genesis of the paper was in direct response to a recent suggestion that the Organization for Economic Cooperation and Development (OECD) Fair Information Practice Principles (FIPPs), which most privacy laws are based upon, should be revised to loosen the individual’s control over their personal information. The authors acknowledge that though the world is changing due to the growth of Big Data and ubiquitous computing, individuals still have the right to a basic expectation of how their personal data will be used by companies and governments.

The authors fully agree that accountability should be strengthened, but disagree with the proposal that critical FIPPs must be weakened – diminishing the role of the individual. The paper proposes that the principles of [*Privacy by Design*](#) better reflect current realities by extending the OECD FIPPs, rather than curtailing them. Specific attention is paid to strong de-identification tools and techniques, which allow innovative and socially beneficial secondary uses of personal data, without the need to obtain additional consent, resulting in positive-sum, win-win outcomes. When applied from the outset, *Privacy by Design* extends user controls and enhances accountability, promoting an innovative, design-aware future.

The Commissioner will officially launch the release of the paper in a presentation to the Congressional Bi-Partisan Privacy Caucus in Washington, DC this morning.

About Ontario's Information and Privacy Commissioner

The Information and Privacy Commissioner is appointed by and reports to the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as the *Personal Health Information Protection Act*, which applies to both public and private sector health information custodians. A vital component of the Commissioner's mandate is to help educate the public about access and privacy issues.

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