

September 1, 2021

The Honourable Doug Ford
Premier of Ontario
Legislative Bldg Rm 281
Queen's Park
Toronto, ON M7A 1A1

The Honourable Ross Romano
Minister of Government and Consumer Services
College Park 5th Floor
777 Bay St
Toronto, Ontario, M7A 2J3

Joint Association Letter on Ontario's Privacy Consultation

Dear Premier Ford and Minister Romano,

As the Ontario government considers implementing provincial privacy rules for commercial activity, we are writing to you on behalf of our members to reinforce shared perspectives raised in individual submissions and express our general concern with the government's approach.

As representatives of large and small businesses across this province, and in many cases across Canada and beyond, we understand the critical importance of protecting the privacy of our clients and customers. This is vital in the rapidly evolving digital economy, where many people increasingly conduct business online. Data and digital innovation is transforming every sector of our economy, now all the more so since the outbreak of the pandemic. We understand that it is vital to ensure individuals are secure and able to trust companies as they innovate to improve products and services. This is why we are eager to be involved in discussions with governments on the data economy and the critical importance of privacy.

Simply put, it is not advisable for the Ontario government to introduce privacy legislation for the private sector given existing federal protections and ongoing efforts to modernize the national framework.

As noted in Ontario's Digital and Data Strategy, data privacy should be a competitive advantage for Ontario businesses. The provincial government's proposed approach would achieve the opposite outcome, by adding to the patchwork of regulatory uncertainty, making it more difficult for businesses to expand across Canadian and international markets, and discouraging innovators from investing in digital services that benefit Ontarians, such as virtual care platforms.

This government has done much to support economic growth and innovation in this province to the benefit of both businesses and consumers. We urge the government to continue to consider the

impact of its data policies on small businesses, individuals who increasingly rely on digital services, and the post-pandemic economic recovery.

Business

Privacy rules must be consistent across Canada in order to enable companies to operate seamlessly across inter-provincial and international borders. We firmly believe that a consistent federal framework is the best way to achieve this outcome. In the digital economy, companies must be able to move data quickly and efficiently to serve customers and to innovate. This is true today and it will only gain in importance in the future. Canada has been a leader in calling for unimpeded cross-border data flows, and we believe this stance is the best one to support economic growth, efficiency, and innovation.

Individuals

Consistent rules around privacy also ensure that individual Ontarians (and Canadians across the country) clearly understand how their privacy is protected no matter where they are in the country. Every additional layer of privacy rules only serves to make it more difficult to understand which rules apply and when.

Economic recovery

We are at fragile moment in the recovery from the pandemic, in particular for the many small and medium-sized businesses across this province that have been hit hard by the COVID-19 pandemic. Associations representing SMEs anticipate that it will take 2-3 years for their members to recover – some may not recover. This is not the time to impose additional compliance requirements on these firms – especially in an area that is already covered by existing federal legislation.

Areas for further work

We do welcome the Ontario government's interest and work on data and digital issues. We believe there are a number of areas where real value can be added in this work. In terms of data, we believe tremendous benefits could be derived from the sharing of non-sensitive data between the government, the private sector, academia, and non-profits for the benefit of Ontarians. Opening up this data for research and innovation could make Ontario a leading jurisdiction in Canada and the world. We also support work on a digital identity for Ontarians that could enable them to access and hold driver's licenses, OHIP cards, vaccine cards and other forms of identity in one secure place. This could be integrated with private sector accounts and cards as well, and eventually integrated with federal identity cards. Our members would welcome further work in these areas and the opportunity to bring our expertise to bear on resolving the technical issues involved.

Sincerely,

The following associations:

