



Surveying Boundaries: Canadians and their personal information

The report *Surveying Boundaries* resulted from the first opinion poll conducted by consumer groups on the protection of personal information in Canada. Sponsored by the federal government department, Industry Canada, the study was carried out by the Federation of Quebec Consumer Groups (FNACQ) and the Public Interest Advocacy Centre (PIAC). Its findings are based on a questionnaire administered by telephone to over 2,000 Canadians, as well as on several focus group meetings.

The study provides a much clearer and deeper understanding of actual experiences and concerns of Canadians about: the use by others of their personal information; awareness of existing mechanisms designed to protect personal information; individual initiatives to protect their interests; and regulatory preferences. The survey also helps to understand the public's values and perceptions about their privacy by assessing their beliefs in the justification of different types of information transactions.

Here are summarised key findings from the report's executive summary.

Public concerns about personal information protection

- Canadians have high concerns over collection and use of their personal information; individuals sense *an erosion of control* over their personal information.
- Canadians are particularly concerned about the *sharing of personal information* between different organisations, especially in the private sector.
- Canadians demand knowledge about and control over the uses of their personal information. They not only want to be informed about collection processes and uses of their personal information, but also insist that their *permission be sought before information is passed on to another organisation*.

- Technological changes should not place a greater *burden on individuals to protect their personal information*.

Personal experiences, perceptions and concerns

- Most Canadians have experienced *violations of widely accepted data protection principles*. Ninety five percent (95%) have experienced unsolicited calls from telemarketers and 85% from charities. Personal information is being widely collected and traded without the knowledge or consent of data subjects, contrary to principles of informational privacy.
- The more directly respondents are affected by an information process, the more certain they will be of their experience. Respondents exhibited *high levels of uncertainty with respect to their experience of less easily detectable practices*. For example, 37% of Canadians are unsure about whether their telephone number has been recorded by business through its 1-800 (free toll) service.
- *Perceptions of invasiveness and justification of specific information management practices simultaneously involve many interactive factors, of which privacy is only one*. These factors are: the social or personal benefit arising from the transaction; the degree of consent, control and awareness; the type of information; and the level of trust or perception of legitimacy of the institution involved.
- The following information practices were judged to be unjustified by Canadians as particular *invasions of privacy*. In descending order they are:
 - business selling information
 - sharing of information among related companies
 - government selling health data to the private sector
 - charities selling donor lists
 - employers taping telephone calls
 - marketing using 1-800 calls
 - telemarketing.



Awareness and action

- Canadians are largely *unaware of legislation* and programs protecting the privacy of their personal information.
- There is a *low level of awareness about where to go for recourse* when personal information is abused.

Regulatory preferences

- Canadians *lack confidence in private sector* self-regulation.
- There is *distrust both in private business and government* in dealing with the protection of personal information; public involvement is essential.
- Canadians think that *governments should treat the issue of personal information privacy as a priority*.

Surveying Boundaries: Canadians and their Personal Information, September 1995, 58 pp., ISBN 1-895060-34-6, may be obtained from either:

Public Interest Advocacy Centre, 1 Nicholas Street, Suite 1204, Ottawa, Ontario, Canada, K1N 7B7

Tel: + (1) 613 562-4002, or

Federation of Quebec Consumer Groups, 1215 Visitation, Bureau 103, Montreal, Quebec, Canada, H2L 3B5 2Y7

Tel: + (1) 514 521 6820.

The report is also issued in French under the title: *Des Frontières à Définir: La Population Canadienne et les Renseignements Personnels*.

UK Registrar gives guidance on Criminal Justice Act and explains criminal offences

The UK Data Protection Registrar has now issued guidance concerning the amendment to the Data Protection Act brought about by the Criminal Justice and Public Order Act 1994 and its implications for data users. The amendment, which came into force in February 1995, created three new criminal offences under the Act (see PL&B Newsletter, Feb. '95 p.16).

Briefly, it is an offence for a person to:

1. procure a disclosure of personal data in contravention of a data user's register entry.
2. sell or offer for sale personal data obtained in the above manner.
3. aid, abet or incite procurement of personal data.

It is this last type of criminal offence with which the two-page Guidance is particularly concerned. It offers advice to data users who may need to employ services of third parties to obtain information about individuals and could become subject to prosecution by committing the secondary offence of aiding and abetting the procurement of personal data.

These data users should use services only of tracing agencies who can offer guarantees of complying with the Act while obtaining information. The Registrar's Office has had discussions with the Association of British Investigators (ABI) and the Institute of Professional Investigators (IPI) about putting in place Data Protection Codes of Practice which would require their members to comply with the Act.

The Guidance, published in December 1995, is available from:

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