



Asia-Pacific
Economic Cooperation

2007/SOM3/ECSG/SEM/017

Agenda Item: II

Cross-Border Cooperation - The Canadian Perspective

Purpose: Information
Submitted by: Canada



**2nd Technical Assistance Seminar on the
International Implementation of the
APEC Privacy Framework
Cairns, Australia
25-26 June 2007**

Cross-Border Cooperation The Canadian Perspective

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Canada: The Big Picture

- Well established privacy regime
 - *Privacy Act* – the public sector – since 1983
 - *Personal Information Protection and Electronic Documents Act (PIPEDA)*, 2001
- *PIPEDA* deemed adequate by the EC
- Federal state – provinces have public sector laws; some have private sector laws or personal health information laws



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Canada and Cooperation

- A member of several international organizations
 - APEC; OECD
- An open economy heavily dependent on trade
 - Significant information flows
- *PIPEDA* deals with transborder flows through the Accountability Principle
- Economy closely integrated with the United States



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Office of the Privacy Commissioner and Cooperation

- Cooperation with provincial counterparts on policy issues and investigations
 - Regular F/P/T meetings
- Commissioner Stoddart chaired an OECD volunteer group re: enforcement cooperation
- Office very committed to cooperation



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Experience with Cross-Border Cooperation

- F/P/T experience
- International experience has typically involved information flows to and from the U.S.
 - Dealt with complaints re: processing in the U.S.; American information brokers
 - Beginning to develop a working relationship with the FTC



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Cooperation: Sharing Expertise

- Regulatory cooperation can take many forms – enforcement, policy issues, sharing expertise
- Established regulators have a role to play in sharing their knowledge/expertise
 - APEC an important venue; we participate in Francophonie
- Symposium in Beijing – Commissioner discussed the Canadian models with Chinese academics and government officials
- Hosted many delegations, e.g., Bahamian Commissioner



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Challenges to Cooperation

- Lack of perceived need
- Focus on differences in legal regimes
- Constraints on ability to share information
 - We have asked our Parliament to make it easier for OPC to share information with other enforcement authorities



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A Way Forward

- Find common ground among existing cooperation initiatives – OECD, APEC, APPA, Article 29 Working Party
 - OECD presence at this meeting a positive development
- Recognize that cooperation can take many forms
- Minimize duplication of effort re: development of tools to facilitate cooperation



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A Way Forward

- Develop enforcement/accountability mechanisms in economies without enforcement authorities
- Recognize that these mechanisms can take a variety of forms



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Thank You

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