Online Behavioural Advertising

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
Consent Requirements - General	**Principle 4.3** The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate. **Principle 4.3.1** Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).	**Section 7** (1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, (a) collect that information unless the individual consents to the collection of that information, (b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source, (c) use that information unless the individual consents to the use of that information, or (d) disclose that information unless the individual consents to the disclosure of that information. … […]	**Section 6** **(1)** An organization must not (a) collect personal information about an individual, (b) use personal information about an individual, or (c) disclose personal information about an individual. **(2)** Subsection (1) does not apply if (a) the individual gives consent to the collection, use or disclosure, (b) this Act authorizes the collection, use or disclosure without the consent of the individual, or	**Sections 6, 8.3, 12, 13** **6.** Any person collecting personal information relating to another person may collect such information only from the person concerned, unless the latter consents to collection from third persons. […] **8.3** Any person who provides his personal information in accordance with section 8 consents to its use and its communication for the purposes referred to in subparagraph 1 of the first paragraph of that section. […] **12.** Unless the person concerned gives his consent, personal information may not be used within the enterprise except for the purposes for which it was collected. Such consent must be given expressly when it concerns sensitive personal information. […]

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		(3) An individual may give a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.	(c) this Act deems the collection, use or disclosure to be consented to by the individual.	**13.** No person may communicate to a third person the personal information he holds on another person, unless the person concerned consents to, or this Act provides for, such communication. Such consent must be given expressly when it concerns sensitive personal information.
Collection of Personal Information – Notice and Other Requirements	**Principles 4.2, 4.3** **4.2.3** The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes. […] **4.3.1.** Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an	**Section 13, 13.1** 13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that individual in writing or orally (a) as to the purposes for which the information is collected, and (b) of the name or position name or title of a person who is able to answer on behalf of the organization the individual's questions about the collection. (3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the	**Section 10** (1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing a) the purposes for the collection of the information, and b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's	**Sections 6, 8-8.3, 9.1** **8.** Any person who collects personal information from the person concerned must, when the information is collected and subsequently on request, inform that person (1) of the purposes for which the information is collected; (2) of the means by which the information is collected; (3) of the rights of access and rectification provided by law; and (4) of the person's right to withdraw consent to the communication or use of the information collected. If applicable, the person concerned is informed of the name of the third person for whom the information is

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	organization will seek consent for the use or disclosure of the information at the time of collection… **4.3.2** The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.	organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization that is disclosing the personal information to make a determination as to whether that disclosure of the personal information would be in accordance with this Act… **13.1** (1) Subject to the regulations, an organization that uses a service provider outside Canada to collect personal information about an individual for or on behalf of the organization with the consent of the individual must notify the individual in accordance with subsection (3). (2) Subject to the regulations, an organization that, directly or indirectly, transfers to a service provider outside Canada personal information about an	questions about the collection. (2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act…	being collected, the name of the third persons or categories of third persons to whom it is necessary to communicate the information for the purposes referred to in subparagraph 1 of the first paragraph, and the possibility that the information could be communicated outside Québec. On request, the person concerned is also informed of the personal information collected from him, the categories of persons who have access to the information within the enterprise, the duration of the period of time the information will be kept, and the contact information of the person in charge of the protection of personal information. The information must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information. **8.1** In addition to the information that must be provided in accordance with section 8, any person who collects personal information from the person concerned using technology that includes functions allowing the

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		individual that was collected with the individual's consent must notify the individual in accordance with subsection (3). (3) An organization referred to in subsection (1) or (2) must, before or at the time of collecting or transferring the information, notify the individual in writing or orally of a) The way in which the individual may obtain access to written information about the organization's policies and practices with respect to service providers outside Canada, and b) the name or position name or title of a person who is able to answer on behalf of the organization the individual's questions about the collection, use, disclosure or storage of personal information by service providers outside Canada for or on behalf of the organization.		person concerned to be identified, located or profiled must first inform the person (1) of the use of such technology; and (2) of the means available to activate the functions that allow a person to be identified, located or profiled. "Profiling" means the collection and use of personal information to assess certain characteristics of a natural person, in particular for the purpose of analyzing that person's work performance, economic situation, health, personal preferences, interests or behaviour. **8.2** Any person who collects personal information through technological means must publish on the enterprise's website, if applicable, a confidentiality policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned. The person must do the same for the notice required for any amendment to such a policy.

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		(4) The notice required under this section is in addition to any notice required under section 13.		**8.3** Any person who provides his personal information in accordance with section 8 consents to its use and its communication for the purposes referred to in subparagraph 1 of the first paragraph of that section. […] **9.1** Any person carrying on an enterprise who collects personal information when offering to the public a technological product or service having privacy settings must ensure that those settings provide the highest level of confidentiality by default, without any intervention by the person concerned. The first paragraph does not apply to privacy settings for browser cookies.
Validity of Consent	**6.1** For the purposes of clause 4.3 of Schedule 1, the consent of an individual is only valid if it is reasonable to expect that an individual to whom the organization's activities are directed would understand the nature, purpose and consequences	**N/A**	**Section 7(1)** An individual has not given consent under this Act to an organization unless (a) the organization has provided the individual with the information	**Section 14** Consent under this Act must be clear, free and informed and be given for specific purposes. It must be requested for each such purpose, in clear and simple language. If the request for consent is made in writing, it must be presented separately from any other information provided to the person concerned. If the person

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	of the collection, use or disclosure of the personal information to which they are consenting. **Principle 4.3.2** The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.		required under section 10 (1), and (b) the individual's consent is provided in accordance with this Act.	concerned so requests, assistance is provided to help him understand the scope of the consent requested. The consent of a minor under 14 years of age is given by the person having parental authority or by the tutor. The consent of a minor 14 years of age or over is given by the minor, by the person having parental authority or by the tutor. Consent is valid only for the time necessary to achieve the purposes for which it was requested. Consent not given in accordance with this Act is without effect.
Not as a Condition of Supplying a Product or Service	**Principle 4.3.3** An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfil the explicitly	**Section 7(2)** An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.	**Section 7(2)** An organization must not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary	**Section 9** No person may refuse to respond to a request for goods or services or to a request relating to employment by reason of the applicant's refusal to disclose personal information except where (1) collection of that information is necessary for

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	specified, and legitimate purposes.		to provide the product or service.	the conclusion or performance of a contract; (2) collection of that information is authorized by law; or (3) there are reasonable grounds to believe that the request is not lawful. In case of doubt, personal information is deemed to be non-necessary.
Not Through Deception	**Principle 4.3.5** In obtaining consent, the reasonable expectations of the individual are also relevant. […] Consent shall not be obtained through deception. **Principle 4.4.2** The requirement that personal information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being	**Section 10** If an organization obtains or attempts to obtain consent to the collection, use or disclosure of personal information by (a) providing false or misleading information respecting the collection, use or disclosure of the information, or (b) using deceptive or misleading practices, any consent provided or obtained under those circumstances is negated.	**Section 7(3)** If an organization attempts to obtain consent for collecting, using or disclosing personal information by (a) providing false or misleading information respecting the collection, use or disclosure of the information, or (b) using deceptive or misleading practices any consent provided in those circumstances is not validly given.	**Section 14** Consent under this Act must be clear, free and informed and be given for specific purposes. […] If the person concerned so requests, assistance is provided to help him understand the scope of the consent requested. […]

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	collected. This requirement implies that consent with respect to collection must not be obtained through deception.			
Form of consent	**Principle 4.3.4** The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, organizations shall take into account the sensitivity of the information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context. For example, the names and addresses of subscribers to a newsmagazine would generally not be considered sensitive information. However, the names and addresses of subscribers to	**Section 8 (1)** An individual may give his or her consent in writing or orally to the collection, use or disclosure of personal information about the individual. **(2)** An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for a particular purpose if (a) the individual, without actually giving a consent referred to in subsection (1), voluntarily provides the information to the organization for that purpose, and (b) it is reasonable that a person would voluntarily provide that information.	**Section 8 (1)** An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and (b) the individual voluntarily provides the personal information to the organization for that purpose. **(2)** An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her	**Sections 14, 15** **14** Consent under this Act must be clear, free and informed and be given for specific purposes. It must be requested for each such purpose, in clear and simple language. If the request for consent is made in writing, it must be presented separately from any other information provided to the person concerned. If the person concerned so requests, assistance is provided to help him understand the scope of the consent requested. The consent of a minor under 14 years of age is given by the person having parental authority or by the tutor. The consent of a minor 14 years of age or over is given by the minor, by the person having parental authority or by the tutor. […] **15** Consent to the communication of personal information by a third person

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	some special-interest magazines might be considered sensitive. **Principle 4.3.6** The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney). **Principle 4.3.7** Individuals can give consent in many ways. For example: (a) an application form may be used to seek consent, collect information, and inform the individual of the	**(2.1)** If an individual consents to the disclosure of personal information about the individual by one organization to another organization for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal information for the particular purpose by that other organization. **(2.2)** An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for the purpose of the individual's enrolment in or coverage under an insurance policy, pension plan or benefit plan or a policy, plan or contract that provides for a similar type of coverage or benefit if the individual (a) has an interest in or derives a benefit from that policy, plan or contract, and (b) is not the applicant for the policy, plan or contract.	enrolment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she (a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and (b) is not the applicant for the plan, policy or contract. **(3)** An organization may collect, use or disclose personal information about an individual for specified purposes if (a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,	may be given by the person concerned to the person who collects the information from the third person.

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses; (b) a checkoff box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties; (c) consent may be given orally when information is collected over the telephone; or (d) consent may be given at the time that individuals use a product or service.	**(3)** Notwithstanding section 7(1), an organization may collect, use or disclose personal information about an individual for particular purposes if (a) the organization (i) provides the individual with a notice, in a form that the individual can reasonably be expected to understand, that the organization intends to collect, use or disclose personal information about the individual for those purposes, and (ii) with respect to that notice, gives the individual a reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes, (b) the individual does not, within a reasonable time, give to the organization a response to that notice declining or objecting to the proposed collection, use or disclosure, and	(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes, (c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances. **(4)** Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.	

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		(c) having regard to the level of the sensitivity, if any, of the information in the circumstances, it is reasonable to collect, use or disclose the information as permitted under clauses (a) and (b). **(4)** Subsections (2), (2.1), (2.2) and (3) are not to be construed so as to authorize an organization to collect, use or disclose personal information for any purpose other than the particular purposes for which the information was collected. **(5)** Consent in writing may be given or otherwise transmitted by electronic means to an organization if the organization receiving that transmittal produces or is able at any time to produce a printed copy or image or a reproduction of the consent in paper form.		
Withdrawal of Consent	**Principle 4.3.8** An individual may withdraw consent at any time, subject to legal or	**9 (1)** Subject to subsection (5), on giving reasonable notice to an organization, an individual may	**9 (1)** Subject to subsections (5) and (6), on giving reasonable notice to the	**Sections 8, 22** **8** Any person who collects personal information from the person concerned must, when the

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
	contractual restrictions and reasonable notice. The organization shall inform the individual of the implications of such withdrawal.	at any time withdraw or vary consent to the collection, use or disclosure by the organization of personal information about the individual. **(2)** On receipt of notice referred to in subsection (1), an organization must, subject to subsection (3), inform the individual of the likely consequences to the individual of withdrawing or varying the consent. **(3)** An organization is not required to inform an individual under subsection (2) if the likely consequences of withdrawing or varying the consent would be reasonably obvious to the individual. **(4)** Except where the collection, use or disclosure of personal information without consent of the individual is permitted under this Act, if an individual withdraws or varies a consent to the collection, use or disclosure of personal information about the individual by an	organization, an individual may withdraw consent to the collection, use or disclosure of personal information about the individual at any time. **(2)** On receipt of notice referred to in subsection (1), an organization must inform the individual of the likely consequences to the individual of withdrawing his or her consent. **(3)** An organization must not prohibit an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the individual. **(4)** Subject to section 35, if an individual withdraws consent to the collection, use or disclosure of personal information by an organization, the organization must stop	information is collected and subsequently on request, inform that person […] (4) of the person's right to withdraw consent to the communication or use of the information collected. […] **22** Any person carrying on an enterprise who uses personal information for commercial or philanthropic prospection purposes must identify himself to the person whom he is addressing and inform that person of his right to withdraw his consent to the personal information concerning him being used for such purposes. If the person concerned withdraws his consent regarding such use, the personal information must cease to be used for those purposes.

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		organization, the organization must, (a) in the case of the withdrawal of a consent, stop collecting, using or disclosing the information, and (b) in the case of a variation of a consent, abide by the consent as varied. **(5)** If withdrawing or varying a consent would frustrate the performance of a legal obligation, any withdrawal or variation of the consent does not, unless otherwise agreed to by the parties who are subject to the legal obligation, operate to the extent that the withdrawal or variation would frustrate the performance of the legal obligation owed between those parties. **(6)** A withdrawal or variation of a consent by an individual may be given to an organization in the same manner as a consent may be given.	collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without consent under this Act. **(5)** An individual may not withdraw consent if withdrawing the consent would frustrate the performance of a legal obligation. **(6)** An individual may not withdraw a consent given to a credit reporting agency in the circumstances described in section 12 (1) (g) or 15 (1) (g).	

	PIPEDA	PIPA Alberta	PIPA British Columbia	Quebec Private Sector Privacy Act
		(7) An individual may, subject to this section, withdraw or vary a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual. **(8)** Nothing in this section is to be construed so as to empower (a) an individual, as part of the withdrawal or variation of a consent, to impose an obligation or a liability on an organization unless the organization agrees otherwise, or (b) an organization, as part of the withdrawal or variation of a consent, to impose an obligation or liability on an individual unless the individual agrees otherwise.		