



Consumer Information as Commodity: A Glimpse into the Canadian Data Brokerage Industry and an Assessment of Retailer Compliance with Data Protection Laws

**Presentation to the Privacy Commissioner of Canada's
Lunchtime Seminar Series**

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Research Projects



Two related studies:

1. *On the Data Trail: How detailed information about you gets into the hands of organizations with whom you have no relationship*
2. *Compliance with Canadian Data Protection Laws: Are Retailers Measuring Up?*

Both funded by OPCC (& SSHRC)





Data Broker Study



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Data broker study



- Purpose:
 - to understand and describe how detailed personal information about Canadians gets into the hands of organizations with whom they have no relationship



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Data broker study



- Scope:
 - Canadian market
 - consumer information
 - trade (vs. internal use)
 - bulk (vs. individual searches)
 - no exam of spyware or related tools
 - limited research on end-uses
 - no privacy assessments



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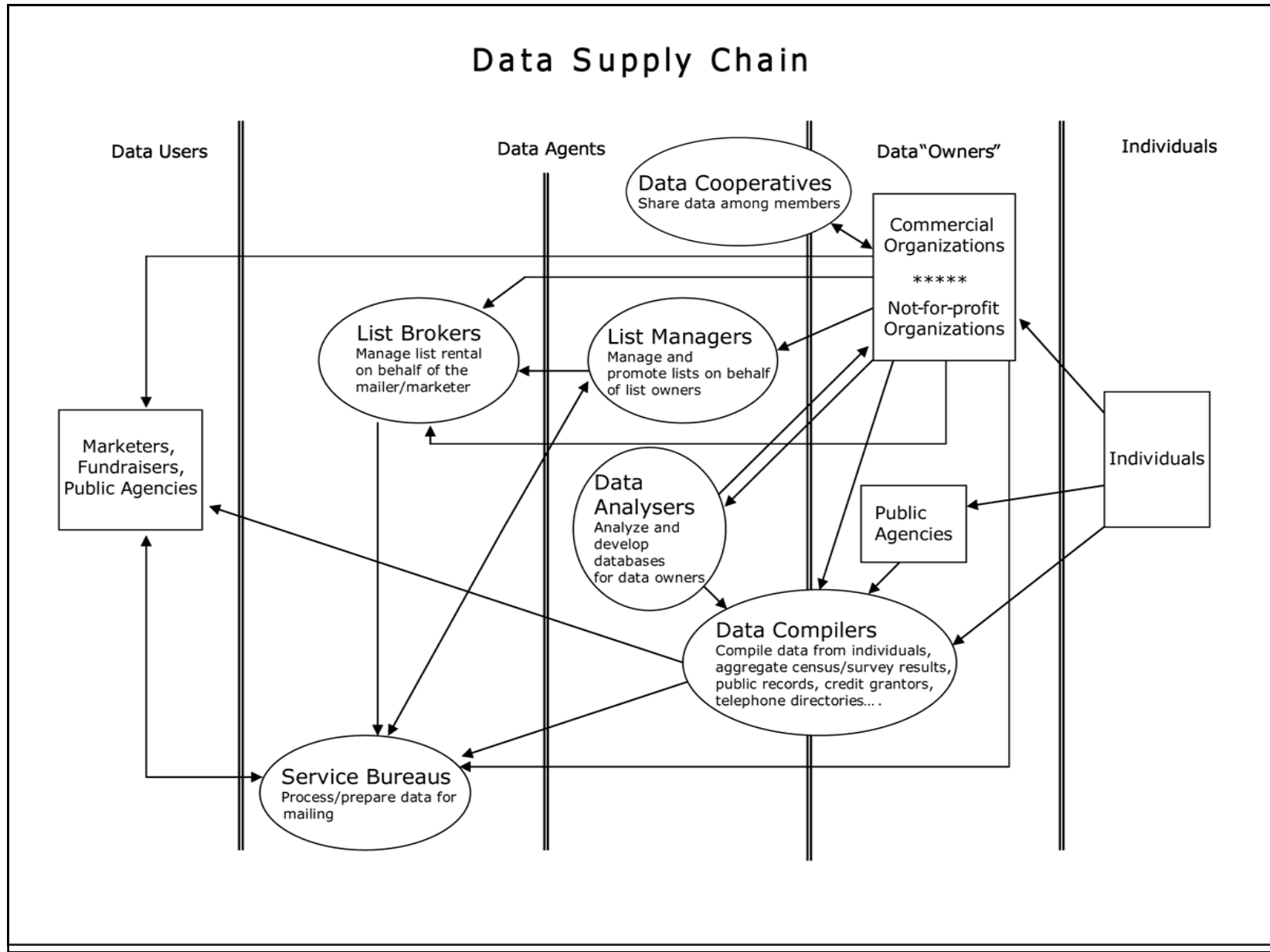
Data broker study



- Methodology:
 - consultation with industry experts
 - ATIP requests
 - online searches
 - trade journal/email bulletin subscriptions
 - direct marketing websites/portals
 - review of datacards
 - follow-up with list managers/data compilers



Data Supply Chain



Data Products



- Consumer Lists
 - individual names and addresses
- Geographic Group Profiles
 - no individual names
 - defined geographic area
 - census block (or conglomeration of blocks)
 - city block
 - postal code
- Customer Group Profiles



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Group Profiles



- Geo-demographic/psychographic profiles

Eg: “Cosmopolitan Elite”, “Elder Harbour”,
“Lunch at Tim’s”, “Bicycles and Bookbags”,
“Jeunes et Actifs”, “Young Technocrats”,
“Quebec Rural Blues”, “Electric Avenues”...

- Credit profiles
 - by postal code or other small geographic area



Group Profiles – Data Sources



- Geo-demographic profiles
 - Statistics Canada Census Data
 - minimum size group (40 hh)
 - limited type of data (short form)
 - Stats Can Family Expenditure survey data
 - BBM, PMB survey data
 - Environics “social values” surveys
- Credit profiles
 - Credit bureaus



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Consumer Lists



- Consumer names and addresses by (eg):
 - subscription to particular magazine
 - type of books purchased
 - websites on which registered
 - responders to direct mail/TV/radio/internet solicitations
 - responders to “money-making opportunities” or contests
 - holders of particular credit/reward cards
 - type of investments owned/plan to buy
 - automobile, electronic products owned/plan to buy
 - frequent air travellers; beach resort goers
 - pet ownership
 - ailments and medications
 - diets and nutritional concerns
 - causes to which they donate



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Consumer Lists



Likely prospects based on:

- hobbies and interests
 - inferred from purchases/subscriptions, or as expressed in surveys
- opportunity seekers; “suckers”
 - inferred from responses to advertisements
- high spenders on particular products
 - inferred from purchase info., e.g., auto, electronics
- health/dietary concerns
 - inferred from purchases/subscriptions or as expressed in surveys



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List enhancements

- geographic area
- demographics:
 - gender, age,
 - marital status, family size, children's ages
 - race, ethnicity
 - religion
 - occupation
 - level of education
 - type of housing/home ownership
 - household income
- mail order buyers
- presence of credit card
- interests & lifestyles



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Lists offered (examples)



- “Columbia House Music Club Former Members”
- “Lifestyle Selector Canada” (from warranty cards)
- “Tropical Beach Resort Goers”
- “Hotel Privilege Cardholders”
- “Canada - Gold Card Bearers”
- “Canadians with discretionary funds”
- “Motherhood Maternity”; “Expecting a Baby”
- “Canadians with Hearing Aids”
- “French Canadian Weight Loss Subscribers”
- “Canadian Chinese Donors”
- “Fundraising pledges by credit card – Canadian”



Lifestyle Selector Canada



- 893,395 Canadians on list
- Selects: income (13), occupation, credit card ownership, home ownership, gender, province

“Lifestyle Selector Canada is a comprehensive database of self-reported consumer information. **This database is primarily derived from product registration cards filled out voluntarily by consumers after they have completed a product purchase.** These buyers have provided information about their individual and household lifestyles, hobbies and demographics. 60% are married; 36.5% are between the ages of 25-54; 21% hold Professional and Technical positions.”



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Frequent Travelers in Canada



- 49,612 on list
- Selects: age, gender, home address, geo, phones (\$\$)

“Prospects on this list regularly purchase international round trip business class tickets for business-related interests and activities...this list **comes from a corporate client database of airline ticketing offices and travel agencies.**”



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Fundraising Pledges by Credit Card



- 204,305 Canadians on list
- Selects: gender, province, recency, donation value

“This is a list of proven Canadian donors to a variety of fundraising causes and events who have **paid for their pledge/purchase over the telephone with a major credit card....**average donation is \$41.04”



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Gold Card Bearers



- 12,887 on list
- Selects: monthly income, gender, address:private/business, recency

“This database consists of affluent Canadian individuals who flex their enviable credit, making prime purchases using their gold cards.....sourced from payment processing companies”



IMMUTOL® Mail Order Buyers



- 21,641 Canadians on list
- Selects: gender, age, province, postal code, recency
- updated quarterly

“This mailing list is an audience of individuals who are interested in preventing the consequences of a weak immune system, which can include cancer, viral syndromes, (chronic fatigue, Epstein Barr, herpes, HIV), parasitic and bacterial infections, or any other immune problems such as colds, flu, and allergies. They have purchased IMMUTOL®, which has been clinically tested, and recommended by physicians for strengthening the immune system. All these individuals have paid \$59.95 for the first month’s supply, and \$41.97 for subsequent months. Target this audience with offers for health/vitamins, anti-aging, potency, insurance, travel, insurance, and more.”



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Seasonal Affective Disorder Sufferers at Home



- 345,343 Canadian SAD sufferers on this list
- Selects: geo, age, gender, ethnicity, presence of children, home owner, household income, lifestyle type, credit card buyers, hotline, recency, insurance coverage, RX used....
- email addresses for most on list

“Integrated Business Services, Inc. (IBSI) is a medical research and information marketing firm providing access to highly selectable medical databases. We are the owner of the MEDBASE200® masterfile, which this file is a subset of. **These lists are made possible by conducting market analyses and surveys for this firm, as well as for corporate clients in the healthcare marketplace,** and via internal file verification.”



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Ailments – Individuals with Health Conditions, Ailments & Medications



- 16 million
- Selects: Ailment, Medication, age, occupation, ethnicity, homeowner, mail order buyer, hotline-30 days, hobbies & interests, recency-90 days

“Updated monthly, **these people have responded to questionnaires and online surveys** indicating they, or someone in their household, suffer from any one of a myriad of health conditions, addictions and ailments and/or take particular medications to alleviate symptoms.”



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“My Health Factor” – Ailments & Medications Masterfile



- 10 million; plan to have Cdn. list by early 2007
- Selects: Ailment (83), Allergies (18), “Health related” (20), Medication: Rx/OTC (184),

“These individuals have self-reported their specific health maladies and the prescription or OTC medications used for treatment. ‘My Health Factor’ is an interactive internet resource where members provide detailed health/medical histories along with demographic information. Data collection is supplemented by third party surveys contracted to provide their proprietary health responders. At no time will such partnerships be revealed due to confidentiality agreements.”



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People with Ailments Masterfile



“This database, containing over 39,000,000 names, was compiled from telephone and mail order purchase information, rebate coupons, prescription records, subscription order forms, warranty card registrations, sweepstakes entry forms, 800# respondents, trade show/conference attendee rosters and consumer surveys & questionnaires.”



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Consumer Lists - Data Sources



- Retailers and Service Providers
 - subscription services
 - mail order catalogues
 - book, music, video clubs
 - contests, rebates, special offers
 - loyalty, other sign-up programs
- Product warranty/registration cards
- Online registrations (+ online activity)
- Surveys.....
- Telephone book + Stats Can group profiles



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Surveys



- Retailer-specific surveys
 - customer satisfaction, special offers....
- ICOM
 - >2 m. Canadian households (>1m/year)
- Bluelist.ca
 - >1 m. surveys returned each year
- BBM (> 50,000), PMB (>24,000)
 - aggregated info only (for broadcasters and print media advertisers)
- Stats Can Census
 - aggregated only (to 40 households min)



Dunhill Survey Database



- 26 m. records; Cdn counts available
- 3.4m males, 8.7m females
- Selects: demographics, hobbies & interests, type of purchases, religion, causes donated to, credit cards, investments, ailments & treatment methods, household income...

“Here’s a huge database of self-reported behavioral and lifestyle information. **These individuals have responded to detailed consumer surveys**, which have yielded a wealth of detailed information on purchase behaviors and intentions, lifestyles, hobbies, interests, and demographics.”



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ICOM TargetSource



“Our unique Shopper’s Voice™ consumer survey yields a wealth of detailed information on purchase behaviours and intentions, lifestyles, hobbies and interests, product ownership and demographics.

ICOM TargetSource delivers better results by providing:

- rich, self-reported data on more than 2 million Canadian households
- 550,000 new survey responders every 6 months, over 1 million annually
- over 1,000 selections for precise targeting
- direct mail responsive consumers
- 100% opt-in e-mail prospects
- expert analysis, modeling and profiling
- experienced, service-driven account team”



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ICOM TargetSource



- Categories of Lists include:
 - mail order buyers, hobbies, reading preferences, opportunity seekers, sports enthusiasts, pet owners, vehicle owners, insurance, credit cards, reward cards, donors to causes, investments, health, nutrition&diet, home electronics, internet access/usage, travel, impt.events....
 - demographics



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..........
 ehold, which
 are important?
 Not
 Important Important
 its..........

 usehold tend to
 rd statements?
 alance.....
 alance.....
 nimum
 ull balance...
 n payment...
 , is charged to
 our household
 ?

HOME MORTGAGES

1) Does your household currently have or plan to get a mortgage?
 Currently have
 Planning to get.....
 Not planning to get a mortgage ...
 2) If your household will be renegotiating an existing mortgage, or if you plan to get a new mortgage, when will it happen?
 January to March 2006
 April to July 2006
 August to December 2006
 In 2007
 In 2008
 After 2008

TYPES OF INVESTMENT

Which of the investments below does your household own or plan to buy in the next 12 months?

	Currently Own	Plan to Buy
Life insurance.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mutual funds.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RESP (Educational).....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RRSP.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Stocks.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

ADULTS	Male	Female
18 - 20 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
21 - 24 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
25 - 34 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
35 - 44 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
45 - 49 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
50 - 54 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
55 - 64 years	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
65 years or over	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

7) With your per survey respons have products survey respons value to you. Th samples, coup interest to you. provide your ap
 Yes.....

Thank you for taking the time to complete I hope you found it interesting. Respecting your privacy is important to us. Please co so that we can understand your wishes. If you answer information will be shared with reputable companies t purposes only. If you answer "no" your information w you leave the question blank, your name and address on the survey that is not marked with a † may also be One last thing — please PRINT your name and address coupon deadline is March 3, 2006. Please allow 12 weeks for delivery of the coupons. If y next 12 weeks, write in your NEW address only.

Mr..... Mrs..... Miss..... Ms.....
PLEASE PRINT
 NAME: _____
FIRST NAME
 ADDRESS: _____
HOUSE # STRE
 APT: _____ CITY: _____

ICOM Customer Profiling



“Gain valuable insight into your customers. ICOM Profiles provide you greater understanding of your customer base. We leverage detailed, self-reported survey data direct from consumers, and then **profile your specific customer base by demographic characteristics, leisure interests, hobbies, sports, reading and music preferences, as well as travel, investment, and mail order buyer behaviors.** Your profile report not only provides a snapshot of your customers, it highlights those characteristics that make your customers different from the consumer population.”



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Compliance with Privacy Law



1. Are companies obtaining meaningful consent from consumers?
2. Where only aggregate data is collected, is the data re-personalized?
3. Where telephone book data is used to create lists, is this a reasonable use?



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Follow-up Research

- More compliance assessments:
 - data compilers (ICOM, Bluelist, etc.)
 - selected data owners
- Source identification (lists)
- Individual profiling?
- Other end-uses
 - government depts/agencies?
 - employers, insurers, others?



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Compliance Testing Project



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Compliance Testing Project



Objectives:

- To assess the extent to which retailers are complying with *PIPEDA*;
- To develop a tool for future compliance assessments; and
- To identify problems in the interpretation/application of *PIPEDA*.



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Principles tested



1. Identifying Purposes
2. **Accountability**
3. **Consent**
4. Limiting Collection
5. Limiting Use, Disclosure and Retention

6. Accuracy
7. Safeguards
8. **Openness**
9. **Individual Access**
10. Challenging Compliance
11. Limiting Purposes



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Part I: Accountability, Openness and Consent



- 11 Assessors
- 64 online retailers
- 3-part assessment:
 - phone call
 - review privacy policy
 - order good or service



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Part II: Individual Access Requests

- 21 Requesters
- 72 online and offline retailers
- Specific written requests for:
 - personal info held by company
 - explanation of how it is used
 - names of companies to whom it has been, or may have been, disclosed



General Practices of Online Retailers



Privacy policies:

- 94%

Policies posted online:

- 92%

Lengthy policies:

- 63% over 1000 words
- 35% over 2000 words.



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General Practices



Use of consumer information:

- 93% for internal marketing purposes
- At least half share with other companies for secondary marketing purposes
 - Only 1/3 stated that they do not share



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Accountability



Poor staff training:

- 56% could not provide name of person responsible for privacy

Missing information:

- 30% of privacy policies do not provide contact information for a privacy officer



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Openness



No privacy policy: 6%

Would not provide policy by mail, fax or email: 63%



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Openness

Unclear privacy policies:

- 22% about purposes of collection
- 27% about what info is collected
- 30% about how they use the info
- 45% about to whom they disclose



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Openness



Incomplete privacy policies:

- 70% incomplete in some respect
 - 38% made no reference to access rights
 - 27% didn't describe type of info they use
 - 86% of those that share didn't say with whom they share (rest gave examples)
 - 34% of those that share didn't say what info they share



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Consent



- 78% use opt-out consent

But is it valid?

- 60% bury opt-out inconspicuously in privacy policy
- 31% provide no notice whatsoever during ordering process



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Consent



- of those that provide notice, 53% provide in privacy policy only
- 50% provide opt-out in policy only

BUT

over half don't bring policy to customer's attention during registration or ordering process



Consent



Misleading representations

- 18% suggest in privacy policy that they use opt-in consent, but really use opt-out.
- 26% provided more opt-out options in privacy policy than during ordering process, without alerting customer



Consent



No choice

- At least 11% (possibly 39%) *required* consumer consent to unnecessary uses in order to transact



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Individual Access



No response

- 35% of the companies we tested did not respond at all to access requests.

Incomplete responses

- Only 21% of companies tested complied fully with access rule
 - most failed to answer specific questions re: uses and/or disclosures



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Common Privacy Policy Pitfalls



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Common Pitfalls



- Too short (woefully incomplete)
- Mere repetition of PIPEDA (tells customer nothing)
- Hidden notice/consent (buried in policy)
- Puffery (get to the point)
- Misleading reassurances (real practice disclosed only later in policy, after consumer likely to have stopped reading)



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Overly Brief



“We do not make your name or personal information available to any third party. All information collected by us is used to provide you with the highest level of convenience and service.”



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Puffery



“Your privacy and the security of your personal information are very important to us. We want you to be as comfortable as possible visiting our Website and using our Online Products. We are dedicated to protecting the privacy of those who visit our Website and use our Online Products....”



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Repeating PIPEDA



“1. Accountability

XYZ Co. is accountable for all information in its control..... XYZ Co. recognizes that it is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. XYZ Co. abides by the provisions of the federal law, and assumes responsibility for doing so.”



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Repeating PIPEDA



“2. Identifying Purposes

XYZ Co. makes all reasonable efforts to ensure that we specify the nature of the intended use of the data at or before the time the information is collected.”

.....



Repeating PIPEDA



“8. Openness

Information about our policies and practices relating to the Management of personal information will be made readily available to individuals.”



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Examples of Misleading Statements



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Misleading Statement #1



PRIVACY POLICY

Your privacy and the security of your personal information are very important to us. We want you to be as comfortable as possible visiting our Website and using our Online Products. We are dedicated to protecting the privacy of those who visit our Website and use our Online Products. This Privacy Policy governs the Canadian websites operated by us (collectively, our "Website") and our Online Products, and explains how we collect your personal information on our Website, or through our Online Products, how we protect such information, and the choices you have concerning the use and disclosure of such information. Please read this Privacy Policy carefully. This Website is for use by residents of Canada only. Except as WeightWatcher.ca Limited

(WeightWatchers.ca), WeightWatchers.com, Inc. and Weight Watchers International, Inc. collectively, "we", "us" or "our") disclose in this Privacy Policy, **We will not sell, share, license, trade, or rent your personal information collected on our Website or through our Online Products to others.**

We may amend this Privacy Policy from time to time. We will post any changes to this Privacy Policy here so that you will always know what information we gather, how we might use that information, and whether we will disclose that information to anyone. Please refer back to this Privacy Policy on a regular basis. By using our Website or any of our products, offerings, features, tools or resources that we provide on our Website (collectively, our "Online Products"), you agree to the terms of this Privacy Policy.

Please remember that this Privacy Policy applies only to information collected by our Website. We are not responsible for the privacy of any information you reveal or post in any public forum (e.g., message board or chat room) or through the "Public Profile" feature available on our Website, or for the privacy practices of websites that are operated or owned by third parties.

The following are links to the provisions of our Privacy Policy. For immediate access to a particular topic, click on that provision title below.

[WHAT INFORMATION ABOUT ME IS COLLECTED ON OUR WEBSITE OR THROUGH OUR ONLINE PRODUCTS?](#)

[WHERE AND WHEN IS INFORMATION COLLECTED ON OUR WEBSITE OR THROUGH OUR ONLINE PRODUCTS \(INCLUDING THROUGH THE USE OF COOKIES AND ACTION TAGS\)?](#)

[DO WE COLLECT INFORMATION FROM CHILDREN UNDER 13 YEARS OF AGE?](#)

[WHAT DO WE DO WITH THE INFORMATION WE COLLECT?](#)

[WHEN DO WE DISCLOSE INFORMATION TO THIRD PARTIES?](#)

[DOES THIS PRIVACY POLICY APPLY WHEN I LINK TO OTHER WEBSITES?](#)

[IS THE INFORMATION WE COLLECT SECURE?](#)

[WHAT CHOICES DO I HAVE REGARDING THE COLLECTION, DISCLOSURE AND DISTRIBUTION OF PERSONALLY IDENTIFIABLE INFORMATION?](#)

[CAN I UPDATE OR CORRECT MY PERSONALLY IDENTIFIABLE INFORMATION?](#)

[HOW WILL I KNOW IF THERE ARE ANY CHANGES TO THIS PRIVACY POLICY?](#)

[WHO DO I CONTACT IF I HAVE ANY PRIVACY QUESTIONS?](#)

WHAT INFORMATION ABOUT ME IS COLLECTED ON OUR WEBSITE OR THROUGH OUR ONLINE PRODUCTS?

We collect two types of information: personally identifiable information and non-personally identifiable information. **Personally Identifiable Information.**

Personally identifiable information is information that identifies you or can be used to identify or contact you ("Personally Identifiable Information"). Such Personally Identifiable Information may include your name, address, email address, telephone number, birth date (for the purposes of determining eligibility to subscribe to our Online Products or offerings, conducting demographic analyses, personalizing your experience on the Website, and/or satisfaction of contest eligibility requirements) and billing and credit card information. We may request Personally Identifiable Information from you when you register on our Website, subscribe to our Online Products or in connection with other Online Products we may make available on our Website from time to time. In all of these cases, we will collect Personally Identifiable Information from you only if you voluntarily submit such information to us. Unless you give us permission to do so, we will not sell, share, license, trade or rent your Personally Identifiable Information other than as specified in this Privacy Policy.



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Misleading Statement #1

cont'd



You do not have to provide us with any Personally Identifiable Information to visit our Website. However, if you choose to withhold requested information, you may not be able to visit all sections of our Website or use all of our Online Products, such as subscribing to our online weight loss tools, posting messages on our message boards or visiting our chat rooms. In addition, we may not be able to provide you with some of the other Online Products dependent upon the collection of such information, such as a personalized WeightWatchers.ca home page.

Non-Personally Identifiable Information.

When you become a registered user of our Website, subscribe to one of our current Online Products, or in connection with other Online Products we may make available on our Website from time to time, we also may collect information that by itself cannot be used to identify or contact you, such as demographic information (like age, profession or gender) and physical information (like current weight) ("Non-Personally Identifiable Information"). Non-Personally Identifiable Information may also include user IP addresses, browser types, domain names, and other anonymous statistical data involving the use of our Website. Non-Personally Identifiable Information is used to help us understand the characteristics of people who use our Website and to improve and market our Website in general and our Online Products in particular. In the event that we link any Non-Personally Identifiable Information with Personally Identifiable Information, we will treat such information as Personally Identifiable Information and only use such information in accordance with this Privacy Policy. **Information from Other Sources.** We may also supplement the information we collect with information from other sources to assist us in evaluating and improving our Website and Online Products, to determine your preferences so that we can tailor our Website and Online Products to your needs, and/or to study nutritional, weight loss, behavioural and fitness questions in general.

WHERE AND WHEN IS INFORMATION COLLECTED ON OUR WEBSITE OR THROUGH OUR ONLINE PRODUCTS (INCLUDING THROUGH THE USE OF COOKIES AND ACTION TAGS)?

We may collect information (including information that is Personally Identifiable Information) from you in different manners and at different places and times on our Website, such as when you register for our Website or subscribe to one of our Online Products. We also may collect information from you in connection with, or through, other Online Products we may make available on our Website from time to time. The following is a description of the areas and/or manner in which we primarily collect information about you. **Becoming a Registered User and Subscription.**

In order to access certain Online Products on our Website, such as our chat rooms, message boards, weight loss tools and food database, you must first complete certain steps to become either a registered user or a subscriber. During these steps, you may be required to provide us with information (including Personally Identifiable Information) such as name, postal code and email address, and, if you subscribe to one of our Online Products, credit card and billing information. This information is used to help us understand the characteristics of people who use our Website, to improve our Website and our Online Products, to contact users about requested Online Products and/or for subscription billing purposes. It is optional for you to provide demographic information (such as profession and number of children), but providing this information is encouraged so we can provide a more personalized experience on our Website such as by providing you with information that we think would be of interest to you. **Cookies and Action Tags.**

We also collect Non-Personally Identifiable Information passively using "cookies" and "action tags."

"Cookies" are small text files that are placed on your computer in order to identify (i) your Web browser (ii) the activities of your computer on our Website and (iii) your activity in connection with our advertisements and other marketing and promotional efforts. Cookies may be used to:

- personalize your experience on our Website (e.g., to dynamically generate content on web pages specifically designed for you),
 - assist you in using our Online Products (e.g., to save you time by not having to reenter your name upon each visit to our Website), and
 - allow us to statistically monitor how you are using our Website for purposes of improving our online offerings.
- We also may use cookies to conduct marketing and promotional efforts, tailor certain advertisements to your browser that we think may be of interest to you, or to determine the popularity of certain content.

In addition to cookies that we place on your computer, cookies may also be placed on your computer by third parties that we use to display or serve advertisements or to collect Non-Personally Identifiable Information in order to provide advertising-related services. For example, DoubleClick Inc. ("DoubleClick") and Avenue A, LLC, which employs Atlas DMT ("Atlas") technology, place cookies in the course of serving advertisements for us. Neither DoubleClick, Atlas nor their cookies collect Personally Identifiable Information on our Website, and we do not share personally identifiable information with them without your permission. [DoubleClick's privacy policy](#) describes its data collection practices and explains the way in which you can "opt-out" of certain tracking by DoubleClick. [Atlas's privacy policy](#) describes its data collection practices and explains the way in which you can "opt-out" of certain tracking by Atlas. You may also "opt-out" of certain tracking on our Website and other websites by various advertising companies through the Network Advertising Initiative at <http://www.networkadvertising.org>.

You do not have to accept cookies to use our Website, however, you may not be able to use certain products, offerings, features, or resources of our Website (including our Online Products) if you do not accept cookies. Although most browsers are initially set to accept cookies, you may reset your browser to notify you when you receive a cookie or to reject cookies generally. Most browsers offer instructions on how to do so in the "Help" section of the toolbar. "Action tags," also known as web beacons or gif tags, are a web technology used to help track website usage information, such as how many times a specific page has been viewed. Action tags are invisible to you, and any portion of our Website, including advertisements, or e-mail sent on our behalf, may contain cookies that are associated with action tags that our located on our Website. Unlike cookies, action tags are not placed on your computer.

We may select and use different third parties from time to time to track website usage through action tags on our Website and on our advertisements on other websites. For example, DoubleClick and Atlas each track anonymous website usage through action tags on our Website and other websites. DoubleClick and Atlas do this by setting a cookie (or reading a cookie previously placed by them) on users' computers to track the activities of users who view a web page that contains action tags. DoubleClick and Atlas may use information about your visits to this Website and their websites in order to provide advertisements about goods and services that may be of interest to you. If you would like more information about this practice and to know your choices about not having this information used by one of these companies, please refer to its respective Privacy Policy. Many Internet users already have a DoubleClick and/or Atlas cookie on their computer today, and tracking through the use of action tags is considered common practice in the industry. Periodically, upon our request, DoubleClick and/or Atlas may report the anonymous data that they collect on our behalf back to us for our internal use and analysis and our treatment of this anonymous data is governed by the terms of this Privacy Policy.



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Misleading Statement #1 cont'd



By using cookies and action tags together, we are able to gain valuable information to improve our Website and our Online Products and measure the effectiveness of our advertising and marketing campaigns. We do not disclose any of your Personally Identifiable Information to our advertising partners through the use of cookies or action tags.

Finally, please note that advertisers and other third parties may also use their own cookies or action tags when you click on their advertisement or link to their website or service, on or from our Website. This Privacy Policy does not govern the use by such third-party websites or providers of third-party advertising.

Referral Programs.

Through third party referral program operators and others, we offer referral programs whereby referral websites can earn commissions through the referral of subscribers or other purchasers to our Website. To track the earning of such commissions, and to determine the effectiveness of the referral programs, the users who become subscribers to our Online Products or purchasers through such referral websites are tracked using technologies that do not include Personally Identifiable Information (such as cookies and/or action tags). Our program operators and the referral websites themselves can only access non-Personally Identifiable Information such as data relating to the number of impressions served, the number of transactions completed, and their resulting earnings. They cannot access our customers' personal data.

If you choose to apply to be a referral website, we use the data you provide strictly for conducting business with you. We have entered into certain agreements with third party program operators for the purpose of administering our referral programs. Should you become a referral website of ours through one of our third party program operators, any information you provide to them is subject to their privacy policies. **Online Products.**

We collect information, some of which may be Personally Identifiable Information, that you voluntarily provide to us when you choose to use some of our Online Products (available either for free or on a subscription basis) such as the "Favourites" feature, the **POINTS**reg; Tracker tool, and the "Weight Tracker" tool. We also collect information that you provide voluntarily through responses to special Online Products such as surveys, questionnaires, self-assessment quizzes, contests and the like. Some of these Online Products may ask you for physical information, such as your weight and height.

Public Forums and the Public Profile Feature.

We feature public forums such as chat rooms, message boards, bulletin boards, recipe swaps or similar activities where you and other users of our Website can communicate with one another. In addition, we offer the "Public Profile" feature of our Website to permit you to share information about yourself (including, if you elect, Personally Identifiable Information) with others. **THIS PRIVACY POLICY DOES NOT PROTECT YOU WHEN YOU USE OUR PUBLIC FORUMS OR PROVIDE INFORMATION (INCLUDING PERSONALLY IDENTIFIABLE INFORMATION) ABOUT OURSELF THROUGH THE PUBLIC PROFILE FEATURE AVAILABLE ON OUR WEBSITE.** You should be aware that any information shared in a public forum such as a chat room, message board, bulletin board or recipe swap or through our Public Profile feature is public information and may be seen or collected by third parties that do not adhere to our Privacy Policy. You should think carefully before disclosing any information in any public forum, or through the Public Profile feature, on our Website.

Log Files.

We also collect Non-Personally Identifiable Information through our Internet log files, which record data such as user IP addresses, browser types, domain names, and other anonymous statistical data involving the use of our Website. This information may be used to analyze trends, to administer the Website, to monitor our Website's use, and to gather general demographic information. We may link this information to Personally Identifiable Information for these and other purposes such as personalizing your experience on our Website and evaluating our Online Products in general and, in the event that we link such Non-Personally Identifiable Information with Personally Identifiable Information, we will only use such information in accordance with this Privacy Policy. **Email or Refer a Friend.**through our referral tools for informing a friend about our Website, or one of our Online Products, we will automatically send your friend a one-time email containing the information you request to be sent. If you elect to use these referral tools, we will collect from you certain Personally identifiable Information about your friend which you have provided, such as your friend's name and email address.

DO WE COLLECT INFORMATION FROM CHILDREN UNDER 13 YEARS OF AGE?

We are committed to protecting the privacy of children. Our Website and Online Products are not designed for or directed to children under the age of 13. We do not collect Personally Identifiable Information from any person we actually know is under the age of 13. We urge all parents or guardians to participate in their children's exploration of the Internet, and to teach their children about protecting their personal information while online.

WHAT DO WE DO WITH THE INFORMATION WE COLLECT?

In general, we use the information collected on our Website and through our Online Products to help us understand who uses our Website and Online Products and how they are used, to personalize your experience (such as by providing you with information we think may be of interest to you), to assist you in using our Online Products, to improve our Website and Online Products, and for subscription billing purposes, if applicable.

If you become a registered user of our Website or subscribe to one of our Online Products, we may use your information to send you a welcoming email that may confirm your user name and password. If you "opt-in" we may send you electronic newsletters, contact you about Weight Watchers products, services, information and news that may be of interest to you, and provide you with targeted feedback. If you no longer desire to receive these communications, we will provide you with an option to change your preferences. In addition, if you identify yourself to us by sending us an email with questions or comments, we may use your information (including Personally Identifiable Information) to respond to your questions or comments, and we may file your questions or comments for future reference. We may also use the information collected to send you important service announcements and updates regarding our Website or Online Products or, if you are a subscriber, about your billing account status. You will not be able to unsubscribe from these service announcements and updates as they contain important information relevant to your use of our Website and/or our Online Products. In addition, if you become a registered user or subscribe to one of our Online Products after May 19, 2004, we may use your information to contact you by postal mail about Weight Watchers products, services, information and news that may be of interest to you, unless you notify us that you no longer desire to receive these communications.

We may also use the information gathered on our Website and through our Online Products to perform statistical analysis of user behaviour, to analyze and evaluate issues relating to nutrition, weight loss, behaviour and fitness, or to evaluate and improve our Online Products. We may link one of this information to Personally Identifiable Information for purposes such as understanding the characteristics of people who use our Website, to improve and market our Website in general and our Online Products in particular or to assist you in your personal weight loss efforts.

WHEN DO WE DISCLOSE INFORMATION TO THIRD PARTIES?

Except as set forth in this Privacy Policy or as specifically agreed to by you, we will not disclose any information we gather from you on our Website.

Affiliates.

We may disclose information (including Personally Identifiable Information) about you to our Affiliates.

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Misleading Statement #2



Privacy and Data Security

Dell respects your privacy. Across our business, around the world, we will only collect, store and use your personal information for defined purposes. We use your information to support and enhance our relationship with you, for example, to process your purchase, provide service and support, and share product, service and company news and offerings with you.

We do not sell your personal information. We only share your personal data outside the Dell family of companies with your consent, as required by law or to protect Dell, its customers, or the public, or with companies that help Dell fulfill its obligations with you, and then only with partners who share Dell's commitment to protecting your privacy and data. At any time you may contact Dell with any privacy questions or concerns you may have. You also may ask at any time to see the data you have given us and request correction or deletion. We strive to ensure a high level of security and confidentiality. At Dell, your right to privacy and data security is a primary concern. That's why, whether you are purchasing a product or service from us or obtaining technical support, whether online or dealing with one of sales or technical support representatives over the phone, or simply visiting dell.ca, we strive to ensure that every customer experience is safe and secure. Dell has prepared this Privacy Policy to inform you about our ongoing commitment to ensuring your personal information remains accurate, confidential and used only for identified purposes, regardless of how it is provided to us. This Policy also addresses how you can inquire about the personal information we hold about you and how we will respond to such a request.

Dell has certain specific guidelines we use for protecting the information you provide us during a visit to our Internet site (www.dell.ca) or when you use our online support offerings such as support.dell.ca. Other Dell and Dell Co-branded sites may operate under their own privacy and security policies. For a summary of our corporate-wide privacy guidelines, see [Michael Dell's public statement](#). You can also visit www.ncinet.org/essentials to learn more about how to protect your privacy on the internet through a consumer education campaign called Online E-essentials, developed by Dell in partnership with the National Consumers League.

Dell is a proud participant in the BBB OnLine® Privacy Program. The BBB OnLine Privacy Program is backed by an organization noted for its expertise and experience in conducting successful national self-regulation programs--the Council of Better Business Bureaus. The mission of BBB OnLine is to promote trust and confidence on the Internet by advocating ethical online business practices. Further information about this program is available at <http://www.bbbOnline.org>. Additional Dell website and privacy information is available on the left. For more information about Dell's privacy or information usage guidelines, contact us at CA_Privacycompliance@dell.com and put "privacy" in the subject line. **The website and privacy guidelines in this Policy are applicable only to this domestic website and to Dell Canada Inc.**

Scope of this Privacy Policy

This Privacy Policy applies only to personal information collected from individual customers. It does not apply to corporate or business contact information. In addition, this policy is not applicable to personal information that has been aggregated or made anonymous and no longer specifically relates to an identifiable individual. Dell reserves the right to use aggregated or anonymous information in any manner it considers appropriate.

When and Why Dell asks for specific types of personal information

In a few areas on our Web site and online customer support tools, as well as in our telephone interaction with customers, we ask you to provide information for a number of purposes including in order to enable us to proceed with processing and fulfilling your product or service purchase, to assist you with technical support issues, or to follow up with you after your product or service inquiry or purchase to obtain your feedback or to ensure that you are aware of Dell's product and service portfolio and any special offers or promotions we think may be of interest to you. In certain circumstances, it is completely optional for you to provide your personal information, and in other circumstances, such as in order to complete your purchase, such information must be provided. If you choose not to provide your personal information, we will advise you if a service cannot be performed without such information.

We request information from you when you:

- Register on dell.com
- Place an order whether over the phone or online
- Provide feedback in an online survey or other method in order to help us improve the effectiveness of our customer relations
- Participate in a sweepstakes or other promotional offer
- Request e-mail notification of your order status (called "Order Watch")
- Subscribe to a newsletter or a mailing list
- Request technical support whether online through our Resolution Assistant Tool or from our telephone technical support
- Request assistance from our Product Advisor

The kind of personal information we will ask for includes your name, e-mail address, phone number, address, type of business, customer preference information, customer number and service tag number, as well as such other personal information that is needed to fulfill the purposes identified in this Privacy Policy.

Why We May Ask for Your Social Insurance Number

If your choice of payment for a Dell product is by way of leasing, we will ask for your Social Insurance Number (SIN). This is requested so that we can provide your information to a credit bureau in order to perform a credit analysis. The SIN is the best way to ensure that the information we are provided actually refers to you. This will avoid us making incorrect conclusions about your financial status. However, you should be aware that using your SIN in this manner is voluntary and you have the right to refuse to provide it to us.

Dell only uses your personal information for specific purposes

The information you provide will be kept confidential and used to maintain and support your customer relationship with Dell. This means enabling us to proceed with processing and fulfilling your product or service purchase, assisting you with technical support issues, or following up with you after your product or service inquiry or purchase in order to obtain your feedback or to ensure that you are aware of Dell's product and service portfolio and any special offers or promotions that we think may be of interest to you. In order to support your customer relationship with Dell,



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we may share your personal information with certain select service providers who have committed to keep your personal information confidential, use it only as directed by Dell and to secure your personal information in a manner that is consistent with this Policy. You can opt-out of receiving further marketing from Dell at any time. As mentioned above, following your product or service inquiry or purchase, we will send you information about our various products and services, and any special offers or promotions we think may be of interest to you. Only Dell (or its select service providers) will send you these direct mailings. If you do not want to receive such mailings, simply tell us when you give us your personal information. Or, at any time you can easily opt-out of receiving further marketing from Dell by [clicking here](#). By doing so, you will access secure links for you to remove your personal information from Dell's contact lists for catalogues, phone, faxes and email.

Dell will not disclose your personal information to any outside organization for its use in marketing without your consent. Information regarding you (such as name, address and phone number) or your order and the products you purchase will not be given to any outside organization for its use in marketing or solicitation without your consent. Under no circumstances do we sell our customer's personal information to third parties.

Disclosure to Service Providers

Dell will share your personal information with certain select service providers in order to support your customer relationship with Dell as detailed above. For example, service providers will be engaged to confirm your identity and address, to assist in the order fulfillment process, repair products purchased, to perform credit analyses, and to assist in alerting you to product and service offerings that we think may be of interest to you. All such service providers only use your information for the purposes and in the manner we have instructed them. They have also committed to keeping your personal information confidential, using it only as directed by Dell and to secure your personal information in a manner that is consistent with this Policy.

Your Consent to the Collection, Use and Disclosure of Your Personal Information:

The provision of your personal information to Dell means that you agree and consent that we may collect, use and disclose your personal information in accordance with this Privacy Policy. In addition, from time to time and where appropriate, Dell may request your specific authorization or consent. If you choose to withdraw your consent, and for certain reasons, Dell is unable to comply with your request, we will always advise you that we cannot do so. These could include reasons such as:

- you have selected the leasing option as payment for your purchase of one of our products and we require use of your personal information in order to continue processing your monthly payments;
- withdrawing your consent would result in our inability to fulfill the terms of your contract for products and/or services with us; or
- there are legal requirements for the use of your personal information.

Please be aware that in certain circumstances, Dell may be required to disclose your personal information without your consent such as to law enforcement or other government officials. This could arise, for example, where disclosure is required:

- to comply with a subpoena, warrant or order made by a court with jurisdiction to compel the production of such information;
- to legal authorities for the detection and prevention of fraud or other criminal activity; or
- to our legal counsel in the event that any matter may be the subject of litigation.

If Dell should be required to release your personal information without your consent, such as for the reasons listed above, we would always keep a record of what information was released, to which party it was released and why the circumstances necessitated such release. In order to respect your privacy to the fullest extent possible, Dell will only release the information to the extent that we have to.

Your Right of Access to Your Personal Information

Dell will permit you the reasonable right of access and review of your Personal Information. We will endeavor to provide the information in question within a reasonable time and no later than 30 days following receipt of your request. If we require additional time, or if we feel that we have grounds to refuse your request, we will tell you of new timing for our reply and/or the reasons for our extension or refusal. Dell reserves the right to charge for copies of your records, however we will always let you know in advance if there is any such charge. Dell will provide information from its records in a form that is easy to understand. To protect you, Dell may require sufficient information to allow us to confirm that the person making the request is authorized to do so before granting access or making corrections. **For How Long and Where Does Dell Keep y Personal Information?** We keep personal information only so long as is needed in order to meet the purposes set out in this Policy, including to enable us to meet any legal or regulatory requirements. Dell has retention standards for customer information and records management which set out these timelines. We have retention policies in place that govern the destruction of personal information. The principal places in which Dell holds personal information are in Toronto, Ontario and nearby municipalities where off-site storage facilities may be located. Because Dell Canada is part of a global organization, personal information may be shared (including for storage and processing) among Dell affiliated companies in other countries including, but not limited to, Canada and the United States. Dell Canada has entered into agreements with such companies and has taken the measures described below (See "Dell and Related Companies") in order to protect your personal information. **Dell wants to help you keep your personal information accurate**

You can request the personal information that Dell has collected about you via the Internet at ca_privacycompliance@dell.com. You can request to have factual inaccuracies in this information corrected by contacting CA_PrivacyCompliance@dell.com. As well, for both such requests, you can make such request by writing us at the address provided at the end of this Policy to the attention of Privacy Compliance Representative. **Dell Human Resources Web Sites**



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Lessons for PIPEDA Review



- **Enforcement Regime**
 - inadequate incentives to comply
- **Vague Standards**
 - explicit vs. implied vs. opt-out/deemed consent
 - criteria for each form of consent
 - indirect collection (responsibility of collecting org'n)
- **Gaps**
 - no clear notice requirement
 - no criteria for valid notice
 - no timeliness, ease of execution requirement for opt-out
 - no source disclosure requirement



CIPPIC Reports



“On the Data Trail: How Detailed Information About You Gets Into The Hands Of Organizations With Whom You Have No Relationship”

“Compliance with Canadian Data Protection Laws: Are Retailers Measuring Up?”



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