



Updated Digital Law Advocates Responsible Data Use

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The Canadian government has introduced the ‘Digital Charter Implementation Act, 2022’ to strengthen Canada’s private sector privacy law, create new rules for the responsible development and use of artificial intelligence (AI), and continue advancing the implementation of Canada’s ‘Digital Charter.’

The act will include three proposed acts:

- the Consumer Privacy Protection Act
- the Personal Information and Data Protection Tribunal Act
- the Artificial Intelligence and Data Act

The proposed Consumer Privacy Protection Act will address the needs of Canadians who rely on digital technology and respond to feedback received on previous proposed legislation. This law will ensure that the privacy of Canadians will be protected and that innovative businesses can benefit from clear rules as technology continues to evolve. This includes:

- increasing control and transparency when Canadians’ personal information is handled by organizations
- giving Canadians the freedom to move their information from one organization to another in a secure manner
- ensuring that Canadians can request that their information be disposed of when it is no longer needed
- establishing stronger protections for minors, including by limiting organizations’ right to collect or use information on minors and holding organizations to a higher stan-

dard when handling minors’ information

- providing the privacy commissioner of Canada with broad order-making powers, including the ability to order a company to stop collecting data or using personal information
- establishing significant fines for non-compliant organizations – with fines of up to five per cent of global revenue or \$25 million, whichever is greater, for the most serious offences



AUDITING YOUR PROGRAM DESIGN, POLICIES, AND PROCESSES IS INTEGRAL TO THE GOOD GOVERNANCE OF YOUR BENEFIT PLAN. UNCOVERING AND ADDRESSING GAPS IN THESE AREAS EARLY CAN MITIGATE LEGAL, FINANCIAL, AND REPUTATIONAL RISKS

The proposed Personal Information and Data Protection Tribunal Act will enable the creation of a new tribunal to facilitate the enforcement of the Consumer Privacy

Protection Act.

The proposed Artificial Intelligence and Data Act will introduce rules to strengthen Canadians’ trust in the development and deployment of AI systems, including:

- protecting Canadians by ensuring high-impact AI systems are developed and deployed in a way that identifies, assesses, and mitigates the risks of harm and bias
- establishing an AI and data commissioner to support the minister of innovation, science, and industry in fulfilling ministerial responsibilities under the Act, including by monitoring company compliance, ordering third-party audits, and sharing information with other regulators and enforcers as appropriate
- outlining clear criminal prohibitions and penalties regarding the use of data obtained unlawfully for AI development or where the reckless deployment of AI poses serious harm and where there is fraudulent intent to cause substantial economic loss through its deployment

“The ‘Digital Charter Implementation Act, 2022’ will give businesses clear rules to support their efforts to innovate with data and will introduce a new regulatory framework for the responsible development of artificial intelligence systems, while recognizing the need to protect young people and their information. This will not only promote confidence in the digital space, but also ensure a safe, more inclusive, and secure digital economy for the benefit of all Canadians,” says François-Philippe Champagne, minister of innovation, science, and industry.

– Home Improvement Retailing Staff