



**Office of the  
Privacy Commissioner  
of Canada**

**Commissariat  
à la protection de  
la vie privée du Canada**

A graphic illustration on the left side of the slide. It features several white silhouettes of people in business attire against a red background. There are two larger silhouettes of a man and a woman in the foreground, with the man holding a briefcase. Behind them are two smaller silhouettes of a man standing and a man looking at a device. The silhouettes are overlaid on a pattern of overlapping circles of varying sizes and opacities.

# **Transparency and Privacy – Where do you draw the line?**

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# Overview

- **Transparency and privacy as an integrated principle of democracy**
- **The legal and political context**
- **The function of transparency**
- **The function of privacy**
- **The rules that draw the line**



# Transparency and Privacy as an Integrated Democratic Principle

- Not competing interests but complementary rights
- Both subject to oversight
- In a “delicate balance” between individual and collective rights





# The Legal and Political Context

- Law enforcement authorities are accountable to the public through the oversight bodies
- Each oversight body has its own scope of mandate and powers
- Each is governed by different legislation
- Common privacy principles apply
  - Accountability is a duty proportionate to the level of power bestowed
  - Privacy is a fundamental right



# The Function of Transparency

- **Public trust**
- **Compliance**
- **Based on information**





# The Function of Privacy

- **Protection of one's social environment**
  - **Personal safety**
  - **Personal assets**
  - **Reputation**
  - **Exercise of fundamental freedoms**
- **Subject to overarching rules**



# The Rules that Draw the Line

- **Apply to both collection and disclosure**
- **“If you can’t protect it, don’t collect it”**
  - **Limited to the exercise of mandate**
  - **For justified purposes**
  - **According to a robust information management regime**



# ...The Rules that Draw the Line

- **Disclosure**
  - In accordance with mandate and justified purpose
  - Limited to prevailing public interest
- **Information sharing**
  - According to highest scrutiny
  - According to set protocols





# The Rules that Draw the Line...

- **Anonymized aggregate data does not constitute personal information**
- **But geo-coding and data-mining can lead to identification and unintended violation of privacy**





## In short,

- **Transparency and privacy are not at odds but complementary in a democratic society**
- **However, privacy, as a fundamental right, must prevail except**
  - **According to public interest**
  - **Within that strict limitation**
- **Basically, the question for oversight police bodies is: What do we need to know, and why?**



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