

CANON

Canadian
Anonymization
Network

March 21, 2025

Attn: Christopher Parsons, Director, Technology Policy
Fred Carter, Senior Technology and Policy Advisor

Information and Privacy Commissioner of Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Email: Christopher.Parsons@ipc.on.ca and Fred.Carter@ipc.on.ca

Re: Comments on the Draft De-Identification Fact Sheets issued by the Office of the Information and Privacy Commissioner of Ontario (“IPC”)

Dear Mr. Parsons and Mr. Carter,

Thank you for the opportunity to provide comments as part of the consultation on the draft de-identification fact sheets issued by your Office (the “**Draft De-Identification Fact Sheets**” or “**Fact Sheets**”), which build upon the June 2016 [De-identification Guidelines for Structured Data](#) (the “**2016 Guidelines**”).

This submission is made on behalf of the Canadian Anonymization Network ([CANON](#)), a not-for-profit organization whose members comprise large data custodians from across the public, private, and health sectors. One of CANON’s core publicly-stated [objectives](#) is to advocate for balanced legislative and policy standards for anonymization that enable innovative and beneficial uses of data, while reasonably protecting against foreseeable privacy risks.

On December 18, 2024, CANON and [AccessPrivacy](#) hosted a two-hour workshop to discuss the Draft De-Identification Fact Sheets. The discussion was moderated by Adam Kardash, Co-Chair of Osler, Hoskin & Harcourt LLP’s Privacy and Data Management team and National Lead of AccessPrivacy, and included comments and insights from the following panelists:

- Pamela Snively, Chief Data & Trust Officer at TELUS Communications and TELUS Health
- Suzanne Morin, VP Enterprise Conduct, Data Ethics and Chief Privacy Officer at Sun Life
- Marian Vermeulen, Sr. Director, Research, Data & Financial Services, Institute for Clinical Evaluative Sciences (ICES)

Chief Privacy Officers, senior counsel and privacy professionals across a breadth of industry sectors attended the workshop, including representatives from retail, health, banking, telecommunications, trade associations, and other public- and private-sector organizations.

Panelists and attendees highlighted several beneficial features of the Fact Sheets and areas for improvement, emphasizing, in particular, that in order to be practically useful, the Fact Sheets should:

- i. be non-prescriptive, technologically and sectorally agnostic, and easily digestible;
- ii. include actionable guidance, such as a checklist of controls, that can be readily implemented by organizations; and
- iii. expressly articulate that context is critical for any practical risk assessments conducted by organizations.

Below, we have expanded on the key comments made during the discussion.

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Beneficial Features of the Draft De-Identification Fact Sheets

- Several participants lauded the comprehensive nature of the Fact Sheets, which tackle a complicated topic that has long been a source of confusion for privacy and information security professionals. Comments were made that the Fact Sheets serve as an excellent starting point to launch these important discussions among organizations who are eager to do the right thing and ensure that de-identification is carried out in a manner that upholds the tenets of privacy while enabling research and innovation. Many also highlighted that the IPC's collaborative approach in seeking feedback through this consultation process is greatly appreciated.
- Several participants expressed their appreciation that the Fact Sheets recognize the spectrum of identifiability and that "zero probability of re-identification is not a standard that can be met in practice." Participants emphasized that this recognition is particularly important for ensuring interoperability with other statutory frameworks, including other provincial health privacy statutes across Canada, Quebec's public and private sector privacy statutes and Canada's now-terminated Bill C-27.
- Relatedly, participants appreciated the facilitative nature of the Fact Sheets, which focus on *how* to de-identify rather than *whether* de-identification is possible.

Challenges and Recommendations

- Comments were made about the Fact Sheets being highly technical. Participants specifically noted that the Fact Sheets focus heavily on technical concepts without first introducing the purpose of the Fact Sheets or the governing statutory framework. Certain comments were made that the Fact Sheets' intended audience is unclear, and that a preamble to the Fact Sheets would help set the tone for the document, including how it is intended to be used and by whom.
- Structurally, several participants noted that the document is lengthy, duplicative of certain content in the 2016 Guidelines and may be difficult to digest. As the stated intent of the Fact Sheets is to supplement (rather than replace) the existing guidelines with actionable considerations and controls,

participants felt that duplicative content should be removed and the interaction between the Fact Sheets and the 2016 Guidelines more clearly set out, e.g., by introducing the Fact Sheets as appendices to the 2016 Guidelines, inserting cross references, headings and a concise glossary of consistently used terms, and otherwise making the Fact Sheets easier for the reader to navigate in conjunction with the 2016 Guidelines.

- Participants noted a lack of specificity as to whether the Fact Sheets set out *requirements* or merely *considerations* when de-identifying personal information. Participants indicated that it would be beneficial for the Fact Sheets to be less prescriptive with careful consideration as to the use of terms like “must” and “should” throughout.
- There were multiple comments made regarding the Fact Sheets’ primary focus on public data releases (e.g., in the context of health research), which may render the Fact Sheets less relevant when de-identifying information in other contexts (e.g., to generate statistical insights for internal research and development, to utilize de-identification as a security measure, etc.). Several participants expressed a desire for the Fact Sheets to clarify this point and acknowledge that different approaches to de-identification may be reasonable and appropriate in different contexts.
- By the conclusion of the session, there seemed to be overwhelming consensus among participants that what they would find most useful is a concise and actionable checklist of technologically and sectorally agnostic considerations and controls when de-identifying personal information irrespective of the particular context (e.g., public release for health research vs. internal research and development). Maintaining certain context-specific fact sheets may be useful, but they should be clearly labeled as such (e.g., Public Release for Health Research) to ensure there is no confusion among readers as to the application of context-specific fact sheets to other de-identification scenarios.

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We are pleased to provide a recording of the full session, available [here](#), for consideration as part of your Office’s consultation process.

Thank you for your thoughtful consideration of the comments and proposals raised in this session. We would be pleased to speak about these topics in more detail.

Yours sincerely,



Adam Kardash, on behalf of the Canadian Anonymization Network (CANON)