

DATE: September, 2019

SUBJECT: Privacy – Guidelines for Meaningful Consent

Obtaining meaningful consent is a fundamental element of the *Personal Information Protection and Electronic Documents Act* (PIPEDA). Organizations generally **must** obtain meaningful consent when they collect, use and disclose personal information. Meaningful consent means that people signing the consent understand what they are consenting to.

Effective January 1, 2019, PIPEDA has seven new guiding principles to help organizations ensure they obtain meaningful consent from their customers by setting out specific expectations on how the law should be applied. The new guidelines outline the requirements for obtaining meaningful consent by setting out specific expectations on how the law should be applied. The guidelines were issued jointly with the offices of the Alberta and British Columbia Information and Privacy Commissioners.

Seven guidelines for obtaining meaningful consent:

1. **Emphasize key elements:** make privacy information readily available, while giving emphasis or bring attention to four key elements:
 - What personal information is being collected,
 - With whom will it be shared,
 - For what purposes it is being collected, used or disclosed, and
 - What, if any, are the risks of Risk of harm and other consequences.
2. **Allow individuals to control the level of detail they get and when:** to make consent meaningful, customers must be able to understand what they are consenting to and you must allow individuals to withdraw consent (subject to legal or contractual restrictions).
3. **Provide individuals with clear options to say 'yes' or 'no':** customers cannot be required to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product of service.
4. **Be innovative and creative:** design an innovative consent process that can be just-in-time, are specific to the context, and are appropriate to the type of interface used.
5. **Consider the consumer's perspective:** to ensure consent processes are user-friendly and generally understandable.
6. **Make consent a dynamic and ongoing process:** obtain new consent when making significant changes to privacy practices.
7. **Be accountable: Stand ready to demonstrate compliance:** if asked, be ready to demonstrate that you have a process in place to obtain consent from individuals, and that such process is compliant with the consent obligations set out in legislation.

Information Resources

Detailed information on all the seven guidelines for obtaining meaningful consent can be found at the www.priv.gc.ca. You should also familiarize yourself with the provincial privacy commissioner website if you are licensed in a province where a provincial privacy commissioner is present.