

# PRIVACY HORIZONS: TERRA INCOGNITA

29<sup>th</sup> International Conference of  
Data Protection and Privacy Commissioners

September 25 to 28, 2007  
Montreal, Canada



## LES HORIZONS DE LA PROTECTION DE LA VIE PRIVÉE : TERRA INCOGNITA

29<sup>e</sup> Conférence internationale des commissaires  
à la protection des données et de la vie privée

du 25 au 28 septembre 2007  
Montréal, Canada

# **RFID Privacy Guidelines: *Enhancing Consumer Trust***

**Ann Cavoukian, Ph.D.  
Information and Privacy Commissioner  
Ontario**

**29<sup>th</sup> International Conference of  
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*September 26, 2007***

# Privacy-Enhancing Technologies (*PETs*)

- The IPC developed the concept, now commonly recognized around the world, as privacy-enhancing technologies (PETs);
- In 1995, the IPC and the Dutch Data Protection Authority published their landmark study, *Privacy-Enhancing Technologies: The Path to Anonymity* (Vols. I & II);
- **Privacy by Design** – build in privacy up front, into the design specifications, into the architecture; if possible, embed privacy right into the technology itself – bake it in.

# Supply-Chain vs. Item-Level

## *The Difference*

- Every RFID tag contains unique-identifying data, such as a serial number;
- Privacy issues can arise when the RFID tag is associated with a specific item (rather than several items grouped together), ***and an identifiable individual (consumer)***;
- **Supply-chain management**: involves tagging bulk goods, cases, pallets. Also some products for business uses in manufacturing, wholesale distribution, and for back-end retail inventory management purposes;
- **Item-level consumer product tagging**: involves tagging commercial products in the retail space that are owned, carried and used by individual consumers, such as apparel or electronics.

# IPC Position on the Commercial Uses of RFIDs

- The IPC does not oppose the use of RFID technologies throughout the supply chain management process – track products, not people;
- Caution is advised when linking item-level RFID data to individuals: therein lie the privacy concerns;
- Consistent with our approach to PETs, we support technological solutions to protecting privacy in RFIDs, embedding “privacy by design” protections within RFID systems.

# Collaboration with EPCglobal Canada

- **June 2006**, the IPC collaborated with EPCglobal Canada;
- The IPC issued, *Privacy Guidelines for RFID Information Systems (RFID Privacy Guidelines)*, accompanied by a companion piece titled, *Practical Tips for Implementing RFID Privacy Guidelines*;

## **We undertook this task to:**

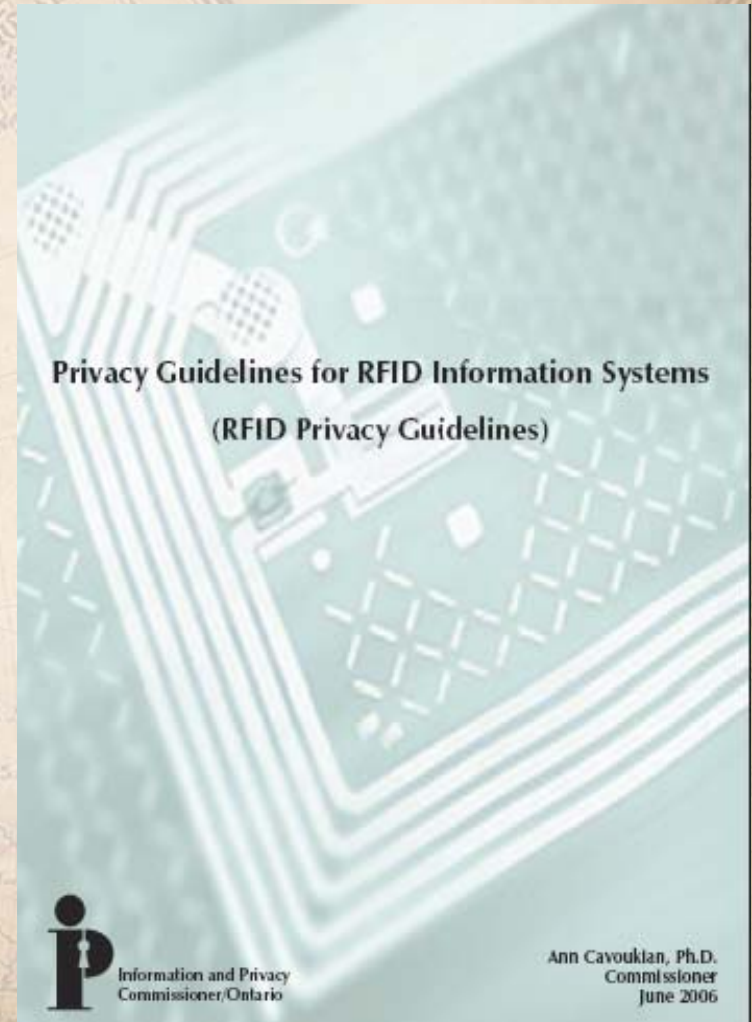
- encourage the development of new technologies that allow for de-activation, followed by re-activation;
- encourage the concept of ***privacy by design***;

*“Embed privacy protective measures into the actual design and infrastructure of any new technology, including RFIDs.”*

# IPC RFID Privacy Guidelines

- Developed with leading industry standards-setting organization (GS1/EPCglobal Canada);
- Promotes compliance with Canadian federal and provincial privacy laws;
- Strongest, most complete set of RFID guidelines developed to date – promotes compliance and consumer trust around the world.

[www.ipc.on.ca/docs/rfidgdlines.pdf](http://www.ipc.on.ca/docs/rfidgdlines.pdf)



# Features of IPC RFID Guidelines

- The *Guidelines* address key privacy issues regarding use of item-level RFID technology in the retail/commercial sector;
- Goal: to promote RFID technology by addressing concerns about the potential threat to privacy and to build-in the necessary protections for the item-level use of RFID tags;

## **The *Guidelines* are based on three principles:**

1. Focus on RFID information systems, not technologies;
2. Build in privacy and security from the outset, at the design stage – making it a positive-sum paradigm;
3. Maximize individual participation and consent.

# IPC RFID Privacy Guidelines

## *Scope of The Guidelines*

- Based upon the **10 Fair Information Practices** of the general-purpose **CSA Privacy Code**, which applies to all organizations and forms the basis for Canada's private sector privacy law – the ***Personal Information Protection and Electronic Documents Act (PIPEDA)***.
- Focus on item-level tagged consumer goods;
- Focus on RFID-linked PII: data linkages considered to constitute personal information;
- Guidelines a reference for *all* RFID industry stakeholders, e.g. product manufacturers, hardware and software vendors, consumers – everyone must be part of privacy solutions.

# Canada's Fair Information Practices\*

- **Accountability**
- **Identifying Purposes**
- **Consent**
- **Limiting Collection**
- **Limiting Use, Disclosure, Retention**
- **Accuracy**
- **Safeguards**
- **Openness**
- **Individual Access**
- **Challenging Compliance**

\* ***CSA Model Code for the Protection of Personal Information*** (Privacy Code) CAN-CSA Q830 1996 - [www.csa.ca/standards/privacy/code/](http://www.csa.ca/standards/privacy/code/)

# Canada's Fair Information Practices

- CSA Model Privacy Code was incorporated into Canada's federal ***Personal Information Protection and Electronic Documents Act (PIPEDA)*** – appended as a schedule;  
[www.privcom.gc.ca/legislation/02\\_06\\_01\\_01\\_e.asp](http://www.privcom.gc.ca/legislation/02_06_01_01_e.asp)
- Organizations that comply with the Privacy Code can be confident that they meet the federal requirements;
- In 2001, the European Commission recognized *PIPEDA* as providing adequate protection for personal data transferred from the EU to Canada.

# Conclusion

- Our focus should remain on **real** privacy issues, involving the protection of personally identifiable information (PII);
- If there is no PII, there is no privacy issue;
- If PII is involved, apply strong privacy protections as reflected in the IPC's *RFID Privacy Guidelines*, consistent with Canadian privacy laws.

# How to Contact Us

**Ann Cavoukian, Ph.D.**

**Information and Privacy Commissioner of Ontario**

**2 Bloor Street East, Suite 1400**

**Toronto, Ontario, Canada, M4W 1A8**

**Phone: (416) 326-3333 / 1-800-387-0073**

**Web: [www.ipc.on.ca](http://www.ipc.on.ca)**

**E-mail: [info@ipc.on.ca](mailto:info@ipc.on.ca)**