

**October 6, 2023**

**Canadian privacy regulators pass resolutions on the privacy of young people and workplace privacy**

**QUÉBEC, QC** – Privacy authorities from across the country are calling on their respective governments to improve privacy legislation to protect young people and employees – groups that are significantly vulnerable, each in their own way, to the growing influence of digital technologies.

Federal, provincial, and territorial information and privacy authorities met this week in Québec City for their annual meeting to discuss pressing concerns related to privacy and access to information. These discussions resulted in joint resolutions calling on governments to do more to protect the privacy rights of young people and workers.

For young people, the resolution focuses on the responsibility of organizations across all sectors to actively safeguard young people’s data through responsible measures, including minimized tracking, regulated data sharing, and stringent control over commercial advertising. It also calls on organizations to safeguard their rights to access, correction, and appeal regarding personal data.

The employee privacy resolution addresses the recent proliferation of employee monitoring software and how it has revealed that laws protecting workplace privacy are either out of date or absent altogether. In our increasingly digital work environments, there needs to be robust and relevant privacy protections in place to safeguard workers from overly intrusive monitoring by employers.

**Privacy of young people**

Youth have a right to privacy and all sectors, including governments and businesses, must put young people’s interests first by setting clear limits on when and how their personal information may be used or shared, the privacy authorities say. They called on their respective governments to review, amend or adopt legislation as necessary to ensure that it includes strong safeguards, transparency requirements and access to remedies for young people. They also called on government institutions to ensure that their practices prioritize a secure, ethical, and transparent digital environment for youth.

The resolution notes that while the digital environment presents many opportunities for young people, it has also brought well-documented harms, including the impact of social media on physical and mental health. Regulators say that special protections are essential for younger

generations, because their information can live online for a long time, and may become a life-long reputational burden.

The resolution also calls on organizations to adopt practices that promote the best interests of young people, ensuring not only the safeguarding of young people's data, but also empowering them with the knowledge and agency to navigate digital platforms and manage their data safely, and with autonomy. Initial steps include identifying and minimizing privacy risks at the design stage. Other recommendations include making the strongest privacy settings the default; turning off location tracking; and rejecting deceptive practices and incentives that influence young people to make poor privacy decisions or to engage in harmful behaviours.

"Today's resolution speaks to the urgent need to amend our privacy laws to respond to the immense and growing disparity between the threats young people face in our digital world and the protections offered by our legislation. Here in BC, my office has advocated for the development of a Children's Code that would put into place rules and guardrails around young people's personal information, with the ultimate aim of ensuring that they are able to fully enjoy the benefits of technology, without falling prey to its potential harms," said Michael McEvoy, Information and Privacy Commissioner for British Columbia.

### **Privacy in the workplace**

With the shift towards increased remote work arrangements and use of monitoring technologies in this digital world, the privacy authorities called on governments to develop or strengthen laws to protect employee privacy. They also urged employers to be more transparent and accountable in their workplace monitoring policies and practices.

Employee monitoring has undergone substantial expansion in its use, technological capabilities and application in recent years. Many employers have accelerated the use of monitoring technologies as they seek new ways of tracking employee's performance and activities on-premises or remotely, whether during work or off hours.

Although some level of information collection is reasonable and may even be necessary to manage the employer-employee relationship, the adoption of digital surveillance technologies can have disproportionate impacts on employees' privacy and can significantly impact an employee's career and overall well-being, including heightened stress levels and other adverse mental health effects, not to mention reduced autonomy and creativity.

The resolution calls for a collective effort from governments and employers to address statutory gaps, respect and protect employee rights to privacy and transparency, and ensure the fair and appropriate use of electronic monitoring tools and AI technologies in the modern workplace.

“The proliferation of remote and hybrid work options in recent years offers tremendous benefits and greater flexibility for employees and workplaces; however, those advances also come with serious privacy concerns, specifically around employee monitoring technologies. Today’s resolution calls on governments and organizations to reflect on the use of these technologies and their impact on employees’ privacy rights. As we move forward with generation-defining advances in how and where we work, we must ensure employee privacy rights are respected,” said Commissioner McEvoy.

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