



Insured Retirement Institute



Internet Association



Mr. Daniel Therrien
Privacy Commissioner of Canada
Office of the Privacy Commissioner

August 6, 2019

Dear Mr. Therrien:

As representatives of the United States and Canadian business communities, we write to you to voice our concerns about the Office of the Privacy Commissioner's ("OPC") recent consultations.

The digital economy touches on and encompasses all sectors of the U.S.-Canadian trade and investment partnership, including information technology, agriculture, manufacturing, defense, healthcare, and financial services. Consequently, data protection is a foundational consideration for our continued economic growth and competitiveness. **Due to the breadth, depth, and complexity of our economic partnership, a measured approach to data privacy policy is essential.**

Our organizations recognize the importance of robust and flexible data privacy protections for U.S. and Canadian consumers. Recent proposals by your office, however, have cast uncertainty onto the future of the Canadian privacy regime. We refer to discussions by the OPC to reexamine fundamental elements of the *Personal Information Protection & Electronic Documents Act* ("PIPEDA"), including a proposal that would require organizations obtain consent before transferring personal data outside of Canada. This proposed requirement would not advance the data privacy of Canadian citizens and would require many companies to localize data within Canada, with significant costs to Canadian and U.S. businesses and consumers. It would also run counter to Canada's trade obligations, including those in the *United States-Mexico-Canada Agreement* ("USMCA"), as well as international data privacy and security norms.

Decisions on how to approach an issue as sensitive and complex as data privacy should be the province of elected lawmakers. We urge the OPC to refrain from short-term unilateral measures ahead of what is sure to be an important public debate on PIPEDA reform. We firmly believe that Canada's elected officials are best suited for weighing the high-stakes involved in changes to data privacy law. We note that the Canadian Government has already indicated its intention to review PIPEDA in its *Digital Charter* and has undertaken extensive consultations in preparation for such a review.

Our organizations have a long history of supporting bilateral trade and investment and are proud of our contributions to the vibrant U.S.-Canadian relationship. We stand ready to work with the Canadian Government, the Parliament of Canada, and your office on a measured and fulsome examination of this foundational issue.

Sincerely,

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American Chamber of Commerce Canada

American Council of Life Insurers (ACLI)

American Property Casualty Insurance Association (APCI)

Canadian Chamber of Commerce

Coalition of Services Industries (CSI)

Information Technology Industry Council (ITI)

Insured Retirement Institute (IRI)

Internet Association

Reinsurance Association of America (RAA)

Securities Industry & Financial Markets Association (SIFMA)

Software & Information Industry Association (SIIA)

United States Chamber of Commerce

United States Council for International Business (USCIB)