

**CDN406H1S LEC0101 Data Privacy in Canada
SYLLABUS Winter 2022
Thursdays 3-5. UC 330**

DRAFT - January 13 - adjustments to schedule may arise with guest speakers

Contact Information: Professor Siobhan O’Flynn

Office Online Hours: Thursdays 12:30-1:30 online

Pronouns: she/her. Do let me know your preferred pronouns & preferred name if different from the UTor listing.

Email: message via Quercus - no spam, malware or phishing emails!

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Canadian Studies Program Information

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The CS website is: <http://www.utoronto.ca/canstudies/>

Land Acknowledgement:

I acknowledge that land on which the University of Toronto operates has for thousands of years, been the traditional land of the Huron-Wendat, the Seneca and, most recently, the Mississaugas of the Credit River. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and I am grateful to have the opportunity to live and work on this land and to benefit from its many resources. Further, I acknowledge that as an uninvited settler on this land, I continue to learn about the traditions, knowledge, and experience of Turtle Island’s Indigenous peoples and I commit myself daily to dismantling historic and present systems of oppression.

Teaching Delivery: Classes will be synchronous online via Zoom January 12-28. Current plans are to be back on campus in-person from our Feb. 3 class. Asynchronous preparation includes reviewing assigned essays and materials ahead of each class. SKIMMING is fine! Note the key points that stand out to you. Have something in hand to contribute to class discussions. Class lecture slides will be posted ahead of each class to support learning. I will also be sharing links to my are.na resource pages.

TECH REQUIREMENTS:

UoT has provided guidelines as to tech requirements for students, which you can review here:

- the University of Toronto [recommended tech requirements for online learning](#)

Course Website: Quercus

I will be archiving new resources such as tools, archives, websites, reports & articles & I will send out email updates when new content or answers to FAQ are posted. We will use Discussion Threads & Break Out sessions if online for additional engagement & content sharing.

Description:

The Covid-19 pandemic and stages of lockdown have exposed in sharper relief inequities and pathologies in our body politic(s) such that national and global movements are demanding change and the end to systemic violence against equity-deserving and racialized communities. Alongside the need for equity in health, income, political representation, marriage equality, and rights broadly, the disenfranchisement resulting from an increasing “digital divide” also needs attention, as we are forced to rely on the internet, digital platforms and services for everything from education to health services. Where, pre-pandemic, “digital divide” typically referred to inequities in access to technologies (latest tech vs. Nearly obsolescent devices, access to internet, infrastructure, premium vs. free services), an additional widening strata exists between the users of digital tech and the small coterie of Big Tech CEOs whose decisions impact lives globally and whose companies now operate as de facto extranational entities. This inequity can be expressed in a simple question: Are we data subjects or subjects to data tracking and collection, then archived, analyzed, used, shared, and capitalized by known and unknown corporate entities?

The answer for the vast majority of the world’s population is the latter and this course will examine the current state of privacy legislation in Canada, the recent Digital Charter, and Office of the Privacy Commissioner’s proposed reforms to PIPEDA, distinguishing between privacy legislation and recommendations at the federal and provincial levels, privacy and security, in order to understand the limits and omissions of privacy legislation in Canada today. To support our understanding of what effective legislation could be, we will compare recent legislation, rulings and fines in the EU under the GDPR, the America-wide impact of California’s CCPA, as well as other recent and proposed state legislation in the US (New Mexico and Vermont), and the global impact of recent fines & rulings by the US Federal Trade Commission. Non-Western / American epistemologies (eg. Indigenous) would not have pursued the same trajectory that now exists in what Vincent Mosco coined as “surveillance capitalism” (2014). This year, flashpoint issues are: regulation, anti-trust, and monopolies; data privacy, portability, and interoperability; and transparency, accountability, and the right to withdraw consent, AND unlawful government tracking of location data.

Course Objectives / Learning Outcomes:

- Provide an overview of the current state of privacy legislation in Canada (federal and provincial), and compare / contrast with our privacy legislation in other jurisdictions.
- Understand how innovation-driven market economies, the pervasiveness of Big Tech and ubiquitous computing, threaten individual and societal rights and values essential to democratic governance.
- Assess the viability of more far-reaching, rigorous legislation for a Canadian context and the barriers to regulation that make this challenging to implement at the federal and provincial levels.

Course Expectations:

Preparation and Participation:

- keep up with reading the required texts (PLEASE SKIM!) and exploration of assigned websites, projects, and materials. Be ready to participate in class discussions through comments and/or questions, and/or think deep thoughts.
 - Back up your work. Sending yourself files or uploading to cloud storage is also good practice (READ THE TERMS OF USE).
 - Regular attendance will be key as many of the assignments / topics will be generated in class with guidance from your instructor.

Required Readings: All readings are listed by class on the weekly schedule and are available online, either open on the web and accessible via an embedded link on the syllabus or through the UofT Library database. Should any link seem to be broken, first try another browser (this is often the issue), then search the title / author as all are still available online, then message me & I will update if needed. Currently I have double-checked all links are live.

Course work and grading:

Collaborative Environmental Scan	20%	(ongoing)
1 x 10% weeks 2-5 - Feb.10 latest; 1 x 10% weeks 6-10 - Mar. 24 latest		
Short Assignment #1	20%	(Feb. 21)
Short Assignment #2 Student Led / in-class	15%	(Sign-up; ongoing)
Final Essay or Project	30%	Apr. 9, 2022
Participation (in-class / online)	15%	(ongoing)

Descriptions (short):

Collaborative Environmental Scan - Environmental scanning is a process used in strategic planning and strategic foresighting to identify factors, trends, drivers, that could impact future planning decisions, desired outcomes and worst case scenarios. This planning process is critical for development planning and policy planning. For each of your chosen topics, you will create a short summary on the given topic, providing a snap shot of the current state of X, the key agents / entities, trends, and drivers, and other factors as relevant. The format is flexible, from a short written text to a visual infographic or slide set. We will use are.na as the resource archive for the materials informing your contribution.

Short Assignment #1 - This short assignment can be a deeper dive into a given topic and we will develop an ongoing updating list of topics of concern as these emerge moving through the course. Format again, is flexible, but should be more substantive than the Collaborative Environmental Scan contributions.

Short Assignment #2 - Everyone will choose one topic / reading to be the lead on in class. This could be a provocation, an observation, a challenge, a question, presented to kickstart class

discussion for the day. Your contribution can be 3-5 minutes, as you will provide context for the given prompt and an aid of some kind as a supplement to learning, which could be a short one-pager (text), a single slide, a quotation, a question or three, to be shared with the class on the Discussion thread BEFORE class. Again, there should be documentation of the research and resources that provide the background for your prompt (are.na). We should all be prepared to engage and support each other with informed questions and responses. Note: as we could have TWO leads per class, you could collaborate and/or bounce off each other in a dialogue format.

For example: Justin Sherman, cyber policy fellow at Duke University's Technology Policy Lab, recently stated that "third party sharing is a threat to national security" (Sept. 2021). There are major ramifications consequent from recognizing the validity of this statement. Why? Here are examples that support his claim.

Final Essay or Project: In content, your final essay/ project could be:

a research paper on a particular topic; a drafting of policy reforms and/or recommendations; a multi-media case study

Participation: Ongoing through the term, in-class contributions and/or online to Discussion Threads (could be questions, responses, spoken, shared as written, visual, new resources, current events, national, international).

Submitting digital assignments:

- Digital assignments should be saved as PDFs to preserve the layout. This is important if you are including screen shots from apps and websites as losing the layout design may impact the clarity of your critique or analysis of findings. Make sure to title & number figures / graphs / images.
- Files can be uploaded to Quercus if small files. Large zip files can be emailed to Quercus inbox and if needed, I will create a dropbox folder.
- Assignments will need Works Cited and should follow a known citation style. Use whichever you are most familiar with: Chicago, APA, or MLA. Be consistent in whatever you work with & consult a credible university resource to ensure you meet citation requirements.
- Proofing (spelling & grammar): Remember to proof your final polished texts.

MISSED CLASSES: For those who miss the in-class activities, it may be possible to have asynchronous peer-to-peer make-up activities, IF there is more than one student who misses the class. This is not guaranteed. Students will self-organize using a discussion thread as a message board. Neither the instructor nor the TA will provide additional lecture or workshop material. Tech walk-throughs are recorded and this resource works extremely well online.

Equity, Diversity, and Inclusion

- Equity, Diversity, and Inclusion:

The University of Toronto is committed to equity, human rights and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect where all members of our community can express themselves, engage with each other, and respect one another's differences. U of T does not condone discrimination or harassment against any persons or communities.

- **Privacy/ FIPPA Statement:** Personal information is collected pursuant to section 2(14) of the University of Toronto Act, 1971 and at all times it will be protected in accordance with the Freedom of Information and Protection of Privacy Act. Please note that this course requires presentations of one's work to the group. For more information, please refer to <http://www.utoronto.ca/privacy>.
- **Online Copyright considerations:** Students may not record any portion of a lecture without the prior and explicit written permission of the course instructor. Provostial guidelines on the Appropriate Use of Information and Communication Technology, available at <https://www.provost.utoronto.ca/planning-policy/information-communication-technology-appropriate-use/>, state that:

The unauthorized use of any form of device to audiotape, photograph, video-record or otherwise reproduce lectures, course notes or teaching materials provided by instructors is covered by the Canadian Copyright Act and is prohibited. Students must obtain prior written consent to such recording. In the case of private use by students with disabilities, the instructor's consent must not be unreasonably withheld.

- **Notice of video recording and sharing (Download and re-use prohibited)**

Some lectures in this course, including your participation, may be recorded on video and then be made available to students in the course for viewing remotely and after each session.

- Course videos and materials belong to your instructor, the University, and/or other sources depending on the specific facts of each situation, and are protected by copyright. Do not download, copy, or share any course or student materials or videos without the explicit permission of the instructor.
- Note: As students will be sharing projects, do not copy or share any student materials without the explicit permission of the STUDENT creator AND the instructor.

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ON ACADEMIC INTEGRITY:

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, UofT treats cases of cheating and plagiarism very seriously.

[The University of Toronto's Code of Behaviour on Academic Matters](#) outlines behaviours that constitute academic dishonesty and the process for addressing academic offences, regardless of the course delivery method. Academic Integrity and Plagiarism will not be tolerated and failure to acknowledge your sources or include source information will result in a 0% grade. If you do not know what plagiarism is, read the University statement on Academic Integrity.

- “Normally, students will be required to submit their course essays to the University's plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).”

Final Grade: Your final grade is calculated from the work you have handed in by the scheduled due dates and the allowed window beyond last class. All grading is done in accordance with grading criteria as explained on the syllabus and in class, which reflects the FAS statement:

[FAS chart, 'What Your Grades Mean.'](#)

<http://www.writing.utoronto.ca/advice/general/grading-policy>

Regrading: Students can always ask for an assignment regrade. The steps should be to:

#1. Review the comments first. If you have not read the comments, I will ask that you do so first before we discuss.

#2. Should you not agree with the rationale, then email and/or speak to me & we can discuss and review. Some assignment grades are based on structural / coding criteria, and you will either have these correct or not.

#3. Note that writing that is not CLEANLY PROOFED may not receive above a B-. Take the time to proof your work, so you do not lose significant marks. Spelling and format matter. Treat your work as a professional would.

Timeline: Please follow up in a timely manner - within 2 weeks of the assignment's return.

NOTE: Asking for higher grades beyond what your work merits in its submitted form, violates the principles of Academic Integrity for yourself and for me.

Late Assignments Policy: All assignments are due on the due date. They can be accepted as late up to one week after the due date, with an extension.

Extensions: Anyone can have up to a ONE WEEK extension, no explanation required, no late penalty. You can have extensions on all assignments.

NOTE: Course work is designed so that if you submit work on time, you will receive your evaluation on the noted date. IF you ask for and take an extension, you are stepping out of this submit/return timeline, and your work will be returned WHEN I can review it.

Taking an extension may result in your work NOT being returned before the next due date, and potentially before the drop date. If you take an extension, you ARE agreeing to that arrangement. This could impact the % of work graded and returned to you before the final drop date. You accept this consequence when you ask for extensions.

Course Policies for Missed Term Work:

1. Deadline for requesting special consideration: request must be received the day before the assignment is due up to 11:59 pm that day for consideration.
2. Accepted methods for extension request: Quercus messaging is preferred as I then have a record. Subject line: "Extension Request: Assignment #..."
3. Absences for religious reasons or illness will be accommodated with the proper documentation for medical reasons.

NOTE - **If you've read to here, send me a message with 'Privacy 2022' in the subject line via Quercus! Congrats on being a close reader!**

• Writing Centres in Arts & Science St. George Campus:

Individual colleges offer support to help you develop the academic skills you need for success in your studies. **Website:** <http://www.writing.utoronto.ca/writing-centres/arts-and-science>

University College has an excellent Writing Centre < <http://www.utoronto.ca/ucwriting/>> that is open to all UC students and students enrolled in CDN courses. They provide individual instruction in intensive 50-minute consultations. Appointments can be made online. The UC Writing Centre also provides a range of other resources; see their website for more information.

• Accessibility: "Students with diverse needs are welcome in this course. The *AccessAbility Resource Centre* offers services to assess specific student needs, provide referrals, and arrange appropriate accommodations. Students with questions about disability/health accommodations are encouraged to contact their instructor and/or the *AccessAbility Resource Centre* when the course begins. The *AccessAbility Resource Centre* staff can be contacted by phone: Tel: 416-978-8060 or Email: accessibility.services@utoronto.ca."

Religious Observances: "It is the policy of the University of Toronto to arrange reasonable accommodation of the needs of students who observe religious holy days other than those already accommodated by ordinary scheduling and statutory holidays. Students have a responsibility to alert members of the teaching staff in a timely fashion to upcoming religious

observances and anticipated absences. Instructors will make every reasonable effort to avoid scheduling tests, examinations or other compulsory activities at these times."

For more information on U of T's policies and procedures, please consult:

<http://www.vicereprovooststudents.utoronto.ca/publicationsandpolicies/guidelines/religiousobservances.htm>

• **Illnesses and Absences:** Please obtain lecture notes from a classmate if you miss one or more classes and see your course instructor if you have questions about the material that was covered during your absence. Notify your course instructor as soon as possible if a serious illness or other concern is significantly affecting your ability to keep up with the course (missing 5+ classes). It is also wise to contact your college registrar if you are experiencing academic and personal difficulties.

• **E-Culture Policy:** Every attempt will be made to respond to student emails within 24 hours. If you don't get a reply within 72 hours, resend your message. I do check my messages often, however, do not email with questions that can be asked in class to the benefit of all (eg. answer on the syllabus or something that likely many may be wondering). Usually I create an FAQ list on Quercus as a Discussion Thread. Note: with Covid & long days online, I check emails first thing in the am (early) and then late in the day.

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Make sure you are familiar with the [FAS chart, 'What Your Grades Mean.'](#)

And review here:

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Understanding the UToronto grading rubric is also very helpful. See the 'Arts & Science Statement on What Grades Mean':

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3. Absences for religious reasons or illness will be accommodated with the proper documentation for medical reasons.
4. Note that if you ask for an extension, you will not necessarily have your work returned before the next assignment. I have structured the due dates to allow for assignments to be returned before the next due date. If you ask for an extension, you step outside of this schedule, though hopefully I will be able to turn assignments around quickly.

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• **Student Conduct: Students are expected to have read or explored assigned material before class and to be prepared to engage in discussion.**

- **E-Culture Policy:** Every attempt will be made to respond to student emails within 24 hours. If you don't get a reply within 72 hours, resend your message. I do check my messages often, however, do not email with questions that can be asked in class to the benefit of all (eg. answer on the syllabus or something that likely many may be wondering). Usually I create an FAQ list on Quercus as a Discussion Thread. Note: with Covid & long days online, I check emails first thing in the am (early) and then late in the day.

Drop Dates: Mar 14, 2022. Last day to drop S courses.

Online Academic Resources:

- UToronto offers many excellent online resources for writing essays. Start here: <http://www.writing.utoronto.ca/advice/general>

CDN406S - Weekly Schedule:

PDFs for listed readings will be in the folders, organized by Class #, always findable by searching last name.

Online Links: If urls are dead, search the titles, as URLs change. I've checked all links are working; that can change.

Laying foundations - Please watch the following either for Class #1 or before Class #2:

US Dominance & Context:

Video: Zuboff & Jim Balsillie (2020): *Beyond Surveillance Capitalism*
<https://vimeo.com/429824563>

EU Counter Context:

Video: "Dr Johnny Ryan speaking to European broadcasters at EGTA CEO's Summit in Madrid, 2018".

Class #1. Jan. 13. Introduction - What is Data Privacy? What is harm?

Brandeis to Clearview AI

Ann Cavoukian (2009), "Privacy By Design: 7 Foundational Principles"

Class #2. Jan. 20. PIPEDA - What is it? Why? How effective is it?

Review:

#1 - PIPEDA (2019) **In Brief** summary

#2 - PIPEDA (2019), 10 Fair Information Principles (Detailed)

- Source - Full PIPEDA (PDF in files)

#3 - IPC Private Sector Consultation Submission (2020)

Optional : Listed in files for PIPEDA as 1b_Protecting Your Privacy_OPCC

Stats Can: **"Principles of Necessity and Proportionality."**

<https://www.statcan.gc.ca/en/trust/address> (PDF summary)

PHAC (Public Health Agency Canada) tracks location data of 33 million Canadians

Discussion question: Is data privacy a federal or provincial concern? Why? How is privacy framed? What does privacy encompass?

Class #3. Jan. 27: The Age of Surveillance Capitalism (SC), Shoshana Zuboff

Text: Zuboff (2019), "Big Other" (PDF);

Optional: Zuboff (2019), “We Make Them Dance” in *Human Rights in an Age of Platforms* (pp. 3-52; full book PDF in Dropbox)

Discussion prompt:

FTC Case (2021) - **Flo Health**

Discussion Question: How personal information is defined by PIPEDA compared to American (FTC or CCPA); Summary overview here:

<https://www.investopedia.com/terms/p/personally-identifiable-information-pii.asp>

The California Consumer Privacy Act (CCPA)

<https://oag.ca.gov/privacy/ccpa>

See industry responses on regulations & compliance:

[CCPA_ What You Need to Know to be Compliant](#)

Class #4. Feb. 3: Bias & Racism in AI

Readings:

R. Benjamin (2016). “Catching Our Breath: Critical Race STS and the Carceral Imagination”

Noble (2019), “Introduction” *Algorithms of Oppression*

OPC Daniel Therrien (2021), “Statement on RCMP use of Clearview AI”

Discussion Question: Who current Canadian laws address algorithmic bias? What regulatory measures could / should be implemented at the federal and/or provincial levels?

Recent Examples: Hirevue & Clearview AI

1. <https://www.hirevue.com/why-hirevue/ai-ethics>

2. <https://www.washingtonpost.com/technology/2019/10/22/ai-hiring-face-scanning-algorithm-increasingly-decides-whether-you-deserve-job/>

3. <https://www.cbc.ca/news/canada/toronto/toronto-police-clearview-ai-1.5462785>

4. <https://www.thestar.com/news/gta/2020/04/13/how-toronto-police-used-controversial-facial-recognition-technology-to-solve-the-senseless-murder-of-an-innocent-man.html>

Class #5. Feb. 10: GDPR & CCPA

Websites: The EU General Data Protection Regulation or GDPR:

Useful summary here: <https://gdpr-info.eu/>

Website: Scroll down & explore 3-4 ‘Key Issues’ of your choice

GDPR Full document [here](#)

[UN Human Rights Based Approach to Data 2018](#)

How much and how quickly do you learn what you might want to know?

Discussion Question: OPC Therrien’s recommendations have been to adhere to a rights-based model similar to that of the GDPR & new US legislation, including the CCPA.

What might be the drivers that push Canadian legislation and policy in this direction?

Optional: [CCPA & GDPR compared](#)

Class #6. Feb. 17: Smart Cities & Sidewalk Labs Toronto

Texts: Zuboff, *SC* p. 211-221

Sidewalk Labs *MIDP* (5 volumes - PDFs in Q): dip / search selectively & see what you can / can't understand.

Feb. 22-25 Reading Week

Class #7. Mar. 3: Smart Cities & e-Citizens**Websites:**

Estonia - Open Data Portal <https://avaandmed.eesti.ee/>

- [Estonia Personal Data Protection Act](#)

<https://bit.ly/2FCWIB6>

- [Estonia Creates World's First-Ever 'Data Embassy' to Improve Information Security](#)

Barcelona - <https://www.barcelona.cat/infobarcelona/en/tema/smart-city>

<https://www.e-zigurat.com/blog/en/smart-city-barcelona-experience/>

Mississauga - <https://smartcity.mississauga.ca/>

Chicago - [Smart city](#)

Class #8. Mar. 10: Children and Data Privacy

Readings: O'Flynn TBD

UK Children's Commissioner (2018), *Report: Who Knows What About Me?*

UNICEF (2020), *Policy Guidance for AI For Children*

Class #9. Mar. 17: Datafication of the Body & Health

Covid Alert app, tracking, data security

TBD [field shifts rapidly]

Class #10. Mar. 24: Datafication of Intimacy & Pleasure: Telepresence, Sextech,

Teledildonics

TBD [field shifts rapidly]

Class #11. Mar. 31: Final Presentations - Polished or In Process

Class #12. Apr. 7: Final Presentations - Polished or In Process