Data Collaboration:
A Practitioner’s Guide to Privacy and Marketing in the Digital Economy

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PIPEDA

Provincial Privacy Law

DNCL / Telemarketing

CASL
Purpose

Consumer Protection

Bottom line

Respect the customer
Use sound marketing practices
Charitable exemption and commercial activities
## Consent for commercial communications

<table>
<thead>
<tr>
<th>Law</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>PIPEDA</strong></td>
<td>How private-sector organizations collect, use or disclose personal information in the course of commercial activities</td>
</tr>
<tr>
<td><strong>DNCL / CRTC</strong></td>
<td>To eliminate unwanted telemarketing calls / Governs Telemarketing</td>
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<tr>
<td><strong>CASL</strong></td>
<td>Prohibits commercial email, social networking accounts and text messages without their consent</td>
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<tr>
<td><strong>Provincial Privacy Law</strong></td>
<td>Substantially similar – Alberta, BC, Quebec</td>
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</table>
PIPEDA: What is personal information?

- Any factual or subjective information about an identifiable individual, including:
  - age, name, ID numbers, income, ethnic origin, or blood type;
  - opinions, evaluations, comments, social status, or disciplinary actions; and
  - employee files, credit records, loan records, medical records, existence of a dispute between a consumer and a merchant, intentions (e.g., to acquire goods or services).
PIPEDA

1. Accountability
2. Identifying purposes
3. Consent
4. Limiting collection
5. Limiting use, disclosure and retention
6. Accuracy
7. Safeguards
8. Openness
9. Individual access
10. Challenging compliance
PIPEDA – Third party transfer

- Name a person
- Limit use
- Limit disclosure
- Refer people wanting access to their information to your organization.
- Return or dispose of information
- Use appropriate security measures
- Allow your organization to audit the third party's compliance with the contract as necessary.
Do Not Call List

- To eliminate unwanted telemarketing calls
- **Does not apply** to charities, market researchers, political parties, newspaper subscription sales
- **Does not apply** to “existing business relationship”, within 18 months

- **Express consent needed** to be contacted even if on DNCL
- If not on DNCL, but not wanting calls from your org, must have internal Do Not Call List
- Mandatory subscription by telemarketing organizations; clients
Telemarketing

- Market research is not telemarketing (no MUGGING, SUGGING, FRUGGING).
  - Researchers not subject to Do Not Call List, but most arts organizations are, even if they are not-for-profit or charities as soon as they solicit for sales, fundraising.
  - Cannot append research responses from an individual to their customer record

- Sales calls can result in extensive notes on customer records. PIPEDA applies when it is personal information / does not apply to business to business sales.
Telemarketing rules (CRTC)

- Identification
- Purpose
- Time of day
- Record keeping
- Display of actual phone number
- Internal Do Not Call list
Canada’s anti-spam legislation

- Prohibits individuals and businesses from sending **commercial** email, social networking accounts and text messages to Canadians without their consent.
  - Express consent
  - Identify yourself and organization
  - Unsubscribe mechanism
- **Charitable exemption** includes: arts orgs’ ticket sales as primary purpose of an email; e-newsletters not usually considered commercial
Roundtables

- Describe your own experience of how information-sharing works today between venues, presenters, ticketing companies and Canadians.

- What are barriers you experience/see to sharing today?

- What would you like to be able to do to create more targeted (efficient, effective) marketing programs?

- Specific ideas for how to develop useful, legally shareable customer databases among arts organizations.
Report back

- How it works now
- Barriers / Opportunities
- Ideas / Solutions