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Federal Political Parties: At Odds with Canada's Privacy Standards

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**University
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Office of the
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à la protection de
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[Guidelines](#)

[Fact Sheets](#)

[Popular Topics](#)

[Research](#)

[Research Topic Index](#)

[Public Opinion Research](#)

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Privacy Research Papers

Canadian Federal Political Parties and Personal Privacy Protection: A Comparative Analysis

Colin J. Bennett

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Robin M. Bayley

Linden Consulting, Inc.

Commissioned by the Office of the Privacy Commissioner of Canada

March 2012

Disclaimer: The opinions expressed in this report are those of the author(s) and do not necessarily reflect those of the Office of the Privacy Commissioner of Canada.



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Political Parties and Canadian Privacy Statutes

- Political parties covered by neither **Personal Information Protection and Electronic Document Act (PIPEDA)** nor the **Privacy Act**
- Not covered by provincial privacy laws, with the exception of **BC's Personal Information Protection Act** and Quebec's new **Loi 25** which does extend regulation to provincial political parties and candidates (with certain exemptions)
- Federal political parties are largely exempted from national telemarketing rules, and from **Canada Anti Spam Legislation (CASL)**
- The use and disclosure of the list of electors is regulated under **Canada Elections Act (CEA)**
- The CEA also obliges FPPs to develop and submit **privacy policies**



Why this matters?

- Principle of 'no secret databases' – voter relationship management systems play significant role in Canadian democracy
- Importance of level-playing field between FPPs and between FPPs and companies that work for them
- Increasing integration of party databases and social media
- Increasing use of AI tools
- Increasing incidents of data breaches

IT'S TIME FOR REAL PRIVACY FOR CANADIANS

Federal political parties are not held to the same privacy rules as many other organizations.

INDEPENDENT OVERSIGHT
to protect our information

RIGHT TO ACCESS AND CORRECT
our personal information

REAL CONSEQUENCES
when information is misused

SIGN THE PETITION
VISIT VOTERPRIVACY.CA

TELL PARLIAMENT:
Bring federal political parties under real privacy oversight.

MOST CANADIANS ARE SURPRISED BY THE PRIVACY GAP

70%

were not aware that federal political parties are not subject to the same privacy rules as many other organizations in Canada.

MOST CANADIANS ARE UNAWARE OF HOW FEDERAL POLITICAL PARTIES USE THEIR INFORMATION

56% were not aware that federal political parties use third party information sources to supplement voter databases.

44% were not aware that federal political parties use personal information to target communications during elections and throughout the year.

WHY THIS MATTERS

Without strong privacy rules and oversight, political parties can:

- 1 Collect and profile you in detail
- 2 Share your information with a wide range of third parties
- 3 Target you with politically-charged messages
- 4 Deal of this with little transparency and no real consequence if done inappropriately

That's not what Canadians expect.
That's not how it should work.

AWARENESS GAP: MOST CANADIANS DON'T KNOW

70% were not aware that federal political parties are not subject to the same privacy rules as many other organizations.

72% were not aware that individuals do not have the same rights to access and correct information held by federal political parties.

CANADIANS WANT STRONGER PRIVACY PROTECTIONS FOR FEDERAL POLITICAL PARTIES

Right to access personal information	84%
Significant penalties for misuse of personal information	83%
Follow the same privacy rules as other organizations	80%
Subject to independent oversight	80%

CANADIANS DON'T TRUST POLITICAL PARTIES WITH THEIR PERSONAL INFORMATION

60% have little or no trust in federal political parties to protect personal information.

ONLY 33% trust in federal political parties.

CANADIANS WANT A BETTER BALANCE. PROTECT PRIVACY. PROTECT DEMOCRACY.

STRONG PRIVACY PROTECTIONS vs **EFFECTIVE DEMOCRATIC COMMUNICATION**

Good privacy rules don't get in the way of democracy. They strengthen trust in it.

IT'S TIME TO CLOSE THE PRIVACY GAP

CANADIANS ARE PROTECTED WHEN THEY DEAL WITH:

- Your bank
- Your doctor
- Your employer
- Your grocery store
- Most other organizations

BUT

FEDERAL POLITICAL PARTIES FACE ALMOST NO:

- Clear rules
- Independent oversight
- Legal accountability
- Meaningful penalties

CONCERN IS HIGH ON EVERY MAJOR PRIVACY GAP

- 76%** are concerned there is no independent oversight
- 76%** are concerned individuals may not be able to withdraw consent
- 75%** are concerned parties can largely set their own privacy rules

CANADIANS REJECT POLITICAL SELF-REGULATION

- 68%** prefer legislated privacy rules with independent oversight
- 34%** prefer oversight involving the Privacy Commissioner
- 34%** prefer a new dedicated independent body

ONLY 10% support models centered on party self-regulation

IPSOS CONDUCTED THIS NATIONAL POLL:

Scan the QR code to read their independent factum

www.ipsos.com/en-ca/poll-questions-answered/how-federal-political-parties-use-personal-information

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Poilievre's executive director pick hints new data system a 'primary focus' for Conservatives

40 88 130

In the last decade, the Conservatives have fallen behind their Liberal rivals in voter ID and management, but strategists say hiring Mike Crase as executive director indicates that catching up is a priority for Pierre Poilievre.



While the federal Tories were ahead of the pack when it came to voter ID and management in the early Harper years, Conservative Leader Pierre Poilievre takes over a party that has fallen

“So, let’s say [a voter] clicks on one of our Facebook ads three times, we can send a volunteer to knock on your door, armed with a pretty accurate profile of the kind of person you are, what issues are important to you, and individually tailored talking points just for you.”
(Dan Robertson on predictive modelling). Hill Times, September 28th, 2022.

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The Canadian Political Influence Industry: Project with Open Media and Tactical Tech

- Analysis of Elections Canada filings to profile companies employed by Canadian parties at federal, provincial and municipal levels (10 largest cities)
- The Canadian Influence industry is large – around 140 different companies beneath the surface of the party-political battle
 - Marketing and advertising
 - Data Analytics, intelligence, polling
 - Voter Contact
 - Database management (VRMs)
 - Social media platforms
 - Fundraising
- The companies involved are varied – large and small, narrow and national, and several fall into multiple categories
- Many work exclusively for parties with a shared ideological perspective – left leaning and/or right leaning?
- There is clearly a revolving door of personnel between former staffers and current company personnel



Overview

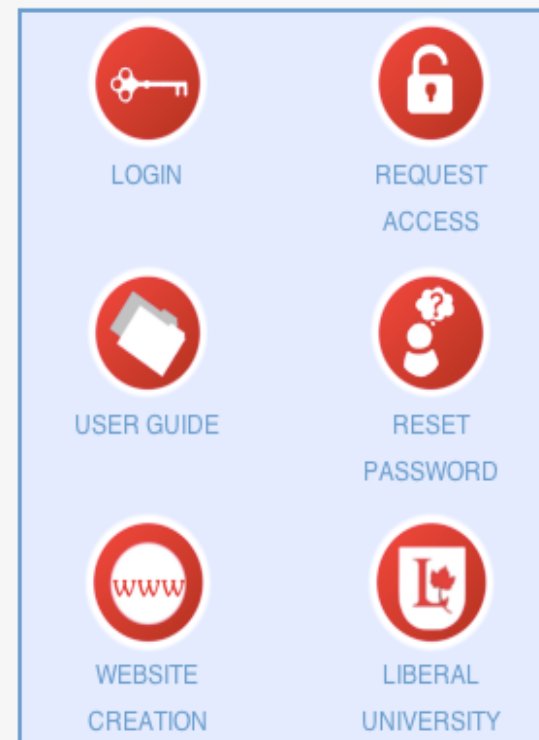
What is Liberalist?

Liberalist is our brand-new voter identification and relationship management system. Jointly developed by the Liberal Party of Canada and Voter Activation Network (VAN), Liberalist will allow our party to meet the demands of a 21st Century campaign and greatly increase our national voter tracking and messaging capabilities. Liberalist is based closely upon VAN's immensely successful VoteBuilder application, used by both Barack Obama and the Democratic National Committee to identify and track voters throughout the United States.

Liberalist will allow you and your campaign to:

- Easily keep track of your membership levels, donors, sign requests and supporters;
- manage your local campaign team, events and volunteers;
- strategically contact voters by telephone, e-mail, canvass or direct mail;
- map out support and opposition across your riding down to a household level;
- track key or emerging local and national issues;
- facilitate grassroots campaigns using Obama's neighbour- to-neighbour model;
- develop micro-targeted and demographic-specific messaging

Check out the [Liberalist User Guide](#) for more information.

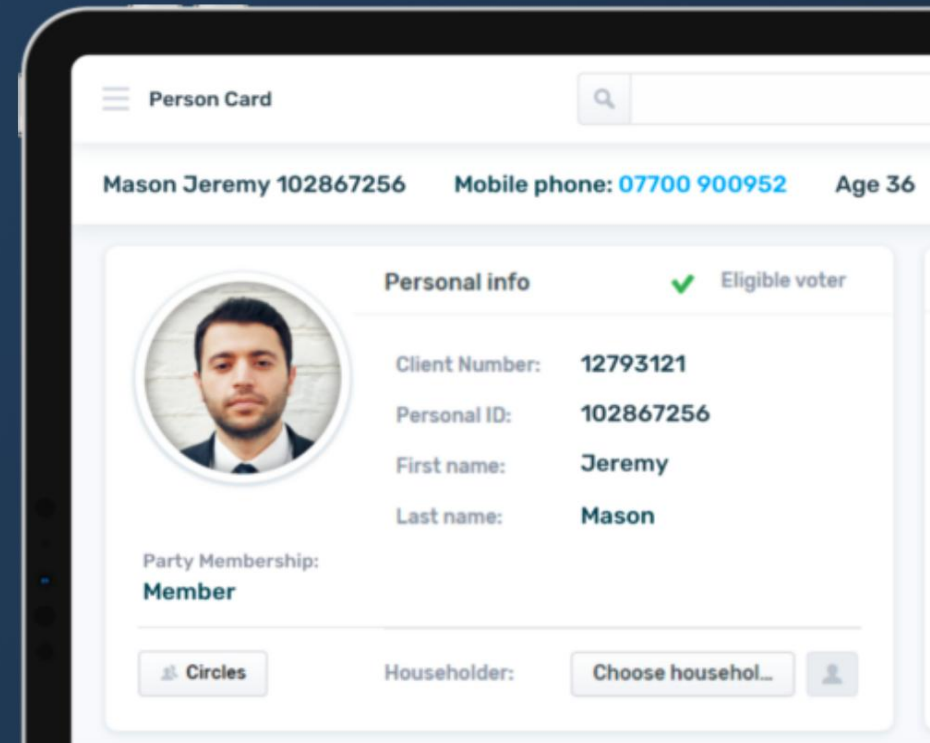


Live Training (ET)
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VRM

The LogiVote Voters Relationship Management (VRM) platform allows candidates, political parties, and other non-profit entities to manage election campaigns and motivate their supporters. It enables voter motivation, surveys, voter list management, mailings and landing pages, a call center, fundraising, social networks interfaces and full election day management.

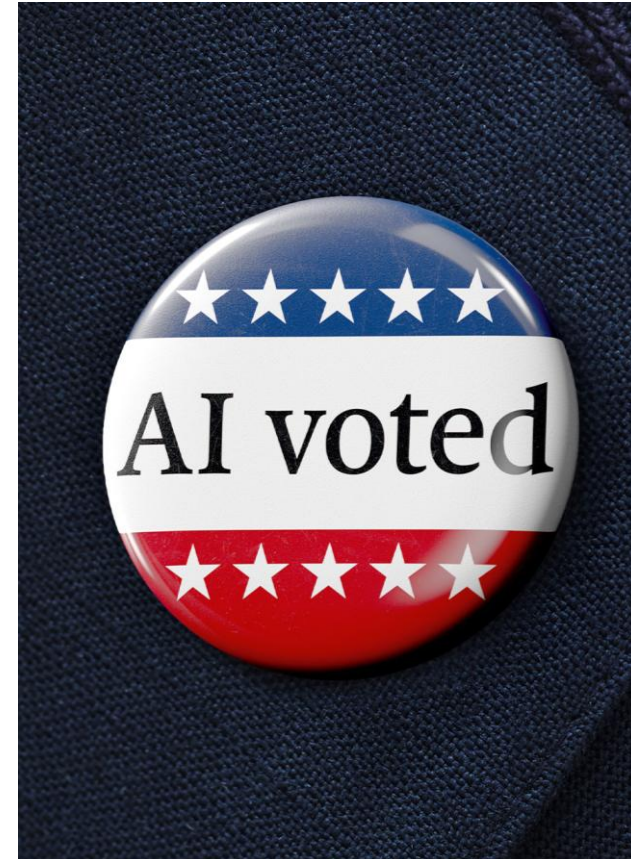
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The Implications of AI use in Canadian Elections

- Easier and quicker aggregation and predictive modelling of polling data and social media data to identify issues, swing ridings and persuadable voters:
 - Sentiment analysis
 - Opinion mining
- Increasing use of synthetic images, videos and text during and between campaigns (“deep fakes”)
- Increasing speed of campaign communications and responses/counter-responses with increased negativity
- Reduced costs of ad content creation, leading to,
- More precise micro-targeting in combination with existing voter analytics databases and methods
- Further “information disorder” and erosion of accountability



The Center for Digital Rights: Five Separate Complaints (2018)

- **Competition bureau** – complaint against deceptive marketing practices
- **CRTC** – complaint regarding compliance with Canada Anti-Spam Legislation (CASL)
- **Elections Canada** – complaint re. knowingly misusing the list of electors for illegal purposes
- **The Privacy Commissioner of Canada** – complaint re. the application of PIPEDA to FPPs
- **Office of the Information and Privacy Commissioner of BC** – complaint re. refusal to grant access to personal information requests under BC Personal Information Protection Act (PIPA)

Complainants (Center for Digital Rights) v. Liberal Party of Canada, Conservative Party of Canada, New Democratic Party of Canada

- B.C. Commissioner's "delegate" ruled that FPPs were classified as "organizations" under BC's Personal Information Protection Act (PIPA) and therefore had to comply
- The Canada Elections Act is not "paramount" – no "frustration of purpose" and no "operational conflict"
- Application of the law was not ousted by the doctrine of "interjurisdictional immunity"
- Whether PIPA frustrates Charter rights to vote and freedom of expression (as contended by the NDP) not decided

The Ruling: The Liberal Party of Canada v. The Complainants

2024 BCSC 814

Justice G.C. Weatherill

Conclusion

[201] *PIPA* is designed to protect the quasi-constitutional privacy rights of British Columbians. The law has been designed to dovetail with federal laws, to exclude its application to organizations that Parliament has chosen to make subject to *PIPEDA* and to specifically allow for the non-consensual collection, use and disclosure of personal information where authorized by valid federal laws such as *CEA*.

[202] *PIPA* does not target FPPs. When applied to them, *PIPA* complements both the transparency objective underlying the privacy policy provisions of *CEA*, as well as the measures that the petitioners have chosen to include in their respective privacy policies under *CEA*.

[203] At the same time, *PIPA* provides a measure of accountability for FPPs' privacy practices, a matter on which *CEA* is silent.

[204] None of these features of *PIPA* results in an operational conflict with *CEA* or frustrates a valid federal purpose. Nor do they impair the protected “core” of Parliament’s jurisdiction to protect electors’ freedom of political speech in federal elections.

Federal political parties lose bid to keep tight hold on voter information in B.C. court ruling

COLIN FREEZE >

TORONTO

PUBLISHED MAY 15, 2024

Federal parties face tighter privacy rules after losing ‘unprecedented’ voter data case, but appeal could delay enforcement

Rapid advancement of technology allows for ‘profiling and micro-targeting voters’ and creates ‘risks of misuse’ that ‘could result in the erosion of trust in our political system,’ ruled Justice Gordon Weatherill.



The parties of Prime Minister Justin Trudeau, left, Conservative Leader Pierre Poilievre, and NDP Leader Jagmeet Singh are now subject to B.C.'s privacy laws, following a May 15 court ruling. The parties have 30 days to appeal. *The Hill Times* photographs by Andrew Meade

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Amendments to the Canada Elections Act on Protection of Personal Information by FPPs

- Bill C-76 (Elections Modernization Act) 2018
- Bill C-47: 2023
- Bill C-65: 2024 (died on order paper)
- Bill C-4: 2025
 - Studied and critiqued by Senate Committee on Legal and Constitutional Affairs
 - Sunset clause added by Senate
 - Rejected by House
 - Royal Assent, March 13, 2026
- Bill C-25: 2026 (passed second reading)

Part IV of Bill C-4

Definition of *personal information*

446.1 In sections 446.2 to 446.4, ***personal information*** means information about an identifiable individual.

Purpose

446.2 The purpose of the provisions of this Act related to the protection of personal information, including the provisions of this subdivision, is to provide for a national, uniform, exclusive and complete regime applicable to registered parties and eligible parties respecting their activities in relation to personal information, including the collection, use, disclosure, retention and disposal of personal information.

Activities in relation to personal information

446.3 In order to participate in public affairs by endorsing one or more of its members as candidates and supporting their election, any registered party or eligible party, as well as any person or entity acting on the party's behalf, including the party's candidates, electoral district associations, officers, agents, employees, volunteers and representatives, may, subject to this Act and any other applicable federal Act, carry out any activities in relation to personal information, including the collection, use, disclosure, retention and disposal of personal information in accordance with the party's policy for the protection of personal information.

Part IV of Bill C-4

Provincial or territorial Act

446.4 (1) When participating in public affairs by endorsing one or more of its members as candidates and supporting their election, a registered party or eligible party, as well as any person or entity acting on the party's behalf, including the party's candidates, electoral district associations, officers, agents, employees, volunteers and representatives, cannot be required to comply with an Act of a province or territory that regulates activities in relation to personal information, including the collection, use, disclosure, retention and disposal of personal information, unless the party's policy for the protection of personal information provides otherwise.

For greater certainty

(2) For greater certainty, the registered party, eligible party or person or entity acting on the party's behalf cannot be required to provide access to personal information or provide information relating to personal information under its control or to correct — or receive, adjudicate or annotate requests to correct — personal information or omissions in personal information under its control.

Part IV of Bill C-4

Required contents

446.6 The policy for the protection of personal information of a registered party or of an eligible party must be publicly available in both official languages, be written in plain language and

(a) designate a privacy officer who is responsible for overseeing the party's compliance with the policy;

(b) include the name and contact information of the privacy officer;

(c) state the types of personal information in relation to which the party carries out its activities;

(d) explain, using illustrative examples, how the party carries out its activities in relation to personal information, such as by indicating whether it does so online or through the use of cookies; and

(e) describe the training related to the protection of personal information that is offered to the party's employees and volunteers who may have access to the personal information that is under its control.

Meetings relating to protecting personal information

446.7 The Chief Electoral Officer shall hold at least one meeting each calendar year relating to the protection of personal information by registered parties and eligible parties.

Additions in Bill C-25

- Essentially reinstates the measures included in Bill C-65 (2024)
 - Some stronger cybersecurity measures
 - Obligations to report data breaches to individual if “real risk of significant harm”
 - Provision to oblige third party processors to offer equivalent levels of protection
 - Prohibition on sale of personal information or disclosing it “for the purpose of causing harm”
 - Some higher administrative monetary penalties

Why CEA amendments do not constitute a “national, uniform, exclusive and complete regime”

- Codes of Practice are inherently non-uniform. There are no external standards imposed for collection, storage, retention and disclosure
- The CEA requirements do not contain all the commonly agreed principles for the protection of personal information such as those contained in PIPEDA
- Many of the organizations acting on party’s behalf need to comply with PIPEDA which requires consent for collection, and due diligence that data controller has obtained consent (*Aggregate IQ* decision)
- No access and correction rights; no consent for collection
- No meaningful independent oversight

The Arguments of the FPPs

- Need uniform and consistent set of rules across the country – parties cannot be expected to comply with different privacy rules in different provinces
- Strong privacy protection rules will discourage volunteers from participating in political campaigns
- The provision of access and correction rights will provoke vexatious requests during the election cycle
- Political parties are not corporations, and cannot be expected to comply with a law written for commercial enterprises
- Parties have a unique role in democratic societies and a duty to engage the Canadian electorate

The Arguments of the FPPs

“ I was the national director of the Liberal Party. I can assure you that, for our part, and I assume all parties follow the same basic standard, we essentially comply with PIPEDA, with all applicable privacy acts.”

Steve McKinnon, House Leader, March 3rd
2026

A few conclusions

- The unified and robust resistance to strong privacy rules by each of the main FPPs is instructive – “cartel-like behavior”
- Consistent rules of the road imposing a level playing field threaten the stronger parties which have the most resources
- Privacy/data protection rules apply to political parties in most other democratic countries (excluding the US) – with no evidence that parties cannot message effectively
- Inconsistent rules in the entire campaign ecosystem – companies that work for political parties must abide by stronger privacy rules than the FPPs as do provincial parties in BC and Quebec
- Case could go all the way to Supreme Court – but the further up the process the more it will be about Canadian federalism and less about privacy and digital campaigning
- WATCH THIS SPACE!

PETITIONS

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e-7237 (Information and privacy)

Keywords

[Political parties](#) [Privacy and data protection](#)

 E-petition

Initiated by Jason Woywada from Victoria, British Columbia

Original language of petition: English

Petition details

Petition to the House of Commons

Whereas:

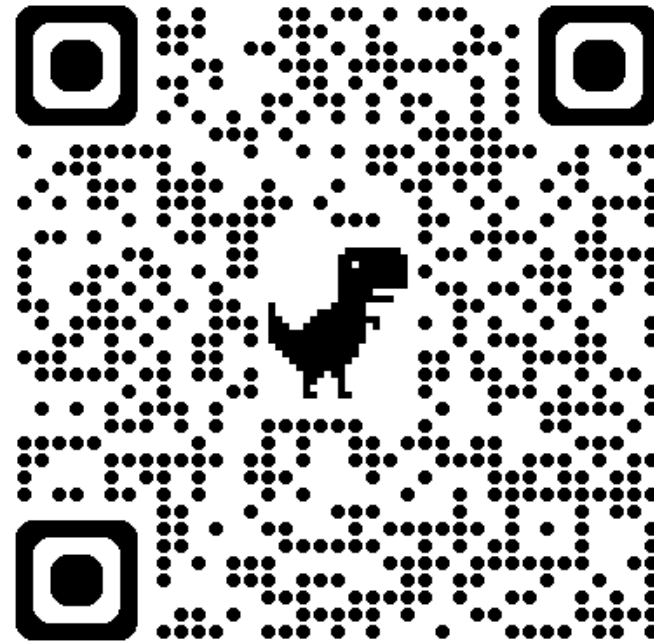
- Testimony from privacy regulators and experts before the Standing Senate Committee on Legal and Constitutional Affairs identified significant regulatory gaps in the oversight of political party data practices in the Canada Elections Act as amended under Bill C-4, Part 4 as referenced in the committee's report;
- Regulators warned that political parties remain shielded from the level of independent enforcement, transparency, auditing and access rights required of other organizations across Canadian society;
- Legislation governing personal information by political parties operating year round must equally protect the democratic rights of Canadians year round and not just during the election period and should avoid entrenching regulatory advantages for political parties themselves;
- The recent proposed amendments allow political parties to operate under weaker privacy accountability standards than those imposed on citizens, businesses, and civil society organizations; and
- Democratic confidence is damaged when those who write the rules for elections exempt themselves from the standards expected of everyone else.

We, the undersigned, **citizens and residents of Canada**, call upon the **House of Commons** to oppose or repeal any changes to the Canada Elections Act, during the 45th Parliament, that have the effect of exempting political parties from privacy obligations that they are or were subject to; and impose enforceable privacy obligations equivalent to widely accepted Canadian fair information principles, including meaningful rights of access and independent oversight, prior to the next federal general election.

History

Open for signature

March 6, 2026, at 11:56 a.m. (EDT)



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