

**Submission by the Canadian Marketing Association
to the Treasury Board of Canada Secretariat's
2026 Review of the Privacy Act**

July 2026

The Canadian Marketing Association (CMA) is pleased to submit our response to the Treasury Board of Canada Secretariat's 2026 review of the Privacy Act. As the voice of marketing in Canada, we represent organizations at the heart of Canada's data-driven economy. Marketing contributes \$131 billion to GDP and employs nearly one million Canadians across all industry sectors, public sector organizations and not-for-profits. Marketing is core to Canada's productivity, innovation and business competitiveness.

Privacy compliance and legitimate business interests intersect in marketing every day. CMA consumer research shows that 73 per cent of Canadians want and expect relevant advertising and offers, affirming that responsible marketing, with appropriate transparency and privacy protections, directly reflects consumer expectations and the kind of trust that Canada's digital economy depends on.

Modernizing Canada's public sector privacy law, unchanged in more than four decades, is an important priority. In 2026, modernization of the Privacy Act, along with reform to Personal Information Protection and Electronic Documents Act (PIPEDA) through the proposed Protecting Privacy and Consumer Data Act (Bill C-36), represents a unique opportunity for Canada to establish a coherent, modern federal data privacy and governance framework that serves both individuals and organizations. The CMA encourages the government to move quickly to reform the Privacy Act in a manner that is consistent with key elements of the Protecting Privacy and Consumer Data Act, particularly around definitions, de-identification standards and data-sharing frameworks. This will create consistent standards and clarity not only for consumers, but also for government, businesses, researchers and public institutions working to realize the benefits that Canada's AI for All Strategy envisions.

Our submission focuses on three areas where alignment would deliver positive outcomes for Canadians and Canadian organizations alike.

1. The citizen-consumer continuum

The existing Privacy Act was designed for a world in which individuals played many distinct roles in different contexts: we were citizens in government interactions and consumers in the marketplace. That world no longer exists. Today, we show up as one undivided self, navigating government and business on the same terms, through the same channels, with the same expectations.

When a researcher draws upon Statistics Canada data to develop consumer insights or when a business participates in a government-led health data platform like VITAL, data flows across what legislation currently treats as a categorical boundary. The person on the other side of that data is simultaneously a citizen entitled to the Privacy Act's protections and a consumer whose commercial interactions are governed by PIPEDA and in due course the Protecting Privacy and Consumer Data Act (if adopted).

Canada's AI for All Strategy frames data as a "strategic national asset" and calls for unlocking government data to "fuel innovation, productivity and adoption across the economy." It commits investments into the health data space including allocated funding to expand VITAL. These initiatives require data to flow from federal institutions to researchers and commercial innovators. A modernized Privacy Act is the framework that must enable these activities with proportionate safeguards, not blanket prohibitions.

2. Definitional coherence is a must

The consultation paper's use of "personal data" rather than "personal information" signals an intent to modernize the Act's definitional foundation. We support that intent and note that the choice of terminology has real operational impacts.

It is important to rely upon common terms and definitions in both statutes either personal data or personal information, and for de-identification and anonymization in the modernized Privacy Act to align with those

established in Bill C-36. We encourage the Treasury Board to consult leading think tanks like CANON – Canadian Anonymization Network – to align public and private sector best practices in these areas.

3. Responsible data sharing: building the public-private framework Canada needs

When handled properly, data can be used to make lives easier and create meaningful outcomes for individuals, communities and industry. Data can support local change by helping identify gaps, risks and opportunities for investment. It can also support government programs and enable economic development. The law must be designed so data can be used to achieve outcomes that serve citizens and consumers and contribute to the common good.

A modernized Privacy Act must also enable responsible data sharing and support meaningful public-private collaboration. The framework results from this consultation will determine whether Canada's ambitions for data-enabled innovation can be realized or if it will remain aspirational.

Canada is already building the infrastructure of public-private data collaboration that requires data flow: for example, high-speed rail consortia, tourism and destination marketing partnerships, and health research platforms and systems. Providing that legal foundation with a modernized Privacy Act would make a significant contribution to Canada's competitiveness and deliver the government's AI for All commitments.

Further, a modernized Privacy Act will enable and support responsible government innovation with data that is reliable, fit-for-purpose and aligned with public trust. AI requires significant quantities of data. Unreasonable restrictions could prevent innovation and reduce Canadian competitiveness. The key is to demonstrate public interest, responsible use and a clear purpose to innovate to secure social acceptability.

Finally, a modernized Privacy Act should establish explicit, risk-proportionate frameworks for government-to-private-sector data sharing where a demonstrable public interest purpose exists moving from a permission-centric model to a risk-calibrated one with clear accountability mechanisms.

Conclusion

Canada is in the midst of making significant updates to its privacy laws. The Protecting Privacy and Consumer Data Act will modernize private sector obligations. The Privacy Act review will map out the path to modernize federal public sector obligations. Aligning these two initiatives as they proceed in parallel provides a significant opportunity to create a significant competitive advantage for Canada.

The definitions, de-identification standards, and data-sharing frameworks will be most effective if they are aligned with the proposed Protecting Privacy and Consumer Data Act. The government's AI for All Strategy hinges on getting this right. Canada's competitiveness in the global data economy depends on it. And Canadians who are both citizens and consumers are best served when the laws governing their data work together.

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About the Canadian Marketing Association

The CMA is the voice of marketing in Canada, and our purpose is to champion marketing's powerful impact. We are the catalyst to help Canada's marketers thrive today, while building the marketing mindset and environment of tomorrow. We provide opportunities for our members from coast to coast to develop

professionally, to contribute to marketing thought leadership, to build strong networks, and to strengthen the regulatory climate for business success. Our Chartered Marketer (CM) designation signifies that recipients are highly qualified and up to date with best practices, as reflected in the Canadian Marketing Code of Ethics and Standards. We represent virtually all of Canada's major business sectors, and all marketing disciplines, channels and technologies. We provide Canadian consumers with information to help them better understand their rights and obligations. For more information, visit thecma.ca.