

APPENDIX A: COMPLIANCE WITH ACCOUNTABILITY, OPENNESS AND CONSENT - SURVEY SAMPLE

MAJOR RETAILERS

- | | |
|-------------------------------|--|
| 1. Deals outlet.ca (HBC) | www.hbc.com |
| 2. The Shopping Channel | www.theshoppingchannel.com |
| 3. Canadian Tire | www.canadiantire.ca |
| 4. Ebay | www.ebay.ca |
| 5. The Source by Circuit City | www.thesource.ca |
| 6. The Brick | www.thebrick.com |
| 7. Future Shop | www.futureshop.ca |
| 8. Ikea Canada | www.ikea.ca |
| 9. Mark's Work Wearhouse | www.marks.ca |
| 10. Rona | www.rona.ca |
| 11. Sears Canada | www.sears.ca |
| 12. Staples Business Depot | www.staples.ca |
| 13. Thane Direct | www.thane.ca |

HEALTH/BEAUTY

- | | |
|----------------------------|--|
| 14. Sephora | www.sephora.com |
| 15. Weight Watchers | www.weightwatchers.ca |
| 16. Tiny's Sport Nutrition | www.tinysnutrition.com |
| 17. Vision Direct | www.visiondirect.com |
| 18. London Drugs | www.londondrugs.com |

COMPUTERS

- | | |
|---------------------|---|
| 19. Tiger Direct.ca | www.tigerdirect.ca |
| 20. Dell | www.dell.ca |
| 21. palmOne | http://canadastore.palm.com |

ELECTRONICS

- | | |
|---------------------------|--|
| 22. Bose.ca | www.bose.ca |
| 23. AV Deals | www.avdeals.ca |
| 24. Best Buy | www.bestbuy.ca |
| 25. Vidtek Battery Canada | www.batterycanada.com |
| 26. Black's | www.blackphoto.com |
| 27. Cana Kit | www.canakit.net |
| 28. GPS Central | www.gpscentral.ca |
| 29. HandheldCanada.com | www.handheldcanada.com |
| 30. Henry's | www.henrys.com |

31. Telephone Depot www.telephonedepot.ca
32. Vistek www.vistek.ca

MUSIC/BOOKS/MOVIES

33. Amazon.ca www.amazon.ca
34. Chapters www.chapters.ca
35. DVDSOON www.dvdsoon.com
36. HMV www.hmv.ca
37. MyMusic.com www.mymusic.ca

SPORTING GOODS

38. Sport Mart www.sportmart.ca
39. Boardzone.com www.boardzone.com
40. Mountain Equipment Coop www.mec.ca

TRAVEL/VACATION

41. Travelocity.ca www.travelocity.ca
42. Places to Stay.com www.placestostay.com
43. Air Canada www.aricanada.ca
44. Expedia.ca www.expedia.ca
45. WestJet www.westjet.ca

TICKETING

46. Admission.com www.admission.com
47. Capital Tickets www.capitaltickets.ca
48. Ticketmaster www.ticketmaster.ca

MAGAZINES

49. Magazine City <http://www.ccgdata.com>
50. Canadian Gardening <http://www.canadiangardening.com>
51. Chatelaine www.chatelaine.com
52. Canadian Business www.canadianbusiness.com
53. Canadian Biker www.canadianbiker.com
54. Canadian Classics www.canadianclassicsmag.com
55. Canadian Geographic www.canadiangeographic.ca
56. Canadian Home Workshop www.canadianhomeworkshop.com
57. Canadian House and Home www.canadianhouseandhome.com
58. Cottage Life www.cottagelife.ca
59. Cycle Canada Magazine www.cyclecanadamagazine.net

- 60. Explore
- 61. Flare
- 62. Franchise Canada
- 63. Gam On Yachting
- 64. Money Sense

- www.explore-mag.ca
- www.flare.com
- www.cfa.ca/magazine.html
- www.gamonyachting.com/cover.html
- www.moneysense.ca

**APPENDIX B: COMPLIANCE WITH ACCOUNTABILITY, OPENNESS
AND CONSENT
– SAMPLE BY COMPANY SIZE**

Micro (1-4 employees)

Gam On Yachting Magazine
Places to Stay.com

Small (5-49 employees)

AV Deals
Boardzone.com
Canadian Biker Magazine
Canadian Classics Magazine
Canadian Gardening Magazine
Cottage Life Magazine
Cycle Canada Magazine
Explore Magazine
Flare Magazine
Franchise Canada Magazine
GPS Central
Magazine City
Money Sense Magazine
Mymusic.com
Tiny's Sport Nutrition

Medium (50-499 employees)

Admission.com
Canadian Geographic Magazine
Canadian House and Home Magazine
Capital Tickets
Chatelaine Magazine
Expedia.ca
Henry's
Mountain Equipment Coop
Sephora
Telephone Depot
Ticketmaster
Vision Direct
Vistek

Large (500 + employees)

Air Canada
Amazon.ca
Best Buy
Black's
Canadian home Workshop
Canadian Tire
Chapters
Deals outlet.ca (HBC)
Dell
Ebay
Future Shop
HMV
Ikea Canada
London Drugs
Mark's Work Warehouse
PalmOne
Rona
Sears Canada
Sport Mart
Staples Business Depot
Thane Direct
The Brick
The Shopping Channel
The Source by Circuit City
Tiger Direct
Weight watchers
Westjet

Unknown (did not want to give out info)

Bose.ca
Cana Kit
Canadian Business
DVD Soon
HandheldCanada.com
Travelocity.ca
Vidtek Batteries Canada

**APPENDIX C: COMPLIANCE WITH ACCOUNTABILITY,
OPENNESS AND CONSENT – ASSESSMENT FORM**

PIPEDA COMPLIANCE ASSESSMENT FORM

Name of Company: _____

Name of Assessor: _____

Date(s) of Assessment: _____

PHONE CALL – NO WEB ACCESS

In order to answer questions 1 - 5, you need to call the company's general customer service number which you can get from the company's website (usually found in the "Contact Us" section). If you can't find a general customer service number, look for a number for the company's head office, failing that, look for a number for a local outlet. Make a note of the telephone number you used and where you found it.

Company telephone number:

Where telephone number was obtained:

For questions 1 and 2, record how long it takes to get your answers. Start timing from the moment the company representative answers the phone until you get the name and contact information for the company's privacy officer.

Ask: "Do you have a privacy policy?"

1. Could the company representative confidently answer this question?
 - Yes
 - Yes, but only after I explained what it was
 - No

If Yes, Ask: "How can I get hold of the policy?"

- 1.a) The company representative said that consumers can get the policy:
 - from their website
 - upon request, by mail, fax or email
 - by talking with someone else
 - another way: _____
 - N/A

Ask: “Do you have someone that is responsible for handling privacy inquiries/complaints?”

If Yes, ask for the name and contact information.

- 2. Upon request, did the company supply contact information for someone responsible for handling privacy inquiries?
 - Yes or No

Provide the contact information supplied to you.

- 3. How difficult was it to get answers to questions 1 and 2?
 - easy (took three minutes or less)
 - easy, but took some time (took more than 3 minutes)
 - difficult
 - impossible

3.a) How long were you on the phone? _____ minutes

3.b) If the person had to get back to you with information, how long did it take?

_____ hours/days

3.c) How many phone calls did you have to make before you got your answers?

Ask: “Can I get a hard copy of your privacy policy by fax, mail or email?”

- 4. Could you get a hard copy of the privacy policy by fax, mail or email?
 - Yes or No

If Yes, have the policy sent to you. (CIPPIC fax: 613-562-5417)

4.a) If No, why not?

- The company has no written privacy policy.
- The company representative said the only way to get it is to print it off the website.
- The company representative said they're not allowed to send the policy by fax or mail.
- The company representative said they can't send it to someone who is not a customer.
- The company representative was unaware of where to access the policy.
- Other reason: _____
- N/A

If you can't get a copy of the policy from the website, make sure that the company sends you one.

5. At any time was the company representative hostile or defensive to any of your questions?

- Yes or No

5.a) If Yes, describe any instances of hostility or defensiveness:

WEBSITE ASSESSMENT (NO PHONE CALLS)

Keep a general record of how long it takes to complete the website assessment (i.e. how long it takes you to answer questions 6 to 23).

6. Does the company make its privacy policy available on its website?

- Yes or No

If No, but you can get a copy of the policy by email, fax or mail, skip question 7 and continue at question 8 once you have a copy of the policy.

7. Is the privacy policy easy to find (could you find it without "unreasonable effort")?

- Yes or No

7.a) Is the link on the homepage?

- Yes or No

7.a i) If No, what page(s) is it on?

7.b) Does the link appear on other pages as you navigate through the site?
- Yes or No

7.c) Is the only link to the policy in small font with other links at the bottom of the page?
- Yes or No

7.c i) If No, where is it?

Attach screenshot of homepage showing how and where the policy is linked.

8. Is the policy clearly worded, and “generally understandable” (i.e. on one read through you can understand what the company does with consumers’ information.)
-Yes or No

Note: If you have to refer to more than one document in order to understand the policy, treat all documents as part of the policy.

8.a) Does the privacy policy contain links to another document that is necessary in order to understand what the company does with consumers’ information?
- Yes or No

8.a)i) If Yes, does the link take you directly to that document?
- Yes or No or N/A

8.b) How long is the policy (in words)?
_____ words

8.c) Is it easy to determine what personal information the company collects?
- Yes or No

8.d) Is it easy to determine why the company collects the personal information?
- Yes or No

8.e) Is it easy to determine how the company uses consumers’ personal information?
- Yes or No

8.f) Is it easy to determine to whom the company discloses consumers' personal information?
- Yes or No

8.g) Does the policy use complicated terms without explaining them?
- Yes or No

Print two copies of the privacy policy. Ensure that the printouts are dated. Keep one clean copy and, on the other, highlight any parts or terms of the policy that you feel are unclear and any complicated terms that are not explained in the policy.

9. Does the policy provide contact information for the person accountable for the organization's privacy policies and practices?
-Yes or No

9.a) If Yes, can you find it on a quick read through the policy?
- Yes or No or N/A

9.b) Is the contact information the same as that supplied to you by the company representative in question 2?
- Yes or No or N/A

Highlight the contact information in the privacy policy.

For questions 10 to 16: When you find the relevant section of the policy, note the question number beside it.

10.a) Does the policy specifically describe how you can get access to your personal information held by the company?
- Yes: the policy clearly states how you can access your personal information
- Somewhat: the policy discusses the right to access one's personal information but does not make it clear how or where to send access requests
- No: the policy does not address this issue

10.b) Does the policy describe the type of information the company holds about consumers?
-Yes: the policy clearly describes the type of consumer information the company holds
-No: the policy does not specify the type of consumer information it holds

Note: If the company merely states that it holds “personal information” and defines “personal information” in general terms such as “any information about an identifiable individual”, your answer should be No.

10.c) Does the policy describe what the company does with personal consumer information?

- Yes plus: the policy provides a list of specific uses that the company makes of consumer information
- Yes: the policy provides a general account of use sufficient for consumers to understand generally what the company does with consumers’ information
- No: the policy does not specify what the company does with consumer information

10.d) Does the policy describe what consumer information the company shares with other organizations, including affiliates?

- Yes: the policy specifies the types of personal information the company shares with other organizations
- Somewhat: the policy gives examples, but not a complete list, of personal information shared OR the company specifies types of information shared in some contexts but not in others
- No: the policy does not indicate what types of personal information the company shares with other organizations

11. According to the policy, why does the company collect personal information about consumers?

List all purposes and/or uses that the company identifies for its collection of personal info.

12. Does the company use consumer information for its own marketing purposes (e.g., “to let you know about other services that you might be interested in”)?

- Yes or No or Unclear

13. Does the company share consumers' information (with or without consent) with other companies for purposes other than the transaction or service in question and/or "legal" or "sale of business" purposes?

- Yes or No or Unclear

13.a) If Yes, with whom?

- affiliates
- third parties
- unclear
- other: _____
- N/A

13.b) Does the company provide names of companies it shares the information with?

- Yes, it provides a complete list
- Yes, it gives examples by providing the names of some of the companies with whom it shares information
- No
- N/A

According to the company's privacy policy:

14. Does the company engage in certain secondary (i.e. not necessary for the transaction or service in question) uses or disclosures only with *positive* opt-in*consent of the consumer? (*i.e., the company will not use or disclose unless the consumer actively indicates their consent for the particular use or disclosure, by checking a box, signing a form, or otherwise taking action.)

- Yes or No

If No, go directly to question 15.

If Yes:

14.a) What secondary uses or disclosures can consumers opt-in to?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

15. Does the privacy policy provide an opportunity for consumers to opt-out* of certain secondary uses or disclosures? (*i.e., the company assumes consumer consent to certain uses and disclosures, but offers consumers a mechanism to withdraw that consent by sending an e-mail or calling a toll-free number, for example.)

- Yes or No

If No, go directly to question 16.

If Yes:

15.a) What secondary uses or disclosures can consumers opt-out of?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

15.b) Is the opt-out option conspicuous (e.g. in bold or otherwise obvious to someone quickly reviewing the policy)?

- Yes or No or N/A

15.c) Is the opt-out option clearly worded (i.e. you clearly understand what you are opting out of)?

- Yes or No or N/A

15.d) Does the company provide an opt-out method that is easy and inexpensive to exercise?

- No: the policy mentions the opt-out but provides no opt-out mechanism
- No: the customer must go in person or use snail mail
- Yes: the customer can telephone or email their opt-out request
- N/A

16. Does the company require that consumers agree to secondary uses or disclosures in order to get the product or service? (i.e. **there is no way to opt-out** of the use or disclosure or to withdraw consent.)

- Yes or No or Unclear

If No, go directly to question 17.

If Yes:

16.a) What kinds of secondary uses or disclosures must the consumer agree to in order to get the product or service?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

16.b) Does the consumer get value in exchange for agreeing to these secondary uses or disclosures (e.g., reward points, coupons, contest entry)?

- Yes or No or N/A

16.b)i) If Yes, what does the consumer get in exchange for his or her information?

For the following questions, pretend that you are a first time customer subscribing or buying something from the company. Set up a free email account and pseudonym if you don't want your personal information to be recorded by the company. Go through the ordering process (and, if necessary, the registration process) as far as you need to in order to answer the questions, short of giving any payment information or actually transacting. Only register if necessary to place an order. Print screen shots of the registration and/or ordering pages as you go through them.

Note: These questions are deliberately repetitive – we want to identify discrepancies between the policy and the ordering process.

17. Does the consumer have to register or set up an account before, and separately from, placing an order?

- Yes or No

If No, skip questions 18 and 19 and go directly to question 20.

Registration Process

18. As part of the registration process, apart from the privacy policy, does the company ask the consumer to agree to certain secondary uses or disclosures (i.e. uses or disclosures that are not necessary for the transaction or service in question) via *positive* opt-in* consent process? (*i.e., the company will not use or disclose unless the consumer actively indicates their consent for the particular use or disclosure – e.g., by checking a box, signing a form, or otherwise taking action.)

- Yes or No

If No, go directly to question 19.

If Yes:

18.a) What uses or disclosures can the consumer opt-in to?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

19. As part of the registration process, does the company provide an opportunity, via the privacy policy or otherwise, for consumers to opt-out* of certain secondary uses or disclosures? (* i.e., the company assumes consumer consent to certain uses or disclosures, but offers consumers a mechanism to withdraw that consent by sending an e-mail, calling a toll-free number, or by un-checking a box for example.)

-Yes or No

If No, go directly to question 20.

If Yes:

19.a) During the registration process, how does the company bring the opportunity to opt-out to the customer's attention?

- (i) via link to the privacy policy on registration page; but the link is not brought to the consumer's attention
- (ii) via link to the privacy policy on the registration page; link is brought to the consumer's attention
- (iii) the customer is required to review or agree to the linked privacy policy as part of the registration process (e.g.: customer must click "I agree" before completing registration)
- (iv) notice and opt-out form part of the registration process
- (v) other: _____

If (i), (ii), or (iii) go directly to question 20.

If (iv):

19.b) What secondary uses or disclosures can consumers opt-out of?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

19.c) Is the opt-out method easy and inexpensive to exercise?

- Yes: the customer simply checks or un-checks a box
- Yes: the customer can telephone or email their opt-out request
- No: the customer must go in person or use snail mail
- N/A

Attach webpage screenshot(s) showing the registration page(s).

Ordering Process

20. As part of the ordering process, apart from the privacy policy, does the company ask the consumer to agree to certain secondary uses or disclosures (i.e. uses or disclosures not necessary for the transaction or service in question) via a *positive* opt-in*consent process? (*i.e., the company will not use or disclose unless the consumer actively indicates their consent for the particular use or disclosure, by checking a box, signing a form, or otherwise taking action.)

- Yes or No

If No, go directly to question 21.

If Yes:

20.a) What uses or disclosures can the consumer opt-in to?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

21. As part of the ordering process, does the company provide an opportunity, via a link to the privacy policy or otherwise, for consumers to opt-out* of certain secondary uses or disclosures? (* i.e., the company assumes consumer consent to certain uses or disclosures, but offers consumers a mechanism to withdraw that consent by sending an e-mail, calling a toll-free number or by un-checking a box, for example.)

-Yes or No

If No, go directly to question 22.

If Yes:

21.a) During the ordering process, how does the company bring the opportunity to opt-out to the customer's attention?

- (i) via link to the privacy policy on ordering page; link not brought to the consumer's attention
- (ii) via link to the privacy policy on ordering page; link brought to the consumer's attention
- (iii) the customer is required to review or agree to the linked privacy policy as part of the ordering process (e.g.: customer must click "I agree" before completing the order)
- (iv) notice and opt-out form part of the ordering process
- (v) other: _____

If (i), (ii), or (iii) go directly to question 22.

If (iv):

21.b) What secondary uses or disclosures can consumers opt-out of?

- marketing solicitations by the company itself
- marketing solicitations by affiliates
- marketing solicitations by third parties
- sharing information with affiliates
- sharing information with third parties
- internal profiling
- other: _____

21.c) Is the opt-out method easy and inexpensive to exercise?

- Yes: the customer simply checks or un-checks a box
- Yes: the customer can telephone or email their opt-out request
- No: the customer must go in person or use snail mail
- N/A

Attach webpage screenshot(s) showing the ordering page(s).

22. Are there any discrepancies between *what* you can opt-out of during the registration or ordering process and *what* you can opt-out of via the privacy policy?
- Yes or No or N/A

22.a) If Yes, specify the discrepancy.

23. Does the company provide an immediate opt-out method for the consumer?
- Yes: the consumer can select the opt-out option before or during the registration or ordering process
- No: the consumer can only opt-out after agreeing to allow secondary uses or disclosures
- N/A

24. In general, would you say that you were able to understand the company's data management policies and practices without "unreasonable effort"?
- Yes or No

24.a) Approximately how long did it take you to complete this assessment (website only)? _____ hours

Your response to this question is an overall assessment of the company's openness with their information management practices. Attach log of efforts if appropriate.

Attachment checklist:

- Log of efforts, noting any instances of hostility or defensiveness
- Clean copy of privacy policy
- Copy of privacy policy with mark-ups
- Printouts/screenshots of webpage(s) showing links to privacy policy
- Printouts/screenshots of any opt-in or opt-out mechanisms that are accessed via a link in the privacy policy
- Printouts/screenshots of registration, ordering pages, or other relevant pages

APPENDIX D: TEMPLATE LETTERS FOR ACCESS TO INFORMATION REQUESTS

Template Letter 1: Used by Requestors during phase one: February to June 2005

Date

Address of Company

Dear Madam/Sir:

Re: Access to Information Request

I am one of your customers. I would like to know what information about me you keep in your files/databases, what uses you make of my information, and with whom you have shared my information. I understand that you are required, under federal privacy legislation, to provide this information to me within 30 days.

In particular, I would like a detailed accounting of:

1. All information about me that you have in your files and/or databases;
2. From where, and how, you obtained that information;
3. The specific uses that you have made, are making, or will be making of this information;
4. A list of all affiliated companies with whom you have shared my information, along with:
 - the specific information that you have shared with them,
 - the frequency with which you share this information with them,
 - the purpose of sharing this information with them, and
 - the uses that they have made or are making of this information;
5. A list of all non-affiliated third parties to whom you have disclosed my information, along with:
 - the specific information that you have shared with them,
 - the frequency with which you share this information with them,
 - the purpose of sharing this information with them, and
 - the uses that they have made or are making of my information, to the extent that you are aware.

If you cannot identify with certainty the specific companies to whom you have disclosed my information, please provide a list of affiliated and non-affiliated companies to whom you may have disclosed information about me.

Thank you for your cooperation.

Original signed

Your name, Address

Template Letter 2: Used by Requestors during phase two: November 2005 to February 2006.

DATE

CONTACT NAME/TITLE (if you can get it)

COMPANY
ADDRESS

Dear Madam/Sir:

Re: Access to Information Request

I am one of your customers. I would like to know what information about me you keep in your files/databases, what uses you make of my information, and with whom you have shared my information.

In particular, I would like:

1. A copy of all specific information about me that you have in your files and/or databases;
2. A detailed accounting of the specific uses that you have made, are making, or will be making of this information; and
3. A list of all companies with whom you have (or may have) shared my information. If you cannot identify with certainty the specific companies to whom you have disclosed my information, please provide a list of companies to whom you may have disclosed information about me.

Thank you for your cooperation.

Your name

Account # (if you have one)

Address

email address

phone number

**APPENDIX E: COMPLIANCE WITH INDIVIDUAL ACCESS
- ASSESSMENT FORM**

ATIP ASSESSMENT FORM

Correspondence Details:

Company Name: _____

Name of Requestor: _____

Date of Request: _____

How Request Sent: _____

Where did you get the address? _____

Automatic Response Date: _____

Authentication Request Date: _____

Authentication Response Date: _____

Access Response Date: _____

Assessment of Response:

1. Did the company give you a copy of all specific information about you that they claim to have in their files? [Note: You should receive a listing of detailed information about you (e.g.: your name, address and contact information on file, items purchased or services used). It is not sufficient for them to list the kinds of information they have about you, or to give you a general statement about their policy.]

Yes: _____ [If Yes, skip to Q.2] No: _____ [If No, answer A)-D) below]

- A) Did the company claim not to have any information about you?

Yes: _____ No: _____

- B) Did the company provide general types of information that they have about you?

Yes: _____ No: _____

- C) Did the company provide you with general privacy policy information?

Yes: _____ No: _____

D) Did the company say that they can't retrieve your information because of the way their files are organized?

Yes: _____ No: _____

2. Did the company give you a full account of how they use your information?

Yes: _____ No: _____

3. Did the company give you a list of companies to which they have disclosed or may have disclosed your information? [Note: It is not sufficient for the company to simply refer you to their privacy policy. It is also not sufficient for them to provide you with general types of companies that they have disclosed your information to. They should either explain that they have not disclosed your information to anyone, or provide you with a list of companies they have disclosed it to, or may have disclosed it to].

Yes: _____ [If Yes, skip to Q.4] No: _____ [If No, answer A)-B) below]

A) Did they provide you with general types of companies that they have disclosed your information to?

Yes: _____ No: _____

B) Did the company claim not to share information with third parties?

Yes: _____ No: _____

4. Was all the information provided to you in a form that was generally understandable? [Note: The company should explain any complicated terms or codes that they used in their response to you. Their response should be clear and legible].

Yes: _____ No: _____

Comments:

Checklist (documents to append to this form):

- Copy of letter sent (+ cover email if letter attached to email message)
- Copies of all correspondence between you and company (black out personal info if desired)
- Notes from any telephone conversations with company
- Log of telephone calls/correspondence (if more than listed on form)

**APPENDIX F: COMPLIANCE WITH PRINCIPLE 4.9
- SURVEY SAMPLE**

ACCESS REQUESTS – LIST OF COMPANIES BY SECTOR

ENERGY:

1. DIRECT ENERGY
2. ENBRIDGE
3. OTTAWA HYDRO

FINANCIAL:

4. AMEX
5. BMO
6. CANADIAN TIRE
7. CIBC VISA
8. CITIBANK MASTERCARD
9. ING
10. MBNA
11. PAYPAL
12. PC FINANCIAL
13. RBC
14. TD WATERHOUSE

INSURANCE:

15. COOPERATORS
16. EMPIRE LIFE INSURANCE
17. GREAT-WEST LIFE
18. MELOCHE MONNEX

INTERNET SERVICE PROVIDERS:

19. BELL SYMPATICO
20. VIDEOTRON

LOYALTY CARDS:

21. AEROPLAN
22. AIR MILES
23. EDDIE BAUER
24. HBC
25. PETRO CANADA
26. SHOPPERS OPTIMUM

NEWSPAPER/MAGAZINES:

27. CANADIAN LIVING
28. CHIRP
29. GLOBE & MAIL

- 30. SELF MAGAZINE
- 31. WALRUS MAGAZINE

OTHER:

- 32. CLV GROUP
- 33. CAA
- 34. EBAY

RENTAL CARS:

- 35. HERTZ CAR RENTAL
- 36. NATIONAL CAR RENTAL

RETAILERS (MISCELLANEOUS):

- 37. ALDO
- 38. AMAZON.CA
- 39. ARITZIA HOLDINGS
- 40. BANANA REPUBLIC
- 41. BLOCKBUSTER VIDEO
- 42. THE BRICK
- 43. COSTCO
- 44. EASTLINK
- 45. FUTURE SHOP
- 46. GAP
- 47. GENERAL MOTORS CANADA
- 48. HMV
- 49. INDIGO/CHAPTETS
- 50. LEE VALLEY TOOLS
- 51. RADIOSHACK
- 52. RONA
- 53. SAFEWAY
- 54. SEARS CANADA
- 55. SONY OF CANADA
- 56. STOKES
- 57. TOSHIBA CANADA

TELECOM SERVICE PROVIDERS:

- 58. FIDO
- 59. PRIMUS
- 60. ROGERS
- 61. SPRINT CANADA
- 62. TELUS MOBILITY

TRANSPORT INDUSTRIES:

- 63. AIR CANADA
- 64. VIA RAIL
- 65. WESTJET

TRAVEL/TICKETING:

- 66. CAPITAL TICKETS
- 67. EXPEDIA.CA
- 68. INTERCONTINENTAL HOTELS
- 69. LASTMINUTECLUB.COM
- 70. PRICELINE.COM
- 71. TICKETMASTER
- 72. TRAVELCUTS

APPENDIX G: TABLE OF REPORT RESULTS

PIPEDA COMPLIANCE REVIEW – TABLE OF RESULTS

PART 1: COMPLIANCE WITH PRINCIPLE 4.1 (ACCOUNTABILITY), PRINCIPLE 4.8 (OPENNESS), AND PRINCIPLE 4.3 (CONSENT)

ASSESSMENT QUESTION	RESULTS
<i>Questions 1 to 5 relate to the phone assessment portion of the study.</i>	
Question 1: Could the company representative confidently answer the question: “Do you have a privacy policy?”	
Yes	35
Yes, but only after the Assessor explained what a privacy policy is	19
No	5
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 1A: How did the customer representative answer the question: “How can I get a hold of the privacy policy?”	
The company representative said consumers can get the policy:	
From their website	46
Upon request, by mail, fax or email	6
By talking with someone else	2
By leaving an address and phone number in the “privacy mailbox”	1
By contacting the federal government	1
Customer representative was unaware of where to access the policy	3
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 2: How did the customer representative answer the question: “Do you have someone that is responsible for handling privacy inquiries/complaints?”	
Yes (contact information provided)	26
No	33
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 3: How difficult was it to get answers to questions 1 and 2?	
Easy (took 3 minutes or less)	12
Easy, but took some time (took more than 3 minutes)	30
Difficult	14
Impossible	8

Question 3A: How long were you on the phone?	
1 – 5 minutes	19
5 – 10 minutes	27
10 – 15 minutes	8
15 – 20 minutes	4
20 – 25 minutes	1
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 3B: If the company representative had to get back to you with information, how long did it take?	
Cases where company representative had to call Assessor back	7
Amount of time it took for the company representative to call back:	
3 minutes	1
15 minutes	1
20 minutes	1
45 minutes	2
1 hour	1
1 day	1
Question 3C: How many phone calls did you have to make before you got your answers?	
1 phone call	47
2 phone calls	5
3 phone calls	4
4 phone calls	3
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 4: How did the customer representative answer the question: “Can I get a hard copy of the privacy policy by fax, mail or email?”	
Yes	22
No	37
N/A : Assessor was unable to reach anyone at the company by phone	5
Question 4A: If the answer to question 4 is No, why not?	
Company has no written privacy policy	6
Can only print the privacy policy off website	21
Company representative is not allowed to send policy by fax or mail	1
Company representative can’t send policy to non-customer	0
Company representative is unaware of where to access policy	5
Company representative is not sure if they are allowed to send the policy	1
Company representative did not want to address this issue	1
Company representative did not respond to this question	1
Company representative said to get it from the catalogue	1

Question 5: At any time was the company representative hostile or defensive to any of your questions?	
Yes	7
No	52
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 5A: If the answer to question 5 is Yes, describe any instances of hostility or defensiveness.	
Company representative was defensive; wanted to know exactly why Assessor was asking about the privacy policy.	7
Question 6: Does the company make its privacy policy available on its website?	
Yes	59
No	5
Question 7: Is the privacy policy easy to find (could you find it without “unreasonable effort”)?	
Yes	53
No	6
N/A: No privacy policy on website	5
Question 7A: Is the link to the privacy policy on the homepage?	
Yes	54
No	5
N/A: No privacy policy on website	5
Question 7Ai: If the answer to 7A is No, what page is the link to the privacy policy on?	
Privacy policy forms part of the homepage	1
Privacy policy is on the “Store Policies” page	1
Privacy policy is on the “Customer Service” page	1
Privacy policy is on the “Helpdesk” page	1
On “About Us” page via link called “Shipping and Handling”	1
Question 7B: Does the link appear on other pages as you navigate through the site?	
Yes	53
No	6
N/A: No privacy policy on website	5

Question 7C: Is the only link to the policy in small font with other links at the bottom of the page?	
Yes	41
No	18
N/A: No privacy policy on website	5
Question 7Ci: If the answer to question 7C is No, where is the link to the privacy policy?	
Top navigation bar	6
Side navigation bar	8
Other	4
<i>Questions 8 – 15 relate to assessments of companies privacy policies.</i>	
Question 8: Is the privacy clearly worded and “generally understandable”?	
Yes	52
No	8
N/A: Company has no written privacy policy	4
Question 8A: Does the privacy policy contain links to another document that is necessary in order to understand what the company does with consumers’ information?	
Yes	10
No	50
N/A: Company has no written privacy policy	4
Question 8Ai): If the answer to question 8A is Yes, does the link take you directly to that document?	
Yes	9
No	1
Question 8B: How long is the privacy policy (in words)?	
1 – 500 words	10
500 – 1000 words	12
1000 – 1500 words	5
1500 – 2000 words	12
2000 – 2500 words	5
2500 – 3000 words	6
3000 – 3500 words	3
3500 – 4000 words	4
4000 – 4500 words	1
4500 – 5000 words	1

5001 – 5500 words	1
N/A: Company has no written privacy policy	4
Question 8C: Is it easy to determine from the privacy policy what personal information the company collects?	
Yes	44
No	16
N/A: Company has no written privacy policy	4
Question 8D: Is it easy to determine from the privacy policy why the company collects the personal information?	
Yes	47
No	13
N/A: Company has no written privacy policy	4
Question 8E: Is it easy to determine from the privacy policy how the company uses consumers' personal information?	
Yes	42
No	18
N/A: Company has no written privacy policy	4
Question 8F: Is it easy to determine from the privacy policy to whom the company discloses consumers' personal information?	
Yes	33
No	27
N/A: Company has no written privacy policy	4
Question 8G: Does the privacy policy use complicated terms without explaining them?	
Yes	0
No	60
N/A: Company has no written privacy policy	4
Question 9: Does the privacy policy provide contact information for the person accountable for the organization's privacy policies and practices?	
Yes	42
No	18
N/A: Company has no written privacy policy	4
Question 9A: If the answer to question 9 is Yes, can you find the contact information on a quick read through the policy?	
Yes	41
No	1

Question 9B: If the answer to question 9 is Yes, is the contact information the same as that supplied by the company representative in question 2?	
Yes	8
No	18
N/A: Can't compare because company representative did not supply contact information in question 2.	33
N/A: Assessor was unable to reach anyone at the company by phone	5
Question 10A: Does the privacy policy specifically describe how consumers can get access to their personal information held by the company?	
Yes: The policy clearly states how consumers can access their personal information	30
Somewhat: The policy discusses the right to access one's personal information but does not make it clear how or where to send access requests	7
No: The policy does not address this issue	23
N/A: Company has no written privacy policy	4
Question 10B: Does the policy describe the type of information the company holds about consumers?	
Yes: The policy clearly describes the type of consumer information the company holds	44
No: The policy does not specify the type of consumer information it holds	16
N/A: Company has no written privacy policy	4
Question 10C: Does the policy describe what the company does with personal consumer information?	
Yes plus: The policy provides a list of specific uses that the company makes of personal consumer information	23
Yes: The policy provides a general account of use sufficient for consumers to understand generally what the company does with consumers' information	26
No: The policy does not specify what the company does with consumer personal information	11
N/A: Company has no written privacy policy	4

Question 10D: Does the policy describe what consumer information the company shares with other organizations including affiliates?	
Yes: The policy specifies the types of personal information the company shares with other organizations	9
Somewhat: The policy gives examples, but not a complete list, of personal information shared OR the company specifies types of information shared in some contexts but not in others	23
No: The policy does not indicate what types of personal information the company shares with other organizations	28
N/A: Company has no written privacy policy	4
Question 11: According to the policy, why does the company collect personal information about consumers?	
N/A: Results not used in report	N/A
Question 12: According to the privacy policy, does the company use consumer information for its own marketing purposes?	
Yes	50
No	0
Unclear	10
N/A - Company has no written privacy policy	4
Question 13: According to the privacy policy, does the company share consumers' personal information (with or without consent) with other companies for purposes other than the transaction or service in question?	
Yes	29
No	20
Unclear	11
N/A: Company has no written privacy policy	4
Question 13A: If the answer to question 13 is Yes, with whom does the company share the personal information?	
Affiliates only	1
Third parties only	14
Both affiliates and third parties	14
Question 13B: If the answer to question 13 is Yes, does the company provide names of companies it shares the personal information with?	
Yes: The company provides a complete list	0
Yes: The company gives examples by providing the names of some of the companies with whom it shares personal information	4
No	25

Question 14: According to the privacy policy, does the company engage in certain secondary uses or disclosures only with positive opt-in consent of the consumer?	
Yes	14
No	46
N/A: Company has no written privacy policy	4
Question 14A: If the answer to question 14 is Yes, what secondary uses or disclosures can consumers opt-in to?	
Marketing solicitations by the company itself	9
Marketing solicitations by affiliates	0
Marketing solicitations by third parties	3
Sharing personal information with affiliates	0
Sharing personal information with third parties	2
Internal Profiling	1
Other: Email newsletter subscription	2
Question 15: Does the privacy policy provide an opportunity for consumers to opt-out of certain secondary uses or disclosures?	
Yes	47
No	8
No, but the privacy policy is unclear whether the company engages in secondary uses or disclosures	5
N/A: Company has no written privacy policy	4
Question 15A: If the answer to question 15 is Yes, what secondary uses or disclosures can consumers opt-out of?	
Marketing solicitations by the company itself	41
Marketing solicitations by affiliates	7
Marketing solicitations by third parties	13
Sharing personal information with affiliates	5
Sharing personal information with third parties	10
Internal Profiling	4
Can opt-out of any consent given	1
Policy doesn't specify what consumers can opt-out of	4
Question 15B: If the answer to question 15 is Yes, is the opt-out option in the privacy policy conspicuous?	
Yes	19
No	28
Question 15C: If the answer to question 15 is Yes, is the opt-out option in the privacy policy clearly worded?	
Yes	37
No	10

Question 15D: If the answer to question 15 is Yes, does the company provide an opt-out method in the privacy policy that is easy and inexpensive to exercise?	
No: The policy mentions the opt-out but provides no opt-out mechanism	2
No: The customer must go in person or use snail mail	1
Yes: The customer can telephone or email their opt-out request	43
Question 16: Does the company require that consumers agree to secondary uses or disclosures in order to get the product or service?	
Yes	7
No	39
Unclear	18
Question 16A: If the answer to question 16 is Yes, what kinds of secondary uses or disclosures must the consumer agree to in order to get the product or service?	
Marketing solicitations by the company itself	1
Marketing solicitations by affiliates	0
Marketing solicitations by third parties	1
Sharing personal information with affiliates	5
Sharing personal information with third parties	7
Internal Profiling	0
Question 16B: If the answer to question 16 is Yes, does the consumer get value in exchange for agreeing to these secondary uses or disclosures?	
Yes	0
No	7
Question 16Bi: If the answer to question 16B is Yes, what does the consumer get?	
N/A	N/A
<i>Questions 17 – 23 relate to assessments of companies’ ordering practices. CIPPIC instructed assessors to go through the ordering process as far as needed to answer the questions, short of giving any payment information or actually transacting. CIPPIC also instructed Assessors to only register where necessary to place an order.</i>	
Question 17: Does the consumer have to register or set up an account before, and separately from, placing an order?	
Yes	26
No	38

If the answer to question 17 is Yes:	
Question 18: As part of the registration process, apart from the privacy policy, does the company ask the consumer to agree to certain secondary uses or disclosures with positive opt-in consent?	
Yes	8
No	18
Question 18A: If the answer to question 18 is Yes, what uses or disclosures can the consumer opt-in to?	
Marketing solicitations by the company itself	6
Marketing solicitations by affiliates	0
Marketing solicitations by third parties	1
Sharing personal information with affiliates	0
Sharing personal information with third parties	1
Internal Profiling	0
Other: Company newsletters	3
Question 19: If the answer to question 17 is Yes, as part of the registration process, does the company provide an opportunity, via the privacy policy or otherwise, for consumers to opt-out of certain secondary uses or disclosures?	
Yes, during registration only	3
Yes, during both registration and ordering	19
No	4
Question 19A: If the answer to question 19 is Yes, during the registration process, how does the company bring the opportunity to opt-out to the consumer's attention?	
(i) Via link to the privacy policy on registration page; but the link is not brought to the consumer's attention	5
(ii) Via link to the privacy policy on registration page; link is brought to the consumer's attention	2
(iii) Consumer is required to review or agree to the linked privacy policy as part of the registration process	5
(iv) Opt-out forms part of the registration process	10
Question 19B: If the answer to question 19A is (iv), what uses or disclosures can the consumer opt-out of?	
Marketing solicitations by the company itself	10
Marketing solicitations by affiliates	0
Marketing solicitations by third parties	0
Sharing personal information with affiliates	0
Sharing personal information with third parties	0

Internal Profiling	0
Question 19C: If the answer to question 19A is (iv), is the opt-out method easy and inexpensive to exercise?	
Yes: The customer simply checks or un-checks a box	10
Yes: The customer can telephone or email their opt-out request	0
No: The customer must go in person or snail mail	0
If the answer to question 17 is No:	
Question 20: As part of the ordering process, apart from the privacy policy, does the company ask the consumer to agree to certain secondary uses or disclosures with positive opt-in consent?	
Yes	5
No	59
Question 20A: If the answer to question 20 is Yes, what uses or disclosures can the consumer opt-in to?	
Marketing solicitations by the company itself	5
Marketing solicitations by affiliates	0
Marketing solicitations by third parties	0
Sharing personal information with affiliates	0
Sharing personal information with third parties	0
Internal Profiling	0
Other	0
Question 21: As part of the ordering process, does the company provide an opportunity, via the privacy policy or otherwise, for consumers to opt-out of certain secondary uses or disclosures?	
Yes	47
No	17
Question 21A: If the answer to question 21 is Yes, during the ordering process, how does the company bring the opportunity to opt-out to the consumer's attention?	
(i) Via link to the privacy policy on ordering page; link not brought to the consumer's attention	13
(ii) Via link to the privacy policy on ordering page; link brought to the consumer's attention	7
(iii) Consumer is required to review or agree to the linked privacy policy as part of the ordering process	5
(iv) Opt-out forms part of the ordering process	22

Question 21B: If the answer to question 21A is (iv), what uses or disclosures can the consumer opt-out of?	
Marketing solicitations by the company itself	11
Marketing solicitations by affiliates	1
Marketing solicitations by third parties	5
Sharing personal information with affiliates	0
Sharing personal information with third parties	5
Internal Profiling	0
Other	2
Question 21C: If the answer to question 21A is (iv), is the opt-out method easy and inexpensive to exercise?	
Yes: The customer simply checks or un-checks a box	22
Yes: The customer can telephone or email their opt-out request	0
No: The customer must go in person or use snail mail	0
Question 22: Are there any discrepancies between what you can opt-out of during the registration or ordering process and what you can opt-out of via the privacy policy?	
Yes	11
No	31
N/A: Can't opt-out via privacy policy, only during ordering	8
N/A: Can opt-out via privacy policy, but only opt-in during ordering	4
N/A: Can't opt-out via privacy policy, but can opt-in during ordering	1
N/A: Can't opt-out via privacy policy or ordering process, nor can you opt-in during ordering	7
N/A: Can opt-out via privacy policy, but not during ordering	2
Questions 22A: If the answer to question 22 is Yes, specify the discrepancy.	
Opt-out during registration or ordering process does not provide the all of the opt-out options available in the privacy policy.	10
Opt-out during registration or ordering process allows consumers more opt-out options than available in the privacy policy	1
Question 23: Does the company provide an immediate opt-out method for the consumer?	
Yes: The consumer can select the opt-out option before or during the registration or ordering process	25
No: The consumer can only opt-out after agreeing to allow secondary uses or disclosures	25
N/A: Company doesn't provide opt-out at all but uses opt-in consent only	5
N/A: Company doesn't provide any opt-out method in either privacy policy or during registration or ordering process.	7

N/A: Can only opt-out via privacy policy, not during registration or ordering	2
Question 24: In general would you say that you were able to understand the company’s data management policies and practices without “unreasonable effort”?	
Yes	44
No	20
Question 24A: Approximately how long did it take you to get answers to questions about to company’s information management practices (website only)?	
Less than 1 hour	11
1 - 1.5 hours	25
2 - 2.5 hours	24
3 - 3.5 hours	3
4 hours	1

PART II: COMPLIANCE WITH PRINCIPLE 4.9 (INDIVIDUAL ACCESS)

ASSESSMENT QUESTION	RESULTS
Method Sent:	
Email	23
Mail	47
Fax	2
Authentication Requested:	
Yes	8
No	39
N/A – Company did not respond at all to the access request	25
Response Time:	
No response	25
Response within 30 days	41
Response within 45 days	4
Response within 60 days	2
Response over 60 days	0
Question 1: Did the company give you a copy of all specific information about you that they claim to have in their files?	
Yes	25
No	22

Question 1A: If the answer to question 1 was No, did the company claim not to have information about you?	
Yes	4
No	18
Questions 1B: If the answer to question 1 was No, did the company provide general types of information that they might have about you in their files?	
Yes	12
No	10
Question 1C: If the answer to question 1 was No, did the company provide you with general privacy policy information?	
Yes	5
No	17
Question 1D: If the answer to question 1 was No, did the company say they can't retrieve your information because of the way their files/databases are organized?	
Yes	2
No	20
Question 2: did the company give you a full account of how they use your information?	
Yes	27
No	16
No, but the company claimed to have no information about me.	4
Question 3: Did the company give you a list of companies to which they have disclosed or may have disclosed your information?	
Yes	14
No	33
Question 3A: If the answer to question 3 is No, did the company provide general types of companies they have disclosed your information to?	
Yes	9
No	24
Question 3B: If the answer to question 3 is No, did the company claim that they do not share information with third parties?	
Yes	10
No	23

Question 4: Was all the information provided to you in a form that was generally understandable?	
Yes	44
No	3
Did the company comply fully with the Individual Access Principle?	
Yes, company responded within 30 days, provided a copy of all information they had about the Requester, provided a full account of use, and provided a full account of companies to whom they have or may have disclosed Requester's information.	15