

# Privacy Issues in eCommerce

# Information Privacy Defined

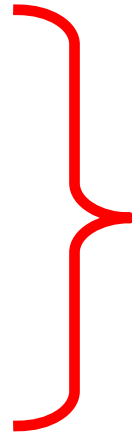
- **Information Privacy: Data Protection**
  - Freedom of choice; control; informational self-determination
  - Personal control over the collection, use and disclosure of any recorded information about an identifiable individual

What Privacy is Not

**Security  $\neq$  Privacy**

# Privacy and Security: The Difference

- Authentication
- Data Integrity
- Confidentiality
- Non-repudiation



## ***Security:***

Organizational control of  
information through  
information systems

- Privacy; Data Protection
- Fair Information Practices

# Fair Information Practices: A Brief History

- *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*
- *EU Directive on Data Protection*
- *CSA Model Code for the Protection of Personal Information*
- *Canada Personal Information Protection and Electronic Documents Act (PIPEDA)*

# Summary of Fair Information Practices

- Accountability
- Identifying Purposes
- Consent
- Limiting Collection
- Limiting Use, Disclosure, Retention
- Accuracy
- Safeguards
- Openness
- Individual Access
- Challenging Compliance



# PIPEDA - Major Components

- **Legal basis for electronic service delivery**
- **Recognizes secure electronic signatures**
- **Clarifies status of electronic records**
- **Recognizes the status of electronic statutes and regulations**
- **Amends related legislation, e.g. evidence act**

# The Ten Commandments

## ➤ Accountability

- for personal information
- designate an individual(s) accountable for compliance

## ➤ Identifying Purposes

- purpose of collection must be clear at or before
- time of collection

## ➤ Consent

- individual has to give consent to collection, use, disclosure of personal information



# The Ten Commandments

- Limiting Collection
  - collect only information required for the identified purpose; information shall be collected by fair and lawful means
- Limiting Use, Disclosure, Retention
  - consent of individual required for all other purposes
- Accuracy
  - keep information as accurate and up-to-date as necessary for identified purpose
- Safeguards
  - protection and security required, appropriate to the sensitivity of the information

# The Ten Commandments

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## ➤ Openness

- policies and other information about the management of personal information should be readily available

## ➤ Individual Access

- upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and be given access to that information, be able to challenge its accuracy and completeness and have it amended as appropriate

## ➤ Challenging Compliance

- ability to challenge all practices in accord with the above principles to the accountable body in the organization.

# Extension of PIPEDA

- As of January 1, 2004, PIPEDA has extended to:
  - all personal information collected, used or disclosed in the course of commercial activities by provincially regulated organizations (including insurance companies and independent insurance adjusters)
  - unless a substantially similar provincial privacy law is in force

# Provincial Private-Sector Privacy Laws

**Québec:** *Act respecting the protection of personal information in the private sector*

**B.C.:** *Personal Information Protection Act*

**Alberta:** *Personal Information Protection Act*

**Ontario:** draft *Privacy of Personal Information Act, 2002*  
– not introduced...so PIPEDA applies

# Trademark

- is a word, a symbol or a design (or a combination of these features) used to distinguish the wares or services of one person or organization from those of others in the marketplace.
- come to represent not only actual wares and services, but the reputation of the producer. As such, they are considered valuable intellectual property.
- A registered trade-mark can be protected through legal proceedings from misuse and imitation. There are three categories of trade-marks:
  - **Ordinary marks** are words or symbols (or a combination of these features) that distinguish the wares or services of a specific firm or individual. Suppose you opened a courier business which you called “Giddy-up.” You could register the words as a trade-mark (assuming all legal requirements were met) for the service you offer.
  - **Certification marks** identify wares or services which meet a defined standard. They are owned by one person but licensed to others to identify wares or services which meet a defined standard. Examples are: the Woolmark design owned by Woolmark Americas, Ltd., for use on clothing and other wares and the logo of the Association of Professional Engineers.
  - **Distinguishing guise** identifies the shaping of wares or their containers, or is a mode of wrapping or packaging wares. If you manufactured candy moulded to look like butter flies, you might want to register the butterfly shape as a trade-mark under “distinguishing guise.”

# Other forms of intellectual property

- People occasionally confuse trade-marks with copyright, industrial designs, patents and integrated circuit topographies. These are rights granted for intellectual creativity and are also forms of intellectual property.
- **Patents** cover new inventions (process, machine, manufacture, composition of matter), or any new and useful improvement of an existing invention.
- **Copyrights** provide protection for literary, artistic, dramatic or musical works (including computer programs), and three other subject-matter known as: performance, sound recording and communication signal.
- **Industrial designs** are the visual features of shape, configuration, pattern or ornament (or any combination of these features) applied to a finished article of manufacture.

# What is a copyright?

- In the simplest terms, “copyright” means “the right to copy.”
- Only the owner of copyright, very often the creator of the work, is allowed to produce or reproduce the work in question or to permit anyone else to do so.
  - Suppose, for example, that you have written a novel. Copyright law rewards and protects your creative endeavor by giving you the sole right to publish or use your work in any number of ways.
  - You may also choose not to publish your work and to prevent anyone else from doing so.