

Winnipeg Free Press - PRINT EDITION

Google broke law with health ads, privacy commissioner declares

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Posted: 01/16/2014 1:00 AM | Comments: 0g



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Chantal Bernier (CP)

TORONTO -- Google has been caught afoul of the law by displaying web ads linked to a person's health history, according to Canada's interim privacy commissioner Chantal Bernier.

An investigation by her office backed up a man's complaints that he was seeing so-called behavioural advertisements based on his web-browsing history. After searching for information about devices to treat sleep apnea, he began to see ads for those devices as he browsed the web.

While behavioural advertising is not illegal, Canada's privacy law does not allow consumers to be targeted based on "sensitive personal information," including their health.

Google's privacy policy outlaws displaying advertisements based on race, religion, sexual orientation or health. But the Mountain View, Calif.-based company acknowledged some advertisers using its ad-serving platform were not following the policy.

Google has pledged to upgrade the system that reviews ads for compliance, increase the monitoring of ads, and provide more information to advertisers and staff about the rules.

"The monitoring system was not tight enough, not robust enough to ensure compliance, it wasn't extensive enough to deal with the volume of ads," said Bernier in an interview.

"What this brings to light is the complexity of ensuring compliance in relation to online behavioural advertising and therefore the compliance mechanisms, the monitoring, the training of staff, the frequency of reviews has to be really brought up."

The company, which declined an interview request, said it will implement the changes by June.

"We've worked closely with the office of the privacy commissioner throughout this process and are pleased to be resolving this issue," said a Google Canada spokeswoman in a statement.

The complainant who spurred the investigation also noted he only contacted the privacy commissioner's office because he couldn't figure out how to notify someone at Google directly about his concerns.

Bernier said she's also pushing Google to make it easier for consumers to be heard.

"The privacy law in Canada for the private sector includes the obligation to have clear recourse, to have remedy, if there is an issue with the way your personal information is handled," she said.

"So Google must correct this as soon as possible."

-- *The Canadian Press*

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