

# ***Key Updates to the IPC's Survey Research Guidelines***

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# Outline

- Background on the survey research guidelines
- Key updates to the guidelines:
  - Online survey providers
  - Self-hosting
  - Metadata



# Background

- Full title is: “Best Practices for Protecting Individual Privacy in Conducting Survey Research”
- Available at:  
<https://www.ipc.on.ca/images/Resources/conducting-survey-research.pdf>
- Originally published in 1999
- Structured according to eight steps involved in conducting survey research
- Now contains a “checklist” tool of 45 best practices
- Updated to address privacy issues raised by the use of new information and communications technologies

# Online Survey Providers

- Offer web-based services and tools for conducting survey research online
- Afford researchers many conveniences and efficiencies, especially in comparison to their offline alternatives
- Many provide tiered versions of their services, with different functionality available at different costs
- Oftentimes this includes a “basic” version free of charge



# Privacy Concerns

- While convenient and efficient, and oftentimes cost effective, the use of online survey providers raises some privacy concerns
- In general, there are three privacy issues to consider:
  1. online survey providers may allow third parties to track survey participants
  2. online survey providers control the terms of service and privacy policy
  3. the survey data may be stored outside of Canada

# Third-party Tracking

- Mix of “first-party” and “third-party” content in websites has given providers of third-party content or services the ability to track individuals across the Web, e.g., through “cookies”
- As a general rule, third-party tracking of survey participants will not be in compliance with the *Acts* because this collection will have been done on behalf of the institution but without legal justification (i.e., not “necessary” re s. 38(2)/28(2))
- This holds true even in the case where the survey data itself does not involve personal information
- Accordingly, you should not use an online survey provider that allows third parties to track survey participants

# Loss of Control over TOU

- Most online survey providers offer their services on a take-it-or-leave-it basis
- This does not absolve institutions of their responsibility to ensure compliance with the *Acts*
- Also, the online survey provider may decide to update TOU
- Accordingly, if survey research involves personal information, you should ensure that the TOU is not subject to change without the express written consent of the institution
- If your survey research does not involve personal information, you should regularly review the provider's TOU to ensure that it has not changed or continues to comply with the *Acts*

# Storage of Data Outside of Canada

- Although accessed from within Ontario, personal information may be stored outside of Ontario / Canada
- No legislative prohibition against storing personal information outside of Ontario / Canada
- However, reasonable measures must be in place to protect the privacy and security of personal information (s. 4 of Reg. 460)
- Accordingly, you should evaluate the risk of any extraterritorial storage of personal information, taking into consideration:
  - the sensitivity of the information;
  - the laws of the jurisdiction; and
  - available safeguards, including contractual provisions

# Self-hosting

- Self-hosting is when the program that runs the online survey is installed and hosted on your own organization's web servers
- Option for when you want to conduct survey research online but do not wish to use an online survey provider
- Advantage is that it avoids the use of online survey providers and so can mitigate privacy concerns associated with their use
- Disadvantage is that you must have the necessary technical resources to securely install, operate and maintain the survey software and data

# Metadata

- When a survey participant's device or computer connects to an online survey, additional information is automatically passed to the hosting system, e.g.,
  - Internet Protocol (IP) address
  - Uniform resource locator (URL) of the resource that referred the participant to the survey
  - any invite codes generated by the survey system
- This metadata may be used in combination with other information to identify a survey participant
- Accordingly, when conducting an anonymous survey online, you should ensure that the hosting system does not link or associate metadata with the survey data

# Questions?



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