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Investigation into Bell's Targeted Ad Program Identifies Surprising Findings

In summer 2013, Bell announced the November launch of its Relevant Ads Program (RAP). RAP involved the use of Bell customer personal information for the purpose of delivering targeted ads to Bell customers. Bell would charge a fee to advertisers engaged in the program.

The Office of the Privacy Commissioner of Canada initiated an investigation into the Bell program after receiving a number of public complaints. The results of the investigation were reported April 7, 2015.

The Privacy Commissioner determined:

1. It is appropriate for Bell to use personal computer network history (i.e. internet browsing) and Bell account demographic information to generate a customer profile. No special consent is required for Bell to create these customer profiles;
2. RAP is based on a valid business objective involving the matching of Bell customer profiles with targeted advertising and the delivery of targeted ads to Bell customers;
3. Express "opt-in" customer consent is required for the use of Bell customer profiles in RAP. This finding was disputed by Bell;
4. It is off limits for Bell to include in its customer profile credit score information or complete postal codes. Other account demographic information is fair game, such as city, billing address, age range, gender, primary language, average revenue, device information and plan type.

Throughout the investigation, Bell maintained that express consent for the use of such customer information was not required because customers were provided with an opportunity to "opt-out". However, the convoluted opt-out process was not effective. In addition, if a customer opted-out, Bell would stop delivering targeted ads, but would continue to update the customer's data collection.

After the results of the Privacy Commission's investigation were released, Bell decided to terminate its entire targeted ad program, and to delete all existing customer profiles. If a similar program is launched in the future, Bell will obtain express opt-in consent from its customers before using customer personal information for online targeted advertising.

This investigation shows that companies are already in a position to use customer personal information to create marketable profiles – without obtaining express consent. The debate is only what *use* can be made of that consumer data in the absence of further customer consent.

- Research contributed by John Wallace, 2014/2015 articling student