

Editor's Note: Notice and Consent Component

Pan-Canadian Trust Framework

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Version 1.1

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1 About This Document

This document provides summary results of the open review of the Pan-Canadian Trust Framework Notice and Consent Component. **This review included the Notice and Consent Overview V0.04 and Notice and Consent Conformance Profile V0.07 Discussion Drafts.** DIACC conducted this review from 4 April to 3 March 2019.

209 comments were submitted during the review period. Of these:

- 60 related to the overview document and 133 related to the conformance profile
- The editing team reviewed each comment, identifying 72 as editorial in nature
- The editing team referred 35 comments to TFEC for resolution

1.1 Major Themes and Responses

The editing team noted the following as significant themes running throughout the comments received.

Identify legislation as a priority in related processes

A number of comments highlight the fact participants must adhere to the legislation and regulations (as applicable to the jurisdiction in question) when performing notice and consent processes.

This theme was noted both as a general condition and by identifying differences between the conformance criteria as specified and legislative requirements (with the conformance criteria exceeding legislative requirements in at least one instance).

In one instance, questions were raised concerning how to handle

The revised document includes a general note, taken from the PCTF Privacy Component, that applicable legislation must be followed. This point is made again at select points throughout the document. However, revisions avoid citing specific legislation.

- Recommendation: Consider drafting and including a prominent blanket statement for all components

<p>notice and consent records with respect to Canadian official languages requirements.</p>	
<p>Considerations specific to sectors and implementation details</p>	
<p>In addition to comments about legislation related to specific jurisdictions, commenters noted considerations related to specific circumstances (e.g., application of a criterion in a self-sovereign ID model) and use cases (e.g., communication and recording of consent decisions when multiple requesting parties are involved).</p>	<p>All of these comments were acknowledged, with most responses being to:</p> <ul style="list-style-type: none"> ▪ Defer use cases and specific considerations for future revisions (as they constitute major revisions needing further discussion) ▪ Suggest comment could be addressed through a PCTF profile (noting that these documents provide a baseline)
<p>Relationship of concepts of consent to privacy</p>	
<p>Commenters refer to the connection (and differences) between the concepts of notice and consent and privacy (more generally). Comments often refer to privacy in relation to legislation, requirements, etc.</p>	<p>Revised text notes that the PCTF privacy component applies to the handling of all personal information, including by notice and consent processes – per an updated PCTF Model Visual draft image.</p>
<p>Terminology</p>	
<p>Questions about definitions and word usage were raised by multiple commenters. Examples: “digital identity system”, “authorized party”, “Privacy preserving practices”.</p> <p>On a related note, at least one commenter recommended selecting one term to define priority of requirements (e.g., MUST and SHALL were used in the reviewed documents).</p>	<p>Definitions deemed to be largely relevant to Notice and Consent were referred to TFEC for consideration. Changes to terms of (potential) global scope deferred – suggesting glossary development will be iterative, with frequent updates as early drafts of PCTF components are developed.</p> <ul style="list-style-type: none"> ▪ Recommendation: Consider extracting key terms and highlighting them in the component to ensure consistent use and interpretation ▪ Recommendation: Use the same preferred terms to define priority of requirements in all PCTF components

<p>Clarifications and scope</p>	
<p>Comments requesting examples, text clarifications, and explanation of certain interpretations are common with a document at this early stage of development.</p>	<p>Comments were either addressed through revisions or (where changes are more significant) deferred for future versions.</p> <ul style="list-style-type: none"> ▪ Recommendation: Given the number of comments requesting additional details, TFEC may want to consider adding additional examples to other components under development.
<p>Inconsistencies between the overview and conformance profile</p>	
<p>Some commenters noted inconsistencies between contextual information found in both the overview and conformance profile.</p>	<p>Moved some contextual content from profile to overview document.</p> <ul style="list-style-type: none"> ▪ Strictly speaking, this was not cited by a lot of reviewers. However, it is an issue previously noted by editorial team that may affect all PCTF components. Recommendation is to limit conformance profile to conformance criteria, putting explanatory and contextual content in the overview.

2 Other Items

Other items noted by the editing team:

1. **Trusted processes and definitions** – The current version of the PCTF Model uses process definitions based on the work of IMSC. This may contribute to differences between current components and updated PCTF model.
2. **Governance issues cited** – Governance remains a noted, if not particularly pressing one in notice and consent, gap in some content. These are known issues still being resolved with work underway.