

Transcript Episode 15 Kris Klein

Ron Kruzeniski:

Well, today I have the pleasure of talking to Kris Klein. Kris is the managing director of IAPP and the managing director for Canada.

Welcome today, Kris.

Kris Klein:

Hi, Commissioner. It's really great, I think, that you're doing this. I think we're starting to see more and more regulators in Canada reaching out to their constituency this way, so I applaud you for doing it and I'm honoured to be one of your guests.

Ron Kruzeniski:

Well, thank you, Kris. I'm going to start by asking you to tell us a little bit about yourself, and in particular how you became involved in IAPP and how you ended up as the managing director for Canada.

Kris Klein:

Okay. Well, a little bit of background about me. I've been working in privacy for over 25 years now. I started in the late 1990s. I worked at a big law firm. Then I worked at the Department of Justice here in Ottawa, at the federal Department of Justice. And then I concluded my time as a public servant with a little stint at the Privacy Commissioner's Office, the federal Privacy Commissioner's office. So I have a broad range of perspectives on privacy.

And nearing the end of my time at the Privacy Commissioner's Office, I wanted to go back into private practice, but I had done the big law firm model and I just thought it was time for Canada to have a boutique law firm that did privacy consulting and providing privacy legal advice. So I started that in 2007, and one of my very first clients was the IAPP, and they hired me to write a textbook for them, and that textbook is still available for purchase now. We're now into the fourth edition of that textbook, and it's the basis for the CIPPC credential, which is one of the many credentials that the IAPP offers.

So I started working with them. I wrote the textbook. Then, back in 2007, they were largely still very American focused organization, but they do have the I in them. The IAPP stands for international. And they really had as a strategic priority for them this notion that they needed to expand internationally. And so the very first stop on the international movement was Canada. And so they had the Canadian textbook now and they just thought that it would be good to have somebody on the ground in order to provide them with strategic advice on how to grow the association in Canada.

Fast-forward a number of years, my role has evolved. I work primarily with them still as a content provider. I provide content with respect to that CIPPC credential. I do training for them. And one of the larger things that I do, which I think we'll get to later on in our conversation, is I host and I help program the largest Canadian privacy conference that we hold every year in May, in Toronto, which I'll talk about later. But that's essentially my role. I do the IAPP work on the side of my desk. I am otherwise a busy privacy lawyer and consultant doing work for Canadian and international organizations. And I just love the variety of opportunities that being involved with the IAPP gives me.

Ron Kruzeniski:

Well, thank you for that. And every day I get an email, sometimes two, from IAPP telling me what's going on either in Canada or in the world or what conference is coming up. So I think I know a little bit about the organization, but I wondered if you'd tell us a bit more, and you started to share some things, about the beginning of the organization, the things that it does, and maybe some of its future plans of things that it would like to do.

Kris Klein:

Yeah, great question. The IAPP has been around since 2000, so it's about 22 years old. It has over 75,000 members worldwide and roughly half of those are in North America. So there's about 40 to 45,000 American members and about 3,500 to 4,000 Canadian members. So when the IAPP put that little I in there, they really have grown internationally such that around half their membership is outside of North America. So obviously they have large numbers in Europe because of the legislative reform that has been happening there since 2018 with the passage of GDPR, but also in countries like Brazil, and Argentina, and Japan, and South Korea. We see large amounts of privacy professionals coming out of the woodworks and finding benefits to joining an international professional association.

So that's it. That's exactly what it is. It's a professional association, just very similar to the Canadian Bar Association is a professional association for lawyers here in Canada, It's anybody who does privacy. And it's interesting to see how the IAPP has grown over the years. When it first started, well over 80% of its membership were lawyers. But now today, I think the percentage is more like 30 to 40% of the membership are lawyers. You get a lot more business people, tech people, HR people. You get a lot of variety of different types of professionals that have to do privacy for their organizations. We have a large contingent of members are from regulators offices. So it's an association that has definitely evolved over time.

One important aspect of the IAPP is that they're agnostic. They don't take positions on whether or not a law is a good thing or a bad thing, or, is this part of a law good or bad? So unlike the Canadian Bar Association that does take positions on the strengths and weaknesses of a law, the IAPP won't do that. It's there to simply promote and support the privacy profession and the privacy professional.

Where is it going? It's only going to grow internationally. It's on a really steep growth curve, particularly since 2018 and the passage of GDPR. And now with large markets like China and Brazil all passing privacy laws and requiring the need for people to operationalize it, people actually have to become privacy professionals, and the IAPP is there to support it. We're doing more and more local things as well. We try to do in-language efforts. And I think one of the things I've been really pushing for in Canada is to try to develop more French content. And that's starting to work. And we're starting to see our membership in Franco-Canada grow, particularly in Quebec, which I'm delighted to see. We do have local chapters called KnowledgeNet Chapters. These are opportunities for local privacy professionals to meet either in person or virtually, and to discuss hot topics that are coming across their desk.

It's also a professional association that I mentioned that offers professional credentials. In Canada, we have the Certified Information Privacy Professional for Canada, the CIPPC. But they have a number of other ones, and I would encourage your listeners here to Google IAPP and the certification program that they have because there might be a credential out there that resonates with them. Clearly the most popular one in Canada is the CIPPC, but there are others. There's a technology-based one, there's a privacy management program one, and then of course, maybe you're doing transborder work and maybe you need to brush up on American privacy issues or European privacy issues. And so they have all these offerings to allow you to grow professionally. And if you're willing, you take the exam and you get the credential to put at the back end of your name there.

Ron Kruzeniski:

Wow. I want to focus on the international part that you emphasized there. And it strikes me you, probably personally, are in an ideal position either by attending conferences... I think I saw an email today for an IAPP conference in France, and I'm sure you're going. But between the conferences, and the emails, and all kinds of other things that you would have access to, what are you seeing as some of the international trends that we in Canada really need to be aware of?

Kris Klein:

Sorry, Ron. I wish I was going to the conference in France, but that one is not in my future plans. Yeah, I think in terms of trends internationally, and this is true of the IAPP, this is true of the privacy profession just generally across the globe, and it's true of the privacy profession here in Canada, and the number one trend I'd say that's been consistent for the last 25 years is change. Nothing stays static in privacy. 25 years ago, the big issue was, how do you draught a PIPEDA-compliant privacy statement or a privacy policy? And today, now you're dealing with complex transborder data flow agreements where you're trying to protect information no matter what jurisdiction it ends up in. And at every turn there's change, legislative change, policy change. The regulators, they come and go, and each regulator puts their own spin on what they're going to do in terms of enforcement.

And I think it's one thing I can say, I've been doing privacy law for 25 years and it's very different than, say, doing real estate law. Because there isn't a week that goes by where I don't get a new case on my desk, where I'm not dealing with something that's new, novel, new technology, a new way to use personal information. And I think that's my number one trend.

My second trend is ethics. And I think we're really starting to see, globally and as well here in Canada, that there's a real movement globally and in Canada to merge doing privacy properly with an ethical basis. So this idea that consent can't be the answer to every situation because there's just far too many situations in which we're being asked to consent, and it just makes a mockery of the whole consent paradigm. So this idea that organizations, governments, public bodies, private sector organizations, they're going to have to be governed by some sort of other ethical needle to let them know whether or not what they're doing with the personal information is okay or not okay. And we're starting to see this idea of ethics percolate and make its way through legislative reforms. I'm anxious to see how it will play its role in Canada's next iteration of privacy laws. But those are the two biggest trends that I see globally and in Canada, change and the movement towards an ethical paradigm for the development of privacy protection in Canada.

Ron Kruzeniski:

So, my next question, and you may have partly answered it, is, based on your ideal position, what trends do you see in Canada? So besides change constantly occurring in terms of legislation across the country and ethics, do you see any other trends in Canada?

Kris Klein:

Yeah, definitely growth. Just like the IAPP globally is on an exponential growing scale, so are we here in Canada. The IAPP has well over 1,000 members in Ontario, and where we're starting to see growth now is outside of Ontario, which I'm really pleased about. So jurisdictions like Quebec and Western Canada as well, we're starting to see more and more people realizing the benefits of IAPP membership. And I think whether or not you belong to the association or not, I just think that there's more and more people doing privacy. And so one of the big trends in Canada is growth.

And being part of that growth, sometimes growth comes with growing pains and sometimes it takes a turn the wrong way as it's getting bigger. And I think we have to, as a profession, be on guard for that and make sure that the rules, the ethical guidelines that we want as a profession make us steer clear of the pitfalls that come along with really rapid growth.

Ron Kruzeniski:

So, one area I've been interested in, and I'm interested in your observations of trends both internationally and in Canada, is all the discussion about a digital ID or digital credentials. What do you see happening internationally and what do you see happening in Canada on that particular issue?

Kris Klein:

I think the digital ID debate is just one of many debates that are going on. We could be debating, what is the proper use of cookies? What is the proper use of e-marketing? We could be talking about any one of these issues that touch on privacy issue. The digital ID one, it's exactly that same type of issue. I think a lot of work has already been done internationally on this, particularly in Europe. And I was really pleased to see it at the forefront of the commissioners' minds just this past fall, where you and your colleagues passed a resolution calling on the people who are developing these digital ID ecosystems to do it properly, to do it with privacy by design at its forefront. Let's make sure that we do get the privacy impact assessments done. Let's make sure that the accountability and the transparency structures are there.

I think reading in between the lines of the resolution that you and your colleagues passed, I'd say there's a recognition that consent can't be the end all and be all when it comes to digital ID. Because if we're going to move along into a society where, for example, you have to present a digital ID in order to vote democratically, it can't be based on consent. Someone will have to actually have a right to that digital ID that will allow them to vote.

I think there's a lot of thinking that's going on. I'm really pleased to see the regulators in Canada at the forefront of this. And I think, just like the other topics that I talked about, e-marketing, and cookies, and all these other evolving technologies that are out there, they're going to change, they're going to change rapidly. And we need privacy professionals to be at the forefront there to make sure that this happens properly and ethically.

Ron Kruzeniski:

So just to change it up a bit, I'm disappointed you're not going to France. I am curious whether you went to the UK conference, whether you had a chance to get to that one.

Kris Klein:

No, I haven't been to Europe for quite some time, pandemic be damned. But maybe in the near future I would love to go to one of the EU based conferences. The IAPP has conferences all around the world. They just finished one last week in Australia, and in Sydney. And the biggest one that they have is held at the end of March or the beginning of April every year in Washington D.C., which is a huge gathering. I remember going in 2007, it was my first IAPP international conference in 2007, and I think there were 400 people there. And I thought, "Wow, this is a pretty big conference." And now, last year, their keynote speaker was Malcolm Gladwell, and they attracted over 5,000 people internationally. So that conference is really, really fun to attend. The energy you get from being around so many privacy professionals is really awe-inspiring.

But in terms of the conference that I really want to push on you and your listeners is to put it on their learning plan to make it to Toronto for the IAPP Canada Symposium, which, like I said, we hold every May at the end of May. It's a beautiful time of year in Toronto. We always end up doing a really beautiful reception party on the night of the first day of the conference. It's a fantastic way to learn more about what it means to be a privacy professional. There's substantive learning, there's networking. And I'd be really remiss if I didn't make a real big plug for what has become a staple at the IAPP Symposium, it's the Commissioner's Game Show. And every year we get four, five, six, sometimes seven Commissioners participating in a game show. And I'm convinced, Ron, that I'm going to get you there one day to participate in the Commissioner's Game Show. It's great fun.

And what's interesting about the Commissioners Game Show is it's unique to Canada. The other IAPP conferences around the world, they all have good relationships with the regulators, but in Canada, the privacy profession is small and it's very cordial, and we've always been able to get along with our Commissioners. They've always been good games people to share a laugh with. And I think it's unique to Canada. And it says something about the Canadian nature, about maybe not taking yourself too seriously all the time and being able to share a laugh amongst colleagues every once in a while.

Ron Kruzeniski:

So, you've mentioned game show, so I instantly think prizes. So the winning commissioner wins what, Kris?

Kris Klein:

Usually, a hug from me. Yeah.

Ron Kruzeniski:

Well, that sounds wonderful, but you just need to up the stakes there a bit. So my last question is, I'm hoping people in Saskatchewan are listening to this, and maybe people in Western Canada, or all across Canada, and I am a member of IAPP, and our office is involved, and receives the emails, and all that sort of thing, what benefits are there to being a member of IAPP?

Kris Klein:

I think, first and foremost, it allows you to see the breadth of the community. It allows you to sort of... Sometimes when we're involved in our day-to-day jobs, we get the blinders on. It's inevitable. But by being a member of a larger community, reading those emails, those newsletters, every Friday you get in your email inbox the Canada Digest, which is a roundup of all Canadian news stories, it allows you very quickly to come out of your little hole and say, "Oh my God, there's a larger community here. I'm part of something larger." And so for all Canadians, I'd say, and particularly Western Canadians, I want to see more growth out there. I want to see people taking a look at what the IAPP has to offer. And I offer them to reach out to me too. I'm easily searchable on Google, can find me pretty easily. If anybody has any questions about IAPP membership, I'm happy to answer them or steer them in the right direction.

But apart from newsletters, conferences, KnowledgeNet meetings, I think that you've got all of these things that a professional association has to offer, but like I said at the outset, first and foremost, I think it allows you to feel like you're part of a larger community.

Ron Kruzeniski:

Well, thank you very much, Kris, for talking about the trends and talking about IAPP. And really great, and I'm glad you took the time. And hopefully this podcast does help in growing the membership of IAPP. Thanks very much.

Kris Klein:

Thank you very much, and we'll see you in Toronto.