



Yukon  
Information  
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Commissioner

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October 10, 2024

The Honourable Nils Clarke  
Minister responsible for The Department of Highways and Public Works  
Government of Yukon

**Re: Bill No. 44 (*Traffic Safety Act*)**

On Friday, October 4<sup>th</sup>, 2024, it came to my attention that Legislature's Committee of the Whole is currently reviewing Bill No.44 (*Traffic Safety Act*) to which I have concerns. I feel compelled to reach out and provide comment on Bill 44 prior to its third reading, for the reasons that follow.

In March of 2024 my office was provided with four draft provisions of the *Traffic Safety Act*. In response, my office provided written comments in which we outlined concerns with the broad language for collecting, using and disclosing personal information without sufficiently defining the purpose(s) for the collection, use and disclosure. We never received a reply to our comments.

I would like to clarify that my office was not informed or consulted about the contemplated authorization for use of facial recognition technology as part of Bill 44. Other jurisdictions have found that facial recognition software constitutes "biometric information." Biometric information is personal information, and in our view, is highly sensitive. While use of such Biometric information has been approved by other Privacy Commissioners, the use case for it was generally very narrow.

Under the *Access to Information and Protection of Privacy Act* (ATIPPA), public bodies can only collect, use, and disclose personal information to the extent that it is reasonably necessary to carry out their stated purpose. The stated purpose must be well defined and discernable. As well, public bodies must consider the sensitivity of the personal information they collect, use, and disclose – the more sensitive the information, the more scrutiny should be applied to whether the collection, use, and disclosure of this personal information is reasonably necessary to a well-defined purpose.

Pursuant to section 11 of the ATIPPA, public bodies are required to complete a privacy impact assessment (PIA) before carrying out a significant change to the manner in which an existing

program or activity collects, uses or discloses personal information. Our office would be happy to review the Department's PIA and provide comments and feedback upon request.

Kind regards,



Jason Pedlar B.A, M.A.  
Information and Privacy Commissioner

Cc: The Honourable Ranj Pillai, Premier  
The Honourable Curry Dixon, Leader of the Official Opposition  
The Honourable Kate White, leader of the Third Party

