



# A Shifting Privacy Landscape North America



**Julie Rubash**  
**GC & Chief Privacy Officer**  
**Sourcepoint by Didomi**

- Current Privacy Trends Across North America
- Practical Approaches to Compliance

# Regulation is decentralized and messy...

## CA CANADA

- PIPEDA reform progress halted
- PIPEDA in its current form is outpaced by the Provinces (especially Quebec)

## US UNITED STATES

- No comprehensive privacy law at the federal level
- Sectoral federal laws are outpaced by the states
- 17 states have effective comprehensive privacy laws (20 by January 2026)

# ...but regulatory enforcement is foundational

## Disclosures

- Specific
- true

## Privacy Mechanisms

- Functional
- Exhaustive
- Symmetrical
- easy to use

## Due Diligence

- Ongoing
- Thorough
- Bilateral
- Specific
- documented

	<b>HONDA</b> CA CPPA	<b>TODD SNYDER</b> CA CPPA	<b>HEALTHLINE</b> CA AG	<b>TRACTOR SUPPLY CO.</b> CA CPPA	<b>SNAPCHAT</b> UT	<b>TICKETNETWORK</b> CT	<b>GENERAL MOTORS</b> NE	<b>TIKTOK</b> Canada joint investigation
Opt out / consent failures	X	X	X	X	X	X	X	X
Insufficient / no contracts	X		X	X	X			
Insufficient disclosures			X	X	X	X	X	X

# ...and collaborative

## April 2025

U.S. state regulators form bipartisan consortium to collaborate on privacy issues

## September 2025

California, Colorado and Connecticut announce joint investigative sweep

## September 2025

Privacy Commissioners of Canada and Ontario enter MOU for investigative information sharing

## August 2025

37 U.S. Attorneys General sign letter urging Meta to change Instagram location-sharing features

## September 2025

Joint Canadian inquiry forces TikTok privacy changes

## October 2025

Minnesota and New Hampshire joined the bipartisan consortium

# However, regulatory enforcement may not be the greatest threat

## US UNITED STATES

Over 1,500 lawsuits filed under the California Invasion of Privacy Act over last 18 months.

First jury verdict finding an SDK in violation of CIPA gives claims legitimacy in the mobile space.

Statutory damages of \$5K per violation (interception) add up quickly.

The mere fact of a violation can be enough for damages.

Other privacy claims: VPPA, common law invasion of privacy, deceptive acts and practices.

# However, regulatory enforcement may not be the greatest threat

## CANADA

Class cert against Home Depot over sharing of hashed email strings with Meta for advertising (British Columbia Intrusion Upon Seclusion).

Quebec Law 25 introduced a new right to **punitive damages** for intentional misconduct or gross negligence.

# And sectoral creep is real

## Former trends

Protection of children under age 13

Restriction of content “**directed to Children**” or where there’s “actual knowledge” of age

**Narrow set of sensitive data** processed by a narrow set of regulated entities receives heightened protection

## Current trends

Protection of minors up to age **14, 15, 16, 17, or 18**, with “age appropriate” requirements

Restriction of content “**likely to be accessed**” by minors or where companies “willfully disregard” or “should have known” the age of users, or under strict liability

“**Sensitive Data**” is broadening in **definition**, interpretation (including sensitive inferences), and application (beyond traditionally regulated industry sectors)

## Maryland Online Data Privacy Act

(effective October 2025)

- A controller shall “**limit the *collection of personal data*** to what is reasonably necessary and proportionate to provide or maintain a specific product or service requested by the consumer to whom the data pertains”

## Maryland Online Data Privacy Act (effective October 2025)

- Without obtaining the consumer's consent, a controller **shall not** “*process personal data* for a purpose that is neither reasonably necessary to, nor compatible with, the...purposes...disclosed to the consumer”

# What this means

Get common fundamentals right *before* getting bogged down with patchwork nuance.

Don't create privacy compliance strategies in silos.

Throw out previous assessments of whether you collect children's / sensitive data and reassess.

Build flexibility and ongoing evaluation into your strategies to be prepared for the next phase.

## Get Common Fundamentals Right *Before* Getting Bogged Down with Patchwork Nuance

**Exhaustive  
understanding of  
all data collection  
practices**

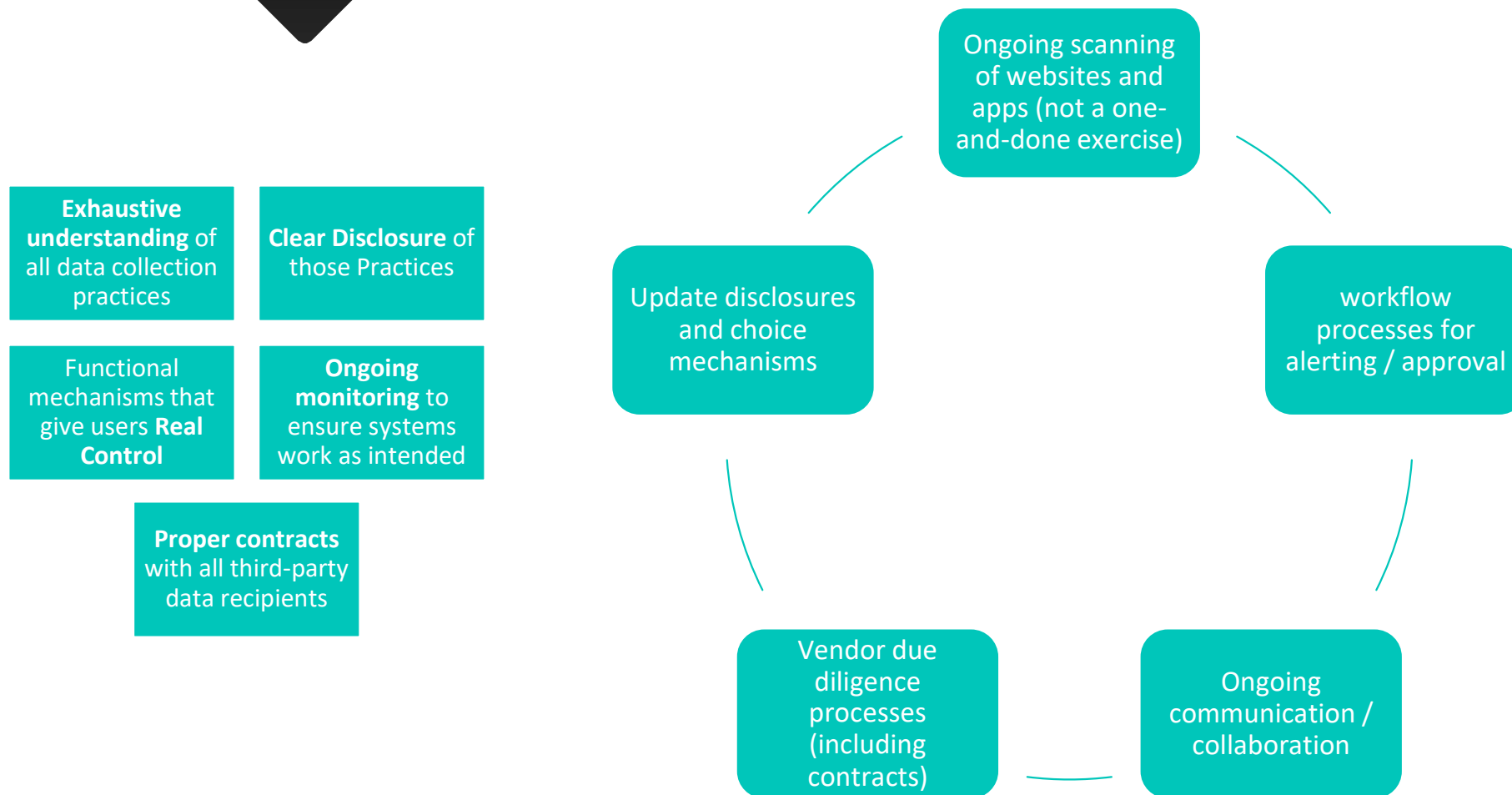
**Clear Disclosure of  
those Practices**

**Functional  
mechanisms that  
give users **Real  
Control****

**Ongoing  
monitoring to  
ensure systems  
work as intended**

**Proper contracts  
with all third-party  
data recipients**

# Get Common Fundamentals Right *Before* Getting Bugged Down with Patchwork Nuance



## Get Common Fundamentals Right *Before* Getting Bugged Down with Patchwork Nuance

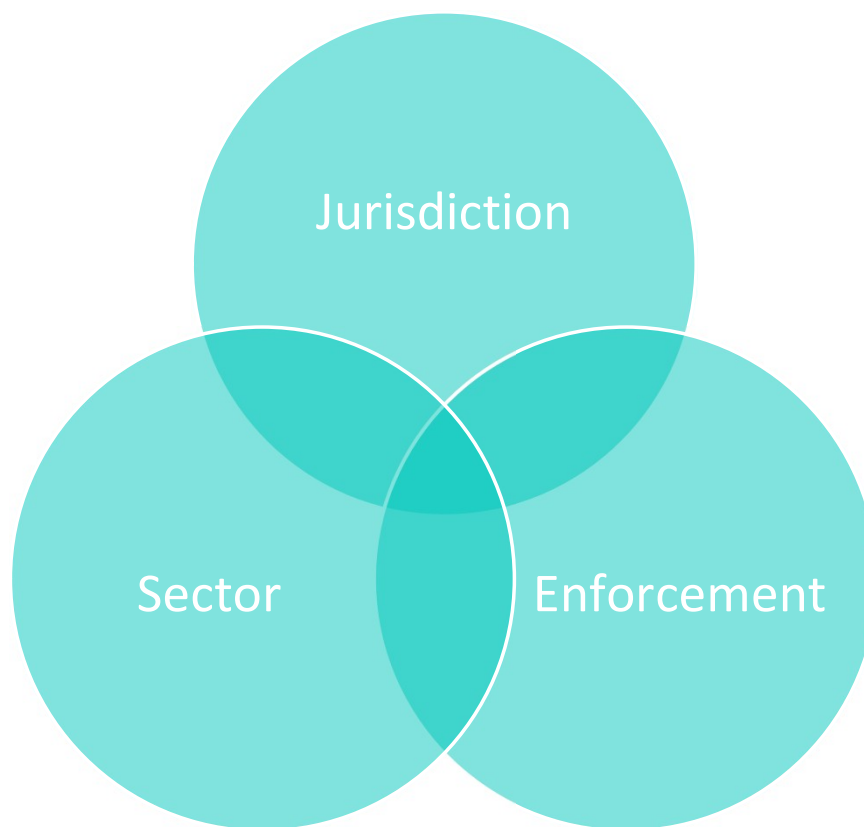
Proper contracts with all  
third-party data  
recipients

Does your contract include all  
regulatory requirements?

Do the contractual requirements flow  
through to all downstream partners?

If you're using a springing contract, are  
all participants a signatory?

# Don't Create Privacy Compliance Strategies in Silos



# Don't Create Privacy Compliance Strategies in Silos

## CIPA

Requires prior consent

Regulates recording or intercepting a communication

## CCPA

Requires a link titled "Do Not Sell or Share My Personal Information" OR "Your Privacy Choices"

Requires Symmetry of Choice

Regulations the collection and use of personal information

# Don't Create Privacy Compliance Strategies in Silos

## Consent

Symmetry in choice

Easy to use

Functional mechanisms

## Disclosures

Recording or intercepting of communication

Collection and use of personal information

## Opt Out / Withdrawal

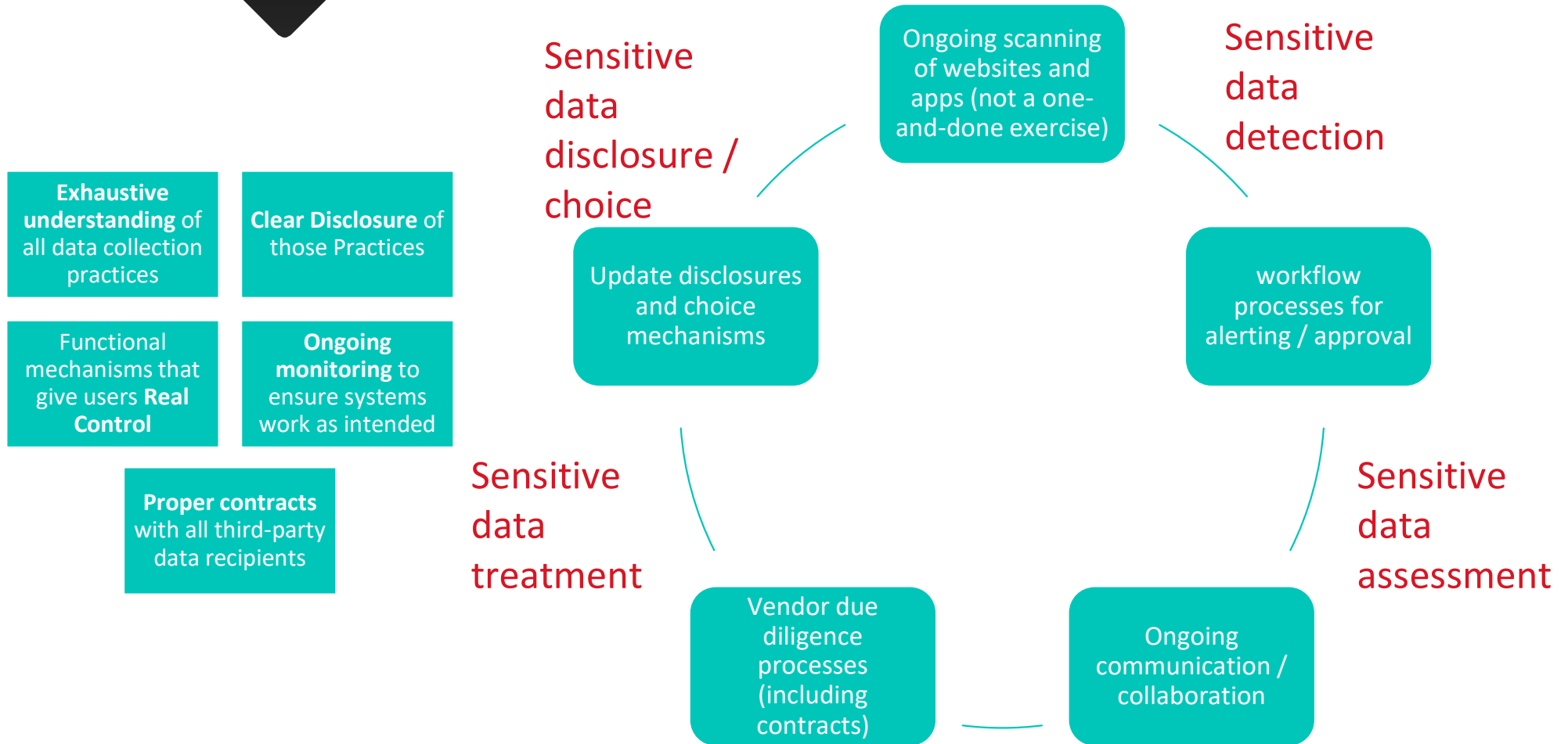
Your Privacy Choices link

Avoid inadvertent dark patterns

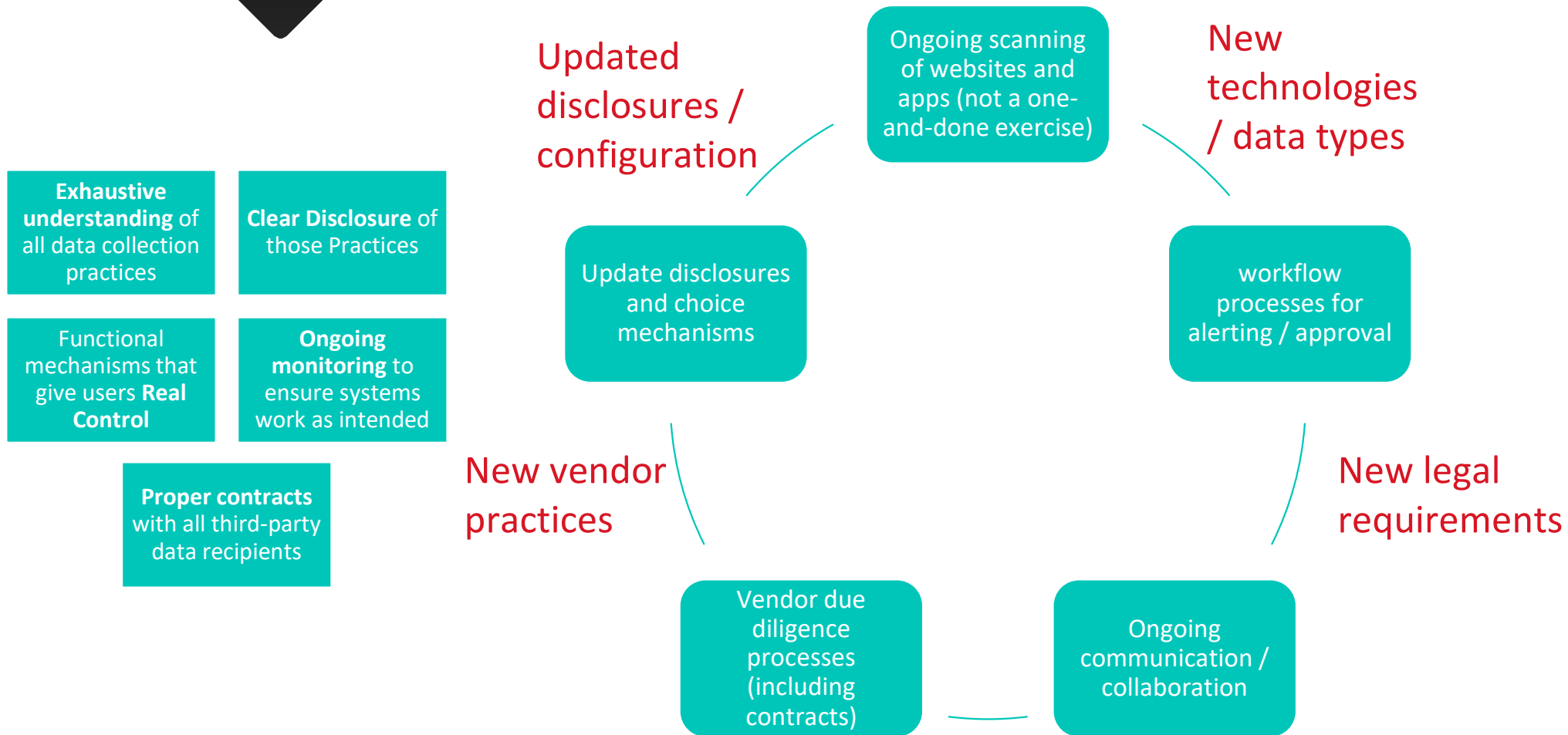
# Throw out previous assessments of whether you collect children's / sensitive data and reassess

	HONDA CA CPPA	TODD SNYDER CA CPPA	HEALTHLINE CA AG	TRACTOR SUPPLY CO. CA CPPA	SNAPCHAT UT	TICKETNETWORK CT	GENERAL MOTORS NE	TIKTOK Canada joint investigation
Opt out / consent failures	X	X	X	X	X	X	X	X
Insufficient / no contracts	X		X	X	X			
Insufficient disclosures			X	X	X	X	X	X
Sensitive Data	X		X		X		X	X

# Throw out previous assessments of whether you collect children's / sensitive data and reassess



# Build flexibility and ongoing evaluation into your strategies to be prepared for the next phase.





# Thank you for attending!

Twitter: @InfoGovWorld

LinkedIn: @InfoGov World Magazine

[www.InfoGovWorldConference.com](http://www.InfoGovWorldConference.com)

[AIWorldconference.ai](http://AIWorldconference.ai)