



INVESTIGATION REPORT 25-02

Joint investigation of TikTok Pte Ltd.

Office of the Privacy Commissioner of Canada
Commission d'accès à l'information du Québec
Office of the Information and Privacy Commissioner for British Columbia
Office of the Information and Privacy Commissioner of Alberta

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oipc OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

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Overview

The Office of the Privacy Commissioner of Canada (OPC), the Commission d'accès à l'information du Québec (CAI), the Office of the Information and Privacy Commissioner for British Columbia (OIPC BC), and the Office of the Information and Privacy Commissioner of Alberta (OIPC AB), collectively referred to as “the Offices”, commenced a joint investigation to examine whether TikTok Pte Ltd.'s (“TikTok”) collection, use and disclosure of the personal information of individuals in Canada through its social media platform complied with federal and provincial private sector privacy laws.

TikTok operates one of the world's most popular social media platforms, a short-form video sharing and streaming website and app available globally, including across Canada. Through this platform, TikTok collects vast amounts of personal information provided by users and derived from their activities on the platform - the company provided the Offices with a table consisting of 31 pages of data elements that it collects about users.

Scope of Investigation

The investigation examined TikTok's collection, use and disclosure of such personal information for the purposes of ad targeting and content personalization on the platform, with particular focus on TikTok's practices as they relate to children. More specifically, the Offices considered whether TikTok:

- i. engaged in these practices for purposes that a reasonable person would consider appropriate in the circumstances, were reasonable in their nature and extent, and fulfilled a legitimate need (“appropriate purposes”); and
- ii. obtained valid and meaningful consent and, in the case of individuals in Quebec, met its transparency obligations under Québec's *Act Respecting the Protection of Personal Information in the Private Sector* (obligation to inform the person concerned).

Appropriate Purposes

Our investigation into this aspect focused on TikTok's collection, use, and disclosure of the personal information of children. TikTok's terms of use prohibit users under the age of 13 (14 in Quebec) from using the platform. That said, we found that TikTok had implemented inadequate measures to keep children off its platform, which resulted in the collection of the sensitive information of many children, and the use of that information for purposes of ad targeting and content recommendation. More specifically, TikTok implemented:

- i. only one age assurance mechanism to keep children from accessing the platform outside of TikTok LIVE - a voluntary age gate that requires the prospective user to enter their birthdate, and prevents them from opening an account if the birthdate they choose to provide indicates that they are underage; and
- ii. human moderation of user accounts flagged as potentially belonging to an underage user by either (a) an automated tool that searched for language indicating that a user may be underage, or (b) reports by other users.

The Offices determined that the tools implemented by TikTok to keep children off its platform were largely ineffective. This was particularly true in respect of the majority of users who are “lurkers” or “passive users”, who view videos on the platform without posting video or text content.

The Offices noted that TikTok had implemented a more robust proactive age assurance mechanism, including facial analytics, to prevent under-18 users from using TikTok’s livestreaming function (TikTok LIVE). TikTok also employed sophisticated analytics tools to estimate the age of users for other business purposes, but did not employ those same or similar tools to keep underage users off its platform.

As a result of TikTok’s inadequate age assurance measures, the company collected the personal information of a large number of Canadian children, including information that the offices consider to be sensitive. The investigation uncovered that TikTok removes approximately 500,000 underage users from the platform each year. Where these children were engaging with the platform before being removed, TikTok was already collecting, inferring and using information about them to serve them targeted ads and recommend tailored content to them. Recognizing the significant gaps that we observed in TikTok’s underage user detection mechanisms, we found it likely that many more children continued to use the platform, undetected, and therefore subjected to profiling and targeting by TikTok.

Ultimately, the Offices found that TikTok was collecting and using the personal information of children with no legitimate need or bona fide interest, and that its practices were therefore inappropriate.

Consent and Transparency

The Offices considered whether TikTok was obtaining valid consent from users for its collection and use of their personal information to serve them targeted ads and tailored content recommendations or was meeting its transparency obligations (obligation to inform the person concerned) for individuals in Quebec.

We reviewed the consent obtained from, or transparency measures aimed at adults (18+) and youth (13-17) separately as their capacity to understand TikTok’s privacy practices and associated communications may differ. As we found that TikTok’s collection and use of personal information from children is not for an appropriate purpose, we need not consider whether the company obtained valid consent from those users – consent could not render that collection and use appropriate.

TikTok may collect sensitive information about users, depending on the content they upload or view on the platform – this can include information about users’ health, political opinions, gender identity, and sexual orientation. While TikTok explained that it takes steps to prevent advertisers from using certain sensitive information to target users, we noted with concern during a demonstration of TikTok’s advertising portal, the potential for advertisers to target users based on their transgender status. TikTok claimed that this was not supposed to be possible but was unable to explain how or why this option had been available. In any event, as detailed further in this Report, we found that when taken together, the personal information collected and used by TikTok via tracking and profiling for the purposes of targeting and content personalization may

be sensitive. Where the personal information involved is sensitive, the organization must generally obtain express consent.

While TikTok requires users to expressly accept its Terms and Conditions and Privacy Policy during account sign-up, we found that such consent - vis-à-vis TikTok's practices related to tracking, profiling, targeting and content personalization - was not valid or meaningful.

The Offices found, with respect to TikTok's consent from adults, that: (i) certain key information about TikTok's practices (including what information would be collected and used to deliver user-targeted ads and personalized content) was not provided up-front for users to consider when deciding whether to consent; (ii) the Privacy Policy did not provide a sufficiently clear and comprehensive explanation of certain TikTok practices related to ad targeting and content personalization, and other documents providing additional important details were not easily accessible to users; (iii) the Privacy Policy and other relevant privacy communications were not made available in French; and (iv) TikTok failed to adequately explain its collection and use of users' biometric information in the context of its video/image and audio analytics.

The Offices also found deficiencies in the consent that TikTok obtained from youth users. TikTok has published information for teens to explain how they can better control other users' access to and use of their personal information on the platform. However, the Offices found that TikTok did not explain to younger users, in accessible plain-language communications appropriate to their general level of cognitive development, how it would collect and use such a wide array of their personal information to serve them targeted ads and personalized content. Instead, TikTok relied, for the most part, on the same communications that we found to be inadequate for purposes of obtaining meaningful consent from adults. This is particularly concerning given extensive research highlighting the potential harms to children and youth associated with targeted advertising and social media content, and given our observation that it was often difficult to discern ads on TikTok from other TikTok videos.

Additionally, the Offices found that TikTok was using biometric information, via facial and voice analytics. We also found, based on TikTok's specific implementation of this biometric technology, that while it was not designed in a way that would support facial recognition or user identification, it was being used to infer potentially sensitive information about users. Finally, we found that TikTok did not adequately explain its use of this technology to users so that they would reasonably understand that analysis of their face would be used to infer their age and gender for purposes that include delivering tailored ads and content recommendations.

With respect to Quebec's Private Sector Privacy Law, the CAI found that some key elements of TikTok's privacy practices were not prominently emphasized, and did not meet the company's obligation to provide mandatory information required before the collection of personal information can begin.

The CAI also found that TikTok uses its platform (website and app), along with associated technologies such as computer vision and audio analytics, to collect and infer information about users – including their demographics, interests and location - without having adequately informed the person concerned of the use of such technologies before the collection of information begins.

Lastly, the CAI found that TikTok collects personal information from the person concerned (the user) using technology with functions that enable it to identify, locate, or profile the user without permitting the user to make an active gesture to activate these specific functions. The CAI also

found that TikTok is not ensuring that the privacy settings of its technological product provide the highest level of privacy by default, without any intervention by the person concerned.

Recommendations and TikTok's Commitments

In light of these findings, the Offices made a number of recommendations to TikTok, with a view to bringing the company into compliance with the consent, transparency and appropriate purposes requirements under the Acts. While TikTok generally disagreed with the findings outlined above, the company agreed to work with the Offices to resolve the matter. More specifically, TikTok committed to:

- i. Implement three new enhanced age assurance mechanisms that are to be demonstrably effective at keeping underage users off the platform.
- ii. Enhance its privacy policy to better explain its practices related to targeted advertising and content personalization, and make additional relevant privacy communications more accessible, including by links in the privacy policy and up-front notices.
- iii. Cease allowing advertisers to target under-18 users, except via generic categories such as language and approximate location.
- iv. Publish a new plain-language summary of its privacy policy for teens, and develop and distribute a video to teen users to highlight certain of TikTok's key privacy practices, including its collection and use of personal information to target ads and personalize content.
- v. Enhance privacy communications, including through prominent up-front notices, regarding its collection and use of biometric information and the potential for data to be processed in China.
- vi. Implement and inform users of a new "Privacy Settings Check-up" mechanism for all Canadian users, which would centralize TikTok's "most important and tangible" privacy settings and allow users to more easily review, adjust and confirm those setting choices.

Finally, to ensure that the above commitments are implemented in a manner that is proportionate, effective, and timely, TikTok agreed to various related commitments, including: the submission of privacy impact assessments and testing/research plans, as well as the results of those assessments; completing work according to an agreed schedule (most of which is to be completed within 6 months of the issuance of this report); working to implement any comments from the Offices on submitted documents in a timely manner; and providing monthly updates to the Offices until all commitments have been fulfilled.

Given all of the above, we find this matter to be **well-founded and conditionally resolved**.

Background

1. This report of findings examines TikTok Pte Ltd.'s ("TikTok" or "the Respondent") compliance with Canada's *Personal Information Protection and Electronic Documents Act* ("PIPEDA"), Quebec's *Act Respecting the Protection of Personal Information in the Private Sector* ("Quebec's Private Sector Act"), British Columbia's *Personal Information Protection Act* ("PIPA BC"), and Alberta's *Personal Information Protection Act* ("PIPA AB") — referred to collectively as the "Acts".

TikTok

2. The Office of the Privacy Commissioner of Canada (OPC), the Commission d'accès à l'information du Québec (CAI), the Office of the Information and Privacy Commissioner for British Columbia (OIPC BC), and the Office of the Information and Privacy Commissioner of Alberta (OIPC AB), collectively referred to as "the Offices", note that the TikTok-branded social media services are delivered and operated by a number of different business entities that carry on business around the world. These entities are intertwined to varying degrees in complex ownership and operational structures. ByteDance Ltd. has ownership of, or equity interests in, various entities using TikTok's intellectual property (e.g., branding) who also facilitate the distribution and use of the TikTok platform.¹
3. It was represented to us that TikTok, a company incorporated in Singapore, is the corporate entity responsible for the platform's operations in Canada, and for collecting, using and disclosing personal information of individuals located in Canada. This company was represented as the entity responsible for PIPEDA compliance at TikTok and, as such, is the organization subject to our investigation.
4. To better understand the respondent's privacy practices, the Offices inquired about the respondent's corporate structure and operations in Canada. TikTok explained that its affiliate, TikTok Technology Canada Inc. ("TikTok Canada"), is incorporated in British Columbia.² TikTok explained that TikTok Canada "engages in marketing, advertising, and content/creator development activities relating to the Platform in Canada." This is generally consistent with statements in TikTok Canada's recent Notice of Application³ for judicial review,⁴ filed in Federal Court, seeking relief from an Order made under the

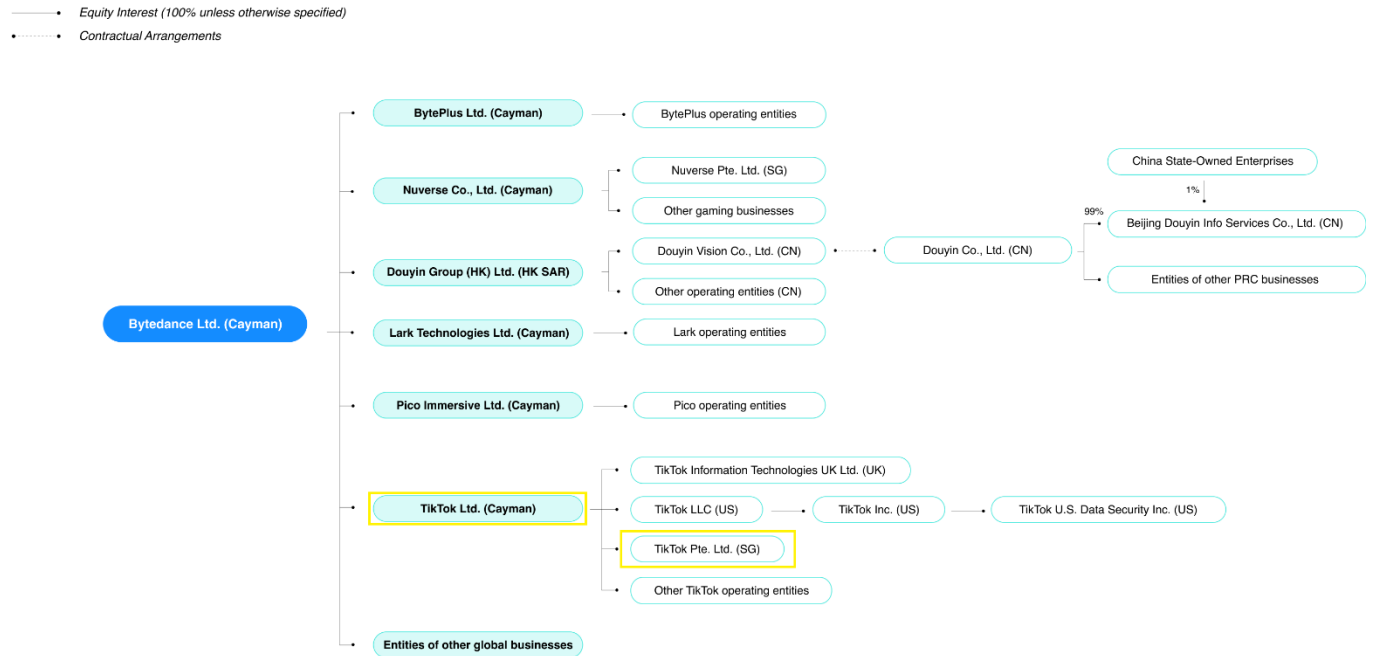
¹ This report refers to 'the platform' to mean the apps and website versions collectively. For the purposes of our investigation, this includes TikTok, TikTok Now and TikTok Notes. The offices note that TikTok Notes has since been discontinued.

² As noted in paragraph 5 of TikTok's Notice of Application in Federal Court file no. T-3463-24: "[TikTok Technology Canada Inc.] was previously known as Network Sense Ventures Limited ("NSVL"), which was acquired in 2018 by ByteDance (HK) Limited, a subsidiary of ByteDance Ltd. and formally renamed TikTok Technology Canada Inc. in August 2020".

³ This is an application by TikTok Technology Canada Inc. ("**TikTok Canada**") for judicial review of: (i) the referral (the "**Referral**") of the Investment (defined below) by the Minister of Innovation, Science and Economic Development (the "**Minister**" and "**ISED**") to the Governor in Council ("**GIC**") under subparagraph 25.3(6)(a)(i) of the *Investment Canada Act*, R.S.C. 1985, c 28 (the "**ICA**"), and (ii) the November 5, 2024 Order of the GIC issued pursuant to subsection 25.4(1) of the ICA, ordering that TikTok Canada wind-up its business and cease all operations in Canada on the basis that the Investment would be injurious to national security (the "**OIC**").

⁴ [Application for Judicial Review – TikTok Technology Canada Inc. And Canada \(Attorney General\), Minister for Innovation, Science and Economic Development and The Governor in Council](#); Federal Court file no. T-3463-24.

*Investment Canada Act*⁵ (See paragraph 14 for details), wherein the company explains that it sells advertising in Canada, supports creators and businesses, develops tools and products related to advertising as well as the detection, monitoring and handling of problematic content, and works on public policy issues at the federal and provincial levels. TikTok explained to the Offices that this entity acts as a service provider to TikTok Pte. Ltd. Both TikTok and TikTok Canada are wholly owned subsidiaries of TikTok Ltd., which is in turn a wholly owned subsidiary of Bytedance Ltd.



• The above diagram illustrates our corporate structure, including our principal subsidiaries and our VIE, as of the date hereof: February 2nd 2023.

Figure 1: Corporate structure available on Bytedance.com, sourced on December 16th, 2024. Emphasis added.

5. TikTok is a popular short-form video sharing and streaming platform, which is available both through its website and as an app. The App was merged with musical.ly following musical.ly's acquisition by ByteDance in November 2017.⁶ Existing musical.ly users were moved to the new TikTok app. TikTok's content typically features 30–50 second videos, although it also offers other services, such as live streaming and photos (the latter was added during the course of our investigation). TikTok also provides multiple interactive features such as comments and direct messaging for content creators and users to connect with other users.

6. TikTok's core commercial business is the delivery of advertising, which it enables by

⁵ [Investment Canada Act, RSC 1985, c 28 \(1st Supp\)](#).

⁶ TikTok Pte Ltd. is a wholly owned subsidiary of TikTok Ltd., which is in turn a wholly owned subsidiary of ByteDance Ltd. ("ByteDance"). While ByteDance is registered in the Cayman Islands, the headquarters of the company is in Beijing, China. In interviews with TikTok personnel, it was explained to the Offices that Shou Chew, the CEO of TikTok (all TikTok entities), ultimately reports to the CEO and Board of Directors of ByteDance Ltd.

using the information it collects about its users to track and profile⁷ them for the ultimate purposes of delivering targeted advertising and personalizing content, as will be discussed in detail further below. While TikTok is a private company that does not publicly report its global revenue, unconfirmed estimates placed global revenue at several billion dollars in 2022 and growing in 2023.⁸ It has also been reported that TikTok's share of global ad spending was projected to continue to grow, with the company posting above average growth and expansion in comparison to platforms such as Facebook, YouTube, and Instagram, particularly with respect to the '25 and under' demographics.⁹

7. The TikTok platform has a high level of usership, with 12 million active monthly Canadian users in April 2023, as reported by TikTok to the Offices based on its analytics.¹⁰
8. TikTok provided the Offices with an extensive table (31 pages long) that lists the various types of personal information that it collects¹¹ and details how each element of that information is used in the context of the practices we examined in the investigation. As set out in paragraphs 26 and 27, TikTok collects and uses vast amounts of personal information, drawn from millions of individuals in Canada, to develop sophisticated demographic, behavioural- and interest-based profiles, and to infer a variety of traits based on the many individual actions taken by a user on the TikTok platform. It utilizes this information to deliver targeted ads and recommend specific content to individual users via content personalization.
9. More specifically, based on TikTok's representations, the Offices determined that the company:
 - i. collects an expansive variety of personal information, ranging from user-provided video and audio, output of 'computer vision'¹² analytics, device information, contacts, approximate geolocation information, biometrics¹³ (as discussed further below), behavioural data, viewing patterns, and platform engagement details ("engagement");¹⁴ and

⁷ In the context of this report, "tracking" refers to collection of various forms of personal information from TikTok users as they use the platform and other partnered/affiliated websites and services, while "profiling" refers to the association to user accounts of demographic and behavioural data that has either been provided by the user, or inferred by TikTok.

⁸ Murphy, H. "[Brands increase TikTok spending despite threat of US ban: Digital advertising on the Chinese-owned video app grew by 11% in March](#)", *Financial Times*, April 2023.

⁹ [The all-conquering quaver](#), *The Economist*, July 2022.

¹⁰ TikTok's measurement of active Canadian monthly users refers to the results of an analytics assessment conducted by TikTok for the number of users identified as Canadian. These figures can vary on a month-to-month basis.

¹¹ It is noted that TikTok does not necessarily collect all types of personal information identified from all users, as the collection will depend on factors like user activity (including posting and commenting), device, account settings etc.

¹² Computer Vision is a term used to describe a field of artificial intelligence which relies on machine learning and neural networks to enable computer systems to derive information from visual inputs. This allows a system to identify objects and people within video.

¹³ While it was our determination that TikTok collects and uses biometric data, we note that TikTok disputes this characterization and argues that it does not. These arguments are covered in paragraphs 118-122 of the report).

¹⁴ In the context of TikTok, engagement refers to the user's activities on the platform, including searches, browsing habits, view time, time actively using the platform, comments, likes, etc.

- ii. applies a number of analytic and machine learning techniques to this information to identify user interests, habits, and trends, including for the purposes of: (i) delivering targeted advertising to users based on parameters selected by advertisers; (ii) providing recommendations that promote engagement and increase dwell time (i.e., the time spent viewing videos or otherwise engaging with the platform) of users on the platform; and (iii) promoting platform safety and enforcing its [Community Guidelines](#)¹⁵ through, for example, age and content moderation.
10. In class action lawsuits filed in 2019¹⁶ and 2020¹⁷ in Canada, claimants alleged that TikTok had breached privacy legislation and committed the tort of intrusion upon seclusion.¹⁸ TikTok stated that these allegations were based on past practices, which are no longer in use. In late 2021, TikTok settled these lawsuits.¹⁹ The company noted that this was done without any admission of liability or order to change its practices. In U.S. actions filed between 2019 and 2022, which were also ultimately settled without any admission of liability by TikTok, claimants alleged that TikTok Inc. had collected, used and disclosed users' personal information, including biometric data, without their consent.
 11. TikTok's various affiliate companies have also been subject to numerous regulatory investigations. For example, the U.S. Federal Trade Commission alleged that musical.ly (now TikTok Inc.) had processed children's personal information without first obtaining appropriate parental consent.²⁰ More recently, the U.K. Information Commissioner's Office (ICO)²¹ fined TikTok £12.7 million under the *UK General Data Protection Regulation* for various contraventions related to children's privacy, while the Irish Data Protection Commission²² fined TikTok €345 million under the *General Data Protection Regulation* (or GDPR) in relation to platform settings for child users, age verification, and transparency information for children. These decisions are currently under appeal.

Initiated Investigations

12. In February 2023, satisfied that there were reasonable grounds to investigate TikTok for its practices in Canada, the Offices each initiated investigations pursuant to s. 11(2) of PIPEDA, s. 81 of Quebec's Private Sector Act, s. 36(1)(a) of PIPA BC, and

¹⁵ TikTok's community guidelines are a set of rules and standards designed by the company in order to govern content and user activity on the platform.

¹⁶ A. C. an infant by her Litigation Guardian Robert Andrew Cronk v. musical.ly Inc. SCBC Vancouver Registry No. VLC-S-S- 193384.

¹⁷ *Lisa Thomas v. ByteDance Ltd. et al*, SCBC Vancouver, Registry No. VLC-S-209073.

¹⁸ *Notice of Proposed Settlement and Settlement Approval Hearing (Lisa Thomas v. ByteDance Ltd. et al, SCBC Vancouver Registry No. VLC- S-209073 and A.C. an infant by her Litigation Guardian Robert Andrew Cronk v. musical.ly Inc., SCBC Vancouver Registry No. VLC-S-S-193384) ("Notice of Settlement")*.

¹⁹ [Thomas v ByteDance Ltd., Tiktok Ltd., 2022 BCSC 297](#).

²⁰ [Video Social Networking App Musical.ly Agrees to Settle FTC Allegations That it Violated Children's Privacy Law](#) | FTC (US).

²¹ [ICO fines TikTok £12.7 million for misusing children's data](#) (April 4th 2023)| ICO (UK)

²² [Irish Data Protection Commission announces €345 million fine of TikTok](#); [DPC Decision in the matter of TikTok](#) (DPC Inquiry Reference: IN-21-9-1).

s. 36(1)(a) of PIPA AB, respectively. The Offices decided to conduct the investigation jointly to leverage our combined expertise and resources, while avoiding duplication of our efforts and those of TikTok.²³

Scope of Investigation

13. In this investigation, we examined TikTok’s collection, use and disclosure of personal information (including tracking and profiling of platform users) for the purposes of delivering targeted ads and content personalization on the platform. In this context, the Offices considered whether TikTok²⁴:
 - i. engaged in these practices, particularly in respect of the personal information of children under the age of 13, or under the age of 14 in Quebec²⁵ (collectively, “underage users” or “children”), for a purpose that a reasonable person would consider appropriate in the circumstances, was reasonable in its nature and extent, and fulfilled a legitimate need;^{26,27}
 - ii. obtained valid and meaningful consent; and met its transparency obligations under Québec’s Private Sector Act (obligation to inform the person concerned)
14. We recognize that general concerns have been raised regarding perceived risks to national security associated with the TikTok app. The Government of Canada has

²³ [Announcement: Commissioners launch joint investigation into TikTok](#).

²⁴ The Offices note that the precise wording of the issues communicated to TikTok is as follows:

- i. Did TikTok collect personal information in accordance with consent provisions set out in section 6.1 of PIPEDA and clause 4.3 of Schedule 1 of PIPEDA, sections 7 and 8 of PIPA-AB, sections 6-8 of PIPA-BC and Division II and III of the *Act Respecting the Protection of Personal Information in the Private Sector*;
- ii. In cases where consent was not sought, did TikTok collect, use or disclose personal information in accordance with provisions set out in section 7 of PIPEDA, sections 14, 17 and 20 of PIPA-AB and sections 12, 15 and 18 of PIPA-BC;
- iii. Did TikTok inform its users, in simple and clear terms, the details of the collection, use and communication of the personal information, in accordance with provisions set out in section 6, 8 of Division II and section 13 of Division III of the Quebec’s Private Sector Law.
- iv. Is personal information collected, used and disclosed by TikTok for an appropriate/reasonable purpose as set out in subsection 5(3) of PIPEDA; sections 11, 16 and 19 of PIPA-AB; sections 11, 14, and 17 of PIPA-BC; and for a legitimate reason as set out in section 4 of the *Act Respecting the Protection of Personal Information in the Private Sector*.

²⁵ Following the initiation of our investigation, TikTok amended its Privacy Policy to indicate that in Quebec, users must be older than 14 in line with the *Act Respecting the Protection of Personal Information in the Private Sector*. While the language of “under 13”, or “underage”, is used throughout the report, it should be read as “under 14” in the context of individuals located in Quebec.

²⁶ Throughout this report, the term “appropriate purpose” will be considered inclusive of “reasonable purpose” under PIPA AB and PIPA BC and “legitimate need” under Quebec’s private sector law. See s. 5(3) of PIPEDA; and ss. 2, 11, 14, and 17 of British Columbia’s *Personal Information Protection Act*, SBC 2003 c 63; and ss. 2–3, 11, 16, and 19 of Alberta’s *Personal Information Protection Act*, SA 2003 c P-6.5. In addition, we note that s. 4 of Quebec’s *Act respecting the protection of personal information in the private sector*, CQLR c P-39.1 requires that “[a]ny person carrying on an enterprise who, for a serious and legitimate reason, collects personal information on another person must determine the purposes for collecting the information before doing so.”

²⁷ In August 2023, based on the evidence gathered up to that date, the Offices decided to expand the scope of the investigation to include this issue. The Offices looked particularly at TikTok’s practices as they relate to the personal information of children.

been seized with this issue for several years. In December 2022, Prime Minister Justin Trudeau stated that the Communication Security Establishment (“CSE”) was examining TikTok for intelligence and national security risks to Canada. In February 2023, the Government of Canada, like several governments around the world, banned the use of the platform on government-issued devices citing “an unacceptable level of risk to privacy and security” and “concerns about the legal regime that governs the information collected from mobile devices”. On November 5, 2024, the Government of Canada²⁸ ordered the winding up of TikTok Canada under the *Investment Canada Act*. This order was limited to the operations of TikTok Technology Canada Inc. and did not affect TikTok Pte. Ltd. or the availability of TikTok’s website or app in Canada. This order currently is under judicial review before the Federal Court of Canada. Given that these concerns, which relate primarily to issues of national security as opposed to privacy in the context of commercial activity, were under review by other Canadian agencies, our investigation focused specifically on the privacy issues detailed in paragraph 13.

Methodology

15. Over the course of the investigation, the Offices considered information from a variety of sources, including:
 - i. written representations provided to the Offices by the Respondent;
 - ii. information that the Offices gathered during interviews with several employees of TikTok and related entities, in Toronto and virtually, with the presence of a court reporter;
 - iii. information gathered during a site visit at TikTok’s offices in Toronto, including through further interviews and various system demonstrations;
 - iv. internal user testing of the TikTok app and website; and
 - v. information that the Offices gathered and analyzed from publicly available sources concerning issues relevant to the investigation (e.g., media articles or studies referred to in this report).
16. Upon completion of the evidence-gathering phase of our investigation, the Offices issued a Preliminary Report of Investigation (“PRI”), which set out the rationale for our preliminary findings, identified several recommendations to bring TikTok into compliance with the Acts, and invited TikTok to respond. TikTok provided the Offices with a written response, articulating its disagreement with our preliminary findings. Nevertheless, TikTok indicated that the company would work with the Offices to address the recommendations and resolve the matter and, to that end, submitted a proposal detailing the measures it was prepared to implement. In this letter, TikTok also asserted certain factual corrections, and provided additional context and arguments. The Offices carefully considered these submissions and, where appropriate, have incorporated them into this report.

²⁸ Implemented via an order made by the Governor in Council.

17. Following the receipt of TikTok's response, the Offices engaged with the company, via written correspondence as well as an in person meeting with senior TikTok employees, to better understand the measures that the company proposed to implement. As a result of this engagement, TikTok submitted certain amendments to its proposed commitments and associated timelines for implementation, which we accepted as being sufficient to consider the matter conditionally resolved. The details of TikTok's response to our recommendations and its associated commitments are discussed in paragraphs 176-193.

Analysis

Jurisdiction

18. As indicated previously, the TikTok corporate entity being investigated is incorporated in Singapore. That said, in the course of its commercial activities, TikTok collects, uses, and discloses personal information of individuals who use the TikTok platform across Canada, including of users located in the provinces of Alberta, British Columbia, and Quebec, as explained in the next section of this report.
19. The Acts under which this investigation was conducted apply to organizations that, in the course of a commercial activity, collect, use, and disclose the personal information of individuals within each region. As such, each of the offices undertaking this investigation have determined that they have the jurisdiction to investigate and make recommendations or orders²⁹ related to TikTok's handling of personal information within their respective jurisdiction of responsibility, be it provincial or federal.

TikTok's challenge to BC OIPC's Jurisdiction

20. TikTok has made representations setting out its view that the OIPC BC lacks jurisdiction "by virtue of Section 3 of the Personal Information Protection Act (British Columbia)".
21. TikTok's position from the outset of the Investigation is that because *PIPEDA* applies to the subject matter of the present complaint, the BC OIPC does not have jurisdiction over the complaint by virtue of section 3(2)(c) of *PIPA BC*, which states:

*"This Act does not apply to the following:
... (c) the collection, use or disclosure of personal information, if the federal Act applies to the collection, use or disclosure of the personal information..."*
22. Privacy regulation is a matter of concurrent jurisdiction and an exercise of cooperative federalism,³⁰ which is a core principle of modern division of powers jurisprudence that

²⁹ Unlike its provincial counterparts, the OPC does not have order-making powers; it can make non-binding recommendations only.

³⁰ Provincial legislatures legislate under their authority over property and civil rights found in s.92(13) of the *Constitution Act 1867* and the federal Parliament under its trade and commerce power under s.91(2) and its authority

favours, where possible, the concurrent operation of statutes enacted by the federal and provincial levels of government.³¹ *PIPA BC* has been “designed to dovetail with federal laws” in its protection of quasi-constitutional privacy rights of British Columbians.³² The legislative history of the enactment of *PIPEDA*³³ and *PIPA BC*³⁴ and their interlocking structure³⁵ support the interpretation that *PIPEDA* and *PIPA BC* operate together seamlessly.

23. *PIPA BC* operates where *PIPEDA* does not, and vice versa. In cases such as the present, which involve a single organization operating across both jurisdictions with complex collection, use, and disclosure of personal information, both acts operate with an airtight seal to leave no gaps. An interpretation of s. 3(2)(c) that would deprive the BC OIPC of its authority in any circumstance the OPC also exercises authority is inconsistent with the interlocking schemes and offends the principle of cooperative federalism.
24. The present investigation—as well as numerous previous joint investigations by the Offices—are examples of the constitutional structure operating as intended in a way that respects the concurrent jurisdiction of the provincial and federal governments. The jurisdiction of the BC OIPC to participate in such joint investigations of organizations operating across provincial and international borders was recently confirmed by the BC Supreme Court.³⁶ By contrast, TikTok’s position would result in millions of British Columbians not being afforded the protections under the law their Legislature passed to protect their quasi-constitutional privacy rights.

Potential wind up of TikTok Canada

25. Should TikTok Canada wind up its operations as set out in the order detailed in paragraph 14 above, the Acts would nevertheless continue to apply to TikTok’s practices that are the subject of this investigation. TikTok’s platform would remain available in Canada, and TikTok would continue to collect, use and disclose extensive personal information of individuals located across Canada, including in Alberta, British Columbia and Quebec, as described in detail below. There would therefore remain a real and substantial connection between these commercial activities and the Office’s

over federal works, undertaking, and businesses. See *Reference re Subsection 18.3(1) of the Federal Courts Act*, 2021 FC 723, para 47; see also Michel Bastarache, *The Constitutionality of PIPEDA: A Re-consideration in the Wake of the Supreme Court of Canada’s Reference re Securities Act* (June 2012).

³¹ *Liberal Party of Canada v The Complainants*, 2024 BCSC 814 at para 119, citing *Quebec (Attorney General) v. Canada (Attorney General)*, [2015 SCC 14](#) at paras. [17–19](#); *Reference re Impact Assessment Act*, [2023 SCC 23](#) at paras. [116](#), 122, and 216; *Rogers Communications Inc. v. Châteauguay (City)*, [2016 SCC 23](#) at para. [38](#).

³² *Ibid.*, at para 201.

³³ See for example Parliament of Canada, *Official Record of Debates (Hansard)*, No. 137 at [1215](#) (19 Oct 1998, Hon. John Manley); Parliament of Canada, Standing Committee on Industry, *Minutes of Proceeding* at [1545-50](#) (1 December 1998, Hon John Manley)

³⁴ British Columbia, Legislative Assembly, *Official Report of Debates (Hansard)* Vol. 14 No. 12 at [6351-6352](#) (30 Apr. 2003, Hon. S. Santori) and [6415-6416](#) (1 May 2003, Hon. S. Santori)

³⁵ Issued pursuant to s. 26(2)(b) of *PIPEDA*, the *Organizations in the Province of British Columbia Exemption Order*, SOR/2004-220 says that an organization, other than a federal work, undertaking or business, to which *PIPA* applies is exempt from the application of Part 1 of *PIPEDA* in respect of the collection, use and disclosure of personal information that occurs within British Columbia.

³⁶ *Clearview AI Inc. v Information and Privacy Commissioner for British Columbia*, [2024 BCSC 2311](#) [“Clearview”].

respective jurisdictions.

Collection, use, and disclosure of personal information

26. TikTok represented that it collects a wide variety of information and uses it for various purposes, including for targeting advertising and personalizing content that it shows to users, moderating content, and ensuring platform security and compliance with its Community Guidelines. TikTok stated that the information it collects about users for content personalization and targeted advertising can include:³⁷

- i. Profile information (email, phone number, biographical information like name, age, gender, etc.);
- ii. User-generated content posted by the user on the platform (videos, images, comments, hashtags, metadata, etc.);
- iii. Personal information derived from 'Computer vision' and audio analytics of the content of videos and images (including biometrics);
- iv. Engagement with content and ads (such as viewing behaviour, sharing, liking, browsing history, indicators of interest or lack of engagement, comments, search activity, etc.);
- v. Purchase information (transaction history, etc.);
- vi. Device information (IP address, mobile device information, mobile carrier, operating system data, network information, advertising IDs on mobile devices, system settings, etc.);
- vii. Contacts (contact list from device, and other social media profiles like 'Facebook Friends') as well as 'Friends' on the platform, mutual connections (suggestions based on users following the same accounts), and suggesting accounts where an individual's information is in another user's contact list;
- viii. Geolocation data (approximate location, approximated to three-square kilometres); and
- ix. Information shared with TikTok by third-party partners through tools (e.g., advertisers who share their advertising event measurement data through TikTok's ad measurement Pixel³⁸ or Events API³⁹) and by measurement partners who help digital platforms more accurately attribute⁴⁰ and measure the impact of ad campaigns.

27. TikTok represented that it uses this personal information to:

³⁷ TikTok represented that not all of this information is used for targeted advertising.

³⁸ TikTok Pixel is a piece of code that can be implemented on a website to collect information from a browser such as ad clicks, IP address, device information, timestamps, and metadata and share it with TikTok for analytics and ad campaign management. This data is used to measure the effectiveness of ad campaigns on TikTok, used to market to the advertiser's users on TikTok, and to optimize the advertisers' future ad campaign.

³⁹ An Application Programming Interface (API), is a mechanism to allow communication between software applications. In the case of TikTok's Events API, it enables third-party businesses to share events from their platform with TikTok for the purpose of using TikTok's business tools. Examples of such events include adding products to a wishlist or cart, purchasing goods or services, adding payment information or viewing specific pages.

⁴⁰ In the context of digital advertising, 'attribution' refers to the analytic process of determining what events or "touchpoints" lead an individual to take a desired action, like making a purchase or subscribing to a service. This includes assessing how said events contributed to the individual's decision and determining their effectiveness. This is used to determine which ads are most effective in converting customer views into desired actions.

- i. Estimate or infer, through data analysis, the interests, location, age range, and gender of the individual, as well as their spending power, and associate this information to users;
 - ii. Recommend videos to users based on their activity on the platform (and the information that TikTok infers and estimates about them), in order to personalize the platform and improve user experience;
 - iii. Deliver targeted advertising and marketing to users (based on interests, behaviours, platform interactions, demographic information and location);⁴¹
 - iv. Train, test and develop its algorithms and machine learning tools to measure and improve their efficacy;
 - v. Measure ad campaigns and improve the effectiveness of advertising systems by assessing ad performance and improving advertising models;
 - vi. Maintain platform safety (via moderation, to detect and remove inappropriate content and prevent content created by users under 16 from being recommended to other users, etc.); and
 - vii. Comply with legal obligations in various jurisdictions (such as by responding to legal and regulatory requests, intellectual property claims, illegal content reporting, etc.).
28. TikTok represented that it discloses the personal information of its users to third parties in cases where:
- i. An individual chooses to register for TikTok using a third-party provider, for example, Meta, Google, or X (in these circumstances, TikTok will share the user's account information with the third party in question);
 - ii. Information is shared with advertising measurement companies to determine advertising effectiveness;
 - iii. Account information and platform usage information is shared with developers of TikTok development kits and APIs;⁴² and
 - iv. Law enforcement or regulatory agencies lawfully request information from TikTok.
29. TikTok explained that because it is a global organization, various affiliate companies and their employees outside of Canada, including in China, can in certain circumstances access the personal information collected by TikTok for business purposes. TikTok advised that to gain access to the personal information of individuals located outside of China, China-based employees must go through an internal approvals process overseen by individuals outside of China. Access may then be audited to ensure that the use of information is consistent with the purposes for which access was approved and that the access is still required for those purposes.⁴³

ISSUE 1: Was TikTok collecting, using, and disclosing personal information, in particular with respect to children, for an appropriate, reasonable, and legitimate purpose?

⁴¹ The Offices note that there are restrictions on the use of some information, as discussed further in paragraph 46

⁴² An Application Programming Interface, is a software interface which allows software systems to communicate. In the context of TikTok, APIs allow users to use their TikTok credentials to log into other systems, or to transfer content between TikTok and various third-party apps for video editing or posting.

⁴³ It should be noted that we did not specifically inquire about whether, or the extent to which, the Chinese government has compelled TikTok or affiliate companies to provide access to data of users located in Canada.

30. TikTok generally collects extensive information about all its individual users. It uses that information to estimate or infer additional information about users, personalize content, provide targeted advertising, improve the effectiveness of advertising, enforce its policies, promote security, and improve its machine learning models and algorithms, among other purposes.
31. Our investigation focused on whether TikTok's collection, use, and disclosure of the personal information of children for the purposes of content personalization and ad targeting was appropriate.
32. TikTok asserted that it does not purposefully collect or use the personal information of children/underage users (under the age of 13, or 14 in Quebec), and that any such collection or use is inadvertent.
33. Nevertheless, our investigation established, as detailed below, that TikTok collects and makes extensive use of potentially sensitive personal information of all its users, including not only adults, but also children. Per TikTok's own terms and conditions,⁴⁴ users under that age are not allowed to use the platform. At the same time, our investigation found that TikTok has not implemented reasonable measures to prevent its collection and use of the personal information of underage users.
34. Given the above, and as will be explained further below, we find that TikTok's purposes for collecting and using underage users' data - to target advertising and personalize content (including through tracking, profiling and the use of personal information to train machine learning and refine algorithms) - are not purposes that a reasonable person would consider to be appropriate, reasonable or legitimate under the circumstances. TikTok's collection and use of underage users' data for these purposes does not address a legitimate issue, or fulfill a legitimate need or *bona fide* business interest.⁴⁵
35. The OPC's Guidance on inappropriate data practices explains that, in interpreting and applying subsection 5(3) of PIPEDA, the OPC considers certain factors⁴⁶ set out by the courts, which are meant to assist in determining whether a reasonable person would find that an organization's collection, use, and disclosure of personal information is for an appropriate purpose in the circumstances. These factors are to be applied in a contextual manner, which suggests flexibility and variability in accordance with the circumstances.⁴⁷
36. In applying subsection 5(3), the courts have determined that the OPC is required to engage in a "balancing of interests" between the individual's right to privacy and the

⁴⁴ TikTok's [Terms of Service](#) state that "The Services are only for people 13 years old and over... If we learn that someone under the relevant age specified above is using the Services, we will terminate that user's account" while the [Privacy Policy](#) states that "TikTok is not directed at children under the age of 13."

⁴⁵ The OIPC-BC and OIPC-AB use slightly different language in the application of their test, considering whether a legitimate issue exists to be addressed by a practice involving personal information.

⁴⁶ The degree of sensitivity of the personal information at issue; Whether the organization's purpose represents a legitimate need / *bona fide* business interest; Whether the collection, use, and disclosure would be effective in meeting the organization's need; Whether there are less privacy invasive means of achieving the same ends at comparable cost and with comparable benefits; and whether the loss of privacy is proportional to the benefits.

⁴⁷ [Eastmond v. Canadian Pacific Railway](#), 2004 FC 852, para 131.

commercial needs of the organization concerned.⁴⁸ This balancing of interests must be “viewed through the eyes of a reasonable person.”⁴⁹ As the Federal Court of Appeal recently confirmed in the *Facebook* decision, PIPEDA does not require a balance between competing rights, but rather, between an individual’s right to privacy and a corporation’s need to collect personal information.⁵⁰

37. Sections 2 of both PIPA-AB and PIPA-BC state that, in determining whether a thing or matter is reasonable, the standard to be applied is “what a reasonable person would consider appropriate in the circumstances.” In addition, PIPA-BC limits the purposes for which an organization may collect, use, or disclose personal information to only such purposes that a reasonable person would consider appropriate in the circumstances, even if PIPA otherwise permits the collection, use, or disclosure. Orders issued by the OIPC AB have also identified a number of questions for determining whether the collection of personal information in an instance was for a reasonable purpose,⁵¹ including whether a legitimate issue exists to be addressed through the collection of personal information. OIPC BC considers similar factors to those considered by the OIPC AB in determining whether the purpose is reasonable.⁵²
38. In order to determine whether the reasons for which the personal information was collected by an enterprise are serious and legitimate within the meaning of section 4 of Quebec’s Private Sector Act, the CAI takes into account the lawfulness of the purpose and its compliance with the principles of law, justice, and fairness.⁵³
39. Section 4.1 of Quebec’s Private Sector Act further provides that personal information concerning a minor under the age of 14 may not be collected from them without the consent of the holder of parental authority or the guardian, except when such collection is clearly for the benefit of the minor.

Sensitivity

40. The sensitivity of the information collected, used, or disclosed by TikTok serves as a factor in the assessment of whether the purposes for its collection, use or disclosure of personal information are appropriate. That said, the Offices note that an organization’s purposes can still be found to be inappropriate even where the personal information in question is not highly sensitive.
41. As set out in previous guidance from the Offices and other provincial and territorial

⁴⁸ *Turner v. Telus Communications Inc.*, 2005 FC 1601, aff’d 2007 FCA 21.

⁴⁹ *Ibid.* [*Turner v. Telus Communications Inc.*, 2005 FC 1601, aff’d 2007 FCA 21].

⁵⁰ *Canada (Privacy Commissioner) v Facebook Inc.*, 2024 FCA 120 at paras 61-63.

⁵¹ *Order P2006-011* - The OIPC AB set out a number of questions for determining whether the collection of personal information was for a reasonable purpose, as follows: 1) Does a legitimate issue exist to be addressed through the collection of personal information? 2) Is the collection of personal information likely to be effective in addressing the legitimate issue? 3) Is the collection of personal information carried out in a reasonable manner?

⁵² See, for example: *OIPC-BC Order P05-01 (2005 BCIPC No. 18)*; *P12-01 (2012 BCIPC No. 25)*; *Order P13-02 (2013 BCIPC No. 24)*, *Order P20-04 (2020 BCIPC No. 24)*, and *Order P21-06 (2021 BCIPC No. 35)*.

⁵³ *Institut généalogique Drouin Inc.*, CAI 091570, decision by D. Poitras, February 6, 2015 [available in French only].

counterparts,⁵⁴ information relating to children is particularly sensitive.

42. Additionally, we note that TikTok may collect sensitive information based on the content uploaded or viewed by users, such as information about individuals' health, political opinions, gender identity, and sexual orientation.
43. TikTok explained that it takes steps to prohibit advertisers from using defined sensitive parameters to target users, such as: "user's health, and specifically data regarding mental or psychological conditions, depression, eating disorders, genetic data, and/or disabilities" or "sex life, sexual orientation, sex, gender, and gender identity." TikTok further indicated that it uses a combination of manual and automated tools to disallow such targeting based on hashtags or interests.
44. Despite these measures, during our site visit, we noted that upon reviewing various targeting options in TikTok's "Ad Manager" portal, the hashtags "#transgendergirl" and "#transgendertok" were displayed as options for an advertiser to use as targeting criteria. TikTok personnel were unable to explain, either during the site visit or when offered a follow-up opportunity, why these hashtags had been available on the ad manager platform as options. The company later confirmed that the hashtags should not have been available, have since been removed as options, and had not been used in any Canadian ad campaigns from 2023 to the date of our site visit in 2024. TikTok advised that it did not have data for this prior to 2023. While TikTok resolved this specific issue after it was discovered by our investigation, we remain concerned that this sensitive information had not been caught by TikTok proactively and that individuals could potentially have been targeted based on their transgender identity.
45. Furthermore, even where certain elements of the information that TikTok uses for profiling and targeting its users (including underage users) may be considered less sensitive when taken separately, when taken together and associated with a single user and refined by TikTok with the use of its analytics and machine learning tools, it can be rendered more sensitive. This is because of the insights that may be inferred from that information in relation to the individual, such as their habits, interests, activities, location, and preferences.

Bona Fide business interest / legitimate purpose (underage users)

46. As set out in TikTok's terms of service for Canada, the platform's "[s]ervices are only for people 13 years old and over... If we learn that someone under the relevant age specified above is using the Services, we will terminate that user's account." This language unambiguously sets out that individuals under the age of 13 are not permitted to use TikTok's services.
47. Similarly, in the "supplemental jurisdiction-specific terms" for Canada included in its privacy policy at the time the investigation began, TikTok stated that "[if] you are a resident of the Province of Quebec, you are only permitted to use the platform if you are at least 14 years old."

⁵⁴ [Putting the best interests of young people at the forefront of privacy and access to personal information](#), OPC et al., 2023

48. However, the Offices have concluded, based on evidence gathered during the investigation, that a large number of children do in fact use the platform, as articulated below.

Detection and removal of underage user accounts

49. In its representations to the Offices, TikTok explained that in each of the past three years, its tools and reports identified a significant number of Canadian underage users. Figure 2, below, indicates the number of Canadian accounts that TikTok removed from the platform as a result of being determined - by TikTok through moderation (discussed further below) - as being likely to belong to a user under the age of 13. As outlined in the following table, that number has grown significantly year over year. TikTok represented that this figure has grown as a result of an increased user base and better detection capabilities.

Year	Number of Canadian users removed for likely being under 13
2021	412,241
2022	506,363
2023	579,306

50. Based on these numbers, TikTok has been banning an average of approximately 500,000 accounts per year in Canada, having determined the account holders as being under the age required to be on the platform. It is important to note that these figures represent only those accounts that were in fact detected and consequently banned by TikTok. We conclude that the actual number of accounts held by underage users on the platform is likely much higher. TikTok argued that this conclusion is speculative. However, given the significant gaps that we identified in TikTok's detection mechanisms, detailed below in paragraphs 58-59, it remains the Offices' view that there are likely many more underage users on the platform who go undetected by TikTok.
51. Furthermore, the fact that an account was removed from the platform does not mean that the user did not subsequently return to the platform with different credentials (email address, etc.). The removed accounts, and those that remain undetected on the platform, may also include duplicate accounts created by the same underage user, as an individual user can create new accounts by using new credentials. This would result in repeated or continued instances of collection of personal information from underage users and raises additional concerns about the effectiveness of TikTok's age assurance regime.

Age Controls

52. We gathered extensive evidence from TikTok about its age controls and account moderation processes. TikTok represented that it had implemented various measures to prevent underage users from using the platform, in the form of public facing documents, age ratings and informational publications, in addition to in-platform tools. TikTok explained that the primary mechanism for preventing underage users from creating accounts on the platform is an "age gate", which requires the user to provide a date of birth during the account creation process. When a date of birth corresponds to an age under 13, account creation is denied, and the device is temporarily blocked

from creating an account. Our investigation determined that this is the only age assurance mechanism that TikTok has implemented at the sign-up/registration stage to prevent underage users from creating an account and accessing the platform.

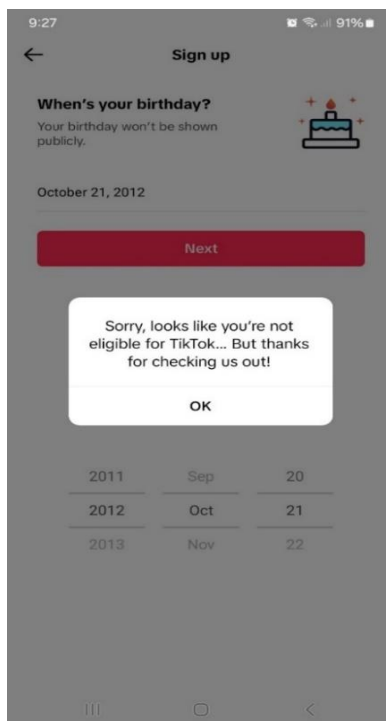


Figure 22: An example of the message that appears when a user inputs an age under 13 into the age gate.

53. If a child under the age of 13 inputs a falsified date of birth that corresponds to an age of 13 or older, either the first time they attempt to create an account or in any subsequent attempts (i.e., after the expiry of any temporary blocks on their device), they will be allowed to create an account.
54. TikTok explained that it has a moderation team in place to identify users who are suspected to be underage, and that members of this team are provided with specific training to identify individuals under the age of 13, based on various behavioural and physiological cues which form a component of its moderation policies. The moderation team relies on the following mechanisms to identify users suspected to be underage:
 - i. **user reports** (where someone, such as a parent, contacts TikTok to report that a user is under the age of 13); and
 - ii. **automated monitoring** (which includes scans for keywords in text inputted by the user that would suggest that they may be under the age of 13 — e.g., “I am 10 years old,” or “I am in grade 3,” or in the case of TikTok LIVE, the use of computer vision and audio analytics to help identify individuals under 18⁵⁵).

⁵⁵ The use of age estimation for moderation in TikTok LIVE is discussed further in paragraph 56. It is important to note that this automated tool is only used in the context of TikTok LIVE, a live streaming service run by TikTok.

Subsequently, moderators conduct **manual reviews** of accounts identified via (i) and (ii) above. These include a review of posted videos, comments and biographic information. This is a secondary form of review to further evaluate user reports or automated alerts, before deciding whether to ban an account.

55. Where a moderator has banned an account because it was identified as belonging to someone whom they believed to be under the age of 13, the user can appeal that decision to TikTok customer service. In such cases, the user will have to undergo a secondary step of age verification, which – depending on the appeal mechanisms chosen by the user - requires them to provide TikTok with: (i) identity documents, such as but not limited to driver's license, passport or national ID card; (ii) a valid credit card; or (iii) a selfie for facial age estimation using a third-party verification tool; or undergo (iv) a verification process with a parent or guardian (individuals over 13 only). TikTok permanently deletes all personal information, including photos, submitted during this process once the appeal is either successful or unsuccessful. TikTok stated that, other than in the exceptions noted below, if the user fails to submit information pursuant to this process or if their age cannot be verified, it will delete the user's account and associated personal information after 120 days and remove it from the company's systems.
56. TikTok further explained that after such deletion, barring any legislative or regulatory requirements, it only retains certain information about the account in its systems, such as customer service records, basic internal user data such as TikTok ID, email, or phone number (for internal compliance activities⁵⁶ and to prevent account re-creation), and transaction information related to purchases on the platform.
57. The Offices requested detailed information from TikTok regarding the proportion of suspected underage accounts that had been detected via user reporting vs. keyword detection, as these were the two mechanisms for underage moderation shared with the Offices (outside of TikTok LIVE). TikTok explained that it only retained data for Q4 of 2023, the quarter immediately preceding our request. TikTok represented that in that quarter, approximately 129,105 banned accounts were detected as a result of user reports, while 25,462 were detected by its keyword detection system.
58. We observe that TikTok's internal automated moderation methods accounted for a relatively small number of total underage accounts identified and removed from the platform (outside of TikTok Live). We determined, based on TikTok's representations, that these internal moderation practices rely exclusively on searches for key words found in text inputted by the user, such as in their profile or comments. Given that TikTok's own statistics show that most users do not comment at all on the platform (as detailed further below), this mechanism has significant limitations. Furthermore, even in cases where a user does add comments, the automated detection system relies on the user including specific text that would appear to indicate their age.
59. In response to our request for statistics on platform engagement for users located in Canada, TikTok indicated that most users only view and rate content ("passive users" or "lurkers"); 73.5% of users do not post videos, while 59.2% do not comment. Where

⁵⁶ TikTok maintains an internal compliance protocol to ensure that its staff follow its policies. The protocol also provides for reporting on compliance-related activities and the conduct of compliance audits. Examples of compliance activities provided by TikTok include responding to law enforcement requests, handling intellectual property claims, defending legal claims, and flagging 'violative' content.

such users are children, they could view countless videos and be subjected to tracking, profiling, and targeting without being detected by TikTok's moderation. Similarly, where a user does not post videos, in the Offices' view, it is less likely that they would be reported by another user for being underage.

Other information that TikTok collects for age-estimation, but not to control platform access or for moderation

60. TikTok uses various technologies and associated personal information to estimate user age for a number of purposes, including to restrict access to TikTok LIVE, as discussed further below. However, it does not employ those technologies or that personal information to prevent underage users from accessing the platform, and therefore being tracked, profiled, and targeted.
61. In the case of TikTok LIVE, the platform's livestreaming service (for which the required age of use is 18), the company explained that it uses automated age detection tools, which rely on computer vision and audio analytics to assess whether an individual is younger than 18. TikTok explained that this suite of detection tools is only used on TikTok Live. It was developed with the TikTok Live platform in mind due to the higher risk associated with livestreaming, and only for the purpose of age moderation. A moderator who is reviewing an account flagged by the LIVE age detection tool will ban the account if they suspect the user to be underage.
62. TikTok explained that it uses a variety of other age modelling and estimation technologies to "tag" recorded videos on the platform with age estimates of persons appearing in the video. Specifically, TikTok referred to three modelling techniques that it uses on the core platform for purposes such as ensuring minor safety, providing video recommendations, and delivering targeted advertising⁵⁷ — but confirmed that it does not use any of these technologies, or derived age ranges, to prevent underage users from accessing the platform (except for TikTok LIVE). In its representations, TikTok explained these three models:

"Video level age model: TikTok uses a video level age model to estimate the age group of the main individual appearing in a published video (who may or may not be the account holder). These age groups include 0-3⁵⁸, 4-15, 16-17, 18-24, 25-34 and 35+. The model first detects whether a face is present in a video and, if detected, estimates the age group of the face, according to a sample of images that have been manually assigned to certain age groups. TikTok uses the estimated age level to **promote minor safety**, e.g., to make videos featuring an individual estimated to be under 16 ineligible from appearing in the For You Feed. TikTok also uses estimated age levels for **recommending content** in the For You Feed.

Account level age model: TikTok uses an account level age model to classify a user account [as being associated with a user that is] in the following age groups (<16, 16-17, 18-24, 25-34 and 35+). This model uses the user's date of birth,

⁵⁷ The appropriateness of TikTok's use of personal information for purposes of minor safety is outside the scope of this investigation. We will consider under Issue 2 whether TikTok obtains valid consent from users for, and informs them in simple and clear language about, its use of these models for targeting and content personalization.

⁵⁸ In particular, it was explained to our Offices in an interview that the 0–3 range is used, for example, to recommend videos to individuals whom TikTok has identified, based on their interests and analytics, as parents.

*profile information, user content, and usage information to estimate the age group of the user. Similar to the video level model, the account level model is used as a **safety measure**, e.g., to prevent videos published by a user who is estimated to be under 16 from being included in the For You Feed, and for **recommending content** in the For You Feed. TikTok also uses the model's output of estimated age range to understand the general age makeup of its user base to **support business strategy**.*

Advertising age model: *TikTok uses a model that predicts users' age groups in the following age segments (13-17, 18-24, 25-34, 35-44, 45-54, 55+) for advertising purposes. This model mainly uses entered ages and usage information to predict a user's age group; it does not use any visual signals from user content. This model is used to provide more **relevant advertisements** and enable advertisers to target the appropriate age group, in accordance with TikTok's advertising policies."* [our **emphasis**]

63. When asked during interviews whether TikTok had considered using any of these tools (which are already in use for other purposes) to better identify underage users on the platform (other than on TikTok LIVE), interviewees advised that these tools were developed and implemented with specific purposes in mind and could not be directly used in other contexts. In a follow-up question, an interviewee was asked whether TikTok had considered developing similar tools for age moderation on TikTok beyond LIVE, and responded that to their knowledge, the company had not considered it.

Conclusion regarding the appropriateness of TikTok's collection and use of personal information from underage users

64. As detailed above, there were approximately 500,000 underage users in Canada each year who accessed and engaged with the platform before their accounts were removed by TikTok. Furthermore, given that TikTok relied heavily on reports by other users who may not be trained to recognize younger users, and that its internal age moderation practices have significant limitations, particularly in respect of users who do not post content, it is highly likely that many more underage users access and engage with the platform without being detected.
65. Furthermore, for this large number of underage users who engage with the platform, including those who engage with the site until they are detected and removed from the platform, TikTok gathers a wide array of potentially sensitive personal information — in the form of behavioural, interest, device and geolocation information, etc. — for purposes that include targeting ads, personalizing content and developing TikTok's machine learning tools.
66. Finally, given that TikTok's own terms and conditions provide that children are prohibited from using the platform, and given the deficiencies in TikTok's age assurance mechanisms, as detailed above, we find that TikTok has implemented inadequate measures to prevent those users from accessing and being tracked and profiled on, the platform.
67. In light of the above (as summarized in paragraphs 64 to 66), we determined that TikTok has no legitimate need or *bona fide* business interest for its collection and use of the sensitive personal information of these underage users (in the context of

PIPEDA, PIPA AB and PIPA BC), nor is this collection and use in support of a legitimate issue (in the context of Quebec's *Privacy Sector Act*). It is therefore our finding, irrespective of TikTok's assertion that this collection and use is unintentional, that TikTok's purposes for collection and use of personal information of underage users are inappropriate, unreasonable, and illegitimate, and that TikTok contravened subsection 5(3) of the PIPEDA, section 4 of Quebec's Private Sector Act, sections 11 and 14 of PIPA BC and sections 11 and 16 of PIPA AB.

68. Given TikTok's knowledge that hundreds of thousands of underage users are accessing its platform each year in Canada alone, and the fact that TikTok collects and uses vast amounts of personal information, including sensitive information, from platform users, we are deeply concerned by the limited measures that the company has put in place to prevent children from using the platform. We find it particularly troubling that even though TikTok has implemented many sophisticated analytics tools for age estimation to serve its various other business purposes, evidence suggest that the company did not consider using those tools or other similar tools to prevent underage users from accessing, and being tracked and profiled on, the platform.

ISSUE 2: Does TikTok obtain valid and meaningful consent from its users for tracking, profiling, targeting and content personalization?

69. As a preliminary matter, an organization cannot rely on consent for the collection, use, or disclosure of personal information when its purpose is not appropriate, reasonable, or legitimate within the meaning of the Acts. In other words, obtaining consent does not render an otherwise inappropriate purpose appropriate. As we have found that TikTok's collection and use of personal information from children is not for an appropriate purpose, we need not consider whether TikTok obtained valid consent from those users.
70. We did consider, however, whether TikTok obtained valid and meaningful consent from: (i) adults (18+); and (ii) youth (13–17). We reviewed the consent of these two groups separately as their capacity to understand TikTok's privacy practices and associated communications may differ.
71. Additionally, as noted in paragraph 28, TikTok represented, and we have no evidence to the contrary, that it does not disclose personal information in the form of profiles or targeting data to third parties for the specific purposes of ad targeting or content personalization.⁵⁹ Our analysis therefore focuses on TikTok's collection and use of personal information for those purposes.
72. For the reasons detailed below, the Offices find that TikTok did not explain its practices — related to tracking, profiling, ad targeting and content personalization — to individuals in a manner that was sufficiently clear or accessible, and thus did not obtain meaningful consent from platform users, including youth users.

⁵⁹ While TikTok does disclose personal information to partners and third-party advertising measurement companies to assist them in measuring the effectiveness of ad campaigns (e.g, ad reach, views and conversion) the information disclosed does not include individual information used by TikTok for user profiling or targeting, and is not shared for the purposes articulated in this paragraph. The disclosures are therefore outside the scope of this investigation.

73. The Acts, with the exception of Quebec's Private Sector Act (see paragraph 148), state that the consent of an individual is required for the collection, use, or disclosure of their personal information, unless an exception applies. The type of consent required will vary depending on the circumstances and sensitivity of the personal information.
74. Clause 4.3 of Schedule 1 of PIPEDA states that the knowledge and consent of the individual is required for the collection, use, or disclosure of their personal information, unless these requirements are specifically exempted under section 7 of PIPEDA. Clause 4.3.2 requires organizations to explain the purposes in such a way that the user can reasonably understand how their personal information will be used. Clause 4.3.4 further provides that the form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent, organizations shall take into account the sensitivity of the information. An organization should generally seek express consent when the information is likely to be considered sensitive.
75. In addition, section 6.1 of PIPEDA states that for consent to be valid, an individual must be able to reasonably understand the nature, purposes, and consequences of the collection. Valid consent may generally depend on, amongst other things, the cognitive ability and developmental maturity of individuals. This becomes highly relevant in the case of TikTok, where many users are between the ages of 13–17.
76. Similarly, subsection 7(1) of PIPA AB requires the consent of the individual for the collection, use, or disclosure of their personal information, unless exempted by the Act. Section 8 of PIPA AB sets out the various forms of consent, which include the following three possibilities:
- i. express oral or written consent;
 - ii. deemed consent where it is reasonable that an individual would voluntarily provide the information for a particular purpose; and
 - iii. 'opt-out' consent where the organization must provide easy-to-understand notice to the individual of the particular purposes of the collection, use, or disclosure, the individual has a reasonable opportunity to decline or object, and opt-out consent is appropriate for the level of sensitivity of the personal information involved.
77. PIPA BC contains similar requirements to the above. In line with section 6 of PIPA BC, consent for the collection, use, or disclosure of personal information is required unless an exemption is specifically authorized by the Act. Subsection 7(1) of PIPA BC states that an individual has not consented unless they have been given notice.⁶⁰ In consideration of express versus implied consent, subsection 8(1) of PIPA BC sets out the circumstances under which deemed consent for the collection, use, or disclosure of personal information is applicable, basically where the purposes would be obvious to a reasonable person and where the individual voluntarily provides their personal information for that purpose.

⁶⁰ The notification provision of subsection 10(1) of PIPA BC requires that on or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing the purposes for the collection of the information. Further, subsection 7(3) of PIPA BC states that if an organization attempts to obtain consent for collecting, using, or disclosing personal information by providing false or misleading information respecting the collection, use, or disclosure of the information, or using deceptive or misleading practices, any consent provided in those circumstances is not validly given.

78. Given the significant differences in the CAI's legislation regarding the obligation to inform, their analysis can be found in a separate subsection beginning at paragraph 148.

Form of Consent

79. As articulated above, PIPEDA, PIPA-AB, and PIPA-BC each set out requirements for obtaining consent, as well as the form that such consent must take. To assist organizations in interpreting this legislation, the OPC, OIPC AB, and OIPC BC jointly issued *Guidelines for obtaining meaningful consent*⁶¹ (Consent Guidelines). The guidelines explain that "organizations must generally obtain express consent" in circumstances that include when:
- i. the information being collected, used, or disclosed is sensitive; and/or
 - ii. the collection, use, or disclosure is outside of the reasonable expectations of the individual.
80. As established in paragraphs 40-45, when taken together, the personal information collected and used by TikTok via tracking and profiling for the purposes of targeting and content personalization may be sensitive. Where the personal information involved is sensitive, the organization must generally obtain express consent.
81. Additionally, while users might reasonably expect TikTok to track them while on the platform, which they can use for "free", it is our determination that they would not reasonably expect that TikTok collects the wide array of specific data elements outlined earlier in this report or the many ways in which it uses that information to deliver targeted ads and personalize the content they are shown on the platform. Many of these practices are invisible to the user. They take place in the background, via complex technological tools such as computer vision and TikTok's own machine learning algorithms, as the user engages with the platform. Where the collection or use of personal information falls outside of the reasonable expectations of an individual or what they would reasonably provide voluntarily, then the organization generally cannot rely upon implied or deemed consent.
82. We therefore find that, given these two elements, TikTok must obtain express consent for its collection, use, and if it becomes applicable in the future, disclosure of users' personal information – including via tracking and profiling - for its purposes of targeting ads and personalizing content on the platform.

Meaningfulness of Consent

83. It should be noted that, while TikTok does require users to expressly accept its Terms and Conditions and Privacy Policy during account sign-up, for the reasons articulated below, we find that such consent - vis-à-vis TikTok's practices related to tracking, profiling, targeting and content personalization - is not meaningful. TikTok does not explain those practices in a manner such that users can reasonably understand how their personal information will be used, or the nature, purposes, and consequences of its personal information handling practices. Furthermore, we note that at the outset of

⁶¹ [Guidelines for obtaining meaningful consent](#), OPC, 2018.

the investigation, TikTok was not providing users in Canada with a French-language version of its Privacy Policy or many other privacy-related communications, such that consent would not have been meaningful for French-speaking users in Canada who do not understand English.

84. The Consent Guidelines, which explain the Offices' interpretation of consent requirements under PIPEDA, PIPA AB, and PIPA BC, state that for consent to be meaningful, organizations must inform individuals of their privacy practices in a comprehensive and understandable manner. In addition, organizations must generally place additional emphasis on four key elements:
- i. What personal information is being collected;
 - ii. With which parties personal information is being shared;
 - iii. For what purposes personal information is collected, used, or disclosed; and
 - iv. Risk of harm and other consequences.
85. While TikTok did implement certain improvements to its privacy communications shortly after the commencement of our investigation, including to provide some privacy communications in French, we find that more needs to be done by TikTok to obtain valid and meaningful consent from its users, as explained below.

TikTok's privacy communications

86. TikTok does have measures in place to obtain consent from users of the platform when they first begin using it:
- i. When a user runs the mobile app for the first time, a popup referencing and linking to the TikTok Terms & Conditions and TikTok Privacy Policy appears. To continue using the app, the user must actively click "Agree and Continue".
 - ii. Additionally, during the TikTok account creation process on the app and the website, there are links to the Terms & Conditions and TikTok Privacy Policy, as well as an explanation that continuing with account creation serves as a confirmation that a user has read and agreed to them.
87. It should be noted that there are different Privacy Policies applicable to TikTok users, depending on where they are located: US, Europe, and Other Regions. Users in Canada previously fell under the Privacy Policy for "Other Regions", and several countries in that grouping, including Canada, had their own section. We note that TikTok significantly expanded the section for Canada following the initiation of our investigation, as explained later in this report. In June 2025, TikTok published a stand-alone privacy policy for Canada in response to our recommendations.
88. TikTok explained that in addition to its Privacy Policy, the company uses a layered approach to provide additional privacy communications, by means that include pop-ups and just-in-time notifications within the app (such as those provided for making an account public, enabling location services, sharing activity status or sharing contacts). These communications provide users with information on various features and specific data practices, in varying degrees of detail, sometimes linking to additional information. TikTok represented, and the Offices also observed, that there are differences in the implementation of such messages across different digital platforms

(iOS, Android, WebApp).⁶² We note that while developers can customize notifications on some but not all operating system platforms, these notifications are generally materially similar across those operating systems. An example of four such notifications can be seen in the figures below:

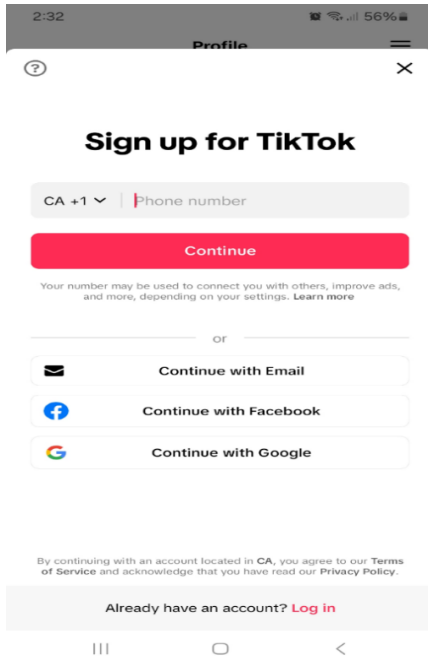


Figure 33: An example of a notification in the registration process in Android, which includes a high-level explanation of TikTok's uses of a phone number. Tapping "Learn More" directs users to a supplementary article detailing TikTok's uses of emails and phone numbers.

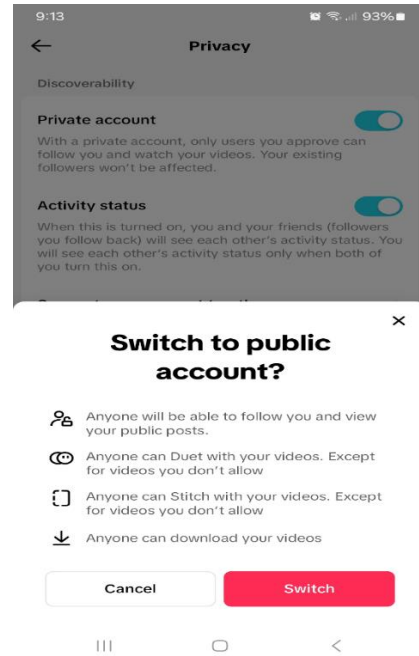


Figure 44: An example of a TikTok "Just-in-Time" in-app settings notification in Android, which appears when a user is opting to switch from a private to public account.

⁶² iOS refers to the operating system on Apple devices, Android to the operating system on Android devices and WebApp to the presentation of the TikTok site on web browsers. WebApp notifications can be customized as TikTok sees fit, while iOS offers moderate customizability and Android offers the least opportunity to customize. To account for this, TikTok embeds additional text in the Android version of the app.

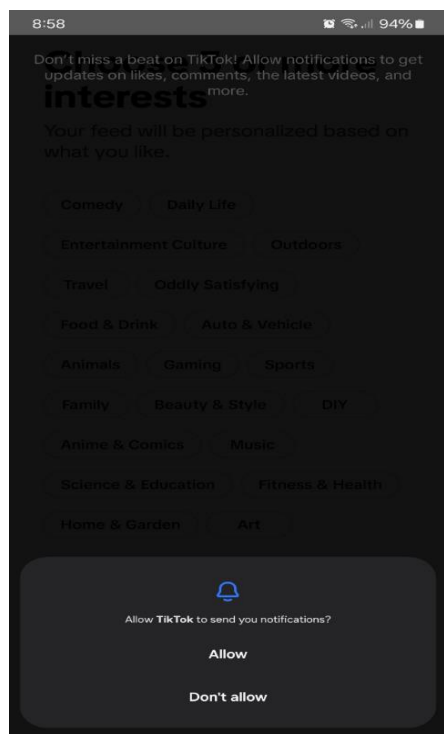


Figure 5: An example of a TikTok “just-in-time” notification in Android requesting device permissions.

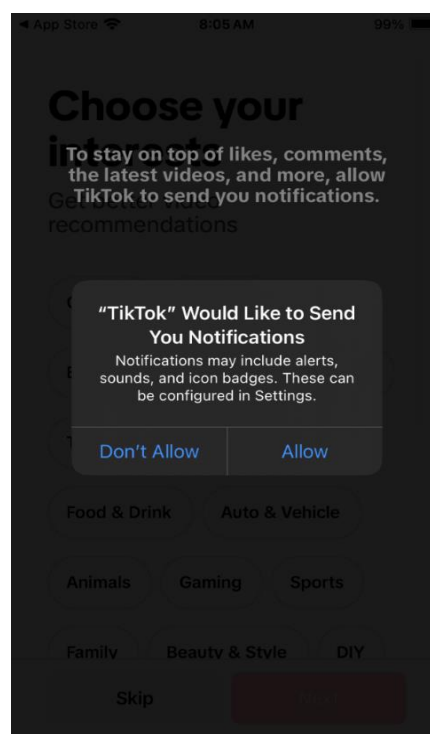


Figure 6: An example of a similar TikTok notification as seen in figure 5, as implemented in the iOS TikTok app.

89. Finally, TikTok represented that it makes a variety of supporting materials available to users to further explain its privacy practices. These include, without limitation, various guidelines, articles, service-specific policies, a Help Centre, frequently asked questions (FAQ), and official videos from its channels.⁶³ These resources are made available in various sections and locations on the TikTok website and/or app.

Youth-specific privacy communications

90. TikTok represented that it makes special efforts to preserve the privacy of youth (13–17) and to assist them (and their parents/guardians) in making informed decisions on the platform, including by making important privacy information available to them in a variety of ways.
91. TikTok represented that, where an account is identified as belonging to an individual under the age of 18, a variety of privacy-protective default settings and restrictions are applied:

⁶³ In the context of TikTok, a channel is an account which posts videos. TikTok maintains a number of “official” channels which are run by the company and publish various official videos covering topics ranging from new features, frequently asked questions and safety tips.

TikTok Functions	Age 13–15	Age 16–17
Private vs. Public Account	Private by default (only people approved by the user can follow the user, view the user's profile and watch the user's videos)	Public by default *During the course of our investigation, TikTok changed this setting to be Private by default for this age group as well.
Suggesting the Account to other Users — e.g., to be followed or viewed	Off by default (and cannot be suggested to mutual connections if turned on)	Off by default (and cannot be suggested to mutual connections if turned on)
Allow posted videos to be downloaded by others	Off — Cannot be changed	Off by default
Ability to send or receive direct messages	Not available	Off by default, but can be changed to include “Friends” or “Suggested Friends” ⁶⁴
Ability for other users to comment on videos	“Friends” by default	“Followers” (if account is set to private) or “Everyone” (if account is set to public) by default
Ability for other users to “Duet” with the user (post a video side by side with the individual's own videos) or “Stitch” (include part of the individual's video in one of their own)	Not Available	“Only you” (if account is set to private) or “Friends” (if account is set to public) by default
Live Streaming	Not Available	Not Available
Gifting virtual items (purchasing and sending)	Not Available	Not Available
Ability for other users to create “video stickers” using the content of an individual's video	Not Available	“Only you” (if account is set to private) or “Friends” (if account is set to public)

92. TikTok represented that, in addition to implementing these default settings, it took steps to prepare documentation and videos specifically aimed at youth to assist them in making informed decisions regarding their privacy. These include:
- i. A collection of videos (generally not available in French) to provide information to youth on safety and security, various privacy settings related to sharing videos with other users, and controls for messaging and comments, among other topics. These videos were published via TikTokTips and TikTokCanada, two official accounts on the platform.
 - ii. In 2020, TikTok launched a [youth portal](#), which includes resources covering topics relating to account security (“Keep your Account Secure”) and limiting the ability of others users to access videos (“Define your public presence”). In

⁶⁴ On the TikTok platform, a “Friends” status exists where two individuals have mutually chosen to “follow” each other’s accounts. This requires both parties to make a manual decision to do so. “Suggested Friends” refers to accounts that have been recommended based on the user’s contacts, synced Facebook Friends, mutual connections, or by sending or receiving TikTok links.

September 2024, TikTok updated the resources in the portal, renaming it the “Teen Safety Center” and including advice and feedback from TikTok’s Global Youth Council. The revised Teen Safety Center now also includes an associated digital well-being guide that offers tips for reflecting on screen time, outlines tools to support digital well-being (e.g. daily screen time limits, screen time breaks) and provides information on settings to limit how other users can interact with youth.

Meaningful consent of adults (18+)

93. With respect to adult users, for the reasons articulated below, we determined that TikTok did not explain its privacy practices — with respect to the collection and use of personal information, including via tracking and profiling, for purposes of ad targeting and content personalization— in a manner that would result in meaningful consent being obtained from those users.
94. We acknowledge that TikTok makes significant information available to users regarding its privacy practices, including through just-in-time notices and in a layered format (which are good practices, as highlighted in the Consent Guidelines). We also note that following the launch of our investigation, TikTok made a variety of improvements to its Privacy Policy to better explain some of its practices, as discussed in paragraph 125 below.
95. That said, we found that: (i) TikTok does not provide certain key information about its privacy practices up-front; (ii) its Privacy Policy does not explain its practices in sufficient detail for users to reasonably understand how their personal information would be used and for what purposes; (iii) other available documents with further details were difficult to find (e.g., not linked in the Privacy Policy), such that users would likely never read them; and (iv) many key documents, including TikTok’s Privacy Policy, were not made available in French (until after our investigation began), which did not support meaningful consent from users in Canada who do not understand English.

Key information not provided up-front

96. While TikTok’s in-app notifications do provide certain key information up-front or ‘just-in-time’ for specific functions (location services, sharing contacts, making accounts public, etc.), these notices only cover limited topics. Furthermore, as small pop-ups designed for mobile devices, these notifications can only provide limited information in relation to each practice due to space limitations.
97. We also observed that some key elements of TikTok’s privacy practices are not prominently emphasized when individuals are signing up for a TikTok account. Rather, these details are found in TikTok’s lengthy Privacy Policy and associated privacy documents that, in our view, few users are likely to read. More specifically, given that TikTok’s primary business model is to generate advertising revenue by personalizing content and delivering targeted ads, we would expect to see the following key information explained to users up-front and prominently during account sign-up, so that they can make a meaningful decision about whether to sign-up for an account and engage with the platform:

- i. The various types of personal information that TikTok collects from and about users (as detailed in paragraph 26), including details related to videos viewed and posted,⁶⁵ comments posted, user location, device information, system settings, and information from third-party sources.
- ii. That personal information will be used, including to analyze and infer user demographics and interests and develop its machine learning tools and algorithms, for purposes of recommending content and delivering targeted ads.

Privacy policy

98. Consistent with the Consent Guidelines, individuals who wish to obtain further details should also be provided with a comprehensive and understandable explanation of TikTok's privacy practices. This would generally be provided in TikTok's Privacy Policy and/or other privacy communications such as feature-specific articles or FAQs.
99. It is our preliminary determination that, while TikTok's Privacy Policy summarizes many elements of its practices, in the absence of accessible supplementary information or communications, the policy lacks the necessary level of detail to support meaningful consent. For example, the policy does enumerate in detail various types of personal information that TikTok collects under the "Information You Provide", "Automatically Collected Information", and "Information From Other Sources" sections. However, it does not effectively explain specifically what personal information would be used for each purpose and how it would be used to achieve those purposes. Instead, in "How we use your information", the policy provides a long list of TikTok's potential uses of that information, often with no link between the specific information collected and its potential uses.
100. TikTok did provide the Offices with detailed information regarding how it uses each type of personal information; however, in many instances we were unable to find similar explanations in publicly accessible communications. Where such explanations did exist, they were often scattered across various supplementary documents that the Offices found difficult to locate, as will be explained further below.
101. Additionally, in the Privacy Policy, TikTok explains several of its complex technologies and privacy practices in a cursory manner that we found to be insufficient to allow users to meaningfully understand the practices that they are being asked to agree to.
102. For example, in the policy, TikTok explains that it may use the personal information of individuals "to train and improve ... [its] technology, such as ... [its] machine learning models and algorithms." While it is important to inform individuals of this use, we find TikTok's explanation to be vague; the Privacy Policy provides no insight into what models or algorithms are being trained, how they are being trained, what personal information is being used to train them, the purposes for which they are used, or the consequences of those algorithms for individuals who use the platform.

⁶⁵ The Offices wish to emphasize that TikTok's collects a great deal of information regarding the content of videos through computer vision, hashtags, and viewing patterns of individuals. The language used when obtaining meaningful consent should adequately reflect this.

103. TikTok's explanation that it will use personal information "to improve and develop [its] platform and conduct product development" is also incomplete and unclear, as it does not indicate what personal information will be used to improve the platform, or how it will be used for this purpose. In this regard, we note that the Consent Guidelines specifically cite "service improvement" as an example of language that is not meaningful.
104. As a third example of incomplete or unclear language, TikTok's Privacy Policy states that it uses personal information "to measure and understand the effectiveness of the advertising and other content [it serves] to [the user] and others, and to deliver advertising, including targeted advertising, to [the user] on the platform." This language does not indicate what personal information is being used to target advertising or measure the effectiveness of those ads, nor does it explain how TikTok will use that information to target ads, which, as explained earlier in this report, is a very complex and multi-faceted practice.

Supplementary privacy resources

105. In its representations to the Offices, TikTok also provided links to several specific guidelines, frameworks, service-specific policies, articles in the Help Centre, API documents, FAQs, Q&As, Instructions, etc. We observed that, while these resources are often detailed and contain important information regarding TikTok's privacy practices, they are distributed across the website in an unintuitive manner, and often not linked to the Privacy Policy in any way. The Offices determined that this made them very difficult for users to find.
106. As highlighted in the Consent Guidelines, information about a company's privacy practices must be provided to individuals in a manageable and easily accessible format. If the information is scattered across the website and difficult to find, it will not adequately inform individuals of an organization's practices.
107. For example, TikTok shared with the Offices a link to an "[Ads and your data](#)" article in its "Privacy Centre", which sets out what personal information is used for personalized advertising, explains how data is shared with measurement partners, and how effectiveness is measured. In turn, that article links to TikTok's "[Business Center](#)", which provides additional detail on ad measurement tools. While each of these explanations would assist users in understanding TikTok's targeted advertising practices, neither the article, nor the Privacy Centre generally, are available through or referenced in the Privacy Policy. Therefore, despite being cited by TikTok as an element of its efforts to obtain consent for its collection and use of personal information, these articles are not readily available to individuals at the time that consent is requested.
108. Similarly, with respect to content (e.g., specific videos) recommendations, TikTok has a detailed article in its Help Centre titled "[How TikTok recommends content](#)", which introduces the content recommendation system, explains what user information is used for content recommendation, and sets out how an individual can exercise control over what is recommended to them. However, neither this article, nor the Help Centre, are easily accessible through the Privacy Policy.

French-language privacy communications

109. Additionally, we note that many of the privacy communications discussed above, including the Privacy Policy, Terms of Service and various supplementary privacy resources, were not available in French to users in Canada, via the website or app at the beginning of our investigation. Therefore, even if TikTok's privacy communications had been sufficient to support meaningful consent from anglophone users, which we find they were not, francophone users in Canada who do not understand English would not have been able to meaningfully understand TikTok's privacy practices.

Consent for use of biometric information

110. Finally, in addition to considering whether TikTok obtained meaningful consent from adults generally - having found, as detailed above, that they did not - we also considered, more specifically, whether TikTok was obtaining meaningful consent for its use of facial analysis. TikTok represented that it "analyzes features within a detected facial image" through its various age estimation models. We note that in many circumstances, facial analysis will constitute a collection and use of biometric information, which can in turn be highly sensitive.
111. TikTok explained that its 'video level age model' (see paragraph 62) is based on open source architecture, but is itself closed source⁶⁶ and developed internally. The company further explained that the model uses computer vision technology to analyze features within a detected facial image to estimate the age and determine the gender of individuals in videos. TikTok added that, while that information is associated to each video, the age estimate is not associated to the account of the person who published the video, for further analytics or other use.
112. The company further explained that the age estimate is used to: (i) categorize videos for recommendation and targeting (e.g., for inclusion or exclusion of the video from other users' "For You" Feeds); and (ii) protect the safety of minors, as part of TikTok's tools to identify inappropriate material posted on the platform (including child sexual abuse material or "CSAM"). This latter purpose is outside the scope of our investigation.
113. To better understand TikTok's implementation of computer vision for detecting faces and estimating age, the Offices engaged in several rounds of questioning with the company about its technology functions. TikTok provided extensive technical specifications and documentation in relation to the technology and explained that it is founded on a combination of: i) an object detection algorithm used to detect the presence of a face; and ii) a convolutional neural network (CNN)⁶⁷ commonly used in computer vision for image classification. TikTok then trained this CNN with data from the publicly accessible content posted by its users.
114. TikTok explained that its age estimation model analyzes content on TikTok for the

⁶⁶ Closed Source software is proprietary and the source code used to develop it is not available to the public.

⁶⁷ A Convolutional Neural Network is a form of deep learning network which learns various features and functions with the assistance of weighted filters. It is commonly used in object recognition.

presence of faces via the object detection algorithm. If a face is detected, the content is fed into the CNN. TikTok has trained the CNN for age classification; the model applies filters to the image to extract the facial features it uses for age estimation without creating or retaining a numerical representation of the full face. It then analyses these targeted features and estimates an age range for the user, as described in paragraph 62. TikTok explained that as the model proceeds through each step of the process, it discards the details collected, preventing retention of data. Once the process is complete, only a final score corresponding to the age range estimate remains and no numerical representations, feature maps or images.

115. TikTok asserted that it does not use “biometric technology”, taking the position that biometrics require the ability to identify or authenticate a unique individual, and that its technology, as described above, does not enable it to do so. TikTok asserted that “Canadian privacy regulatory decisions and current guidance have defined biometric data as information derived from an analysis of an individual’s unique physical, behavioural or biological characteristics that is capable of identifying or authenticating a unique individual.” More specifically, TikTok cited the following:
 - i. The OPC’s biometric guidance⁶⁸ in place at the time of its submissions referred to biometrics as a “range of techniques, devices and systems that enable machines to recognize individuals, or confirm or authenticate their identities” by analyzing physical or behavioural characteristics. We note, however, that this guidance was originally published in 2011, and was recently replaced with new Biometrics Guidance⁶⁹, which reflects developments in biometric technology and associated uses over the past 14 years. This new guidance defines biometrics as the quantification of human characteristics into measurable terms, and recognizes that biometrics can be used for purposes of classification, as well as for recognition.
 - ii. The findings of the joint investigation into Cadillac Fairview⁷⁰, pointed to the determination that “biometric numerical representations” were “sensitive personal information that could be used to identify individuals based on their unique facial features.” However, we note that this wording related specifically to the full-face numerical representations being used by Cadillac Fairview in that case, and were not intended to be a definition of biometrics.
 - iii. The CAI’s *Biometrics: Principles and Legal Duties of Organizations*⁷¹ refers to biometrics as a set of techniques used to analyze one or more of an individual’s unique physical, behavioural or biological characteristics in order to establish or prove their identity. The CAI’s guide was created to facilitate the application of articles 44 and 45 of the Act to establish a legal framework for information technology (chapter C-1.1), which deals with biometric characteristics or measurements **in the context of the verification or confirmation of a**

⁶⁸ OPC, “Data at Your Fingertips Biometrics and the Challenges to Privacy”, (2011) [Since superseded, see below]

⁶⁹ OPC, “[Guidance for processing biometrics – for businesses](#)”, (2025)

⁷⁰ [Joint investigation of the Cadillac Fairview Corporation Limited by the Privacy Commissioner of Canada, the Information and Privacy Commissioner of Alberta, and the Information and Privacy Commissioner for British Columbia](#)

⁷¹ Commission d'accès à l'information du Québec (“CAI”), “[Biométrie : principes à respecter et obligations légales des organisations – Guide d'accompagnement pour les organismes publics et les entreprises](#),”

person's identity. Thus, the definition of "biometrics" contained in this guide must be interpreted in this strict context; the guide is very clear on this subject. It also clearly recognizes that biometric measures can be used for purposes **other than the verification or confirmation of a person's identity.**

116. Finally, TikTok asserted that the Offices' position is inconsistent with the "commonly understood meaning of the term 'biometric' under comparable privacy regimes outside of Canada", citing Article 4(14) of GDPR, which refers to "allowing or confirming" the "unique identification" of individuals. However, we note that each of the Offices must interpret their respective laws, and the implications of that definition must be considered in light of those laws.
117. The Offices found no evidence that TikTok uses computer vision for the purpose of identifying or authenticating individuals. In addition, and after careful consideration of the technology in question, we accept TikTok's assertion that it does not involve the collection or use of information that could be used to uniquely identify an individual.
118. That said, in our view, including for the reasons outlined above, information need not be uniquely identifying to be termed "biometric information". We therefore find that TikTok's technology does collect and use biometric information, in that it collects and analyzes numerical representations of various physiological features of individuals.
119. Further, biometric information does not have to be uniquely identifying in order to reveal sensitive information about an individual, as personal information inferred from biometric information can itself be sensitive, depending on the circumstances. In the context of this case, TikTok was using biometric information to infer additional personal information about users, including their gender; this can be sensitive, for example, where the gender that an individual's biometric information suggests is different from that with which they identify.
120. TikTok explains its practices in relation to what we have determined to be biometrics in its Privacy Policy. The policy explains that TikTok will collect various types of information (via computer vision), including by detecting "the existence and location within an image of face and body features and attributes"⁷². It further states that these types of information will be used for various purposes, including for "demographic classification" and "content and ad recommendations".
121. In comparison, we note that the American Privacy Policy provides more information to users by linking to an additional document — that was not provided to users in Canada — which explains in further detail how and for what purposes "biometric" information will be used.
122. Finally, we note that TikTok does not provide, prominently and up-front during the sign-up process, key information about its practices vis-à-vis biometric information (or facial analysis). A user signing up for TikTok would have no reason to expect that TikTok would conduct an analysis on their facial features and for which purposes, nor are they likely to review TikTok's lengthy privacy policy to learn about TikTok's

⁷² TikTok makes use of body features and attributes in order to apply filters and effects selected by users for their videos on their person as well as for purposes of child safety, which is outside the scope of this investigation.

biometric practices. Furthermore, even if a user were to review the full policy, the information provided (see paragraph 120) does not explain how TikTok will use biometric information, or facial analysis, to estimate their age and gender for purposes of delivering tailored ads and content recommendations. We therefore find that users would not, based on the privacy communications provided to Canadians by TikTok, reasonably understand TikTok's biometric practices or their consequences.

Conclusion regarding meaningfulness of consent of adults (18+)

123. Given all of the above, including the non-exhaustive list of examples provided to illustrate specific deficiencies, it is our determination that TikTok did not obtain meaningful consent from adult users for its collection and use of personal information to track and profile users for the purposes of targeting ads and personalizing content. More specifically, we found that: (i) certain key information about TikTok's practices was not provided up-front for users to consider when deciding whether to consent; (ii) the Privacy Policy did not provide a sufficiently clear and comprehensive explanation of certain TikTok practices as they relate to the purposes in question and documents providing additional important details were not easily accessible to users; (iii) the Privacy Policy and other relevant privacy communications were not made available in French; and (iv) TikTok failed to adequately explain its collection and use of users' biometric information.
124. Consequently, we find that TikTok contravened clauses 4.3 and 4.3.2 of Schedule 1, as well as section 6.1 of PIPEDA; sections 7 and 8 of PIPA-AB and subsections 6 and 7 of PIPA-BC.

Changes to TikTok's privacy communications during our investigation

125. After our investigation began, TikTok significantly expanded the information available to users located in Canada in its [Privacy Policy](#). In February 2023, at the outset of this investigation, TikTok had no Canada-specific information made available to users located in Canada, aside from a link for a Data Privacy Office contact for individuals in Quebec. It has since added a supplemental section for users located in Canada, with additional terms or explanations, including but not limited to:

- i. setting out the minimum age of 14 for users in Quebec;
- ii. setting out the right of individuals to access, update, or correct their personal information held by TikTok, or withdraw consent to the collection, use, and disclosure of an individual's personal information by contacting the company's privacy office;
- iii. explaining the ability for individuals to unsubscribe from marketing emails;
- iv. explaining the company's internal policies and access controls regarding personal information;
- v. referencing TikTok's data retention practices;
- vi. explaining that TikTok may transfer personal information of individuals outside of

Canada and that this info may be accessed by “foreign courts, law enforcement or other government authorities”, while providing contact information for further questions; and

- vii. providing a link to a webform for sending inquiries to TikTok’s Canadian Privacy Office.
126. Additionally, TikTok published the “Other Regions” Privacy Policy in French approximately a week after our investigation was announced.
127. That said, as these changes do not address the other concerns identified above, and listed in paragraph 99, the Offices find that TikTok is still not obtaining meaningful consent from adults (18+) for its collection and use of users’ personal information for purposes of targeted advertising and content personalization via tracking and profiling.
128. Specifically, the Offices note that while the language in paragraph 125(vi) is generally consistent with language that has been accepted in past cases as sufficient to comply with transparency requirements vis-à-vis transfers of personal information outside Canada⁷³, it is not sufficient to support meaningful consent in this case. In this specific context, the Canadian government has banned the use of TikTok on government devices due to privacy and security risks and has ordered the dissolution of TikTok Canada to address national security concerns. We find that this indicates a risk of harm that individuals in Canada should be made aware of, up front, as a requirement for meaningful consent.

Meaningfulness of consent of youth (13–17)

129. Given the Offices’ determination that TikTok’s privacy communications are inadequate to support meaningful consent from adults, those same communications are similarly inadequate, and arguably more so, to support meaningful consent from youth. We further find that the additional measures that TikTok has implemented to explain its privacy practices to youth do not ensure that those younger users meaningfully understand the nature, purposes, and consequences of TikTok’s collection and use of their personal information to track and profile them for the purposes of targeting ads and personalizing content. This is particularly concerning given the potential harms to youth associated with targeted ads and tailored content, as explained below.

Risk of harm to youth from targeted ads

130. In the Global Privacy Assembly’s Resolution on Children’s Digital Rights, data protection authorities have noted that children are particularly vulnerable to the risks arising from the collection, use, and disclosure of their personal information. The reasons for this vulnerability include that children: may be less aware of privacy-related risks; are a target audience for many economic actors who covet their personal data; and are sensitive to the techniques used to capture their attention, induce them to disclose certain information or adopt certain purchasing behaviours.⁷⁴

⁷³ See: PIPEDA Findings #2020-001, PIPEDA Findings #2019-003

⁷⁴ [Adopted Resolution on children's digital rights](#)

131. We further note that UNICEF Canada has called for a prohibition on the use of personal data in the development of targeted marketing towards children and young people because it has been established that they are extremely vulnerable to such advertising.⁷⁵ While UNICEF's position is not a requirement under privacy law, its statement is a further indication that there are risks associated with targeting children and youth.
132. As numerous experts have noted, there are other potential general harms to children and youth resulting from targeted advertising, including: the marketing of games that can lead to the normalization of gambling;⁷⁶ an increased risk of identity theft and fraud through profiling associated with targeted advertising;⁷⁷ hindering their normal development and identity exploration, as well as fostering negative body image and early sexualization;⁷⁸ and exposing them to gender stereotypes and discrimination.⁷⁹ While TikTok has represented that it has policies and technical controls in place that are designed to mitigate these harms (as discussed in detail in paragraph 43); as previously explained (in paragraph 44), the Offices did observe an instance where these controls appear to have failed. Furthermore, we note that measures to avoid targeting based on sensitive personal information do not necessarily address concerns regarding the harms that may result from targeted advertising to children and youth more generally.
133. The 5Rights Foundation has highlighted⁸⁰ that online marketing practices have significant effects on children's behaviour. It has been found that children are disproportionately susceptible to the pressures of online advertising and are often unable to recognise ad content due to the increasingly embedded and immersive nature of online advertising.
134. The Offices find this risk to be compounded by our observation that the ads delivered on TikTok are sometimes not sufficiently labelled or identified as ads. While certain prominent ads (Brand Takeover, Branded Effects/Hashtag, etc.) can be clearly identified due to unique screen placement and functionality, 'in-feed' ads are designed to appear in a user's "for you feed" in an organic fashion, similar to normal TikTok posts. Under the global campaign "Don't Make Ads. Make TikToks", the company actively encourages advertisers to emulate TikTok trends and design styles, and to design their ads in a way that emulates "authentic" TikTok posts.⁸¹ Similarly, TikTok's "Spark Ads" allows advertisers to leverage "organic" TikTok posts and accounts and can blur the lines between advertising and normal content.⁸²
135. While TikTok's policies and terms of service require advertisers to label ad content – including in-feed ads - with a "sponsored", "Ad", or "promoted" tag, we noted in our

⁷⁵ [UNIFEC Feedback on Bill C-27 Digital Charter Implementation Act, 2022](#)

⁷⁶ Hannah Pitt, Simone McCarthy, Melanie Randle, Mike Daube, Samantha L Thomas, "[Young people's views about the use of celebrities and social media influencers in gambling marketing](#)," *Health Promotion International*, Volume 39, Issue 1, February 2024, daae012.

⁷⁷ [Ekambaranathan et al.](#) (2021).

⁷⁸ [Privacy risks and harms for children and other vulnerable groups in the online environment](#), OAIC (2020)

⁷⁹ UNICEF Issue brief no. 5. "", UNICEF (2020).

⁸⁰ 5Rights' submission: [DCMS review of online advertising](#) (April 2020).

⁸¹ "[What we mean when we say 'Don't Make Ads'](#)" TikTok For Business Blog, September 2021.

⁸² Media Smarts "[How Marketers Target Kids](#)"

testing of the platform that these tags were small, unobtrusive, and sometimes unobvious. In other cases, we could not find these labels (which TikTok represented would be an indication that creators' advertising products may not be adhering to its stated policies). As a result, users may not see, or reasonably understand, that they are receiving an ad, let alone that the ad was targeted using information that TikTok had collected about them.

136. TikTok represented that a very small number of targeting requests made by advertisers were specifically aimed at users between 13 and 17. While the Offices acknowledge this point, we note that youth were still subjected to targeting based on their interests and other demographic characteristics even if advertisers did not choose to specifically target users in the age range of 13 to 17.

TikTok's steps to obtain youth consent

137. Given these risks and sensitivities, we would expect TikTok to implement a consent model and privacy communications that seek to ensure that individuals aged 13-17 can meaningfully understand and consent to TikTok's tracking, profiling, targeting and content personalization practices when they use the platform. This includes an expectation that TikTok would develop their communications intended for users aged 13–17 in language that those users can reasonably understand, taking into account their level of cognitive development. TikTok should also make clear to those users the risk of harm and other consequences associated with use of the platform consistent with the Consent Guidelines and section 6.1 of PIPEDA. In light of the fact that younger users may not be aware of the existence and implications of targeted advertising, TikTok's privacy communications should include prominent up-front notification that targeted ads may be delivered to them on the platform to influence their behaviour.
138. TikTok represented that it had taken additional steps to ensure meaningful consent from users 13-17 years of age. However, we found these steps to be inadequate, as detailed further below.
139. As an example, we note that many of the default settings for accounts of youth users, referenced at paragraph 91, focus on restricting those users' engagement with or disclosure to other users, without materially limiting TikTok's own collection, use or disclosure of their personal information. We note, however, that TikTok does apply some limitations to its own collection and use of the personal information of users under 18, in that it: (i) restricts youth users' access to TikTok LIVE and direct messaging; (ii) does not collect information through device location services from youth users; and (iii) limits what personal information advertisers can use to target them.
140. Similarly, while the additional youth-friendly videos and documents created by TikTok (see paragraph 92) represent positive steps in principle, we noted several deficiencies that limited their effectiveness.
141. First, our review and testing of the youth portal (and associated youth resources)

revealed that it was very difficult to find (without the link and/or portal name provide to us by TikTok). While it was possible to reach the portal by searching for the exact term “Youth Portal” on TikTok’s website, searches for other similar terms, like “teen privacy” or “teen safety”, did not lead to the resource. In addition, no direct link to the portal was available from the home page, Privacy Policy, or Privacy Centre. In fact, the only other way we could reach the portal was to navigate from TikTok’s home page, then to the “Help Centre”, then to the “Getting Started Guide”, and then finally to the “Safety” subsection, where the portal was one of 41 options made available and was in no way prioritized in that list.

142. While TikTok informed us that its youth communications were developed in collaboration with various stakeholders and youth groups, individuals employed by TikTok who were asked about such testing while being interviewed indicated that they were not aware of TikTok having conducted any testing through any form of user experience testing such as surveys, focus groups, or other outreach, to confirm that its privacy communications were in fact understood by youth themselves.
143. As part of a robust privacy management program, and consistent with the Consent Guidelines, organizations should test their privacy communications to ensure that information regarding complex technologies and privacy practices is understandable to their intended audience. This is particularly important when the individuals in question are children or youth who may not have the same level of cognitive development as adults.
144. Similar to our observations with respect to default settings for youth, we note that none of these youth-targeted communications explained TikTok’s core practices related to tracking, profiling, targeting ads, or content personalization. As a result, the communications did little to explain to youth how TikTok utilizes their personal information to target them and potentially influence their behaviour (e.g., increased engagement or ad conversion) or even how they can recognize targeted ads. TikTok asserted that these communication products were not intended to explain the settings on the app itself, and that it used other mechanisms to explain TikTok’s own practices to users, including to users under 18. The Offices note, however, that the other TikTok communication products provided to users, discussed in the Adult Consent section above, are not specifically designed for youth. Moreover, those communications were determined by the Offices to be inadequate to support meaningful consent from adults.
145. While TikTok represented that it had made significant efforts to provide youth with age-appropriate privacy communications, this is not what our investigation found. Indeed, we found limited, if any, explanations of its complex privacy practices in a format or language geared towards youth. Of particular concern, we found that TikTok’s Youth Portal was not only difficult to find but provided little, if any, explanation of TikTok’s own use of vast amounts of younger users’ personal information for tracking and profiling with a view to influencing their behaviour through targeted ads and personalized content. TikTok’s privacy communications were, in this regard, inadequate.
146. TikTok further argued that its privacy communications were written with all age groups in mind and designed not to overwhelm youth users, and that it instead focused youth

communications on safety issues and user interactions. This is inconsistent with our guidance that information should be tailored to the audience. While the Offices do not dispute that it is important to explain safety, we note that privacy is also important and must be addressed in a manner that youth can and will understand.

147. For these reasons, it is our finding that TikTok failed to obtain meaningful consent from youth for its collection and use of their personal information, including via tracking and profiling, for purposes of ad targeting and content personalization. Specifically, we find that, in addition to the fact that TikTok's privacy communications were inadequate to support consent from adults, TikTok's youth-specific privacy measures were also inadequate to ensure meaningful consent for youth for the following reasons: (i) youth-specific communications in TikTok's portal were not easy to find; (ii) none of those communications explained TikTok's collection and use of personal information, including via tracking and profiling, for purposes of ad targeting and content personalization; and (iii) TikTok provided no evidence to establish that its communications had, in fact, led to an understanding by youth users of what personal information TikTok would use, and how, for such purposes. Consequently, we find that TikTok contravened clause 4.3 of Schedule 1 as well as section 6.1 of PIPEDA; sections 7 and 8 of PIPA-AB, and sections 6 and 7 of BC-PIPA.

ISSUE 2.1: Did TikTok meet its obligations to inform the persons concerned with respect to the collection and use of personal information to create user profiles for the purposes of ad targeting and content personalization

148. Rather than an obligation to obtain consent and regardless of the type of personal information, section 8 of Quebec's Private Sector Act provides that when personal information is collected directly from the person concerned, the company collecting the information has an obligation to inform the person concerned.⁸³
149. When the personal information is collected, and subsequently on request, a person must be informed of: (i) the purposes for which the information is collected; (ii) the means by which the information is collected; (iii) the rights of access and rectification provided by law; and (iv) the person's right to withdraw consent to the communication or use of the information collected. The person must also be informed of, if applicable: (v) the names of the third persons or categories of third persons to whom it is necessary to communicate the information for the purposes of the collection; and (vi) the possibility that the information could be communicated outside Quebec.
150. On request, the person concerned must also be informed of: (viii) the personal information collected from them; (ix) the categories of persons who have access to the information within the enterprise; (x) the duration of the period of time the information will be kept; and (xi) the contact information of the person in charge of the protection

⁸³ As discussed previously in this report, Article 4.1 of the *Act Respecting the Protection of Personal Information in the Private Sector* states that the personal information concerning a minor under 14 years of age may not be collected from him without the consent of the person having parental authority or of the tutor, unless collecting the information is clearly for the minor's benefit.

of personal information.

151. Lastly, section 8 states that the information: (xii) must be provided to the person concerned in clear and simple language, regardless of the means used to collect the personal information.
152. In section 8.3, Quebec's Private Sector Act provides that a person who provides their personal information in accordance with section 8 of the Act consents to its use and its communication for the purposes for which it was collected. It is therefore very important that the information provided under section 8 can enable data subjects to make an informed decision about their personal information.
153. Section 8.1 of Quebec's Private Sector Act states that, in addition to the information that must be provided in accordance with section 8, any person who collects personal information from the person concerned using technology that includes functions allowing the person concerned to be identified, located, or profiled must first inform the person of: (i) the use of the technology; and (ii) the means available to activate the functions that allow a person to be identified, located, or profiled. Under this section, functions that allow a person to be identified, located, or profiled must be deactivated by default. In other words, a specific active gesture must be made by a person to allow their personal information to be collected and used to identify, locate or profile that person.
154. For the purposes of applying Quebec's Private Sector Act, "profiling" means the collection and use of personal information to assess certain characteristics of a natural person, in particular for the purpose of analyzing that person's work performance, economic situation, health, personal preferences, interests, or behaviour.
155. The evidence shows that TikTok collects personal information from the person concerned (the user) using technology with functions that enable it to identify, locate, or profile the user. Specifically, TikTok uses its platform (website and app) along with associated technologies such as computer vision and audio analytics, as well as the three age models referenced in paragraph 62, to collect and infer information about users – including their demographics, interests and location - to create a profile about them. These profiles can in turn be used to assist in the delivery of targeted advertising and tailored content recommendations on the platform.
156. Section 8.2. of Quebec's Private Sector Act provides that any person who collects personal information through technological means must publish on the enterprise's website, if applicable, a privacy policy drafted in clear and simple language and disseminate it by any appropriate means to reach the persons concerned. The person must do the same for the notice required for any amendment to such a policy.
157. The evidence shows that TikTok has a privacy policy, which it makes public on its website. The privacy policy is also available through the app and the app store, and is presented to users upon registration.
158. Lastly, section 9.1 of Quebec's Private Sector Act states that an enterprise that collects personal information when offering to the public a technological product or service that has privacy settings must ensure that those settings provide the highest

level of privacy by default, without any intervention by the person concerned.

159. The evidence shows that TikTok collects personal information through technological means and that these means have privacy settings as discussed in paragraph 91.
160. The preceding section (Issue 2) in this report presents the relevant evidence that allowed the CAI to determine what information TikTok provides to individuals before collecting their personal information, essentially through their privacy policy as set out in paragraphs 98-129.
161. As stated in those paragraphs, TikTok's privacy communications could be improved to ensure that they are in clear and simple language adapted to the age of the user, that the means by which the personal information is collected are clearly stated, that the company's practices related to tracking and profiling are clearly laid out, and that the purposes of targeted advertising and content personalization are better explained and clearly linked to the personal information collected.
162. As stated in paragraph 125 of this report, after our investigation began, TikTok significantly expanded the information available to users located in Canada in its Privacy Policy. It then added a supplemental section for users located in Canada, with additional terms or explanations and provided a French version of the policy. Subsequent to engagement with the Offices, a new stand-alone privacy policy for Canada was published in July 2025.
163. The CAI is of the opinion that this publication of a privacy policy complies with section 8.2 of Quebec's Private Sector Act.
164. The CAI is also of the opinion that since modifications were made to it, TikTok's privacy communications contain the information that is referred to in section 8 and 8.1 that must be reported up front or on request when collecting personal information, but that they can be improved.
165. As noted by the other Offices in paragraph 128, and for the same reasons contained therein, the CAI notes that while the language used by TikTok in its Privacy Policy is generally consistent with language that could be accepted as sufficient to comply with the section 8 requirements of Quebec's Private Sector Act vis-à-vis communication of personal information outside Quebec, it may not, in this specific case, be sufficient to enable data subjects to make an informed decision about their personal information. The CAI is of the opinion that more detailed information regarding the communication of personal information outside Quebec, like the name of the jurisdiction where it will be communicated, could be given up front by TikTok to enable data subjects to make an informed decision about their personal information.
166. As explained in paragraph 86, when a user runs the mobile app for the first time, a pop-up referencing and linking to the TikTok Terms & Conditions and TikTok Privacy Policy appears. To continue using the app, the user must actively click "Agree and Continue".
167. Additionally, during the TikTok account creation process on the app and the website, there are links to the Terms & Conditions and TikTok Privacy Policy, as well as an

explanation that continuing with account creation serves as confirmation that a user has read and agreed to them.

168. Once an individual has agreed to these terms, the collection of users' personal information by TikTok for the purposes of targeted advertising and content personalization begins.
169. As explained in paragraph 97, some key elements of TikTok's privacy practices are not prominently emphasized when individuals are signing up for a TikTok account. The CAI is of the opinion that referring to a privacy policy or other similar documents, via a pop-up referencing and linking to such documents, is insufficient to report the mandatory information required under Quebec's Private Sector Act sections 8 and 8.1.
170. Indeed, if the information is spread-out across a website and difficult to find, it is likely that individuals will not have read it and will not have received the information which is required by law to allow for their personal information to be collected. As suggested in the *Guidelines on the Criteria for Valid Consent*, one way to present information to ensure that it is well understood is to divide it into several levels to facilitate understanding by the concerned individuals. This makes it possible to immediately present essential information, such as the purposes for which it is used and the information concerned, and to refer to a privacy policy for other information.
171. An organization's obligation, under sections 8 and 8.1 of Quebec's Private Sector Act, to inform users is an essential condition that must be met to be able to collect personal information. Since TikTok does not meet this obligation as required, the CAI is of the opinion that the collection of personal information currently being carried out by TikTok is not compliant with Quebec's Private Sector Act, which contravenes the requirements of section 8 and 8.1 of Quebec's Private Sector Act.
172. The CAI is also of the opinion that, except with respect to certain functions offered to users who are minors as presented in paragraph 91 of this report, TikTok does not, by default, deactivate functions that allow a person to be identified, located, or profiled using personal information. Since users did not have to make an active gesture to activate these specific functions, the CAI finds that it contravenes the requirements of section 8.1 of Quebec's Private Sector Act.
173. The CAI is of the opinion that TikTok not ensuring that the privacy settings of its technological product provide the highest level of privacy by default, without any intervention by the person concerned also contravenes the broader requirements of privacy by default of section 9.1 of Quebec's Private Sector Act.
174. For these reasons, the CAI's finding is that TikTok's current practices do not comply with sections 8, 8.1 and 9.1 of Quebec's *Act Respecting the Protection of Personal Information in the Private Sector*.

Recommendations

175. Given the contraventions identified in this report and with a view to bringing TikTok into compliance with the Acts, in our Preliminary Report of Investigation, we

recommended that TikTok:

- i. Immediately cease using the personal information of individuals in Canada for the purposes of targeted advertising and content personalization as enabled by tracking and profiling:
 - a. At a minimum, until it has demonstrated to the Offices that it has complied with recommendation (ii), below; or
 - b. Permanently, in recognition of the number of underage users on the platform.
- ii. Implement measures that are effective at preventing users who are under the age of 13 (under 14 in Quebec) from creating accounts on, and/or using, any of TikTok's platforms. These measures should substantially limit not only such users' presence on the platform, but also TikTok's collection and use of personal information from those users, who are using the platforms contrary to TikTok's own Terms and Conditions. The measures themselves must also comply with the Acts. More specifically, we recommended that:
 - a. TikTok provide each of the four offices with the measures it will implement to achieve the above, and demonstrate how those measures will be effective. In addition, that TikTok provide each of the four offices with a privacy impact assessment that describes, at a minimum, the steps they will take to ensure that:
 - the information collected and used is only that which is necessary to effectively prevent underage users from opening a TikTok account and/or using the platform, and
 - there is no loss of privacy that is disproportionate to the benefits of keeping underage users off the platform.
 - b. TikTok conduct testing to confirm that any implemented mechanisms are demonstrably effective, and that the privacy impact is, in fact, minimized and proportionate. The parameters for such testing, along with details of how the testing will be conducted, shall be proposed by TikTok, and subject to approval by each of the four Offices. Additionally, we recommended that TikTok provide the results of that testing to the four Offices for review.

Within 6 months of the issuance of the final report of findings in this matter

- iii. Ensure that any functions it uses through technology to collect personal information that allow an individual in Quebec to be identified, located, or profiled are deactivated by default, and to make sure that no collection of personal information from an individual in Quebec using technology that includes functions allowing that individual to be identified, located, or profiled is done before first informing the person: (i) of the use of such technology; and (ii) of the means available to activate the functions that allow a person to

be identified, located, or profiled.

- iv. Ensure that the privacy settings of the technological product or service it uses to collect personal information provide the highest level of privacy by default, without any intervention by the person concerned.
- v. Enhance privacy communications to support meaningful consent for, or the obligation to inform individuals of, its collection, use, and disclosure of personal information for the purposes of targeted advertising and content personalization as enabled by tracking and profiling.
 - a. Key information elements (i.e., what personal information is collected, for what purposes it is used, to what third parties it may be disclosed, and what harm or other consequences may result) should be provided prominently and up-front, for example during account sign-up. This should include, without limitation, notice that Canadian users' personal information may be transferred to China and accessed by the Chinese government. Pursuant to s.13.1 of PIPA-AB, notice of any transfer of information to service provider(s) outside of Canada should also be presented up-front.
 - b. Privacy practices should be explained in a comprehensive and understandable manner, for example in its Privacy Policy, and in layered supporting communications that provide further details.
 - c. Where supporting communications provide information that is material to meaningful consent or obligation to inform, they should be made available in an easily accessible manner, such as via links in the Privacy Policy and/or in up-front notices provided to users at the point of providing consent.
 - d. The above privacy communications, updates to them and future privacy related communications should be made available in French as well as English.
- vi. Enhance youth-oriented privacy communications to ensure that it obtains meaningful consent from, and fulfils the obligation to inform, users between the ages of 13-17 for the company's collection, use, and disclosure of personal information for the purposes of targeted advertising and content personalization as enabled by tracking and profiling:
 - a. Those communications, whether in the form of a privacy policy or other specific documents or videos, should explain the practices in a manner and using language consistent with the cognitive level of younger users.
 - b. In addition to the information for adults, the communications should emphasize up-front the risks and potential consequences to younger users of engaging on a platform that delivers targeted advertising and other tailored content.

- c. The communications should be presented to users during sign-up — in addition to, or instead of communications intended for users aged 18 and over — and be subsequently easily accessible.
 - d. The above privacy communications, updates to them and future privacy related communications should be made available in French as well as English.
 - e. Implement a program of testing (e.g., user-experience, focus groups) to evaluate, and be able to demonstrate, that privacy communications are effective at ensuring that users, and in particular younger users, reasonably understand the nature, purposes, and consequences of TikTok's practices in a way that ensures meaningful consent. The parameters for such testing are to be proposed by TikTok, and subject to approval by the four Offices.
- vii. Enhance privacy communications to ensure TikTok obtains meaningful consent for, and fulfils the obligation to inform individuals of, the collection and use of biometric information.
- a. Clearly articulate, prominently and in an up-front manner, such as during account sign-up, that the company collects biometric information and the purposes for which it will be used.
 - b. Provide an easily accessible, comprehensive, and understandable explanation of TikTok's collection and use of the information that this investigation has determined to be biometric data.

TikTok's Response to the Recommendations

176. TikTok generally disagreed with our findings, asserting that it was in most respects, through a combination of its existing practices and associated communications, compliant with the Acts. TikTok also asserted that given the integral nature of its collection and use of users' personal information to its core functionality, it is not technically or operationally feasible for it to cease processing user information as recommended in paragraph 175(i). That said, the company confirmed that it would work with the Offices to implement the other recommendations set out above in an expedited manner in order to resolve the matter. We have summarized the details of TikTok's commitments below.

Enhanced Age Assurance Measures

177. In response to the recommendation in paragraph 175(ii), to address the Offices' finding that it was inappropriately collecting and using the personal information of underage users, TikTok committed to implement two new or enhanced "underage detection models" to identify suspected underage user accounts on the platform, and flag them for moderation and potential removal:

- i. a “**core underage model**”, which will use visual signals (including via facial analysis based on content posted on the platform) and behavioural signals (such as videos watched or liked); and
 - ii. a supplementary “**natural language processing**” (**NLP**) **model**, trained in both English and French, which will analyse text posted by users, for example in their bio or comments.
178. During the Offices’ questioning of TikTok employees to better understand how the proposed models would function in practice, TikTok acknowledged that they would be largely ineffective at detecting underage lurkers who view videos but do not post content or comments. Specifically, TikTok cited challenges in estimating a user’s age based on analysis of the content they engage with, as that content may be popular with users of various ages. As explained in paragraph 59, passive users represent the majority of users on the platform (73.5% of users do not post videos, while 59.2% do not comment). Further, TikTok collects and uses passive users’ personal information, based on the videos with which they choose to engage, or not engage, on the platform. The Offices therefore determined that TikTok’s proposed models were not adequately effective to keep underage users off the platform or to sufficiently minimize TikTok’s collection and use of the personal information of children.
179. In response to the Offices’ request for further proposed measures to address recommendation 175(ii), the company committed to develop and implement, in addition to the two models detailed above, a new **passive underage user detection model**. This model would leverage a number of data sources, which the company explained to the Offices, and would be based on patterns of behaviour from previously identified underage user accounts. TikTok noted that this solution would be, to its knowledge, an industry first.

Timelines for implementation

180. As a result of our discussions with TikTok subsequent to the issuance of the PRI, and taking into consideration the specific measures to be implemented, TikTok agreed to implement its commitments pursuant to the timelines outlined in the paragraphs that follow.
181. TikTok shall provide the Offices with a **Privacy Impact Assessment** for each new age assurance measure for review and comment:
- i. for the Core and NLP models, within one month after the issuance of this report; and
 - ii. for the new passive user age assurance model, within four months of the issuance of this report.
182. TikTok shall **implement the new models** according to the following timelines:
- i. for the Core and NLP models, within one month after receipt of the Office’s response to the associated PIA(s), subject to potential additional time required to address comments provided by the Offices; and

- ii. for the passive user age assurance model, which is still in development, by March 31, 2026
183. With respect to **model testing**, to demonstrate that the model is effective and that the privacy impact is minimized and proportionate (noting that the company has already provided plans to the Offices for testing of the Core and LLP models), TikTok shall:
- i. provide the offices with a description of its proposed testing methodology for the new passive age assurance model within four months of the issuance of this report; and
 - ii. provide the Offices with results of its age assurance model testing within six months of deployment of the models.

Meaningful Consent and Transparency

184. To address the Offices' findings that TikTok failed to obtain youth and adult users' meaningful consent and to be adequately transparent, TikTok committed to implement various enhancements to its privacy communications, in English and French, as detailed below.

General

185. TikTok committed to, within six months of the issuance of this report, provide enhanced, **"up-front" information** - i.e., the information identified by the Offices in the recommendations in paragraphs 175(v)(a), (b) and (c), 175(vii)(a) and 175(iii).
186. In response to the recommendations in paragraphs 175(v)(b) and (c), TikTok further committed to, within six months of the issuance of this report, update its **privacy policy** to include additional information relating to its privacy practices, together with links to layered supporting communications on specific topics. The layered supporting communications is to include information on **cross-border transfers** (including reference to those involving China) and supplementary information on the **processing of voice and face data**, as well as, without limitation, information on TikTok's practices with respect to content recommendation, ad delivery and use of location information.

Youth

187. To address the issues raised in recommendation 175(vi) regarding the communication of TikTok's privacy practices to **youth**, aged of 13 (or 14 in Quebec) to 17, TikTok committed to developing two new privacy communication products designed specifically for that demographic:
- i. TikTok committed to developing a **"Teen Summary"** of its privacy policy, accessible through its privacy policy, and drafted to be understandable to youth. This was published on June 2nd, 2025. TikTok indicated to our Offices that the

document incorporates feedback received from its Youth Council during the drafting process. Specifically, we note that the document explains that TikTok collects information about platform usage (e.g., details of the videos and ads users watch, the accounts users follow, and how long users spend on TikTok), as well as information inferred based on how users use TikTok (e.g., their age, potential interests), and informs teens that this information is used by TikTok for customizing the content they see.

- ii. TikTok also committed to creating and sharing, within six months of the issuance of this report, a “**Privacy Highlights Video**”, covering the company’s practices in a clear and accessible manner, presented in a format geared towards teens. TikTok indicated that the video would explain TikTok’s privacy practices, including what information TikTok collects, how it is used, privacy features, and similar topics. TikTok further explained that this video would be delivered to teen users via their TikTok inboxes, and will be available in the TikTok Privacy Center.
188. TikTok further committed to implementing a research and testing plan to support development of both youth-oriented privacy communications, and ensure they are effective. TikTok advised that it would conduct qualitative and quantitative research underpinned by youth focus groups, conducted in both English and French. TikTok committed to retaining a third-party service provider with experience conducting research with children and teens to administer its testing protocol. TikTok committed to provide a summary of the results of this research and testing to the Offices.

Limitation of youth ad targeting

189. As an additional measure, in its response to the Offices’ Preliminary Report of Investigation, TikTok committed to limit ad targeting for users under 18 in Canada. TikTok informed the Offices that it implemented this change on April 1st, 2025. As a result, advertisers can no longer deliver targeted ads to users under 18, other than according to generic data (such as language and approximate location).
190. The Offices note that this measure would be effective only to the extent that the age of a user associated to an account is accurate, recognizing that it remains possible that a user under the age of 18 can self-identify as being 18 or over. That said, we see this as a positive measure that will further mitigate the potential harm to youth (and children, who might self-identify as being aged 13-17) that can result from the receipt of targeted ads.

Highest Level of Privacy by Default (CAI)

191. With regard to the recommendation made by the CAI in paragraph 175(iv), TikTok observed that “Section 9.1 of Quebec’s Private Sector Act was modeled after the GDPR’s “data protection by default” principle (as noted by the Government of Quebec in its July 30, 2020, [Regulatory Impact Analysis for Bill 64 \[p. 29\]](#)).” TikTok advised that it had carefully reviewed its default privacy settings for Canadian users and determined that they were “effectively aligned with the default settings for EU users, which have been designed to comply with the GDPR”. It also provided further details of numerous privacy-related settings available to users, as well as the default settings,

according to user age. TikTok took the view that given the alignment between section 9.1 of the CAI's private sector law and the GDPR and the equivalency of default privacy settings for Canadian and European users, its default settings are compliant with section 9.1 of Quebec's Private Sector Act. The CAI is of the opinion that there is not an equivalency of default privacy settings for Canadian and European users in light of the differences in the wording of section 9.1 of Quebec's Private Sector Act and the second paragraph of section 25 of the GDPR.

192. That said, TikTok advised that in the spirit of cooperation, it would implement a new "Privacy Settings Check-up" mechanism for all Canadian users (including Quebec users), which would centralize TikTok's "most important and tangible" privacy settings and allow users to more easily review, adjust and confirm those setting choices. TikTok further advised that it would notify all Canadian users about the new function. The CAI sees this as a positive measure that will help users make an informed decision regarding the use of TikTok's products and the sharing of their personal information with that organization.
193. Finally, recognizing that the above-mentioned commitments will be implemented over a number of months following the issuance of this Report, TikTok committed to:
 - i. provide to the Offices, in addition to the documents specified above, monthly reports with updates on progress towards its completion of commitments, until all commitments have been implemented; and
 - ii. work with the Offices in a timely manner to address any comments and/or concerns that we may raise in relation to any PIAs, testing methodology or results submitted, and any measures implemented in accordance with its commitments.

Conclusion

194. Given all of the above, including measures that TikTok has already implemented as well as those it has committed to implement in the coming months, the Offices find the matter to be **well-founded and conditionally resolved**, with regard to all three issues.
195. The Offices will continue to work with TikTok to ensure the final resolution of the matter through its implementation of the agreed upon recommendations.