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### **We need a new social contract for the Information Age**

I am the proud father of a lapsed social media influencer.

A couple years ago, my wife and I learned that our daughter had built a following of tens of thousands of people who shared her love of film. She didn't hide it from us, exactly – but she didn't want us or her friends to know about it. She was doing what teenagers have always done – exploring who she was, forming her identity, finding her people. For many people in the Information Age, that happens online.

She was diligent about concealing her identity and thought she had control over her story. But while she was anonymous to her followers, the platform knew her well – not just what she posted, but where she posted from, her age, gender, the things she likes, and the people she knows. All of this was fed into systems making even more inferences, shaping what the platform was showing her and the people in her network, and ultimately manipulating their behaviour. Her information was being collected and used in ways she could not be expected to comprehend, let alone consent to.

My daughter's experience (and, yes, she has given me the OK to share it) spoke to a fundamental tension between our aspirations for our children in the Information Age and the exploitative reality in which those hopes are constrained.

She should have been able to express herself and her creativity, to find community, and exercise her autonomy, without having to sacrifice her privacy. Instead, her data was treated as a resource to be exploited.

This has become the status quo, a prerequisite to participate in modern life. But consider what we're giving up. In the Information Age, our personal information isn't just "about us," it *is* us – our personhood, our behaviours, our stories.

There's a deep imbalance between what we sacrifice to participate in modern society, and what we receive in return. That is because, decades into the Information Age, we lack a viable social contract for it. Social contracts have long formed the foundation of trust between people and governments and organizations. They're built on mutual obligations. It took decades before the environmental disasters and human rights abuses of the Industrial Revolution were put in check by societies demanding better through laws and regulations. In many ways they still haven't been.

That reciprocity is absent between today's tech platforms and the societies in which they operate. We need to learn from the successes and failures of the previous age for today's world.

As BC's Privacy Commissioner, I believe that the conversations happening in homes across the province are ones we need to be having at policy tables in BC and beyond. We need to write a new social contract for the Information Age to make sure that our digital world works for us, and not vice-versa.

That starts with reforming privacy laws that have been strained to the breaking point by new technologies.

Earlier this month, my office released a joint investigation with federal and provincial regulators into OpenAI, the makers of ChatGPT, which revealed a disconnect between how that platform and many like it operate and what our privacy laws demand. We found that OpenAI contravened BC's private sector privacy law, the *Personal Information Protection Act*. To train their models, they scraped vast amounts of personal information from publicly accessible websites without any type of consent recognized under the law.

While OpenAI has taken positive steps to improve their practices, the core tension remains: applicable laws were written for a different era and they are inadequate to fully protect people's personal information rights in the age of artificial intelligence.

Along with the release of the OpenAI report, I wrote to our Minister of Citizens' Services to urge the BC government to begin the process of reforming the law to respond to today's challenges. This means putting the onus on organizations to earn the trust of the people whose data they use – to hold up their end of the social contract.

We need to start with consent – clear, informed, and meaningful. But where this is not feasible or appropriate, we need other legal authorizations paired with strong guardrails that make privacy-first innovation the default and strengthen independent oversight, including meaningful fines for non-compliance. Law reform based on a renewed social contract needs to be done with broad social engagement. That process needs to start now.

My daughter decided to let her account go dormant because she started to get unnerved by it. And that makes me kind of sad. I want my daughter, and all kids – adults, too – to feel able to express their creativity without having their individuality turned into tools of manipulation. She deserved better – we all do, and we must demand it, for the world we live in now, and the one we want to build for tomorrow.

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