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Investigation finds Canadian Tire Associate Dealers not authorized to use facial recognition technology

VICTORIA— Four BC Canadian Tire stores using facial recognition technology (FRT) to collect customer’s biometric information between 2018 and 2021 contravened the *Personal Information Protection Act* (PIPA).

An investigation found that the stores did not properly notify people entering the store that FRT was in use, failed to demonstrate a reasonable purpose for using FRT, and did not obtain consent from those entering the store.

Following media reports that some Canadian Tire stores used FRT in an effort to reduce shoplifting, the Office of the Information and Privacy Commissioner contacted Canadian Tire stores in BC and learned that 12 locations were using the technology. The Commissioner selected four stores for investigation that represent different regions of BC. All 12 stores confirmed that they removed their FRT systems after the investigation began.

“The biometric information captured by FRT systems – the precise and unique mathematical rendering of your face – is highly sensitive. Retailers, like the ones in this case, would have to present a highly compelling case to demonstrate such collection would be reasonable,” said Commissioner Michael McEvoy. “The stores failed to do so in this case,” he said.

Because the Canadian Tires stores promptly removed their FRT systems and destroyed associated personal information when the investigation began, the report directs only one recommendation to the stores. The Commissioner recommends that the stores create and maintain robust privacy management programs.

Two recommendations were aimed at the BC government, including that they take steps to:

- amend the *Security Services Act* or similar enactments to explicitly regulate the sale or installation of technologies that capture biometric information; and
- amend the *Personal Information Protection Act* to create additional obligations for organizations that deploy biometric technologies, for example by requiring notification to the OIPC.

These requirements would harmonize BC with other jurisdictions that have biometric legislation.

News Release

“Government needs to tighten regulation related to those who install technologies like FRT. It’s ironic that regulation applies to those who sell and install old closed-circuit television systems, but not those who deploy the even more invasive facial recognition technology,” said Commissioner McEvoy.

“I recognize retailers face a challenging environment, however they have to carefully consider the privacy rights of their customers before buying and installing new technologies that gather very sensitive personal information.”

The full report is available here: <https://www.oipc.bc.ca/reports/audit-compliance/>

A video summarizing the report is available here: <https://youtu.be/gWt4J2lvsjE>

A fact sheet summarizing the report is available here:

<https://www.oipc.bc.ca/media/17519/can-tire-fact-sheet-april-2023.pdf>

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