



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

VIA EMAIL

October 3, 2025

City Hall
100 Queen Street West
East Tower, 4th Floor
Toronto, Ontario M5H 2N2

Dear Kristie Pratt:

Re: Magna Automated Vehicle Pilot – Request for IPC Comment

Thank you for your letter of 27th August 2025 inviting the Information and Privacy Commissioner of Ontario (IPC) to provide comments regarding the automated vehicle (AV) pilot project by Magna in parts of the City of Toronto (the City). We appreciate the opportunity to contribute to the public discussion of these matters and are aware that the City has also asked the Office of the Privacy Commissioner (OPC) of Canada for its comments on matters connected to the pilot project.

Ontario's Access and Privacy Laws

The IPC oversees compliance with the *Freedom of Information and Protection of Privacy Act* (FIPPA) and *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as well as the *Personal Health Information Protection Act* (PHIPA) and *Part X of the Child, Youth and Family Services Act* (CYFSA). These laws establish the rules for how Ontario's public institutions, health care providers, children's aid societies and other child and family service providers may collect, use, and disclose personal information and how they must keep such information secure. They also provide the public with a right of access to government-held information and access to their own personal information.

Magna's Automated Vehicles Pilot

The City's letter makes specific reference to Magna's AV pilot project. AVs are often equipped with sensors and, depending on their configuration, may collect personal information. When private organizations collect personal information in the course of commercial activity, they are expected to comply with federal *Personal Information Protection and Electronic Documents Act* (PIPEDA), which is overseen by the Privacy Commissioner of Canada (OPC).



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The Province's AV Pilot Projects Approval Process

Magna's AV pilot project has been conducted under a letter of authorization issued by Ontario's Ministry of Transportation (MTO) under Regulation 306/15 of the Highway Traffic Act. Under that regulation, when approving a pilot project, the Registrar of Motor Vehicles may impose "any condition that the Registrar considers necessary to ensure that the testing will be conducted safely and in accordance with the law." We appreciate that the responsible implementation of the AV pilot project and safe operation of AVs is an important focus for MTO.

When assessing and approving automated vehicle pilot projects, MTO also has a responsibility to ensure that the privacy of Ontarians is protected. This includes considering which privacy-related conditions should be imposed as part of any authorization and ensuring that appropriate safeguards are in place before pilots proceed. Robust transparency around how these responsibilities are being discharged combined with meaningful consultations with the public and relevant parties, including regulators, can help foster public trust in both the piloted technologies, protection of personal information, and government oversight.

Personal Information collected by Magna and Public Sector Privacy Obligations

Based on the information currently available to our office, including details provided during meetings with staff from both the City and the MTO, the IPC understands that neither the City nor MTO, has received personal information collected by Magna as part of the private company's automated vehicle pilot.

Should this circumstance change in the future, and Magna comes to disclose personal information to the City, the MTO, or any other Ontario government institution, those institutions would then become responsible for ensuring compliance with Ontario's public sector privacy laws with respect to any such information. This would require the institutions to govern the collection, use, retention, and disclosure of Ontarians' personal information in conformity with applicable statutes.

The IPC's Position on Technological Innovation and the need for Privacy safeguards

The IPC recognizes that technological innovation can offer significant public benefit while potentially affecting Ontarians' privacy or transparency rights. This includes the public's right to privacy in public spaces. For example, our office has written about the importance of robust governance in relation to smart cities. The IPC has produced resources with respect to smart cities that we believe may be relevant to the privacy issues at play with automated vehicles. Those resources include a fact sheet¹ and a written submission² concerning smart city infrastructure, including those that incorporate automotive systems.

¹ See: <https://www.ipc.on.ca/sites/default/files/legacy/2018/04/fs-tech-smart-cities.pdf>

² See: <https://www.ipc.on.ca/sites/default/files/legacy/2018/04/smart-city-public-letter-final-en.pdf>

While new technologies may help public institutions address or manage challenges in urban environments they can, also involve the collection, retention, disclosure, and use of large amounts of information, including personal information. When public sector organizations are involved in the procurement or assessment of smart city systems or technologies, the IPC has strongly advised them to define specific access, privacy and security requirements. Those public sector organizations should also ensure that:

- the system or technology does not collect any personal information unless it is in compliance with applicable law;
- privacy impact and threat assessments are conducted;
- effective and robust governance processes are in place that include comprehensive security policies and procedures;
- the collection of personal information, if any, is limited to only what is necessary and identifiable information is removed as soon as possible by applying effective de-identification processes³;
- data minimization is applied to system design and operation;
- utmost transparency is provided to allow the public to know and understand how projects are assessed, approved and governed, and what personal information is being collected, by whom, how and for what purposes under approved projects;
- community engagement opportunities are provided to the public; and
- informed consent is obtained, particularly as required by law.

Privacy and Transparency as Fundamental to Securing Public Trust

On May 24, 2024, in the context of Bill 194, the Hon. Todd J. McCarthy spoke about the need to protect Ontarians' privacy in order to secure the public's trust. Indeed, it is imperative that the provincial and municipal institutions carefully ensure that programs they operate or license include appropriate governance mechanisms in respect of privacy, artificial intelligence and cybersecurity elements. This involves establishing robust data governance policies and putting in place the necessary resources and monitoring mechanisms to ensure such policies are being implemented and complied with.

Municipal and provincial institutions must build privacy and transparency into government programs in order to secure the public's trust in government and in any technological systems or practices that may involve the collection, use, disclosure, or retention of their personal information.

³ The IPC's guidance on de-identification has been recently updated and will be publicly released shortly. We encourage checking the IPC's website in the coming days for the updated guidance.

Conclusion

We trust this information will be helpful and we appreciate the City's concern about Ontarians' privacy and transparency rights.

While we are pleased to provide high-level comments on this initiative, please note that these comments do not bind our Tribunal should our office receive privacy complaints or access to information appeals associated with the pilot project under consideration.

Best Regards,

A handwritten signature in black ink, appearing to read 'Chris Parsons', written in a cursive style.

Christopher Parsons, A/Director, Technology Policy

Cc:

Michael Maddock, Assistant Commissioner, Strategic Initiatives and External Relations Division
Sandra Ferguson, Director, Policy