



GPA Global Privacy and Data Protection Awards 2024

Entry Form

To submit an entry to the GPA Global Privacy and Data Protection Awards please complete and email this form to secretariat@globalprivacyassembly.org **no later than 17 June 2024**.

Note: GPA member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline above.

Languages: The GPA documentation Rule 6.2¹ applies.

1. CONTACT DETAILS FOR THIS ENTRY

Privacy/Data Protection Authority:	Office of the Privacy Commissioner (OPC) of Canada	
Person completing this form:	Miguel	Bernal-Castillero
	<i>First name</i>	<i>Last name</i>
Job title:	Director International, Provincial and Territorial Relations	
Email address:	Miguel.bernal-castillero@priv.gc.ca	

2. ELIGIBILITY

By submitting this entry, I confirm that (*please tick all boxes to confirm*):

- The Authority is a member of the Global Privacy Assembly
- The initiative described in this entry was undertaken since January 2022.
- I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the GPA Secretariat.

3. CATEGORIES

Please indicate which category you wish to enter.

*Please tick **one**; please use a separate form for each category you wish to enter:*

- Education and Public Awareness
- Accountability
- Dispute Resolution and Enforcement
- Innovation
- People's Choice

¹ [GPA Rules and Procedures](#), Rule 6.2 'Assembly documents':

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

4. DESCRIPTION OF THE INITIATIVE

a. Please provide a brief summary of the initiative (no more than 75 words)

An investigation by the OPC Canada into Montreal, Canada based Aylo (formerly MindGeek), one of the world's largest operators of pornographic websites, found that the organization contravened Canadian privacy law by enabling intimate images to be shared on its websites without the direct knowledge or consent of all the individuals depicted. This has led to severe impacts on victims, including social stigmatization, psychological damage, financial loss, and even attempted suicide.

b. Please provide a full description of the initiative (no more than 350 words)

Early this year, the OPC concluded its investigation into a complaint against Aylo (formerly MindGeek), a global technology company based in Montreal Canada, that owns and operates many of the world's most popular pornographic websites, including Pornhub and Youporn.

In 2015, the Complainant's ex-boyfriend uploaded an intimate video depicting the Complainant to various MindGeek websites, without her knowledge and consent. She contacted MindGeek to request takedown of the content, which was subsequently removed. However, the content, which could be easily downloaded by users at the click of a button, continued to be re-uploaded, both on MindGeek and other websites (including sites unrelated to pornography).

This permanent loss of control over her intimate images led the complainant to live in a state of constant fear and anxiety. She filed a complaint with the OPC in relation to MindGeek's compliance with its privacy obligations under Canada's private-sector privacy law.

In response to that complaint, the OPC commenced an investigation to determine whether MindGeek had (i) obtained the valid consent of individuals depicted in content uploaded to its websites, (ii) provided individuals with an easily accessible and effective process for having their information removed from its websites, and (iii) was accountable for the personal information under its control.

The OPC's investigation found that MindGeek had a legal obligation to obtain the complainant's consent but failed to do so. It also determined that, for individuals who never consented to having their images uploaded to MindGeek's websites, the company failed to provide an accessible, simple to use and effective process to contest consent and have their content removed from MindGeek's websites. Finally, the investigation concluded that MindGeek failed to be accountable for the personal information under its control. Consequently, the OPC determined the complaint to be well-founded and made a number of recommendations, including that Aylo stop sharing user-created intimate content until it implements measures to obtain express, meaningful consent directly from each individual who appears in uploaded content.

c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

The distribution of intimate images and videos without consent is a growing societal problem. With a simple click of a button, someone's intimate content can be instantly uploaded and made available to millions of people all over the world on the internet. Once uploaded, this content can

be extremely difficult to remove and delete, especially if it is made available for download by other users. The often-permanent loss of control over such highly sensitive content can cause devastating harm to the victim's dignity, reputation, health and well-being.

One of the key recommendations our Office made in its report of findings was that Aylo stop sharing user-created intimate content until it implements measures to obtain express, meaningful consent directly from each individual who appears in uploaded content. These measures would drastically curtail the upload of non-consensual intimate content, in Canada and across the globe. We are currently in discussions with the company with a view to obtaining a commitment to implement our recommendations.

We expect our report to inform the privacy practices of other organizations similarly situated to Aylo, and more specifically the form of consent such organizations must obtain when collecting, using and disclosing user-generated sexually explicit content.

- d. Please include a photograph or image, if you wish** (*This will be published with your entry on the GPA website. The image can be pasted into the box below, be sent as an attachment or a link may be provided*)

- e. Please provide the most relevant link on the authority's website to the initiative, if applicable** (*The website content does not need to be in English*)

[Report of findings: Investigation into Aylo \(formerly MindGeek\)'s Compliance with PIPEDA](#)

- f. Please provide any other relevant links that help explain the initiative or its impact or success** (*e.g. links to news reports or articles*):

<https://nationalpost.com/news/canada/pornhub-owner-suing-privacy-commissioner-to-block-report-raising-serious-concerns-about-privacy-practices>

<https://www.dataguidance.com/news/canada-opc-finds-aylo-formerly-mindgeek-violation>

<https://www.itworldcanada.com/article/pornhub-operator-broke-canadian-privacy-law-watchdog-rules/559825>

<https://www.usnews.com/news/technology/articles/2024-02-29/canada-says-pornhub-owner-broke-privacy-laws-by-sharing-explicit-images>