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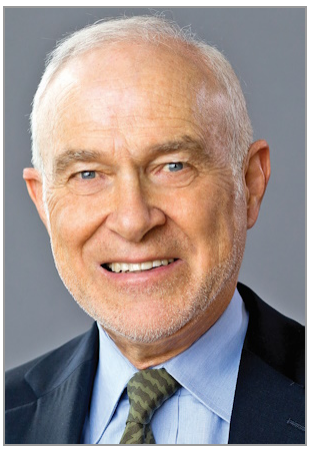
TikTok Report: Quebec's Law 25 rulings impact all organizations

By **David Young**

Law360 Canada (November 25, 2025, 10:56 AM EST) -- In late September, the Office of the Privacy Commissioner (OPC) and the privacy regulators in three provinces (Quebec, B.C. and Alberta) issued the report of their Joint Investigation regarding the personal information collection practices of TikTok (the TikTok Report), the social media platform particularly popular with youth (PIPEDA Findings # 2025-003, Sept. 23, 2025).



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The regulators' investigation focused on the diverse issues related to the collection and use of personal information by children and youth, for purposes of ad targeting and content personalization.

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While focusing on the online collection and use of information from such users, the report contains numerous items of compliance guidance of general application. The report addresses transparency requirements for consent on web interfaces, critiques the standard form of Privacy Policy currently in common usage, considers consent requirements for collection of biometric information, and provides guidance for consent for profiling and ad targeting.

The TikTok Report is significant because it contains the first rulings by Quebec's privacy regulator, the Commission d'accès à l'information (the CAI) addressing key new provisions of Law 25, that province's reformed *Private Sector Privacy Act* (enacted in September 2021 but only fully in effect last year). Key issues considered in the report include data transparency, consent for online data collection, and privacy by default. While the CAI's determinations are important for Quebec-based organizations, they impact organizations operating across Canada.

The most recently proposed reform of the federal privacy law, the *Personal Information Protection and Electronic Documents Act* (PIPEDA), has been stalled in Parliament for several years. While the proposed new law, the *Consumer Privacy Protection Act* (CPPA), contained many items of modernized privacy protection, it did not include provisions relating to consent for online data collection or privacy by default. However, it can be surmised that these Law 25 rules may become the effective national standard — for the simple reason that organizations will not have privacy rules that differ

between Quebec and the rest of Canada. For this reason, the TikTok Report is significant because it represents not only the CAI's first rulings on these provisions, but also because they are contained in a report issued in effect to a nation-wide stakeholder audience, in English (as well as French).

The key issues addressed by the CAI relate to transparency and consent for purposes of profiling and targeting. While these issues were considered by all the regulators in their findings regarding TikTok's platform generally, they have particular relevance in the context of Law 25 because of that statute's more rigorous provisions, relative to PIPEDA, as well as the proposed CPPA.

The basic framework of Law 25 relating to consent is an implied consent regime. The law provides that if certain disclosures are made to a person in connection with the collection of their personal information, that person is considered to have consented to the use of their personal information for the purposes disclosed.

However, the law provides more restrictive requirements for personal information collected online for profiling or in connection with offering a technological product. In those cases, the collector must, by default, collect only the minimum information required to provide the product, and for online collection, must only activate it once the person concerned has expressly agreed to such activation by their positive step — i.e. by opt-in.

The CAI concluded that TikTok collects personal information using technology enabling it to identify, locate or profile the user. It examined whether the platform's functionalities enabled a positive opt-in by users and concluded that these functionalities — which included a pop-up linking to the TikTok Privacy Policy requiring the user to click "Agree and Continue," as well as an explanation that continuing with account creation serves as confirmation that a user has read and agreed to the Privacy Policy — were insufficient to provide either the information needed to be disclosed or the required positive opt-in.

The CAI's determinations make clear not only that the Law 25 provisions represent an opt-in requirement for tracking and profiling, but also that the functionalities for executing the opt-in must be transparent and clearly presented to the user. These determinations have application to almost all websites and mobile interfaces currently active anywhere in Canada.

Many of such interfaces now incorporate pop-ups or so-called "cookie notices", which in varying terminology disclose the use of tracking technologies. However, most of these interfaces do not comply with the transparency and user-friendliness criteria set out by the CAI.

The CAI's determinations make clear that simply linking in a cookie notice to a privacy policy or other documents that provide information regarding tracking is not sufficient to satisfy Law 25's opt-in rule. To be compliant, there needs to be sufficient information provided in the notice, in a user-understandable form, that communicates the intention to collect tracking information and, if the particulars (including the purposes) of such tracking are not included in the notice, sufficient language that communicates the availability of such information in the linked documents.

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