Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic

Clinique d'intérêt publique et de politique d'Internet du Canada Samuelson-Glushko

Did You Know?

Insights for Policy Makers: How to fill existing gaps in XR Regulation

Canada's laws inadequately address privacy concerns posed by the advent of Extended Reality (XR) technologies. Regulators should be aware of these risks and take steps to ensure the privacy and protection of all XR users, particularly vulnerable groups such as children and adolescents. This document is a guide for policymakers focusing on regulating XR technologies.

Developing Tailored XR Regulation: Specific regulations must be crafted to effectively address the unique privacy challenges XR technologies pose. These regulations should directly target the nuanced aspects of XR. By creating a regulatory framework finely tuned to XR's intricacies, policymakers can establish clear guidelines for privacy preservation while fostering innovation in this rapidly evolving field. One example of tailored regulation is creating a grading system for XR devices and apps based on their privacy score.

Embedding Privacy into XR Design: Canadian laws and regulations should ensure that XR app developers are embedding privacy considerations into the design of XR products across all stages of development, deployment, and operation. By requiring that XR developers integrate privacy into their products from the outset, Canadian policy can help proactively mitigate privacy risks before they emerge. This approach should not only enhance user trust in these up-and-coming technologies, but also align with existing ethical standards. Policymakers are in a unique position to lay the groundwork for responsible and privacy conscious XR development.

Standardizing Privacy in XR Design: Policymakers should standardize the integration of privacy considerations at all stages of XR product development, from devices to apps and beyond. By standardizing the integration of privacy into the core of XR systems from the outset, Canadian policy can once again help proactively mitigate privacy risks before they emerge.

Focusing on Vulnerable Groups: Given children's heightened vulnerability, stricter data protections measures should be in place concerning their data in XR environments. This heightened level of protection within XR products is especially necessary to safeguard children's privacy rights. By prioritizing the privacy needs of minors, policymakers can create a safer digital landscape for the next generation of XR users.

Consent Mechanism Reform: Policymakers should explore innovative approaches to consent that account for the immersive nature of XR experiences and empower users to make informed decisions about their data. Consent mechanisms in XR should be re-evaluated to ensure they are robust and meaningful, and should be adapted to accommodate the complexities inherent in XR technology. XR devices accrue large volumes of data related to the user, their environment, and third parties, making it difficult to obtain meaningful consent. By enhancing consent mechanisms, policymakers can strengthen user privacy rights and promote transparency in XR interactions.

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