

May 20, 2020

## Anita Banicevic Comments in *The Globe and Mail* on Facebook's \$9-Million Settlement with Competition Bureau

In an [article](#) (available to subscribers) published today in *The Globe and Mail*, Davies partner [Anita Banicevic](#) was featured for her insights on Facebook's \$9-million settlement agreement with the Canadian Competition Bureau over misleading privacy claims the company made between 2012 and 2018.

Although the Canadian penalty is much smaller than Facebook's historic US\$5-billion settlement with the U.S. Federal Trade Commission, Anita pointed out that the maximum penalty for false or misleading claims under the *Competition Act* is \$10 million, making the penalty significant in Canadian terms. She added that if Facebook violates the settlement agreement, it could face criminal law charges rather than a civil lawsuit.

"It certainly does signal that the bureau is going to be quite active in anything to do with the digital economy. I think advertising and privacy going forward are going to be hot topics for enforcement," she added. This is consistent, she said, with the bureau hiring its first chief digital enforcement officer last summer.

The settlement with the Competition Bureau is separate from continuing litigation between Facebook and the OPC (Office of the Privacy Commissioner of Canada).

"What really strikes me is that the bureau makes no mention of co-operating or jointly investigating with the OPC," Anita said, noting that it raises questions about the overlap in mandate between the OPC and the Competition Bureau "in the privacy space in particular."