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Bill 104

**An Act to amend the Consumer Protection Act, 2002
and the Consumer Protection Act, 2023
with respect to personalized algorithmic pricing**

Mr. J. Fraser

Private Member's Bill

1st Reading April 15, 2026

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Consumer Protection Act, 2002* and the *Consumer Protection Act, 2023* with respect to personalized algorithmic pricing.

A new provision is added to each of the Acts providing that it is an unfair practice to use personalized algorithmic pricing to inform a change in price for an individual consumer. Examples of this unfair practice include price changes on electronic shelf labelling systems that are based on a consumer's personal information, attributes or behaviours and similar price changes on online platforms.

**An Act to amend the Consumer Protection Act, 2002
and the Consumer Protection Act, 2023
with respect to personalized algorithmic pricing**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Consumer Protection Act, 2002

1 (1) Section 1 of the *Consumer Protection Act, 2002* is amended by adding the following definitions:

“electronic shelf labelling system” means electronic or digital equipment, and the associated hardware, software and communication protocols, that,

- (a) displays the price of a good at or adjacent to the place where the good is offered, and
- (b) is capable of electronically updating the price of the good, including by remote or centralized input; (“système d’étiquetage électronique de rayon”)

“online platform” means an online marketplace that enables or facilitates,

- (a) selling, leasing or otherwise disposing of goods on a retail basis, or
- (b) distributing goods on behalf of a supplier; (“plateforme en ligne”)

“personalized algorithmic pricing” means pricing that is based on the use of an algorithm or automated processing to set, recommend or vary a price offered to an individual consumer as a result of data about the consumer collected, analyzed or processed with or without the consumer’s consent, knowledge or involvement, including, without limitation, data about the consumer’s personal information, attributes and behaviours, such as,

- (a) the consumer’s browsing or purchasing history, consumer habits or spending patterns,
- (b) the consumer’s electronic devices used in browsing or purchasing and their profiles on such devices,
- (c) the consumer’s inferred willingness to enter into the consumer transaction,
- (d) the consumer’s demographics or socio-economic status, including their income level,
- (e) the consumer’s employment pay period or financial assistance payment schedule,
- (f) the consumer’s credit history,
- (g) the consumer’s location, including their address for the delivery of the good,
- (h) the consumer’s medical history or health status, and
- (i) any other information, attribute or behaviour prescribed by the regulations; (“tarification algorithmique personnalisée”)

(2) The Act is amended by adding the following section:

Personalized algorithmic pricing

16.1 (1) It is an unfair practice to use personalized algorithmic pricing to inform a change in price for an individual consumer.

Examples

(2) Without limiting the generality of subsection (1), the following are included as practices that contravene subsection (1):

1. The use of an electronic shelf labelling system to present a different price to a consumer based on the consumer’s personal information, attributes or behaviours.
2. The presentation of a different price to a consumer on an online platform based on the consumer’s personal information, attributes or behaviours.

(3) Subsection 17 (2) of the Act is amended by striking out “section 14, 15 or 16” and substituting “section 14, 15, 16 or 16.1”.

Consumer Protection Act, 2023

2 (1) Subsection 1 (1) of the *Consumer Protection Act, 2023* is amended by adding the following definitions:

“electronic shelf labelling system” means electronic or digital equipment, and the associated hardware, software and communication protocols, that,

- (a) displays the price of a good at or adjacent to the place where the good is offered, and
- (b) is capable of electronically updating the price of the good, including by remote or centralized input; (“système d’étiquetage électronique de rayon”)

“online platform” means an online marketplace that enables or facilitates,

- (a) selling, leasing or otherwise disposing of goods on a retail basis, or
- (b) distributing goods on behalf of a supplier; (“plateforme en ligne”)

“personalized algorithmic pricing” means pricing that is based on the use of an algorithm or automated processing to set, recommend or vary a price offered to an individual consumer as a result of data about the consumer collected, analyzed or processed with or without the consumer’s consent, knowledge or involvement, including, without limitation, data about the consumer’s personal information, attributes and behaviours, such as,

- (a) the consumer’s browsing or purchasing history, consumer habits or spending patterns,
- (b) the consumer’s electronic devices used in browsing or purchasing and their profiles on such devices,
- (c) the consumer’s inferred willingness to enter into the consumer transaction,
- (d) the consumer’s demographics or socio-economic status, including their income level,
- (e) the consumer’s employment pay period or financial assistance payment schedule,
- (f) the consumer’s credit history,
- (g) the consumer’s location, including their address for the delivery of the good,
- (h) the consumer’s medical history or health status, and
- (i) any other information, attribute or behaviour prescribed by the regulations; (“tarification algorithmique personnalisée”)

(2) The Act is amended by adding the following section:

Personalized algorithmic pricing

9.1 (1) It is an unfair practice to use personalized algorithmic pricing to inform a change in price for an individual consumer.

Examples

(2) Without limiting the generality of subsection (1), the following are included as practices that contravene subsection (1):

- 1. The use of an electronic shelf labelling system to present a different price to a consumer based on the consumer’s personal information, attributes or behaviours.
- 2. The presentation of a different price to a consumer on an online platform based on the consumer’s personal information, attributes or behaviours.

(3) Subsection 10 (2) of the Act is amended by striking out “section 8 or 9” and substituting “section 8, 9 or 9.1”.

Commencement

3 (1) Except as otherwise provided in this section, this Act comes into force on the day that is six months after the day it receives Royal Assent.

(2) Section 2 comes into force on the later of the day section 2 of Schedule 1 (*Consumer Protection Act, 2023*) to the *Better for Consumers, Better for Businesses Act, 2023* comes into force and the day that is six months after the day this Act receives Royal Assent.

Short title

4 The short title of this Act is the *Fair Grocery Prices Act, 2026*.