

FEDERAL

Privacy Commissioner
of Canada

PROVINCIAL

Information and
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of Alberta

Information and
Privacy Commissioner
for British Columbia

Ombudsman of
Manitoba

Ombudsman of
New Brunswick

Information and
Privacy Commissioner
for Newfoundland and
Labrador

Freedom of
Information and
Protection of Privacy
Review Officer of
Nova Scotia

Information and
Privacy Commissioner
of Ontario

Information and
Privacy Commissioner
of Prince Edward Island

Commission d'accès à
l'information du
Québec

Information and
Privacy Commissioner
of Saskatchewan

TERRITORIAL

Information and
Privacy Commissioner
of the Northwest
Territories

Information and
Privacy Commissioner
of Nunavut

Ombudsman and
Information and
Privacy Commissioner
of the Yukon

Privacy commissioners urge caution on expanded surveillance plan

St. John's, Newfoundland, Sept. 10, 2009 – Parliament should take a cautious approach to legislative proposals to create an expanded surveillance regime that would have serious repercussions for privacy rights, say Canada's privacy guardians.

Privacy commissioners and ombudspersons from across the country issued a joint resolution today urging Parliamentarians to ensure there is a clear and demonstrable need to expand the investigative powers available to law enforcement and national security agencies to acquire digital evidence.

The federal government has introduced two bills aimed at ensuring that all wireless, Internet and other telecommunications companies allow for surveillance of communications, and comply with government agency demands for subscriber data – even without judicial authorization.

“Canadians put a high value on the privacy, confidentiality and security of their personal communications and our courts have also accorded a high expectation of privacy to such communications,” says Jennifer Stoddart, the Privacy Commissioner of Canada.

“The current proposal will give police authorities unprecedented access to Canadians' personal information,” the Commissioner says.

The resolution is the product of the semi-annual meeting of Canada's privacy commissioners and ombudspersons from federal, provincial and territorial jurisdictions across Canada, being held in St. John's.

The commissioners unanimously expressed concern about the privacy implications related to Bill C-46, the *Investigative Powers for the 21st Century Act* and Bill C-47, the *Technical Assistance for Law Enforcement in the 21st Century Act*. Both bills were introduced in June.

“We feel that the existing legal regime governing interception of communications – set out in the *Criminal Code* and carefully constructed by government and Parliament over the decades – does protect the rights of Canadians very well,” says Ed Ring, the Information and Privacy Commissioner for Newfoundland and Labrador and host of the meeting.

“The government has not yet provided compelling evidence to demonstrate the need for new powers that would threaten that careful balance between individual privacy and the legitimate needs of law enforcement and national security agencies.”



The resolution states that, should Parliament determine that an expanded surveillance regime is essential, it must ensure any legislative proposals:

- Are minimally intrusive;
- Impose limits on the use of new powers;
- Require that draft regulations be reviewed publicly before coming into force;
- Include effective oversight;
- Provide for regular public reporting on the use of powers; and
- Include a five-year Parliamentary review.

At the meeting in St. John's, the commissioners and ombudspersons also passed a resolution about the need to protect personal information contained in online personal health records.

The resolution emphasizes the importance of empowering patients to control how their own health information is used and shared. For example, it calls for developers of personal health records to allow patients to gain access to their own health information, set rules about who else has access, and to receive alerts in the event of a breach.

“Personal health records have the potential to deliver significant benefits for patients and their health care providers. However, given the highly sensitive personal information involved, developers need to ensure they build in the highest privacy standards,” says Commissioner Ring.

Both resolutions are available on the Privacy Commissioner of Canada's website, www.priv.gc.ca.

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