

News Release

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History Repeats Itself: Minister MacKay's Unwavering Position on Bill C-13 Replicates Vic Toew's Bill C-30 Strategy

TORONTO, May 28, 2014 – Members of the public, academics, and lawyers are exceedingly frustrated at hearing the same type of rhetoric from federal Justice Minister Peter MacKay. Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian, is deeply disturbed by the intransigence of his refusal to remove the sweeping surveillance provisions from Bill C-13. If the Bill is allowed to move forward in its current form, it will chip away at Canadians' Charter right "to be secure against unreasonable search and seizure."

The Commissioner believes these actions follow a pattern of behavior, started by former Public Safety Minister Vic Toews with Bill C-30, and displays a complete disregard for the serious concerns of Privacy Commissioners, civil liberties groups, the public, as well as, those highlighted in yesterday's testimony at the Standing Committee on Justice and Human Rights by both the [Canadian Bar Association](#) and the Criminal Lawyers' Association. On the heels of the recent revelations that Canadian law enforcement agencies secretly requested customer data from major telecoms 1.2 million times in one year (a disclosure of personal information every 30 seconds), the Commissioner is alarmed at the prospect of new surveillance powers being legislated. Bill C-30 was withdrawn by the federal government following a large public outcry that it was too privacy-invasive; unfortunately, Bill C-13 contains many of the same powers and does not provide sufficient safeguards or accountability measures. If the government insists on proceeding with the bill, they should adopt the recommendations included in the Commissioner's submission to the [Standing Committee](#) by ensuring the public has strong privacy protections built-in and that law enforcement is subject to sufficient transparency, notification and accountability requirements.

"I'm astounded that this government, which was so concerned about the privacy of Canadians that it cancelled both the long-form census and the long-gun registry, is unwavering in its attempts to pass a bill which invades the privacy of every Canadian. It is unfortunate the government is using similar tactics in its marketing of the new bill, charging that the proponents of privacy are on the side of cyberbullies — reminiscent of the exaggerated assertions of former Minister Toews — 'you can either stand with us or with the child pornographers,'" said Commissioner Cavoukian. "By telling private companies that they no longer need to scrutinize the reasonableness of police requests for the disclosure of personal information, Parliament is preparing to make it far more difficult for any company to protect the privacy of their customers by seeking a warrant when police come knocking."

"What we have seen time and time again from this government is the suggestion that surveillance powers need to be modernized, but always at the cost of privacy —this is a dated zero-sum (win/lose) game. Unfortunately, what the Minister doesn't appreciate is that transparency and accountability safeguards must be built-in," added Commissioner Cavoukian. "If police require additional powers, they should not come at the cost of our right to privacy. We can and must have both, if freedom and liberty are to prevail."

About the Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner is appointed by, and reports to, the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as the *Personal Health Information Protection Act*, which applies to both public and private sector health information custodians. The Commissioner's mandate also includes helping to educate the public about access and privacy issues.

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