

Letter from  
Commissioners Elizabeth Denham, Jill Clayton and Ann Cavoukian  
in response to an opinion piece authored by  
Chief Constable Jim Chu regarding Bill C-30 (Lawful Access)

In his opinion piece, Chief Constable Jim Chu repeats the now much-discredited analogy that subscriber data is equivalent to what is found in a phone book. We disagree. This information, which includes email addresses and internet protocol addresses, is not publicly available and can be used to reveal the web-related activities of law abiding citizens. This is why Canadians across our country expressed such strong concerns about the Federal government's introduction of Bill C-30, the Internet surveillance bill.

As Privacy Commissioners, we understand that the police may need new tools to investigate crime as technology advances. However, Commissioners have consistently asked for evidence that police need the power to compel Internet Service Providers to turn over personal information of subscribers without a warrant in order to attain these ends.

To date, law enforcement officials have failed to provide persuasive factual evidence that current law has impeded police investigation of serious crimes, like those involving individuals who exploit children. Current law recognizes exigent circumstances that justify immediate access to information to solve serious crimes. If police need additional powers, they must be demonstrably justified, and come with appropriate judicial oversight and accountability.

New surveillance powers must not come at the expense of our right to privacy.

Elizabeth Denham  
Information and Privacy Commissioner, BC

Jill Clayton  
Information and Privacy Commissioner, Alberta

Ann Cavoukian, Ph.D.  
Information and Privacy Commissioner, Ontario