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Canadian Civil Liberties vs. Public Security: Post Crisis, Have the Terrorists Won?

One of the goals of security is to protect something that is valuable to an individual, a business, or an entity without taking away key attributes for survival. Just like a business creates policy to protect its business functions, a government creates laws to make sure its citizens can continue their way of life. The Personal Information Protection and Electronic Documents Act represents a good example of an act that upholds citizens' right to privacy. This is legislation created to protect the citizens. The legislat...

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Post Crisis, Have the terrorists won?

Trevor Textor

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Security Essentials Practical

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One of the goals of security is to protect something that is valuable to an individual, a business, or an entity without taking away key attributes for survival. Just like a business creates policy to protect its business functions, a government creates laws to make sure its citizens can continue their way of life. The Personal Information Protection and Electronic Documents Act represents a good example of an act that upholds citizens' right to privacy. This is legislation created to protect the citizens. The legislation was undertaken in a responsible manner that balanced the needs of the citizens against the needs of business. During the October Crisis, the Canadian government suspended civil liberties in order to face down a threat. The end result of that predicament was a country that continued with what the society deemed important. The proposed Canadian Anti-terrorism Bill, Bill C-36, proposes to protect our way of life but at the cost of permanently eliminating some of the important fundamentals of our society, our civil liberties. The focus of security should be in protecting our civil liberties as well as public safety.

Security and civil liberties are two very important concepts to our world. Civil liberties are what our society is based upon. Canada's main civil liberties are defined in the Charter of Rights and Freedoms. The charter refers to four fundamental freedoms that are granted to all citizens.

> Everyone has the following fundamental freedoms:
> a) freedom of conscience and religion;
> b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
> c) freedom of peaceful assembly; and
> d) freedom of association.[1]

For the purposes of simplicity some of the other civil liberties referred to in this paper are in fact defined by the Charter as "rights." The particular rights referenced are as follows.

> Everyone has the right to be secure against unreasonable search or seizure.
> Everyone has the right not to be arbitrarily detained or imprisoned.
> Everyone has the right on arrest or detention
> > a) to be informed promptly of the reasons therefor;
> > b) to retain and instruct counsel without delay and to be informed of that right; and
> > c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful. …
>
> Any person charged with an offence has the right
> > a) to be informed without unreasonable delay of the specific offence; …
> > c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

[1] Canadian Government. Canadian Charter of Rights and Freedoms. Canadian Government. 11 Nov. 2001. <http://lois.justice.gc.ca/en/charter/>.

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d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; …

(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.[2]

The purpose of law should be to protect these civil liberties. Civil liberties are sometimes temporarily suspended in times of crisis such as the October Crisis but caution must be taken to ensure that they are not removed entirely.

Canada has already faced a time in which terrorism threatened the security of Canadians. The 1970 October crisis was a time in which a fast decision was made to protect Canada. This decision temporarily suspended civil liberties. Prime Minister Pierre Trudeau faced down the Front de Liberation du Quebec (FLQ) terrorists whose "…Manifesto called for non-democratic separation [of Quebec] to be brought about by acts of terror."[3] The FLQ kidnapped the British trade commissioner James Cross in the hopes that many of the jailed FLQ members would be released as well as to have their Manifesto broadcasted via television. At the same time another FLQ cell kidnapped and subsequently killed Pierre Laporte, a Quebec reporter. Trudeau invoked the War Measures Act which suspended civil liberties so that anyone belonging to or associated with the FLQ could be rounded up without search warrants and without the right to habeas corpus. As a result, 465 Canadians were arrested. This was the first time in Canada's history that the country was held at ransom by extremists and terrorists as well as being the first time the War Measures Act was used in peace time. "By the time the crisis had ended, Quebecers and Canadians had for the first time seen a federal government willing to take extreme measures to fight – and fight very hard indeed – for federalism in Canada."[4] Fortunately Canada survived and ended terrorism as an option for change. Our civil liberties were eventually returned and the situation was sterilised. This meant that future discussion regarding the root causes of the events could be done in a civilised manner. In this case, there was a temporary removal of civil liberties in order to respond to an emergency and there was no lasting change to our fundamental civil liberties as a result.

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[2] Canadian Government. Canadian Charter of Rights and Freedoms. Canadian Government. 11 Nov. 2001. <http://lois.justice.gc.ca/en/charter/>.

[3] Larry Zolf. 1970 – the october crisis. CBC. 12 Nov. 2001 <http://www.cbc.ca/millennium/timelines/feature_octobercrisis.html>.

[4] Larry Zolf. 1970 – the october crisis. CBC. 12 Nov. 2001 <http://www.cbc.ca/millennium/timelines/feature_octobercrisis.html>.

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The Personal Information Protection and Electronic Documents Act (PIPEDA) strengthened our citizen's civil liberties. This is a good example of a balanced approach to consensus legislation prior to the September 11th attacks in the United States. The PIPEDA came into effect January 1, 2001 but the full force of the Act, through a phased approach, will not be achieved until January 1, 2004. The main intent of the Act is "[T]o establish… rules that govern the collection, use and disclosure of personal information in a manner that recognises the right to privacy of individuals with respect to their personal information and the need of businesses to collect, use or disclose personal information that a reasonable person would consider appropriate in the circumstances."[5] The PIPEDA was a direct result of the recognition that business liberties had outstripped individual liberties. The balance was upset. Much discussion and debate occurred in the early 1990s in response to this and by 1996, the Canadian Standards Association (CSA) had developed a "Model Code" for the Protection of Personal Information. Obviously it took a number of years of debate for the Model Code to be adopted into legislation. For a summary of the 10 privacy principles that make up the Model Code and to which the legislation is based on please refer to Appendix B. In the Model Code there exists quite a few checks and balances. Individuals know how their information will be used, they consent to the use and finally the act forces timing restrictions upon the availability of the information. Of course, much of this is subject to interpretation in the court of law, but that is the beauty of the system. The onus is on the business to prove compliance and thus there is a great protection of individual liberties (please refer to Appendix A for a discussion of personal privacy tools).

When seeking to protect our societal foundations the government tries to balance the nation's needs through debate. Every individual has different values and there must be much discussion to reach a consensus in this varied body of people to make decisions. When trying to achieve solutions with a great amount of people, patience is required; time to discuss the problem to achieve a satisfactory solution; time to make sure precautions are taken to maintain our way of life. Preferably this time is free from overtly large circumstances that would sway the balance too much in one direction, therefore perhaps achieving consensus but not balance. Unfortunately the attacks on September 11th may have caused our government to act with to much haste because of the great demand for changes to prevent further incidents.

The attacks on September 11th on the World Trade Center and the Pentagon has increased the public's focus on security matters both from a logical and physical point of view. From a security professional standpoint it is a good thing to see people focusing on security issues. In this respect, these events may have resulted in positive steps to strengthen overall security methods. But care must be taken not to overreact and in the government's haste to calm security fears for its citizens eliminate civil liberties, for this would mean that the terrorists will have won. A United States statesmen, Senator Joseph Biden, wisely stated that "[I]f we alter our basic freedom, our civil liberties,

[5] Keenan Moroz. The Personal Information Protection and Electronic Documents Act: Canada's Private Sector Privacy Law. Macleod Dixon LLP. 12 Nov. 2001. <http://www.macleoddixon.com/04public/Articles/PIPEDA.pdf>.

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change the way we function as a democratic society, then we will have lost the war before it has begun."[6] Obviously our country is facing a paradigm shift. Canada is uncomfortably close to a potentially major mistake.

Canada's new anti-terrorism bill, Bill C-36 has been rushed. It is a "knee-jerk" reaction to the events of September 11th. Bill C-36, Canada's new Anti-terrorism Bill promises broad sweeping powers for law enforcement agencies (read: the government). The bill authorises:

- Allow for the arrest of individuals without warrant if it is believed that would prevent terrorist activity. These individuals can then be detained for up to 72 hours.
- Canadians no longer have the right to silence during a police investigative phase.
- A wider range of private conversations to be intercepted; that is it will be easier to obtain warrants for wiretaps; use of wiretaps extended to one year from the usual 2 months and the requirement of telling the suspect about electronic surveillance after it has taken place could be delayed for up to three years.
- Allow for the establishment of a list of terrorist organisations and individuals.
- Allow for the freezing and seizure of assets of terrorist and their supporters.
- Toughen terrorist prison sentences.
- Target hate crimes by creating an offence with a maximum 10-year prison sentence for mischief in relation to religious property.
- Amend the Official Secrets Act and create new offences to counter espionage.
- Grants Minister of Justice power to prohibit disclosure of information for the purpose of protecting international relations, national defence or security.
- Define what constitutes a terrorist activity.
- Allow for the seizure of assets of terrorists and their supporters.

The bill supposedly "… resembles the one U[nited]S[tates] Attorney General John Ashcroft presented to the American Congress on September 24."[7] However, there are important differences to the legislations. The American Bill has a stronger emphasis on protecting civil liberties. That is, Canada's United States counterparts, who are overtly concerned over their freedoms, easily placed time limitation clauses into their legislation. Licia Corbella succinctly writes that "Freedom always trumps security in the United States and it is stronger for it."[8] The Canadian Anti-terrorism Bill grants broad new powers to law enforcement. For example, the power to detain people without charge which means there is no longer a presumption of innocence. It also allows for closed trials for suspected terrorists which translates to, again, no presumption of innocence, no right to legal council and no freedom of the press. As well the Bill grants the power to prohibit disclosure of information, resulting again in no freedom of the press, which specifically has not been considered in either the United States or the United Kingdom. The Bill grants all this without any sort of time limit on the duration of the powers. The Canadian Anti-Terrorism Bill is infringing on civil liberties in a potentially alarming way.

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[6] Peter C. Newman. "The day the war began." Maclean's 24 Sept. 2001: 47.
[7] Sabrina Saccoccio. What does the anti-terrorism bill propose to do? Oct. 2001. CBC. 12 Nov. 2001. <http://www.cbc.ca/news/indepth/us_strikingback/backgrounders/canada_antiterrorlaw.html>.
[8] Licia Corbella. "Special powers spark concern." Comment Section, The Calgary Sun 4 Nov. 2001: 3.

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This new Anti-terrorism Bill is attempting to protect Canadians but it may be providing a convenient way for our government to foray into our civil liberties. When asked in an article about people's rights Sue Gardner maintains, "What are the odds that talk of new restrictions will just fade away as tempers calm? Unlikely. After every major terrorist incident… new anti-terrorism initiatives have been suggested and made their way into law."[9]

Consider that the government has increasingly been centralising control in the Prime Minister's office since Trudeau. "... Chrétien runs things directly from the Prime Minister's Office, with the finance department as the only other major power centre in the federal system. The cabinet is no longer the real repository of political clout. ...It's of some concern. We've moved to a presidential system, without the checks and balances of the presidential system."[10] The Canadian Prime Minister has more power over the nation of Canada than the United States President has over the United States. Appearances can be deceiving, as not a lot of Canadians are aware of this fact. And, although Canada's current agents in office seem to pose little threat, this does not guarantee that future governments will not be unscrupulous with these powers. Recognising the current trend though, it comes as no surprise that our current Prime Minister has no qualms about increasing and keeping power. "... Chrétien told reporters the bill must remain in effect for several years because no one can predict when terrorists may strike next. ... The Prime Minister is reluctant to add an automatic expiry date a so-called "sunset clause" believing it would tie the government's hands down the road. We don't know when terrorism will disappear."[11] Unfortunately the Prime Minister himself helps support these fears. This further illustrates a need to not make haste and to make sure to create checks and balances. It would improve the situation dramatically if a debative democratic approach is taken. The same approach PIPEDA has taken.

The Privacy Act is legislation that guards our civil liberties and was the end result of debate and research. It phases in the changes over time to allow everyone time to adapt, it allows time for people to seriously consider the issue and present their views and it provides safeguards on the use of existing powers. For example, it limits the use, disclosure and retention of personal information. If a corporation ever breaches the Act it will allow individuals to launch investigations via the Privacy Commissioner. The court now has various remedies available to deal with the trials.

In contrast, there is an urgency to pass the new Anti-terrorism Bill. For the most part the usual procedures to drafting a Bill were followed. To recap the steps in drafting a Bill, first a committee comes up with recommendations. Then the committee presents those recommendations. The recommendations are discussed and debated, amendments are made to the potential Bill, and finally the Bill passes through two levels of government, the House of Commons and the Senate. To date, the discussion and

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[9] Sue Gardner. FAQ: What's going to happen to people's rights? Sept. 2001. CBC. 12 Nov. 2001. <http://www.cbc.ca/news/indepth/background/wtc_rightsfaq.html>.
[10] John Geddes. "Business as Usual." Maclean's 8 Oct. 2001: 42.
[11] Northern Light Staff. PM Rejects Senators' call for Terror-Bill Time Limit. 11 Sept. 2001. Northern Light. 11 Nov. 2001. <http://library.northernlight.com/FB20011102580000032.html?cb=0&dx=1006&sc=0#doc>.

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debate of the Anti-terrorism Bill has been rushed. Major amendments of the Bill are not being considered as an option. There is a lot of pressure from our government, other governments and a large majority of our own population to pass the legislation quickly. There has been a lot of valuable discussion but the current environment is demanding to slam through the almost original un-amended version. That is, we want to feel secure in the quickest manner possible, so much so that we may be sacrificing fundamental civil liberties. The Privacy Act is completely opposite in that it followed the recommended process, in a methodical manner, to strengthen civil liberties.

While studying Bill C-36 as compared to George Orwell's book "1984" similarities become apparent. The book created a world where the government had wide ranging powers with few to no restrictions on its use. Personal privacy was virtually unheard of. Surveillance was everywhere. Warrants were non-existent. People disappeared and no questions were asked. Consensus through a discussion of differing opinions was not tolerated. When contemplating the new Anti-terrorism Bill and the powers it grants it is not outrageous to compare 1984's seemingly outlandish circumstances. There are always opposing viewpoints in a debate. In the debate that has occurred around Bill C-36, there are quite a few well thought out arguments criticising the Bill while there is much less coherent arguments for the Bill.

The police believe Canada is becoming more secure as a result of losing the freedoms as outlined in the Bill. Grant Obst, President of the Canadian Police Association claimed:

> Canada must apply a balanced approach that preserves fundamental freedoms for law abiding Canadians, while ensuring that those who choose to live outside our laws cannot use those same laws to seek refuge from detection or prosecution, or to undermine our democratic way of life, states [Grant] Obst [, President of the Canadian Police Association. He also stated that the]...sunset clause ...diminish[es] the required priority, support and sense of readiness, while sending a signal to terrorists that we are returning to a state of complacency.[12]

Law enforcement agencies wish to see strong laws and powers in place so that the job can be done in a quick and efficient manner but they are also concerned about how the government goes about protecting Canada's freedoms. By the same token, The Canadian Bar Association (CBA) thinks that the Anti-terrorism Bill inadequately defines terrorism as well as many of the new powers and offences. For example, the current definition of terrorism could potentially include work stoppages or protests disrupting essential services. They also recommend that our security structures be adequately funded so that existing laws, which they say already do protect us, can be implemented and enforced effectively. Lastly, they recommend that any new powers that infringe on

[12] Northern Light Staff. Police Welcome New Anti-Terrorism Bill, But Warn Government Against Falling Back to Complacency. 1 Nov 2001. Northern Light. 11 Nov. 2001. <http://library.northernlight.com/FB20011101940000375.html?cb=0&dx=1006&sc=0#doc>.

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civil liberties should be limited to the duration of the emergency. Alan Borovoy, General Counsel of the Canadian Civil Liberties Association represents the current political arena with clarity:

> ...[S]ince politicians want to be seen as doing something, they could be tempted to enact new powers even when such action isn't really necessary. The police and intelligence agencies, of course, would be happy to have additional power. (Who wouldn't?) Besides, enacting new laws would create the impression that any intelligence failures have been caused by shortcomings in the law rather than in agency performance.[13]

One thing that is undeniable is that "… [through] our conviction and our urgency to address the evils which became undeniable on September 11, we must ensure that we protect the very values which were, in fact, the real target of the terror -- freedom, justice and the rule of law."[14]

Many of the articles used as research for this paper suggest that intellectuals tend to agree in their concern about the government's approach. "At the heart of this debate is the balance between human rights and civil liberties including privacy, and the intrusion on these rights in the name of public safety. …The balance between security and privacy has never been static, shifting in favour of security whenever faced with significant threats to public safety."[15] We are constantly reminded during our lives that we should always question something that is too good to be true. The Anti-terrorism Bill addresses our immediate threat environment of terrorism, but there is a great risk that these new powers will be used for other purposes. The Bill is too broad and general with little to balance out the wide ranging powers. "Many groups say because the bill is so broad, it is inevitable someone will challenge it in court, likely under the Charter of Rights and Freedoms."[16] In comparison, the balanced approach the Privacy Act took looks far more attractive. Perhaps the Anti-terrorism Bill could take a similar phased approach. It is essential to address the immediate needs of the public at the very least to calm fears but it is equally important to address the need for patience to help reduce legislation error. If broad immediate powers are needed, apply them but give them an extremely short time frame that allows only the immediate threat environment to be dealt with.

As stated previously there is no mention of a time to limit the new powers authorised by the Anti-terrorism Bill. Licia Corbella quoted a powerfully true statement

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[13] A. Alan Borovoy. New Powers Aren't Really Necessary. 12 Oct 2001. Canadian Civil Liberties Association. 11 Nov. 2001. <http://www.ccla.org/news/power.shtml>.
[14] Simmon Potter. Speaking Notes to the House of Commons. 13 Oct 2001. Canadian Bar Association. 11 Nov. 2001. <http://www.cba.org/News/Releases/2001_releases/2001-10-31_Potter_statement.asp>.
[15] Ann Cavoukian. Public safety is paramount – but balanced against privacy. 21 Sept 2001. CBC News. 11 Nov. 2001. <http://www.cbc.ca/news/indepth/usattacked/essay_privacy.html>.
[16] CBC News Online staff. Critics say anti-terror bill goes too far. 16 Oct 2001. CBC News. 11 Nov. 2001. <http://www.cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2001/10/15/civil_lib011015>.

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that "… [p]eople who are given powers under legislation are loath to see them disappear."[17] This seems obvious but could be overlooked in this turbulent time. People are scared and rightly so. They know they have a lot to lose. Terrorists are invasive as they seek to create terror. When people are in terror, they have great potential to over-react. A convincing argument, that places this fear in a better light, was that the fear of terror has infringed on our individual liberties. It is easy to feel this terror and it is easy to relate to this opinion. People want safety from terror but it is unclear whether they have sufficiently considered the consequences. The privacy debate has taken about 7 years for a Bill to be created but Canadians want to create the Anti-terrorism bill in one month and have it passed right away. Entertaining a sunset clause makes sense when factoring in the possibility that we may be making rash decisions and that governments are loath to give away power.

> One guiding principle should be evident and unassailable: restrictions to established basic rights and freedoms are justified only if they are necessary ultimately for the sake of those very same rights and freedoms. Any retreat from this principle signals a retreat from what we have accomplished as a society, from what is arguably our most remarkable moral and cultural contribution to history, one that has been bought not only with the most careful thought and effort but with great personal sacrifice as well. ... [R]estrictions on basic rights and freedoms must be no greater than are reasonably necessary to address the problems at hand. In this respect, the onus is clearly on the government to demonstrate where existing institutions of law enforcement are inadequate to protect our basic institutions of rights and freedoms.[18]

There is no guarantee that the government will become more responsible with new powers and there is no other way to test-drive the new powers without a sunset clause. Our government needs to have the means to react but not by losing the foundations of our society.

"But we mustn't let the pendulum swing too far the other way. Why? Because history proves that we have far more to fear from governments with too much power than from groups of terrorists - no matter how effective they are. The governments of Stalin, Hitler and Mao murdered more innocents than any terrorist ever could."[19] Licia Corbella expresses some very sound advice. We must learn from history instead of repeating it. The multimedia presentation "Check Your Head" defines privacy, freedom and security as "[w]ords linked to rights and liberties, they help define what it means to live with others in society. Words whose meanings also become relative in times of war. "[20] In the audio portion they ask themselves whether they are willing to sacrifice their

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[17] Licia Corbella. "Special powers spark concern." Comment Section, The Calgary Sun 4 Nov. 2001: 3.
[18] John Russell. "Speaking Notes on Federal Anti-Terrorism Proposals, Bill C-36." 30 Oct 2001. http://www.bccla.org/othercontent/01antiterrorism.html (12 Nov. 2001).
[19] Licia Corbella. "Special powers spark concern." Comment Section, p.3. The Calgary Sun. (4 Nov. 2001).
[20] Various contributors. Check Your Head. 27 Sept 2001. 11 Nov. 2001. <http://www.120seconds.com/index.cfm?movie=606>.

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civil liberties for increased security. Their answer is no. It is not worth giving up. The world without them would be much worse.

In a situation which demands debate it is difficult to not have opinions. Sitting and watching a Remembrance Day television show regarding Canada's contribution to World War II, it was hard not to think of the great sacrifice made, not only by Canadians, but many nations. World War II was fought for civil liberties. There is no way to predict if the current fervour for an end to terrorism despite the costs, will end up to be the beginning in the decline of our civil liberties. If this opens the door to an end of civil liberties as we know them, there is no way to say that this will not end within our own borders. Perhaps this could lead to a struggle to overthrow a government that no longer represents the interests of the people. It may appear to be a bleak outlook from the vantage point of the comfortable existence which North Americans enjoy. In such an environment it does not take much to scare people into rash decisions forgoing the long term. Canadians, in deciding to pass Bill C-36, would be permanently losing freedom of the press, presumption of innocence and a right to a fair trial to name just a few.

In historical perspective World War II was a war against Nazism. Many nations lost a tremendous amount of lives to retain essential freedoms that were being forcibly taken. The events of September 11th, while not as extreme as World War II, are serious and need to be addressed by Canada, but only in a responsible and balanced manner. The Anti-terrorism Bill is rushed and neglecting to focus on the importance of our Charter of Rights and Freedoms. Our government and Canadians are overlooking a fundamental goal of security. Protecting our country should not come at the cost of losing parts of the basis of our society. Increasing public safety is important but it should not be at the expense of what our nation has, in the past, fought to protect: our civil liberties. The Canadian government should be following due-diligence to make sure that these civil liberties are protected. Finally Canadians must recognise that security involves risk mitigation. That is, the risk can be reduced but cannot be eliminated. Security measures exist that can be taken or else strengthened to reduce the risk to an acceptable level without loss of civil liberties.

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Appendix A – Protecting Your Personal Privacy

Citizens do not have to be helpless in their search for privacy. There are many tools available to keep privacy. Some of the tools available can be used to protect privacy during journeys through the Internet. Identity Scrubbers allow users to remain anonymous on the Internet (e.g. Incogno SafeZone [www.incogno.com] and Anonymizer.com). There are even tools that allow users to send e-mail that self-destructs after it is read or at a pre-determined time (www.disappearing.com). Of course, whenever there is talk of privacy, it inevitably leads to encryption. There are various publicly scrutinised encryption algorithms that are based on well-known intractable or unsolveable mathematical problems. It is these math problems that make encryption hard to break. Also, it is important that publicly scrutinised algorithms are chosen as it is less likely that some secret government agency has solved them. Because the government is unable to crack the code and read the encrypted data, law enforcement agencies have suggested a "key recovery" scheme. That is, allowing law enforcement agencies to have a copy of every key in case they need to intercept communications. However, this is a large issue and another full paper would be needed to fully discuss this. The more proprietary and unscrutinised an algorithm, the less a person should trust it for privacy. That being said there are a number of devices to encrypt voice transmissions or digital transmissions. One of the most well known digital tools is PGP (Pretty Good Privacy [www.pgp.com]). Using PGP we can encrypt emails and files. It is in wide spread use and is generally thought of as a good method for keeping digital transmissions private. Of course, the easiest way to intercept transmissions is either at their source or destination, when presumably they will be unencrypted. This means that it is important to make sure that both ends are secure as well as the transmission. You can visit any "spy" type store to find interesting devices available to the public for physically scanning for listening devices. Some of these devices are Video Camera Detectors or Telephone Tap Detectors (www.spy-central.com). In the digital realm there are numerous scanning devices called "Vulnerability Scanners", "Anti-Virus Scanners" and "Intrusion Detection Systems". But, after sanitising the area, it is also important to worry about authenticating individuals so as to maintain the clean area for as long as possible. Digitally, authentication systems challenge the user for an ID and password. Additionally, physical devices can be coupled with the authentication system to further strengthen a positive match. Physical devices such as ID cards, face recognition software, or retina scanners are used to this end. But, as with all such devices, there is no way to know that the government has not implemented some device to over-ride the system. Many books are written on the subject of privacy. Hopefully this short overview can help the reader progress to greater personal security.

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Appendix B - Canadian Standards Association's "Model Code"

(1) **Accountability.** A business is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the business's compliance with the 10 principles.
(2) **Identifying Purposes.** The purposes for which personal information are collected shall be identified by the business at or before the time the information is collected.
(3) **Consent.** The knowledge and consent of the individual are required for the collection, use or disclosure of personal information except where inappropriate.
(4) **Limiting Collection.** The collection of personal information shall be limited to that which is necessary for the purposes identified by the business. Information shall be collected by fair and lawful means.
(5) **Limiting Use, Disclosure and Retention.** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.
(6) **Accuracy.** Personal information shall be accurate, complete and up-to-date as is necessary for the purposes which it is to be used.
(7) **Safeguards.** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
(8) **Openness.** A business shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
(9) **Individual Access.** Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information.
(10) **Challenging Compliance.** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the business's compliance. The substantive requirements of Part 1 regarding the collection, use and disclosure of personal information are based directly on the above principles.[21]

[21] Keenan Moroz. The Personal Information Protection and Electronic Documents Act: Canada's Private Sector Privacy Law. Macleod Dixon LLP. 12 Nov. 2001. <http://www.macleoddixon.com/04public/Articles/PIPEDA.pdf>.

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