

NEWS RELEASE
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BC privacy law identified as trade barrier by US Trade Representative

BC government claims no records of phone call with USTR, or complaints from American companies, contrary to US FOI records

VANCOUVER, B.C.—The United States Trade Representative has identified BC's *Freedom of Information and Protection of Privacy Act (FIPPA)* as a trade barrier but the BC government claims it doesn't have any records of complaints or communications with the USTR (see page 60-61).

<http://www.ustr.gov/sites/default/files/2013%20NTE.pdf>

The BC Freedom of Information and Privacy Association has obtained internal USTR documents through the American Freedom of Information Act, and those documents show that major US companies (Rackspace/Salesforce) complained to the USTR about BC's requirement that government and other public sector data be stored in Canada.

http://fipa.bc.ca/library/Released_through_FOI/USTR%20TPP.pdf

The USTR documents also show a call scheduled between a senior USTR official and the Ministry of Citizens' Services in February 2012 to discuss the issue.

However, the BC government responded to FOI requests asking for records related to either the complaints or the USTR call by claiming it has no records related to either.

"I don't know which is more disturbing," said BC FIPA Executive Director Vincent Gogolek, "the USTR calling our privacy law a trade barrier or the BC government claiming to have no records related to discussions with the USTR or US companies. The BC government has to come clean on what they have been telling the Americans on this issue."

The documents indicate that the USTR was proposing data could be stored in the US, but encrypted with the key held in Canada. There is no indication of the Canadian or BC governments' reaction to this proposal, which on the face of it seems to violate *FIPPA*.

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