



BC FREEDOM OF
INFORMATION
AND PRIVACY
ASSOCIATION

May 29, 2008

The Right Honourable Stephen Harper
Prime Minister of Canada
Langevin Block
Ottawa, Ontario K1A 0A2

Dear Prime Minister:

Re: The Anti-Counterfeiting Trade Agreement

In the past few weeks, Canadians have become aware that secret or 'closed-door' negotiations are in progress on an international treaty called the Anti-Counterfeiting Trade Agreement (ACTA). The issues under consideration are vital to Canadians, and indeed to most of the wired world. We write today to urge your government not to sign this agreement or draft any consequent legislation until all Canadians who are concerned are thoroughly informed and consulted about the agreement and its implications.

When and if ACTA is adopted by Canada, the repercussions will be significant. Border crossings will involve specially-designated officials whose purpose is to uncover possible copyright violations with respect to such media and technologies as laptop computers, CDs, DVDs, iPods, and more.

Within countries, ACTA officials will have special powers to carry out searches, granted *ex parte*, in order to discover possible copyright violations. Internet service providers will be expected to supply information about the Internet and Website activities of individuals to determine whether or not copyright violations, as defined under ACTA, have occurred. As a result, there could be a substantial change in the nature of Canadians' Internet activities.

Please note that up to now, there has been little if any input from concerned Canadians, including consumer, privacy and Internet advocates. Given the extraordinary impact of the proposed agreement, Canadians surely must be given the opportunity to express their concerns. Such an opportunity is all the more necessary because a trade agreement such as ACTA may not be debated in Parliament. If not there, how then will the views of Canadians be heard on such an important issue? We look to you, Prime Minister, to make a decision.

We wish to acknowledge the outstanding work of the Canadian Internet Policy and Public Interest Clinic (CIPPIC) on this issue. For the record, we strongly endorse the arguments presented in their submission of April 30, 2008 to Foreign Affairs and International Trade Canada, Consultations and Liaison Division.

Canadians must be given the opportunity to express their views before ACTA is adopted. We urge you and your government to provide such an opportunity, and we look forward to taking part.

Yours sincerely,

Prof. Richard Rosenberg
President
B.C. Freedom of Information and Privacy Association

cc. Hon. Stephane Dion, Leader of the Opposition
Hon. Jack Layton, MP
Mr. Gilles Duceppe, MP
Hon. David Emerson, Minister of Foreign Affairs
and Minister of International Trade
Hon. Stockwell Day, Minister of Public Safety
Hon. Jim Prentice, Minister of Industry