



October 12, 2007

Customer Name and Address Information Consultation  
Public Safety Canada  
16C, 269 Laurier Avenue West  
Ottawa, ON, K1A 0P8

Dear Sirs/Mesdames:

**Comments on the Customer Name & Address consultation document**

The BC Freedom of Information & Privacy Association (FIPA) would like to present its position regarding the Government's Customer Name & Address (CNA) consultation document. FIPA has previously commented on similar proposals, first known as "lawful access" and then "modernization of investigative techniques", and our last submission is [attached for your consideration](#). Our position remains unchanged.

It was with some surprise that we learned of the Government's new consultation on an old proposal. We were initially dismayed that the consultation was to happen behind closed doors, but were pleased when the Minister of Public Safety opened the consultation to the public.

We are also buoyed by the Minister's unequivocal statement that the Government has no intention of expanding police access to personal information without a warrant. However, while the Minister's statements are positive, we remain troubled because the CNA consultation document contradicts the Minister's stated position.

FIPA wishes to echo the broad concerns of other civil liberties and privacy advocates, and draw the Committee's attention to specific elements of our earlier submissions that are relevant to the CNA proposal. Here are our main concerns:

1. The CNA consultation document states, as previous consultation documents have stated, that: "The objectives of this process are to maintain lawful access for law enforcement and national security agencies in the face of new technologies, while preserving and protecting the privacy and other rights and freedoms of all people in Canada."

The problem is that the proposals go beyond maintaining existing powers in order to cope with new technology. This is not a proposal which merely provides investigative powers in the virtual world that are parallel to those in the real world.

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The CNA proposal would actually *lower* the threshold currently required to obtain Canadians' personal information and expand the areas in which law enforcement agencies may intrude into the lives of individuals.

2. The consultation document provides no concrete evidence to support the claim that new technologies present challenges to investigations. Nor does it provide evidence to suggest that the expanded powers will in any way improve law enforcement agencies' ability to investigate crimes or prevent terrorist activity, though it implies this.

Furthermore, internet access has been widely available in Canada for over a decade and cell phone service for even longer. These can hardly be considered new technologies that present new challenges.

3. The consultation document attempts to equate the sensitivity of personal information such as a phone number or address with the sensitivity of an IP address. The two are not equivalent. While the IP address can be described, for the purposes of illustration, as an address in the virtual world in the same way that a street address is an address in the physical world, the comparison is quite superficial.

The important difference between an address in the physical world and an address in the virtual world is not well understood by most people. Whereas an individual's address does not reveal anything about where the individual goes or what they do in their private lives, the IP address has the potential to reveal all these things. For this reason, law enforcement access to IP addresses is a rather invasive proposal.

FIPA would like to thank the Committee and the Minister for the opportunity to participate in this consultation. At the same time, we have participated in several consultations on lawful access and its cousins, and are troubled that the subject continues to re-emerge. We remain opposed to all these proposals and we hope that they will not be resurrected in the future.

Sincerely,

ORIGINAL SIGNED BY

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Professor Emeritus, Dept. of Computer Science  
University of British Columbia

Cc: Hon. Stockwell Day,  
Minister of Public Safety