

Ottawa Statement on Mass Surveillance in Canada

We are entering an age of big data and ubiquitous surveillance. We know:

- That governments and private corporations routinely collect and sort massive amounts of personal data for multiple reasons from national security to marketing;*
- That there is extensive targeting and profiling of individuals and groups on grounds of race and ethnicity, political and religious views, social class, age, gender, sexual preference and disability;*
- That Canadian privacy and data protection laws and regulations are regularly bypassed, undermined or broken, and are inadequate for dealing with information and privacy rights in the age of big data and ubiquitous surveillance.*

We the undersigned are agreed:

1. That all levels of government in Canada must fully respect the Canadian Charter of Rights and Freedoms including the right to privacy, freedom of thought and expression, freedom of association and peaceful assembly, and security against unreasonable search and seizure.

2. That all proposals for changes to information and privacy rights must be presented, justified and debated in a transparent manner. No changes to information and privacy rights and statutory privacy law should ever be embedded in omnibus bills or otherwise hidden in legislation relating to other issues.

3. That the extension of 'lawful access' regimes allowing government bodies to collect and/or purchase and store personal data without specific judicial permission, should be halted. All such proposed changes must be subjected to tests of necessity, proportionality, minimality and effectiveness, with the burden of proof being on the government. In addition, security vulnerabilities in communications systems must be addressed and fixed rather than exploited by government agencies.

4. That the powers of provincial and federal privacy commissioners should be commensurate with the quasi-constitutional status of privacy law. Commissioners should have extended powers and appropriate financing and staffing, to initiate investigations, as well as react to complaints, and prosecute and fine state bodies and private companies for breaches of that law.

5. That all state security, intelligence, policing and border agencies must be brought fully under proper legal regulation, judicial authorization, transparency and democratic accountability. While it is necessary for the government to have some secrets and conduct some secret activities, this does not mean that these should be governed by secret law or exceptions from law. In particular:

- That government agencies must fully disclose the legal definitions of the terms employed for surveillance, the kind of data they gather and the full justifications for surveillance and data gathering.*
- That the government must publically acknowledge all secret international security treaties, agreements and memoranda that require the sharing of personal data, affect free movement and personal security, or place Canadian state surveillance in the service of other sovereign states, international agencies or the private sector.*
- That the government must implement the recommendations of the O'Connor Inquiry into the case of Maher Arar¹ including the introduction of integrated oversight and review mechanisms.*

6. That negotiations for all new international treaties, agreements and memoranda, including international trade agreements, which might affect information and privacy rights, must be transparent, consistent with the Canadian Charter of Rights and Freedoms and privacy law, subject to parliamentary and public scrutiny, and if necessary referred to the Supreme Court.

7. That a full, transparent and participatory public process must begin to create a comprehensive legal framework for information and privacy rights and freedoms, built on the Canadian Charter of Rights and Freedoms and acknowledging the United Nations' reaffirmation of privacy as a fundamental human right.²

Signatures:

Prof. David Murakami Wood, Dr. Jonathan Obar, Prof. David Lyon, Prof. Ron Deibert, Prof. Michael Geist, Prof. Andrew Clement, Prof. Leslie Shade, Prof. Benjamin Goold, Dr. Monia Mazigh, Prof. Cindy Blackstock, Dr. Yasmeen Abu-Laban, Prof. David Grondin, Prof. Lisa Austin, Prof. Colin Bennett, Prof. Elena Razlogova, Prof. Christine Bruckert, Prof. Gabriella Coleman, Dr. Andrea Slane,

¹ Security Intelligence Review Committee, [Report of the Events Relating to Maher Arar, 2006](#).

² UN General Assembly Resolution, [Right to Privacy in the Digital Age, 2013](#).

Prof. Teresa Scassa, Prof. David Phillips, Prof. Maritza Felices-Luna, Prof. Martin French, Prof. Ian Goldberg, Prof. Randal Marlin, Prof. Laureen Snider, Prof. Valerie Steeves, Prof. Lori Stinson, Prof. Bryan Sacks, Prof. Dwayne Winseck, Prof. Benjamin Muller, Shawna Finnegan, Nadim Kobeissi, Sharon Polsky, Steve Chapman, Mathieu Gauthier-Pilote, Annette DeFaveri, Philippe Frowd, Dr. Brenda McPhail, Jennifer Barrigar, Ozgun Topak, Dr. Adam Molnar, Elizabeth May MP, Prof. Karim Benyeklef, Prof. Stephane Leman-Langlois, Prof. Serge Proulx, Jacob Appelbaum, Bill Robinson, Prof. Peter Jones.

International Civil Liberties Monitoring Group, OpenMedia.ca, B.C. Civil Liberties Association, National Council of Women of Canada, Surveillance Studies Centre at Queen's University, Amnesty International Canada, Canadian Internet Policy and Public Interest Clinic, FACIL, Privacy and Access Council of Canada, National Council of Canadian Muslims, Privacy International, North American Association of Independent Journalists, Free Dominion, B.C. Library Association, B.C. Freedom of Information and Privacy Association, Pirate Party of Canada, Canadian Civil Liberties Association, Green Party of Canada, Ontario Humanist Society, John Wunderlich & Associates, Inc, Canadians Defending Democracy, Canadian Gamers Organization, TagMeNot.

Transparent Lives:

This statement was originally crafted on the occasion of the launch of the book [Transparent Lives: Surveillance in Canada / Vivre à nu: la surveillance au Canada](#), at the ['Politics of Surveillance Workshop'](#). This event brought together in Ottawa, Canada, May 9-10, 2014, an international group of academics and advocates to debate the various political, legal, social and technological strategies for challenging mass surveillance, protecting civil liberties and advancing democratic rights.