

Info Policy News: Issues to Watch in 2011 & Facts about Wikileaks

By Devon Greyson

Hot Topics on the Horizon

The BCLA Information Policy Committee welcomes a new year that promises to provide us with no shortage of fascinating info policy news. Several issues we followed in 2010 remain up in the air as we enter 2011. Some of these will be resolved in one way or another in the coming year. The following is a sample of some issues to keep an eye on in 2011.

The 2011 Census

The national census of the population of Canada will take place in May. As of now, while the private member's bill to reinstate the mandatory long-form has passed second reading in the House of Commons, the official plan is still for a voluntary long form and mandatory short form with added questions about language.

At the same time, a Saskatchewan woman has just been convicted of breaching Canada's census law by refusing to complete her mandatory 2006 census. At the time of writing, sentencing has not yet occurred, but it seems fair to assume that the policy kerfuffle over the 2011 census is far from over.

Lawsuit: Crookes v. Newton

Another information policy lawsuit to watch in the coming year is *Crookes v. Newton*. Vancouver businessman Wayne Crookes is alleging that hyperlinking is not merely analogous to citation, but rather endorsement or republication.

This case, currently before the Supreme Court of Canada, is one that questions the fundamental nature of the Internet and the use of hyperlinks by millions of people around the world. Due to the importance of this question, the Canadian Internet Policy and Public Interest Clinic at the University of Ottawa (CIPPIIC) has been granted intervener status. The IPC is among the many who will be watching for a ruling on this significant case.

Copyright & Lawful Access Legislation

Bill C-32, the "Copyright Modernization Act," is currently before a House legislative committee, which is soliciting feedback from Canadians through the month of January. While few dispute that the 1997 copyright legislation is considerably outdated, there remains a lack of consensus that this C-32 is fully addressing concerns. This is especially evident related to provisions about fair dealing and digital locks. Copyright bills C-60 (2005) and C-61 (2008) failed to pass.

Will C-32 bring a change, or will it be back to the drawing board once more for Canadian copyright legislation? We can expect to find out in 2011.

Another recurrent issue in Parliament, lawful access was also reintroduced by the government in 2010, under the name "Investigative Powers for the 21st Century Act." This bill C-51 has only had one reading to date, but the fact that similar legislation has been proposed at least twice before (2005's C-74 and 2009's companion bills C-46 and C-47) indicates that the issue is unlikely to fade away anytime soon.

As explained in a previous Info Policy News column, "lawful access" refers to the expansion of permissions for law enforcement agents' warrantless interception of communications and user data from communications providers such as ISPs.

Wikileaks

A rapidly evolving issue to watch in 2011 is the set of debates surrounding Wikileaks. In addition to being a major influence on the news media in 2010, the Wikileaks phenomenon has raised multiple issues around free expression, media democracy and censorship.

The IPC hopes to offer an educational salon on Wikileaks in the upcoming months, so please watch our email list for announcements regarding date and time of this community event.

5 Facts About Wikileaks

1. According to its homepage, Wikileaks is "a non-profit media organization dedicated to bringing important news and information to the public."
2. The most famous leaks Wikileaks has released/published are the "Collateral Murder" video (April 2010), Afghan and Iraq War Logs (July & October 2010) and a series of diplomatic cables (November 2010).
3. It's a matter of debate whether anything Wikileaks has done could be considered to be illegal in various countries.
4. In December, the US Library of Congress blocked access to Wikileaks on all its computers, due to an interpretation of US law obligating federal agencies to protect classified information.
5. Wikileaks is not a wiki (anymore – it started in wiki format in 2006).

For more information on Wikileaks, try:

- Jonathan Zittrain's "Wikileaks FAQ":
<http://futureoftheinternet.org/wikileaks-cable-faq>

- Alexis Madrigal of *The Atlantic's* "Beginner's Guide to Wikileaks":
<http://www.theatlantic.com/international/archive/2010/12/the-beginners-guide-to-wikileaks/67705/>
- Wikileaks itself, currently found at:
<http://wikileaks.ch/> (among other places)

About the Information Policy Committee

The BCLA Information Policy Committee (IPC), a standing committee of the British Columbia Library Association, aims to advance and preserve access to information, and to advocate for the public interest in government decisions relating to information policy.

Any BCLA member is welcome to join the IPC's activities. For more information, join our listserv by using the BCLA website listserv management tool here: <http://www.bclibrary.ca/listservs/bcla/>

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