

Info Policy News: New Co-Chairs and a Salon on Lawful Access

By Joseph Haigh.

New Information Policy Committee (IPC) Co-Chairs

This fall, after two years leading the IPC, Carla Graebner and Devon Greyson handed on co-chairing duties to Heather Morrison and Shawna Kristin.

Carla and Devon oversaw the committee during a very busy period, keeping us informed, engaged, and active. This was a time of anticipated changes in copyright law and the collection of census data, repeated promises of Lawful Access legislation, and a review of the BC Freedom of Information and Protection of Privacy Act (FOIPPA), for which BCLA submitted [a brief](#). These are but a few of the information policy issues that Devon and Carla kept the committee on top of during the last two years.

With information policy issues continuing to make the news on an almost daily basis, Shawna and Heather take us into what promises to be an eventful time.

Lawful Access: An Information Policy Salon with Vince Gogolek (Executive Director, BC Freedom of Information and Privacy Association)

On October 14, the IPC hosted its latest information policy salon. After a potluck dinner, Vincent Gogolek, Executive Director of the BC Freedom of Information and Privacy Association (BCFIPA), spoke about Lawful Access: its history in the Canadian House of Commons, recent activism that has brought it under growing public scrutiny, and why it poses a serious threat to privacy. After discussion between Vince and the group, we enjoyed some freshly baked apple pie and further conversation about information policy. The salon was an excellent opportunity to learn, critically engage with topics relevant to libraries and information professionals, and make new contacts. If you are curious about information policy (no matter what your level of background knowledge), don't be shy about attending the next one!

Below is a synopsis of Vincent Gogolek's talk:

Lawful Access refers to legislation granting law enforcement officers the ability to obtain information about internet users' online activity from Internet Service Providers (ISPs) without a warrant. Gogolek noted that while this information does not include the contents of email, it does include things like names, email addresses, IP addresses and online activity such as use of online chat rooms. In its past versions, the legislation has not required ISPs to retain all data for all users. Rather, it will enable officers to order retention for targeted individuals in order to build a digital persona based on things such as associations with others online.

Lawful Access legislation was expected to return to the House of Commons this fall as part of the Government's omnibus crime bill, but the legislation was left out. Gogolek argued that its omission shows that initiatives like the [Stop Online Spying](#) campaign mounted by OpenMedia.ca can have an effect, despite a widespread sense that there is nothing to be done about the legislation.

Gogolek emphasized that this news represents a victory of the public interest for a couple of reasons. First, the Stop Online Spying petition (signed by over 70,000 people) showed that there was widespread opposition to the legislation across ideological lines. This will make it harder to pass the legislation without extensive debate. Secondly, if the legislation is introduced on its own, rather than as part of an omnibus bill, there will be more debate of Lawful Access itself (as opposed to considering it within a larger crime bill). This also means there may be more public exposure to the legislation's details and motivations.

The public outcry adds to opposition by Canada's privacy commissioners. In March 2011, the federal privacy commissioner and all provincial privacy commissioners wrote [a letter](#) criticizing the appropriateness of the powers being sought. They noted that the proposed measures go far beyond abilities necessitated by new technology. Rather than *maintaining* investigative powers in the face of

technological change, Lawful Access significantly increases them.

The problem, Gogolek said, boils down to one of excessive surveillance and record retention. The risks include ISP customers' activity being permanently and indiscriminately archived if this is more convenient for the ISPs. This then creates a risk of pools of data that may be exploited by hackers. Past legislation has also embodied a dangerous type of sweeping security: it inevitably leads to mistakes that can be very costly to the individuals affected and can lead to more invasive techniques of catching such mistakes (for example, body scanners). Another detail to pay close attention to is oversight: will it only be federal, or will there be oversight of local police forces?

For these reasons, it should be counted as a victory that any future Lawful Access bills will be properly debated on their own.

Gogolek noted that there has been a "carve-out" protecting libraries in past versions of the legislation.

Yet, one may still have been left wondering: how exactly will library use be protected from extreme surveillance in the era of services like e-books and m-libraries? And will this exemption be framed in a way that protects privacy and intellectual freedom regardless of inevitable technological change in the future?

More on Lawful Access:

- Joint letter from BCFIPA and other groups to the Prime Minister:
http://fipa.bc.ca/library/Letters/Ltr_to_Harper_Re_Lawful_Access-Aug_9_2011.pdf
- BCLA Resolution on Lawful Access:
<http://bit.ly/pj1Qno>
- The mini-documentary "(Un)lawful Access":
<http://openmedia.ca/screening>

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