

Info policy news: Online privacy, copyright legislation, and more

By Joseph Haigh.

Privacy (and the Public) in the News

If there has been a theme in the steady stream of info-policy-related news since last issue's column, it has been that a large portion of the public cares about information policy and the internet.

A case in point is privacy. Sometimes portrayed as a concern strictly for curmudgeonly luddites, online privacy is clearly valued by the public. This was made clear by the amount of attention paid to Google's new privacy policy and the flurry of protest over the latest version of Lawful Access legislation (see the "5 Facts").

If there is any doubt that the public *should* care about privacy in our rapidly changing times, readers may be interested in checking out the BC Civil Liberties Association's recently released "Electronic Device Privacy Handbook": <http://www.bccla.org/othercontent/Electronic-devices.pdf>. It features tips for travelers on personally managing the information they carry with them across the border (in some respects resembling the advice on online privacy many libraries have begun offering their communities). But the handbook also raises consciousness about the sheer volume of personal information that can easily be accessed on portable devices - and the effect this can have on human dignity - if we do not take privacy protection seriously. Privacy protection is a matter of both personal practice and public policy.

Bill C-11 (Copyright)

As this column goes to press, committee hearings on amendments to Bill C-11 (the currently proposed copyright legislation) are coming to an end, with revisions to the bill to be made in the following week.

The main library-related issue in the new legislation has been the extent to which digital lock provisions would negate new, more broadly defined fair dealing exemptions for uses such as education. However, as reported by Michael Geist (<http://tinyurl.com/7zxsnbr>) and Howard Knopf (<http://tinyurl.com/83733wq>), the hearings have seen

a great deal of lobbying aimed at narrowing or eliminating the fair dealing exemptions themselves.

In addition, Geist has gone so far as to liken some of the proposed revisions to the U.S. Stop Online Piracy Act (SOPA). Like SOPA, which has now gone into limbo in the face of public protest, proposed revisions would allow the takedown or blocking of websites without judicial oversight. The call for such mechanisms is obviously a concern for those interested in the promotion of intellectual freedom and an internet governed with a view to the open circulation of information.

(For a provocative glimpse of some of the broad information policy/internet governance issues that could be at stake, readers may be interested in watching the lively panel discussion TVO aired during the SOPA fall-out: <http://ww3.tv.org/video/171777/piracy-and-wild-wild-web>.)

By the time this edition of "Info policy news" comes out, the revisions to the bill will be all but decided. However, even if the worrisome revisions noted by Geist do not make it into the new act, the struggle to define copyright law will no doubt continue as it is applied in court.

Five Facts about Bill C-30

Bill C-30, the Protecting Children from Internet Predators Act, is the latest incarnation of proposed legislation commonly known as "Lawful Access." Lawful Access concerns the powers granted to law enforcement officers to request records of individuals' online activity from Internet Service Providers (ISPs). The bill's introduction in the House of Commons on February 14 (and controversial remarks by Vic Toews, who introduced it) provoked such a strong public reaction that it has been sent to committee for amendments. Below are five brief facts about the legislation, followed by links to further information.

1. An Angus Reid public opinion poll found that 68% supported the measure of "allowing police to get warrants to obtain information transmitted over

the Internet and data related to its transmission, including locations of individuals and transactions."

2. At the same time, the Angus Reid poll found that a nearly equal percentage (64%) disapproved of "requiring telecommunications providers to disclose, without a warrant, six types of identifiers from subscriber data (name, address, telephone number, email address, IP address and Local service provider identifier)." (More findings from the poll available here: <http://tinyurl.com/79cmja3>).
3. The bill does not stipulate that ISPs provide access to the contents of email exchanges.
4. However, as noted by Michael Geist: <http://www.michaelgeist.ca/content/view/6331/125/>, the bill does not positively protect such information either, granting ISPs the ability to voluntarily preserve and surrender it. Adopting a "risk-averse" strategy, many ISPs may thus choose to err on the side of preserving more personal information than the bill strictly requires.
5. Ontario Information and Privacy Commissioner Ann Cavoukian has stated that collecting the mandatory data points, including IP addresses, is enough to build a digital profile of web activity and online associations, which in itself presents a risk of privacy infringement (<http://www.itbusiness.ca/it/client/en/home/news.asp?id=65849>).

More on Bill C-30 and Lawful Access:

- BCLA's 2005 Resolution on Lawful Access: <http://tinyurl.com/6rrkhxh>
- Text and Status of Bill C-30: <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&billId=5375610&Mode=1>

- Freedom of Information and Privacy Association (FIPA), "FIPA Update: Conservatives Hit Hard by Backlash against Online Spying Bill": http://www.fipa.bc.ca/library/Publications/FIPA_Update-March_2012.pdf
- Open Media, Stop Online Spying Campaign Resources: <http://openmedia.ca/stopspying/resources>
- Joseph Haigh, "Lawful Access: An Information Policy Salon with Vince Gogolek" (in Fall 2011 "Info Policy News"): <http://bclabrowser.ca/index.php/browser/article/view/332/414>
- Devon Greyson, "Five Facts About Lawful Access" (in Fall 2009 "Info Policy News"): http://bclabrowser.ca/index.php/browser/article/view/105/pdf_2

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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