



November 14, 2016

**To: The Standing Committee on Public Safety and National Security
Brief submitted by the British Columbia Library Association**

In 2015, the Liberal Party campaigned on a promise to "... repeal the problematic elements of Bill C-51, and introduce new legislation that better balances our collective security with our rights and freedoms." The British Columbia Library Association (BCLA) appreciates the Government of Canada's willingness to engage with Canadians to help inform changes to national security tools, including those introduced in the Anti-Terrorism Act (ATA) of 2015.

We are concerned, however, that the National Security Green Paper "Our Security, Our Rights - 2016" signals the Government of Canada's intent to expand surveillance, curtail freedom of expression and inhibit oversight. BCLA has been, and continues to be, on record as objecting in the strongest possible way to the erosion of the rights and freedoms of all Canadians.

RE: Investigative Capabilities in a Digital World

Data retention is a liability that increases over time. Any requirement to preserve personal information for an extended period multiplies the risk that information could be leaked, misplaced or stolen, impacting Canadians' privacy as well as their security. Protection of privacy is central to all public library mandates; without these assurances, public confidence in the safe and secure access to information is threatened. The right to access information is fundamental to the public's engagement in the democratic process. Data preservation orders that require Internet service providers to store and save existing data specific to a transaction or client should exist only subject to full judicial review. As an association, we cannot support any new requirements for data retention.

Further, the proposal that Internet service providers (ISPs) will be required to ensure that their computer systems have the technical capability to provide access to law enforcement and national security agencies is deeply problematic. This puts an undue burden on ISPs and discourages diversity in the provider ecosystem.

BCLA is concerned that the Government of Canada appears to support the belief that digital technology constitutes an impediment to legally accessing content that may assist with an investigation. Procedures already exist enabling law enforcement agencies, employing due diligence essential to an accountable government, to access digital content subject to an investigation. We believe these procedures are sufficient and do not support expanding access laws.

RE: Oversight

While we appreciate the Government's introduction of new bodies of oversight, we note that several existing bodies, such as the Privacy Commissioner, have the ability to scrutinize. They do not have a mandate to enforce compliance. The ability for oversight bodies to compel action is critical to oversight effectiveness. What, if any, authority will these new bodies have to act?

RE: Freedom of Expression

Suite 150 - 900 Howe Street, Vancouver BC, Canada V6Z 2M4
Tel: (604) 683-5354 Fax: (604)609-0707
office@bcla.bc.ca www.bcla.bc.ca



Freedom of expression is one of the fundamental freedoms of the Canadian Charter and is a core library value. We are encouraged that the Government of Canada is carefully considering how changes in security law might impact this vital right. However, references to freedom of speech in the Green Paper indicate this right may be further curtailed. Canada currently enjoys strong legislation against counselling acts of violence and regarding hate speech. BCLA urges the Government of Canada to refrain from any further limitations on freedom of expression.

RE: Encryption

Encryption is one of the best tools that businesses, organizations and the public have to protect the security of their own personal information and communication. Encrypted communication is used by investigative journalists to carry out their work and for business to protect against intellectual property theft. Limits to encryption could have unintended consequences such as negative impacts to free expression and the intellectual property of Canadians in the business, academic and social sectors.

The changes proposed in the Green Paper are profound. We urge you to consider that powers implemented now will not only be used by this government but also by subsequent governments. New powers, such as those proposed, are very rarely repealed. Please consider our concerns as those which impact the core values of the Canadian library sector and the millions of people we serve each year. This is an opportunity to shape the current government's legacy so that it is remembered as an administration which defended rights and freedoms and protected them for future generations.

Sincerely,

A handwritten signature in black ink that reads "Daphne Wood". The signature is fluid and cursive, with a long horizontal line extending to the right.

Daphne Wood
President, British Columbia Library Association