

**A Resolution on Lawful Access**  
**Presented by the BCLA Information Policy to the AGM April 2005**

Moved by Carla Graebner/Seconded by Jeff Davis

Whereas privacy has been continually eroded and surveillance increased both nationally and internationally since 9/11;

And Whereas the Government of Canada has proposed a series of legislative reforms under the name “Lawful Access,” with the ostensible aim of updating law enforcement and national security capabilities to deal with new technologies;

And Whereas the proposals would require Internet and other telecommunications service providers to ensure that their computer systems have the technical capability to provide lawful access to law enforcement and national security agencies;

And Whereas the proposals would give law enforcement agencies the power, without judicial review, to compel service providers to store and save existing data specific to a transaction or client;

And whereas the proposals would allow law enforcement or national security representatives to compel service providers, upon written or oral request and without judicial review, to provide personal information about specific individual subscribers, including an individual’s name, contact information, and dynamic IP address;

And Whereas the proposals would substantially reduce existing safeguards that limit access to personal information by law enforcement and national security agencies;

And Whereas no empirical data has been provided to justify the proposed measures;

And Whereas the consultation process has not provided adequate opportunity for public participation and debate, despite close cooperation between the government and the telecommunications industry in developing the proposals;

And Whereas the BCLA resolved to oppose Lawful Access in 2003, when similar reforms were first proposed;

And Whereas the BC Freedom of Information and Privacy Association, the BC Civil Liberties Association, and many other organizations have expressed opposition or strong reservations toward the Lawful Access proposals;

Be It Therefore Resolved that BCLA oppose the Lawful Access proposals as presently outlined;

And Be It Further Resolved that BCLA inform all BC Members of Parliament and all national political party leaders of our opposition to these proposals;

And Be It Further Resolved that BCLA write a letter requesting that the consultation process be extended to provide the opportunity for meaningful and representative public debate over these proposals;

And Be It Further Resolved that BCLA undertake efforts to promote education and discussion about the various national initiatives that erode privacy and increase surveillance in Canada.