



November 10, 2004

VIA MAIL AND EMAIL

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Dear Sirs and Mesdames,

Re: Critical privacy issues regarding digital rights management (DRM) technology

We are writing to request that you take prompt action regarding the privacy threats posed by DRM technology. Timely action on this issue is critical because, in November 2004, a parliamentary committee of Canadian Heritage renewed its aggressive efforts to enact legal protection for DRM under our *Copyright Act*. Legal protection for DRM will encourage, legitimize and entrench the privacy-invasive practices that DRM enables.

Under the proposed changes, copyright owners would be given legal protection for technologies that are in some ways the equivalent of 'spyware' – DRM can be used to continuously spy on individuals and to control what creative works Canadians read, watch and listen to. This would leave all of us with no room to enjoy copyright works in private, free from the prying eyes of copyright industries and others.

We have specifically asked Canadian Heritage and Industry Canada to conduct a full analysis of the impacts of these proposed radical copyright changes, including the critical impact on privacy. We were surprised that the government had apparently not consulted with privacy commissioners on this issue to date. Despite our requests, these ministries continue to aggressively push for legislation under pressure from the copyright industry lobby, seemingly without considering or addressing any of the privacy implications of DRM. In fact, when we raised privacy with them, they indicated that it is not their role to deal with privacy issues and they suggested that we contact your respective offices.

It is important that you act quickly in this matter to protect the privacy rights of Canadians as Canada's policy on DRM takes shape. Canadian Heritage and Industry Canada, for example, need to hear from you very quickly. We have enclosed our November 4, 2004 letter to the Office of the Privacy Commissioner of Canada regarding this issue. The enclosed letter sets out basic DRM functionality in more detail, as well as the privacy threats posed by DRM.

We urge you to act immediately and to consider a coordinated response to this issue with one another and with the federal commissioner. Should you require any additional information, please do not hesitate to contact us. We look forward to your response.

Yours truly,

Original signed by

David Fewer
Staff Counsel

Alex Cameron
Associate

Encl.

cc. Jennifer Stoddart, Privacy Commissioner of Canada