

Response from the Green Party of Canada to CIPPIC's questions for the Election 2006

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Copyright Law and Technical Protection Measures

Question: Do you agree that we need legislation to protect Canadians from harmful technologies like the Sony-BMG rootkit DRM?

Answer: The Green Party of Canada feels dismay and concern over the fact that Canadian consumers have been adversely affected by the Sony-BMG rootkit DRM, and are worried about the damage that can be caused by similar technologies. This harmful tool being used by Sony and BMG can damage consumers' computer equipment, open the door to hackers and internet piracy (through the surveillance aspect of the software), and it is designed to impede civil liberties as simple as the lending of one's music CD to a friend. The fine print that comes along with this technology demands that music buyers do not use their product for personal ends - anyone who has lost their CD must erase any music that they have saved to their computer, and buyers cannot travel (ie. leave the country) with their compact disc. Finally, the fine print also tells the buyer that Sony is not liable for any damage above \$5 to the consumer's computer equipment that may be inflicted by their technology. The level of disinformation and disrespect for consumer's rights that is exemplified by Sony-BMG's use of the rootkit is deplorable, and the Canadian government must take action against such violations. Green Party MPs will work to create strong legislation around this issue, so that the businesses at the forefront of consumer technology must abide by regulations that require them to assume responsibility for the quality of their products and that make them liable for any harm caused by their goods. However, legislation mandating the provision of adequate information must also be passed so that businesses cannot shirk their responsibility of informing consumers.

Copyright Revision and Innovation

Question: Do you support Canadian innovators' rights to reverse engineer or otherwise deal with a work for the purposes of security or interoperability research?

Answer: The Green Party believes that Canada needs legislation similar to the fair use laws enjoyed in the United States in order to support innovators' rights. Because such activities as data and file sharing result in losses for artists, it is important that we implement a surcharge on data transfer, which would then be channeled back to the artists themselves. The Green Party of Canada proposes a system of website certification to distinguish between sites that observe copyright laws and pay for access to data and sites that do not. A surcharge on bandwidth transfer would then be implemented for uncertified sites that are transferring significant quantities of copyrighted data.

Spyware

Question: Do you agree that we need stronger laws and enforcement mechanisms to protect Canadians from unwanted behaviours associated with spyware?

Answer: The Green Party recognizes that stronger laws are required to deflect the threat associated with spyware. We believe that it is important for the Canadian government to support and substantially enlarge the special police task force focused on internet activity in order to target not only spyware but also criminal activity such as child pornography which is facilitated via the internet. We also believe that it is important for Canada to participate in Interpol's international efforts against piracy and criminal activity via the internet.

Spam

Question: What would your government, if elected, do to stop the flood of spam that continues to plague Internet users?

Answer: The prevention of the spam problems faced by internet users today would be addressed as a component of a larger anti-advertisement legislation campaign that the Green Party proposes. This campaign will also include junk mail and telephone advertising. The anti-spam aspect would hold internet service providers responsible for protecting their clients from unwanted spam, and it would also legislate against the perpetrators of the spam problem.

Lawful Access

Do you agree with civil liberties groups that:

1. There should be no increase in state surveillance without full justification, including clear evidence of the need for such new capacities and powers and of their likely effectiveness?

Answer :The Green Party of Canada agrees that any increase in state surveillance must take place only with full justification. However, we also recognize that the internet is a facilitator for many types of criminal activity (e.g. child pornography), and for this reason there may be a necessity for cases of increased surveillance. We believe that where there is evidence of internet use to assist criminal activity, *selective* increased observation is justified.

2. Searches and surveillance should require judicial authorization on a "reasonable and probable cause to believe" standard; and that exceptions to this rule must be narrowly limited, subject to strict conditions and safeguards, and should not be expanded to include subscriber data?

Answer: The Green Party of Canada recognizes the importance of preserving civil liberties, and while surveillance and investigation of internet activity may be necessary in some cases, we maintain that intelligence, policing, and security forces must be held to a stringent principle of accountability.

3. All state search and surveillance activity should be subject to rigorous oversight by an independent body to guard against police abuse of these intrusive powers?

Answer: The Green Party agrees that “watchdog” observation is an important aspect of any measure to increase search and/or surveillance activity by state security forces. A transparent independent mixed committee including ethics specialists, juridical specialists, and elected representatives from various political parties should be established for this purpose.

Privacy

Questions:

1. How would you reform Canadian privacy laws in order to provide meaningful privacy protection in the Internet era?

Answer: The anti-advertising law mentioned above would be a significant first step towards profound reform in privacy laws for the protection of the rights of Canadians. In addition, the Green Party of Canada proposes a reversal to the present circumstances of corporate access to personal information databases. This would mean the transition from a situation wherein corporate bodies are permitted to maintain databases with individuals’ personal information until the individual complains, to a situation where businesses could only obtain that information upon the informed consent of the individual. Any unauthorized use of private information would be illegal and the companies infringing this law would be persecuted.

2. Do you support amendments to PIPEDA that would allow for class actions and penalties, so that companies are held accountable for privacy breaches affecting large numbers of Canadians?

Answer: No Answer

Identity Theft

Question: Do you support a Canadian law requiring companies to notify individuals of security breaches that expose the individuals to identity theft?

Answer: The Green Party believes that in keeping with notions of corporate responsibility and maintaining individual civil rights, there should be a Canadian law requiring businesses to notify individuals of security breaches that could expose them either to fraud or identity theft. The Green Party’s proposed anti-advertising law would

be instrumental in preventing these situations from coming about, however, because businesses wouldn't have such an unlimited access to individuals' personal information.

Telecom Policy

Questions:

1. Do you support continued government and regulatory intervention in telecommunications so as to ensure that Canadians of all income levels and in all regions of the country, including those with disabilities, have access to good quality, reliable, and functional telecommunications services at affordable and reasonable prices?

Answer: The Green Party platform rests on the principle that Canadians should have equal opportunity and access to services regardless of their geographical location in the country or their abilities and special needs. We propose that high-speed internet bandwidth should be available to all Canadians, and that it is the obligation of telecommunications companies to provide this at a reasonable price.

2. Do you agree that the following policy objectives currently set out in the *Telecommunications Act* are fundamentally important and should remain the guiding principles of Canadian telecommunications policy:

- s.7(a) "to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions";
- s.7(b) "to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada"?

Answer: As mentioned above, the principles of equal opportunity and equal access to affordable services, including telecommunications, for all Canadians regardless of location or mobility is one of the bases of our platform. As such, the Green Party is fully in agreement with the above guiding principles set out in the *Telecommunications Act*.

3. Do you agree that any reforms to the *Telecommunications Act* should be subject to a full public review five years after they have been enacted?

Answer: At the Green party we believe that any reforms to the *Telecommunications Act* should be subject to a full public review at least every three year. Because of the speed at which developments in technology advance, it is necessary to reevaluate our position on related issues frequently, in order to keep abreast of today's