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Announcements



CIPPIC has once again been selected as one of six Ontario public interest organizations to receive funding for an articling student under the [Law Foundation of Ontario's](#) "Public Interest Articling Fellowship" program. Jocelyn Cleary (LL.B., University of Windsor) began her articles in August 2007. Tamir Israel (UofT) has been selected as CIPPIC's articling student for 2008-2009.

CIPPIC has received a \$50,000 grant under the [Office of the Privacy Commissioner of Canada's Grants and Contributions program](#), to study online privacy threats. CIPPIC plans to publish a report on the results of its research in the spring of 2008.

Summer Internship Program, 2007

CIPPIC's 2007 summer internship program was a great success. Janet Lo (uOttawa), Candice Skelton (Queen's), Philippe Shink (UNB) and Shaun Gluckman (McGill) worked on a variety of projects and cases during their twelve week stint at CIPPIC. Matthew Lui (Queen's) joined CIPPIC as a volunteer intern for four weeks, and numerous other students volunteered throughout the summer.



Back row: Staff Counsel David Fewer, Summer Interns Janet Lo and Candice Skelton, Director Philippa Lawson
Front row: Summer Interns Philippe Shink and Shaun Gluckman

Among other things, CIPPIC summer interns:

- attended the *Computers, Freedom and Privacy 2007* conference in Montreal (May 1-4, 2007);
- investigated and prepared complaints to the Privacy Commissioner;
- advised clients and assisted other organizations on matters involving privacy rights, copyright and trademark law;
- prepared a submission to a Senate Committee on Bill C-31 (*Elections Act* reform);
- attended and reported on Parliamentary Committee meetings on Identity Theft;
- investigated cases of alleged misleading advertising and unjust discrimination under the *Telecommunications Act*; and
- prepared applications to the Competition Bureau and Privacy Commissioner of Canada regarding the Google-DoubleClick merger.

Summer interns and other students also benefited from several seminars featuring experts on various relevant topics, including:

- *Access to Information Law and Practice* (Aaron Freeman and David McKie)
- *Internet Governance - Herding Cats in the 21st Century* (Jacob Glick, CIRA)
- *Just Who Do You Think You Are? An examination of identity theft in the age of new technologies* (Mark Hecht, CIPPIC)
- *Current Copyright Highlights in Canada* (Howard Knopf, Macera & Jarzyrna LL.P.)
- *Security Challenges Facing ISPs* (David McMahon, Bell Canada)
- *Public Interest Advocacy in an Age of Terror* (Allison Knight, EPIC)
- *Smells Like Teen Spirit: Emanations, Snoop Dogs and Reasonable Expectations of Privacy* (Prof. Ian Kerr, uOttawa)
- *Net Neutrality: A Case Study in Canadian Advocacy* (Prof. Michael Geist, uOttawa)

Recent Advocacy



Identity Theft: Policy Recommendations

Director Philippa Lawson appeared before the House of Commons Access to Information, Privacy and Ethics committee in May 2007, making [recommendations](#) for federal policy and law reform based on CIPPIC's ORNEC-funded research on identity theft.

Elections Act Reform (Bill C-31)

CIPPIC submitted [comments](#) in June 2007 to a Senate Committee objecting to a legislative proposal that would have made electors' dates of birth available to political parties for fundraising and campaign purposes. The offending provisions were removed from the bill before it was passed.

PIPEDA Complaints

In July 2007, CIPPIC [asked](#) the Privacy Commissioner to investigate canada.com's **outsourcing of email operations to a US-based company**. CIPPIC argued that Canadian subscribers of canada.com email services do not receive a "comparable level of protection" of their personal

data from US-based providers as a result of the USA PATRIOT Act, and that canada.com failed to provide adequate notice to its new customers of the US outsourcing.

Also in July 2007, CIPPIC filed a PIPEDA complaint on behalf of a client regarding the accidental posting online of customer names by a company selling personal products. While the security breach was accidental, the company allegedly **failed to notify its customers of the breach**, thus depriving them of the opportunity to avoid potentially embarrassing situations as a result of the exposure.

Privacy Act Complaints

In July 2007, CIPPIC filed [a complaint](#) with the Privacy Commissioner under s.29 of the federal *Privacy Act* regarding the **online publication of unredacted decisions by federal tribunals**. CIPPIC asked the Commissioner to establish guidelines for boards and tribunals regarding the online posting of personal information in decisions and other public documents.

Competition Act Complaints

In July 2007, CIPPIC filed a [s.9 application](#) with the Competition Bureau, requesting that the Competition Commissioner review the **proposed merger between Google and DoubleClick**. CIPPIC alleges that a merger between Google and DoubleClick will prevent or substantially lessen competition in the online targeted advertising market by combining Google's keyword search dominance with DoubleClick's leadership in display advertisement serving and behavioural targeting advertisement products.

Canadians for Democratic Media

CIPPIC is a founding member of Canadians for Democratic Media, a new organization launched this year to fight media concentration. See <http://democraticmedia.ca> for more information.

"Keep the Core Neutral" Campaign

In July 2007, CIPPIC joined over 100 individuals and organizations worldwide urging ICANN to resist efforts to evaluate applications for new generic top-level domains (gTLDs) based on non-technical criteria such as morality and "public order". ["Keep the Core Neutral" website](#)

Current Projects and Cases



Copyright Law Reform

CIPPIC continues to work with various stakeholders on public interest approaches to copyright in the digital environment, and to oppose proposals that would unduly limit public access to knowledge and creative works.

Consent under Canadian Data Protection Laws

As part of the SSHRC-funded [ID Trail project](#), CIPPIC is collaborating with the Ontario Information and Privacy Commissioner's office on a research paper examining and comparing different approaches to consent under various privacy law regimes in Canada. This paper will be published as part of a compendium of project papers in late 2007 or early 2008.

Legal & Policy Approaches to Identity Theft

With funding from ORNEC, CIPPIC continues its research on legal and policy approaches to identity theft. We are currently reviewing and analysing various law reform proposals and intend to publish a White Paper with policy recommendations by the end of 2007.

Unfair Terms and Practices in Consumer E-Contracting

Also with funding from ORNEC, CIPPIC is researching and analyzing legislative approaches to a variety of common practices and terms in consumer electronic contracting. In addition to its legal research, CIPPIC is collaborating with Professor Warren Thorngate of Carleton University on psychological research of consumer awareness, comprehension, attitudes and behavior in relation to these terms and practices. We expect to publish a report in the fall of 2007.

Digital Rights Management & Privacy

CIPPIC will be publishing a report on the privacy implications of digital rights management ("DRM") technologies in use in Canada, this fall. Our research on DRM and privacy was funded by the Office of the Privacy Commissioner of Canada.

Anti-Spyware Coalition

The Anti-Spyware Coalition (ASC) is a coalition of public interest advocacy groups, academic institutions and anti-spyware technology developers and distributors working together to battle spyware and other potentially unwanted technologies. CIPPIC has participated extensively in ASC activities over 2007. In 2007, the ASC drafted, released for public comment and finalized two key documents: a Best Practices document, and a Dispute Resolution document. CIPPIC also participated in a workshop hosted by the ASC at Harvard, and in a meeting with the Anti-Phishing Working Group, in late June.

Anti-Spyware Advocacy

CIPPIC is preparing a response to an unfavourable decision of the Competition Bureau to a complaint CIPPIC and the Center for Democracy and Technology jointly filed in respect of Integrated Search Technologies, a Montreal-based distributor of a variety of software products commonly flagged by anti-spyware vendors as potentially unwanted by consumers.

ISP Traffic-Shaping (Net Neutrality)

CIPPIC is working with other advocacy groups on a strategy to protect network neutrality in Canada. As part of this strategy, we are investigating alleged violations of this principle (e.g., ISP traffic-shaping practices), and assessing their legality under Canadian law.

Lawful Access & National Security

CIPPIC continues to monitor and work with other civil society organizations on responses to legislative proposals and policy developments that threaten individual privacy and civil liberties while purporting to enhance the security of Canadians.

Client advice and assistance

Over the past six months, CIPPIC has assisted a number of clients on such issues as intermediary liability, privacy rights, copyright infringement, trademark infringement, and online fraud.

Publications



Kathleen Simmons and Andy Kaplan-Myrth, [Podcasting Legal Guide for Canada](#) (Ottawa: Creative Commons Canada, 2007)

As part of its research project on Identity Theft, CIPPIC published a series of seven Working Papers this year on various aspects of the issue. The papers are accessible from our website. They include:

- No.1 *Identity Theft: Introduction and Background*
- No.2 *Techniques of Identity Theft*
- No.3 *Legislative Approaches to Identity Theft*
- No.4 *Caselaw on Identity Theft*
- No.5 *Enforcement of Identity Theft Laws*
- No.6 *Policy Approaches to Identity Theft*
- No.7 *Identity Theft: Bibliography*



Events and Presentations

The Virtual Consumer

Together with the Office of Consumer Affairs, Industry Canada, CIPPIC hosted a Roundtable discussion on February 28th, 2007 with consumer groups across Canada on key emerging issues facing consumers in the electronic marketplace.

CIPPIC staff have participated in numerous **conferences and workshops** over the past six months. Director Philippa Lawson presented on the following:

- “Research Activism and Public Policy”, [Queen's University Surveillance Summer Seminar 2007](#) (Kingston, ON: June 14, 2007)
- “Privacy-Enhancing Technologies: Legal and Social Implications”, [7th Workshop on Privacy Enhancing Technologies](#) (Ottawa: June 22, 2007)
- “Principles, Policies and Practicalities of ID Management”, [Computers, Freedom, Privacy 2007](#) (Montreal, Qc: May 3, 2007)
- “What's New in Law-Making and Policies around New Technologies in Canada”, [B.C. Library Association Annual Conference](#) (Vancouver, BC: April 20, 2007)
- “Consumer Information as Commodity”, [Internet Privacy Symposium](#) (Ottawa: February 23, 2007)
- “Privacy and Identity Theft”, [Assessing Current Privacy Issues: A One Day Seminar](#) (Ottawa: February 21, 2007)

- “Digital Rights Management & Privacy”, [8th Annual Privacy & Security Conference](#) (Victoria, BC: February 15-16, 2007)
- “Data Retention & Lawful Access”, [8th Annual Privacy & Security Conference](#) (Victoria, BC: February 15-16, 2007)
- “Net Neutrality”, Panel Discussion and Public Forum, Ottawa Public Library (Ottawa: February 6, 2007)

Staff counsel David Fewer made presentations as follows:

- “Patron Privacy and Law Enforcement: Search, Seizure and Intercept”, Canadian Association of Research Libraries AGM (St. John's, Nfld.: May 18, 2007)
- “Copyright Law & the Supremacy of the Charter”, [ALAI Canada's 2007 Annual Conference](#) (Montreal, Qc: May 14, 2007)
- “Digital Rights Management Technologies and Consumer Privacy: A Canadian Market Survey and Privacy Impact Assessment”, [Computers, Freedom, Privacy 2007](#) (Montreal, Qc: May 3, 2007)
- “Online Speech and the Digital Millennium Copyright Act”, [Computers, Freedom, Privacy 2007](#) (Montreal, Qc: May 3, 2007)
- “Software Download Basics”, [Computers, Freedom, Privacy 2007](#) (Montreal, Qc: May 3, 2007)

Staff Changes

We are pleased to welcome Myriam Gosselin Kessiby as CIPPIC's new administrative assistant. Myriam replaces Vanessa Lavoie who moved on to a new position with the federal government in July.

Canadian Internet Policy and Public Interest Clinic

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