



Parliamentary Research Branch
Library of Parliament

IN BRIEF

Nancy Holmes
28 September 1999

THE RIGHT TO PRIVACY IN A HIGH-TECH WORLD

With the advent of computer networking, concerns have arisen with respect to the privacy of personal information, especially that generated through business transactions. These concerns were confirmed in research studies carried out in 1993 and 1995 and in an Angus Reid poll conducted in 1998. Canadians reported that privacy, like unemployment and the economy, is a high priority. Most Canadians firmly believe that they should control what is known about them and by whom; however, in this age of rapidly advancing technologies, it is often difficult to detect when privacy rights are being eroded or to know how to respond to this situation.

In an electronic world, businesses have been quick to realize the value of their information holdings, which can be manipulated and sold without the knowledge or consent of the individuals they refer to. Unfortunately, regulations safeguarding information privacy have not kept pace with advancing technologies. For example, the federal *Privacy Act* applies only to the collection, use, disclosure and disposal of personal information by government and government agencies. The same is true of provincial legislation, with the exception of Quebec's, which covers both the public and private sectors.

The Information Highway Advisory Council was created in 1994 by the Minister of Industry to help the federal government develop and implement a strategy for Canada's Information Highway. In 1995, the Council recommended that personal information be protected through the creation of a flexible legislative framework covering both the public and private sectors. On 15 October 1999, Bill C-6, the Personal Information Protection and Electronic Documents Act, aimed at protecting personal information in the private sector, was introduced in the House of Commons. The bill had originally been tabled in the

House of Commons in October 1998 as Bill-54; that bill died on the Order Paper with the prorogation of Parliament in September 1999.

There are also international pressures for regulating the protection of personal information in Canada's private sector. The European Union's *Directive on Data Protection* now prohibits member countries (and businesses within those countries) from transferring personal information to non-members of the Union, such as Canada, that do not guarantee it adequate protection. With the exception of Quebec, Canada does not currently meet this standard.

There are also privacy concerns with respect to practices in the public sector. For example, as governments seek leaner, more efficient and cost-effective administrations, comparisons between and integrations of what were once discrete databases are on the rise. This so-called "data matching" and "data warehousing" of personal information is now taking place both within and between governments. Data protection is also of concern as service delivery is increasingly being shared by or transferred between government and the private sector. Finally, in view of the unique and sensitive nature of health information, the federal government's proposed national health strategy (a national health data network) is arousing privacy fears even amongst Canadian doctors.

While emerging technologies clearly offer valuable advantages, efficiencies and conveniences, we must ask whether these benefits come with a privacy price tag and whether this price is too high. These questions were tackled by the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities in 1996-97. The Committee discovered that the protection of personal information is clearly regarded as important in this

country; however, in a world of increasingly intrusive technologies (e.g., video monitoring, genetic testing and biometric identification systems), other privacy interests are also at stake. In its report *Privacy: Where Do We Draw The Line?*, the Committee saw privacy as an important and wide-ranging human right that is currently under threat. Unfortunately, the Committee found that Canadians and their governments are still using tools that are inadequate for meeting the current, let alone the future, challenges to privacy in this country.

SELECTED REFERENCES

House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities. *Privacy: Where Do We Draw the Line?* Third Report. 2nd Session, 35th Parliament, April 1997.

Privacy Commissioner of Canada. *Annual Report*. 1997-1998.