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Privacy Commissioner urges local governments not to pass surveillance bylaws

Victoria—In response to the growing number of local governments enacting bylaws requiring businesses to collect their customers' personal information and share it with local police agencies, British Columbia's Information and Privacy Commissioner David Loukidelis today released a discussion paper on *Local Governments and the Growth of Surveillance*.

In it, Loukidelis points out that "in recent years there has been an expansion of the types of businesses that are required to collect customers' personal information, the purposes for such requirements and the types of personal information which must be collected and handed over to police."

"This Office strongly believes that municipalities should not be in the business of passing surveillance bylaws," said Loukidelis, "as they clearly have privacy implications of varying degrees for ordinary members of the public who are going about their lawful business." He went on to express concern that "None of the bylaws we reviewed contains measures to ensure personal information is used properly or to ensure it's not used or disclosed inappropriately."

Saying that he has written to the Union of British Columbia Municipalities and urged it to recommend that its members show restraint in this area, Loukidelis added, "I know our municipal politicians are doing their best to keep their communities safe, but they should not be passing these bylaws, which conscript businesses and compel citizens to give up their privacy in a wholesale way." The Commissioner acknowledged the need for pawnshop and second-hand dealer bylaws, but said they should be carefully designed to protect privacy. He added that, in other cases, consistent with long-standing law and practice in Canada, "It should be left to the courts to issue warrants to require businesses to turn over customer information on a case-by-case basis where justified."

A copy of the discussion paper is posted on the OIPC website at the following link: <http://www.oipc.bc.ca/publications/SurveillanceBylawDiscussionPaper.pdf>.

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