



News Release

Privacy Commissioner raises concerns that no-fly list will infringe on privacy rights

Ottawa, August 9, 2005 – “The no-fly list announced last Friday represents a serious incursion into the rights of travelers in Canada, rights of privacy and rights of freedom of movement,” says the Privacy Commissioner of Canada, Jennifer Stoddart, following an announcement made on August 5, 2005, by the Honourable Jean-C Lapierre, Minister of Transport Canada. The federal government will conduct consultations with key stakeholders over the upcoming months on the creation of a “no-fly list”, entitled “Passenger Protect”, with a view to enhancing aviation security in the context of ongoing concerns about terrorism. In addition to the no-fly list, the Minister announced a review of how new technology can be used in assessing security risks posed by passengers in Canada.

The Privacy Commissioner called on Transport Canada, nearly a year ago, to explain what they were planning with respect to the potential development of a no-fly list. In July 2005, Ms. Stoddart wrote to Transport Canada officials reiterating her concerns about such a list, and enclosing a list of questions ([see list of questions](#)). These are the kinds of questions which would form part of a Privacy Impact Assessment that the Commissioner must receive from Transport Canada according to government policy.

“Despite assurances from Minister Lapierre that Canadians’ privacy rights will be protected, I have not yet received an in-depth briefing about the initiative,” says Commissioner Jennifer Stoddart. “We will be pressing for the strongest privacy protections for individuals. We want those protections to be in place before this program is implemented, including the rights of access and correction.”

“I will reiterate, however, that the growing culture of security in this country and abroad causes me great concern as it does the majority of Canadians, according to a recent [EKOS Research Associates survey](#) commissioned by my Office, said Ms Stoddart.”

Commissioner Stoddart has already spoken with many provincial/territorial privacy commissioners regarding the creation of a working group to assess the privacy risks associated with the no-fly project and other transport security measures such as video surveillance on buses and rail systems.

Several commissioners have already agreed to participate. “We will work together to tackle the privacy implications of these initiatives,” said Information and Privacy Commissioner Frank Work of Alberta. “We welcome this opportunity to collaborate on an issue that is troubling on many levels, to those of us who are concerned about privacy and openness in government.” Information and Privacy Commissioner Ann Cavoukian of Ontario agreed, saying “as Privacy Commissioner, I have repeatedly said that we are not opposed to stronger security measures, provided that they are effective and balanced. However, expanding the net of surveillance and gathering more personal information does not necessarily result in better security.” Jacques Saint-Laurent, Quebec’s President of the Commission d’accès à l’information, said “given that we all face these common challenges in our respective jurisdictions, we can all learn from sharing our experiences and knowledge.”

Privacy Commissioner Stoddart believes that national security and the protection of the privacy of individuals in Canada need not be seen as trade-offs: “One value does not necessarily need to be sacrificed in the interest of the other. Both can be achieved with well-designed law, prudent policy, and effective checks and balances”. The questions outlined in the Commissioner’s letter to Transport Canada officials will contribute to the achievement of this goal.

The Office of the Privacy Commissioner of Canada is mandated by Parliament to act as an ombudsman, advocate and guardian of privacy rights in Canada.

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