



LIGUE DES DROITS ET LIBERTÉS

## New release

For immediate release

**Montreal, October 7, 2002.** The *Ligue des droits et libertés* of Quebec is denouncing the implementation by the Canadian government, as of today, of a massive database on all passengers on international flights. This database will contain many pieces of information on all passengers, including name, flight, seat selection, destination, method of payment and credit card used, baggage and any travelling companions. This information will be kept for six years and could be compared with, among others, police and income tax files.

Creating such a database is much more than a simple, routine capture of personal information; it is the **introduction of an extensive citizen surveillance system**. This is a "massive *Big Brother* database," to use the expression of the Privacy Commissioner of Canada, George Radwanski, in his letter of September 26 to the Minister of National Revenue, Elinor Caplan.

We agree with Mr. Radwanski that: "*This new enforcement database will therefore constitute an unprecedented move to treat every Canadian as a suspect. Every single Canadian travelling outside Canada, even on vacation, will automatically have his or her personal information placed in the database.*"

After the events of September 11, when the Canadian government raised the possibility of maintaining such a database, it promised that the data would be destroyed after 24 hours. The ease with which Minister Caplan is going back on her commitments makes us fear the worst once this database is put in place.

As Mr. Radwanski stated: "... the creation and intended uses of this database lack appropriate Parliamentary authority and are in apparent contravention of the *Privacy Act*."

This type of "fishing expedition" is clearly **in contravention of the guarantees of the *Canadian Charter of Rights and Freedoms***, which includes security against unreasonable search and

seizure. In fact, this database will uncover details on citizens' way of life and their personal choices (destinations, credit cards, persons with whom they are travelling, frequency of travel, baggage, etc.). Citizens have an expectation of privacy when it comes to their way of life.

Any restriction to our fundamental rights must constitute a reasonable limit *prescribed by law as can be demonstrably justified in a free and democratic society*, as outlined in Section 1 of the *Charter*. In this case, the means chosen by the government to achieve security objectives are clearly disproportionate, irrational and unfair. **This discriminating measure opens the door to any abuse from agents of the state and is typical of police states.** The Minister seems to confuse usefulness with necessity for such a measure. However, what is useful is not always necessary. Not recognizing this distinction opens the door to any abuse from agents of the state and is typical of police states. For example, it could be useful for future police investigations to conduct electronic eavesdropping of all citizens. Even if this policy were useful, it is far from being necessary and justified.

The new policy implemented today demonstrates the dangers with the indefinite storage of information made possible by technology and the cross-referencing of such data. The impact of these technologies has an unprecedented effect on the ability to monitor citizens. What would we say if agents of the state could therefore, surreptitiously, track and monitor citizens in their comings and goings, and log their daily movements?

This long-term capture and storage of personal data go far beyond similar provisions of Bill C-55, which provides for the destruction of data gathered by the RCMP and CSIS within seven days or, in certain specific cases, after a maximum of one year.

Moreover, to hold files on the entire country's population is tantamount to treating all citizens as potential criminals.

The *Ligue des droits et libertés* considers the creation of such a database a serious violation of privacy and a measure worthy of a police state – not of a democratic society.



The *Ligue des droits et libertés* is condemning this measure and is launching an urgent appeal to the public, as well as to the *Commission des droits la personne et des droits de la jeunesse* and to the *Commission d'accès à l'information*, to ask the Minister of National Revenue, Elinor Caplan, to withdraw this measure. (The information and privacy commissioners of both British Columbia and Ontario have also written to the Minister on this issue.)

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