

News Release  
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### **Criminal law only a Partial Solution to ID Theft, says CIPPIC**

The Conservative Government today proposed amendments to the Criminal Code designed to make it easier for police to catch identity thieves. The changes include a new offence for possessing personal information of others with intent to commit fraud (under the current law, a suspect must have committed, or be in the act of committing, fraud before charges can be laid).

Experts studying the problem say that while these criminal law initiatives are welcome and may have some deterrent effect, they are only one piece of a much larger puzzle that needs to be completed if identity theft is to be effectively addressed.

“It’s not enough to make these activities criminal”, said Philippa Lawson, Director of the Canadian Internet Policy and Public Interest Clinic (CIPPIC) at the University of Ottawa’s Faculty of Law, and Lead Investigator on an Identity Theft research project funded by the Ontario Research Network on Electronic Commerce. “Criminals will always find ways to take advantage of innocent citizens. We need to take other, equally important steps such as creating incentives for companies and governments to take appropriate security measures, empowering individuals so that they can more effectively protect themselves, enforcing data protection laws, and assisting victims recover their financial reputations”.

“Our research suggests that much of the problem arises from over-collection of personal information by organizations and from lax corporate security. Despite data protection laws prohibiting the collection of more personal information than necessary by businesses, the marketplace is replete with examples of over-collection as well as inexcusable security breaches. This government recently had an opportunity to put some teeth into our data protection laws but chose not to do so”, she stated.

“On the criminal law side, legislation is not enough. Police need more resources to investigate identity theft cases and capture the criminals. This means more officers devoted to white-collar crime, and more training so that they can keep up with the criminals. It also means sentencing guidelines and judicial education so that when perpetrators are caught, they pay a price that constitutes more than a cost of doing business”, said Lawson.

“These new offences are a promising step in the effort to address identity theft”, said Lawson, “but if the government is serious about this issue, we expect to see much more in the way of law and policy reform focusing on other actors who contribute to this problem through their negligence and who could do more to protect consumers from the often devastating effects of this crime.”

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Contact: Philippa Lawson  
Director, CIPPIC  
613-562-5800 x.2556