

**Privacy Commissioner  
of Canada**

112 Kent Street  
Ottawa, Ontario  
K1A 1H3  
Tel.: (613) 995-8210  
Fax: (613) 947-6850  
1-800-282-1376  
www.privcom.gc.ca

**Commissaire à la protection  
de la vie privée du Canada**

112, rue Kent  
Ottawa (Ontario)  
K1A 1H3  
Tél.: (613) 995-8210  
Télec.: (613) 947-6850  
1-800-282-1376  
www.privcom.gc.ca



NOV 24 2004

Ms. Phillipa Lawson, Executive Director & Mr. Alec Cameron, Associate  
Canadian Internet Policy and Public Interest Clinic (CIPPIC)  
University of Ottawa  
Faculty of Law  
57 Louis Pasteur  
Ottawa (Ontario) K1N 6N5

Dear Ms. Lawson and Mr. Cameron:

Thank you for your letter of November 4, 2004, alerting us to possible copyright reform legislation dealing with digital rights management (DRM), and inquiring into our views on the potential impact on privacy of DRM technologies.

We have been interested in the privacy implications of DRM for some time. We would, naturally, have serious concerns about the design and deployment of any technology that facilitated the fine-grained surveillance of individuals without their informed consent. We would certainly have concerns about any commercial enterprise in Canada that deployed privacy-invasive DRM technologies in contravention of the provisions of the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and the fair information practices underlying it. Largely because we have not been presented with a complaint, however, we have not refined our thinking or developed a position on DRM.

Our office has spoken out on similar surveillance issues, including RFID tags, computer spyware, and "lawful access" proposals. We have also been active in promoting public awareness of the importance of meaningful, informed consent, and helping the public exercise their privacy rights in the face of new laws and technologies.

As you know, it is important that I maintain the neutrality and impartiality expected of a national ombudsman, in order to be able to address complaints fairly and with credibility. This can sometimes mean neither endorsing nor condemning specific technologies and standards – particularly when not all the facts are known.

.../2



We would oppose legislation or legislative amendments that conferred unjustified privacy-invasive surveillance powers upon digital copyright holders. However, we have not as yet been consulted by either Heritage Canada or Industry Canada officials regarding the proposed legislation referred to in your letter. I have instructed my staff to initiate a dialogue with these departments to ensure that privacy risks are identified and addressed.

Once again, I appreciate you bringing this to my attention, and look forward to further exchanges of views on this important issue.

Sincerely,

Jennifer Stoddart  
Privacy Commissioner of Canada