



December 14, 2004

Privacy Commissioner of Canada  
112 Kent Street  
Ottawa, Ontario  
K1A 1H3

Dear Commissioner Stoddart:

Re: Abika.com

This is further to our complaint about Abika.com, dated June 9, 2004, to which your office responded by way of letter dated November 30, 2004, stating that:

"While the organization may well be collecting information on Canadians, our legislation does not extend to investigating organizations located only in the United States. We are, therefore, unable to investigate this matter under *PIPEDA*."

With respect, we disagree that *PIPEDA* does not permit you to investigate and make findings regarding organizations located outside Canada. While enforcement of our laws against organizations located wholly within other jurisdictions may be difficult, such challenges do not in our view limit your office from investigating and making a finding based on the facts determined through your investigation. Nor do they limit your office from attempting to work with relevant authorities in the United States (or other jurisdictions) to enforce privacy laws across borders.

Attached is a copy of a complaint against Abika.com which we have filed with the Federal Trade Commission in the United States. We are asking the FTC to investigate this company's practices under US law.

It is our understanding that you wish to do all in your power to protect the privacy of Canadians, even where the data collection, use and/or disclosure occurs across national boundaries. We hope that you will reconsider the above-noted finding, and either proceed with an investigation of the organization in question, or explore the possibility of a cooperative investigation with the FTC. We look forward to hearing back from your office on this matter, in advance of the January 14<sup>th</sup> deadline for an application to Federal Court.

Yours truly,

Philippa Lawson  
Attach.