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Outsourcing and the USA PATRIOT Act – An open letter from Alberta’s Information and Privacy Commissioner

There is currently a great deal of activity going on across the country with respect to the issue of the USA PATRIOT Act and implications for personal information of Canadians held by American companies or affiliates of American companies. The issue first surfaced in British Columbia with British Columbia’s Information and Privacy Commissioner conducting an investigation into the dimensions of the issue. Like most of the other Commissioners in Canada, I am following Mr. Loukidelis’ progress with great interest. The Information and Privacy Commissioners of Canada, myself included, have been consulted by Mr. Loukidelis and we have given him our input in terms of what issues we think his investigation should address and what the concerns are for us in our respective jurisdictions. Of course, we are awaiting the release of his findings with great interest.

I am not sure that I could add anything to Mr. Loukidelis’ undertaking by conducting an identical investigation here in Alberta. I would speculate that the issues are very much the same in every province in Canada. I suspect that, Mr. Loukidelis having been the first Commissioner to undertake such an investigation, he will have the benefit of the best submissions from a number of organizations. If I were to try to duplicate his efforts, I would get fewer and possibly less detailed submissions than he has received or I would get the same submissions. The other factors which must be considered are costs and time. Commissioner Loukidelis received \$75,000 from the British Columbia Government to conduct his review. That amount was in addition to his yearly budget. His review and issuance of a final report is expected to be completed by the end of October, 2004. He found it necessary to extend the time for completion because he received over 500 submissions in response to his request for public submissions.

Therefore, what I proposed to do is to continue to be in touch with Mr. Loukidelis, monitoring the progress in his investigation. When his report is released, I will review it closely, and my office will analyze it with an eye to determining its applicability to the situation in Alberta, namely, what the risks are with respect to the personal information of Albertans, and what remedies there might be. I will issue a formal statement of our findings in that regard.

Frank Work, Q.C.
Information and Privacy Commissioner

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