

## Three Key Recommendations

Our crowdsourcing process identified three key concerns that Canadians want to see addressed in order to tackle our privacy deficit: i) warrantless access to personal information, ii) widespread dragnet surveillance of entire populations, iii) insufficient oversight and accountability of surveillance activities. From their input, and the many other elements of our crowdsourcing process, we have distilled three key recommendations.

# 1. Get A Warrant

Canadians strongly support the principle that the government should be required to obtain a warrant to access their sensitive, personal information. **93.8% said such searches are only permissible when a judge grants a warrant based on evidence that a crime is soon to be, or has been, committed.** When Canadians were asked to rank six privacy priorities in order of preference, **“Require a warrant” came first, with fully 68.9% choosing it as one of their top three priorities.**

Given these strong sentiments, our first recommendation focuses on how to end warrantless surveillance by the government. We outline ways to safeguard Canadians’ privacy, such as by ending legal immunity for the ‘voluntary’ warrantless disclosure of personal information, stronger reporting and transparency mechanisms, and tougher privacy laws to ensure government agencies use personal information strictly for the reason it was provided. These measures would roll back widespread warrantless surveillance, and create stronger judicial safeguards to protect every Canadian’s private life.

## 2.

# End Mass Surveillance

Canadians expressed strong opposition to mass online surveillance, with **fully 68.9% choosing “End Blanket Surveillance” as one of their top three key privacy priorities.** 89.1% want to make all surveillance activities require a warrant approved by a judge against a specific target. **92.2% also said the government should not be monitoring law-abiding individuals and organizations** not posing any known threat to national security.

Our second recommendation focuses on ending suspicionless mass surveillance. We propose an audit of all ongoing surveillance activities, halting any that involve the warrantless collection of Canadians’ personal information, including the bulk collection of metadata. We also propose that surveillance activities, including those by the Communications Security Establishment, require judicial, not political, authorization. We also call for an end to the government’s practice of collecting and analyzing Canadians’ social media posts.

## 3.

# Embrace Accountability

Canadians overwhelmingly support much stronger accountability, oversight, and transparency for government surveillance activities. **94.1% want a Parliamentary Committee to conduct a thorough review of existing oversight mechanisms.** 91.8% want the CSE to produce regular unclassified reports, detailing how often the agency intercepts Canadians’ personal information. 88.2% agree with the Privacy Commissioner that spy chiefs should testify regularly before Parliamentary committees. **87.9% want an independent body to oversee spy agencies and issue regular reports to the public.**

We propose a range of measures to tackle the oversight deficit, including ensuring strong, independent oversight and review bodies for the CSE and the Canadian Security Intelligence Service (CSIS). We call for a cross-party Parliamentary Committee, elected by secret ballot of all MPs and chaired by a member of the largest opposition party, to conduct ongoing review of spy agency activities. We also propose reining in the steep costs of surveillance, by requiring the Parliamentary Budget Officer and Auditor General to develop clear cost projections for surveillance activities.

# Our Policy Agenda

The following are the concrete policy proposals of the *Canada's Privacy Plan* project. The full report gives more plain-language explanations of how these policies will work, and the impact they will have.

## RECOMMENDATION 1

# Get A Warrant

1. End legal immunity for ‘voluntary’ warrantless disclosure of personal information
2. Strengthen transmission data warrant thresholds to “reasonable belief”
3. Mandatory reporting of subscriber data requests
4. Require greater transparency from telecom companies
5. Bring Canada’s 35 year old *Privacy Act* into the digital age
6. Mandatory notification of surveillance targets
7. Require a warrant to search cell phones and other digital devices
8. Prohibit the ‘voluntary’ disclosure of personal information by organizations
9. Safeguard privacy in emergency situations
10. End the use of drones to conduct warrantless surveillance

## RECOMMENDATION 2

# End Mass Surveillance

1. End all suspicionless mass surveillance, including the bulk collection of metadata
2. Require judicial not political authorization for surveillance
3. No future expansion of surveillance without a verifiable need
4. Prevent government agencies monitoring what Canadians say on social media

## RECOMMENDATION 3

# Embrace Accountability

1. Reinstate the Office of the CSIS Inspector General
2. Create strong, independent control of the CSE
3. Implement the CSE oversight recommendations proposed in Bill C-220
4. Establish a cross-party Parliamentary Committee tasked with ongoing review of spy agency activities
5. Fully implement the Privacy Commissioner’s January 2014 ‘Checks and Controls’ recommendations
6. Ensure that the Security Intelligence Review Committee can perform its role effectively
7. Implement the oversight recommendations of the 2006 O’Connor Report
8. Establish an Interception Commissioner to review the interception of private communications by spy agencies
9. Rein in the steep costs of excessive government surveillance
10. Going forward, ensure that oversight keeps pace with new spy agency capabilities and powers