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NDP should support privacy bill or say why not

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On the Cutting Edge - Brian T. D. Bowman

THE minister responsible for consumer and corporate affairs, Greg Selinger, declared in July that "identity theft is increasing across the continent. In 2003, about 900,000 Canadians were victims."

Speaking for Manitoba's NDP government, the minister further declared that "we are committed to evaluating legislation needed to help citizens avoid the consequences of having their private information stolen."

Presuming the NDP is willing to deliver on that promise, Manitobans should expect the government to support Bill 207, the Personal Information Protection and Identify Theft Prevention Act, when the opposition private member's bill is debated in the legislature in the coming days.

If not, the government should offer reasons for not supporting the identity theft bill and provide practical alternatives for combating the growing crime of identity theft.

So far, the government has been silent.

Before elaborating on the provisions of the identity theft bill and the choice facing government, let's set the legislative stage.

Currently, the federal Personal Information Protection and Electronic Documents Act (PIPEDA) regulates the collection, use, retention and disclosure of personal information by private-sector organizations within Manitoba.

PIPEDA does not apply in other provinces such as B.C., Alberta and Quebec, where each have their own "substantially similar" provincial privacy laws.

If Manitoba were to follow the lead of these other provinces, the provincial law would supersede PIPEDA. There would not be two similar privacy laws applicable in Manitoba.

The question then becomes, why is there a need to change the status quo?

The three main reasons are to better combat identity theft, provide workplace privacy rights and make it easier for businesses to comply with their privacy obligations.

Conservative MLA Mavis Taillieu introduced the identity theft bill in the fall and expects it to be debated this month. The bill includes ground-breaking provisions such as an onus on organizations to notify individuals if their personal information is lost or stolen. PIPEDA contains no such requirements and neither do the parallel laws in other provinces.

PIPEDA does not apply to the vast majority of employees in Manitoba who work for provincially-regulated businesses. The identity theft bill would provide workplace privacy rights for these employees by regulating such things as video surveillance and the use of biometric technology like palm readers to monitor staff.

The NDP has always professed to support workers. Supporting the identity theft bill would provide the government with an opportunity to demonstrate that support.

PIPEDA's requirements have often been criticized for lacking clarity. For example, when a business wants to sell its assets, including customer lists, PIPEDA provides little guidance. The identity theft bill would make it simpler to transfer such assets in a privacy-sensitive manner.

In fact, the identity theft bill is based in part on Alberta's provincial privacy law, which has been hailed by businesses as superior to PIPEDA.

The bill would not dramatically change the privacy landscape in Manitoba. After all, it is intended to be "substantially similar" to PIPEDA. But where PIPEDA fails, it succeeds in providing a better balance between business interests and privacy rights in an era of increasing concern over identity theft.

I am not a neutral third party, since I helped draft the identity theft bill. However, I believe my involvement and years of experience in privacy law provide a unique perspective and understanding of the urgent need for this law.

The identity theft bill presents a choice for the NDP. Either stand up for victims of identity theft, workers and businesses, or remain silent.

If you want a more business-friendly privacy law, if you are an employee who wants privacy rights at work, or if you fear becoming a victim of identity theft, contact the government and say you support Bill 207.

The minister can be reached at 945-3952.

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