

By: Jesse Brown Published on Thu May 01 2014

## Where is Canada's rage over digital surveillance?

Americans know their government is spying on them, thanks to Edward Snowden, but Canadians remain in the dark.

In the United States, people didn't bury their heads in the sand when they learned about the pervasiveness of government surveillance, they did something.

According to a [Harris Interactive poll](#), 47 per cent of American adults changed their behaviour on learning about NSA spying. About 25 per cent said they have decreased their online banking, shopping and email use, for example.

Here in Canada, similar information was gathered by [Canadian Journalists for Free Expression](#) and Nanos Research. A strong majority, 60 per cent of respondents, said they would do nothing if they suspected the government was spying on them. The disparity in the two responses has been taken as further proof of Canadians' passive and polite deference to authority.

But there is a crucial difference between asking people what they have done since they learned that they are being spied on, and what they would do if they suspected this.

The real distinction between America and Canada in this instance is one of certainty: thanks to Edward Snowden, Americans know for a fact that their government has been spying indiscriminately on millions of them.

What do we in turn know about CSEC, our NSA equivalent? The little information that has been reported about them is troubling. What we don't know is terrifying.

This we do know: Communications Security Establishment Canada spied on Canadians in bulk through public [Wi-Fi connections in an unnamed airport](#); it considers gathering information on those we call or text and where we are when we do so to be legal, because it considers that information "metadata;" it spies on the governments of our ally countries; there have been serious internal breaches of CSEC's own values and ethics code and a misuse of public assets; CSEC welcomed America's NSA onto our soil to spy during the G20 summit; and we know that it has misled our courts in order to obtain surveillance warrants.

So why is CSEC spying on us? Do our wireless providers help them? How long does CSEC keep the information it collects, who is it sharing it with, and how is it protecting our information?

A close look at CSEC reveals little by way of hard fact, but does describe a bizarre set of circumstances. CSEC, it turns out, basically answers to no one. The tiny oversight office dedicated to assuring Parliament that CSEC is operating within the law defines the agency's legality using interpretations written by CSEC's own lawyers. Even the outgoing commissioner overseeing CSEC was unable to vouch for the legality of its actions in his final report because documents needed to ensure CSEC's compliance with the National Defence Act somehow went missing. Rob Nicholson, minister of national defence, has evaded all attempts to better understand what CSEC's 2,000 employees are doing with their \$500 million annual budget in their new \$1.2-billion headquarters. There simply is no meaningful accountability for anything the vast agency does.

America's outcry over the NSA's overreach occurred in response to specific revelations. In Canada, we still don't have the foggiest notion about the nature or extent of the surveillance state — we just know that we

are, to some extent, living in one. Canadians have been criticized for not taking action against these intrusions. But how could we when we know so little?

Still, Canadians haven't been totally complacent. Canadian Journalists for Free Expression has been monitoring and reporting on information about CSEC as it breaks. The intrepid [Citizen Lab at the University of Toronto](#) has attacked the problem from a different angle, demanding answers from Rogers, Telus, Bell and 16 other telecommunications companies as to what information they share with authorities and under what circumstances. Meanwhile, the British Columbia Civil Liberties Association has launched a [class-action lawsuit against CSEC](#), on behalf of every Canadian who has used a wireless device since 2001. The idea is, if CSEC has not been spying on all of us, let them prove it.

If authorities refuse to answer reasonable questions based on legitimate concerns, we mustn't stop there. We can go around CSEC and its masters, we can remind them constantly that they owe the public answers, and we can make ourselves available to anyone out there who, like Edward Snowden, possesses information that their consciences won't allow them to conceal.

***Jesse Brown** is a member of CJFE's Digital Issues Committee and publishes CANADALANDSHOW.com, a media criticism project. To read more about digital surveillance in Canada, check out CJFE's Review of Free Expression in Canada at [CJFE.org/2014review](#), and follow CJFE @CanadaCJFE and [facebook.com/CanadaCJFE](#).*

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