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TELECOMMUNICATIONS PRIVACY PRINCIPLES

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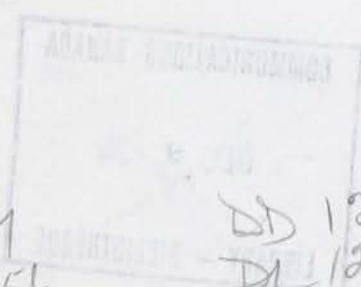
TELECOMMUNICATIONS

PRIVACY PRINCIPLES

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MESSAGE FROM THE MINISTER OF COMMUNICATIONS



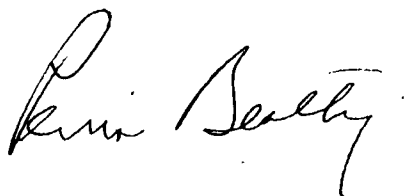
Privacy concerns are not new. Human beings have always taken measures to ensure that others would not invade their private space. However, today we have far more to worry about than straightforward physical intrusion on our domain.

Advanced communications and information technologies have made many more subtle privacy intrusions possible. Most Canadians would not want to give up the benefits of services such as caller identification and products such as the cellular telephone. But they also want to protect their privacy rights: the right to protection against unwanted intrusion, the right to control the use of information about themselves and the right to remain anonymous. To achieve this balance, we need to pay closer attention to the privacy implications of information technologies at all stages of their development and use.

As Minister of Communications, I have the responsibility to develop a public policy framework that balances the privacy interests of individuals with the social and economic benefits of advanced telecommunications services and product.

The Telecommunications Privacy Principles described in this document provide that framework. They are the result of public consultations that have taken place over the past year — consultations with privacy advocates, with telecommunications service providers, with provincial governments, with the Privacy Commissioner and with consumer groups.

For telecommunications service providers, it is good business to be responsive to customers. I hope that the Principles will form the basis for cooperation between businesses and consumers in reinforcing privacy in telecommunications services to Canadians. To all those who have contributed to the process of developing these Principles, I extend my thanks.



Perrin Beatty
Minister of Communications

December 1992

INTRODUCTION

Advances in telecommunications, coupled with computer software, have revolutionized communications. These same developments now present both threats and opportunities with regard to personal privacy. There are two key factors associated with this development. First, more and more personal and business transactions are conducted electronically over telecommunications networks. Second, computer-based telecommunications and information services are making it easier and less expensive to collect, store, access, match and redistribute information about individuals and their transactions.

Despite the many public and private initiatives under way to address public concerns over privacy protection in telecommunications, there is a need for greater coherence and focus. The Principles outlined below are intended to ensure that the demand for more efficient and sophisticated telecommunications services is balanced with appropriate safeguards for personal privacy. The Principles also recognize that the privacy needs of different users can vary and that it is necessary to strike a balance between these various needs.

In this context, privacy means:

- protection against unwanted intrusion, that is the right to be left alone and not to be monitored;
- the ability to control information about oneself, and one's activities;
- the right to remain anonymous.

The Principles were developed for all providers of telecommunications services including regulated telecommunications carriers, resellers, enhanced service providers and private network operators.

PRINCIPLES

1. Canadians are accustomed to having one of the best telecommunications systems in the world. Users expect to be able to communicate with one another easily and at reasonable cost. Users also expect that their personal privacy will be protected when using telecommunications services:

CANADIANS VALUE THEIR PRIVACY. PERSONAL PRIVACY CONSIDERATIONS MUST BE ADDRESSED EXPLICITLY IN THE PROVISION, USE AND REGULATION OF TELECOMMUNICATIONS SERVICES.

2. With rapid advances in telecommunications technology, both aspects of user privacy—that is the ability to control the outflow of information about oneself and to be protected against unwanted intrusion—are now in jeopardy. Many Canadians are unaware of these potential threats to their privacy:

CANADIANS NEED TO KNOW THE IMPLICATIONS OF THE USE OF TELECOMMUNICATIONS SERVICES FOR THEIR PERSONAL PRIVACY. ALL PROVIDERS OF TELECOMMUNICATIONS SERVICES AND GOVERNMENT HAVE A RESPONSIBILITY TO COMMUNICATE THIS INFORMATION, IN AN UNDERSTANDABLE AND ACCESSIBLE FORM.

3. Computer technology in telecommunications networks enables service providers to offer and consumers to choose from a variety of services with varying degrees of privacy protection. Some technologies, such as caller display, present advantages for many users. However, this same technology is seen by others as a threat to their personal privacy:

WHEN TELECOMMUNICATIONS SERVICES THAT COMPROMISE PERSONAL PRIVACY ARE INTRODUCED, APPROPRIATE MEASURES MUST BE TAKEN TO MAINTAIN THE CONSUMERS' PRIVACY AT NO EXTRA COST UNLESS THERE ARE COMPELLING REASONS FOR NOT DOING SO.

4. Modern telecommunications networks and services contain a host of features which make them more efficient. However, these features also make it easier to collect, store, access, match and redistribute information about individuals and their transactions. Privacy concerns arise when this information is made available to third parties without the consent of the individuals involved:

IT IS FUNDAMENTAL TO PRIVACY THAT THERE BE LIMITS TO THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION OBTAINED BY SERVICE PROVIDERS AND GENERATED BY TELECOMMUNICATIONS NETWORKS. EXCEPT WHERE CLEARLY IN THE PUBLIC INTEREST, OR AS AUTHORIZED BY LAW, SUCH INFORMATION SHOULD BE COLLECTED, USED AND DISCLOSED ONLY WITH THE EXPRESS AND INFORMED CONSENT OF THE PERSONS INVOLVED.

5. Many consumers resent the unsolicited and intrusive communications that result from the growing use of computer-controlled calling equipment. While this equipment can fulfil legitimate business needs, its potential for invading personal privacy is of increasing concern:

FUNDAMENTAL TO PRIVACY IS THE RIGHT TO BE LEFT ALONE. A BALANCE SHOULD EXIST BETWEEN THE LEGITIMATE USE OF UNSOLICITED TELECOMMUNICATIONS AND THEIR POTENTIAL FOR INTRUSION INTO PERSONAL PRIVACY. ALL PARTIES HAVE A RESPONSIBILITY TO ESTABLISH GROUND RULES AND METHODS OF REDRESS SO THAT CANADIANS ARE ABLE TO PROTECT THEMSELVES FROM UNWANTED AND INTRUSIVE TELECOMMUNICATIONS.

6. Changes in telecommunications technology and services may in time alter our notion of privacy:

PRIVACY EXPECTATIONS OF CANADIANS MAY CHANGE OVER TIME. METHODS OF PROTECTING TELECOMMUNICATIONS PRIVACY MUST BE REVIEWED FROM TIME TO TIME TO MEET THESE CHANGING EXPECTATIONS AND TO RESPOND TO CHANGING TECHNOLOGIES AND SERVICES.
