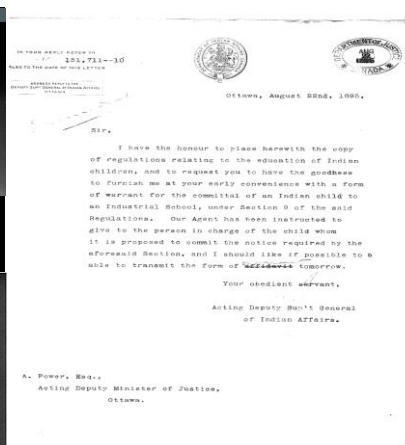
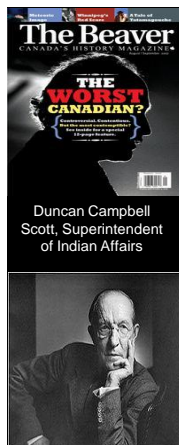


## The Freedom Giveaway: Government surveillance of law abiding citizens



Pierre Brignaud

Cindy Blackstock, PhD  
Access and Privacy Conference: June 19, 2014  
First Nations Child and Family Caring Society of Canada  
Associate Professor, University of Alberta



“

I am profoundly disappointed to note in Chapter 4 of this Status Report that despite federal action in response to our recommendations over the years, a disproportionate number of First Nations people still lack the most basic services that other Canadians take for granted.

”

Sheila Fraser,  
Auditor General of Canada  
(June 2011)

Child welfare specific OAG reports:  
May 2008; June 2011

## The I am a witness Campaign

- Human Rights case alleges Canada's provision of child welfare is discriminatory pursuant to the Canadian Human Rights Act
- Watch *I am a witness* video to find out what young people think about the case.
- Final arguments October 20-24, 2014. Ruling early 2015



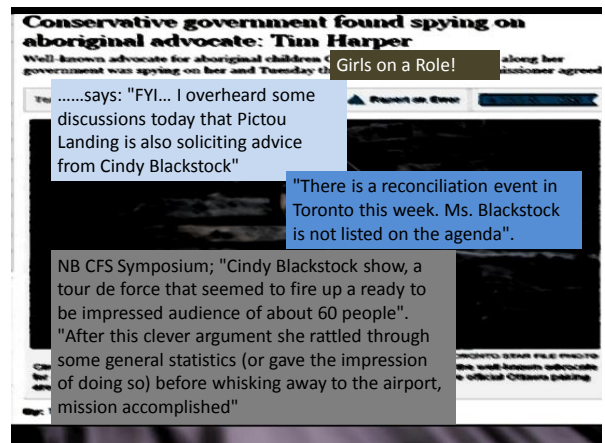
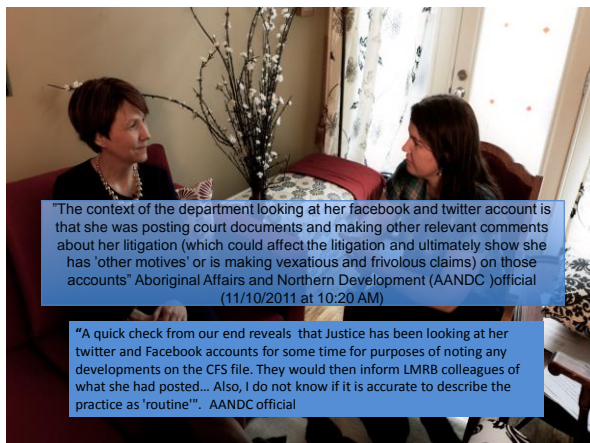
13,067 Supporters



## Managing Backfire

- Cover-up
- Devaluation of the target
- Reinterpretation of what happened
- The use of official procedures to give an appearance of justice
- Intimidation and bribery

• Gray and Martin, 2006



**Website Access Request Form**

In the event access to a blocked website is required for work related purposes, please fill in the form below, clearly indicating the business reasons why access to the site is required in the "Justification / Business Requirement" field.

Once the form is completed, please have your **supervisor** send this form via e-mail to the service desk: [ITS-IT@bc.ca](mailto:ITS-IT@bc.ca)

<b>Requester's Information</b>	
Employee Name	[REDACTED]
Title	Litigation Crisis Manager
Department / Branch	Litigation Management and Resolution Branch
Telephone #	[REDACTED]
Website/Website	[REDACTED]
URL, or address of the website	<a href="http://www.facebook.com">www.facebook.com</a>
Justification / Business Requirement	
The Complaint in the Assembly of First Nations' Test Nations filed and Family Caring Society Human Rights Complaint, Cindy Blackstock, is getting media or the story on the personal Facebook page. Given that some of the content in this case has been deemed prejudicial, this page should be monitored to ensure that sensitive information is not being released to the public.	
Access requested until: (please provide date)	
Director's Information	YHJ
Director's Name	[REDACTED]
Director Title	Director, Litigation Management and Resolution Branch
Telephone #	[REDACTED]
Note: Access to external sites / accounts does not provide under any circumstances.	

There are no official guidelines on what constitutes legitimate business

Once approval is given it is in force until the person leaves gov't

Once access is granted there is no supervision to ensure data collected is for authorized purpose

## Snooping on First Nations activist went too far, privacy commissioner says

Reams of Facebook data collected about First Nations advocate

The Canadian Press | Posted: May 29, 2013 6:43 AM ET | Last Updated: May 29, 2013 10:25 AM ET



Hearings at CHRT on retaliation begin on were heard in July (decision under reserve). Goal is to ensure that no one is retaliated against by the government for filing a human rights complaint. All proceeds go to children's charities.

**Information Sheet**

## Retaliation Component of the Canadian Human Rights Tribunal on First Nations Child Welfare

July 10, 2013

**Background**

In February of 2007, the First Nations Child and Family Caring Society of Canada (Caring Society) and the Assembly of First Nations (AFN) filed a human rights complaint alleging that the Government of Canada's provision of child and family services on reserves is discriminatory. The Canadian Government has spent over 6 years and 3 million dollars on its unsuccessful attempts to derail a full and proper hearing on the merits. In the fall of 2012, the Canadian Human Rights Tribunal entered the child and family services complaint as well as allegations that the Government of Canada

**How is the Retaliation Portion of the Case being heard?**

The Canadian Human Rights Tribunal began hearing evidence on the allegation that the Government of Canada's provision of child and family services was discriminatory and the retaliation complaint on February 26, 2013. The original hearing schedule called for the Caring Society, AFN, and the Canadian Human Rights Commission to present their case in full through to the summer of 2013 with the Government of Canada to follow with its case in the late summer and early fall. This meant that all of the Direct Society witness

Department of Justice  
Canada  
Ministère de la Justice  
Canada

Telephone  
(416) 967-0800  
Toll-free  
(1-877) 303-6666

May 23, 2014

Via Email

Michael Sabel  
Power Law  
Suite 1103 - 130 Albert Street  
Ottawa, ON K1P 5G4

Dear Sir:

**Re: First Nations Child and Family Caring Society et al. v Attorney General of Canada (Tribunal File: T-1348/2008)**

This is in response to your letter dated May 8, 2014, in which you request legal assistance to provide an understanding of the Department of Justice's position on the allegations of retaliation against the Caring Society and the AFN. In particular, the Department of Justice's position on the allegations of retaliation against the Caring Society and the AFN is being reviewed by the Privacy Commissioner's recommendations set out in the report of May 28, 2013, to not look at Dr. Blackstock's Facebook page. As well, Caring Society has informed the LRA Special Rapporteurs that we are not aware of any public officials who are currently monitoring or otherwise accessing your client's Facebook page. This should provide sufficient assurance.

If you wish to discuss this further, please do not hesitate to contact me.

Yours truly,

[REDACTED]



## ME AND MY SHADOW



May, 2012 Privacy and Expression Projects, Toolkits and guides, English  
<https://myshadow.org>

Me and My Shadow is a website that helps you explore and minimise your 'digital shadow' - information traces you leave behind when you use the internet and mobile phones.

Me and My Shadow won a Bobs Award (Deutsche Welle) for online activism in 2013.

## What I think I did right

- Filed **Privacy Request**
- Made conscious decision to **expose the conduct without retaliating**
- Media, filed **PCO and CHRT** retaliation complaints
- Leveraged experience for the public good



## What I wish I knew

- **International protections and organizations.** (UN Declaration on Human Rights Defenders, Frontline defenders, Tactical Tech.)
- **Domestic organizations** (Canadian Journalists for Free Expression, Canadian Civil Liberties Association, BCLA, Open media.org, Voices-Voix)
- **Who investigates these matters and what you can expect** (Privacy Commissioner, CHRT, Police, UN)



## Recommendations

- Easily **accessible information** for people suspecting or experiencing surveillance
- **Expedient investigations** and ability to **access interim orders** to stop gov't surveillance.
- **More effective retaliation measures** to protect domestic human rights defenders in Canada
- Parliament/Legislatures to **update privacy laws to reflect social and electronic media and require warrants** for government surveillance of citizens domestically
- Some of the protections I was able to access were because of my public profile and not as easily available to everyone- **that needs to change.**



“Oh Canada, we stand on guard” means citizens have a responsibility to ensure governments do not give away in times of peace what veterans fought for in times of war