

## Overdue Update or Big Brother? Lawful Access and Cyber Surveillance

**DATE: February 25, 2010**

**12:30 – 2:00 p.m.**

Flavelle House, Room FLA - U of T Law School

78 Queen's Park Crescent West

Toronto, Ontario

A light lunch will be served.

As rapidly advancing communication technology transforms so many aspects of human interaction it is crucial for public safety that investigative powers remain relevant to the rapidly evolving methods of crime. However, these methods must not too broadly infringe on the rights and liberties of Canadians. In 2009, two bills, C- 46 and C-47, were introduced with the intent of enhancing the state's authority to access electronic communications data. These bills have been controversial, provoking very different responses from the law enforcement and privacy communities.

The David Asper Centre for Constitutional Rights and the Canadian Civil Liberties Association are co-hosting a workshop to explore the important issues associated with giving law enforcement easier access to electronic communications data. Topics will include: the emerging realities of internet privacy, informational privacy, and defence and crown perspectives on proposed "lawful access" legislation. Speakers will include:

**Prof. David Murakami Wood** is a Canada Research Chair in Surveillance Studies and Associate Professor at Queen's University. He is a member of Queen's new Surveillance Studies Centre and Managing Editor of *Surveillance & Society*, the international journal of surveillance studies. In 2006 he coordinated the influential *Report on the Surveillance Society* for the UK Information Commissioner (ICO) and organised submissions to the UK House of Commons and House of Lords inquiries on surveillance. Professor Murakami Wood's research and teaching interests include surveillance and globalization, new technologies of surveillance, and the history, politics and ethics of surveillance. He is currently writing several books and has published numerous articles on surveillance-related issues.

**Prof. Lisa Austin** is an associate professor at the Faculty of Law, where she is affiliated with the Centre for Innovation Law and Policy. Prior to joining the faculty, she served as law clerk to Mr. Justice Frank Iacobucci of the Supreme Court of Canada. Professor Austin's research and teaching interests include property, privacy, the legal regulation of information and the ethical and social justice issues raised by emerging technologies. She is currently developing work on issues such as the challenges that information technology poses to our conception of privacy, and what theory of law is most responsive to the needs of a technological society.

**Robert Hubbard** was called to the Ontario Bar in 1977. He is counsel with the Crown Law Office - Criminal of the Ministry of the Attorney General of Ontario. Previously, Bob was Senior General Counsel with the Department of Justice in Toronto. He has appeared as counsel at all levels of court. Most recently, Bob was involved in the prosecution of Livent principals Garth Drabinsky and Myron Gottlieb. He has appeared as counsel on many search and seizure/privacy cases at the Supreme Court. Bob has co-authored the books *Wiretapping and Other Electronic Surveillance: Law and Practice*, 2000, Aurora, Canada Law Book, *The Law of Privilege in Canada*, 2006, Aurora, Canada Law Book and *Money Laundering and Proceeds of Crime*, 2004, Toronto, Irwin Law. Bob has also published several articles dealing with privacy issues including: Hubbard, R.W., DeFreitas, P. and Magotiaux, S. "The Internet -- Expectations of Privacy in a New Context" [2001] 45 Criminal Law Quarterly 170-197; Hubbard, R.W., Magotiaux, S., and Proestos, X., "The Limits of Privacy: Police Access to Subscriber Information in Canada," [2002] 46 Criminal Law Quarterly 361- 390. He lectures extensively on criminal law and advocacy related issues.

**Adam Boni** is a criminal defence lawyer. He began his career as a federal prosecutor with the Department of Justice. In 1999, he left the federal prosecution service to start his own boutique criminal defence practice in downtown Toronto. During the past decade, Mr. Boni has litigated a number of large criminal cases, at trial and on appeal, involving complex *Charter of Rights* issues. He has a keen interest in search and seizure litigation involving electronic surveillance. Mr. Boni is a past Director of the Ontario Criminal Lawyers' Association (2007-2009). He is a co-author of *Sentencing Drug Offenders* (Canada Law Book, 2004) and has written extensive papers on warrantless search issues and roadside drug investigations for the Advocates' Society. Mr. Boni has been a regular guest speaker at a number of Continuing Legal Education programs offered by the Advocates' Society and the Criminal Lawyers' Association on *Charter of Rights'* issues. He has been a guest lecturer at training programs and legal educational conferences held for Canada Border Services Agents, Peel Regional Police, the Toronto Police Service, the Ontario Provincial Police and the York Regional Police Service.

This panel discussion will be moderated by Graeme Norton, Director of the Canadian Civil Liberties Association's Public Safety Project.

**Please RSVP by registering on the Asper Centre Website:**

[www.aspercentre.ca](http://www.aspercentre.ca)