



Consult OPC

| | |
|----------------|--------------|
| DOC | GDL-021602 |
| OPI/BPR | PACB |
| D.D./D.E. | Feb-19, 2019 |
| ACTION | Reply |
| FILE #/DOSSIER | 3000-1 |
| | |

JAN 23 2019

Honourable David Lametti P.C., M.P.
Minister of Justice and Attorney General of Canada
Justice Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

Honourable Ralph Goodale P.C., M.P.
Minister of Public Safety and Emergency Preparedness
Public Safety Canada
269 Laurier Avenue West
Ottawa, Ontario K1A 0P8

Honourable Chrystia Freeland P.C., M.P.
Minister of Foreign Affairs
Department of Global Affairs
60 Sussex Drive
Ottawa, Ontario K1A 0K2

Dear Ministers:

Thank you for the response to my inquiries last year on the issue of the US Executive Order (EO) 13,768, entitled, "Enhancing Public Safety in the Interior of the United States". The information provided useful context as we discussed border security issues with various Parliamentary committees. As noted in my first letter (dated March 8, 2017) my concerns were triggered in part by correspondence from numerous advocacy groups who represent a wide range of vulnerable populations and professional constituencies.

I would note that the concerns of Canadians travelling to the US for business or personal reasons have not abated in the interim months. In fact, inquiries to my office on the issue of border screening reached a high point this year, especially after the federal legalization of marijuana. That said, I do sincerely appreciate the work you and your officials have undertaken in confirming with US counterparts that the Executive Order had, as a practical matter, resulted in no changes around the handling, use or protection of information shared by Canada.

I believe this confirmation will provide some reassurance to Canadians travelling south of the border. However, I remain concerned about the legal gap in the protection of Canadians' personal information south of the border, one which could be addressed at least in part were the United States to designate Canada as a "covered country" under the US *Judicial Redress Act* (JRA) of 2015. As you are aware, the US Attorney General designated several European countries as "covered countries" in February 2017.

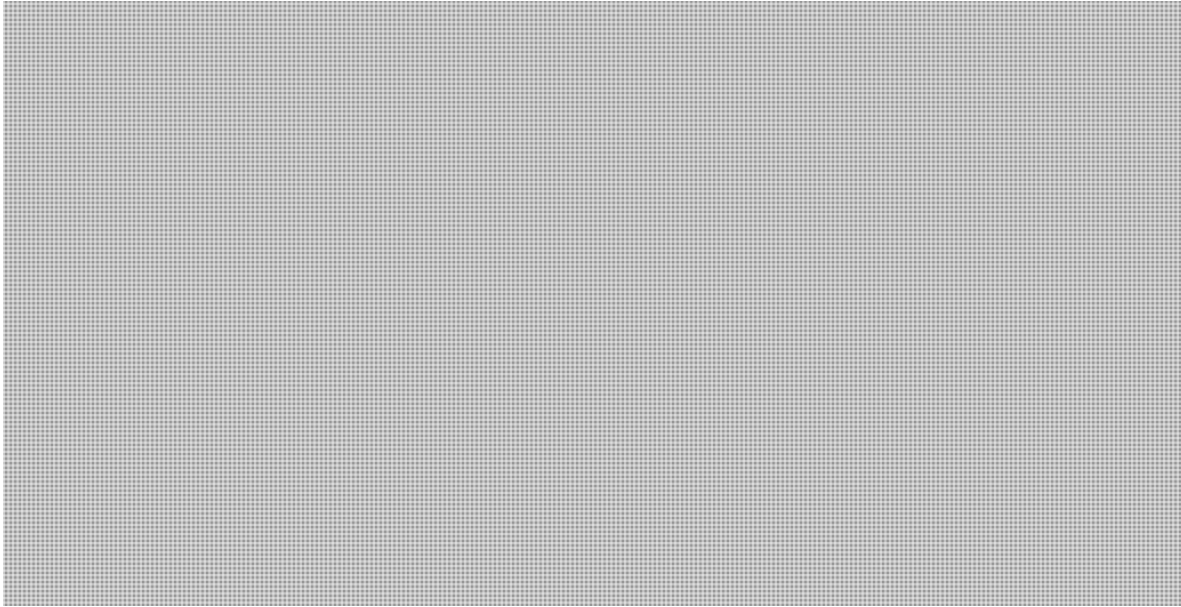
s.15(1) - Int'l
s.21(1)(a)
s.21(1)(c)



.../2

Consult GAC
Consult DOJ

-2-



s.15(1) - Int'l
s.21(1)(b)

s.15(1) - Int'l

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a trailing line, positioned above the name of the signatory.

Daniel Therrien
Commissioner



JUL 12 2019

Daniel Therrien
Privacy Commissioner of Canada
30 Victoria Street, 1st Floor
Gatineau, Québec K1A 1H3

Dear Mr. Therrien:

Thank you for your correspondence of January 23, 2019, in which you convey your concerns about the protection of Canadians' personal information with respect to designation as a "covered country" under the U.S. Judicial Redress Act (JRA), and also in which you express your interest in engaging in discussions over implications of information sharing arrangements under the CLOUD Act.

s.15(1) - Int'l

s.21(1)(a)

s.21(1)(c)

Thank you for your offer of advice with respect to the CLOUD Act. V

You have an important advisory role, and there are many privacy and data protection issues relevant to your expertise that will have to be considered. We appreciate you taking the time to signal your interest and willingness to provide valuable expert input, and we anticipate opportunities for us to engage with key entities, partners and stakeholders, including your office, to obtain useful input on this issue in the future.

- 2 -

Our officials will continue to work closely with your staff to consider measures to protect the personal information of Canadians in the United States. Should you have any specific questions, departmental officials would be happy to provide you with further details.

Thank you again for your ongoing interest in this matter.

Yours sincerely,



The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness



The Honourable David Lametti, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada



The Honourable Chrystia Freeland, P.C., M.P.
Minister of Foreign Affairs