

[Canada Seeks Privacy Assurances From U.S.](#)

By [Jeremy Hainsworth](#)

Canadians shouldn't be included in President Donald Trump's order to limit expansion of foreign citizen access to the U.S. Privacy Act, the Privacy Commissioner of Canada told Bloomberg BNA March 14.

Canada is seeking assurances from the Trump administration that the privacy of its citizens won't be harmed by a Jan. 25 [executive order](#) that limits executive branch agencies from giving privacy protections to non-U.S. citizens, Canada Privacy Commissioner Daniel Therrien said. The U.S. should strengthen privacy protections for Canadians by adding the country to a list of designated nations whose citizens are able to sue under the U.S. Privacy Act over alleged government misuse of their personal information, he said. One of the major concerns of Canadians is the possible warrantless surveillance of correspondence with U.S. companies or individuals.

The U.S. enacted the Judicial Redress Act last year to extend the right to sue under the Privacy Act to European Union citizens whose data was transferred to the U.S. The law was part of a deal to authorize a new system to allow U.S. companies to transfer personal data of EU citizens to the U.S. Government officials on both sides of the Atlantic have said the executive order doesn't affect the data transfer pact. But Canada is concerned about Trump's move limiting further expansion to other countries.

Therrien March 8 sent a [letter](#) to senior cabinet ministers in Canada asking them to seek U.S. assurances that Canadians' privacy interests will be protected. Therrien said that without the increased protections offered by extension of the Privacy Act to Canada, emails between Canadian companies and citizens that flow through U.S. data centers may be subject to unchecked government surveillance without recourse.

The privacy office push for Canada to seek further information from the U.S. about privacy protection may be a message to Canadian companies to ensure their corporate data are protected, Toronto-based privacy and security lawyer Michael Power told Bloomberg BNA. "There are wholesale deficiencies in data security by Canadian companies," he said.

If the U.S. doesn't include Canada in countries protected under the Judicial Redress Act, companies could encrypt data to avoid surveillance of cross-border data transfers, Therrien said.

[Parity With Protections for EU](#)

"The Executive Order can be read broadly as sending a message to U.S. government agencies that the privacy of non-U.S. citizens is not protected generally," Therrien said.

European nations have been afforded such protections and Canadians should get the same protections, Therrien said. "As a longtime ally and close trading partner, I believe that Canada should ask to be given the same level of protection as that granted to the various European countries designated as 'covered countries,'" Therrien wrote in the March 8 letter.

Saskatchewan Privacy Commissioner Ron Kruzeniski told Bloomberg BNA that if inclusion of Canada in the list of countries covered by the U.S. Judicial Redress Act is possible, the country "might as well use them to the greater advantage of Canadians."