

MRIA Member Consultation

CALL-OUT TO MRIA MEMBERS—Help MRIA formulate its policy position on out-of-country data storage

Issue: Upcoming NAFTA Negotiations Regarding Out-of-Country Storage of Publicly-held Personal Information

Various media outlets reported last week that the U.S. government has notified its Canadian counterparts that it wants to discuss the issue of data storage by public bodies in Canada as part of next month's NAFTA renegotiations.

The proposal, which is one of many that was made by the Office of the U.S. Trade Representative, is to end measures that restrict cross-border data flows, or require local (i.e. in Canada) computing facilities for the storage of publicly-held personal information. The U.S. government considers these measures to be trade barriers.

The proposal runs counter to federal policy on cloud computing, which states national security as a reason for requiring suppliers of digital storage to the Canadian government to keep sensitive or protected data in Canada. It's also contrary to provincial privacy laws in BC and Nova Scotia that prevent schools, universities, hospitals, utilities, and other public bodies from using suppliers that might store in or access data from the U.S.

Questions for MRIA Members:

MRIA have always been strong advocates of a robust privacy framework in Canada. For example, we actively supported the introduction of privacy legislation such as PIPEDA.

Privacy advocates have been quick to raise flags that removing any requirement to store publicly-held personal information in Canada creates scenarios where that data could potentially be accessed by foreign agencies, notably in light of the *U.S. Patriot Act* which gives the FBI broader access to records held by firms in the U.S.

- Do members see any issues with publicly-held personal information flowing to the U.S.?
- Should MRIA submit a brief to the Canadian government calling on it to refuse the U.S. government's request to end 'local infrastructure requirements' for data storage?

Action:

Submit your comments before end of day, Friday August 25, and help MRIA formulate its policy position on matters of privacy and the protection of personal information.