



FOR IMMEDIATE RELEASE**October 8, 2004**

**B.C. Liberals using FOI amendments to mask privatization agenda, says
CUPE Bill 73 pre-empts Privacy Commissioner's report on effects of
USA Patriot Act**

BURNABY—Amendments to the Freedom of Information and Protection of Privacy (FOIPP) Act are mere window dressing for the provincial government's privatization agenda and do nothing to alleviate British Columbians' concerns about the all-powerful USA Patriot Act, says CUPE BC president Barry O'Neill.

Bill 73, tabled in the legislature yesterday by Management Services Minister Joyce Murray, includes restrictions on public bodies and service providers storing, accessing or disclosing personal information outside Canada.

But amendments to Canadian law cannot protect the privacy of Canadians when U.S. companies are in possession of Canadians' personal information, says O'Neill.

"Companies such as Maximus, to which the B.C. government recently contracted out administration and billing of the Medical Services Plan, can choose whether to comply with Canadian or U.S. law—and there's not much doubt which jurisdiction they'd choose."

O'Neill added that the government had promised British Columbians it would wait until the privacy commissioner had finished his report into the effects of the USA Patriot Act before deciding whether or not to contract out the billing and administration of MSP to the Canadian division of an American company.

"But now, by tabling these amendments and breaking that promise, the government is demonstrating that it's far more concerned about protecting its privatization agenda than protecting British Columbians' right to privacy."

In its August submission to Information and Privacy Commissioner David Loukedelis, CUPE argued that U.S. authorities, under the jurisdiction of the Patriot Act, could gain access to personal information that a public body outsources to a U.S.-linked company.

"CUPE believes legislation strengthening Canadian privacy protections will not be adequate to eliminate the risk to privacy in the proposed agreement with Maximus," it said. "Maximus derives 95 per cent of its revenues in the United States and as such, when confronted with a conflict in its obligations, will likely side with the jurisdiction that provides the lion's share of its revenues."

Nor can British Columbians trust the minister's statement yesterday that "no sensitive personal information will be sent to the U.S. on either a temporary or permanent basis."