

Canada Surrenders Sovereignty and Privacy to U.S. “Secure Flight Program”

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Canada is under pressure from U.S. officials to further comply with American security rules which in some cases, threatens its sovereignty and the privacy of its citizens. As a result of the war on terrorism, the U.S. government now has more power to restrict air travel and is not only dictating North American, but also international security measures.

[Bill C-42, An Act to amend the Aeronautics Act](#) would require Canadian airline carriers that fly over the U.S. to provide the Department of Homeland Security (DHS) with passenger information. This includes name, date of birth, gender, as well as passport and itinerary details when applicable. Airlines landing in the U.S. already have to supply this information, but allowing personal data to be shared on passengers who are only flying through American airspace essentially shreds existing Canadian protection and privacy laws. Bill C-42 complies with the Transportation Security Administration's (TSA) [Security Flight Program](#) which would take effect globally at the beginning of next year. Most Canadian commercial flights pass over the U.S. while en route to Latin America, the Caribbean and Europe which in many cases would give the DHS the final say on who is allowed to travel to and from Canada.

Under Canada's [Passenger Protect Program](#), “airlines must compare passenger's names against a list that is controlled and managed by Transport Canada before a boarding pass is issued.” Secure Flight transfers that authority from airlines to the DHS. TSA will be responsible for pre-screening passengers and their personal information against federal government watch lists. According to the [Secure Flight Final Rule](#) document issued in 2008, “If necessary, the TSA analyst will check other classified and unclassified governmental terrorist, law enforcement, and intelligence databases, including databases maintained by the Department of Homeland Security, Department of Defense, National Counter Terrorism Center, and Federal Bureau of Investigation.” With many well documented issues surrounding the accuracy of security watch lists, U.S. mistakes could further prevent more Canadians from flying to foreign destinations. There are also concerns that data collected on Canadian citizens will be readily accessible to a broad range of U.S. agencies and just what might be done with the information.

Privacy Commissioner [Jennifer Stoddart](#) recently appeared before a committee examining Bill C-42. She acknowledged privacy concerns caused by increased aviation security measures which, “have resulted in the creation of massive government databases, the use of secretive no-fly lists, the increased scrutiny of travellers and airport workers and greater information sharing with foreign governments.” Stoddart explained that Bill C-42, “will allow

American or other authorities to collect personal information about travellers on flights to and from Canada that fly through American airspace and this, in turn, will allow American authorities to prevent individuals from flying to or from Canada.” Public Safety Minister Vic Toews has insisted that the U.S would only use the personnel data for air security purposes, but Stoddart admitted, “our understanding is that information collected can be disclosed and used for purposes other than aviation security, such as law enforcement and immigration purposes.” The Canadian government has failed to sufficiently safeguard the privacy of its citizens and there are fears any information collected could be misused.

In October, NDP Member of Parliament Don Davies [warned](#) that Bill C-42 would give U.S. security agencies unprecedented access to Canadians’ personal information. He addressed a whole subset of data that could be obtained by U.S authorities through the passenger name record created when booking with travel agents. This includes, “credit card information, who we are travelling with, our hotel, other booking information such as tours or rental cars, any medical condition of the passenger that may have been disclosed, dietary preferences, our email address, our employer information, our telephone information, our baggage information.” Davis also added, “This bill would effectively allow the United States to determine when Canadians can leave Canada to fly to many destinations in the world that have nothing to do with the United States. This bill violates Canadians’ freedoms. It violates Canadians’ mobility rights.” Bill C-42 is an encroachment on sovereignty and gives the U.S. unprecedented power over who can board planes that fly over its airspace.

In January of this year, following the failed underwear bombing and at the request of the U.S., Canada [installed](#) full body scanners at its major airports. So far, the Canadian government maintains that they will not institute aggressive TSA-style pat-downs, but another incident could change that. The new airport security measures can only be described as intrusive and degrading with some critics also labelling them as ineffective. In the U.S., there has been a growing public backlash against the use of naked body scanners and other invasive TSA security procedures. In an effort to prevent this discontent from spreading across the border, Canadian Transport officials have begun installing [private search areas](#) at designated airports. Booths set up at security checkpoints will give passengers the option of private pat-downs. In the near future, airport security practices could be expanded to other modes of public transportation. Implementation of a high-tech control grid would further restrict, track and trace our movements.

Although the Security and Prosperity Partnership (SPP) may no longer be active (in name only), the harmonizing of some of its key priorities in areas such as traveller, cargo and aviation security, as well as others continues through different initiatives. Part of the SPP agenda also called for merging no-fly lists into a single North American database. In an effort to keep travel and trade moving across the border, Canada will be further pressured to adopt a single security strategy dominated by U.S. interests.

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