

Commissioner Daniel Therrien,  
Office of the Privacy Commissioner of Canada  
30 Victoria Street  
Gatineau, Quebec  
K1A 1H3

Dear Commissioner,

I am writing on behalf of OpenMedia, a community-based organization that works to keep the Internet open, affordable, and surveillance-free. We work toward informed and participatory digital policy by engaging hundreds of thousands of people in protecting our online rights.

Over recent months, a number of media and civil society organizations have been attempting to determine whether police forces in Canada are using StingRay surveillance devices, technically known as IMSI catchers, to collect the private cell phone information of Canadians.

As you may know, StingRay devices simulate cell phone towers in order to trick nearby mobile phones into connecting to them and revealing their locations. The device is designed to monitor large groups of individuals in a given area, without their consent. It is capable of intercepting the content of voice and text communications, and even of extracting the encryption keys people use to protect their data.

The Royal Canadian Mounted Police (RCMP), the Vancouver Police Department (VPD), and the Ontario Provincial Police (OPP) have each refused to confirm or deny their use of these technologies in their surveillance activities. We believe that these police departments' failure to acknowledge if and when they are utilizing these technologies highlights the grave potential that Canadians are suffering from a serious violation of their Charter rights.

If these invasive technologies are not in use, then these agencies should have no problem confirming that their surveillance activities remain within the confines of the law. If these StingRay technologies are being used in Canada however, the public has a right to know. These tools have the potential to subject innocent Canadians to gross privacy violations, without their knowledge or consent. Accordingly, OpenMedia is concerned that Canadians currently have no recourse for justice.

While we recognize that the VPD and OPP are not within your jurisdiction under the *Privacy Act*, we respectfully ask that you investigate the potential use of these invasive technologies by the RCMP. We hope that you find that these technologies are not, in fact, in use. But Canadians cannot afford to risk their privacy being violated in such a serious manner.

Given that the RCMP recently stated to the *Toronto Star* that its records relating to the potential use of StingRay technologies are exempt from disclosure under the *Access to Information Act*,

we believe an independent investigation, or positioning statement, from your office would be invaluable in bringing these facts to light, and ensuring that Canadians' *Charter* rights are upheld.

We look forward to hearing from you in due course.

Sincerely,

Laura Tribe  
Digital Rights Specialist, OpenMedia