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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Hon. Kerry-Lynne D. Findlay
607 Confederation Building
House of Commons
Ottawa, ON
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May 22, 2014

RE: Bill C-31's CRA Provision violating the Charter of Rights and Freedoms

Minister Findlay,

I am writing you regarding clause 28.3 buried in the Income Tax Act portion of the massive omnibus legislation C-31 that appears to give Canada Revenue Agency Officials the ability to turn over Canadian's personal financial information without a warrant or oversight. Currently such information can only be handed over to authorities under authorization from a judge.

You have stated that "Information cannot be shared on the mere suspicion of criminal activity or based on a request initiated by law enforcement authorities." However, lawyers and police officials state the opposite in a recent news report. They believe that this provision would allow any clerk at the CRA to hand confidential information to any police officer with no paper trail.

At Finance Committee on May 14 2014, The Privacy Commissioner reconfirmed the quasi-constitutional status of the Privacy Act and its precedence over conflicting legislation such as FATCA or this provision in Bill C-31. Ms. Bernier flatly stated that she is concerned by this proposed legislative change and that such a provision must be "justified as necessary and proportionate." She urged if justification was not forthcoming, this clause may be in violation of section 1 of the Charter of Rights and Freedoms.

She also stated that there is already a consistent problem by the government of over-collecting and over-reporting Canadians' private information. With absolutely no oversight, there are no safeguards built into this provision of C-31 to ensure that over collecting and over reporting does not occur here as well.

The Finance Department's response to questions from the Chronicle Herald on this matter was very unfortunate. Using the spectre of fighting child pornography as a cover for violating the privacy rights of Canadians has already tarnished the credibility of other government ministers. As a parent and as a legislator I find it appalling that you would attempt to use the smear of child pornography when it has no credible connection whatsoever to the private financial information of Canadian citizens.

Your government has shown a very poor track record for defending the rights of ordinary Canadians from warrantless snooping. Your department has an obligation to reassure Canadians that their private financial information will be treated with respect and with all due protections of law and the

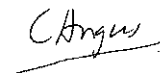
Constitution. Attempting to slip such a major change through omnibus legislation certainly raises questions about your government's sincerity in this manner.

As these provisions will be forced through Parliament without the necessary oversight of committee and witness testimony I feel it is important for you to explain the legal advice on which this government is acting. The rights of Canadians to due process in protection of privacy have been deemed quasi-constitutional rights by the Office of the Privacy Commissioner. The Privacy Commissioner has stated that these legislative changes in Bill C-31 may be a violation of Section 1 of the Charter.

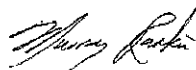
I am calling on you to meet the urgent request of the Privacy Commissioner and provide a written explanation of this provision in Bill C-31 accompanied with a legal opinion in coordination with your officials testifying at Committee on this matter.

I look forward to hearing from you on this matter.

Sincerely

A handwritten signature in cursive script that reads "C Angus".

Charlie Angus
MP Timmins-James Bay

A handwritten signature in cursive script that reads "Murray Rankin".

Murray Rankin
MP Victoria