

There was a general agreement that self regulation is not enough and that a "stick" is required to enforce privacy rights in the form of fines or damaged reputation. Participants endorsed partial self regulation. "More things can be achieved with a smile and a gun than a smile alone."

A point was also raised that technology does not have to be privacy-invasive. Instead, technology could be made privacy-protective and reveal much less.

Some participants said that the free market approach to regulating privacy is insufficient. The sheer strength of the U.S. market makes the free trade argument false. Rather than operating on the same playing field with the U.S., Canadian markets are dominated by the U.S. This trend is a part and parcel of our loss of sovereignty to the private sector. Consumer data is not benign. Profiles of Canadians can easily be set-up on a commercial basis by private companies. People do not have time to understand all the intricacies related to privacy and sovereignty issues. Moreover, which computer system to use to address them? *It is government's responsibility to sign international covenants that deter privacy and sovereignty-related threats.*

Others raised caution, asking where to draw the line of government involvement before it becomes paternalistic, or even worse, totalitarian. They pointed out that governments are not neutral, their decisions are affected by lobbying, for instance. At the same time, regulation of information is necessary to ensure that it is accurate and real. Moreover legislation has to be developed aimed at protecting the little guy, since power relationships play a big role in how privacy is treated. A proper balance between self regulation and government regulation has to be found. In order to find this balance the question whether the government is a threat or a safeguard should be addressed.

## **2.6. Tools for Regulating Privacy**

Some said that legislation dealing with privacy already exists including the Canadian Charter of Rights and Freedoms, the Privacy Act, private sector legislation, EU, OECD, Safe Harbours, etc.. Rather than creating new Charters, efforts should be made to enforce the existing instruments. Moreover, existing instruments may be weakened if yet another instrument is to be negotiated and implemented.

Others emphasised the need for a Charter of Information and Responsibilities with a consolidated set of principles, going beyond privacy to include access (i.e., the digital divide). Before developing ethical information management on a case by case basis, a Charter could serve as a framework, addressing how information is collected, housed, and manipulated. *Canada could take a lead on creating such an instrument, drawing on the relevant sections of its own Charter of Rights and Freedoms and other privacy legislation. While in the U.S. the perception that the state is an enemy may dominate, Canadians have a more balanced view. This may contribute to a synergy among civil society, business and the government and could create a balance between individual rights and corporate goals.*