

It Came From South of The Border: Effects of the USA PATRIOT Act and More on Canadian Libraries

Netspeed 2007
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What We'll Be Looking At

- The USA PATRIOT Act
- The United States Department of the Treasury Office of Foreign Asset Controls (OFAC) - rulings
- Q & A/Discussion

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Disclaimers

- Can't cover everything
- Will do my best to be current
- Will try not to have *too much* of an academic focus
- Will use many U of C examples

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The USA PATRIOT Act

- The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act) of 2001 (Public Law 107-56, 115 STAT.272, H.R. 3162)
- Section 215
- Implications for “Canadian” information

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The USA PATRIOT Act – What Can/Is Being Done?

- At the universities
- At the provincial level – BC, AB
- At the federal level - federal privacy commissioner
- By Canadian libraries – e.g. Scholar's Portal
- By individuals

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The PATRIOT Act – Recent Developments

- The PATRIOT ACT was renewed, March 2006 – no real changes for Canadians
- Sections of the PATRIOT Act struck down in September 2007 (twice!)

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The Office of Foreign Assets Control (OFAC)

- Rulings on “informational materials”
- Rulings *to* and *from* embargoed countries

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- It's all moot!
 - OFAC regulations don't apply to providing information to countries under embargo
 - the Berman Amendment (1989) and the Free Trade in Ideas Amendment (1994)

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What Can Be Done – USA PATRIOT Act

- Remember that you leave a trail
- Think about what you “leave behind”
- Talk with US publishers and vendors
- See what your governments and institutions are doing

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What Can Be Done – OFAC

- Have good licensing practice
- Get your consortia involved
- Talk with US publishers and vendors

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Questions? Discussion?



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Some Resources – USA PATRIOT Act (part 1)

- Ball, Howard. The USA PATRIOT Act of 2001: Balancing Civil Liberties and National Security: A Reference Handbook. Santa Barbara, CA: ABC-CLIO, 2004.
- Office of the Information and Privacy Commissioner (Alberta). Commissioner comments on amendments to Freedom of Information and Privacy Act. News Release, March 8, 2006. http://www.oipc.ab.ca/ims/client/upload/NR_FOIPAmendments_BG.pdf
- *Office of the Privacy Commissioner of Canada. PIPEDA Case Summary #313: Bank's notification to customers triggers PATRIOT Act concerns.* http://www.privcom.gc.ca/cf-dc/2005/313_20051019_e.asp

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Some Resources – USA PATRIOT Act (part 2)

- Privacy and the USA PATRIOT Act: Implications for British Columbia Private Sector Outsourcing, Information & Privacy Commissioner for British Columbia, October 2004.
http://www.oipc.bc.ca/sector_public/archives/usa_patriot_act/pdfs/report/privacy-final.pdf
- USA PATRIOT Act as Passed by Congress.
http://www.asksam.com/cgi-bin/as_web6.exe?Command=First&File=PATRIOT Act

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Some Resources - OFAC

- United States Department of the Treasury. Office of Foreign Assets Control. <http://www.treas.gov/offices/enforcement/ofac/>.
- Waller, Andrew (2006) Beyond the Patriot Act: Rulings from the Office of Foreign Asset Control (OFAC) and their Effects on Canadian Libraries. *Partnership : The Canadian Journal of Library Information and Practice and Research* 1(1). See <http://journal.lib.uoguelph.ca/index.php/perj/issue/view/21> or <http://eprints.rclis.org/archive/00008020/> or <https://dspace.ucalgary.ca/bitstream/1880/44210/1/andrew1.pdf>

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