

Charlie Angus

Member of Parliament / député
Timmins-James Bay / Timmins-baie James

Ottawa

900 Édifice La Promenade Building
Ottawa, Ontario
K1A 0A6
Tel/Tél: 613-992-2919
Fax/Télé: 613-995-0747

Constituency / Circonscription

202 - 60 ave Wilson Ave Timmins, Ontario P4N 2S7 Tel/Tél : 705-268-6464 Fax/Télé: 705-266-9125	201 - 30 rue Second St Kirkland Lake, Ontario P2N 1R1 Tel/Tél. : 705-567-2747 Fax/Télé: 705-567-5232
--	--



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Ms. Chantal Bernier
Acting Privacy Commissioner of Canada
112 Kent Street
Place de Ville
Tower B, 3rd Floor
Ottawa, Ontario
K1A 1H3

March 24^h, 2014

Re: FATCA, U.S. Foreign Account Compliance Act

Dear Commissioner Bernier,

We are writing to you to express our concerns that the privacy rights of Canadians of American background are being compromised as the implementation of the U.S. Foreign Account Compliance Act (FATCA) goes forward. Specifically, we are concerned that the Intergovernmental Agreement (IGA) that has been negotiated does not sufficiently protect the legitimate privacy rights of law-abiding Canadians when it comes to demands for information from the United States. The fact that the government has been able to negotiate the IGA in spite of the principles laid out in Privacy Act shows the need to update this act so that it is able to fully protect Canadians' privacy rights.

Members of Parliament have received many calls from constituents of dual citizenship about the unjust nature of FACTA. For example, an 80-year-old woman who has lived in Canada for half a century is being told that she must turn over details of the life insurance policy she has for her family. Surely this is a level of information that should not be simply handed over to a foreign government?

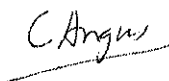
Negotiations over the IGA to implement the FATCA were conducted entirely behind closed doors. New Democrats are deeply concerned with the prospect of a foreign nation unilaterally imposing obligations on Canadian banks to disclose the personal information of Canadian citizens and residents of this country. The Canadian government claims that our concerns should be alleviated by the fact that Canadians' information will be handled by CRA—a government institution covered by the Privacy Act. However, this appears to be very thin cover indeed.

The consistent deficiencies in Canada Revenue Agency that have been pointed out in audits undertaken by your office leave us with little confidence that this agency is properly equipped to protect Canadians' privacy rights.

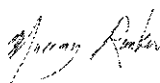
Since 2006, your office has consistently stated the urgent need to reform the Privacy Act. In 2008 your office specifically mentioned the lack of protections in Transborder data flows. We are concerned that FACTA is yet another example where the Privacy Act will fall short of the current Conservative government adequately protecting Canadians' privacy rights.

In your view, do the procedures outlined in the Intergovernmental Agreement adequately respect the privacy rights of Canadian-American dual citizens? What modifications to the Privacy Act are required to better protect the privacy rights of Canadians affected by aggressive FATCA reporting requirements?

Signed,

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