



Family Law

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YOUR EX DOES!



Roxanne Shank
LAWYER

Q

My wife and I travel to the States at least twice a year. Now I am worried because we have our banking and other confidential information on our phones. What should we do?

A

In January 2020 the Federal Privacy Commissioner Danielle Therrien investigated complaints against the Canada Border Services Agency (CBSA) concerning the examination of devices, such as cell phones, tablets and laptop computers, at ports of entry. He found that the CBSA violated the law, by carrying out unduly invasive searches of personal digital devices, including viewing a traveler's online banking and social media information.

The CBSA does have widespread powers to stop and search people, and examine their baggage and other possessions including devices such as laptops and smartphones, as detailed in the Office of the Privacy Commissioner of Canada website; however, the CBSA officers cannot routinely examine such devices, and can only proceed in the event that there is an indicator that would suggest that a search would produce evidence of illegal activities, such as a mismatch between a suitcase and a person's

itinerary, or a person's suspicious behavior.

The CBSA has the right to retain your phone, etc. if you do not provide your password. They can only request passwords for access to files or information stored on the device itself. They are not allowed to ask for passwords to gain access to accounts, files or information stored remotely or online, according to CBSA spokesman Barre Campbell.

What to do? If you are travelling on personal matters, remove business information on the devices you travel with; if you are travelling on business, use a laptop loaded with the basics and set up for remote access, and consider a factory reset on your cellphone. The less information you have, the better.

Your friends at Shank Law.



Phone: 705-435-5055

Email: lynn@shanklawoffice.com

Web: shanklawoffice.com