

TECHNOLOGY

Understanding the laws surrounding cell phones and computers

Most young people have been exposed to technology such as cell phones and the Internet for most of their lives. Read on to learn more about your rights in our complex world of technologically assisted communication.

Can the police trace my cell phone calls?

No, a police officer cannot trace your phone calls. However, if the police officer has obtained prior authorization in the form of a warrant, your phone calls can be traced. Every individual has a right to privacy that is protected by the Canadian Charter. To breach this fundamental human right and trace your phone calls, police officers must specify the offenses justifying the issuance of a warrant.

Can the police look at my cell phone records?

Yes, a police officer can look at your phone records. However, there are nuances to be made.

If you are lawfully arrested, a police officer can search your phone. The search however has to be directly related to the circumstances of your arrest and the police must keep detailed records of the search. This search has to be limited.

In other circumstances, a police officer cannot look at your cell phone records without having a mandate.

Can I drive while texting or calling on my cell phone?

No, it is against the law to talk on handheld phones and text while driving. You may only use your cellphones while driving if you have a "hands-free" option. If you are caught talking or texting while driving you will be asked to pay a fine and can lose up to 3 demerit points. Apart from cell phones, the law bans the use of any portable display screens that may distract the driver. Portable GPS systems are however exempt from this prohibition.

Can I take my cell phone anywhere?

You can take your mobile device anywhere, however there are some exceptions. Depending on the rules and regulations of your school, mobile devices may not be permitted. You should look at your school's code of conduct to understand what is acceptable or not.

In hospitals, you may not use your mobile device in certain areas. The reason for this is because cell phones can interfere with medical equipment. For the safety of hospital patients, please follow and respect hospital signs.

In some high-security areas, you may not use cell phones such as in prisons or parliament.

Can anyone confiscate your cell phone?

The police can confiscate your cellphone as evidence if they have obtained prior authorization to do so by a warrant.

Can your cell phone be confiscated by a movie theater employee?

If a theater employee suspects that you are filming or taking pictures of a movie, you may be escorted out of the theater. You may also be arrested and charged for infringing copyright laws. If you are found guilty of an offence, you may be fined or sentenced to prison.

What is an IP address?

IP is short for Internet Protocol. An IP address is a numerical label that is assigned to information technology devices such as computers, printers, routers, modems, etc. This number is used to identify these systems similar to how one would locate a house using an address.

This means that your activity on the Internet can be tracked. Furthermore, activating the privacy setting on your browser does not deactivate this function.

Police and governmental agencies can use your IP address to track your Internet activity if they suspect that you are involved in illegal activities. The websites you visit can be tracked as well as what you buy, what you do on various websites, etc.

Can anyone find out what websites I've visited or e-mails I've sent?

Although it may prove difficult to find out the websites you have visited, there are ways and people who can find out this information.

The easiest way your browsing history can be found is by searching through your computer's history. This can be done by anyone who has access to your computer. Even if you delete your browsing history, a computer savvy person could check your tracking cookies or cache.

An IT professional has the skill to access information stored on your computer by the websites you have visited. Your internet service provider also has access to your browsing history because everything you do online has to go through your internet provider. Other parties that can track your internet behaviour are Ad Networks (track internet users across different sites so as to give you ads pertinent to your interests), Content Networks etc.

It is illegal for any individual to hack into your network, without your authorization, to see you have been doing online. The reason for this is because we all have the right to privacy. Police and governmental agencies also have to respect this right as it is protected by the constitution. However, it is possible the police or a governmental agency to get a judge authorized warrant so that they can contact an Internet Service Provider (ISP) to find out what

websites a person has visited.

Can I make threats online?

No, you should not threaten others online. It is an offence to threaten someone online. Canada has anti-stalking laws and online threats are considered to be a type of stalking. You would suffer the same consequences for online stalking as you would if you were threatening someone in person.

What is 'cyber bullying'?

Cyber bullying refers to the act of when a minor uses the internet or digital technologies or mobile phones to torment, threaten, harass, humiliate embarrass or target another child in a deliberate, repeated, hostile manner. An individual or a group can carry out cyber bullying and it is intended to harm the person being targeted.

Cyber-bullying could be limited to posting rumours or gossips about a person in the internet bringing about hatred in other's minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them.

If you are involved in cyber bullying, you could be sued in a civil or criminal action and could serve up to 10 years in prison for criminal harassment if found guilty. Even if you do not intend to frighten someone, you can be charged with harassment if the person feels harassed.

Does freedom of speech give me the right to post discriminatory comments online?

No, freedom of speech does not give you the right to post racist comments online. The law protects all individuals regardless of their colour, race, religion, ethnic origin or sexual orientation. For this reason, there are a number of laws in place to ensure equality.

The Criminal Code prohibits hate speech. If you're found guilty of promoting genocide, you could be imprisoned for up to five years. Genocide is the destruction of any section of the public distinguished by color, race, religion, ethnic origin or sexual orientation.

The Criminal Code prohibits you from inciting hatred against any identifiable group. Any person who does not respect this provision may be fine or imprisoned.

The Quebec Charter of Human Rights and Freedoms also prohibits discrimination based on race, color, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

The Human Right Act also prohibits the posting of hateful or contemptuous messages on the Internet.

It is important to know that although everyone has freedom of speech, this right is limited. Aside from hate speech, other limitations to freedom of speech include slander, public nuisance and obscenity. Basically, your freedom ends where another person's rights begin.

Can I open someone's mail? E-mail? Facebook account?

No, you may not access another person's email or social network accounts without their permission. If you do so without prior authorisation, you would be committing an offence (invasion of privacy). If you are sued and found guilty of the offence, you could be asked to pay a fine or sentenced to jail.

What happens if I delete someone's information/files on their a computer?

If you delete information from someone's computer without their consent, you will be committing the offence of criminal mischief or in some cases a form of theft. Data is considered someone's personal property and as such, deleting it, damaging it, or even changing any part of it is considered to be a criminal offence.

What is hacking?

Hacking is when you illegally access computers and track users remotely without their permission. A professional hacker can use a persons' IP address to find out what they've been doing on their computer; they can find out information about purchases made online, credit card information, banking information, websites visited, emails sent, downloaded content etc. If you sit at someone's computer and guess their password so as to gain access to their computer, you are hacking.

What can happen if I get caught hacking?

Depending on the nature of the offence you could be charged with unauthorized use of a computer, Interception of private communication, identity theft or identity fraud. Then your computer could be seized, or you may be fined, or serve jail time.

Can I get in trouble for watching porn online?

Yes, you may only watch pornographic movies if you are above the legal age limit. It is prohibited for minors to watch porn.

Each province in Canada has laws to insure all movies are rated. Anybody under the age of 13 in Quebec may not rent or buy a ticket these movies. You may only watch these movies if you are your parents and after your parents have given their permission.

All pornographic materials are rated 18 years and over. Minors may not rent or buy tickets to see these movies even with permission from their parents.

Is it legal to download music or movies on the Internet?

No, it is illegal to download or share music or movies from the Internet is illegal under Canada's Copyright Act. If you are found guilty you face a fine or jail.

What is “invasion of privacy?”

Invasion of privacy refers to the act of intruding into the personal affairs of another person, without their consent or knowledge and without reasonable cause. A person whose privacy has been invaded can sue you.

Everyone has a legal right to expect that certain aspects of their life, belongings, and thoughts remain private as long as the expectations of privacy are reasonable.

For example, no one can reasonably expect to have a right to privacy in a busy shopping mall, a park or on your Facebook wall. However, it is reasonable to expect a level of privacy in one's apartment, on one's computer or email account. So, if someone reads your emails without your permission they have invaded your privacy. However, if they read your Facebook wall or blog then your expectation of privacy has not been violated.

What is 'file sharing' and is it legal?

File sharing means distributing or providing access to digitally stored information, such as computer programs, multi-media (audio, images and video), documents, or e-books.

There are different types of file sharing, some are legal and others are illegal. It is legal to share information and files between your peers, as long as the content you intend to share is not protected by copyright laws.

As previously mentioned, it is illegal to share information protected by copyright laws. Content protected by copyright laws includes: movies, songs, computer software and television shows. In some cases, the creators of movies, songs or software will allow you to download their copyrighted material for free, in which case file sharing is legal.

You are entitled by law to make backup copies of copyrighted materials that you purchased legally.

Can I post pictures of someone on sites like Facebook without their permission?

You can post pictures of someone on sites like Facebook, but you must respect their wishes. If you refuse to remove their photos, you could be charged with an invasion of privacy.

Can the police arrest me for something they saw on Facebook or MySpace?

Yes, if the information involves you in a crime.

Is it illegal to take pictures or record video in a movie theater?

It is illegal to take pictures or record videos in a movie theater during a movie because of copyright laws. Bootlegging refers to the act of making, selling or distributing recordings illegally.

You aren't allowed to use your phone to record or take pictures of the movie screen.

Is it illegal to buy 'bootlegged' movies?

Yes it is illegal.