

Ethical Autonomy as a Characteristic of Effective Government Writing

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Une des façons d'accroître l'efficacité des documents rédigés par les différents services gouvernementaux est d'en améliorer les caractéristiques de surface, c'est-à-dire la grammaire, la syntaxe, le langage et le style. Dans cet essai, je plaide en faveur d'une façon supplémentaire de le faire : promouvoir la visée éthique. Pour ce faire, je m'en tiens à quatre principes : créer un lien avec les lecteurs, leur faire prendre conscience de leur pouvoir d'agir, dire la vérité et publiciser efficacement les documents. J'illustre ces principes en me référant au Rapport annuel au Parlement, 2005, relatif à la Loi sur la protection des renseignements personnels et les documents électroniques, rapport soumis par le Commissariat à la protection de la vie privée du Canada. Bien que ce rapport ait été produit par un organisme de surveillance et que, par conséquent, il diffère de la plupart des documents gouvernementaux par son atypie, il propose néanmoins des orientations et des stratégies applicables à une étonnante variété de publications.

One way to make government writing more effective is to improve its surface features: grammar, syntax, diction, and style. In this essay I argue for an additional way: make it more ethical. I focus on four principles: create a bond with the readers, empower the readers, tell the truth, and publicize the writing effectively. I illustrate these principles by referring to the 2005 Annual Report to Parliament on the Personal Information Protection and Electronic Documents Act, submitted by the Office of the Privacy Commissioner of Canada. Although this report was written by a watchdog agency and therefore is atypical of much government writing, it does suggest attitudes and strategies that can be applied to many kinds of government writing.

The common perception of government writing is that it is horrible: bloated, obscure, pompous, timid, convoluted, awkward, jargony, misleading, impenetrable, disingenuous, unclear, and ugly. This common perception, like many common perceptions, is often accurate. That's why government writing has been given a number of unflattering names, including *bureaucratese*, *officialese*, *gobbledygook*, *governmentspeak*,

and (in the U.S.) *Pentagonese*. When you have to read government writing, your heart sinks, because you don't want to read it, you know it will be difficult to read, and you're certain you won't understand it, at least not the first few times through.

People outside and inside government have tried to make government writing less horrible. Numerous non-government agencies, including the Plain Language Action and Information Network (in the U.S.), the Plain English Campaign (in the U.K.), the Plain English Foundation (in Australia), and the Plain Language Association International, sponsor programs and provide materials to help people in government write more effectively. And many government agencies, such as the U.S. Securities and Exchange Commission and Canada's Public Works and Government Services, also offer useful resources. (For a comprehensive set of links to the many government organizations in English-speaking nations and in the European Union, see the Plain Language Association International's "Government Initiatives" [www.plainlanguagenetwork.org/Government].)

The advice offered by these organizations is based on perennial principles of grammar, syntax, diction, and style, including the following:

- Use short, common, specific words and phrases.
- Write short sentences and paragraphs.
- Prefer the active voice to the passive.
- Avoid unnecessary jargon.
- Eliminate unnecessary words and phrases.
- Avoid unnecessary nominalizations.
- Avoid long strings of nouns.
- Use inclusive language.
- Use positive constructions instead of negative constructions.
- Use lists and tables where possible.

This advice is usually accompanied by before-and-after examples, showing how to revise a typical poorly written sentence or paragraph to make it more reader-friendly, more clear, and more concise. In addition to these relatively brief Web-based instructional aids, there are several full-length books, such as Judith Gillespie Myers' *Banishing Bureaucrats: Using Plain Language in Government Writing* (2001), that address the topic. If a writer follows this well-proven advice, the writing will indeed improve. If a writer learns, for example, how to replace "it is imperative that the form be in receipt by this office no later than April 4" with "we need to receive this form by April 4," everyone wins.

In this essay, I do not wish to critique, dismiss, or in any way minimize the value of the existing advice. I do, however, wish to discuss a different approach to improving government writing, an approach that gets at a different sort of problem that afflicts

government writing, as well as other kinds of organizational writing. I wish to urge writers to make their writing more ethical.

Let me explain what I mean by *ethical*. I urge government writers to connect with their readers and understand the ways in which they themselves are implicated in their writing; to present all the information their readers need to understand the message; to make clear the values on which they base their analyses; to be willing to hold people responsible if they have failed to discharge their duties effectively, even at the risk of humiliating or offending them; and to publicize the writing so that all stakeholders have easy access to it. For a fuller explanation of this approach to ethics, which is based largely on the Golden Rule and Kant's formulations of it, see Markel (2000).

Making writing clear and concise on a superficial level is related to making it more ethical in that clear, concise writing is more transparent and therefore easier to see through. However, making writing ethical is considerably more challenging because it requires an attitude, a commitment, and courage. It calls for a decision to treat your readers—and yourself—with respect.

Let me offer three clarifying comments right away:

- *Much government writing calls for little courage.* Take the case of the text of a regulation explaining how to file a grievance with a government agency. So long as it is written clearly, presented in the appropriate languages, and made available to all interested parties, the writer has fulfilled his or her ethical obligations. Of course, the regulation itself might contain unethical elements: it might not give interested parties enough time to file a grievance, for instance, or it might impose an unreasonable fee for filing. If the regulation contains unethical elements, the writer might be subjected to overt or covert pressure to play down or cover up those elements. In this case, the writer will need to summon the courage to resist this pressure. But my point is that writing ethically often calls for nothing more than writing effectively.
- *Not all writers enjoy ethical autonomy.* This point requires no elaboration. However, ethical autonomy—the ability to act according to your own ideas of ethical conduct—is not a binary value. That is, it is not a switch that it either on or off. Most writers enjoy *some* ethical autonomy.
- *Exercising ethical autonomy can get you fired.* If, for instance, your supervisor asks you to write unethically—to lie or mislead readers, for example—your unwillingness to do so will likely hurt your prospects in that organization.

In the rest of this essay, I wish to illustrate the characteristics of an ethical document by referring to what I consider a highly ethical report from a government agency: the Office of the Privacy Commissioner of Canada. Although this report cannot function as a template, a look at some of the ways a talented and courageous government writer

and her staff approach a substantial writing task might suggest tactics that we all can apply. I hope that, at the very least, a look at this report will prompt you to look at government writing in a new way and inspire you, as it did me, to consider typical writing tasks not as chores but as opportunities to accomplish truly important things.

Background on the Canadian Privacy Report

The *Annual Report to Parliament—2005: Report on the Personal Information Protection and Electronic Documents Act* was written and published by the Office of the Privacy Commissioner (OPC) of Canada (Privacy, 2006a). The OPC, a free-standing agency of the Canadian federal government, is headed by a Commissioner, an officer of Parliament who serves a seven-year term and reports directly to Parliament. The mandate of the OPC is to “support privacy values through education, outreach, complaint resolution and other preventive measures” (p. 2). Its main job is to help the Canadian government enforce the *Personal Information Protection and Electronic Documents Act* (PIPEDA), the federal law intended to cover the collection, use, and disclosure of Canadians’ personal information in the course of commercial activities, and the *Privacy Act*, which covers the personal-information handling practices of federal departments and agencies. Although the OPC seeks to motivate its stakeholders through education and arbitration, it is also empowered to recommend cases to the Canadian court system for resolution.

Before I continue, let me state that I have no relationship with the OPC. After drafting this essay, however, I contacted the OPC and was granted a telephone interview with Anne-Marie Hayden, the OPC’s director of communications (personal communication, September 5, 2006). I had two purposes in the interview: to make sure I was not making any errors in describing OPC operations and to solicit Ms. Hayden’s responses to a set of questions that I posed about the writing process, the nature of the report, and the OPC’s method of publicizing it. Where appropriate, I include paraphrases of Ms. Hayden’s comments in text boxes.

One other note: for convenience I attribute the report to the Privacy Commissioner, Jennifer Stoddart, who is the signatory. However, according to Ms. Hayden, the report is a fully collaborative document to which many of the OPC staff also contributed.

I will highlight the characteristics of an ethical document by focusing on four guidelines:

- Connect with Your Readers
- Empower Your Readers
- Tell the Truth
- Publicize Your Document Widely

Connect with Your Readers

Standard advice for writers calls for thinking about your audience before you start. If you understand the demographics of your readers, their purposes in reading, and their attitudes toward your subject and your message, you are likely to meet your readers' needs. This advice is good.

But I am urging you to go one step farther, to consider whether you can see yourself not only as the writer but also as a reader of your communication. That is, are you, or might you be, affected by what you are writing? If so, use that insight in your writing. If, for instance, you are communicating policy about air-pollution standards, the connection with your readers is obvious: you breathe the same air that your readers breathe. Write as if you are not only a person communicating policy about air-pollution standards but also a fellow breather.

Even if you are not connected so obviously to your readers—for example, if you are writing about policies that affect a group to which you do not belong, such as people with disabilities—your job as an ethical writer is to discover the less-obvious connection: you and your readers are people, all of whom share certain important rights. This kind of thinking, called the Golden Rule in the Christian tradition, is fundamental in all faiths.

How do you incorporate that connection with your readers? Here is how the Privacy Commissioner of Canada, Jennifer Stoddart, does it. She varies the way she refers to herself, depending on the role she is playing at the moment. In the transmittal letter, for instance, she uses the first person singular pronoun (“I have the honour to submit . . .” [n.p.]), because, as the OPC head, she signs off on the report. In reporting on OPC activities in the body of the report, she uses the first-person plural and the proper-noun form of her agency: (“At the Office of the Privacy Commissioner of Canada [OPC], we continue to support privacy values . . .” [p. 2]). This construction suggests that the Commissioner and her staff are speaking with one voice. Finally, in discussing various threats to privacy, she identifies herself merely as a Canadian. The following sentence, in which the Commissioner discusses the need for additional funding, is typical: “It will allow us to meet the challenge of responding to the ever-growing appetites of commercial and governmental interests for our personal information” (p. 3). *Us* refers to the OPC staff, acting in their official capacities; *our* refers to the OPC staff as Canadians. Presenting herself variously as the OPC head, an OPC staff member, and a Canadian, Stoddart is suggesting that, in her official role, she is representing the interests not only of the OPC but also of all Canadians.

What difference does this multi-voiced narrative style make? It makes a difference for both the writer and the reader. For the writer, the act of thinking about the different voices to use—that is, the different roles that she plays—serves to remind her that what she is doing is important. She is not merely a bureaucrat who is crafting

language to influence her readers in a certain way. She *is* her own reader, in the most essential way, because she is implicated in her own communication. For that reason, she is going to do everything she can to make the world, or at least her portion of it, the kind of place that best reflects her own values, which align with those of all Canadians and, by implication, with all people.

For her readers, the writer's connection with her readers communicates a seriousness of purpose. By asserting that her interests align with those of her readers, Commissioner Stoddart is suggesting that she will be rigorous in reporting on privacy protection in Canada. After all, as head of the agency, she has not only the authority but also the obligation to report candidly and comprehensively; as a Canadian citizen, she has the motivation to protect Canadians' private information. In other words, she has a unified authorial presence and purpose.

OPC Comments:

In response to one of my questions, Ms. Hayden commented that she doubts whether the Commissioner deliberately shifted her narrative constructions to create a bond with her readers. Rather, the Commissioner probably created that connection without considering narrative construction consciously; as the leader of the OPC, a member of it, and a Canadian citizen who believes strongly in the privacy values the OPC is mandated to protect, she didn't think strategically about those words. She simply wrote them.

Empower Your Readers

Your most basic task in writing is to communicate information to your readers. Ask yourself the following question: Why am I writing to them? The answer might be that my boss asked me to, or that I need to do it for some other contingent reason. But the essential ethical reason for writing is to empower your readers, to give them the information they need to make informed decisions about how to act. What follows from this is that you want to provide enough information—facts, interpretations, conclusions, questions—to enable them to understand their options. Why is this ethical behavior? Because it exemplifies the Golden Rule.

Commissioner Stoddart presents an unusually full description of the OPC's activities over the past year. She includes the OPC's mandate; an overview of the year's activities; an analysis of relevant provincial privacy legislation (hers is a national office); voluminous statistical information about complaints the OPC has received and acted on; a list of the research projects the OPC has funded; a review of the audits the OPC

has carried out; an update on cases currently in the Canadian court system; a report on the OPC's educational efforts; and a status report on the management of the OPC. The Commissioner is aware, I am certain, that few readers will want to read the whole report cover to cover, as if it were a novel. The purpose of the report, however, is to enable interested readers to understand, in considerable detail, the status of privacy in Canada, as seen by that nation's chief privacy officer.

The report is not, however, to use an inelegant term, a data dump. A large portion of it consists of data analysis, analysis that will help readers understand the Commissioner's perspective on her area of expertise. I will mention two brief examples. First, the Commissioner analyzes the data related to the complaints about potential violations of Canada's privacy laws. She notes that the OPC received only 400 complaints in 2005, compared with 723 in 2004:

We can only speculate about the reasons for fewer complaints. The volume of incoming complaints in 2004 was itself an increase over previous years, largely due to the full implementation of the Act and its coverage of new activities such as insurance, retail and accommodation, and professions such as law. The 400 complaints we received in 2005, while only 55 per cent of the number we received in 2004, were still considerably more than we received in 2001, 2002 or 2003.

We hope that the decrease in complaints indicates greater awareness by organizations of the need to comply with *PIPEDA*. That awareness would be expected to produce at least two benefits. First, organizations would bring their personal information management practices into compliance with *PIPEDA*. Second, if compliance problems arose, the organizations' privacy officers would be more conversant with *PIPEDA* and better able to resolve problems directly with individuals. (p. 24)

By presenting more than two data points, and by going to the trouble of analyzing data such as these, Commissioner Stoddart shows respect for her readers by treating them as if they have a right to understand her analysis and are able to understand it.

Second, the Commissioner devotes considerable attention to RFID (radio frequency identification) tags in Canada. She highlights potential privacy risks in using the technology—surreptitious collection of information, tracking of an individual's movements, profiling of individuals, and discrimination against people with health problems—and describes a survey the OPC carried out among major Canadian companies to determine their current and anticipated use of RFID. Because RFID could become a highly effective tool for fighting terrorism, the Commissioner's decision to

highlight the subject indicates her willingness to fulfill her mandate to be an aggressive advocate for privacy rights in Canada.

Tell the Truth

If you think your message is important, commit to be candid, even if it means presenting information that might embarrass or in some other way displease some of your readers. Throughout the privacy report, Commissioner Stoddart makes clear that her top priority is candor.

The Commissioner uses metaphors carefully in presenting her argument that privacy protection for Canadians is vulnerable. For instance, businesses and government agencies have “ever-growing appetites . . . for our personal information” (p. 3). Spam is a “pestilence” (p. 10) used to facilitate scams, identity theft, and data mining. The metaphor that the Commissioner uses most consistently is that privacy is under attack. The foreword to the report begins with these words:

I would like to report much good news about privacy in Canada. But it's not all good news. Concern among Canadians about their loss of privacy and the misuse of their personal information has never been greater. This concern stems from the growing *threats* to personal information in an electronic environment of massive and continuous data circulation. (p. 1, emphasis mine)

Later on the same page, she discusses “growing *attacks* on personal information through identity theft, spam and fraudulent on-line activities” (p. 1, emphasis mine).

A particularly compelling variant on the attack metaphor appears several times in the report. For instance, Commissioner Stoddart discusses proposed anti-terror legislation that “seeks to compel private sector organizations to release personal information” (p. 7). As the Commissioner states,

We are gravely concerned that information gathered for private or commercial reasons is finding its way into government hands. This amounts to a blurring of the public and private sectors, leading to the potential use of private sector companies as agents of the state, often without the safeguards that are elemental in a democracy. We must stand on guard against state access to the databanks of the corporate world. (p. 8)

The use of the pungent phrase *agents of the state* suggests clearly that the Commissioner has no interest in currying favor with her audience.

Perhaps the most telling characteristic of Commissioner Stoddart's rhetoric is her framing of the issue in ethical terms. She does not discuss the ethical implications of privacy violation in a formal, academic way; rather, she uses some of the general

vocabulary of ethics. For instance, whereas the bulk of the report concerns “privacy issues” such as the threats posed by RFID, in the foreword Commissioner Stoddart states that the OPC mandate is to “support privacy *values* through education, outreach, complaint resolution and other preventive measures” (p. 2, emphasis mine). Also in the foreword, the Commissioner discusses the “range of *obligations* for organizations that collect, use and disclose personal information” (p. 1, emphasis mine). The Office is responsible for “protecting one of our cherished Canadian *rights*, informational privacy” (p. 1, emphasis mine). By framing the issue in ethical terms, Commissioner Stoddart is raising the ante. She works to fulfill the OPC’s mandate not because it is her job to do so (even though it is) but because doing so is a way to realize an important value. Obviously, efforts to prevent terrorism are warranted by an important value: the right to protect the lives of innocent citizens. Unless the OPC can warrant its mandate by an important value—the right to privacy—the office literally has no rationale in an age of terror and therefore ought to be closed.

Against this value-laden background, the Office is responsible for preventing or responding to the threats to the privacy of Canadians. The Commissioner must remain vigilant and willing to speak out. The Privacy Commission “must protest the lack of attention to the very real privacy issues that flow from this expansion in the surveillance powers of government” (p. 10). Even when applauding the passage of a bill that offers some privacy protection, the Commissioner points out how “the exemptions unnecessarily weaken the legislation” (p. 14). Because of inadequate funding—by Parliament!—her office was “confined to putting out existing privacy fires, rather than anticipating and therefore more effectively addressing emerging privacy issues” (p. 5).

Finally, the Commissioner is forthright in expressing her disapproval of several trends the OPC is monitoring. Delays in adjudicating cases, due to insufficient funding, are “a matter of great concern to us” (p. 32). Complaints to her office about certain categories of violations of Canadian privacy law are “more troubling” (p. 29). The threat posed by RFID technology is causing “considerable concern” (p. 40). And we are “gravely concerned” that private information “is finding its way into government hands” (p. 8). Greater public and political awareness of RFID “is essential now” (p. 40). Given the risks to privacy in Canada, audits “must become more central” to the activities of her office (p. 39).

Expressing disapproval in this way reinforces two of the themes that are developed in the report. First, the threats to privacy that come from public and private organizations can be countered if people are willing to work hard to defend against them through research, education, and legislation. By personifying the Office, Commissioner Stoddart is underscoring that, although the threats appear to take the form of sophisticated technology such as RFID, in fact the threats are posed by people

employing the technology and can therefore be opposed by other people who choose to resist its inappropriate use.

Second, expressing disapproval in this personal way solidifies the identification between the author and her readers. All the readers, from the members of Parliament to ordinary Canadians and those worldwide who read the report on the Internet, can see themselves in the writer; they can hear themselves when they read the Commissioner's description of a new threat as "troubling" and her statement that the funding "must" be increased so that the office can operate more proactively.

OPC Comments:

When I asked whether the Commissioner was concerned that some of her readers in Parliament might be put off by her candor and her forthright tone, Ms. Hayden seemed somewhat surprised. The Commissioner, she commented, is an officer of Parliament. It's her job, as OPC head and as an ombudsman, to be candid, and members of Parliament understand and expect that.

Publicize Your Document Effectively

If you think your message is important, you want people to read it because they have a right to do so. Publicizing the document effectively is a critical aspect of communicating ethically. The Commissioner's strategy for publicizing the report improves the chances that it will be read. Although the primary audience of the report is the Canadian Parliament, to which the report is officially presented, the secondary audience is Canadian citizens, residents, and organizations subject to federal privacy law and, presumably, anyone who visits the OPC Web site (www.privcom.gc.ca).

The Commissioner uses the Web effectively. The link to the report, which was officially submitted to Parliament on May 30, 2006, appeared on the home page on that day, in the What's New section, and remained there, in reverse-chronological sequence, for more than two months, while other news items accumulated. In addition, a link to the annual reports to Parliament appears in the Resources Centre category, which is a first-level category on the site. Finally, and most interestingly, another first-level category on the site, Media Centre, contains a link titled "Tabling [submission] of Privacy Commissioner of Canada's 2005 Annual Report on the Personal Information Protection and Electronic Documents Act: Commissioner takes tougher stance" (Privacy, 2006b). Commissioner Stoddart's decision not merely to announce the tabling of the report but also to present its key finding suggests her strong motivation to communicate candidly with her audiences. The item begins as follows:

Ottawa, May 30, 2006 –There has been progress in advancing the privacy rights of Canadians in the private sector, but the Privacy Commissioner's Office intends to be more assertive in ensuring that all businesses are complying with the law, according to the Privacy Commissioner of Canada, Jennifer Stoddart, whose 2005 Annual Report on the *Personal Information Protection and Electronic Documents Act (PIPEDA)* was tabled today in Parliament.

Here the Commissioner is addressing not only, perhaps not even primarily, her primary audience (Parliament) but also her secondary audience of all interested Canadians, organizations subject to federal privacy law, and others around the world. She is eager to publicize her report because she wants to communicate her message—to everyone. As a result of the Commissioner's efforts to get the word out, several Canadian periodicals published articles about the central findings of the report (see, for instance, Cheadle [2006] and Paroden [2006]).

OPC Comments:

When I asked Ms. Hayden why the Commissioner included the phrase “tougher stance” in the text of the link, she replied, because it is true; the Commissioner is taking a tougher stance with organizations subject to PIPEDA, explaining that they are required to implement her recommendations or be subject to litigation. Ms. Hayden also commented that the 2005 PIPEDA report received more press coverage than in previous years, which is consistent with the OPC mandate of raising awareness of privacy rights and responsibilities in Canada.

Conclusion

The OPC Annual Report is a remarkable example of government writing. The author skillfully connects with her readers, showing that she is not merely checking in with Parliament, as she is required to do, but is presenting a message that is important to all Canadians. She treats her readers respectfully by presenting comprehensive information and analysis that enables them to understand her thinking and think autonomously about the issues. She makes clear the extent to which she believes organizations have fulfilled their legal and ethical obligations to ensure the privacy of Canadians' personal information. And she has publicized her document effectively, enabling people around the world to read it.

As I mentioned earlier, this Annual Report cannot serve as a template for any kind of document except, perhaps, next year's Annual Report. The OPC, being a

watchdog agency, enjoys unusual bureaucratic autonomy. Without that autonomy, the Commissioner's boldness might be impossible. However, an important lesson might be gleaned from this brief look at the Annual Report. The Commissioner has taken advantage of the potential of the genre; after all, the annual report is her major opportunity to present her ideas formally, in writing. But if the genre gives her an occasion for presenting her ideas, her courage and forthrightness give the document its force and direction. It suggests that the Commissioner is in effect putting Parliament on notice. Her subtext is that she is determined to carry out the OPC mandate. If Parliament wishes to narrow that mandate, it will have to do so either by legislative action or by appointing a less aggressive or less skillful commissioner. Either of those actions might be difficult to accomplish, given the power of modern communication media and the present commissioner's communication skills and willingness to speak loudly and clearly.

Once the Commissioner committed to use a typical workplace genre, the annual report, as an opportunity to write candidly about threats to privacy values in Canada, it was easy to achieve the superficial characteristics of clear writing. Of course the author chooses common vocabulary and writes clear sentences and, in every other way, presents her message so that it is easy to understand. Why wouldn't she? She *wants* people to read it and to understand it. But the difference between making the report clear and making it ethical is the difference between making it easy to read and making it important.

Acknowledgment

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