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<p>WIRETAPPING AND OTHER ELECTRONIC SURVEILLANCE: Law and Procedure Robert W. Hubbard, Mabel Lai and Daniel Sheppard</p> <p>Release No. 7, December 2023</p>

What’s New in this Update:
This release features updates to case law and commentary in Chapters 3 to 6, 8, 11 and 15.

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Highlights

- **Special Problems associated with Wiretap Affidavits—Requirements—Is Issuing the Authorization Likely to Obtain Communications that May Afford Evidence?—**The Court of Appeal for Ontario rejected the appellant’s request to overrule *R. v. Mahal*, which decision had rejected the need for *Hunter*-compliant grounds to accompany the naming of specific individuals, places, and devices in wiretap authorizations—in this instance, the authorization as a whole need only have met the *Hunter*-standard, whereas a lower standard would continue to apply to components specified therein: *R. v. Hafizi*, 2023 ONCA 639, 2023 CarswellOnt 14826 (Ont. C.A.).
- **Privacy, New Technologies, and Part VI of the Code—Obtaining Internet Service Provider (“ISP”) Information [15:23]—**The Ontario College of Pharmacists disclosed information it had obtained from the appellant pharmacist in aid of a police investigation. The Court of Appeal for Ontario found the governing legislation to have permitted for such disclosure. According to the appellate court, while this provision was not dispositive of the appellant’s privacy interest, it played a strong contextual factor to infer that, as a professional operating in a highly regulated industry, the appellant must have known the rules and regulations by which she was governed; and in concluding that the appellant had no objectively reasonable privacy interest in the College’s records regarding the narcotics she had distributed: *R. v. El-Azrak*, 2023 ONCA 440, 2023 CarswellOnt 9425 (Ont. C.A.).

ProView Developments

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