



Justice Centre  
for Constitutional Freedoms

February 13, 2018

Via EMAIL

Elizabeth C. Barker  
General Counsel  
Canadian Transportation Agency  
15 Eddy Street  
Gatineau, Quebec J8X 4B3  
[liz.barker@cta-otc.gc.ca](mailto:liz.barker@cta-otc.gc.ca)

Dear Ms. Barker:

**Re: *Unconstitutional Censorship of Expression on CTA Facebook Page***

We write on behalf of Dr. Gabor Lukacs, the founder and coordinator of Air Passenger Rights, an air passenger rights advocacy network. Despite its previous commitment to refrain from censorship, the Canadian Transportation Agency (CTA) appears to have again censored Dr. Lukacs' freedom of expression, contrary to section 2(b) of the *Canadian Charter of Rights and Freedoms*, through the marking of Dr. Lukacs' comment on CTA's Facebook page as "spam".

We request that CTA immediately reverse the censorship of Dr. Lukacs and others on its Facebook page.

**Background Facts**

On September 13, 2017, we sent a demand letter to your office setting out CTA's censorship of Dr. Lukacs' expression on its Facebook page. Following discussions with CTA, Inge Green stated in an email dated October 2, 2017, that "the Agency is not taking any action to block or delete posts of Dr. Lukacs."

Despite the foregoing representation, on February 12, 2018, we were notified that a comment of Dr. Lukacs on CTA's Facebook page had been blocked as "spam", making it invisible to the public. Enclosed with this letter is a screen shot of the Dr. Lukacs' comment and a screen shot showing that it marked as "spam".

Regardless of whether CTA specifically marked this comment as spam or whether it was done via Facebook's spam filter, CTA is ultimately responsible for this censorship on its official and public Facebook page. CTA has in the past taken action against Dr. Lukacs' comments, including hiding his comments, which would render Dr. Lukacs' comments susceptible to being blocked by a spam filter. Further, CTA can immediately reverse the resultant censorship of Dr.

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Lukacs' comment by selecting to "Keep Comment".<sup>1</sup> Dr. Lukacs has clicked "Not Spam" to inform the CTA Facebook administrator that his comment is not spam, but CTA has continued to designate Dr. Lukacs' comment as spam.

### **Demand to Cease Censorship**

As explained in our letter of September 13, 2017, CTA's censorship of Dr. Lukacs on social media violates his rights and CTA's duties under the *Canadian Charter of Rights and Freedoms*, Section 2(b).

We request that the Canadian Transportation Agency immediately reverse the marking of Dr. Lukacs' comment as "spam", and confirm in writing that it has reversed the censorship of Dr. Lukacs and that it not permit censorship on its Facebook page in the future.

Should CTA choose rather to continue to violate Dr. Lukacs' constitutional freedom, we will have no alternative but to pursue further steps to defend our client's rights.

We request a response from CTA no later than 4:00 p.m. EST, Friday February 16, 2018.

Sincerely,



Marty Moore  
Justice Centre for Constitutional Freedoms  
Counsel for Dr. Gabor Lukacs

Enclosures

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<sup>1</sup> See <https://www.facebook.com/help/134035947160858>.