

More Than a Dirty Finger

Lyndsie Bourgon reads into what you don't know about the famous law school entrance test

If you're thinking about taking, or if you've already taken, the Law School Admissions Test, you know all about the hours of studying it takes to prepare for the exam. But are you prepared for what happens to your thumbprint when you hand it over at the door?

Each year, roughly 100,000 people from across Canada and the United States take the LSAT in the hopes of gaining admission into law school.

Applicants are asked to provide their thumbprints before taking the exam, which infuriates some students and law schools in Canada. Universities send the prints to American authorities, who can then forward the prints to the FBI.

Claire O'Sullivan is a fourth-year contemporary studies and Spanish student at King's. She took the LSAT this fall at Dalhousie and is upset that she had to hand over her thumbprint before writing the exam. She says she was never told what the print would be used for.

"None of the privacy issues even occurred to me until later," says O'Sullivan. "I didn't think of it. I thought they were really strict on security."

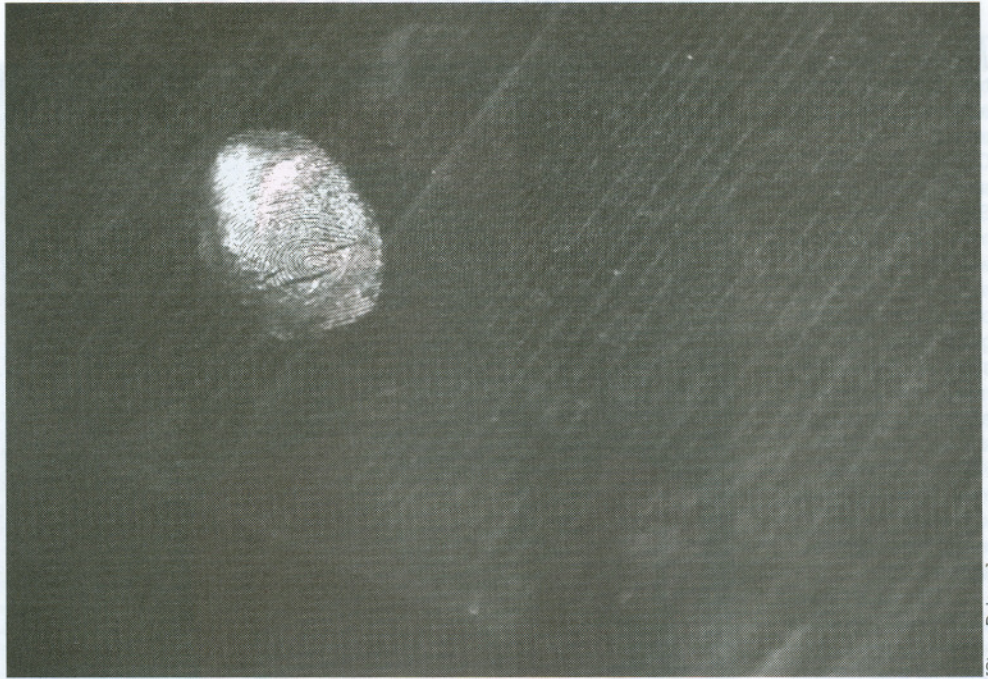
The Law School Admissions Committee (LSAC) administers the LSAT, and takes applicants' fingerprints as a security measure. The fingerprints ensure test-takers are who they say they are, and that people don't take the LSAT for someone else.

What happens to the fingerprint afterward is the cause of the controversy that has spread across Canadian law school campuses.

After thumbprints are taken at the LSAT exam, they are sent to the United States to be processed. There, American authorities, including the FBI, have access to the prints. Many Canadian schools say this is unfair for Canadian citizens who wish to attend law school in Canada.

"Every year, law school deans from across Canada get together. A few years ago, the dean from the University of Victoria objected to the fact that applicants had to provide their thumbprint," says Michael Deturbide, a professor at the Dalhousie Law School, and chair of its admissions council. "Their objection related to the fact that this information would be possibly available to U.S. authorities if they choose to access it."

Many people believe that the practise of



[Steve Delaney]

collecting thumbprints originated in the American Patriot Act, which was introduced after the Sept. 11 attacks.

The Patriot Act is formally called, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism." The act provides more power and information to American authorities investigating alleged terrorist activities.

The Patriot Act has been criticised for the methods it allows authorities to use when locating and detaining terrorists in the United States.

The LSAC has assured concerned applicants that "it has never disclosed thumbprint information in response to a subpoena."

Law school applicants have been giving up their thumbprints for more than 20 years. Deturbide gave his thumbprint before he took the LSAT in 1986, and says the practise is not a direct response to the Patriot Act.

The GMAT and MCAT, which are admissions tests for business and medical schools, also require applicants to provide their thumbprint before they write the exam. The Graduate School Requirement Exam (GRE) requires applicants to be photographed.

For O'Sullivan, this doesn't assuage her concern that the American government has access to her thumbprint. "I think it's too bad that we have our fingerprint taken by an America

company that is subject to law and other legislation like the Patriot Act that we're not subject to here."

David Loukidelis, British Columbia Information and Privacy Commissioner, has agreed to investigate complaints lodged by the University of Victoria's law school. The Council of Canadian Law Deans has raised questions about whether the practice violates federal and provincial privacy statutes, but no concise answer has yet been made.

Deturbide acknowledges that some Canadian students are concerned that their privacy could be undermined when they hand over their thumbprint. "I think one of the issues relating to what the LSAC does with thumbprints is how long they store the information. It's not like they surreptitiously obtain the thumbprint; you volunteer it and give consent to do that," says Deturbide. "The question is then, how long do they need to keep it? If they need to make sure you are the person you say you are, then they should be routinely cleaning out their database and getting rid of this information when they don't need it."

O'Sullivan says she wishes more people were protesting the requirement for students to hand over their thumbprints before writing tests like the LSAT. "I wish it never happened," she says.