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# **Standing Committee on Access to Information, Privacy and Ethics**

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**EVIDENCE**

**Thursday, February 21, 2019**

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**Chair**

**Mr. Bob Zimmer**



## Standing Committee on Access to Information, Privacy and Ethics

Thursday, February 21, 2019

• (1530)

[English]

**The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)):** I'd like to thank everybody for coming to the 137th meeting of the Standing Committee on Access to Information, Privacy and Ethics.

Pursuant to Standing Order 108(3)(h)(vii), we continue our study of privacy of digital government services.

Today we have with us, from Waterfront Toronto, Meg Davies, chief development officer; and Kristina Verner, vice-president, innovation, sustainability and prosperity. From the Information Technology Association of Canada, we have André Leduc, vice-president, government relations and policy; and Michael Fekete, partner, technology, national innovation leader, Osler, Hoskin & Harcourt LLP.

First of all, I'd like to give Mr. Angus a second. He wanted to talk about witnesses.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** I quickly have two points.

The first is on the international grand committee. I think we should invite Mark Warner, the senator from the U.S. As they're much closer to our border and we do have a lot of interest in the United States, I think we could extend that invitation to them. They may be interested.

**The Chair:** They already are. Now that we have the witnesses invited, we'll get that out to you and make sure you know who has been invited. I'll have that with you today.

**Mr. Charlie Angus:** Second, I know that we're covering a lot of different pieces in our studies here, so I think with this study we're about to do we should probably do it and move on.

I have sent some recommendations for some names: John Brodhead, definitely, and Dan Doctoroff. I have the names of some of the top officials who have been meeting. I think the sooner we can get meeting with them...so we can move on and then get back to other issues. I'd like to ask the chair whether, if we gave him the other names, he would make sure those witnesses are asked as soon as possible because we're going to have a number of breaks in March.

**The Chair:** We will follow up with that and do that right away.

Are there any questions?

Mr. Erskine-Smith.

**Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.):** I agree with inviting Mark Warner. I think we should probably invite Amy Klobuchar. She's running for president, so she may not have the time, but she's been very vocal on these things as well. I mentioned Tim Berners-Lee. I would suggest that we definitely invite him. If we have other suggestions we'll forward them to you.

On additional witnesses, I understood this meeting and the next meetings with Sidewalk Labs to be part of a broader conversation about data governance and digital government in the context of digital government services. If we're planning on going further along this road, just let us know what we think the scope is going to be. I assume we're going to have folks today. I assume we're going to have Sidewalk Labs in and then see where it goes from there.

**Mr. Charlie Angus:** On that point, this comes from the meeting we had when we scoped out similar things. I was waiting for you to come back with the motion. This was part of that, so I'm not thinking we're needing many meetings, but I'd like to get it out of the way, and then we can continue on. I can come back with a formal motion. Since we've had a number of witnesses, let's just wrap this thing up and then we can move on.

**The Chair:** Okay, will do.

Thank you, everybody.

Mr. Kent, go ahead.

**Hon. Peter Kent (Thornhill, CPC):** Regarding the grand committee, the approved witness list will be distributed—

**The Chair:** We'll do it right away.

**Hon. Peter Kent:** There's no great rush.

**The Chair:** During the meeting it will go out to your email.

**Hon. Peter Kent:** Thanks.

**The Chair:** Thank you.

We'll start off, with apologies to our guests. We're just covering some committee business.

Ms. Davis, you have 10 minutes, please.

**Ms. Meg Davis (Chief Development Officer, Waterfront Toronto):** Good afternoon, *bonjour*, and thank you for your invitation to speak today. My name is Meg Davis. I am the chief development officer at Waterfront Toronto. With me is Kristina Verner, Waterfront Toronto's vice-president of innovation, sustainability and prosperity. She has worked in the field of intelligent and smart communities for over 20 years. We are pleased to have the opportunity to share with this committee background on Waterfront Toronto and our Quayside project, and the roles and responsibilities of Waterfront Toronto and our innovation funding partner, Sidewalk Labs.

Of particular interest to this committee, we also want to address the policy considerations presented by the Quayside project and Waterfront Toronto's perspective on those matters. Let me assure the committee that Waterfront Toronto is approaching the Quayside project with the full force of the fundamental right to privacy, beyond the strict letter of the law.

For those of you not familiar with Waterfront Toronto, we were created in 2001 by the Government of Canada, the Government of Ontario and the City of Toronto. We were given a mandate to transform 800 hectares of former industrial lands on the shores of Lake Ontario into thriving neighbourhoods that grow our economy and improve the quality of life. I'm proud to say that the revitalization of Toronto's waterfront is the largest urban redevelopment project currently under way in North America, and it is one of the most significant waterfront revitalization efforts ever undertaken in the world.

This unique tri-government model is clearly working. Since Waterfront Toronto's inception, we have helped generate over \$10 billion in new private sector investment and create 26 hectares of new public spaces, including award-winning iconic parks such as Canada's Sugar Beach and Corktown Common. This investment helped create over 14,000 full-time years of employment, 5,000 new residential units, about 600 affordable housing units and 1.5 million square feet of commercial office space to date.

As members of this committee are aware, in March 2017, Waterfront Toronto launched an international request for proposals seeking an innovation and funding partner to transform part of the waterfront called Quayside. This innovation and funding partner would help create a plan for the future neighbourhood and address key priorities, including fighting climate change by radically reducing energy consumption and household waste; offering affordable housing to families and single people alike; reducing traffic congestion and improving road safety for drivers, pedestrians and cyclists; and creating jobs and prosperity by serving as a testbed for Canada's clean tech, building materials, and broader innovation-driven sectors.

The goals we set for Quayside are about using innovation and new ideas to deliver a better, more affordable quality of life. Protecting data and privacy are integral to the realization of these goals.

Like you, Waterfront Toronto is committed to ensuring the use of technology to facilitate better services for people, while at the same time absolutely protecting personal privacy.

After a rigorous competitive selection process, Sidewalk Labs was selected as our innovation and funding partner. Their sole job at this point in time is to prepare for our consideration a master innovation and development plan, or MIDP, for Quayside. They are spending up to \$50 million of their own money to prepare this plan. As Kristina will elaborate, the plan will be subject to approval, which is contingent upon the protection of privacy as a condition.

Waterfront Toronto has developed a rigorous process to evaluate the MIDP. This evaluation will use subject matter experts and a due diligence panel, and it will seek public input on the MIDP through consultations. The plan will be reviewed by all levels of government and Waterfront Toronto's board of directors. If approved, any MIDP proposals will be subject to all usual federal and provincial regulations, and municipal planning approvals.

To be clear, if the MIDP proposed by Sidewalk Labs does not deliver on these priorities in a manner that is in the public interest, then the proposed plan will not be approved by Waterfront Toronto and will not be implemented.

I'd like now to turn the microphone over to Kristina Verner to discuss our approach to the protection of privacy.

● (1535)

**Ms. Kristina Verner (Vice-President, Innovation, Sustainability and Prosperity, Waterfront Toronto):** Thank you, Meg.

I know that the protection of privacy is top of mind for every member of this committee as it is for Waterfront Toronto and the public we serve, and I appreciate this opportunity.

As Meg just stated, any individual component selected for implementation at Quayside will be subject to all applicable laws from all levels of government. This of course includes Canada's privacy laws.

While Canada's privacy laws, relative to the rest of the world, have proven remarkably effective, we recognize that technology is changing all the time, and this requires Canadian privacy law to evolve. As a result, I want the committee to know that Waterfront Toronto is approaching the Quayside project with an expectation of the protection of the fundamental right of privacy well beyond the strict letter of the law. We know that if this project is going to proceed, it must reflect Canadian values on privacy.

We are guided in this effort by expert committees and advisers, all three levels of government and continuous, ongoing public consultation.

To this end, Waterfront Toronto has established the digital strategy advisory panel to guide us on how to best incorporate data privacy, digital systems and the safe and ethical use of new technologies while ensuring digital inclusion in the next phase of waterfront revitalization, starting with the Quayside project.

The panel is led by Dr. Michael Geist, the Canada research chair in Internet and e-commerce law at the University of Ottawa and a senior fellow at the Centre for International Governance Innovation. I understand that Dr. Geist appeared recently before this committee.

We are also working closely with Chantal Bernier, who spent nearly six years leading the Office of the Privacy Commissioner of Canada, as interim privacy commissioner and as assistant commissioner. She now serves as the national practice lead of privacy and cybersecurity at Dentons. Chantal is here with us today. We also regularly seek insight from former three-term Ontario privacy commissioner Ann Cavoukian.

I would like to specifically outline some of the key commitments that Waterfront Toronto has made to protect privacy in this project.

First, in addition to all existing legislative and regulatory requirements, we are committed to the principles of privacy by design. A plan for Quayside would only be approved if it adheres to these principles.

Second, with respect to the protection of personal information, there will be no preferential treatment to any Alphabet company, including Google, regarding linking to, sharing or the use of personal data.

Third, data cannot be used for advertising purposes without express positive consent.

Fourth, any personal information will be de-identified at source, unless express consent is knowingly and explicitly given for a specific purpose.

Fifth is minimization of data collection so that only the data needed and identified for a limited and specified purpose would be collected.

Sixth, our commitment is that data collected for the Quayside project will be stored in Canada.

Sidewalk Labs has already committed to abiding by all of these key requirements. We agree with what Ann Cavoukian has often said. We are looking to create a smart city of privacy on Toronto's waterfront and we are firmly committed to working with our government stakeholders to ensure that this is precisely what is delivered.

At this point I'll turn it back to Meg.

• (1540)

**Ms. Meg Davis:** Thanks, Kristina.

Over the past year we have conducted broad public engagement to help inform and shape the MIDP to be proposed by Sidewalk for our consideration. Thousands of people have participated in our consultation process to date, and we intend to hear from thousands more before we finish. We expect to receive the first draft of the MIDP soon. It will be made available for public input. Only after that public consultation will Waterfront Toronto begin the evaluation process.

Waterfront Toronto will continue to work with federal, provincial and municipal policy-makers to ensure that the public is well served. Technology and its impact on cities raises questions that are being debated around the world. Quayside is an excellent opportunity for Canada to get these answers.

Thank you for your invitation to present today. We look forward to your questions.

**The Chair:** Thank you.

We'll go next to Mr. Leduc for 10 minutes.

**Mr. André Leduc (Vice-President, Government Relations and Policy, Information Technology Association of Canada):** Thank you.

Mr. Chair, honourable members of the committee, it's our privilege to be here today to discuss the security and privacy of data and information when delivering digital government services.

The Information Technology Association of Canada, also known as ITAC, represents some 340 member companies, from the very largest multinationals to the smallest SMEs. We are the leading voice of Canada's ICT industry, an industry that includes some 37,000 companies, most of which are small and medium-sized enterprises. The industry generates over 1.5 million jobs, contributes more than \$77 billion annually to the GDP, and invests over \$4 billion in annual R and D, which is the largest private sector industry contribution to the nation's R and D.

ITAC is appearing before you today in support of its efforts for the development of a robust, competitive, sustainable digital economy and digital government in Canada. In recent years, ITAC has partnered with the federal government in various fora to help modernize the government's IT procurement processes and enhance the government's ability to successfully leverage IT and ICT to improve the delivery of public services.

The committee's study comes at an opportune time. The Government of Canada, as was pointed out by some of your witnesses earlier this week, has an ambitious vision for transforming and providing digital services to Canadians. Addressing security and privacy risks is a prerequisite of this transformation. Canadians expect and deserve digital government services that provide effective security and privacy.

The key question for the committee is how the Government of Canada can both achieve its vision for digital service delivery while also protecting security and privacy. It is ITAC's view that by adopting a balanced approach and by adjusting elements of its current data classification system and security framework, these two objectives are both compatible and interdependent.

I'll now ask Michael Fekete, chair of ITAC's legal committee, and counsel for Microsoft at Osler, to speak.

• (1545)

**Mr. Michael Fekete (Partner, Technology, National Innovation Leader, Osler, Hoskin & Harcourt LLP, Information Technology Association of Canada):** Thank you, André.

It's clear that the Government of Canada has recognized the need for a balanced approach. This is reflected in the Government of Canada digital standards, which call for a balanced approach to managing risk and implementing appropriate privacy and security measures. Similarly, the Government of Canada's cloud adoption strategy requires departments and agencies to adopt a structured risk management approach that takes into account the integration of cloud services in their government IT services.

The Government of Canada has adopted a cloud-first strategy. It did that last year. Notably, it was the last of the countries that make up the Five Eyes to do so. The rationale for a cloud-first strategy has been clearly articulated in the government's own white paper on data sovereignty and the public cloud.

The paper indicates that cloud computing represents a significant opportunity to address a number of inherent risks that the government is currently facing. These include: aging IT infrastructure, through which the government's mission critical IT infrastructure is aging and at risk of breaking down; cyber hygiene gaps, whereby the government's inability to quickly identify assets and perform timely patching and remediation of known vulnerabilities leaves it exposed to cyber-threats; the availability of non-cloud solutions—increasingly, industry is providing only public cloud solutions or focusing their development efforts on cloud services, and the on-premises software we've been accustomed to in the past is no longer available in the same way—and of course the government's plan to digitally transform the delivery of government services.

Cyber hygiene in particular is something I want to draw attention to, as there is an increasing recognition that cloud providers often implement and manage better IT security controls than internal IT teams. Cloud providers are investing billions of dollars to address security of data, going well beyond what any customer can do on its own. By enabling state-of-the-art machine learning and AI solutions, cloud providers are protecting customers at machine speed from the latest known and even unknown threats.

Despite the many benefits of cloud services and a cloud-first procurement strategy, it's clear that the Government of Canada is lagging behind other governments in terms of cloud adoption. It's important to recognize that cloud is different, and doing government digitally is different. To be effective, federal digital services need to be redesigned. This requires in many cases a redesigning of existing policies and processes.

New technologies will need to be explored, including artificial intelligence and the Internet of things, to power digital services. These new technologies are available through the cloud. Generally, they aren't available without accessing the cloud.

The other thing to note is that there are international best practices from which important insights can be drawn. By way of example, the United Kingdom's G-Cloud is considered a model for digital government and cloud adoption. Cumulative sales under the G-Cloud framework up to July of last year were over £3.5 billion, with 46% of total sales by value and 69% by volume having been awarded to small and medium-sized enterprises.

The success of the U.K. approach followed deliberate policy changes that supported implementation of the U.K. government's cloud-first policy. These changes included a simplified data classification regime, non-prescriptive security requirements, accountability for decisions to procure bespoke solutions, and a willingness to accept a supplier's contract with a wrapper of government terms.

While each of these changes is important, the first two warrant additional discussion in the context of the committee's deliberations.

The U.K. streamlined its data classifications so that information assets are classified into only three types: official, secret and top secret. Each data type attracts a baseline set of security controls providing appropriate protection against typical threats.

● (1550)

Significantly, U.K. government guidance indicates:

ALL routine public sector business operations and services should be treated as OFFICIAL....

This includes:

Personal information that is required to be protected under Data Protection legislation or other legislation (e.g. health records)

It's noteworthy that virtually all routine information within the government is treated as official, which is the lowest standard. That includes even sensitive personal information such as health records.

Information classified as official in the United Kingdom constitutes 90% of all U.K. government data. This data is deemed to be suitable for processing in the public cloud and is not subject to geographic limitations on processing. Rather, a risk-managed approach has been adopted, with U.K. government departments and agencies being required to evaluate a cloud service against 14 cloud security principles. These principles serve as a checklist for effective security safeguards without prescribing how a cloud provider needs to demonstrate compliance.

When contrasting the U.K. approach with Canada's, it's clear that the Government of Canada's framework for protecting security and privacy is underpinned by a materially different data classification system and security framework. Canada has nine different data classifications, with personal information—which is typically treated in the U.K. at the lowest level—generally being classified as Protected B.

Once data is classified as protected or higher, specific security and privacy protections set out in Government of Canada policies and directives apply.

For example, data that is classified as Protected B is subject to stringent requirements governing data residency, security clearances and departmental security controls. These requirements are often incompatible with the supply of public cloud solutions.

A cloud service is, by definition, a non-customized shared service that relies upon economies of scale achieved through standardization. To the extent that a government procurement mandates that a service provider satisfy security or privacy requirements that have not already been operationalized, the procurement is on its face incompatible with the supply of a cloud-delivered solution. Because data classifications in Canada are matched with security requirements that are incompatible with cloud services, it is not surprising that cloud adoption within the Government of Canada is lagging behind adoption in the United Kingdom.

The U.K. experience does not display a reckless approach—

**The Chair:** Excuse me, Mr. Fekete.

You are about a minute over. Are you just about complete?

• (1555)

**Mr. Michael Fekete:** I'm just at my last two paragraphs.

**The Chair:** I'm going to have to clip you to about 10 to 15 seconds at the most.

**Mr. Michael Fekete:** Sure.

Just let me end by saying that the U.K. is not reckless in its approach. It has made policy choices to ensure that it can access cloud services to enable digital government. There are opportunities for Canada to learn from the U.K. approach and, I would say, modernize some of its existing policies to better enable access to the cloud and to the digital services that the government wants to deliver.

**The Chair:** Thank you.

We'll go first of all to Mr. Erskine-Smith for seven minutes.

**Mr. Nathaniel Erskine-Smith:** Thank you, everyone, for coming today.

I want to start by asking about the resignations and give an opportunity to provide some context: why the resignations and, in the aftermath of the resignations, what steps have taken place.

**Ms. Meg Davis:** Could you clarify which resignations in particular? Do you mean the digital strategy advisory panel resignations or...?

**Mr. Nathaniel Erskine-Smith:** Yes, I mean specifically with respect to privacy and this group, but I understand there was another person as well.

**Ms. Meg Davis:** Yes, okay.

**Ms. Kristina Verner:** The DSAP resignations happened very early in the process of the committee's setting up, before real work had gotten under way and certainly before we had any grist in the mill, if you will, for the committee to begin to think through what the main issues were.

The committee is now very well guided by Dr. Geist's leadership. We have a vice-chair from IBI Group, Charles Finley, who was one of the co-founders of Code for Canada.

We have also just completed a recruitment for new panellists, which had a very warm reception from the communities. We're in the process of selecting three new panellists.

It's unfortunate that we lost some very valuable perspectives when those resignations occurred, but we certainly have extremely valuable contributions that we're having around smart cities. We're still hopeful that we'll be able to engage those individuals in the conversation moving forward.

**Mr. Nathaniel Erskine-Smith:** I appreciate that. I understand, and I hope it's not a problem anymore, but I want to drive at this idea of de-identification.

This notion that information collected through whatever sensors—there are a couple of examples in Sidewalk Labs' most recent information—if it's de-identified at source and there's a commitment

to de-identification and openness by default... I understand the dispute at the time was that de-identification was not to be mandatory.

Can you speak to the current state of affairs?

**Ms. Kristina Verner:** Absolutely. Immediately after that meeting, Dr. Cavoukian and I had a follow-up meeting. We had a very candid conversation. The actual question was about the definition of "at source" and whether it was at the point of collection or at the initial point of storage or processing. We came to a very good understanding of what was meant, which is why we're comfortable in making that very firm commitment now from Waterfront Toronto.

We also had further conversations with one of Canada's leading researchers looking at de-identification of data, to understand exactly what the implications were from both security and privacy perspectives, and also to ensure that we weren't precluding Canadian firms from having access to the technology they would need on an affordable basis to do that de-identification.

All of those factors were able to be satisfied, and that's why we're able to make that commitment to de-identification today.

**Mr. Nathaniel Erskine-Smith:** Can you give us an example?

Let's say I'm walking or driving through this 12-acre project once it's developed. How is my personal information collected and at what point is the information de-identified? Can you provide me some examples and then, hopefully, some assurance?

**Ms. Kristina Verner:** Some of that will need to come from Sidewalk Labs when they're here in front of you with regard to some of the specific solutions they're suggesting, since they are providing some of the technologies or have been talking to the technology companies more directly than we have at this point in time.

However, if we look at some of the pedestrian counting or traffic counting that would typically happen, whether it be in the Quayside project or in other urban environments, what is being proposed is that immediately upon collection, rather than having an image captured, you would be converted into a shape. That shape would be non-specific enough that you wouldn't be able to determine gender, age, whether you have a difference of abilities, and so on. You would become a number—an algorithm, if you will—in the whole perspective. From the moment of collection, you're essentially nothing more than a variable statistic in an algorithm.

**Mr. Nathaniel Erskine-Smith:** Ms. Davis, you mentioned that the data governance plan will be made public soon.

**Ms. Meg Davis:** Actually, we have not yet received the master innovation and development plan, the MIDP, from Sidewalk. We've seen dribs and drabs, but we haven't seen a full proposal. I understand their plans are not finalized yet, and we expect to see that very soon. It will be taken to our government partners through our intergovernmental steering committee, which has representations from all three levels of government. It will then be offered up to the public for input, and Sidewalk will need to demonstrate how that input is reflected in the final MIDP that is given to Waterfront Toronto to evaluate.

•(1600)

**Mr. Nathaniel Erskine-Smith:** I understand, from your opening comments at least, that when Sidewalk Labs publishes the digital governance proposals for the DSAP consultation in October 2019, they will include the principles of de-identification and open by default.

Would it be fair to say those are two core principles that Waterfront Toronto will require as mandatory for the project to proceed?

**Ms. Kristina Verner:** In that case, the principles they are putting forward are consistent with Waterfront Toronto's approach for the project as well. The master innovation and development plan will have an entire chapter and potentially some resources associated with the notion of digital innovations and the urban data question. That will be further built out throughout that piece for their evaluation as well.

**Mr. Nathaniel Erskine-Smith:** I'm not completely familiar with all the public consultations that have taken place. I know some people have raised concerns. You noted just now that when the master plan is released publicly, there will then be continued consultations.

**Ms. Meg Davis:** Yes, that's correct. Waterfront Toronto will conduct additional consultations. The City of Toronto will conduct its own consultations as well. We anticipate, as we do with all of our projects at Waterfront Toronto, very deep consultation with the community.

**Mr. Nathaniel Erskine-Smith:** Can you respond to the Ontario Auditor General's indication that preferential treatment was given to Sidewalk Labs by Waterfront Toronto? Can you speak to that?

**Ms. Meg Davis:** I don't think the Auditor General actually said there was preferential treatment. She said there was a risk.

Waterfront Toronto conducts its RFP process very independently. It was an independent RFP process governed by Justice Coulter Osborne as our fairness commissioner.

We conducted a pre-RFP process called market sounding, which is very typical for complex RFP processes where we meet with a lot of companies. We met with over 50 companies, most of whom we met with before we ever met with Sidewalk. We had discussions with a lot of other interested parties, etc., beforehand.

The Auditor General also said the process was a bit too short. In fact, it was 159 days. It's the second-longest procurement we've had at Waterfront Toronto. We had six proponents, and three were shortlisted. None of the proponents asked for any additional time. We felt the process was very robust and appropriate for what we were asking for, which was to prepare a plan. There's no transaction of land; there's no development happening. This is just a plan for us to think about.

**Mr. Nathaniel Erskine-Smith:** I'm out of time, but I look forward to asking about data trust when I get another opportunity.

**The Chair:** Thank you, Mr. Erskine-Smith.

Next up, for seven minutes, is Mr. Kent.

**Hon. Peter Kent:** Thank you, Chair, and thanks to all of you for attending today.

I'd like to pick up on that last point, but before I get to my questions, I just want to do a bit of a scene set recap of the chain of events.

It's not surprising there's a widespread belief that a political fix of sorts has been in for Sidewalk Labs' preferential treatment, since Justin Trudeau met with Alphabet's former chair Eric Schmidt at the Google Go North summit in 2017. As you've just referenced, Waterfront Toronto chose Sidewalk Labs to develop a data-driven neighbourhood in a process that the Auditor General, I believe, did in fact question as preferential and certainly rushed. John Brodhead, one of the Liberal government's top infrastructure operatives, the infrastructure minister's former chief of staff and a long-time friend of the former PMO principal secretary, was then installed in a senior management position.

Next, after those very notable resignations from Sidewalk Labs' associated panel over the secrecy and privacy issues, we suddenly discovered last week that far from a relatively compact 12-acre digital neighbourhood, Google's plan—or Sidewalk Labs', Alphabet's plan—is for the entire 350 acres of Toronto's Port Lands.

Those leaked documents basically indicated that in return for its investment in the 12 acres, Sidewalk Labs wants a share of all eventual development fees across the dockland, and property taxes on appreciating land values as a result of the Quayside project, apparently in perpetuity.

Do you believe that even after these revelations—of which the Toronto mayor's office, the Toronto council, the premier's office and the cabinet were unaware—the original RFP and the agreement that was subsequently signed are still valid?

•(1605)

**Ms. Meg Davis:** Yes, I do. We ran an independent process. It was guided, as I said, by the former integrity commissioner, Justice Coulter Osborne. It was also guided by a steering committee, not Waterfront Toronto's board. These were independent individuals. We had three external subject matter experts on that steering committee. The evaluation team was Waterfront Toronto staff, and we also had support from some external subject matter experts, including KPMG and the Canadian Urban Institute.

Those evaluations were not done by our board, by any politicians, or by any sort of political operatives or bureaucrats. There was no interference in that process. Sidewalk Labs was chosen through a very rigorous process, based on evaluation criteria that were signed off by Justice Coulter Osborne, and also with legal opinions from Dentons and from McCarthy's.

This process was as independent as any we've run, and we've run hundreds of them at Waterfront Toronto. The selection of Sidewalk Labs was absolutely appropriate. They provided the best proposal of the short list of proponents.

**Hon. Peter Kent:** Do you understand why people and politicians in the GTA, in Toronto and beyond, in Ottawa, see this suddenly as more of a high-profit real estate property development project than a technology partnership?



**Ms. Meg Davis:** If we look back at the RFP, we didn't specifically ask for technology. We really were looking for.... Let me take a quick step back.

Waterfront Toronto's mandate is to bring economic development, private sector investment and innovation all to the waterfront, and to use that as an economic engine. We have the ability to transform the market and have effective leadership of public lands. We don't own all of it; a lot of it's owned by the city. Ten years ago we set a sustainability standard, for example, of LEED gold. People may not know much about that, but it's an international standard of sustainability that a building must meet. There's a whole process that needs to be gone through, and it's third party adjudicated. That was transformational at the time. Ten years ago people said, "You've got to be kidding me," but we now have development partners, Tridel for example, building LEED platinum on one of our projects without even being asked to do so. That's table stakes now.

The 12 acres at Quayside are owned primarily by Waterfront Toronto. There's a very small portion that the city owns and a small portion that is owned by the private sector. We asked ourselves what we could do with that land that would be different. We have an affordability crisis in Toronto. We are dangerously close to a sustainability crisis in terms of climate change and mobility. The congestion in Toronto is unbearable. It takes me over an hour every day to get to work on the subway. We asked, "What can we do, as a public agency of all three levels of government and with this land that we own, to push the envelope again and really raise the bar on all these elements?"

We put in an RFP for a thinking partner and somebody who might have some money to help us do some research element. When we were looking for the innovation and funding partner.... It is not a development proposal. The intention in the RFP and reflected in the plan development agreement, which is the agreement we have now with Sidewalk, is to come up with these ideas and standards so we can then engage the Toronto community or the international development community to help us build out the Quayside property.

The other thing the RFP and the plan development agreement allow for is thinking at scale. If we wanted to get to carbon neutral or climate positive, what would we have to do to get there? Twelve acres probably isn't going to get you there. You need district energy systems. You need different electric grids. You need transportation systems, etc. What would it take to get to some of these very lofty objectives that Waterfront Toronto set?

The RFP and the plan development agreement allowed the successful proponent to think at scale, to think bigger, to think beyond Quayside, and to come up with some ideas—innovative funding ideas around transit, for example. We have a transit need in the waterfront. We've had one for a very long time. The city has identified it as a priority, but the city has a lot of priorities, so we were looking for innovative opportunities in order to help fund a Waterfront Toronto LRT system.

In fact, I am surprised people think there was some sort of fix in. This is what Waterfront Toronto was set up to do. We ran a process like all the other processes we've run, and we selected an innovative thinking partner, who also agreed to spend \$50 million thinking about things and suggesting ideas to us.

The other thing I'd like to say about the fix being in is that we haven't even seen the proposal yet. We've seen little pieces—we've all seen what was in the paper last week—but we don't have a final proposal that brings together all the innovations, the financials, and all of that. We are going to go through an incredibly rigorous evaluation process that will include all of our government partners. Through our intergovernmental steering committee, we will spend a lot of time analyzing that proposal, so we haven't offered anything to anyone. Sidewalk doesn't have rights to land. We haven't transferred any land. Most of those lands are owned by the city. The city will have to be the decider on whether or not there are any property taxes or development charges provided to Sidewalk. All those things are yet to come and will be discussed and debated in the public forum.

• (1610)

**Hon. Peter Kent:** Thank you. My time's up, but we'll come back.

**The Chair:** Next up for seven minutes is Mr. Angus.

**Mr. Charlie Angus:** Thank you.

I'm so pleased you're here. I only have seven minutes, and I don't mean to sound rude, but I'm going to have to get a few more questions in, so we'll be moving along.

The development of the waterfront is crucial for Toronto, and I see that what's happening in New York and Brooklyn for creating innovative public spaces is really important. However, we were told that RFP was for 12 acres, and now we learn from the Toronto Star that it's for the whole waterfront. Why was that not made clear in the RFP?

**Ms. Meg Davis:** As I just mentioned, the RFP actually says to think about Quayside and to think about solutions at scale. That means transit at scale, district systems at scale and innovative financing options at scale. The designated waterfront area was actually, in fact, the area in which Waterfront Toronto has its purview.

**Mr. Charlie Angus:** The first map was the 12 acres for the Quayside project, but then when you did the plan development agreement, it was for the whole designated waterfront area. Isn't it rather unusual, when we're talking about probably the most valuable real estate in North America, to say, "Here's the deal; it's only 12 acres," but then, once we are moving down the road, to say it's actually the whole thing?

People who bid on that were thinking it was only 12 acres, so was that an understanding from the get-go, that you would allow in another map that was the whole waterfront?

**Ms. Meg Davis:** I can't be certain, but I think the RFP has a map of the entire waterfront; that is, the designated waterfront area that's in the plan development agreement is the geographic area that applies to waterfront Toronto.

**Mr. Charlie Angus:** The RFP said very clearly that it was for the Quayside development, yet when it came out last summer, the agreement included the full map. That's the question.

It was only a six-week RFP, and 10 weeks to do public art installations on the waterfront. The Auditor General has said that Sidewalk Labs received more information from Waterfront Toronto prior to the RFP. She raised questions that the board was not given much time to actually review this. You tell us it's a rigorous process, but the Auditor General found that this thing was really pushed through quickly.

**Ms. Meg Davis:** Okay. There were maybe three or four points in there, and I'd like to try to manage each of them separately.

The RFP was actually 159 days, as I've already mentioned. In fact, it was the second-longest RFP we have ever run at Waterfront Toronto. It was a two-stage RFP process, and none of the bidders in the first or second parts asked for any extensions. We often give extensions if people are asking.

We sought guidance from our external legal, from our procurement advisers and from our own experience. We think 159 days was sufficient.

**Mr. Charlie Angus:** Did you say 159 days? We've been told it was six weeks.

**Ms. Meg Davis:** That's not correct.

**Mr. Charlie Angus:** Okay, so that's good to know.

Now, the investment and real estate committee did not recommend this project, but then it was passed to the board, which was only given one business day to approve, on October 13. We were told they already had the announcement ready the day before, saying that the Prime Minister, the premier, the mayor, Waterfront Toronto and Sidewalk Labs were signing the deal. If the real estate committee did not recommend this project, and if you have rigorous oversight, why was this flagged ahead?

• (1615)

**Ms. Meg Davis:** It's like saying a third reading of a bill is rushed when committee has had it for weeks, has reviewed every clause and every comma and has been helping the team negotiate.

IREC, which is our investment and real estate committee, in fact had at least six meetings prior to the meeting where the board voted, with only one dissenting vote, I might add.

**Mr. Charlie Angus:** IREC did not recommend it.

**Ms. Meg Davis:** IREC did not recommend it, but IREC doesn't approve. It takes things forward to the board.

The board determined that it would vote on the document, and because the rigorous analysis had been done, IREC had reviewed all of the document and had given guidance to the negotiating team, the staff, all the way through the process. In fact, the IREC committee had been a part of the RFP process all the way through.

**Mr. Charlie Angus:** It is the review committee. Now we learn from the Toronto Star that if this moves forward, it will divert a large, recurring revenue stream from the city into private hands, which was not in the original RFP.

You're saying you're talking about economies of scale, but the real estate committee said no to this and it went ahead anyway.

The Auditor General said that Sidewalk Labs was given more information than the competing bids. The Auditor General says the

board was given just a weekend to discuss and understand the implication to the initial framework agreement before being asked to approve it.

Was the Auditor General wrong? Was she reading something else?

**Ms. Meg Davis:** No, I would say that the experience we have had at Waterfront Toronto was that due diligence was done at the committee level. The board was briefed all the way through the process. They also got two briefings on the framework agreement.

The other thing to mention is that if there was something I'd like to learn from this process, it's that the framework agreement we have with Sidewalk today is the one we should have started with. We probably should have done a different agreement right at the beginning. That agreement was just to get us to do the next agreement, which was the PDA, so it had no handcuffs for our board or for governments. It didn't require us to stay in the deal. We could walk away at any time.

**Mr. Charlie Angus:** The Auditor General found internal Waterfront Toronto emails that led her to conclude:

[T]he board felt it was being "urged—strongly" by the federal and provincial governments to approve and authorize the Framework Agreement with Sidewalk Labs as soon as possible.

The board was under pressure to approve this deal, and the real estate committee was saying no. The Auditor General is feeling that there were a number of other questions. How was that framework agreement handled with rigorous review if the board felt it was being pushed into making this decision?

**Ms. Meg Davis:** There are two things I want to say about that.

One is that the board voted. There was only one dissenting vote. The board was actually fine with the agreement.

What was the first point you mentioned?

**Ms. Kristina Verner:** IREC didn't actually say no. They just deferred to the board.

**Ms. Meg Davis:** Oh, they deferred to the board. I'll come back to it. There was another point you made that I wanted to respond to.

Sorry. I mentioned the board. The board had briefings, and it voted, with only one dissenting opinion or dissenting vote. The board members were actually fine with the agreement.

**Mr. Charlie Angus:** Thank you.

**The Chair:** Thank you, Mr. Angus.

Next up for seven minutes is Mr. Saini.

**Mr. Raj Saini (Kitchener Centre, Lib.):** Mr. Chair, I'd like to give my time to Mr. Vaughan.

**Mr. Adam Vaughan (Spadina—Fort York, Lib.):** I just want to review the history of Waterfront Toronto.

When was it started?

**Ms. Meg Davis:** In 2001.

**Mr. Adam Vaughan:** Was that when the New Democrat mayor David Miller and the then prime minister and premier put together a development corporation on the waterfront?

**Ms. Meg Davis:** Yes. I actually have in front of me the Crombie commission report, which was 30 years in the making. I think it was in response to an Olympic bid. I wasn't at the corporation at the time. Following that failed Olympic bid, they determined there was enough work and enough energy there to put together a corporation to guide waterfront revitalization.

**Mr. Adam Vaughan:** The structure of the board is four federal appointees, four provincial appointees, four city appointees and a provincially appointed chair.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** The province holds effectively the most seats, but no one level of government holds a majority of seats.

**Ms. Meg Davis:** No one level of government holds a majority of seats.

• (1620)

**Mr. Adam Vaughan:** In terms of the waterfront properties, how much land does Waterfront Toronto actually own and have title to?

**Ms. Meg Davis:** We own just under 12 acres.

**Mr. Adam Vaughan:** That is about 1% of the entire parcel.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** The city-owned land is still governed by city law, city requirements and city approval processes.

**Ms. Meg Davis:** Absolutely.

**Mr. Adam Vaughan:** Sidewalk Labs and Waterfront Toronto can't, for example, assign tax dollars to a private corporation without the city's consent.

**Ms. Meg Davis:** That's correct, nor can we sell city land without the city's permission.

**Mr. Adam Vaughan:** Could you zone or approve any particular project without city approval?

**Ms. Meg Davis:** No. We don't have zoning authority.

**Mr. Adam Vaughan:** All zoning authority is governed by the provincial Planning Act.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** That means any proposal you receive, even if you approve it, still requires city and provincial government approval.

**Ms. Meg Davis:** I would say probably some federal government approval on certain aspects as well.

**Mr. Adam Vaughan:** That's when it's federally owned land.

**Ms. Meg Davis:** That's on federally owned land, or if something is being requested that affects a federal piece of legislation.

**Mr. Adam Vaughan:** Is there any provision in your corporate construction or corporate documents that allows you to override or be exempt from City of Toronto regulations around privacy and data, provincial privacy laws or any federal laws that are put in place?

Is there anything that exempts Waterfront Toronto from the legal regime that governs data in this country?

**Ms. Kristina Verner:** Absolutely not.

**Mr. Adam Vaughan:** Are you allowed to write corporate contracts that exempt you or grandfather your exemption from any changes that occur in any laws?

**Ms. Kristina Verner:** No.

**Mr. Adam Vaughan:** Would you agree that if there are Canadian laws put in place to govern how data is collected, whether collected through open or regulated processes or shared through open or regulated processes or stored through any regulated processes, you will have to comply with all federal, provincial and city laws, and you have no ability to operate outside those rules?

**Ms. Kristina Verner:** That's absolutely correct.

**Mr. Adam Vaughan:** In terms of the proposal that has been released to the newspaper, is that a proposal that's been shared with Waterfront Toronto?

**Ms. Meg Davis:** Waterfront Toronto has seen elements of that, but not all of it. We certainly haven't seen a full proposal. As you said, that is a proposal, and we will evaluate it along with our government partners.

**Mr. Adam Vaughan:** You said this morning that there was a rush, that this deal has been rushed. Has a deal been reached yet?

**Ms. Meg Davis:** No. We are only at the very early stages, in fact.

**Mr. Adam Vaughan:** How do you rush a deal that hasn't been made?

**Ms. Meg Davis:** It's not rushed. We're working very hard, and we're doing very deep analysis. We're not rushing.

**Mr. Adam Vaughan:** There have also been suggestions that this is a federal government project, and that our government brought you this project.

Who reached out to Google first? When did you first become aware that Google was interested in property or a project on the waterfront?

**Ms. Meg Davis:** Personally, I was not in the first round. A fellow in our office used to work for the City of New York, and there's an email in the auditor's report that shows he reached out to his previous boss and said, "I hear you guys are doing some interesting things. We're doing some market sounding and we'd love to hear what you're doing."

**Mr. Adam Vaughan:** Did the federal government bring you Google?

**Ms. Meg Davis:** No.

**Mr. Adam Vaughan:** Did anybody in the Prime Minister's Office bring you Google?

**Ms. Meg Davis:** No, we've had no contact with the Prime Minister's Office.

**Mr. Adam Vaughan:** Did the local MP bring you Google?

**Ms. Meg Davis:** No.

**Mr. Adam Vaughan:** Thank you.

In terms of how this process is going forward, will whatever development agreement you reach on the 12-acre piece of land be subject to full city scrutiny?

**Ms. Meg Davis:** Absolutely. We will have to go through all rezoning, committee of adjustment and building permits, and all of that.

**Mr. Adam Vaughan:** If you're to use city property, like roads or public spaces, that are currently part of that project and run through that project, will it require full City of Toronto consent before any infrastructure attached to the rest of the public infrastructure is touched?

**Ms. Meg Davis:** Absolutely, through the subdivision process. That's what we always do.

**Mr. Adam Vaughan:** You can't place one single sensor on any infrastructure without City of Toronto approval.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** You have a City of Toronto councillor on your board now, do you not? Is that City of Toronto councillor the only politician who sits on the board?

**Ms. Meg Davis:** Yes, that's correct.

**Mr. Adam Vaughan:** I recognize in the past it was Joe Pantalone and David Miller who sat on the board. It's currently Joe Cressy.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** That person will also have carriage of that issue at city council.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** Okay.

In terms of that process as it moves forward, is there anything the federal government can do to override city zoning?

**Ms. Meg Davis:** To my knowledge, no. I think the planning comes from the Planning Act, so it's a provincial statute. I don't think there's a federal override.

**Mr. Adam Vaughan:** Only the provincial government can declare a provincial interest. The federal government has no planning authority over any of this.

**Ms. Meg Davis:** I think that's correct, but I'm not a lawyer. I'm a planner.

**Mr. Adam Vaughan:** From my experience as a city councillor, that's entirely true.

One of the things the Auditor General doesn't like about the configuration of Waterfront Toronto is that it has to be subject to City of Toronto rules and regulations and to Canadian law. The auditor would actually like to see it exempt from City of Toronto law, so that you had a free hand to develop this without any oversight.

**Ms. Meg Davis:** I'm sorry, can you say the first part of the question again?

**Mr. Adam Vaughan:** The Auditor General recommends and suggests that it would be better if you had full control over all waterfront development and if you weren't subject to City of Toronto guidelines. Is that not one of her findings?

● (1625)

**Ms. Meg Davis:** One of her findings compared us to The Forks corporation in Winnipeg, which does have those powers.

When Waterfront Toronto was formed, we looked at a lot of different agencies. We have the powers we have, and they do not include that.

**Mr. Adam Vaughan:** Two of the checks and balances on Waterfront Toronto activities were explicitly asked for by the City of Toronto and the Province of Ontario. One was that the Province of Ontario be the controlling legislator on this. In other words, you are a creature of the province, because you're a product of provincial legislation, not federal legislation. Two, the City of Toronto refused to surrender final say on all planning and infrastructure investments.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** In terms of this leaked document that suggests that perhaps Google would build the LRT and then recoup its costs through taking a slice of the taxes, a slice of development charges and a slice of property lift on adjoining properties, the City of Toronto would have to consent to that one hundred per cent. The city has full control over whether you could even entertain such an agreement.

**Ms. Meg Davis:** Absolutely. I think the province would have a say too, because the tax increment financing is provincial legislation.

**Mr. Adam Vaughan:** As it stands right now, the preferred option of the City of Toronto is for the TTC and the City of Toronto to build the LRT—nobody else—only public transit built by public authorities, by the City of Toronto. That's the position of Waterfront Toronto and that's the position of the City of Toronto.

**Ms. Meg Davis:** I think that's correct.

**Mr. Adam Vaughan:** Thank you.

**The Chair:** Thank you, Mr. Vaughan.

Next up for five minutes is Mr. Gourde.

[*Translation*]

**Mr. Jacques Gourde (Lévis—Lotbinière, CPC):** Thank you, Mr. Chair.

My question, on a completely different subject, is for Mr. Leduc.

You represent many companies in the new digital age. Obviously, the Government of Canada has chosen to provide digital services to Canadians. Some countries refuse to use 5G technology from the Chinese company Huawei. Huawei's 5G network is used in Canada. Some Canadians have concerns about this.

Should we follow the example of countries that have banned or are banning this company? If so, why? Are we still safe with this technology? When the data is inside the network, it can be sent elsewhere.

**Mr. André Leduc:** At this time, Huawei isn't a member of our association. We refrain from commenting on the technology of a company that doesn't want to join our association.

**Mr. Jacques Gourde:** Does it not wish to be a member or does it show no desire to be a member of your association?

**Mr. André Leduc:** To date, no

**Mr. Jacques Gourde:** Okay. So you don't want to comment on 5G technology.

**Mr. André Leduc:** I can comment on 5G technology, but not on Huawei.

**Mr. Jacques Gourde:** Does the new 5G technology enable us to protect the information of Canadians?

**Mr. André Leduc:** The 5G technology is the next generation of telecommunications technology. We need it to share data.

Our current networks won't be able to manage the volume of data generated by all the sensors that will be found everywhere, in smart cities, on roads, in automated cars, and so on. We'll need 5G technology to share data on the network.

In addition, we find that 5G technology provides opportunities in application design and that it will provide good innovations.

**Mr. Jacques Gourde:** You've opened the door to smart highways. We can see that, in the future, cars will have more and more sensors that position cars in relation to obstacles and other cars. This may become a very large market. How will this ensure data security for all Canadians?

This doesn't mean that every car will be equipped with all the technology. Some Canadians keep their cars for a very long time, regardless of whether the cars are vintage, and they will still use the highways.

**Mr. André Leduc:** As Meg Davis said, the data will often be anonymous. Sometimes, the licence plate number will be recorded. There are different ways to do so. In terms of regulations, it won't be any different from the way that we collect information today. It will often depend on who owns the cars and trucks that will be automated on the roads, and on how information will be shared and exchanged. Basically, the information between cars and trucks and between those vehicles and infrastructure must be shared to ensure that the car network can operate.

• (1630)

**Mr. Jacques Gourde:** Are several members of your association working on these future endeavours on an ongoing basis? This market may be relatively profitable in the future.

**Mr. André Leduc:** Indeed. There's no doubt about that. We have quite a few members working on developing 5G technology, and other members working on developing software for automated cars.

**Mr. Jacques Gourde:** It's the world of tomorrow.

From a financial standpoint, does technology force more change than Canadians want? Could the technology move faster than Canadians want in different sectors or in all sectors?

**Mr. André Leduc:** No. I would say that it's often the other way around. The consumers of products and technological solutions drive

suppliers to develop innovations to meet the demand of consumers, therefore citizens.

**Mr. Jacques Gourde:** Canadians, and North Americans in general, are keen on new technology. The market exists because, according to the cost-benefit analysis, it's always profitable to carry out research and to innovate. This seems true.

**Mr. André Leduc:** When it comes to the adoption of smart technology, according to the United Nations, Canada is behind South Korea and Australia. In terms of the adoption of new technology by our citizens, we're ranked third in the world.

**Mr. Jacques Gourde:** In other words, regarding the speed...

Is it finished, Mr. Chair?

[English]

**The Chair:** You're out of time. Thank you, Mr. Gourde.

I believe there are going to be some members splitting time again.

Next up, we have Ms. Vandenberg for five minutes.

**Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.):** I'd like to give my time to Mr. Vaughan, please.

**Mr. Adam Vaughan:** There is no governance data structure—

**Mr. Charlie Angus:** Point of order.

**The Chair:** Yes, Mr. Angus.

**Mr. Charlie Angus:** Mr. Chair, for a government that says they're not running at the highest level, I think it should be on the record that they have their parliamentary secretary at the table, which is not how it's supposed to be done. The parliamentary secretary can be an observer.

I think that should be on the record.

**Ms. Anita Vandenberg:** If I could just note that I'm giving the time to the person who's the local MP in the area that we're discussing.

**The Chair:** Yes. I don't believe there's a point of order, but fair enough.

Go ahead, Mr. Vaughan.

**Mr. Adam Vaughan:** I appreciate that the NDP doesn't want the local member of Parliament to talk about the issues in his riding, but I will not be silenced by that.

**Mr. Charlie Angus:** Good one.

**Mr. Adam Vaughan:** The issue that I think is important to the waterfront, as someone who has been both a city councillor and now the federal member, as well as a resident and someone who's lived all his life in the downtown core, is that Waterfront Toronto enjoys a reputation for extensive, effective and very well-attended public consultation on all of its projects.

**Ms. Meg Davis:** That's correct. It's a hallmark of Waterfront Toronto.

**Mr. Adam Vaughan:** In fact, it's held up in Toronto as hosting the most public of all consultations, and it often makes significant changes to those projects based on the way in which public presentation has an impact, and how everyone, from the BIA to the port authority to the local residents associations, speaks up.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** On the issue of the data governance plan, does the City of Toronto have a current framework that governs the collection of data through infrastructure such as the Presto card, or the library card, or the way in which people call 311 and dial in through Facebook, and whether their information is shared publicly? Does the city have a data governance and a data sharing and data collection governance plan that currently regulates how data is embedded in infrastructure?

**Ms. Kristina Verner:** The City of Toronto doesn't have a comprehensive data governance plan at the present time. As a matter of fact, just yesterday we learned of a motion that was brought forward to city council by Councillor Cressy to introduce the notion of the CAO's office being tasked with preparing a data governance strategy writ large around all the major infrastructure issues that are under way.

There are things like the open data governance framework piece, and so on. There are bits and pieces, but not one comprehensive approach around all the notions of data that would be collected in a smart city.

**Mr. Adam Vaughan:** That's even though the city's infrastructure is currently embedded with data collection sensors.

**Ms. Kristina Verner:** That's correct.

**Mr. Adam Vaughan:** In terms of the high-water mark around this, Barcelona is often held to be the city whose data governance model is the best in class. Have you looked at the Barcelona model?

•(1635)

**Ms. Kristina Verner:** Yes. We've been looking at many of the different models around the world—Barcelona, Estonia, Amsterdam—and certainly the Barcelona model is an exemplar of how to build data governance from the community level up. They have a very passionate CIO who has very much looked at the human rights and digital justice components regarding data governance, and has done a fantastic job of preparing that and disseminating it globally.

**Mr. Adam Vaughan:** It's compliant with the best regional data governance model, which is the EU's data governance model. It's seen as the highest and best in class globally as a way of managing public data and orchestrating how data is collected, distributed, shared and commercialized.

**Ms. Kristina Verner:** That's correct.

**Mr. Adam Vaughan:** Would you be comfortable with the proposal as it's currently being configured, even though it hasn't been approved, if the federal, provincial and city governments imposed those standards on Toronto? Would the project be possible?

**Ms. Kristina Verner:** I would need to go through each individual component of the proposal to do a thoughtful review of how each of those things would be impacted from the imposition of those standards, but at this very high level, I would say yes, absolutely. We would be comfortable with moving forward in that kind of mechanism. The highest order of privacy is the best.

**Mr. Adam Vaughan:** Waterfront Toronto has no objection to Barcelona-style data system governance being imposed by the City of Toronto across the entire city, and you would comply with that as an agency in the city.

**Ms. Kristina Verner:** Absolutely.

**Mr. Adam Vaughan:** In terms of some of the opposition to this project, Jim Balsillie said to me when I took a meeting with him—because I meet with all sides in this conversation—that he would throw Waterfront Toronto in front of Google to stop Google. The issue here isn't Waterfront Toronto; it's Google.

Have you heard that before, and do you share that perspective as being a reasonable one?

**Ms. Kristina Verner:** I haven't heard that perspective. I know Mr. Balsillie often talks about the value of IP, which we recognize as extraordinary, and the potential for that through this project, both in terms of the Google-related or Sidewalk-related IP that could be generated, but also the IP that could be generated from local Canadian firms.

I have not heard that analogy, but I know Mr. Balsillie has some very passionate thoughts about this project.

**Mr. Adam Vaughan:** When he says Waterfront Toronto doesn't have the capacity to build the waterfront, what experience does he have with land use development corporations?

**Ms. Kristina Verner:** To the best of my knowledge, none.

**Mr. Adam Vaughan:** He agreed with you.

The other thing I think it is critical to understand here is that this is a development proposal. I will say it again: There is no finished deal. The Waterfront Toronto board is made up of city, provincial and federal members, with one other. It's four, four and four, with a provincial appointee as chair. Whatever deal they make must still be ratified by the City of Toronto, at city hall.

**Ms. Meg Davis:** Yes. The lands are owned by the city, so yes, that's correct.

**Mr. Adam Vaughan:** Nothing can happen without city consent. No matter who talks to Waterfront Toronto, it's the publicly elected officials at the City of Toronto who have the final say on this project.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** To be very clear about this, did the Prime Minister, the Prime Minister's Office or any federal Liberal bring this project to you and ask you to approve it?

**Ms. Meg Davis:** Absolutely not.

**Mr. Adam Vaughan:** When you meet with federal MPs, why do you meet with them?

**Ms. Meg Davis:** We meet frequently with federal and provincial MPs, with our local councillors, etc., to give them updates on projects as they go forward across the waterfront.

**Mr. Adam Vaughan:** Has any member of the opposition party asked for—

**The Chair:** Thank you, Mr. Vaughan. That's time.

Next up for five minutes is Mr. Kent.

**Hon. Peter Kent:** Thank you very much, Chair.

Just to be very clear, I believe that Waterfront Toronto is a wonderful organization with a terrific history, but given the secrecy and the initial statement by Mr. Doctoroff, "give us a city to run", there is widespread suspicion. In the last week, social media has been alive with it. I've talked to councillors. I've talked to MPPs in the provincial legislature, who are very worried that Waterfront Toronto, a worthy organization with decades of worthy goals for the Toronto waterfront, is being steamrolled by a Google sibling.

The parliamentary secretary may not have been following this committee's work for the past year since the Cambridge Analytica-Facebook-AggregateIQ scandal, but in the testimony that we've taken, we have learned some very serious and, in some cases, very disturbing truths about the data-opolies, including the Google family.

I hope you understand that this is the impression. I understand also.... I don't know if it's true, and I'd like to ask you to speak to this. I'm told that the mood of the staff of Waterfront Toronto and its various internal divisions is not good because of the overwhelming preoccupation of the Sidewalk Labs project. Could you address that? Is that a wrong impression?

• (1640)

**Ms. Meg Davis:** First of all, I'm going to let Kristina talk about the sort of accountability framework that will be in place, but I go to work every day excited not just by the Quayside project but also by what we might be able to achieve on affordability, sustainability and mobility. Kristina looks after the tech part.

I'm excited to go to work every day. People are very enthusiastic. I know that there are some folks out there who are very concerned about the project. We're concerned about data and privacy, like everybody else, but we're also enthusiastic, and there are a lot of people who come to our public engagement and round tables, etc., and who are enthusiastic and want to see where this might go.

We also have a lot of other projects that we're working on. We have flood protection, which this government has very graciously given us \$400 million to do. We're enthusiastic about all those projects as well.

Kristina, did you want to talk about it?

**Ms. Kristina Verner:** I'd like to touch on two elements of your comment.

The first is with regard to the data-opolies. In my spare time, if you will, I'm still a sessional instructor in the school of computer science at the University of Windsor. I teach both the social media and technology kinds of courses as well as a cyber-ethics course. I am very well aware of the risk of the data-opolies and what that represents nationally and internationally.

In fact, the accountability framework that we will be moving into if we put forward any of these ideas into an implementation plan will ensure that we actually prevent against the data-opolies having effective control over too much of the data or not sharing the data.

**Hon. Peter Kent:** Could I just interrupt there.

**Ms. Kristina Verner:** Sure.

**Hon. Peter Kent:** Sidewalk Labs has been very secretive or obfuscating with regard to who will own the data they generate within Quayside and whether that data will be shared with Canada or whether, in fact, Sidewalk Labs, by accumulating this data, by commercializing this data, will take it from the country and profit below.

The parliamentary secretary invoked Mr. Balsillie's name, but I think that's behind Mr. Balsillie's statement. He says, "As long as Waterfront" defers to "Sidewalk on all the critical decisions, Canadians will...be treated to glitzy images of pseudo-tech dystopia while foreign companies profit from the IP and data Canadian taxpayers fund and create." He says:

Sidewalk Toronto is not a smart city. It is a colonizing experiment in surveillance capitalism attempting to bulldoze important urban, civic and political issues.

Do you disagree?

**Ms. Kristina Verner:** I disagree with Mr. Balsillie on that front. Actually, Sidewalk has been pretty clear on the fact that they don't intend to own the data and that they do intend to make all of the data open by default, which is an interesting business model in the fact that it actually doesn't have monetization behind it in the traditional sense. That being said, some of the smaller Canadian firms may actually be disadvantaged by having everything open by default, and that's part of the important next phase of discussion.

I also want to touch upon this notion around the David and Goliath idea of Waterfront Toronto being steamrolled by Sidewalk Labs, which I think is a tremendous mischaracterization of this entire relationship that we have, because it's not just Waterfront Toronto and our staff. We have the backing and the strength of all three levels of government. It's not Waterfront Toronto and Alphabet; it's the Government of Canada, the Province of Ontario, the City of Toronto and Waterfront Toronto—

**Hon. Peter Kent:** But Sidewalk Labs will not speak for any of the companies or partners that it brings into this project with regard to the ownership of data. Mr. Doctoroff has been quite clear in saying that he can't speak for the other technology companies that will be part of this project.

**Ms. Kristina Verner:** I would agree with you. He can't. But we can make those requirements incumbent upon any other third party that would be participating in our smart city initiative, similar to how we've done it in our development agreements, where we've put in some core requirements for things like what Meg mentioned earlier around LEED or intelligent community initiatives with regard to connecting to high-speed networks and doing digital inclusion projects.

There are ways that Waterfront Toronto and its government stakeholders can be protected and can protect the Canadian economy by putting those measures in place as Waterfront Toronto.

**The Chair:** Thank you, Mr. Kent.

Next up for five minutes is Madam Fortier.

[Translation]

**Mrs. Mona Fortier (Ottawa—Vanier, Lib.):** I'll give my speaking time to Mr. Erskine-Smith.

[English]

**The Chair:** Mr. Erskine-Smith.

**Mr. Nathaniel Erskine-Smith:** Thanks very much. I have one last follow-up to my original questions.

You have Professor Scassa, who has been involved on the board. You have Ann Cavoukian, who was involved on the board and stepped away. Those two—and including Mr. Geist—have been very serious privacy advocates. I would even say that I think our committee has maybe not gone as far in our recommendations as we could have.

Are you comfortable now with the commitment to de-identification and subsequent conversations with Ms. Cavoukian that they're supportive of the path forward?

• (1645)

**Ms. Kristina Verner:** Absolutely.

**Mr. Nathaniel Erskine-Smith:** With respect to civic data trusts, are you familiar with the Toronto Region Board of Trade's proposal for the Toronto Public Library to be responsible for a civic data trust?

**Ms. Kristina Verner:** Yes, I am.

**Mr. Nathaniel Erskine-Smith:** Do you think that is a model worth considering? Is it a model that you're looking at seriously?

**Ms. Kristina Verner:** We're doing some work right now, actually, with the MaRS Solutions Lab about civic data trusts, since this had been tabled early on in the Quayside project.

One of the first phases we've looked at is doing a civic data trust primer, so that we can build civic literacy around this concept and people can engage in that conversation, since it is relatively new in the Canadian environment. The board of trade report tabling the notion and the library playing that very critical role is actually quite compelling. Libraries have always played a very vital role as the keeper of the universe of knowledge in cities.

That being said, there are other options. There could be a notion around a sort of post-secondary model, whereby a university or college becomes the Switzerland of data brokerage, if you will, in the community, the municipalities themselves.... I think civic data trusts offer one potential governance model. There are others that we need to look at as well, once we understand more fulsomely what is actually being contemplated for this area.

**Mr. Nathaniel Erskine-Smith:** With that in mind, then, in answer to a previous question, you committed—however this moves forward—that the identification at source to protect privacy would be mandatory. Is there a similar commitment to ensuring that in terms of the collection of data, the use, the data itself is open, publicly accessible and under public control?

**Ms. Kristina Verner:** Yes, and actually going even further than that: the entire architecture being created in such a way that it's open, so that we don't end up with the dominance of one market player.

**Mr. Nathaniel Erskine-Smith:** In the Toronto Region Board of Trade's report, they note that organizational capacity remains a challenge for Waterfront Toronto with respect to daily governance and that you're not really in the business of managing the daily governance piece of a project like this, or at least historically not so.

Whatever ultimate deal is reached, whether it's the Sidewalk Labs proposal or something else, if a smart city is in mind, there is going to be a data governance piece to the smart city. Presumably you're not waiting for Sidewalk Labs to propose a civic data trust. You say there are other options you're considering. What is the path forward with respect to managing data and building a data trust?

**Ms. Kristina Verner:** I think there are a few very important elements that we're putting in place. Initially DSAP was a bit of a stopgap to make sure that we had perspectives informing us as the project moved forward. We have just recently undertaken to recruit a new position within the corporation. In the next few weeks, we'll be able to mention who we've hired. They'll be filling the role of a manager of digital governance, to help be the linchpin on this very important topic.

Ultimately, Waterfront Toronto has never seen itself as playing the role of the data keeper, the digital overseer of this project. We very much look to the City of Toronto and the other government authorities to be part of that equation. It could very much be that the City of Toronto is in fact the one that takes the entire leadership piece on the digital piece moving forward. Much like what we've done with our intelligent community component, we are setting a sort of strategic position and some underlying conditions and creating enabling infrastructure for digital, but in this particular piece, I don't think Waterfront Toronto has ever asserted in any public forum, in any way, that we would be the ones who would be the keepers of the data.

**Mr. Nathaniel Erskine-Smith:** That makes sense, given capacity issues, resources and expertise.

With respect to the master plan that is to be made public and additional consultations with respect to that plan, will there be a path forward laid out there with respect to data governance?

**Ms. Meg Davis:** Do you want to answer that, Kristina?

**Ms. Kristina Verner:** That's correct. I think what's important to keep in mind is that the conversation that's been happening thus far actually precedes what would normally be Waterfront Toronto's consultation process. Usually, our consultation process starts after a proposal is received.



In that path, moving forward, in addition to our civic labs, we're looking at having a very specific consultation piece around digital governance. The City of Toronto is also looking at their own consultation piece writ large on the master innovation and development plan, which will have a digital component to it as well, so there will be ample opportunity to hear concerns from citizens on the digital components.

**Mr. Nathaniel Erskine-Smith:** I have two more questions.

One is with respect to the hypothetical case studies that Sidewalk Labs put in their October 2018 report. One example is pedestrian counters, where Sidewalk Labs consider themselves as submitting an application, the data trust publishes the RDIA and the information presumably is publicly available, but the second case study is actually that of "Startup A", a small Canadian start-up.

Because the small Canadian start-up requires the ability to monetize given that they're putting money into the project initially, the idea is that they would be able to monetize the data. It would be proprietary for a period of time. Then, says the report, "After a time, the data is made freely and publicly available."

That makes a certain degree of intuitive sense to me, but then the question I have is: Who decides when that data becomes publicly available? Do you have a view of that as far as it goes or that's all time—

• (1650)

**The Chair:** The time is well past, so just a brief answer, please, if you can.

**Ms. Kristina Verner:** We don't have a fully developed answer on that. That's one of the pieces that we want to speak about with the small business community in Canada in terms of what they would be looking towards in that. In particular, for instance, there's Kurtis McBride from Miovision, who is on the digital strategy advisory panel. His insights would be very valuable on that piece as well.

**The Chair:** Thank you.

We'll go to Mr. Angus for three minutes.

**Mr. Charlie Angus:** Thank you, Mr. Chair.

I've been sitting at this table for 15 years. I used to be young and good-looking and have dark hair.

**Voices:** Oh, oh!

**Mr. Charlie Angus:** The one thing—

**Mr. Frank Baylis (Pierrefonds—Dollard, Lib.):** You're still good-looking.

**Mr. Charlie Angus:** Thank you, Frank. It's just because you're the same age.

**Mr. Frank Baylis:** Are you making fun of me?

**Mr. Charlie Angus:** He's taking my time, Mr. Chair. Call him out.

**Voices:** Oh, oh!

**Mr. Charlie Angus:** When I see questions from an Auditor General, I have to ask those questions. When an Auditor General raises a red flag, it's a red flag, so my question is in terms of the negotiations at the federal level.

When did John Brodhead get involved in the conversation? Was that prior to the framework agreement?

**Ms. Meg Davis:** I'm not aware of any conversations with John Brodhead. There was the email you mentioned, and that's the thing I didn't get to say. That email was about scheduling the Prime Minister, the premier, the mayor and the head of one of the largest corporations in the world, which is a very tough thing to schedule. That wasn't about selecting Sidewalk. It wasn't about—

**Mr. Charlie Angus:** No, I understand that. I just wanted to know when he was getting involved. The Ontario Auditor General said that matters that should have been handled by formal consultations with other levels of government—obviously, to me, the city should have been really involved—were instead, quote, "discussed at a senior political level". Was that "senior political level" the federal level?

**Ms. Meg Davis:** I don't know anything about that.

**Mr. Charlie Angus:** That was in the Auditor General's report.

**Ms. Meg Davis:** I don't know anything about discussions at the senior—

**Mr. Charlie Angus:** Okay, but she was concerned. She raised that flag. For my colleague Mr. Vaughan, certainly, many of these issues are city issues, and she was concerned at how that consultation process hadn't gone down.

I'm a little confused here, because you said it was a 156-day RFP...?

**Ms. Meg Davis:** I said 159.

**Mr. Charlie Angus:** Okay, 159. The Auditor General said that it was only six weeks, and she said that it was 10 weeks for an art installation project on the Waterfront. She agreed that Sidewalk Labs was given the go-ahead because it was the most comprehensive, but this was because, she says, they were given preferential treatment even well in advance of the RFP, so that's why it went ahead. If the Auditor General believes it's six weeks, why didn't you explain to her that she was wrong?

**Ms. Kristina Verner:** Mr. Chair, if I can address that, the Auditor General's six-week time period actually relates to what would be the equivalent of a pre-qualification period. The full 159 days is the full duration of the RFP process, including what is the best and final offer process of the submission—

**Mr. Charlie Angus:** Doesn't the Auditor General know that? She's a pretty smart lady. She raised this as one of the issues.

**Ms. Kristina Verner:** Definitely. This was a very complicated issue to explain to her, because it followed a very different model in terms of the terminology that was being used—

**Mr. Charlie Angus:** I guess she's not... She didn't get it? Like, this is her job. She said that Sidewalk Labs was given preferential treatment, that this conversation began in 2016, long before the RFP went out, so they were prepared for this, and she said that compared to an art installation, this was a very short RFP.

**Ms. Kristina Verner:** No, Mr. Chair, this was actually 159 days. The first phase of that submission was only the six weeks that was referred to, but the entire process was 159 days. That is a fact on our records. It's the second-longest RFP process that we have ever run as a corporation.

With regard to any element—

**Mr. Charlie Angus:** Did you challenge the Auditor General on that? I mean, it's in all the papers. I just think that if the Auditor General doesn't know what she's talking about, you should have been correcting the record.

**Ms. Kristina Verner:** I wouldn't say the Auditor General does not know what she's talking about.

**Mr. Charlie Angus:** Okay. Okay.

**Ms. Kristina Verner:** Yes. She and her staff were extraordinarily competent when they worked with Waterfront Toronto. We have no inkling of anything otherwise. But I also want to touch upon the preferential treatment component of it. The Auditor General pointed to a number of different pieces of information that we shared with a variety of different individuals, different companies, through the market sounding process. Sidewalk Labs was well into that market sounding process of the 50 plus companies that we spoke to. The information that she had pointed to were exhibits that were in the flood protection due diligence report, which was publicly available. There were publicly available websites, including links to the economic development site of the City of Toronto—

•(1655)

**Mr. Charlie Angus:** Yes, you did give information to others, but she said you gave more and preferential treatment to them. That was what she said.

**Ms. Kristina Verner:** That was her interpretation.

**Mr. Charlie Angus:** It was her interpretation. Okay.

Thank you.

**The Chair:** We're at time.

I believe there is one more question from Mr. Erskine-Smith.

Go ahead.

**Mr. Nathaniel Erskine-Smith:** We had Taylor Owen before us, talking about social media platforms and regulating social media platforms. He mentioned that the monetization model of personal information is one of the causes of some of the negative externalities we see with respect to social media and the massive collection of personal information. Now this, you've said, as I understand it, is not a traditional monetization model using personal information. That accords with what I've read in the documents.

So this isn't a traditional Alphabet/Google way of making money; they are a straight-up development company in this proposal?

**Ms. Kristina Verner:** I wouldn't say they're a straight-up development company. There are actually three approaches to revenue streams that they looked at early on. We're not sure where that will fit within their overall business proposal to us. There was the real estate component, an infrastructure component and then the intellectual property component. We don't know how that blends out and mixes out, but it isn't the traditional Google play.

**Mr. Nathaniel Erskine-Smith:** Those are questions for them, not for you, though.

**Ms. Kristina Verner:** Right.

**Mr. Nathaniel Erskine-Smith:** I'm not sure if any colleagues of mine have additional questions, but that's all for me.

**The Chair:** I have one with Mr. Vaughan. That's not one speaking slot, that's one question. and one question for you, Charlie.

**Mr. Charlie Angus:** I guess that's the question I want to ask: Are we going for another full round? I'm happy not to go, but if we're going to continue with questions—

**The Chair:** The understanding was that this would be the last. There's a target time we aim for on Thursdays.

Mr. Erskine-Smith, did you want to speak to that?

**Mr. Nathaniel Erskine-Smith:** Sorry; I thought it was five minutes.

**The Chair:** Yes, we can split up to five minutes. That's fine.

**Mr. Nathaniel Erskine-Smith:** We can split it. So if Charlie wants to take a question—

**Mr. Charlie Angus:** No, I'm happy.

**Mr. Nathaniel Erskine-Smith:** Okay.

**The Chair:** One last five minutes: I think that's easy to manage.

Who would like to go first?

Mr. Vaughan, go ahead. The remainder of the time is four minutes, I believe.

**Mr. Adam Vaughan:** That's fine.

So consultation was actually done before the proposal was received.

**Ms. Meg Davis:** That's correct. It's called market sounding and it's a very common practice.

**Mr. Adam Vaughan:** That consultation was also a public consultation as you moved forward, taking a look at the site in conjunction with the City of Toronto's planning department as well as with public stakeholders along the waterfront?

**Ms. Meg Davis:** Absolutely. In fact, there was a lot of planning already in place for the Quayside site and also the Port Lands long before the RFP.

**Mr. Adam Vaughan:** How many weeks of consultation get done before a deal is even firmly on the table? In other words, how much public consultation has happened before there's even a deal to do a project?

**Ms. Meg Davis:** We've been out in the public now for 18 months, and we have quite a number of months still ahead of us.

**Mr. Adam Vaughan:** After the deal is presented publicly to Waterfront Toronto, will there be more public consultation?

**Ms. Meg Davis:** Yes, absolutely.

**Mr. Adam Vaughan:** That is actually one of your hallmarks.

**Ms. Meg Davis:** Yes, it is. Correct.

**Mr. Adam Vaughan:** In fact, the complaint often is that you consult too much.

**Ms. Meg Davis:** It does take us a little longer sometimes, but we try to get it right.

**Mr. Adam Vaughan:** In terms of the Auditor General's report, the Auditor General's report also suggests that this entire project, all 300 acres, should be done by charity. They cite Millennium Park in Chicago as the high-water mark of waterfront development and suggest that Waterfront Toronto, instead of using government funds, should get donations to build the LRT, donations to build the water parks, donations to build the parks and donations to build infrastructure; the entire 300 acres should be done on charity.

Do you support the Auditor General's finding that the most important real estate in the country, I would argue, should be done by a charitable foundation and not by government?

**Ms. Meg Davis:** I don't actually recall that in the AG's report.

**Mr. Charlie Angus:** I don't remember that either, Adam.

**Ms. Meg Davis:** What I would say is that we are certainly looking into philanthropic opportunities for things like public spaces. I don't know if there is an example anywhere in the world where philanthropy has been used to build infrastructure such as LRT.

**Mr. Adam Vaughan:** Just as a final note, nothing gets built here, nothing gets approved here and no infrastructure is touched unless the City of Toronto approves.

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** And there's nothing the federal government can do to change that.

**Ms. Meg Davis:** To my knowledge, that's correct.

**Mr. Adam Vaughan:** This is a project that is funded federally, funded provincially and funded municipally, but at the end of the day, governance is given to the City of Toronto.

**Ms. Meg Davis:** The final approvals on any land use, any building permits, etc., are all the City of Toronto—and land transactions and any infrastructure.

**Mr. Adam Vaughan:** Not one penny of tax dollars to pay for an LRT can be raised, collected or spent by Google or Alphabet or Sidewalk Labs without the full consent of the City of Toronto. Only the City of Toronto can provide that consent under provincial planning law.

● (1700)

**Ms. Meg Davis:** That's correct.

**Mr. Adam Vaughan:** Thank you.

**The Chair:** It looks like we're done.

I want to thank all of the witnesses for appearing today.

Thanks, Mr. Fekete, out in TV land.

Have a good weekend, everybody.

The meeting is adjourned.

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