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Chair: Mr. John Brassard



Standing Committee on Access to Information, Privacy and Ethics

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• (1655)

[*Translation*]

The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)): I call this meeting to order.

Welcome to meeting number 96 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

Pursuant to standing Order 106(4), the committee is meeting at the request of four members of the committee to discuss their request to undertake a study of the use of spyware by federal institutions.

[*English*]

I want to remind all members about the earpieces. Make sure you keep them away from the microphones to prevent potential injuries to our interpreters.

The floor is open.

[*Translation*]

Mr. Villemure, you have the floor.

Mr. René Villemure (Trois-Rivières, BQ): Thank you, Mr. Chair.

I'd like to table the following motion. It has been distributed to all committee members.

The motion reads as follows:

That, as of January 29, 2024, the committee undertake a study concerning the use of technological tools capable of extracting personal data from telephones and computers in investigative processes conducted by several federal government departments and agencies; that the committee focus in particular on the reasons justifying the use of this investigative equipment by the various government institutions and on the privacy risk assessment process; That the committee devote at least 6 meetings to this study; That the committee invite each of the following witnesses to testify for at least one hour:

- (a) The President of the Treasury Board;
- (b) Each of the senior officials of the following departments and agencies:
 - (i) Fisheries and Oceans Canada;
 - (ii) Environment and Climate Change Canada;
 - (iii) Canadian Radio-television and Telecommunications Commission (CRTC);
 - (iv) Canada Revenue Agency (CRA);
 - (v) Shared Services Canada;
 - (vi) Competition Bureau;
 - (vii) Global Affairs Canada;

(viii) Transportation Safety Board of Canada;

(ix) Natural Resources Canada;

(x) Correctional Service Canada;

(xi) Canada Border Services Agency (CBSA);

(xii) National Defence;

(xiii) Royal Canadian Mounted Police (RCMP);

(c) The Privacy Commissioner;

(d) Any other expert witness the committee deems necessary, provided that the President of the Treasury Board be the first of all to testify;

and that the committee report its observations and recommendations to the House.

Thank you.

• (1700)

The Chair: Thank you, Mr. Villemure.

The motion is in order.

Before we begin the debate, I invite you to say a few words about it first.

I yield the floor to you.

Mr. René Villemure: Thank you, Mr. Chair.

Privacy is a fundamental right. All the work we've done on this committee has shown us just how important it is to take an interest in these subjects.

Citizens are concerned about what's happening with their data. When we learn that agencies or departments have allegedly used software to monitor data, we can ask them if they have carried out a prior privacy assessment, as required by the Privacy Commissioner of Canada. If they haven't, the committee certainly has a duty to go further, to investigate in order to understand what happened. That's the first objective.

The second objective is obviously to correct what needs to be corrected. Certainly, we need to inform people of the risks involved in using certain software. However, we also need to inform them of the risks associated with activities they may be unaware of, because it's been done without their knowledge.

I don't believe the Government of Canada should be monitoring anyone without their knowledge. The Privacy Commissioner of Canada says the same thing in his rulings and reports. It is for this reason that I thought it appropriate to request this emergency meeting, in order to review the points mentioned above.

Thank you.

The Chair: Thank you, Mr. Villemure.

Several members would like to speak on this subject.

I'll start with Ms. Fortier. Then it will be Mr. Green and Ms. Kusie's turn.

Ms. Fortier, you have the floor.

Hon. Mona Fortier (Ottawa—Vanier, Lib.): Thank you, Mr. Chair.

I thank the member for alerting the committee to this issue.

Some parts of the report that was published raise concerns. There were probably some departments that didn't follow the guidelines put in place by Treasury Board. I would still like to say that the government is not there to spy on public servants or departments. There are guidelines in place to do surveillance, obviously while protecting privacy, and Treasury Board must ensure that the procedure followed is appropriate.

I've had the privilege of serving as President of the Treasury Board. So I know there are protocols in place. What really concerns me is that the departments probably haven't followed those protocols. I think it would be a good idea to ask them first if they have followed them. It's also a question of seeing the reasons why they wouldn't have followed, precisely, the protocols put in place by Treasury Board.

There may also be a case for asking the Privacy Commissioner of Canada to appear. We could see how this commissioner could review these departments' compliance with the guidelines, or take a closer look at the procedure. I think it might be a good idea to add the Privacy Commissioner to the witness list.

I'd like to raise one last point. I think it's too early to ask the President of the Treasury Board to come and testify first. Instead, we should ask the departments to appear. Then, among other things, we could ask the Privacy Commissioner to do so in turn.

I'll stop here, Mr. Chair, in terms of my comments on the motion. Later, after hearing from my colleagues, some amendments may follow.

The Chair: I want to point out that the commissioner is already on the list, in point (c).

Thank you, Ms. Fortier.

[*English*]

Mr. Green, you have the floor. Please go ahead.

Mr. Matthew Green (Hamilton Centre, NDP): Thank you very much.

I'm grateful to my friend from the Bloc for ensuring that this is a priority. It's certainly something that we flagged as New Democrats. I will reference our November 30 notice of motion, putting this committee on notice of the same. I fully support why my friend Mr. Villemure would want to see this prioritized in this way.

You will recall that in my notice of motion, under (j), I suggested that Chris Aylward, president of the Public Service Alliance of Canada, and Jennifer Carr, president of the Professional Institute of the Public Service of Canada, be added to the list of witnesses.

I don't know if we could maybe find consensus, Mr. Chair, whether through unanimous consent or on division, to add those witnesses to the list. They represent the workers who are ultimately impacted by this.

• (1705)

The Chair: Mr. Green, I appreciate your wanting to add to that list. I will have to accept that as an amendment, if that's what you want to propose. Then we can discuss the amendment, come back to the committee and see if we do indeed have consensus. If not, we'll need to have a vote on it.

Mr. Green, just to confirm, I'm going to take Mr. Aylward and Ms. Jennifer Carr as an amendment to the witness list proposed by Mr. Villemure.

Mr. Matthew Green: Thank you.

The Chair: Is there any discussion on the amendment to add those two witnesses?

Go ahead, Mr. Kurek, on the amendment.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Mr. Chair.

Mr. Green, these are just additions, right?

Mr. Matthew Green: Yes. It's two unions.

The Chair: As Mr. Green said, he has those two names in the motion on notice that he's proposed. He's just looking to add them here.

Not seeing any further discussion, can I have consensus among the committee to add those two names to the list?

(Amendment agreed to)

The Chair: Thank you for that.

[*Translation*]

Ms. Kusie, you have the floor.

[*English*]

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you very much, Mr. Chair.

Thank you very much to the committee for having me here today as part of this conversation.

Mr. Chair, as you can well imagine, we were very concerned when we found out late last week that 13 different federal departments and agencies have this spyware attached to them. They include, but are not limited to, Fisheries and Oceans Canada, Environment Canada, Canada Revenue Agency, Global Affairs Canada—and as a former employee of Global Affairs Canada, I'm especially troubled by this agency—Canada Border Services Agency, the Department of National Defence and the Royal Canadian Mounted Police. Several other institutions are using this spyware technology. As I said, we became aware of this late last week.

This is being used across government, Mr. Chair. This isn't limited to a single department or agency. What's even more concerning is what this spyware is capturing. It runs the gamut of all communications across government. It includes all the text messages employees have sent to their friends and family. Of course, we know we all use our phones on a daily basis. The sensitive information in these text messages includes information about where your children go to school and whether you have to pick them up, your place of work perhaps and any medical appointments you might have. The most sensitive information is communicated through these text messages.

Can you imagine your entire contact list being made public, being in the hands of government and being exposed to being released or shared with those you had not intended to share your contacts with?

It's photos. I enjoy taking photos, especially at this time of year, when there are so many beautiful decorations across the capital and elsewhere, but having your entire photo library shared across government is absolutely concerning.

It's travel history, as well. The government, through this spyware, has a history of your travel. That's very concerning as well.

This spyware can also be used to access cloud-based data. What isn't in the cloud in this day and age? This is what the government has exposed our public servants to—having their cloud-based information across the network.

I for one would certainly not like my Internet search history put out for the public to see, in terms of what movies I'm interested in, perhaps, or the items I am considering buying my family for the holidays. This is the most personal of information we're talking about here, which has been gathered through this spyware and is now in the hands of government.

We have content that we have deleted in an effort to dispose of it. Certainly, we've all heard the fact that, once it's on the Internet, it's out there forever. Who knew that, with this government, once it's on your phone, it's with the government forever? Apparently, according to the report here, this is the case.

Finally, it's social media activity—every single post you ever liked, everything you ever reposted and every comment you ever made. If you are with one of these federal agencies, this is now in the hands of government. It's very concerning.

Public servants are concerned as well. They are gravely concerned. They wonder “why any government office would need such access to people's private information”, yet this is where we are at this point, where the government has access to this private information.

I'll quote two witnesses who were, fortunately, added to the list.

Ms. Jennifer Carr, the president of the Professional Institute of the Public Service of Canada, said:

We need to make sure that if our personal information is gathered, that we know about what information is gathered, how it's being used and how it could be affected if there are others who were able to access that.

My goodness, if you have any breach of public information in this day and age, a responsible corporation immediately notifies you of it. In this situation, our public service wasn't even being notified of the collection of this information, never mind the potential breach of it.

● (1710)

Here's another quote:

In a statement...Public Service Alliance of Canada national president Chris Aylward—

That's another witness I see you have, fortunately, added.

—called the use of such technology without a privacy assessment “alarming” and “shows a deliberate lack of transparency and accountability by federal departments and agencies.”

Those words could not be closer to the truth, Mr. Chair.

To add insult to injury, yesterday, in my role as shadow minister to the President of the Treasury Board, in the effort to get a response from her—many media outlets were denied any communication from her, any statements—I sent a letter asking her, under section 3.2 of the directive on privacy impact assessment, to take responsibility for this, because I hear my Liberal colleagues saying, “Oh, you know, we have these measures in place. They should be enforced.”

The Treasury Board does have oversight of this under section 3.2, where it states:

The President of the Treasury Board...holds general responsibility for registering all [privacy impact assessments] and reviewing the manner in which they are maintained and managed in all government institutions...

We also see in the article that “those departments' use of the [spyware] did not undergo a privacy impact assessment as required” under 3.2 of the PIA, which is under the responsibility of the President of the Treasury Board. That adds insult to injury. This just gets worse.

In that letter, Mr. Chair, I hope you will be assured, my Conservative colleagues here will be assured, my Bloc and my NDP colleagues will be assured and the government will be assured that I have called upon her to immediately enforce compliance, and if those privacy impact assessments are still not initiated by year-end, then she must follow through on the obligations by enforcing the consequences of non-compliance. That is certainly the very least that can be done when we find out that this spyware is in place. After the lack of oversight by the Treasury Board and the lack of oversight by this government, this can at least begin to be made right.

In conclusion, I think what concerns us most, on this side, my Conservative colleagues and me, is what was referred to in an article that was just published yesterday. That is the idea of—and I want everyone to hear this phrase—the “normalization of surveillance”. It is terrifying.

I think all Canadians should be consumed with the normalization of surveillance—I'm not even going to get into the digital ID issue here—and they have good reason to be concerned, as we have found in this information that was uncovered last week.

I cannot state enough the urgency and the necessity of this study, as brought forward, and thank you very much to my colleague for doing so. This must be addressed, and it must be addressed immediately, to quell the concerns of the public service and to further provide Canadians with confidence that this government gives a darn about their privacy.

Mr. Chair, I, too, would like to move an amendment, at this moment, to build upon the motion that was put forward. If the moment is right, I will read it into the record.

• (1715)

The Chair: Go ahead with the amendment, Mrs. Kusie.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair. It reads:

That, between the dates of January 8 and January 29, 2024, the Committee undertake a study concerning the use of technological tools capable of extracting personal data from telephones and computers in investigative processes conducted by several federal government departments and agencies; that the Committee focus in particular on the reasons justifying the use of this investigative equipment by the various government institutions and on the privacy risk assessment process;

That the Committee devote four meetings to this study;

The Chair: I'm sorry, Mrs. Kusie. How many meetings did you say the committee devote?

Mrs. Stephanie Kusie: I believe it's four in the subamendment.

The Chair: On the subamendment...? It's an amendment to the motion that you're making.

Mrs. Stephanie Kusie: That's correct. It's an amendment to the motion.

The Chair: Okay. I'm going to get you to read the amendment into the record. The last part that you finished at was that the Committee devote at least four meetings to the study. Do you want to keep it at six, or do you want to move it to four?

Mrs. Stephanie Kusie: According to this, I would like four, please.

The Chair: You want fewer meetings. Is that correct?

Mrs. Stephanie Kusie: My understanding is that it's four on the content of the amendment.

The Chair: Hang on a second. Let me just try to bring this back.

The first amendment you've proposed, based on what I've seen, is having the dates between January 8 and January 29. Just so we're clear, the original motion had “That, as of January 29”. What you're proposing is “That, between January 8 and January 29, 2024”. Everything else stays the same after that, right up to “process”, and then, for the next part of the amendment you're proposing, which is the same amendment, you're saying that the committee devote at least four meetings to the study.

Mrs. Stephanie Kusie: That's correct.

The Chair: That's instead of six.

Mrs. Stephanie Kusie: That's correct.

The Chair: Okay. You want to reduce it from six to four meetings. I have that clear.

Then, on the rest of it, all of the agencies that have been identified in the original motion and the two that we added by consensus would remain the same. Is that correct?

Mrs. Stephanie Kusie: That's correct.

The Chair: Okay.

The clerk has received the amendment, and I think it's a fairly simple one, so I don't think we're going to need to deliberate on this. It's to change the date again, for the benefit of the committee members, so it's from January 8 to January 29, 2024, and then to reduce the number of meetings from six to four. That's what I understand the amendment to be. I will give a second for the clerk to share that with the committee.

It's done, so you should have it on your computers or phones.

• (1720)

[*Translation*]

It's in both official languages.

There are two people who want to speak to the amendment proposed by Ms. Kusie. We'll start with Mr. Green.

Ms. Kusie, would you like to speak to the amendment?

Mrs. Stephanie Kusie: Yes, Mr. Chair.

I think there's something to be said about the dates that are mentioned in the motion.

The Chair: I'll start with Mr. Green, then it will be Mr. Villeure's turn. I'll come back to you after they've spoken, Ms. Kusie.

[*English*]

Mr. Green, on the amendment proposed by Mrs. Kusie, please go ahead, sir.

Mr. Matthew Green: I'd like to welcome Mrs. Kusie back to committee.

Certainly, there's a keen interest in this, and I think that's been expressed already around the table. What I would share with you is that I will not be supporting this amendment, based on, particularly, the timelines of the commitments that I'm sure many of us already have within our constituencies in that very brief period of time that we have back in our communities, including caucus retreats and other things that are typically held within this time period.

Furthermore, the notion that Mrs. Kusie's amendment is going to direct our line of questioning and reasoning is a pretty big presupposition. I think we all have the ability as members of this committee to take our own lines of questioning and to focus on the things that matter to us.

On the motion that was presented by Mr. Villemure, I accept it as a Standing Order 106(4), conditional to its being held during an existing meeting, because what I'm not interested in doing to my staff and to my community is adding all this extra stuff.

I'm just going to say this: This feels very familiar to the 10,000 amendments that are sitting on Bill C-50 and all the other shenanigans that are happening. In this committee, I'd prefer to be straight up. I'd prefer to work within the framework and the mandate of our committee. For that reason, I will not be supporting any additional meetings in those very few weeks that we have in our ridings to reconnect with our community after the holidays.

I would just ask that we have that consideration to stay on track within this committee and to work within a work plan, whether it's through a subcommittee process, as we typically do...and I still support the six meetings.

Also, I'll say this on the record: If we get to a point where we've exhausted our witnesses and there's nothing left to be had after four meetings, then at that point I would be open to entertaining a motion that completes the study and allows us to report back.

Thank you.

The Chair: Thank you, Mr. Green.

[*Translation*]

Mr. Villemure, you have the floor.

Mr. René Villemure: Thank you, Mr. Chair.

It's a bit of a paradox. We're adding witnesses, but reducing the time allotted for their appearance. The spirit of the motion was to receive the people in question for one hour each. Mathematically speaking, it doesn't work.

On the other hand, I agree with my colleague Mr. Green about the time we need to get the job done in our respective ridings. We also want to give our staff a break.

We also don't want to encroach on our work schedule. I was very careful when drafting the motion to make sure that wouldn't be the case. I spoke to all the parties to be sure. We shouldn't break our word.

I'm all for adding the people mentioned. However, if we do that and reduce the number of meetings, we'll have to schedule them on a date when we can't hold them.

I will also vote against the amendment.

The Chair: Thank you, Mr. Villemure.

[*English*]

On the amendment, I have Mr. Kurek.

Go ahead, please, sir.

Mr. Damien Kurek: Thanks very much, Chair.

I would note that I think an issue of this gravity...and I know we'll be addressing a number of important issues prior to Christmas. As I discussed in another committee meeting yesterday, we can do multiple important things as time requires.

Having a young family, I would note specifically the need to balance time in that regard, but I think it's quite valid if we meet during break weeks, which is something I hear often from constituents. They don't have an issue with our working, including, quite often, travelling back and forth. I'm a western MP, so it's not always easy, especially when I have to deal with Pearson airport, to get here. Constituents expect us to do the good work.

There's this unique opportunity. To speak to the change in the number of meetings, it makes perfect sense, because if we were to meet over the course of break week, resources would not be as big an issue. We could have possibly longer meetings—they could be three-hour meetings—that could be scheduled in a way to maximize the efficiency of travel. We could ensure that we are dealing with this important issue in the manner that...especially for our public servants who could be affected by this.

I think there is the fact that we have a lot of unanswered questions. I won't speak beyond that. I'll reserve a few comments for the larger debate on the motion. I think I'm on that speaking list.

I think it makes perfect sense. I know public servants will be working during the weeks in January when we're back in our constituencies. Being able to plan around that is entirely reasonable. Canadians expect us to be doing this good work. While public servants are at work during those weeks in January, I think it would be entirely reasonable for us to get answers on their behalf and to stand up for those people who may have had their privacy breached.

I won't get into the substance of why this is important, but I think our not moving expeditiously is not serving well those who work diligently to provide the services that we, as parliamentarians, all depend on and, greater than that, that Canadians depend on. The fact that those unanswered questions remain is deeply problematic.

We could have a couple fewer meetings and they could be longer in duration. We could get this done efficiently and ensure that we do the work that is required to get the answers that Canadians—and, in this case, those people who work for these 13 departments—deserve.

Thanks.

● (1725)

The Chair: Thank you, Mr. Kurek.

Mrs. Kusie, I have you on the list on the amendment. Do you still want to speak to it?

Mrs. Stephanie Kusie: I'm good. Thank you.

The Chair: Not seeing anyone else wanting to speak on the amendment, do we have consensus on the amendment?

An hon. member: No.

The Chair: I'm going to ask the clerk to take a vote on the amendment to change the dates to January 8 to January 29, and to then reduce the number of meetings from six to four.

(Amendment negatived: nays 7; yeas 3)

The Chair: We're back on the main motion. I have Mr. Kurek, and then I have Ms. Hepfner right after that.

Go ahead, Mr. Kurek, on the main motion. I remind everyone that we did add two witnesses to the main motion as well.

Go ahead, sir.

Mr. Damien Kurek: Thanks very much, Chair.

It's disappointing that Ms. Kusie's amendment didn't pass, because I think—

Mrs. Stephanie Kusie: It's Mrs. Kusie.

Mr. Damien Kurek: I'm sorry. It's Mrs. Kusie or Madame Kusie, I guess you could say.

Look, this is an issue where we have.... It's quite shocking, really. We've had a number of issues brought before this committee that speak to something that Mrs. Kusie indicated. It's very telling. It's the normalization of surveillance. Over the course of the COVID-19 pandemic, we learned through the work of this committee, after it was initially reported in the media, and we then endeavoured to get answers, about millions of Canadians' cellphone records. The data, location data and incredibly detailed records are terrifying, quite frankly.

Those are not just my words. I heard from many, not just the witnesses who appeared before this committee but also constituents and Canadians who reached out. They shared with me and my colleagues their feedback that the government didn't see a concern with that massive amount of data being used to pursue a public policy agenda.

Now, we've had discussions before this committee that there is a place and time for extreme measures to be used. We've heard that in the context of criminal investigations. We've heard that in the context of ensuring that children are not exploited. We're in the process of a social media study that is addressing some of those things where there have to be those tensions kept, but what has been revealed is quite shocking.

Let me just share a little bit of what I think is a culture shift as we see the evolution of technology take place at a rapid rate. I was part of the debate in the House the other day that happened to involve some concerns around artificial intelligence. Some don't know what AI and chat-based AI are. It's quite shocking, because over the last 12 or 13 months since specifically ChatGPT and a host of others...some of which are available in Canada, some of which are not, some of which are available to the public and some of which are in the process of being researched.

We see a radical shift taking place in technology, yet the legislation governing many of the aspects of this in our country is decades old. In fact, much of the legislation predates the existence of these things that we all depend on and that much of our lives depend on. I know that in modern workplaces, for employers, sometimes for

maximum efficiency and worker productivity, there's the "bring your own device". A lot of workplaces have policies related to that.

There's this tension that does in fact need to be found. Of course we want to ensure that there's the ability for things like criminal investigations and so on to take place, but we see that the government did not do its due diligence. This is the exact thing on this issue and the myriad of others. It's almost too long to list the number of times when we have seen the government not do its due diligence, which results in an erosion of trust in the institutions. Privacy impact assessments were not done. These are federal government employees who expect their employer—the federal government, and by essence the people of this country—to respect them in their workplace. That's a reasonable expectation.

As my colleague shared, that's something that deserves answers. I think the motion that Mr. Villemure has brought forward is a productive step in that direction to simply be able to start getting some answers so that we can find out exactly why these questions were not asked in the beginning.

● (1730)

Quite frankly, Mr. Chair, I am very frustrated by and tired of hearing ministers and senior officials stand before this committee and many others and say one of a couple of things. One is "just trust us." Well, I'm sorry. It's been proven time and time again that we can't do that. That trust has been broken, and trust is something that is earned. Certainly, these Liberals have not earned the trust of Canadians, as we see demonstrated very often. Further to that, we see that they're simply not willing to do that extra work to do the additional and required...what people think is required. Take the privacy impact assessment process as part of that.

We heard from the RCMP that, when it came to investigative tools, it was coming and that it hadn't been done yet. When the media reported on it, they started the process, and they simply shared with us, "Don't worry about it; it's coming." Well, I'm sorry. That's simply not good enough.

We need to ensure.... If due diligence is not done, it calls into question not only the motives.... Look, it's within the realm of possibility that there are valid reasons. However, if there are valid reasons, then those valid reasons should stand up to scrutiny. That's where the government seems to be unwilling, at best, but I fear it's worse than that. It's causing the erosion of the trust that we should be able to have, in this case, in departments as employers but also in the host of concerns that are brought.

Certainly, the privacy of Canadians is a big issue. I hear that from constituents in a host of concerns. If the government is not leading by example, that's deeply problematic. I know that some of the press that we've seen on this is quite astounding. It really opens one's eyes, and when there is a host of other concerns surrounding this, we see that we have to get answers. That is the very least we can do, and then in the process of getting these answers, we can and—I hope, Mr. Chair—would be able to make some very positive recommendations that allow us to provide the framework, the suggestions and ultimately the accountability that is required to address the concerns that are being highlighted.

I will leave my comments there, Mr. Chair, but I'll just emphasize this: Let's get this done. I think that we could have at least started that process over the course of some of the upcoming break weeks. However, nonetheless, it's an important issue that we should be able to get to work on, and I hope that the talk about the Liberals' specifically wanting transparency, wanting to get answers—and I'm sure we'll hear that here at some point—translates into a ye a vote for this motion so that we can actually get to work on it.

● (1735)

The Chair: Ms. Hepfner, you have the floor on the main motion as amended.

Go ahead, Ms. Hepfner.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Thank you, Mr. Chair.

I just want to start off by saying that I agree that it's concerning that departments aren't following the privacy impact assessments. It's a really important process, and the departments should be following that. Maybe that directive needs to be strengthened. I think there's value in this study when it comes to that. However, I think that we should be careful about our rhetoric and about not using our words correctly. For example, spyware is not something that the Government of Canada uses. Spyware is illegal. Technically, it's malware or a malicious code. The Government of Canada does not use any of that.

The software that we're talking about is specialized software, and it's used in digital forensics, so as part of incident response. This isn't something that applies to Canadians in general. It applies to public servants who work for the Government of Canada, and it's specialized software. For example, it's used in internal investigations—so, when employees are suspected of fraud or of workplace harassment—and it's always done in accordance with internal protocols that govern the collection and storage of personal information to ensure its protection.

I'm just cautioning the committee to not use so much hyperbole. We don't want to spread fear among Canadians. This is not a widespread program that's being used across the board. It's being used internally to monitor employees of the government. Yes, I agree that there should be a study done to look at why the privacy impact assessments haven't been done by the departments, because that's the key here. That is what we need to get to the bottom of, and that's what we need to impress upon our departments: that it's very important that we do this work.

That's all I have to say.

Thank you, Mr. Chair.

The Chair: I was just talking to the clerk about one of the issues you brought up, and I'll explain to the committee what I was talking about in a second.

Mr. Bains, you have the floor.

Mr. Parm Bains (Steveston—Richmond East, Lib.): I just want to echo some of the comments Ms. Hepfner made, just to clarify a couple of things.

Spyware is not used. That is malware or malicious code, which the Government of Canada does not use, so I think that needs to be clarified, number one.

I did want to talk a little bit about the way we're scheduling some of these things and how we're getting some of these departments to come before us. There are some challenges, as we all know, with ministers' schedules, and we often don't know what the minister's schedule is. I think it's important to hear...and this is a very important issue, of course. If the privacy impact assessments that have been set before them are not being followed by these departments, I think it's important to ensure that we speak to each department, understand what's been taking place and maybe just have the order of the witnesses who are being called changed around so that we get the departments in first and maybe have the President of the Treasury Board follow after that. Maybe just modify the scheduling of that so that we can hear from the departments first.

I'd like to move an amendment to what's been put forward here. If we look at Mr. Villemure's motion, it would be to remove, from part (d), “provided that the President of the Treasury Board be the first of all to testify”, and maybe have the president appear later on.

We're looking just at where it says, “(d) Any other expert witness the Committee deems necessary, provided that the President of the Treasury Board be the first of all to testify”. We would strike, “provided that the President of the Treasury Board be the first of all to testify”.

● (1740)

The Chair: Just for clarity, Mr. Bains, because of the agreement among committee members to have Mr. Aylward and Ms. Carr appear, that would now be part (d), and then part (e) would be “Any other expert witness the Committee deems necessary”.

Then you're proposing to strike the part that says, “provided that the President of the Treasury Board be the first of all to testify”. Is that what I'm understanding you're moving here?

Mr. Parm Bains: That's correct.

The Chair: Okay. Where would you then have the President of the Treasury Board appear?

Mr. Parm Bains: Maybe in part (e)... Oh, the new witnesses we've added are in part (e).

It would just be later...anywhere, depending on her schedule.

The Chair: It doesn't have to be first. It can be somewhere on the list. Is that right?

It's in part (a) that the President of the Treasury Board will...so it stays there.

Just so that committee members are clear, you're proposing that the President of the Treasury Board appear at some point during the study, but not necessarily be the first. Is that correct?

Mr. Parm Bains: Yes, because we don't want to delay the study based on her schedule by saying she needs to be here first.

The Chair: I think that's clear, unless there are other opinions.

Mr. Kurek.

Mr. Damien Kurek: Thanks, Chair.

I would highlight one troubling trend that we see with the Liberals, and it's the disconnect between Parliament and executive government. I think it would be entirely justified for the President of the Treasury Board, as a minister of the Crown, to be the first meeting that takes place. I think it is incumbent upon the position...as the one in charge. It speaks to the necessity of accountability and the fact of where that the buck stops, and then, quite frankly, to the practical matter that if more information comes up, this committee could pass a motion to have that minister appear again.

The disconnect between what Parliament wants, says and in some cases even dictates is simply not respected by the Liberals. I think the ability for that minister to attend the first meeting and to kick off this study makes perfect sense. If there is nothing to hide, that minister should not fear the questions that will be asked and, hopefully, answered.

I certainly don't think we should support the amendment. I think that the President of the Treasury Board can start, and if it necessitates calling the President of the Treasury Board back, then so be it.

• (1745)

The Chair: Thank you, Mr. Kurek.

We're on the amendment by Mr. Bains.

Not seeing any other hands up, do we have consensus on the amendment moved by Mr. Bains?

Some hon. members: No.

The Chair: We don't have consensus. I'm going to ask the clerk to call the vote on the amendment.

(Amendment agreed to: yeas 7; nays 3 [*See Minutes of Proceedings*])

(Motion as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

Mr. Matthew Green: I make a motion to adjourn.

The Chair: Mr. Green has moved to adjourn.

I'll have to ask whether we have unanimous consent for that.

Before we do, I want to remind the committee that the notice of meeting is out for next Monday. The RCMP commissioner and staff sergeant will be appearing before committee. Next Wednesday, as part of our social media study, we have Twitter, Meta and Google YouTube appearing on that day for our study.

On the motion to adjourn, I'll call the vote.

(Motion agreed to)

The Chair: The meeting is adjourned. Thank you, everyone.

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