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• (1630)

[*Translation*]

The Chair (Mr. Joël Lightbound (Louis-Hébert, Lib.)): This meeting is called to order.

Welcome to meeting No. 86 of the House of Commons Standing Committee on Industry and Technology.

Today's meeting is taking place in hybrid format, pursuant to the Standing Orders.

Pursuant to the order of reference of Monday, April 24, 2023, the committee is commencing consideration of Bill C-27, An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts.

I'd like to welcome our witnesses today. With us are the Hon. François-Philippe Champagne, Minister of Innovation, Science and Industry, accompanied by a regular at this committee, Mark Schaan, Senior Assistant Deputy Minister, Strategy and Innovation Policy Sector, and Samir Chhabra, Director General, Marketplace Framework Policy Branch.

I think I speak for all committee members in saying that we have been eagerly awaiting this study and are very keen to begin it.

Without further delay, I invite you to proceed with your opening remarks, Mr. Minister.

Hon. François-Philippe Champagne (Minister of Innovation, Science and Industry): Thank you, Mr. Chair.

I am always very pleased to appear before the committee. I have a great deal of respect for my colleagues and for all the work that has been done. I think you will be pleasantly surprised today because I have good news for committee members.

[*English*]

I would say to my colleagues that we listened to you. I'm here to propose a number of amendments, which you will see will allow us to move forward very quickly on that, because we have listened to you.

I would say that, as we start AI, data and privacy for me are kind of a whole. They are so interconnected. We are trying to lead the world in terms of what we're going to be doing.

An hon. member: [*Inaudible—Editor*]

Voices: Oh, oh!

Hon. François-Philippe Champagne: Do you want me to stop?

The Chair: Hold on one second, Mr. Minister.

Okay. He's been muted by our friends over here.

Mr. Minister, you can resume.

Hon. François-Philippe Champagne: I'll say that Brendan has tried to bigfoot me on that.

Brendan, it's good to see you, sir.

[*Translation*]

Dear colleagues, I have the honour to present Bill C-27 to your committee today. I want to stress the importance and urgency of this bill. Let us recall that our laws were last updated more than 20 years ago. The last time we did the necessary work for Canadians was more than 20 years ago, before Facebook, Twitter and iPhones even existed. So you can imagine how important it is to act quickly and decisively.

In my view, we cannot miss out on the opportunity to modernize privacy laws for Canadians, who are waiting for concrete action. I think the bill meets their expectations.

Moreover, technology is evolving quickly, as you know. Since we last met, Canadians have witnessed the advent of various new technologies, such as ChatGPT. We are all grappling with the tremendous power of artificial intelligence, which offers great possibilities, as well as risks, to be honest.

[*English*]

Bill C-27 is Canada's much-needed response to these pressing challenges. It will build a stronger framework for privacy protection, and it will introduce a new framework for the regulation of artificial intelligence, putting into practice the principles of Canada's digital charter.

[*Translation*]

Bill C-27 will introduce key reforms to better align our privacy bill with international best practices, including the European Union's general data protection regulation. A large part of that is expanding the powers of the office of the Privacy Commissioner of Canada so it can make orders, require businesses to provide information and recommend some of the strongest sanctions in G7 countries.

[English]

It is also urgent to provide guardrails around artificial intelligence technology. AI is advancing at a rapid pace and is quickly being adopted across Canada's economy.

I'm happy to say that tomorrow there's a huge summit that I'll be attending in Montreal. It's the All In summit with Yoshua Bengio. Thousands of people are coming from around the world to listen to Canada and to see what we can do together.

Bill C-27 proposes robust guardrails for the responsible development, deployment and use of AI systems. Part 3 of the bill, the AI and data act, is designed to protect Canadians from the risks associated with AI, to encourage trustworthy innovation and to solidify Canada's place as a global leader in responsible AI.

Canada is one of the first jurisdictions in the world to propose a legal framework for AI. Passing AIDA will make Canada's AI synonymous with safe AI around the world. I can tell you that our Japanese, European Union and American colleagues have all been in touch. They see Canada as taking a leadership role in these regards.

[Translation]

First of all, let me tell you what the future artificial intelligence and data act will not do: it will not duplicate what existing legislation already effectively covers. Nor will it regulate the many creative and useful applications of artificial intelligence that do not require government intervention, such as checking grammar or deciding what music or movie we might enjoy.

Certain artificial intelligence systems, such as those that determine whether a person gets a loan or a job they want, can nonetheless have real consequences for Canadians families and consumers. In my view, what we are proposing will allow for responsible innovation, along with a certain number of rules to protect Canadians.

[English]

There are also new AI technologies, like ChatGPT. I don't need to tell you—you've all seen it in recent months and even yesterday—that they're new innovations and we don't really know everything they're capable of. You don't need to take it from me, but I would advise you to read the letter that was signed by Yoshua Bengio, and hundreds of people from around the world, warning us that we need to take action.

We know that they can do a lot of useful work for us, but they can also be used to spread fake images or videos on a scale that we have never seen before. Our laws are not currently set up to deal with these kinds of risks, but AIDA will fill this gap.

I know all parties care about these issues, and I know this committee can play a vital role in protecting Canadians. Let's ensure that the technology is fair for all Canadians and that we have trust again.

• (1635)

[Translation]

In short, our bill has solid foundations. I should note, however, that I have also listened to suggestions to improve it, as we must always do.

My office and department have had more than 300 meetings with academics, businesses and members of civil society regarding his bill. We have also heard important contributions from the committee and our fellow parliamentarians. I also spoke directly with the Privacy Commissioner and listened to his recommendations. Not only did we consult and listen to him, we also followed through with amendments based on his requests. I think my colleagues will be pleased to see the amendments we are proposing.

[English]

Throughout the last 18 months, we have also taken action to advance the foundation for privacy in Canada, including by increasing the funding of the Privacy Commissioner by nearly \$20 million. We have also prepared a companion document for the AI and data act to shed more light on the responsible AI framework.

Now, I want to put on the table specifically what our government will propose to improve the bill. These are the amendments that we are proposing to the bill, and I would encourage my colleagues to pay attention, particularly to that part of what I will be saying.

First, we will propose an amendment to recognize a fundamental right to privacy for Canadians. I think this is a big win for Canada. This is a major step forward, and I give credit to my colleagues, to this committee—you said that to me before—and to stakeholders across the country for enabling us to move forward on this.

[Translation]

The bill already recognizes important new privacy rights, including the requirement for clear language from companies to improve consent, and the right to data mobility and the right to request that data be deleted.

Specifically, we want to assure you that Canadians can be confident that their right to privacy will be respected. So I encourage all my colleagues to vote for the amendment. Let us all guarantee Canadians' fundamental right to privacy.

[English]

I think this is a major step forward, and I think Canada will be seen as a world leader in doing it.

[Translation]

Next, you have heard me talk about children. I think we need to take care of our children, especially online. I think there is broad consensus on this across the country.

I have two young stepdaughters and this is important to me, as it is to all parents in Canada. That is why our government will put forward amendments to recognize and strengthen the protection of children's right to privacy. In my opinion, we still have to do more to protect them online, and that is certainly what we intend to do.

[*English*]

Lastly, I want to highlight that, while the bill significantly strengthens the Privacy Commissioner's ability to issue orders for compliance as well as to recommend some of the highest penalties in the world, I understand that it's important to enable him to pursue justice more quickly. That's why we will propose amendments to give the commissioner more flexibility to reach compliance agreements with companies that are non-compliant with privacy law, allowing for quick resolution of matters without implicating the tribunal or the courts. That's also something I've heard from colleagues around this table.

[*Translation*]

Next, we will work together on the first artificial intelligence bill put forward in Canada. When I introduced the bill in June 2022, we deliberately designed a flexible bill, knowing that artificial intelligence is evolving very quickly. It must absolutely provide the basis for flexible regulations in the future that will enable businesses to continue to innovate and, obviously, to protect Canadians.

Our government intends to put forward key amendments to provide more structure, detail and clarity in the part pertaining to artificial intelligence, while still retaining flexibility. This is what has made it possible for the Personal Information Protection and Electronic Documents Act, which is still in force in Canada, to evolve over the decades. Flexibility is key. This is the Canadian model that has provided for success thus far. The good news is that our bill has been designed to be flexible so that new artificial intelligence categories can be added through amendments.

• (1640)

[*English*]

First, colleagues, let me say that I've heard you. Let me remind you that our bill focuses on only high-impact AI systems. We will propose an amendment to define classes of systems that would typically be considered high impact—for example, AI systems that make important decisions about loans or employment.

Second, we will introduce specific and distinct obligations for general-purpose AI systems like ChatGPT. I think it's very timely that we do that. These are systems that, for example, are available for public use, can interpret a wide variety of commands, and generate text, picture and audio.

Third, I've heard that a clearer differentiation of the AI value chain—that is, a person who develops AI systems versus one who manages and deploys AI systems in their business—is necessary to ensure that companies have a clear set of obligations.

Fourth, we will strengthen and clarify the role of the proposed AI and data commissioner, including by enabling them to share information and co-operate with other regulators—for example, the Privacy Commissioner or the competition commissioner.

The fifth one we'll be proposing in terms of amendments that I wish to highlight is to align with the EU AI Act as well as other advanced economies of the OECD by making targeted amendments to key definitions and clarifying requirements. This change will specifically ensure that Canadian AI companies are interoperable with other jurisdictions and that our companies have access to international markets. It is fundamental to the world we live in to be able to be interoperable.

In conclusion, Mr. Chair, I hope these significant proposed amendments are as compelling for you as they are for me. We really put our best foot forward to get the support of the committee to provide a piece of legislation that Canadians can be proud of.

[*Translation*]

I am optimistic about Canada's potential in the global digital economy. I am keen to work with you to enact responsible privacy and artificial intelligence legislation, because I think Canada can serve as an example to the world. People around the world are watching Canada to see the kind of framework we will adopt to help our businesses innovate responsibly, while protecting the interests of Canadians.

Thank you.

The Chair: Thank you very much, Mr. Minister. Thank you also for not going over your speaking time. That makes my job easier.

With that, Mr. Perkins has the floor for six minutes to get things rolling.

[*English*]

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair.

Thank you, Minister. I have a couple of procedural questions to ask at the beginning, if I could.

First, I appreciate that you're going to table those amendments. Hopefully, you will table them here at committee today so that during the witness discussion coming up in the next few meetings we can discuss those amendments and whether they achieve the necessary goals.

Hon. François-Philippe Champagne: I'm not the master of procedure, Mr. Perkins, but I will defer to perhaps the chair and those who manage the procedure. I just don't know procedurally how this is going to be done, but certainly that's our intention. That's why I wanted to explain them to you, so that they can be taken into consideration.

Mr. Rick Perkins: You can table that document anytime.

Second, given that it was almost 15 minutes for your presentation, I hope you allow us to spend an hour questioning you on this very important bill.

Third, we have organized these committee meetings primarily, for the next little while, on the privacy—parts 1 and 2—sections of the bill. We will be coming back to the AIDA part of the bill further on. I would hope you would be willing to come again to discuss the AIDA part at the beginning of that study, as our next number of meetings are really going to be focused on privacy. I hope you will entertain that invitation.

I'd like to start off on the privacy side, since that will be the focus of my questions today. Do you believe that it is primarily the paramount responsibility of government to ensure that the protection of the privacy of an individual and their data has primacy over the needs of businesses to use that data?

Hon. François-Philippe Champagne: I think it's reflected in the fact that we're going to be qualifying privacy as a fundamental right for Canadians. I think this is a major step forward. You'll see in the law that not only would it do that, but it would also give power for people to at least have more control over their data.

I think Canadians are frustrated by the fact today that, for example, they can't transfer their data from one institution to another. I think it's fair for people to have more power over their data, to transfer it, to manage it and to be able to tell companies what they expect them to do with their data, including, for example, having what we call very open consent. No bundled consent will be permitted. That needs to be in plain English. I think these are really the types of things that Canadians expect from us.

Mr. Rick Perkins: I appreciate that, Minister, but I don't think the bill does that.

I will draw your attention, first of all, to the fact that it does require expressed consent. It also requires expressed consent for new purposes. However, proposed subsection 15(7) says that implied consent is okay. Then proposed subsections 18(2) and 18(3) are issues, because proposed subsection 18(2) contains a list of activities that are exempt from expressed consent. Most disturbingly, proposed subsection 18(3) says that the legitimate interests of a business, in its decision-making process, to use your data for things that you did not give them permission for, even if it harms the individual, is okay. It strikes me that the balance in this act in particular, because of proposed subsection 18(3), is in favour of business over the right of the individual to protect their privacy.

• (1645)

Hon. François-Philippe Champagne: Let me comment on the legitimate interest. A better example would be if you were to order something online and the company needed to give your address, for example, to the delivery service. I think this was to deal with these kinds of situations that I think would be kind of common sense. Canadians expect that if you are ordering something and you want it to be delivered or you click for it to be delivered, then your address is going to be there.

I would just point out to you on that, sir, that if someone were to overstep legitimate interests, if you look at the fines that are proposed under the law, those could go up to imprisonment. This is

very serious business. On one hand, we appreciate that there could be a legitimate interest. On the other hand, we're going to be looking at that very carefully. That's why we have increased the power of the Privacy Commissioner to act and to make orders so that this is proportionate. The intent of the bill—and perhaps you have some suggestions—was to allow for, obviously, the circumstances in which you have almost implied consent. When you buy something online, you want it to be delivered. Obviously, your address will have to be transferred.

Mr. Rick Perkins: I think that's a poor case, because when you sign up and agree for eBay or for any of these things, you already agree to have the things delivered. That is one of the boxes you check when you sign up for the app and become part of it.

The issue is that you have provided a situation in which essentially you have self-regulation. The private sector self-regulates on its own initiative about what it thinks is a legitimate interest. You've given them a legal defence to say, "We believe that it is in our legitimate interest to use data in this way, even though it harms the individual."

On that last phrase, basically directly from the bill, it is very curious how the department and you as minister and the government would think it would be okay to use data to harm the individual and give the legal authority to a private company to do that.

Hon. François-Philippe Champagne: It's equally surprising, coming from a Conservative member, that you would not allow businesses to have a legitimate interest in sharing that information for valid business purposes. You have to understand that under the bill you have the Privacy Commissioner with very significant fines, up to imprisonment and—

Mr. Rick Perkins: Why does an individual have to apply to the Privacy Commissioner to protect their privacy? Is that what you're saying?

The Chair: Mr. Perkins, we'll let the minister respond to that.

Hon. François-Philippe Champagne: I'm trying to answer.

I disagree with you. I think the legitimate interest is necessary in some cases. I gave you an example, which is very clear.

I'm saying that we have a lot of work framed around that, and if anyone were to abuse that or take measures that would go against the intent of the bill, they'd be subject to criminal penalties. This is very serious business.

The fundamental right that we say we recognize is the privacy of Canadians. This is a very limited exception. This is very limited in its scope, and it's going to be supervised by the Privacy Commissioner.

I'd be happy to hear from you, sir, if you have any other ways you would suggest that we address that. The intention is to protect the consumers, but at the same time to allow legitimate business to happen. There are a number of examples people gave us in testimony. If you want to buy a watch and you want to measure your pulse, you're not going to consent every time you measure it.

There are a number of things we need to allow for businesses to function and for small and medium-sized businesses to be able to operate. However, at the same time, I can assure you that my resolve and the resolve of this team are that there would be significant guardrails around that and that we would protect the interests of Canadians.

[*Translation*]

The Chair: Thank you, Mr. Minister.

I will now turn it over to Ms. Lapointe.

Ms. Viviane Lapointe (Sudbury, Lib.): Thank you, Mr. Chair.

Welcome, Mr. Minister.

It has been more than 20 years since the last update of act that will be replaced by the future consumer privacy protection act, which was before the advent of the iPhone and Facebook.

I think we need to strike a balance in amending the act. The bill must reassure Canadians that their data and privacy are protected, while also encouraging responsible innovation to support of a strong economy. Given the scope of the bill, I think consultations are needed.

In your remarks, you said that you had heard from stakeholders and that you and your department had listened to the concerns of hundreds of individuals and organizations. Can you tell us more about those conversations which led to the amendments you are proposing?

• (1650)

Hon. François-Philippe Champagne: Thank you, Ms. Lapointe.

I think the bill shows that we have listened to Canadians and parliamentarians, as we have done for other legislation. I gather there were more than 300 meetings or consultations with individuals who provided input into the process. Based on what we heard, we have proposed many amendments. People asked us—

[*English*]

Mr. Brian Masse (Windsor West, NDP): I have a point of order, Mr. Chair.

[*Translation*]

The Chair: You have the floor, Mr. Masse.

[*English*]

Mr. Brian Masse: Thank you.

I'm sorry, Mr. Minister. I haven't seen amendments. We have some ideas that have been presented, which I'm really encouraged by, but if there are actual drafted legal amendments, I would like to have them in front of me if they are also being used by the minister and my colleagues right now.

I don't have those amendments. Amendments are legal context that go to the legislation—or are we at ideas right now? I want to get that clarification, because it's really important. If we have amendments, I would like them to be tabled in front of us. That's all.

The Chair: Thank you, Mr. Masse.

My understanding is that usually these amendments are tabled at clause-by-clause. However, if it's the intention of the minister... He's highlighted that he's open to amendments and that he intends to present amendments to the bill.

I will yield the floor to the minister to answer that question.

Hon. François-Philippe Champagne: To the point of Mr. Masse, those are going to be tabled at clause-by-clause. That's the way I'm told this is normally done.

What I'm telling you is the direction, because this is my opportunity to be in front of you and say what we intend to do. Obviously, the legal text of it will be tabled in accordance with due procedure.

My appearing here without telling you what we have in mind for what we're going to be doing would have been counterproductive. This is because, for example, with privacy as a fundamental right, we could be discussing that for half an hour, but we agree. Therefore, that's already something.

There will be an opportunity for the committee at clause-by-clause to reflect on the exact text of it. I hope colleagues appreciate that I took it a step further to have a meaningful discussion. Let's highlight what we intend to do. At clause-by-clause, colleagues will have the opportunity to look at the legal text of it, which will reflect what I just said today.

The Chair: Thank you, Minister.

We'll go back to Madame Lapointe.

[*Translation*]

Ms. Viviane Lapointe: I will let the minister finish his answer regarding the consultations.

Hon. François-Philippe Champagne: Yes, indeed, we were talking about the consultations. We can do two things at once.

We had a series of very important consultations. For members of the committee and people following the proceedings from home, I would remind you that we have not updated Canadian privacy legislation for 20 years. Just imagine. I'm not even sure that Google existed then. Today, people talk about the metaverse, but our act was created before Google. Just consider how much has changed since then: the way our data is shared, transferred and protected, who controls it, and how we protect our children in this environment.

I feel a sense of urgency, which I think my colleagues share. Action is needed urgently because the alternative is to stick with a legislative framework that is completely outdated and that does not reflect current realities.

During the pandemic, we all saw the negative effects on young people online. For example, this bill proposes that the parents of minors would have the right to ask platforms to delete their child's digital presence prior to the age of 18. What we want to do to protect children is fundamental. We have indeed heard from many people, and I am proud of what we as parliamentarians are doing today. I know the world, parents and young people are watching us, and I think we need to evolve with technology to protect the interests of Canadians.

[*English*]

Ms. Viviane Lapointe: Minister, in your opening statements, again, you talked about another area that you were looking to alter, which was to strengthen the Privacy Commissioner's ability to penalize companies that aren't compliant with Canadian privacy laws.

Can you tell us more about this proposed amendment and how you plan to incentivize companies to comply?

• (1655)

Hon. François-Philippe Champagne: We heard from people that they wanted the Privacy Commissioner to have “more teeth”—I think that's the expression in English—with more power and abilities to make orders and to come forward with penalties. If companies do not comply—Mr. Perkins mentioned the possibility of companies not complying—you want to have a regulator out there that will be taking strong action.

We want, on the one hand, to have something on the books, but one thing is all about enforcement. We have a Privacy Commissioner who will now have.... Having talked to him, I can tell you he's pretty happy that we are modernizing the law. Not only did we do that, but we gave him the means to do that, because amending the law without new funding would have been, I think, disingenuous in helping to protect Canadians.

Our role as parliamentarians is to amend the law to give him more tools and more powers. For example, we talk about these consent agreements. You don't need to go to the full court system, but if there is a violation, he'll be able to issue orders and penalties. I think, at the end of the day, that's going to be more efficient.

You may recall, when we started with the first version, that the Privacy Commissioner had a number of amendments he wanted to see. I think we have reflected all of his amendments. The last time I spoke to him, he was in support of this bill, because he understood that we meant to give him all the powers needed for him to do his job.

If I were the Privacy Commissioner, what I would want now is the funding but also a new law that would give me the powers to do that. Imagine it: Our Privacy Commissioner today operates under a law that existed before Google, so he obviously doesn't have the tools needed.

This was something that was asked for. Members of the committee, if I recall, were also calling for the Privacy Commissioner to

have substance and to have powers, and that's what we did, giving more power to do the job Canadians expect him or her to do.

[*Translation*]

The Chair: Thank you very much.

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): Thank you, Mr. Chair.

Thank you, Mr. Minister.

We are finally here. Our first discussion about this bill was in January 2022. You introduced the bill in June 2022. In the meantime, we can say that your government has not been very proactive in raising this matter in the House, but here we are nonetheless.

My first question is very short, but we need a clear and specific commitment from you. I think you are familiar with bill 25 enacted by Quebec's National Assembly. You said there would be no duplication, so will Quebec be exempt from the parts of the federal bill pertaining to personal information?

Hon. François-Philippe Champagne: We want our bill to be complementary. Since you referred to specific provisions, I will ask Mark Schaen to answer, since your question warrants a specific answer.

Mr. Mark Schaen (Senior Assistant Deputy Minister, Strategy and Innovation Policy Sector, Department of Industry): Thank you, Mr. Chair.

The legislation currently in force in Quebec is considered “essentially the same” as the federal Personal Information Protection and Electronic Documents Act. That will continue to be the case with the Consumer Privacy Protection Act. The two privacy acts, for Quebec and for Canada, are therefore the same.

Mr. Sébastien Lemire: So the Quebec act could take precedence over the part of the act that you tabled pertaining to data protection. As minister, you have the power to acknowledge that, and that power will be highlighted.

Hon. François-Philippe Champagne: We want the acts to be complementary. We do not want duplication. As our officials explained, we always have great respect for what is done at the provincial level, as long as the Quebec act serves the same purpose as the proposed federal legislation. If it achieves the same purpose, we will of course see the Quebec act in that way. Quebec is already a step ahead, in several respects.

I think it is important to have a federal framework with some coordination. Various stakeholders have pointed out that, without overarching federal legislation, there is a risk of having very different laws across Canada. For businesses, including Quebec businesses, that want to have operations in various provinces, it would be extremely complicated to comply with those laws. The goal is to establish federal legislation that would standardize privacy protection, while respecting provincial legislation.

• (1700)

Mr. Sébastien Lemire: In this regard, there is also international recognition. Bill 25 is compatible with European requirements. This is of course a key aspect and one of the reasons that this law must in principle be enacted very quickly. So we want to be sure that our businesses do not get mixed messages, which I think is your responsibility.

As to artificial intelligence, we will of course take the time to analyze the amendments you put forward today. In my opinion, a key point is whether this bill is considered a first step that could be updated later. Standards are effectively dictated by Europe and by other countries.

I really like the idea that Canada could be a leader at the forefront, and could highlight its own cultural distinctiveness and that of Quebec, especially with regard to our start-ups. There is still basic interoperability, as you said earlier. Does the legislative framework provide for future harmonization with European legislation or automatic updates of the Canadian act?

Hon. François-Philippe Champagne: Absolutely.

You made that point very well and you are right. That is exactly our objective: even with respect to definitions, the Canadian act is aligned with the European legislation. We have spoken with our European counterparts and interoperability is essential. Our European colleagues are closely watching what is happening in Canada. I think the European framework will not be in place in the member countries before 2026, as I understand it, so Canada will indeed be the first country in the world to establish a legislative framework.

It will nevertheless be based on principles and will be an evolving framework. I would remind you that what has made it possible for the current privacy legislation to remain in force for 20 years is that it is based on principles. Very specific legislation runs the risk of being overtaken by technology. The idea of a framework, codes of conduct and regulations is what allows for evolution. The best example I can give to those who are listening is ChatGPT: Since the time we last met, the world of artificial intelligence has changed.

Mr. Sébastien Lemire: Does the bill include an automatic review clause? For example, will we in 2026 examine international legislation in order to bring Canadian law into line with it?

Hon. François-Philippe Champagne: To my knowledge, unlike certain laws that provide for review every five years, there is no such specific provision in this bill, since it provides a flexible framework based on principles and is not prescriptive. That is also true of the current privacy act, which has been in effect for 20 years. That is why we are establishing this framework, and that is why the bill specifies which systems are high-impact. Since people said it was too vague, we added those details.

This framework will survive over time and we can see why that is necessary. Given the rapid pace of technological change, a framework is really what is needed. People in Europe, the United States and Japan are watching what we are doing. At the G7 meeting, Canada and France created the global partnership on AI. So people are very interested in what is happening in Canada, in France and in Europe, to get an overview of the issue and to see where the world is headed with respect to the regulation of artificial intelligence.

[English]

The Chair: Thank you.

Mr. Masse, the floor is yours.

Mr. Brian Masse: Thank you.

Mr. Chair, first of all, how many witnesses do we have scheduled right now?

The Chair: As we discussed at the steering committee, we have about 13 meetings, so you could maybe count about four or five witnesses per meeting.

Mr. Brian Masse: Yes, so we have 13 meetings. I guess this is what I want to clarify, and I don't want to spend more of the time.... The point of order was on that.

Minister, you can, at the last minute, table specific amendments, but aside from that right now.... I like a lot of what you said here, and there's a ton of things I would like to know, but we don't have a copy of your speech. Is it the intent, then, of the government to have all those meetings and to have all those witnesses come to testify to us about the legislation that you have tabled, which is real, and then the concept is that they have to respond to your testimony here today?

We have asked all those groups to present us with their amendments before they sit down at this table, so my concern is that, if we don't have these specific legal amendments, we then have to go on the speculative assumption of what you said in the last several minutes to weed out all their concerns.

I think we have a huge firestorm that's going to be created here, because I know my phone is going to be ringing off the hook. How do they give a response to the ideas you've promised when we don't have the actual amendments? If we had those amendments right now, those groups and organizations that give us good testimony....

Just for the record, even on Bill C-34, we had to have several time outs because we had to deal with amendments that nobody quite understood the consequences of. Is that the plan? I really appreciate what you have come here with. There are specific things that you have said.... I couldn't even write them down; you talk as quickly as I do. Pat Martin used to say that there are no periods in my Hansards.

What I'm really worried about right here is how we go forward and when we are going to get these specific amendments, because we have to have our legal teams go through them—the Library of Parliament, our analysts and everyone else like that. How do we do that if we don't have anything more than ideas?

• (1705)

Hon. François-Philippe Champagne: First of all, Mr. Masse, I will try to speak more slowly—and also for the interpreters. You remind me that I want to thank them because I tend to speak quickly. I'm not the only one, I guess, around here.

There are two things.

The first thing you were asking.... Listen, from the committee's perspective, I hope you appreciate that this was meant to be helpful. We thought that, if I came here and we talked for half an hour about, for example, recognizing that privacy is a fundamental right and we were already going to do that, it wouldn't really make sense. My thing was to be helpful.

I'm happy to put my remarks on the record. I was consulting, at the same time, with the officials on how quickly we can draft these amendments because in my testimony, hopefully, you get a sense of where we're going. I will do as much as I can with the officials to provide you with as much information as I can—even if it's not the full legal text of it—while respecting the procedure, and if the chair would allow for that. I am happy to give the speech, but I think the full amendments.... The intention was that they would come when you do clause-by-clause. People who come to testify should listen to me because, obviously, if they are going to testify on things we are already fixing, that would be helpful.

Mr. Brian Masse: Not everybody's going to....

Here's what I went through with my bill. The Minister of Environment created some amendments, and it went to the Liberals. Then the Liberals—your own team—with the chair, ruled the government's own amendments out of order. That happens here.

The thing is this: I can take what you have put and maybe put it into ChatGPT and have it do the amendments for me—

Voices: Oh, oh!

Mr. Brian Masse: —but until we see....

That's why I just impress upon you and your team to get them because if they don't fit the legislation, or if there's a challenge with them technically, then we're going to be spinning in circles here. I would like to ask you questions about some of those things, but I want to go through this because I think it's more important for us to do legislation.

Hon. François-Philippe Champagne: I appreciate that. I like your creativity, Mr. Masse, about how we could go about amendments. Hopefully, we won't get there.

What I can commit, Mr. Chair.... Like I said, this was meant to be helpful. I hear the concerns and the comments from colleagues. We will do our utmost to provide an outline of what I said, and I'm happy to share that.

I'm happy, first, to put my remarks on the record and, second, to provide the chair, maybe in a letter, with more specificity so that you have that. Then I would certainly work with our members to be able to provide the detailed wording of the amendments, so that this wording can be provided to you as quickly as possible.

Like I said, with regard to my intervention today, take it in a positive way. I just want to progress the work of the committee by saying what we intend to do so that, if we are in agreement on that, we can focus on the things that need to be improved, because these are things we already intend to do.

Mr. Brian Masse: I don't disagree—I think many of them are positive—but we have to deal with the reality. The people who will be sitting where you're sitting are not just going to trust speculation on potential amendments. Even if the amendments were done with the most genuine interest, they could run into technical legal problems that we may not foresee.

How much time do I have left, Mr. Chair?

• (1710)

The Chair: You have about 15 seconds.

Mr. Brian Masse: Okay.

I do see these as positive things, but they have to be real. They're not real to me until they show their mettle by being passed—being analyzed by our legal analysts and going through due diligence. Thank you for the intent here, because it is helpful, but until we see them in front of us, that's the challenge we face.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Masse.

I'll now yield the floor to Mr. Williams.

Mr. Ryan Williams (Bay of Quinte, CPC): Thank you, Mr. Chair.

Thank you, Minister, for being here. Thank you for at least starting with the amendments. I have a bunch of questions, so while you're here, I'm going to start by asking you about them.

We'll start with privacy as a fundamental right. I spoke about this in the House. Until now, I didn't think the government took it seriously, so it's nice to hear you making that statement. To make the point very clear, as I said in the House, nowhere in the current document does it state that privacy is a fundamental right.

First of all, Minister, where in the document will that be stated?

Hon. François-Philippe Champagne: First of all, that proves that I listen to you when you speak in the House. You should be very happy.

Mr. Ryan Williams: Several times this week we've had that proven to us.

Hon. François-Philippe Champagne: You should be happy. It reflects that we've been listening—not only to you, but I would say to a number of stakeholders; I want to give credit to people.

I've talked about the privacy right. I talked today about the concept that we're going to insert it. If you're asking me in which specific provision, we'll have to come back to you on that.

Mr. Ryan Williams: I'll ask you this specifically, Minister: Do you support an amendment that would put that in the purpose statement of the document?

Hon. François-Philippe Champagne: There will already be, in the body of the law, when we present them, an amendment that will recognize that properly. If you remember when we started, there were issues about jurisdiction. We put it in a preamble to indicate our intention, but now we're going to state that as a fact.

I had discussions with the Privacy Commissioner on that. I think it's something that was wanted not only by you but by the Privacy Commissioner and a number of stakeholders in Canada.

Mr. Ryan Williams: I'm sure you understand that the witnesses will come out. We've already talked to you. We'll have the Privacy Commissioner on Thursday. We'll certainly be asking for that. I was asking if you supported it. I'm happy to hear that you have. Certainly, as was mentioned by my colleague, we'll have a lot of different witnesses come out. I just wanted to hear where you thought it would be. Certainly, it's nice to hear that you think it's going to be in certain other places.

I'm going to follow up from my colleague as well on legitimate interests. Right now, as we've heard, it's too broad. We've talked about how it's far too broad. We want to look at it perhaps more in line with the GDPR, which defines legitimate interests in article 6(1)(f) as one of the lawful bases for processing personal data. According to the GDPR, legitimate interests means that a data controller, the entity processing the data, can process personal data without the explicit consent of the data subject, the individual to whom the data pertains.

In other words, they really define it a little more clearly. They even have what's called a "legitimate interests assessment", or an LIA. We've talked about the privacy impact assessment in our version, but we haven't really looked at an LIA.

Would you support amendments that look to define "legitimate interests" more clearly and more in line with the GDPR?

Hon. François-Philippe Champagne: I'd like to say that, just as a principle—I'll come to your specific question—I have a full list of the things we've been doing in order to align with the GDPR and European Union. Certainly, Mr. Williams, if you were to come with an amendment that would allow us to clarify something that, as I've tried to explain, we've tried to put into the law that would align with the EU, that's something that we would consider.

A lot of the things we've done on definitions are aligning with the EU. We talk with the EU all the time on these things. We want to be aligned. They are very keen about what Canada's doing as well, because we're going to be first out of the gate, I think, with your help. If you come with something that you think can let us better circumscribe that definition or avoid unintended consequences.... Listen, you see how much I've been listening to you. Look at all the amendments we're proposing to make it a better bill. We'll definitely be listening.

Mr. Ryan Williams: We appreciate that. I think the intent of all the witnesses coming up will be getting that balance.

Hon. François-Philippe Champagne: Totally.

Mr. Ryan Williams: We understand that the balance needs to be there.

You've talked about \$20 million more for the Privacy Commissioner. We're going to be debating a tribunal and the use of a tribunal. There are different speeds at the tribunal that have worked and haven't worked for the Competition Bureau, so we'll certainly be looking at that and what's going to work for this instance.

One thing that came out last week from the Rogers-Shaw tribunal was that the tribunal itself actually had to pay \$13 million to Rogers. From that, we're learning that perhaps the process needs to be improved even on the competition side, not just the privacy side.

As the minister right now making amendments or recommendations, you talked about giving \$20 million. In this case, if that had been the privacy tribunal, they would have already lost it. What changes would you make as minister or would you recommend in amendments to this tribunal process, or to the Privacy Commissioner role itself, to ensure that we wouldn't have that happen at all when it came to this process, if we were to enact a tribunal?

Hon. François-Philippe Champagne: Just to be very specific, obviously that was base funding. The \$20 million is base funding for the Privacy Commissioner to operate.

Part of the thing I heard from him was, "Minister, if you modernize the law but we don't have the funding to have the tools to enforce it, it's not going to work to the extent that I think every member of Parliament expects."

I must tell you, with respect to the competition law matter that you mentioned, as you know, this does not usually come from base funding from the organization or the Competition Tribunal in this case.

I thought long and hard about a tribunal. I'm a lawyer and I was wondering whether it should be the court of general jurisdiction or a specialized tribunal. I'm not inclined to create new structures. It's probably part of my DNA. I was wondering if we could use a court of general jurisdiction, but I was convinced by experts that having people who understand this matter more deeply as opposed to having a court of general jurisdiction would be better.

In addition, we have consent agreements. We expect that most of these things will be done through consent agreements, whereby the Privacy Commissioner can get to almost a plea bargain agreement with the offender so they don't have to go to the tribunal. We don't want to clog the courts. With respect to a specialized tribunal, I agree with you. Most experts would say that, in this particular case, as in the case of AIDA, you need some skills to understand it. That is better and it should improve justice and be faster and less expensive.

I think the real answer is to have consent agreements, because I think most offenders—I don't have statistics—would come to a consent agreement with the Privacy Commissioner.

• (1715)

The Chair: Thank you, Minister.

We'll now turn to MP Dabrusin.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you. It's great to be here at committee today.

Minister, thank you for being here. I know in the past we've talked about the fact that my community has a very large arts industry. I have a film studio district, and over this past summer I was talking with a lot of actors in my community, members of ACTRA, and writers who are members of Writers Guild. They've been watching what's happening in the United States with the strikes in the United States. In particular, one of the issues that have come up in those strikes has been about AI and the impact of AI on the arts industry, particularly with respect to the use of actors' voices or images and the use of materials written by writers who work for film and television.

One of the questions they were asking me was what we can do in Canada to make sure that we are creating the right protections for artists like actors and writers in the context of AI. They were actually very excited to see that we have this bill. They recognized that we are ahead of many countries in having this kind of legislation, but the question they wanted answered was what we could do specifically on the types of issues I just raised.

Hon. François-Philippe Champagne: Thank you very much, Ms. Dabrusin.

First of all, you're lucky to have a film industry. I think many of us around here would like to have one as well, because it brings a lot of economic benefits and certainly it's a great industry.

You're quite right that our friends down south are looking very much at what's going on in Canada, and I can tell you that it's not only down south but also on the other side of the pond in Europe, because everyone understands that on AI no one country can have all the answers.

I think in terms of co-operation and making sure we are taking initiatives to the OECD or the G7, such as the Hiroshima initiative we took with Japan, which had the presidency of the G7, even at the leaders summit people talked about AI. It's that important today. At the G7 leaders summit, they talked about AI, so that just says how much this is top of mind, not only for creators and actors.

I'd like to tell you more specifically about that, but I have an announcement coming and one thing they have advised me is not nec-

essarily to say everything today. There's an announcement coming with respect to that, which will address some of that, because you're quite right that we need to put a bit of focus on that and understand the impact that AI can have. Also on generative AI, I saw something yesterday, I think in the New York Times—I don't know if colleagues saw that—on how even now with image and voice people can.... It's going at a speed.... That's why I'm saying that I hope colleagues feel the same level of urgency I feel, because every day we learn about a new aspect of that technology that goes beyond what we have already seen, so having a framework will be much needed and it will allow for responsible AI. We talk a lot about the challenges and the risks, but let's talk more about a lot of the responsibilities with AI.

Tomorrow I'm going to be with people like Cohere in Canada, which is doing great work, and Xanadu. There are tons of companies I can think of—Coveo is doing a lot of responsible AI in this country—so we want to push innovation, because Canada is at the forefront of AI, I think, if you look around the world. I remember at my first meeting in Washington, they said, "Minister, one place where Canada is way ahead is on AI." We're at the cutting edge of it, but I think to continue that we need to have a framework and that's what we're proposing.

• (1720)

Ms. Julie Dabrusin: I have only about a minute left, so I'm just going to ask if you can make sure that we're including the thoughts and interests of artists—particularly artist actors and writers in films and the television industry, but I would say our creative industry as a whole—as we go forward. They're deeply concerned, and we want to make sure that we have a thriving industry here in Canada.

I know I don't have much time, but I have one last piece. You kind of hit the nail on the head that things are moving really quickly. How do we make sure that this legislation remains evergreen and doesn't get stuck as one snapshot in time?

Hon. François-Philippe Champagne: That's a very good question, and on the artists, I would agree.

By providing a framework, the way Canada has been doing it, if you think of PIPEDA, the existing law that deals with privacy, it's quite something what we have achieved. It's still relevant 20 years after it was passed, even though things have evolved. As I said, we didn't have Twitter and we didn't have Facebook at that time. The same philosophy has been applied here.

You can be very prescriptive. Some jurisdictions have decided to do that, but the risk, as you said, is that you become obsolete, not the month after but maybe within five years' time. Our approach has been to say, as we did with PIPEDA, that it's better to have a framework with guidelines and broad principles. Then, through regulation and codes, you can evolve with the technology.

Like you, I don't know what might be coming six months down the road or even five years down the road, but one thing I know is that you have a chance probably only once every decade to update these things. They need to be relevant for the long term. That's the philosophical approach that Canada has been taking. That's why our partners around the world are so interested in what we're doing.

[Translation]

The Chair: Thank you, Ms. Dabrusin and Mr. Minister.

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

Thank you, Mr. Minister.

The part of Bill C-27 that pertains to artificial intelligence relies a great deal on self-regulation. The bill has been designed so that companies can create codes of conduct to regulate themselves more independently. The government will therefore have to approve codes of conduct that may not be very strong, which is a concern. What accountability will there be? Will there be audits? If so, how will those audits be monitored? I am referring to governance, protecting innovation, transparency, which is essential, and copyright protection.

That leads me to a fundamental question: If there were an abuse or someone had to be reprimanded for violating a person's privacy, who would be held accountable? That isn't clear. Would it be the developer, the seller or even the user? The private sector needs us to get clarification from you on that because it is creating confusion and preventing us from moving forward.

Hon. François-Philippe Champagne: Mr. Lemire, that is a very good question. We have very different definitions of developers and users, as they are very different groups. Developing a system and using it in a business are two completely different things, with different obligations. The developer clearly has a lot more obligations since they must ensure certain things.

It is important to note that the bill will regulate what we call high-impact systems. As I said in my opening remarks, I am not interested in the type of movie or music you might choose. I am repeating that because I know that people who are following us from home are concerned about that. If a robot or algorithm decides whether someone gets a loan or an insurance policy or is admitted to an institution, we have to make sure that the algorithm does not generate biased results that would lead in the wrong direction. Individuals also have to know that artificial intelligence was used to make that decision. When you buy an insurance policy these days, you don't even know if the application was processed by a person. So the method used to make a decision will have to be indicated. We also suggest that a special symbol be used to indicate that a robot is responding or acting on behalf of the business.

A big concern these days is not knowing whether a machine or a person is making the decision to grant a loan or not. If it is a machine, what is the decision based on? Is it based on our postal code, our age or the number of years we have been in the country? Canadians have to know. This must be public and clearly indicated because it can lead to all kinds of problems. That is what we want the bill to prevent, and that is why we want to act quickly.

Personally, I think it is possible to be innovative, but there is also a risk of abuse. A letter from Yoshua Begio telling us to be careful was co-signed by hundreds of people. Yes, Canada is certainly ready for responsible innovation, but at the same time we need a framework that will enable us to protect people.

• (1725)

Mr. Sébastien Lemire: So there are higher industry standards for data protection. We are very anxious to see your amendments in that regard. I will agree with my colleague Mr. Masse, because the exercise is much more difficult today without that information.

Hon. François-Philippe Champagne: Once again, the intent is really to move the debate forward. If we plan to do certain things but do not say so, we will only talk about things that we already agree on.

I do understand though that you need my remarks and a draft of the amendments that we will be presenting and that I already have. At the same time, we can provide you the official wording of the bill as quickly as possible for your clause-by-clause consideration.

Mr. Sébastien Lemire: No one was expecting that Bill C-27 would be passed in its entirety.

The Chair: Thank you very much.

Mr. Masse, you have the floor.

[English]

Mr. Brian Masse: Thank you, Mr. Chair.

The one good thing is that we are good at robotic repetition. We know that here, especially at two o'clock or three o'clock in Ottawa with question period, so I'm hoping we should be able to fix that problem.

The tribunal knee-capped the Competition Bureau in these past few weeks. Do this tribunal and the bill as written right now have the same capability to do the same thing to the Privacy Commissioner?

Hon. François-Philippe Champagne: First of all, let me comment on that, and then I'll turn to the officials for the very specific parts.

Like you, I was pretty surprised, I would say, to see that decision. Obviously, as we're looking at competition reform in this country, we have to think about some of the things that we may do to address that.

With respect to the Privacy Commissioner, I'm happy to defer to the officials on your specific questions.

Mr. Brian Masse: I have only a couple of minutes, and I have a quick follow-up question.

Mr. Mark Schaan: Very quickly, the tribunal has two functions. One is, upon the recommendation of the Privacy Commissioner, to issue an administrative monetary penalty in relation to the violation of the consumer privacy protection act. The second is to ensure that there's an appeal mechanism for any decisions of the Privacy Commissioner, and it's on the basis of law that the determination would be made, such that there would be a review or an appeal of the decision. That's also reviewable.

Mr. Brian Masse: It's the cost allocation that is the issue.

I have only a brief time here. I want to know—and you can take this away—whether they can do the same thing in terms of the financial penalty on this tribunal process.

Second to that, if we have a fix in this bill for that, are you agreeable to doing the same thing for Bill C-56 right now in order to protect the Competition Bureau and make them consistent, so that we don't have the Competition Bureau having to pay a financial penalty in the courts while the Privacy Commissioner doesn't?

Hon. François-Philippe Champagne: It's a very good point, Mr. Masse. As I told you, when I saw that, I was already thinking about how we want to look at it in terms of competition reform. Your point is well taken that whatever provisions we have in one tribunal should be reflected in the other.

Looking at international best practices, which is what I'm doing now to see what's being done in other jurisdictions, the reason why the tribunal... It was because they didn't want to be the judge and the executioner at the same time, so we needed to provide an appeal level. In the case of the Privacy Commissioner, you could have monetary penalties, so you need to have due process, either through a court of general jurisdiction or a tribunal.

However, your point about what we've seen recently is something that's on my mind and we're looking at.

Mr. Brian Masse: I hope there's openness to making sure that doesn't happen here, because I will have no business with this tribunal process if it's the case that they can do that.

Second of all, if we have a fix, I'd like to see if we can do it in Bill C-56 to have consistency, because it's an affront to the offices and it detracts from the whole point.

Hon. François-Philippe Champagne: Let me just say, to the point from the member—just briefly, Chair—I want to be clear with every member and with Canadians who are watching that Bill C-56 deals with a number of things on competition that are focused on groceries. However, I want people to be clear that this is not the end of the road. We're still looking at competition and bringing reforms to competition.

Whether it's going to be included in Bill C-56 or not, I think it's probably part of the general thing we're looking at with competition. Bill C-56 is really to deal with things that matter to Canadians immediately, which are around affordability and groceries.

• (1730)

Mr. Brian Masse: I agree, but if there's consent, we can open up a chapter of any bill, so I'm hoping—

Hon. François-Philippe Champagne: If we had unanimous consent, we could approve it tonight.

Mr. Brian Masse: There we go. I'm in.

[Translation]

The Chair: Thank you very much.

Mr. Minister, we have two five-minute periods left in this second round, which should bring us to 5:40. Is that okay for you?

Hon. François-Philippe Champagne: You are the boss.

The Chair: I am not in charge of your schedule, but I'll take that as a yes.

Mr. Gagné, you have the floor for five minutes.

Mr. Bernard Gagné (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Thank you, Mr. Chair.

Mr. Minister, I have a lot of respect for you, but I have trouble understanding that the government, knowing that the act has not been updated for 20 years, comes along nearly a year and a half after introducing its privacy and artificial intelligence bill, and tells us about amendments that will essentially define the bill, without providing a copy to us. We will be meeting with the Privacy Commissioner of Canada on Thursday to ask questions about aspects of privacy and the bill, but we do not have the amendments. This is completely inconceivable. I don't know how you can justify that. That is my first point.

Secondly, to my knowledge, the public consultations included 300 individuals, organizations, universities, etc. Canada has a population of 40 million, and those people are already being affected by information technologies to some extent, including artificial intelligence. The government consulted 300 individuals, essentially about privacy, if I am not mistaken. The people I have had the opportunity to speak with to date were not consulted. You say you held public consultations on the bill, but shouldn't they have been broader? That is my first question.

Hon. François-Philippe Champagne: First, on your point about the amendments, Mr. Généreux, you know how much I respect you, but you cannot blame us for listening to you. We took this approach in order to come up with something concrete. The worst thing would be to wait for clause-by-clause consideration to propose our amendments. We listened to you and that is why we are proposing amendments in the direction you suggested. There are two ways of looking at it, one of which is “good, a minister is listening”. That's a good thing, at least we are going in the same direction as you requested.

Regarding the public consultations, you will see tomorrow that I am in contact with many people in the field of artificial intelligence. There are of course many people with something to say about it, but we do consult broadly. We already have a good relationship with the artificial intelligence companies in Canada; we know them very well. We have a national strategy, we consulted experts, including Yoshua Bengio, one of the founders of artificial intelligence, who has a group around him and was appointed to the Scientific Advisory Council established by the UN secretary general. So there are quite a number of people who have stated their views. We are in contact with people who are world leaders in the field of artificial intelligence.

Mr. Bernard Généreux: I agree with you.

I started by reminding everyone that this is the end of September 2023. Yet the government tabled this bill in June 2022 and we are learning today that there will be substantial amendments. They are not minor amendments because they involve the privacy of Canadians. The government just told us today that, finally, this will be addressed within the bill and not in the preamble. These are absolutely fundamental aspects of the bill, and we are just learning about them today.

As soon as you decided to make the amendments that you are tabling today, we should have had a copy of them then. How do you expect us to work with the witnesses and ask them questions? I have a question for Mr. Schaan because we would normally have been here at 3:30 this afternoon. We would have had questions for the government officials. But how would they have been able to answer without having the amendments in front of them? That's not how it works.

I have a lot of difficulty understanding the process that led to such fundamental amendments being tabled today, a year and a half after the bill was introduced. On Thursday, in two days, we will be talking to witnesses about amendments that we don't even have. That's not going to work.

Hon. François-Philippe Champagne: I hear you and am listening carefully, Mr. Généreux, but at the same time, these are amendments that people wanted. So I think we are moving in the right direction.

• (1735)

Mr. Bernard Généreux: I understand that people wanted them.

Hon. François-Philippe Champagne: Not just you; all the stakeholders wanted them. So we are moving in the right direction, we are doing what people suggested and putting them forward. This will allow us to move more quickly and say it has already been done.

Mr. Bernard Généreux: Mr. Minister, did you write these amendments on a paper napkin or somewhere else? They exist, have already been drafted. If you have them, that's because they are fundamental to the bill. If they have already been drafted, table them. What are you waiting for to table them?

Hon. François-Philippe Champagne: We will certainly—

Mr. Bernard Généreux: Enough on that topic because I have another question for you.

You mentioned your two stepdaughters. You talked about children. In Canada, as you know, there are 13 different jurisdictions that grant children and young people different rights. How will you be able to balance all that so the act is tailored to young people? Protecting young people in the face of all these new technologies is also fundamental. You said that at the outset, and I agree. I definitely agree with you.

How can we tell young people in a certain province that they have the right to do certain things, while telling others in another province that they don't have that right? How will you deal with that?

The Chair: Please be brief, Mr. Minister.

Hon. François-Philippe Champagne: I want to talk about children because that is a crucial subject for everyone listening today.

My goal is to give parents rights relating to their children. Mr. Généreux, I know you are a very good person. I find it shocking that a parent does not have the right to request that information about their child be deleted if they wish. That is a problem. We want to give parents new rights so they can better protect their child in their digital life. For that simple reason, all the members here today should agree on that point. There are many examples showing that children need to be protected when they are online. So we have strengthened this provision in order to better protect young people.

[English]

The Chair: Thank you very much.

I'll now yield the floor to MP Sorbara.

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Thank you, Mr. Chair.

Good evening, Minister. It's great to have you here at committee.

Minister, in your comments, I found something very interesting that you stated. I believe the context was with regard to the AI portion. You said that this is not a prescriptive act but rather a framework.

Could you elaborate your thoughts on that? Why is it important that we have a framework as we move forward rather than a prescriptive act?

Hon. François-Philippe Champagne: Particularly when it comes to artificial intelligence, we see, at the speed of change, that the only way forward is to have a framework as opposed to being prescriptive. You may see that other jurisdictions have decided to go in a different direction, but how can you ensure that you will be relevant six months or a year from now? I think ChatGPT highlighted that to the world. In a matter of months, we found ourselves with generative AI. Things that probably most of us did not initially believe were possible are now commonly used by students and by people around the world. I saw yesterday that there is a new addition for voice and images.

My point is that having a framework is what allows us to be relevant. We probably don't know initially where the technology is going to go, but I would say that we need to have guardrails. The best example.... I was with the chief science adviser of Canada—and colleagues should reflect on this—and when people were saying that AI will be what it wants to be, she said that the best analogy is what happened when people were talking about cloning. When we decided, as humanity, that we wouldn't clone another human, it wasn't that cloning became whatever cloning could be—because, potentially, you could do that. As the international community and as people, we said that would not allow that to happen.

We have a precedent in the history of mankind of saying, for technologies that could bring us to the wrong place, that we could put a stop on that. Cloning is the best example of humanity's deciding that we won't go there. AI is kind of the same thing. It's not just something that should float and go wherever it may go. We need to have a place where we say, as the people, that these are going to be the boundaries within which we can have creative and responsible innovation to help people in so many ways, but that there is going to be a line that should not be crossed because that would be detrimental to people.

Mr. Francesco Sorbara: Thank you, Minister, for that.

I think the framework or a principle-based approach is definitely the way to go. Thank you for that explanation.

With regard to children, you mentioned that you're the stepfather of two children. My wife and I are raising three daughters. You know how much time they spend online on YouTube, Roblox and chatting with their friends. Protecting your children's data and, I would say, children's rights is something fundamental that we as MPs—all 338 of us—are seized with and are very concerned about. As you said, 20 years ago.... Technology between then and today—and even two years ago—has changed and evolved.

How important is this bill to ensure that children's data is protected as technology continues to evolve and, of course, becomes more sophisticated?

• (1740)

Hon. François-Philippe Champagne: The fundamental principle behind this act is to give more power to the people with respect to their data generally. When it comes to children, it's even going a step beyond. The example was given of a teenager who opens an account at some stage in her life. You become an adult at a certain point and you want to have that account removed. I think it's just fundamental, in my view, that you should be able to do that and not

have to fight with the different platforms to do that. You should have the right to do so.

At my age, I didn't have a digital time in my life when I was a kid because that came afterwards, but the kids of today have a digital life starting sometimes very early. For me it's shocking, honestly. I sit here as a Canadian and as a stepdad to two girls and I just say, "Really?" If I wanted to force Facebook to delete something from when she was a teenager, or if a friend did something, I don't have the right. There's something shocking about that in my mind. That's why I'm so passionate about this bill. We need to act to better protect our children.

Even if, as an adult, you want to move your data.... You talk about innovation. Having the bank able to move your data.... It's your data. What we're saying is that it's your data. The right to move it and to manage it is yours. It's not like the company.... Having more power over your data to have it be deleted or be moved, I think it's going to spur innovation. Imagine if you could ask a company, "Just move my data to this other provider, because this is what I want. It's my data."

I think it's a step forward.

[*Translation*]

Mr. Francesco Sorbara: Thank you.

[*English*]

The Chair: Thank you very much, Minister. This is all the time we have. Thanks for joining us today to answer the members' questions.

Colleagues, we have a hard stop at six. I will very briefly suspend for the minister to leave. Then we have a few items of committee business and, if we have time, some questions for the officials until six.

The meeting is suspended. Thank you again, Minister.

• (1740)

(Pause)

• (1745)

The Chair: Colleagues, we will resume.

I don't know if we'll get much time for questions for the officials, because first I would like to have consent to adopt the fifth report of the standing committee's subcommittee on agenda and procedure. Is it approved? You've all received a copy of the steering committee's report. Are there any comments or do I have unanimous consent to approve the steering committee's report?

I'm looking at you, Mr. Perkins, as well. Do we have consent?

(Motion agreed to [*See Minutes of Proceedings*])

The Chair: If there are no other items of business....

I see Mr. Lemire.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Mr. Chair.

I would now like to move the motion that I gave notice of on September 19, 2023, and which I also submitted to the subcommittee, so it can be formally adopted by the committee. I will start reading it out and you can stop me when you wish, if you think I do not have to read the whole thing since you all received it by email.

It reads as follows:

That, pursuant to Standing Order 108(2), the Committee undertake a study on the modernization of the regulatory framework and the convergence of wired and wireless products to ensure that future decisions are informed by robust data and recommendations for the benefit of all consumers in terms of accessibility and affordability; that it examine this convergence with relevant stakeholders and what they can enable through technological advancements such as 5G, fibre optics, Wi-Fi 6, and many others; that it examine the need for ubiquitous connectivity, necessary data transmission speeds, and innovative opportunities for businesses and consumers in Canada and internationally; that it scrutinize the operating costs of these technologies and the maintenance of so-called critical infrastructure; that it examine [this is a government amendment] the need for resilience in the face of climate change; that it specifically investigate unused spectrum in more remote and rural areas as well as deployment targets; that it examine the need to expand mobile connectivity to improve public safety [this is another government amendment], particularly along roads and highways; that it examine telecommunications tower construction programs and infrastructure deployment financing; that the Committee allocate a minimum of 6 meetings for conducting this study and that it report its findings and recommendations to the House.

• (1750)

The Chair: That is indeed the motion you tabled a week ago. There was agreement to work on it with the parliamentary secretary, Mr. Turnbull, among other people. I think that has been done.

Is it the will of the committee to adopt this motion, knowing that we might not begin that study for some time, given the work involved in considering Bill C-27?

[English]

Is there unanimous consent to adopt the motion presented by Mr. Lemire?

(Motion agreed to)

The Chair: Thank you, colleagues.

We now have only 10 more minutes with officials. It will depend on the committee's will.

You might be reinvented, though I'm sure that comes as no surprise to you, Mr. Schaan.

We'll use the time we have left. I would suggest we split the time to three minutes, three minutes, one and a half and one and a half.

Go ahead, Mr. Vis.

Mr. Brad Vis (Mission—Matsqui—Fraser Canyon, CPC): This is a friendly motion. Hearing from witnesses today is extremely important in the context of Bill C-27. I would like to move, and hopefully get unanimous consent, that we invite the officials back as soon as possible—at your discretion, Chair—to provide us the time we need to begin examining this bill.

The Chair: Is it the will of the committee to adopt this motion? I will work it out with the clerk and officials.

Go ahead, Mr. Lemire.

[Translation]

Mr. Sébastien Lemire: In this context, it is especially important for us to see the government's proposed amendments so we can ask questions about them. We need to get the amendments quickly because it will change the nature of our comments.

The Chair: The motion moved by Mr. Vis is intended to invite the officials back as soon as possible. I do not think it is in their prerogative to table these amendments. This was discussed with the minister, and I understand that he agreed to make the government's proposed amendments available as soon as possible. That is clearly his intention, but I cannot make a commitment on his behalf.

[English]

Therefore, on the motion by Mr. Vis with regard to the officials, do we have unanimous consent to reinvent our colleagues at the earliest convenience?

(Motion agreed to)

The Chair: Mr. Vis, you still have a bit of time for your questions. You have about two minutes.

Mr. Brad Vis: I'm going to turn my time over to Mr. Williams.

The Chair: Go ahead, Mr. Williams.

Mr. Ryan Williams: Thank you, Mr. Chair.

My questions concern the added costs that there will be for businesses from privacy regulation, specifically for the cellphone industry. Have we looked generally at what the effects of the GDPR legislation have been for small businesses and, specifically, cellphone companies in Europe?

[Translation]

Mr. Mark Schaan: Thank you for the question.

[English]

There have been a number of studies on the impacts of the GDPR as a regulatory tool on overall industry. I'm not aware of one specific to the telecommunications industry, but I am aware of studies that have shown the disproportionate burden that has been faced by small and medium-sized enterprises, which was something that was very top of mind for us as we were contemplating the CPPA in order to ensure that we were very mindful of the impacts it could have on small business.

Mr. Ryan Williams: Thank you, Minister.

Thank you very much for that answer.

Mr. Chair, on this topic at hand, I know this committee is studying privacy, and we're going to be looking at AI and spending a lot of meetings on that. However, I am, and we are, very concerned about the cost of cellphones in general. I'm going to move a motion, Mr. Chair.

I move that this committee report to the House its disappointment with the government's failure to reduce cellphone bills by 25%, as promised in 2019, while continuing to approve mergers of cellphone providers, and, further, that the committee report its concern about how some of the highest cellphone prices in the world are contributing to the cost of living crisis in general.

The Chair: Mr. Williams just moved a motion.

Madam Clerk, I understand that it's been sent around to all MPs.

Would you mind, Mr. Williams, just repeating the motion?

Mr. Ryan Williams: Not at all.

I move that this committee report to the House its disappointment with the government's failure to reduce cellphone bills by 25%, as promised in 2019, while continuing to approve mergers of cellphone providers, and, further, that the committee report its concern about how some of the highest cellphone prices in the world are contributing to the cost of living crisis in general.

• (1755)

The Chair: Go ahead, Ms. Dabrusin.

Ms. Julie Dabrusin: Thank you.

It might be because I am a substitute today, but I don't believe I received the wording. I wanted to check.

Was this something that was circulated as wording previously—so that I understand? Is it something that arrived just now? It's just because the chair referred to how we might have the wording, and I don't. It was just emailed, and it might not have been emailed to me.

The Chair: Thank you, MP Dabrusin.

Mr. Williams, considering that this is not on topic and that no notice was given, I understand this to be notice, so it will come up for debate at a later time—

Mr. Ryan Williams: As noted, it is on the topic when it comes to privacy and how those added costs are going to add to cellphones. It's very much on topic with the matter at hand.

The Chair: Let me take one second to review the exact wording of your motion, because I haven't had notice of it.

I fail to see, Mr. Williams, that it is on topic, but you'll have opportunities to bring it forward with proper notice in due course.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Can I just raise a point of order?

The Chair: Yes. Of course, Mr. Genuis.

Mr. Garnett Genuis: Chair, just as a guest here at the committee as well, the rule is that “matter at hand” deals with whether it's on the matter being dealt with at the committee. The member was asking questions to officials specifically on cellphone prices, and then he moved a motion on cellphone prices. That very clearly was the matter at hand, because it was the matter that followed the line of questioning.

That is within the rules, so I think it's pretty clearly in order.

Mr. Francesco Sorbara: Chair, is it reasonable to ask if we can move to adjourn debate?

The Chair: Yes, you can sure do that, Mr. Sorbara.

It was moved that we adjourn debate—

Mr. Garnett Genuis: [*Inaudible—Editor*]

The Chair: I understand that once it's moved, it's not debatable.

There was a motion by MP Sorbara to adjourn debate.

(Motion agreed to: yeas 6; nays 5)

The Chair: This brings us back to questioning the witnesses on the bill, but considering that it's 5:58 p.m., we will actually adjourn this meeting.

To the officials, we will definitely reinvoke you. Thank you for your presence here at committee today.

Thank you to all members. This meeting is adjourned.

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