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Chair: Mr. Joël Lightbound



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• (1715)

[English]

The Chair (Mr. Joël Lightbound (Louis-Hébert, Lib.)): I want to welcome all of you to meeting number 121 of the House of Commons Standing Committee on Industry and Technology.

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

I'll recognize you, MP Masse, in due time, but there are some things I need to highlight first.

[Translation]

Before we begin, I would like to remind all members and other in-room meeting participants of the following important preventative measures.

To prevent disruptive—and potentially harmful—audio feedback incidents that can cause injuries, all participants must keep their earpiece away from their microphone at all times.

As indicated in the communiqué from the Speaker to all members on Monday, April 29, the following measures have been taken to help prevent audio feedback incidents.

All earpieces have been replaced by a model which greatly reduces the probability of audio feedback. The new earpieces are black in colour, whereas the former earpieces were grey. Please only use the approved black earpieces.

By default, all unused earpieces will be unplugged at the start of a meeting.

When you are not using your earpiece, please place it face down on the middle of the sticker on the table for this purpose, as shown on the image.

Please consult the cards on the table for guidelines to prevent audio feedback incidents.

The room layout has also been adjusted to reduce acoustic shock.

[English]

Keep that in mind, colleagues. It's very important. I'll be monitoring this more closely than ever, given what happened.

To make it simple, you need to keep your earpiece as far away as possible from the microphone, when your microphone is on, or away from that of your neighbours. Any microphone that's on, you need to keep the earpiece as far away as possible.

[Translation]

Pursuant to the order of reference on Monday, April 24, 2023, the committee is resuming 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.

With that, I'd like to welcome back our witnesses and thank you all for being here this evening.

We welcome Mr. Mark Schaan, senior assistant deputy minister, strategy and innovation policy sector; Mr. Samir Chhabra, director general, marketplace framework policy branch; as well as Ms. Runa Angus, senior director, strategy and innovation policy sector.

At the last meeting on Bill C-27, we ended with the representative for the Bloc Québécois. Before giving him the floor, allow me to give the floor to another member.

[English]

I'd like to recognize MP Masse, who had a point of order.

MP Masse, the floor is yours.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair.

My comment is with regard to the new room layout, which I do support. Obviously, this has been an audio challenge for our interpreters during this process, but I want to point out two things that are of a concern.

The door is right behind me right now, so that is going to be picked up on my microphone, and it's going to be hard for me to hear.

Second to that, which is most important, and which is not an issue today, I'm not afforded a spot for my staff, which is different from the accommodations made for every other party here. There has to be some accommodation for my staff either to be at the table here or to be in some other configuration. That is a point of privilege that I will raise. I will have a staff on a regular basis. I don't for today, so it has no bearing, but it is something I want to raise now.

I do appreciate what we're trying to do here because it is significant for our interpretation staff. Again, the noise is pretty bad in some of these halls, so I'm worried it might get picked up as well.

Those were the two points I wanted to make as we go through this process.

The Chair: Thank you, MP Masse.

I understand that the changes needed to be brought forward in a rapid manner, but there are still some discussions about how we will move forward on a longer time frame.

Mr. Vis.

Mr. Brad Vis (Mission—Matsqui—Fraser Canyon, CPC): I'll second that point for Mr. Masse.

I noticed it right away. If I were sitting where he is, I wouldn't have privacy. If he has his notes there, every staff member could come in and basically read what is on his paper. It's not fair to him. I will support him in that motion.

I pointed it out to him just a second ago. It's an awkward position. We're going to have to move the table around differently to make this work.

Thank you.

• (1720)

The Chair: Thank you, Mr. Vis.

If I'm not mistaken, at our last meeting, we were still on CPC-7. A subamendment was presented by MP Savard-Tremblay, which has been distributed in writing to committee members.

(On clause 2)

[*Translation*]

We are still on the subamendment moved by the member Mr. Savard-Tremblay.

Mr. Garon, the subamendment was moved by a member of the Bloc Québécois. I therefore give you the floor.

Mr. Jean-Denis Garon (Mirabel, BQ): I got a little mixed up; I'm looking for the subamendment.

The Chair: Actually, I'm not sure that Mr. Savard-Tremblay's subamendment was sent in writing. I thought that was the case, but it mostly repeated the text from amendment NDP-6, which starts with "sensitive personal information," and added it as paragraph j) to amendment CPC-7.

Mr. Jean-Denis Garon: My colleague did a brilliant job replacing me during the last meeting.

The intent of paragraph j) was to add "any other information violating the fundamental right to privacy."

Is that where we are at, Mr. Chair?

The Chair: Yes, that's it.

Mr. Jean-Denis Garon: Very well.

Essentially, this deals with two things. The first is that when we insert a list...

[*English*]

Mr. Ryan Turnbull (Whitby, Lib.): I'm sorry to interrupt—

The Chair: Mr. Turnbull.

Mr. Ryan Turnbull: —but I believe we're on NDP-6.

Your colleague who joined us had subamended CPC-7 and added what you just stated, Mr. Garon. I think we're already past that if I'm not mistaken.

Are we on CPC-7 or NDP-6?

Mr. Brad Vis: We're on CPC-7, as I understood it.

Mr. Ryan Turnbull: Okay. Maybe I'm wrong, then. I apologize.

The Chair: We are CPC-7.

Mr. Savard-Tremblay withdrew the initial subamendment that he had proposed, but at the end of the last meeting, he wanted to submit another subamendment, which would have taken text from NDP-6. It's important to remember that NDP-6 has not been moved, so it's not public.

I'm trying to navigate these waters. What he suggested at the end of the last meeting, if I'm not mistaken, was to add one item after (i) on CPC-7, so we would have a point (j), which would add the last portion of NDP-6, which you have.

Am I correct?

Mr. Turnbull.

Mr. Ryan Turnbull: Okay, I recall now that that's what happened. It makes sense to me.

Could we just have it restated before we start to debate this? There was a subamendment that was defeated, and then there was another one introduced, so we're now on—

The Chair: The first subamendment by Mr. Savard-Tremblay he withdrew with unanimous consent.

Mr. Ryan Turnbull: Excuse me, I misspoke. He withdrew it and then he introduced another one.

The Chair: Exactly.

Mr. Ryan Turnbull: Could we have that one read out loud so that we're all very clear on what we're debating? Maybe Mr. Garon has that.

My apologies. Part of it was just recollecting where we left off.

[*Translation*]

Mr. Jean-Denis Garon: That's no problem at all for me, because I also found it very helpful.

Essentially, I propose adding paragraph j) to amendment CPC-7, which includes a list of elements defining sensitive personal information.

This paragraph, which I will explain afterwards, reads as follows: "any other information violating the fundamental right to privacy."

The Chair: No, Mr. Garon, what you just submitted was withdrawn.

For everyone's benefit, at the end of the last meeting, Mr. Savard-Tremblay proposed changing amendment CPC-7 by adding paragraph j), as follows:

j) personal information in respect of which, due to the context of its use or disclosure, an individual has a high reasonable expectation of privacy.

That's the content of the subamendment moved by Mr. Savard-Tremblay, who is currently absent. We must now debate it.

Mr. Masse, you have the floor.

• (1725)

[English]

Mr. Brian Masse: No, I know we're trying to.... It's just kind of weird that we have the Bloc moving half of my next amendment, so I'm wondering about procedure here.

I'm not opposed to it. We really want to make this the best bill, but are we...?

The Chair: Imitation is the best form of flattery, Mr. Masse.

Mr. Brian Masse: Okay. As long as we don't have to revisit something again, procedurally. I'm not opposed to this, but I just want to make sure.

That's kind of where we are, and that would help my colleague here. We're just splitting it off and then adding it in. We're good to go.

The Chair: It would not impact NDP-6, if it were adopted.

Mr. Brian Masse: Yes. I think I would probably withdraw it, actually, at that point. It might achieve a better result, so I appreciate what the Bloc is trying to do here.

[Translation]

The Chair: Are there any other comments regarding the subamendment seeking to change amendment CPC-7?

Mr. Garon, you have the floor.

Mr. Jean-Denis Garon: This is the third try. Let's try not to get caught up a third time.

Essentially, we considered the list of elements outlined in amendment CPC-7 to be exhaustive, and we considered it appropriate.

That being said, when presenting a list, there's always the risk that the executive branch or the courts may not consider the list to be exhaustive. That is why we appropriated a portion of the NDP's subsequent amendment, which granted more flexibility in interpreting the definition.

The Chair: Thank you.

Are there any other comments on the proposed subamendment?

Mr. Turnbull, you have the floor.

[English]

Mr. Ryan Turnbull: I'm trying to understand the effect of this.

We were in a fairly rigorous debate on the definition of "sensitive personal information". We were clarifying with officials that CPC-7, before the amendment, would have a risk of over-regulation and that it wouldn't necessarily take context into account. Financial information, for example, in some contexts, is not deemed sensitive, and in other contexts, it is deemed sensitive, so there's some risk in having a list of very specific factors that are deemed to be sensitive.

We had suggested subamendments for both CPC-7 and NDP-6. We were prepared to hopefully move something that would help us get towards consensus. We saw the value in both of those amendments, but now we're mashing them together. It's kind of compounding the issues that I have with it.

I want to go to Mr. Schaan to tell us how adding in the end of NDP-6 to the list would actually have an impact on the debate we are having. My preference would have been to deal with them one at a time. It's up to you all, if that's what you want to do.

Mr. Schaan, maybe you could explain what impact this would have.

Mr. Mark Schaan (Senior Assistant Deputy Minister, Strategy and Innovation Policy Sector, Department of Industry): Maybe just to recap a bit of the discussion we had at the last meeting, this committee has made the determination, through earlier amendments, that the preamble of the bill highlights the fundamental right to privacy, which is the interpretive lens that then gets applied to all the subsequent obligations and responsibilities in the act.

It then imposes a number of obligations related to the treatment of personal information. We had a good discussion at the meeting on Monday about how personal information needs to be broadly understood to be about someone and not just an identification of someone because "about someone" brings in this construct. Then, there are amendments made to ensure that inferred information is part of that understanding of personal information, which will become important when we then come to the obligations and the responsibilities of commercial actors when using personal information.

The conversation we had on Monday about "sensitive" is that there are a number of things that happen that are tied into the bill about the obligations that are applied to sensitive. One is that we have already determined children's information, the personal information related to those under the age of 18, is all sensitive, which means it requires a duty of care and a higher standard of protection by commercial actors. More importantly, when we get to later provisions of the bill, sensitive information necessitates an express consent by an individual for that information's continued treatment, disclosure and collection.

Our concern about having an exhaustive list was that, one, exhaustive lists don't necessarily allow for a principles-based approach to the interpretation of the obligation, which allows it to be a bit more contextual and dynamic, in the sense of understanding how information might come and go from whether it is always sensitive or not. Two, the categories need to be really well considered. If they're overbroad, you're going to apply sensitive information classifications to categories of information for which express consent will now be required, and that might undo very reasonable privacy protecting practices that are currently the practice of business entities.

We had this conversation about financial data in particular, which is a category that potentially possesses a huge realm of potential areas. If all financial data is considered sensitive and requires express consent, then suddenly we're going to be maybe in a world of consent fatigue because people are going to have to be expressly consenting to the use of their financial data all the time because it's deemed sensitive.

The thought about the NDP amendment that's now potentially being proposed is that we just want to make sure, for this additional categorization, with the wording "due to the context of its use or disclosure, an individual has a high reasonable expectation of privacy", that we've understood the boundaries of that. Any information for which there would then be a high degree or a high expectation of privacy would now be subject to express consent. We would raise that for the committee's consideration.

I'll turn to Mr. Chhabra. I think he wants to supplement.

• (1730)

Mr. Samir Chhabra (Director General, Strategy and Innovation Policy Sector, Department of Industry): Thanks very much.

If there is going to be an addition of this personal information in respect of context, where the current wording says, "due to the context of its use or disclosure", then we would suggest that it should be "the context of its collection, use or disclosure". It would be more appropriate to have that framing a bit further up ahead of the bulleted list so that it provides a reasonable frame for reading the entire section, rather than as a follow-on at the very end of the list.

Then, there are certainly some considerations about what's currently presented in the list that are worth going through and having a discussion on as well, in our view.

Mr. Ryan Turnbull: Okay, great. That was helpful.

I know, Mr. Garon, that you weren't able to be here last time and your colleague was filling in. I had asked a question that I think is important for this debate. If personal information is not deemed sensitive, that doesn't necessarily mean that it's not protected and that it doesn't have some pretty stringent requirements that have to be followed.

I think that's important to realize. Just because some personal information.... If we over-regulate, in the sense that every piece of personal information or a very large swath of it can be deemed sensitive, then it will require that high bar of express consent, which could lead to not being able to recognize context dependence and which doesn't allow the OPC to issue guidance and evolve with

guidance. It leads to consent fatigue, which I think is something that we should take seriously.

Are there any specific factors that are listed there that are problematic from your perspective? There are some of them that I think we agree with generally, and some of them that I have concerns with. I think financial information was one, and perhaps there was the biometric one as well.

Mr. Schaan, can you maybe illustrate that a bit?

• (1735)

Mr. Mark Schaan: Yes. Maybe, just for the benefit of members, I'll go through at least a couple of specific ones and then I'll turn to Mr. Chhabra.

Again, to your first point, it's important that we're not making this a contrast between, as I think I said on Monday, the Wild West and Fort Knox, because essentially the whole goal of the CPPA is to elevate the obligations as it relates to the fundamental protection of the privacy of Canadians through the use of personal information. Just because something's not sensitive doesn't mean that it's a free-for-all. In fact, once we get to the provisions and obligations on corporations that collect, use and disclose personal information, we'll see that there are actually quite a lot of obligations to ensure there is privacy protection within that. I think you want to preserve sensitive information for that which is truly sensitive, for which there's a really high understanding of privacy in that specific case.

In the case of financial data, I think we raised actual Supreme Court jurisprudence that was clear that financial data is not always sensitive. In fact, in *RBC v. Trang*, the Supreme Court found that "the degree of sensitivity of specific financial information is a contextual determination." In fact, if financial data, for instance, were to stand in this list, there's a lot of financial data that actually is disclosed between financial institutions for the purposes of processing as a fundamental function of business practice. If that now necessitates, because it's deemed sensitive, the express consent of the individual every single time financial data is disclosed between entities for the purposes of processing, payments and other factors, we'll gum up the overall operations of the current financial transactions.

I'll turn to Mr. Chhabra for some others on the list, but I would say that one has to think about all of the personal information for which now this would require express consent and think about the list in that regard. I may even put sexual habits, for instance, on that list, because there's a lot of information that potentially may disclose someone's sexual habits and that may not necessarily require express consent, particularly from a transaction perspective.

I'll turn to Mr. Chhabra.

Mr. Samir Chhabra: Thank you.

I'll touch on a few points within the bulleted list to offer some considerations, starting with (d), for example. The reference here is to “genetic data or biometric data”. In this instance, it would likely be more appropriate to reference “information” rather than “data”. Information is in keeping with the terminology of the CPPA. Data and information are not always interchangeable, data being more broad and unstructured, whereas information is generally understood to be structured data, and it's a form that can be used. That's one consideration on item (d).

On (f), the reference here is to “government identifiers”, such as “social security, passport or driver's license numbers”. In an effort to be more aligned with Canadian law, you'd probably want to go with “social insurance number” rather than “social security”. There are some questions about the information contained in a passport and whether it needs to be specifically identified as such, given that it already has what would be considered sensitive information in it.

On driver's licence numbers, the OPC guidance itself references the fact that in Alberta and B.C. the licence number “has little or no significance or meaning in terms of...personal information attributes”. Therefore, it would be an odd thing to include in a national statute a reference to driver's licence numbers when the OPC itself has noted that in at least two provinces today driver's licences don't contain what it would consider to be sensitive information.

Referencing (g), “the content of their electronic devices”, this is another interesting one where it's not in OPC guidance. The OPC has recognized there can be sensitive information, but that all information on a device wouldn't necessarily be sensitive de facto. Again, on a photo in physical terms versus a photo on an electronic device, why it would make it more sensitive just because it's on an electronic device is a question worth pondering. It's setting up dual standards. Setting up standards that are not technologically neutral would run afoul of the purpose of the act.

On passwords, which is point (h), it's worth pointing out again that there's a concern here about tech neutrality. Over time, other ways to protect accounts have been developed. Passwords are increasingly challenged in terms of how secure they are, especially as we move toward a world where quantum and cryptographic hacking techniques are stronger. Password-free types of technology, including multifactor authentication, are often used. Again, it's an issue here about the sensitivity of the information, the sensitivity of the log-in information. In some jurisdictions—in California, for example—the password is sensitive only when it gives access to certain types of accounts that are sensitive.

Then, on “financial data”, as Mr. Schaan has already pointed out, there are a number of uses for financial data, including between creditors. Specifically, in the Supreme Court reference Mr. Schaan just gave, there was a very specific case about this exact nature, when one financial institution had in fact the right—an obligation—to disclose the credit status of an individual. You can imagine that seeking express consent could actually curtail what are perfectly appropriate business activities.

• (1740)

Mr. Ryan Turnbull: I note that the bells are ringing. Maybe—

The Chair: I'll get back to you, Mr. Turnbull. I'd like to deal with that first.

Bells are ringing. They're 30-minute bells. I know it's an important vote. It's a budget vote. Maybe some members want to be there in person.

I want to gauge the opinion of the committee. Do I have unanimous consent to go until six, for instance? That gives you 10 minutes to get to the House, which is probably enough. The bells started at 5:40 and at 6:10 is the vote.

On another note, but still relevant, our officials, who have gracefully given us a lot of time and will continue to do so in the coming weeks—and maybe months—have a flight to catch at eight o'clock, so they need to be out around 6:30 to get to the airport. What I would suggest is that when we adjourn at six for the vote and we don't come back to committee, unfortunately, because of all the delays. The meeting was supposed to end at 6:30, but—

Mr. Rick Perkins (South Shore—St. Margarets, CPC): What am I going to do with the rest of my night?

Voices: Oh, oh!

The Chair: I'm sure you'll find something.

We'll resume, then, until about six.

Mr. Turnbull.

Mr. Ryan Turnbull: Thank you.

Thank you both for your clarification, Mr. Chhabra and Mr. Schaan. It's very helpful.

Maybe what I'll just say is that we had a subamendment that Mr. Gaheer was going to introduce. Obviously, my Bloc colleague beat us to the punch here in suggesting something, but I think that what's been suggested still runs into the concerns and challenges that the officials have clarified here.

Maybe we could distinguish it without that because I know we can't move it until we dispense with the subamendment. It really was a compromise between NDP-6 and CPC-7, which address the officials' concerns that have been outlined. I'm trying to be very humble about this. It's not about us getting the credit for making a subamendment. I could care less. We just want to do the right thing here. This particular subamendment still runs into the challenges.

I don't know if Mr. Gaheer wants to speak to it, but I was just going to highlight what it does so that we can distinguish.... Perhaps Mr. Garon would be willing to withdraw his subamendment and allow us to introduce ours, but only if he feels comfortable with that.

We have sent this around, I believe.

• (1745)

The Chair: Mr. Turnbull, it was circulated, so all members have it in writing. I would just clarify that perhaps it would be best framed as an amendment that you're proposing and not as a subamendment because it's essentially rewriting the....

An hon. member: It was table-dropped.

The Chair: It was table-dropped to some extent, but it was sent in advance. You have it.

Procedurally, the most elegant way to proceed if the committee wants to adopt Mr. Gaheer's proposed amendment that's been sent around is to defeat CPC-7 and then propose that amendment, which incorporates a lot of NDP-6 as well.

Right now, just to be clear, we're on the subamendment proposed by Mr. Savard-Tremblay from the Bloc. We still have to deal with that and then CPC-7.

I don't know, MP Gaheer, if you still want to—

Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.): If we get to that point where it's voted down, do I immediately then present my amendment or later on?

Mr. Brian Masse: I have a point of order.

How do we get there? My understanding—which could be wrong—is that, since I've submitted mine, we would deal with mine next and then this goes into the system later on. We just don't automatically go to their stuff.

The Chair: No, it would be, in fact, yours, Mr. Masse.

Mr. Brian Masse: Of course, we could amend mine.

The Chair: Yours could be amended; that's true.

That could work too, Mr. Masse.

Mr. Iqwinder Gaheer: When do we get to this one, then?

The Chair: We'll get to it after we are done with Mr. Garon's subamendment and after we're done with CPC-7.

I'm willing to entertain.... If you want to speak to what it does, that would be okay because it's pertinent to the discussion that we're having on CPC-7. They deal with the same issues.

Mr. Brian Masse: You're cutting the line.

Mr. Ryan Turnbull: No, we're not trying to cut the line.

Mr. Brian Masse: It's a simple—

Mr. Ryan Turnbull: We were going to introduce this subamendment to CPC-7.

Mr. Chair, you're saying that our subamendment to CPC-7 wouldn't be a subamendment of that?

The Chair: Well, no, it's an amendment in and of itself, so it's hard to frame it as a subamendment to CPC-7.

In any event, looking at the clock, I don't think we'll necessarily get there.

Right now, we need to deal with MP Garon's subamendment and then CPC-7.

Mr. Ryan Turnbull: Okay, but I'm trying to make the case for the fact that what we consider to be a subamendment you're calling an amendment. I get that maybe you think that that's....

Mr. Chair, I totally defer to your judgment on this, so I definitely won't contest you here. It's just that I felt like the subamendment that Mr. Gaheer was going to introduce would have dealt with the specific concerns that I've been trying to ask the officials about and on which I think their testimony here would help us.

My understanding, Mr. Schaan, is that the subamendment that Mr. Gaheer provided to the committee in advance would have—

Mr. Brian Masse: I have a point of order.

It's confusing. It's not a subamendment. It's an amendment that's been dropped on the table, and to continue to refer to it as a subamendment confuses people, because a subamendment would actually do something different from what's being proposed by the parliamentary secretary. It's a full on amendment that's actually been tabled as a full on amendment, so it can't continually be referred to as a subamendment, because that's not actually what it is, and calling it that just confuses the heck out of everybody.

An hon. member: Yes.

Mr. Brian Masse: I'm sorry.

The Chair: Granted, Mr. Masse, for the sake of clarity, but I think we all understand what Mr. Turnbull is referring to. However, it is true, because it rewrites the section completely, that it is an amendment more than a subamendment, but now we're getting lost in—

Mr. Rick Perkins: The question's on the subamendment.

The Chair: We all know what we're talking about.

Mr. Turnbull, I'll yield the floor to you.

You don't have the floor, Mr. Perkins. I have other speakers ahead of you. Now we're on the subamendment proposed by MP Garon. That's what we're dealing with.

Mr. Ryan Turnbull: Okay. What was going to be proposed by Mr. Gaheer—whatever we want to call it—removes financial and biometric information from the list that is in amendment CPC-7 for the reasons—

Mr. Rick Perkins: I have a point of order.

Mr. Ryan Turnbull: —the officials have identified.

The Chair: I'm sorry, Mr. Turnbull, but I have a point of order.

Mr. Rick Perkins: I'm sorry to do this. I understand that what you're trying to do is to have a fulsome discussion, but I think the chair has already ruled. You're asking questions about an amendment that we're not on. We're on the subamendment to CPC-7. This is a different amendment that you've put on notice.

I'm not sure why we're allowing questions on an amendment that's not on the table.

• (1750)

The Chair: Okay. Thank you, Mr. Perkins.

Mr. Turnbull—

Mr. Ryan Turnbull: Can I speak on that point of order?

The Chair: —I'll ask you to try to stay on the subamendment. We'll have some time. I understand it's relevant, to some extent, but let's try to narrow in on the subamendment we're debating right now.

Mr. Ryan Turnbull: If I may, I think amendments CPC-7 and NDP-6 both deal with sensitive personal information, and so does the subamendment Mr. Gaheer was going to introduce.

In past debates, we've had conversations about whole packages of amendments that are related to the same clause or definition, and we've allowed the discussion to clearly indicate—and every member has been involved in those debates, so let's not now change the standard of how this committee is proceeding now when we've been doing that the whole time. We've been doing that the whole time we've been proceeding here. We've looked at the implications of a whole package of amendments that relate to the same section of the bill.

All I'm trying to do is to make sure we know that if we vote this particular subamendment through, it will make amendment NDP-6 moot and it will make what Mr. Gaheer was going to present moot because it won't be admissible.

Please, correct me if I'm wrong—

The Chair: No, no, Mr. Turnbull. I'll take—

Mr. Ryan Turnbull: So is there a double-standard here, or are we allowed to talk about related amendments? Because that's not fair.

The Chair: Just wait a moment.

[*Translation*]

Mr. Turnbull, there is a point of order.

Mr. Garon, you have the floor.

Mr. Jean-Denis Garon: I just want to point out that we are still discussing the subamendment and, to a certain extent, we are writing its obituary before actually debating it.

I think we have not finished the discussion and that we could try to improve it. I have a suggestion, but first, we would have to start discussing the subamendment in good faith.

The Chair: Thank you, Mr. Garon.

I ask everyone to please take a deep breath, because we're only on a subamendment.

I agree with you, Mr. Turnbull. I think we could have a broader vision on the way to debate the issue, because it will have an impact on what you're going to move and what's coming.

I'm ready to be relatively generous in our debate, and the questions you're asking do pertain to the subject before us.

Mr. Turnbull, you have the floor.

[*English*]

Mr. Ryan Turnbull: I'll go back to what I was trying to say earlier—which was just to make a case for what might be the best approach here. It deals with concerns that arise out of CPC-7 and the

subamendment that's been proposed. That would add a part of NDP-6 to CPC-7—"context of its use or disclosure, an individual has a high reasonable expectation of privacy".

It's not that we completely disagree with that—and maybe you can clarify that, Mr. Schaan—but we propose to move that wording up to the top. You had already explained that to some degree. The other two factors that seem to come up regularly, which would create consent fatigue and not take into account context in terms of sensitivity, would be financial and biometric information, so the idea would be—

Mr. Brian Masse: I have a point of order.

The Chair: Sorry, Mr. Turnbull—

Mr. Ryan Turnbull: Am I not allowed to make the points now, all of a sudden?

The Chair: There's a point of order. I have to recognize Mr. Masse.

Mr. Brian Masse: I would like a ruling, Mr. Chair, because we're doing this again. If you look at my amendment, which we submitted in good faith a long time ago, and then this one dropped by the Liberals just recently in front of us, they're almost identical in many respects. They're very close. One could argue that there are a lot of connections between the two. I don't even think this one would be....

The Conservative one tried to force and thrust upon it that...but it's the Liberal one right now in front of us that's creating this mess. It actually is in order, in many respects, if you look at dealing with NDP-6, which has to be dealt with before theirs. We can't get to mine, though, because we have to deal with theirs, which they've just dropped on the table here and have referred to in several different fashions.

The Chair: Mr. Masse, I'm sorry if there's any confusion. Right now we're debating Mr. Garon's subamendment to CPC-7.

Mr. Brian Masse: But he's continuing to refer to an amendment that—

The Chair: When we're dealing with a bill like this, if there are amendments to be proposed that have a bearing on the decision that the committee needs to make right now on the subamendment and on CPC-7, because it will have an impact on your amendment and on Mr. Gaheer's amendment, if we ever get there, then I understand that the discussion can be a little larger.

● (1755)

Mr. Brian Masse: I can appreciate that, Mr. Chair, but at the same time, this could be a practice that we could do for the entire rest of this bill, with anybody just looking at the different amendments and then starting to drop them very similar to current amendments that are already there in the weeks and days to come. You could literally go and do what they have done. Instead of trying to fix amendments through subamending, you could try to table brand new amendments that basically plagiarize other amendments. You could go and do that all the way through this process. That's what my concern is.

The Chair: I would encourage members, if they want to present a proper subamendment, to consult with the legislative clerks.

[*Translation*]

The legislative clerks can tell you exactly how to draft a subamendment. For example, they could tell you that the problem with what Mr. Gaheer might propose is that it doesn't say how it changes amendment NDP-6, and it's actually a new amendment.

[*English*]

If you want to frame it as a subamendment, then you can work with the legislative clerks. They'll happily assist you so that we don't get into this situation again. I think in that case it was decided to rewrite it. It's true that they have a lot in common, but we're not there yet.

We're still on the subamendment, but looking at the clock and the progress that we've made so far, I don't think we'll achieve much more tonight. If you're all okay, given that the vote is happening in about 12 minutes, I would think that we could maybe take it off-line, have a little chat and hopefully get back with some form of agreement.

Mr. Ryan Turnbull: Are we coming back here again?

The Chair: No, no; I mean come back on Monday.

On that note, thank you, all.

The meeting is adjourned.

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