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Chair

Mr. Bob Zimmer

Standing Committee on Access to Information, Privacy and Ethics

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• (1100)

[English]

The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)): Welcome, everybody, to the Standing Committee on Access to Information, Privacy and Ethics, meeting number 131. It's Tuesday, December 11.

Pursuant to Standing Order 108(3)(h)(vii), this is a study on the breach of personal information involving Cambridge Analytica and Facebook.

Today we'd like to welcome Mr. O'Connor, from Ontario Proud.

Do you have opening comment?

Mr. Ryan O'Connor (Lawyer and Director, Ontario Proud): Yes.

The Chair: You have 10 minutes to make that presentation.

We do have impending votes. I will seek unanimous consent to continue until about 11:15 a.m. or so, because we're in the building. Is that fine with everybody?

Some hon. members: Agreed.

The Chair: Okay.

Go ahead, Mr. O'Connor.

Mr. Ryan O'Connor: Thank you, Mr. Chair.

Thank you to the committee for inviting me here today to speak to you about your committee's review of the Cambridge Analytica affair and the privacy implications of the use of digital information in Canadian political campaigns.

As the chair said, my name is Ryan O'Connor, and I'm the lawyer for and also one of the founding directors of Ontario Proud.

Ontario Proud, for those who don't know, is a social media-based, online, predominantly not-for-profit advocacy group that promotes government ethics, personal freedom, fair taxes, fiscal probity and Canadian culture. It was started as a Facebook page in February 2016, and has now grown to over 425,000 supporters on Facebook, with approximately 100,000 email subscribers. In addition to Facebook, Ontario Proud operates several online properties, including on Instagram, YouTube and Twitter.

Millions in Ontario and throughout Canada have viewed Ontario Proud's content online, and do so regularly, to the point where Ontario Proud is one of the most engaged pages in Canadian politics

and the most engaged page in Ontario politics. There are several other Proud pages, which are sister pages in other provinces, and Ontario Proud also operates a national page called Canada Proud.

During the last provincial election in Ontario, Ontario Proud was registered as a third party political advertiser pursuant to that province's Election Finances Act. It was previously advertised on television, but it has largely focused its work on non-traditional political advertising on social media, generally using memes, videos and other viral content, both satirical and serious.

Our group intends to register with Elections Canada as a third party advertiser in the forthcoming federal election. Ontario Proud is entirely domestically supported. It has not received, nor will it ever receive in the future, financial contributions from foreign sources.

The Chair: Mr. O'Connor, I'm going to stop you for a second.

We're at about 11:04 a.m. I'm going to seek unanimous consent to continue until about 11:19 a.m. Then we'll suspend, go vote, and then come back after votes. Do I have unanimous consent?

Some hon. members: Agreed.

The Chair: Okay.

Please continue, Mr. O'Connor.

Mr. Ryan O'Connor: Thank you, Mr. Chair.

Canadians and this committee are rightly concerned about foreign involvement in our domestic electoral process in light of both the Cambridge Analytica affair and the prominent interference by foreign actors in the last American presidential election.

Canada has unfortunately not been immune to such interference. Foreign-funded groups have publicly admitted to engaging in third party campaigns against certain parliamentarians in the last federal election, and many third party political advocacy groups openly and overtly accept contributions from foreign entities.

I'm going to focus my remarks on two main areas of concern. First, parliamentarians must avoid the unnecessary regulation of online political speech, which will undermine Canadians' right to freedom of expression. Second, any legislative reforms regarding the protection and safeguarding of personal data should be undertaken through amending the currently constituted privacy legislation, as opposed to creating new and potentially onerous legal requirements for advocacy groups.

Bill C-76, the elections modernization act, recently passed third reading in the Senate, as we're aware, and presumably will get royal assent shortly. This legislation contains sweeping new regulations of third party political advertising and foreign involvement in the Canadian political discourse.

Some changes in this legislation are welcome, but do not go far enough: namely, that foreign entities are now restricted from funding third parties, and foreign third parties are restricted from advertising during election campaigns. However, foreign entities can still fund third party pre-election issue advocacy campaigns and can still participate as foreign third parties outside of an election period.

One of the most significant ways in which this committee can address the issue of foreign interference in Canadian political campaigns is to recommend that Parliament further restrict the involvement of foreign third parties and foreign-funded domestic third parties in the political process.

However, some changes in that legislation have gone too far. Bill C-76, as passed, for the first time imposes spending restrictions and financial disclosure requirements on third party ads and partisan activities, such as canvassing and calling, from a pre-election period starting June 30 before a fixed-date election until the writ drops. Moreover, Elections Canada will now be regulating, between elections, third parties that spend or receive donations in the amount of \$10,000 or more in relation to ads or partisan activity, and they'll be required to provide this disclosure to Elections Canada.

The Court of Appeal for British Columbia recently found, in 2012, that regulating third party political speech outside of the writ period unjustifiably violates the charter guarantee of free expression, and it is these aspects of Bill C-76 that will, in our view, also be found to be unconstitutional.

There has been some public discussion that this committee should concern itself with policing what some call misinformation found on social media. Respectfully, this committee should decline the opportunity to do so. Leaving aside the obvious constitutional concerns of the state regulating the content of political speech for truthfulness or to sanction offenders, what misinformation is or is not is in the eye of the beholder. Criticizing political speech as misinformation is often code for simple disagreement with a political opinion. There is no easy means for the government or its agencies such as Elections Canada to determine when political opinion enters the realm of what it perceives to be misinformation, and Canadians should be trusted to make their own decisions about the viability and validity of information they find online.

Parliament should not compound the constitutional folly of its over-regulation of third party political speech by attempting to prescribe the content of third party political advertising and issue group advertising. Over-regulating third party political advocacy may have the unintended consequence of chilling political speech. Bill C-76, as it was passed, will significantly increase compliance costs for advocacy groups in the country, many of which are not-for-profit and at one point or another during the election cycle engage in political advocacy. These include everything from small environmental groups to indigenous organizations to taxpayer watchdogs and large trade unions.

Additional regulations concerning advocacy groups' online political activity may simply cause some groups to refrain from participating in commentary on government policy or participating in political debate or, worse yet, to simply ignore or flout the law. Again, this is especially problematic for smaller organizations that will now have to monitor their between-elections advocacy to ensure compliance with the requirements of Bill C-76. More time spent on compliance is less time engaging in campaign and debate, and our public discourse will be the poorer for it. This committee should refrain from any recommendations that over-burden advocacy groups.

Canada has a robust legal infrastructure for the protection of personal information through PIPEDA, through provincial legislation and through administrative structures such as the Office of the Privacy Commissioner. Third party groups are generally required to abide by applicable privacy legislation and, in our view, it is unnecessary to create a new legal regime when the present legislation suffices.

• (1105)

Our organization has been vigilant about protecting the data of Canadians who support and follow Ontario Proud's web properties. It has a long-standing privacy policy, and the personal data of supporters is kept confidential. Any time messages or emails are sent to supporters online, which supporters have already consented to receive, an opt-out or unsubscribe option is always clearly provided.

The first recommendation found in this committee's report of June 2018 is of interest to online advocacy groups, namely that this committee recommended that the government enact transparency requirements regarding how political actors collect and use data to target advertising, including identifying the source of the ad and the target audience. It's notable, however, that the Facebook ads function already contains much of the information that the committee suggests should be legally compelled.

We do not object to transparency requirements, provided they're enacted in such a way as to minimize or eliminate compliance costs for third party advocacy groups. For example, there should be no additional reporting requirements to a government agency, and any such regulations should be applied universally to all political parties, candidates, third parties and advocacy groups, and enacted within the presently existing legislative regime.

The review that this committee is undertaking is both timely and valuable. However, a single data breach involving a single online platform should not be used as an opportunity to over-regulate online political speech or to legislate third party electoral advertising out of existence. In its haste to address the very valid concerns about data security and privacy that arose from the Cambridge Analytica affair, this committee should take great care to ensure that it doesn't throw the baby out with the bathwater.

Canada is a country that values free expression, which fundamentally protects citizens' political speech and, by extension, that of third parties and their supporters. The former Chief Justice McLachlin and Justice Major wrote in minority reasons in *Harper v. Canada*, the Supreme Court's 2004 decision on third party advertising limits, as follows:

This Court has repeatedly held that liberal democracy demands the free expression of political opinion, and affirmed that political speech lies at the core of the Canadian Charter of Rights and Freedoms' guarantee of free expression. It has held that the freedom of expression includes the right to attempt to persuade through peaceful interchange. And it has observed that the electoral process is the primary means by which the average citizen participates in the public discourse that shapes our polity.

Just as much as parliamentarians have a responsibility to protect Canadians' privacy and personal information, so, too, do parliamentarians have a responsibility to uphold this constitutional guarantee of free expression. Protecting the former cannot and should not entail undermining the latter, and the protection of personal privacy should never be used as a proxy for the prevention of political speech.

Thank you.

• (1110)

The Chair: Thank you, Mr. O'Connor.

We'll start with Nathaniel Erskine-Smith for seven minutes. It will probably be the only question we will get, and then we'll have to suspend.

Go ahead, Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Thanks very much.

Mr. O'Connor, I'm glad you're here today, although I have to admit that I'm a little disappointed that Mr. Ballingall is not here. He's a constituent. Something tells me I wouldn't have his vote next year, but I still would like to give him a tour of the Hill.

You or Jeff is on the record, I think, saying that the anti-spam legislation does not apply to Ontario Proud because Ontario Proud is not a commercial actor. Is that correct?

Mr. Ryan O'Connor: We've indicated that Ontario Proud doesn't deliver commercial electronic messages, so it wouldn't fall under CASL in terms of the work that we have done previously.

Mr. Nathaniel Erskine-Smith: Okay. You indicated today, though, that PIPEDA is strong legislation. Were you suggesting that PIPEDA applies to Ontario Proud?

Mr. Ryan O'Connor: No, I'm saying that provincial privacy legislation applies to Ontario Proud. We've done our very best to comply with those legal requirements.

Mr. Nathaniel Erskine-Smith: How many Canadians does Ontario Proud hold personal information about?

Mr. Ryan O'Connor: Are you talking simply about email addresses, individuals who—

Mr. Nathaniel Erskine-Smith: At the very least, email addresses, but beyond that, obviously.... You have 420,000 subscribers on Facebook. You have 155,000 email supporters, according to your Twitter account. You hold information about hundreds of thousands of Canadians. How many Canadians is it exactly?

Mr. Ryan O'Connor: Well, you've listed the numbers, Mr. Erskine-Smith. So the individuals who—

Mr. Nathaniel Erskine-Smith: I can't possibly have listed all the numbers, though. I haven't listed Instagram. I haven't listed various information that you might have from the last provincial election.

Mr. Ryan O'Connor: Yes, I'd be happy to.... There are approximately 100,000 email subscribers. Those are individuals who have consented to providing us with their email addresses so they could—

Mr. Nathaniel Erskine-Smith: Did you say 100,000?

Mr. Ryan O'Connor: It's approximately 100,000, yes.

Mr. Nathaniel Erskine-Smith: The Twitter account of Ontario Proud says it has 155,000 email supporters. Is that incorrect?

Mr. Ryan O'Connor: Sorry...?

Mr. Nathaniel Erskine-Smith: The Ontario Proud Twitter account, which says it has 155,000 email supporters, is incorrect. Is that what you're saying today?

Mr. Ryan O'Connor: No, I said it's approximately 100,000, so there may be more than that now. Whatever's on the Twitter account currently, in the biography, is accurate.

Mr. Nathaniel Erskine-Smith: Right, okay.

Mr. Ryan O'Connor: There are approximately 7,000 or 8,000 followers on Instagram, and approximately 425,000 Facebook followers as well.

Mr. Nathaniel Erskine-Smith: Are we talking about personal information held on, say, about 600,000 Canadians, then?

Mr. Ryan O'Connor: To the extent that someone "liking" a page constitutes holding their personal information, you could make that argument.

Mr. Nathaniel Erskine-Smith: Well, okay, let's talk about that, then.

What information do you have about the followers on your page?

Mr. Ryan O'Connor: The name of the follower. If someone on Instagram, for example, follows Ontario Proud, we have their name or their handle.

Mr. Nathaniel Erskine-Smith: Have you used targeted advertising on Facebook previously?

Mr. Ryan O'Connor: Yes, we have.

Mr. Nathaniel Erskine-Smith: Have you ever used Lookalike Audiences?

Mr. Ryan O'Connor: I am not familiar with that terminology.

Mr. Nathaniel Erskine-Smith: Wait, you're a director of the self-proclaimed largest political Facebook platform in Canada and you don't know what a lookalike audience is?

Mr. Ryan O'Connor: You can characterize a lookalike audience; I don't know what you're describing as a lookalike audience.

Mr. Nathaniel Erskine-Smith: It's a specific thing that Facebook allows for on its platform for advertising.

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: Has Ontario Proud ever used Lookalike Audiences for advertising?

Mr. Ryan O'Connor: For the benefit of the committee, can you define what you're describing by that? That would be appreciated.

Mr. Nathaniel Erskine-Smith: For the benefit of the committee, it's a term described by Facebook.

•(1115)

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: Okay. Ontario Proud is able to upload a specific list of people to advertise to, based on Facebook profiles.

Mr. Ryan O'Connor: If you're asking about micro-targeting, yes, we've engaged in micro-targeting.

Mr. Nathaniel Erskine-Smith: Okay. Once it's uploaded, it can target those people directly. Then the Lookalike Audiences that Facebook provides allows you to target people who look like those one thousand people whose profiles you've uploaded. Does Ontario Proud use Lookalike Audiences targeting?

Mr. Ryan O'Connor: I can't speak specifically to that.

Mr. Nathaniel Erskine-Smith: Maybe you shouldn't be here today on behalf of Ontario Proud if you don't know what a lookalike audience is and you don't know if Ontario Proud has ever used Lookalike Audiences.

Who is Olivia?

Mr. Ryan O'Connor: Olivia was an individual who delivered text messages to individuals to determine whom they would be voting for in the provincial election.

Mr. Nathaniel Erskine-Smith: Okay. How many text messages did Olivia deliver?

Mr. Ryan O'Connor: Several text messages were sent out.

Mr. Nathaniel Erskine-Smith: Do you mean a million or do you mean several?

Mr. Ryan O'Connor: I mean several different varieties, yes. Hundreds of thousands of text messages were sent out during the provincial election.

Mr. Nathaniel Erskine-Smith: Were there a million text messages sent out?

Mr. Ryan O'Connor: It's close to that, yes.

Mr. Nathaniel Erskine-Smith: How many?

Mr. Ryan O'Connor: It was hundreds of thousands. I don't have the exact figure with me right now.

Mr. Nathaniel Erskine-Smith: Jeff has said there were over a million.

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: So would you agree with Jeff?

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: Okay. So how many phone calls were made?

Mr. Ryan O'Connor: Hundreds of thousands.

Mr. Nathaniel Erskine-Smith: Hundreds of thousands. How many do you think Jeff would say if he were here today?

Mr. Ryan O'Connor: He can say whatever he wants, Mr. Erskine-Smith. I don't understand what you're getting at.

Mr. Nathaniel Erskine-Smith: He has said it was over 2.5 million calls.

Mr. Ryan O'Connor: Yes, exactly.

Mr. Nathaniel Erskine-Smith: Is that hundreds of thousands?

Mr. Ryan O'Connor: It's in excess of that.

Mr. Nathaniel Erskine-Smith: It's in excess of that. It's 2.5 million calls.

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: Can you be a little more exact in your answers?

Mr. Ryan O'Connor: Okay.

Mr. Nathaniel Erskine-Smith: What call centre was used to make those calls?

Mr. Ryan O'Connor: We used a vendor.

Mr. Nathaniel Erskine-Smith: What was the name of the vendor?

Mr. Ryan O'Connor: That's proprietary.

Mr. Nathaniel Erskine-Smith: The name of the vendor is proprietary.

Mr. Ryan O'Connor: We don't disclose the names of our vendors. We're not required by law to do so. That's a commercial matter.

Mr. Nathaniel Erskine-Smith: You're refusing a question at a parliamentary committee.

How did you obtain 2.5 million phone numbers?

Mr. Ryan O'Connor: The vendor utilized a list that it had.

Mr. Nathaniel Erskine-Smith: Okay. So you contracted an undisclosed vendor to call 2.5 million people.

What question did you ask?

Mr. Ryan O'Connor: Do you mean in terms of the calling?

Mr. Nathaniel Erskine-Smith: No, something else I wasn't asking about.

Mr. Ryan O'Connor: Sorry, could you say that again?

Mr. Nathaniel Erskine-Smith: Yes, of course it's about the phone calls that were made. What questions were asked?

Mr. Ryan O'Connor: I don't understand why you are being so facetious. I didn't hear what you said.

Mr. Nathaniel Erskine-Smith: I'm not getting particularly helpful answers, Mr. O'Connor.

In an interview with The Globe and Mail, Ballingall stated he has no clue how Ontario Proud received the phone numbers from the Canadian Numbering Administrator. Do you know anything about that?

Mr. Ryan O'Connor: Yes, the vendor made the phone calls on our behalf—

Mr. Nathaniel Erskine-Smith: So when Mr. Ballingall said he had no clue—

Mr. Ryan O'Connor: We're not privy to the exact means by which those numbers were procured.

Mr. Nathaniel Erskine-Smith: So, 2.5 million phone calls were made, and a million text messages were sent. Presumably a number of people, maybe several hundred thousand, whatever the number might be—I'm sure you don't know—answered those phone calls and those text messages and provided information to Ontario Proud. So Ontario Proud holds that information about individuals. Is that correct?

Mr. Ryan O'Connor: The vendor holds that information, yes.

Mr. Nathaniel Erskine-Smith: That's over and above the 400,000 Facebook followers and the 155,000 emails. Is that correct?

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: How many Canadians does Ontario Proud hold personal information about?

Mr. Ryan O'Connor: Let's be clear: We don't necessarily have those individuals' names, so I'm not saying that.

Mr. Nathaniel Erskine-Smith: You might.

Mr. Ryan O'Connor: We have aggregate data from the results of the phone calls.

Mr. Nathaniel Erskine-Smith: There were 2.5 million phone calls. Presumably there are some results, and you hold—or you may hold—personal information as a result. Presumably it's not zero.

Mr. Ryan O'Connor: We may. It's aggregated data.

The Chair: We're out of time.

We're going to suspend. We'll come back after the votes, Mr. O'Connor.

See you in about a half an hour.

• (1115) _____ (Pause) _____

• (1145)

The Chair: I will call the meeting back to order, everyone. Thanks for making it back.

We ended with Mr. Erskine-Smith when we suspended. Now we're going to Mr. Kent for seven minutes.

Hon. Peter Kent (Thornhill, CPC): Thank you, Chair.

Thank you, Mr. O'Connor, for attending today.

I must say I was a bit surprised at the opening round of questions by Mr. Erskine-Smith, with the emotion and the passion. There seems to be a little bit of an issue with a constituent in the constituency, and I understand the background for that.

Mr. O'Connor, as you're aware, there have been a host of third parties active in Canadian elections, increasingly in recent years. In 2015, we had any number of Canadian third party players tied to Canada—the Dogwood initiative, Sisu Institute, the DI Foundation, the Salal Foundation, and, of course, Leadnow.

It's interesting that all of these Canadian third party players, either directly in elections or in election-related anti-resource development campaigns, were parented and subsidized in a variety of ways by American organizations, such as the Tides Foundation U.S.A., the Rockefeller Brothers Fund, or the Online Progressive Engagement Network, know by its acronym OPEN, which was itself created by an American organization called the Citizen Engagement Laboratory, which self-identifies as the people behind the people.

Recognizing the statement you made in your opening remarks, again, for the record, does Ontario Proud have an American or, for that matter, any other foreign benefactor of funds, direction or technological support?

• (1150)

Mr. Ryan O'Connor: No. As I indicated, neither Ontario Proud nor its sister pages have any sort of association with anyone outside of this country. We're 100% domestically funded, and we will remain that way.

Hon. Peter Kent: I don't know how closely you have been following our study, which began earlier this year after the Cambridge Analytica-Facebook-AggregateIQ scandal, but by an unfortunate matter of timing, the final report of this study was tabled this morning before your testimony.

I would draw to your attention, with regard to your recommendations that third party political players not be subject to too much oversight, scrutiny or regulation, that recommendation 2 says:

That the Government of Canada amend the Personal Information Protection and Electronic Documents Act [PIPEDA] in order to subject political third parties to it.

Recommendation 3—and, again, this was unanimously agreed by this committee—says:

That the Government of Canada grant the Office of Privacy Commissioner and/or Elections Canada the mandate and authority to conduct proactive audits on political parties and political third parties regarding their privacy practices and to issue...fines.

With regard to the appearance of the three major political parties in Canada before this committee, only the Liberal Party resisted and argued against the application or the extension of PIPEDA to include political activities. The Conservative Party said, "Write the rules, and we will follow them." In effect, so did the NDP.

Could you live with the recommendations that this committee has made in its report, tabled today, should the government act on them?

Mr. Ryan O'Connor: That's subject to my reviewing them in great detail, but Mr. Kent has provided a summary, so I'll make some brief remarks about that.

Certainly, we will comply with whatever legislation applies at a given time. If PIPEDA is extended to include third parties operating on a national level—I suppose Parliament can amend the legislation to do that—we'll comply.

However, the problem we would have would be increasing compliance costs. Already with Bill C-76, there are going to be significant compliance costs for third parties between elections. They will have to monitor their online advocacy if they receive a number of funds that total \$10,000 or more. That's not a lot of money when they're receiving those donations within the four-year election cycle. Groups that don't even consider themselves third party political advertisers now might fall within the ambit of Bill C-76. That means they'll have to hire an auditor. That costs money. That means they'll have to potentially hire legal counsel for many different things that they wouldn't have had to before. That costs money.

If the intent is to have a robust political discourse in this country, managed by Elections Canada, I don't know that an increase in clients' costs, especially for small third parties, would do it. Certainly, our organization and our sister organizations will comply with the legislation as it's drafted. Provincial privacy legislation already applies to the work that we do. But again, if PIPEDA is extended, it should be extended fairly and to all political actors, including all political parties and candidates. Some of the biggest repositories of personal information in this country rest in all of the political parties' databases, not in third party databases.

Hon. Peter Kent: Again, just for the record, a good deal of that information in terms of individual voters in the respective constituencies comes from Elections Canada or from interaction with constituents who, either on social media or in response to printed material, offer their accessibility through a phone number or an email.

You did mention the fact that there are already some reporting responsibilities with regard to the placement of advertising on social media platforms. However, we heard in testimony from a large number of players—including Mr. Wylie himself, who was the whistle-blower in the Cambridge Analytica affair—that a more lay-friendly website, repository or registry would be much more helpful in being able to see what ads were placed, who paid for them, what the content of the ads was and what the timing of those placements might be. Would you have a problem with that?

• (1155)

Mr. Ryan O'Connor: Certainly, that's something that's going to be undertaken, I think, by the service provider, be it Google or Facebook. They appear to be going down that road anyway.

The concern for me, again, rests with compliance costs. Do the third parties—I'm not necessarily talking about us, with our large reach, but an individual community group that wants to comment on a political issue—now have to hire a privacy expert, a lawyer, to advise them on these matters? There are some concerns about the compliance costs.

Again, we don't have an issue with complying with the law as it's drafted, but this committee and Parliament should really be aware of the impact that any recommendations from this committee, in conjunction with what has been passed in Bill C-76, subject to royal assent, would cause. There's going to be, I think, a very significant

and, I would argue, deleterious impact on very small individual community groups and other individuals who wish to speak on political matters of the day, because now they're going to be required to comply with Elections Canada regulations, potentially regulations emanating from this committee, during the entire election cycle. That doesn't necessarily encourage a robust environment for free speech, in my view.

The Chair: Thank you, Mr. Kent.

Next up for seven minutes is Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. O'Connor, for coming.

I want to ask you a few questions about the phone campaign that you ran in the final days of the provincial election. It seems to be a little at odds with the statement that you're non-partisan and that you just set up a Facebook site and got a whole bunch of likes. However, you ran 2.5 million calls, plus a million texts. Who ran the phone campaign?

Mr. Ryan O'Connor: We used a vendor. As I indicated previously in our discussions today, that vendor has access to telephone numbers through which it made those text messages and delivered those phone calls.

Mr. Charlie Angus: What was the call centre? Who did that work?

Mr. Ryan O'Connor: That's proprietary. It's a vendor that engages in these—

Mr. Charlie Angus: It's proprietary. Does it engage in other political work? There aren't too many people able to do that. Does this unnamed vendor do other political work?

Mr. Ryan O'Connor: I can't speak on behalf of that vendor. I suspect that they do.

Mr. Charlie Angus: You suspect that they do.

Did you just look them up in the Yellow Pages? How did they come to you?

Mr. Ryan O'Connor: Individuals seek out assistance from organizations for any number of reasons.

Mr. Charlie Angus: Were they doing work for the Ontario PCs?

Mr. Ryan O'Connor: I can't speak to what work any vendor we have utilized has done in the past, or will do in the future.

Mr. Charlie Angus: If our committee asked you to give us that information, would you be willing to pass that on to our parliamentary committee?

Mr. Ryan O'Connor: In terms of, if you requested...?

Mr. Charlie Angus: Yes, if we made an official request as to who ran that call centre—

Mr. Ryan O'Connor: I'd have to review the official request.

Mr. Charlie Angus: Okay.

What strikes me, and I just want to find out.... Did Olivia run this?

Mr. Ryan O'Connor: Olivia was an individual the call centre utilized in the text messages—

Mr. Charlie Angus: Is Olivia a real person?

Mr. Ryan O'Connor: I can't speak to who Olivia is. That was the vendor's name of the individual who was sending out the text messages and delivering the phone calls.

Mr. Charlie Angus: Can you verify that Olivia exists? Is Olivia a real person, or just a name?

Mr. Ryan O'Connor: I can't speak to who Olivia is at the call centre. That's information with our vendor.

Mr. Charlie Angus: When I do phone calling and when my volunteers phone call, we are obligated by law to identify who we are and whom we're representing, and yet I hear people saying, "I just got this text from Ontario Proud. How did this hateful organization get my number? They're posting that it was Olivia."

If Olivia doesn't exist, then would you not agree that what you were doing was sending false information to people, claiming to be somebody you weren't?

Mr. Ryan O'Connor: That's not the case whatsoever. We had—

Mr. Charlie Angus: Would you be able to prove...? Would you be able to give us...? Olivia sent a million texts. Either Olivia exists, or she's a front that you created. If it's that, then you're misrepresenting your political work.

You were doing a massive call-out in the final five days of the campaign. That is political intervention in a provincial campaign that's pretty much unprecedented. There were 2.5 million calls put out by a person called Olivia. I just want to know if Olivia really exists. Who decided that it would be Olivia, as opposed to Jeff? "Hi, it's Jeff Ballingall, from Ontario Proud. I want to know whom you're voting for."

Would you at least agree, if we suggested to the CRTC that there should be the same requirements on third parties, that you would have to identify who you are and whom you're representing when you're texting and phoning? Would that be too onerous for you?

• (1200)

Mr. Ryan O'Connor: In all of the text messages that were sent out, Mr. Angus, Ontario Proud was identified. These were not anonymous text messages. The telephone calls were not anonymous—

Mr. Charlie Angus: If Olivia doesn't exist, then that's an anonymous text message. You sent that out in the final five days of the campaign.

Mr. Ryan O'Connor: The vendor used that name. They used this: "It's Olivia, from Ontario Proud."

It was our campaign. We had sent text messages out. We had identified clearly that it was Ontario Proud.

To answer your question, Mr. Angus—

Mr. Charlie Angus: Where did you get all of these numbers?

I have to say, I work very hard in my riding, and getting cell numbers is really difficult, yet you had 2.5 million cell numbers. Where did you get those?

Mr. Ryan O'Connor: I want to be clear. The provincial NDP ran an almost identical text message campaign.

Mr. Charlie Angus: Yes, but the NDP is a legitimate political party. You're supposed to be a disinterested third party, with somebody named Olivia.

If the Liberals or the Conservatives send me messages, I know where I can track them. They have a database.

Where did you get your database?

Mr. Ryan O'Connor: Are you saying that third parties that participate in political discourse are illegitimate?

Mr. Charlie Angus: Where did you get those cell numbers?

Mr. Ryan O'Connor: They came from the vendor.

Mr. Charlie Angus: They came from the vendor. Would they have come from the vendor working for another political party?

Mr. Ryan O'Connor: I can't speak to where the vendor obtains its information. I'm not going to speak on its behalf—

Mr. Charlie Angus: Those 2.5 million numbers.... Do you maintain that? Do you still have that?

Mr. Ryan O'Connor: No, that's from the vendor. We have aggregated data.

Mr. Charlie Angus: You have aggregated data. Okay, thank you.

I'm interested in, again, how you're set up. You talk about other third parties. There are environmental and political groups, and they're always identified as political groups, but when Ontario Proud was set up, it was like, "Hey, check out the colours of fall. If you like the colours of fall, click Ontario Proud." Then it's a campaign of engaging with people who aren't engaged politically.

You send them some nice things about mothers and the fall colours, and then you run headlines like "Scumbag Kathleen Wynne". That is a kind of misinformation tactic—presenting yourself as just interested in all things Ontario, and then you run this campaign where they say, "That ugly nasty greedy no good money grubbing snot faced witch"; "The ugliest human dyke who ever existed"; and "I'm surprised that no one has shot her but maybe the bullets cost too much".

When I read that, it really fits into what we heard about Facebook: If something is so far over the line, it gets pulled, but if it gets right up to the line of really aggressive, misogynist hate stuff, it actually peaks, in terms of likes. You can claim that you got more likes than the Toronto Star and the Globe.

Is that the technique, to push it right up to the line, saying, "I'm surprised nobody shot her," to get the likes to drive your agenda? Is that how you work your algorithm?

Mr. Ryan O'Connor: I don't really know what you're getting at. You've quoted a comment—

Mr. Charlie Angus: Do you want me to walk you through this? You run a thing called “Scumbag Kathleen Wynne” and you have things that say, “The ugliest...dyke who ever existed” and “I’m surprised that no one has shot her”. I’m asking you, when you run that kind of content... Personally, I don’t care. I’d never vote for Kathleen Wynne in a million years, but when I read that, I think that is about as close to the line as you can get.

Is the tactic to beat the Facebook algorithm to get right up to the line without getting yourself into something that is illegal, to pump the likes? Man, you have a lot of likes there on that campaign.

Mr. Ryan O’Connor: With respect to the quote you made, Ontario Proud never produced that content. That was a comment that existed on one of the Facebook posts. We do our due diligence to filter out inappropriate, hateful and misogynist commentary. We actually have a—

Mr. Charlie Angus: Misinformation is in the eye of the beholder. Isn’t that what you said?

Mr. Ryan O’Connor: Some persons will call “misinformation” something they just disagree with politically. That’s not a fair characterization, in my opinion.

Mr. Charlie Angus: Thank you.

The Chair: Thank you, Mr. Angus.

Next up, we have Ms. Fortier for seven minutes.

[Translation]

Mrs. Mona Fortier (Ottawa—Vanier, Lib.): Mr. O’Connor, my first question concerns your funding.

What type of fundraising is Ontario Proud involved in?

• (1205)

[English]

Mr. Ryan O’Connor: In terms of our fundraising activities, we’ve solicited donations online, from small donors from across Ontario to larger, more institutional donors who are interested in our messaging. We do a wide variety of fundraising. Sometimes it’s just online campaigns where individuals will contribute a few hundred dollars here and there because they support us. Sometimes it’s even as little as \$10 if they support our message. We do undertake a wide variety of fundraising at Ontario Proud.

[Translation]

Mrs. Mona Fortier: Do you use your revenues to raise funds in order to forge ahead? Do you use revenues from donations to fundraise?

[English]

Mr. Ryan O’Connor: The translation said “from nations”; I’m not sure what it meant.

All of the funds that we utilized in Ontario with respect to the provincial election were funds from Ontario entities or individuals.

[Translation]

Mrs. Mona Fortier: What do you do with this money?

[English]

Mr. Ryan O’Connor: We spend it predominantly on advertising. We also have a staff of video producers, so we have to pay their

expenses. We have office overhead. There’s the advertising aspect. We also have a staff of individuals and human resource needs that need to be funded as well.

[Translation]

Mrs. Mona Fortier: What’s the highest amount that you’ve received?

[English]

Mr. Ryan O’Connor: We’ve received donations of as little as five dollars and donations in the tens of thousands of dollars.

Just to be clear, madame, our financial disclosure was recently filed with Elections Ontario. They haven’t posted it online yet, so I think it would be jumping ahead of things. I can refer members of the committee, if they’re interested, to our online filings with Elections Ontario, which will clearly indicate the names of donors—the individuals who have donated—as well as their contribution amounts. That should be available online shortly.

[Translation]

Mrs. Mona Fortier: You could provide this information to the committee. That would be helpful.

How many organizations, companies or individuals are contributing to this? You said that this figure will soon be published, but can you already give us an idea?

[English]

Mr. Ryan O’Connor: I’m doing this off the top of my head because I don’t have my list in front of me, so I apologize, madame.

In terms of individual small donors—that would be individuals who are not affiliated with institutions—there would probably be, off the top of my head, several hundred. I would say there were probably about 200. For institutional donors—that would be corporations, for example—there were a smaller number of those, likely about two dozen, approximately.

I’m really approximating, because I don’t have—

[Translation]

Mrs. Mona Fortier: You’re talking about private sector companies.

Do you provide services to certain organizations in exchange for contributions?

[English]

Mr. Ryan O’Connor: One can analogize us accepting contributions from persons who like our message to political parties accepting funds from institutions back when it was legal to do so federally.

No, there's no quid pro quo. With respect to Ontario Proud, we accept contributions from people from across Ontario, from institutions and individuals who support our message, but there's certainly no quid pro quo, so to speak.

[Translation]

Mrs. Mona Fortier: You made it clear earlier, but can you confirm that you're not soliciting money outside Canada?

[English]

Mr. Ryan O'Connor: I want to emphasize with the greatest degree of clarity that we never have and never will. Ontario Proud and the Proud organizations are 100% domestically funded and will continue to be. We're frankly, no pun intended, proud of that. We don't need to solicit funds outside of Canada, and we do not want to.

We have strongly advocated against foreign interference in Canadian elections, and that includes foreign interference with respect to data, with respect to political parties and with respect to third parties. We're 100% Canadian and we'll always remain that way.

[Translation]

Mrs. Mona Fortier: Do you transfer money to your sister organizations?

[English]

Mr. Ryan O'Connor: No. We're not able to do that because of the various legislative regimes in each of the provinces. Each province has specific campaign and election financing legislation, so each of the Proud organizations is a separately incorporated and separate entity. For example, with respect to Ontario Proud, madame, you'll see funding disclosure shortly. All that funding came from Ontario. It cannot be transferred to another province—for example, British Columbia, which is in an election cycle right now—because that may run afoul of their provincial legislation.

• (1210)

[Translation]

Mrs. Mona Fortier: Do you carry out joint fundraising with other sister organizations?

[English]

Mr. Ryan O'Connor: Not with respect to fundraising.

[Translation]

Mrs. Mona Fortier: I'll share the rest of my speaking time with Mr. Erskine-Smith.

[English]

Mr. Nathaniel Erskine-Smith: You mentioned that Ontario Proud is subject to provincial privacy laws. They comply with provincial privacy laws here in Ontario. Is that right? You said that to me earlier.

Mr. Ryan O'Connor: Yes.

Mr. Nathaniel Erskine-Smith: What provincial privacy laws?

Mr. Ryan O'Connor: The Privacy Act.

Mr. Nathaniel Erskine-Smith: Does the Privacy Act apply to an organization like Ontario Proud?

Mr. Ryan O'Connor: We comply with all relevant privacy legislation. If there's a specific question you have about our compliance, I'm happy to discuss it.

Mr. Nathaniel Erskine-Smith: I guess my specific question is.... PIPEDA actually applies to commercial organizations in Ontario, because Ontario doesn't have substantially similar legislation to apply to commercial entities. By saying you comply with provincial privacy laws, do you mean that you comply with PIPEDA?

Mr. Ryan O'Connor: That's correct, yes.

Mr. Nathaniel Erskine-Smith: Okay, except that PIPEDA doesn't apply to non-commercial entities, so it wouldn't actually apply to Ontario Proud....

Mr. Ryan O'Connor: Yes. I mean, you can interpret it the way you want. We comply with the spirit of PIPEDA and the spirit of Ontario's Privacy Act. We've implemented a privacy policy, though we do not believe we had legal compulsion to do so in light of the work we do. We abide by that policy, and we're very strict about the use of our supporters' data with respect to—

Mr. Nathaniel Erskine-Smith: I appreciate that, and consent is obviously an overriding feature of PIPEDA.

When you called 2.5 million people and you texted a million people, did you have consent to contact them on behalf of Ontario Proud?

Mr. Ryan O'Connor: Again, we work with a vendor, who complies—

Mr. Nathaniel Erskine-Smith: Did the vendor have the consent of these individuals?

Mr. Ryan O'Connor: You'd have to speak to the vendor, but the vendor has assured us that it complies with all relevant legislation, both federal privacy legislation—because that's a telecommunications venture—and CASL.

The Chair: That's the time. Thank you, Mr. Erskine-Smith.

Next up, for five minutes, is Monsieur Gourde.

[Translation]

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

Mr. O'Connor, Ontario Proud was founded in 2016.

[English]

Mr. Ryan O'Connor: In 2016, yes.

[Translation]

Mr. Jacques Gourde: What is its legal status? Is it a foundation? Is it a company?

[English]

Mr. Ryan O'Connor: It's a not-for-profit corporation.

[Translation]

Mr. Jacques Gourde: Okay. Is there a formal board of directors?

[English]

Mr. Ryan O'Connor: That's correct, yes.

[Translation]

Mr. Jacques Gourde: The board of directors establishes Ontario Proud's goals, focus and mission. What is this mission?

[English]

Mr. Ryan O'Connor: Our mission is to promote lower taxes, fair taxes; accountability and ethics in government; Ontario and Canadian culture; transparency; and personal freedom.

[Translation]

Mr. Jacques Gourde: By definition, do you need to maintain the equivalent of a newspaper using digital media? Advertising involves the publication of messages, videos and photos. People take care of this. It's the basis of the work done by a media outlet.

[English]

Mr. Ryan O'Connor: That's the basis of a lot of the work we do. It's predominantly online-focused, if not exclusively. We have strayed away from online advertising and political messaging. Prior to the last Ontario election, for example, we ran some TV ads in a local market in Ontario. For the most part, the work that we do—the videos we produce, the memes and the content—is all online on social media.

[Translation]

Mr. Jacques Gourde: Do you share a lot of political opinions and opinions on various topics other than politics?

[English]

Mr. Ryan O'Connor: It's predominantly political, but there may be cultural matters that we discuss. It really all depends, usually, on what's in the news. It does go beyond politics, but it's predominantly politically focused.

[Translation]

Mr. Jacques Gourde: In 2016, when your foundation was created, did it meet a need in the community? We know that nature abhors a vacuum. Did a significant void in terms of political opinions in Ontario lead you to create Ontario Proud?

•(1215)

[English]

Mr. Ryan O'Connor: Yes, there was a bit of a void, we would argue, and we've said this publicly in the press. There was a bit of a void in terms of third parties advocating for fairer taxes, personal freedom and government accountability and responsibility. We did see a void there. Not a lot of people, frankly, were using social media effectively to articulate political messaging.

We did see that the federal Liberal Party did a tremendous job of online campaigning and Facebook messaging in the 2015 election, and that was something we looked to. There was a void from the non-political party perspective.

It wasn't intended to become what it has, but we're happy that it has become what it has.

[Translation]

Mr. Jacques Gourde: Does this void also come from traditional media, which tend to present only one side of the coin, or does it go beyond that?

[English]

Mr. Ryan O'Connor: I think it demonstrates that a lot of persons now obtain their news from social media. In fact, there have been surveys published in the press that indicate that many persons don't even turn to traditional media to obtain their news anymore. They simply go to their Facebook newsfeed. In between photos of their grandchildren, they see stories from the national press, the CBC, etc.

I think what we're doing is a bit ahead of the game, but the world is moving towards that and away from traditional media. I think that's not necessarily a bad thing. A diversity of views, opinions and news is a good thing in a thriving liberal democracy.

[Translation]

Mr. Jacques Gourde: If the trend is for people to look for information through digital media because they're spending more and more time searching on their smart phones and on other platforms, how, in an election campaign, should we view these new digital platforms, which spread a great deal of information and over which there's virtually no control? Do you have ways to help us?

[English]

Mr. Ryan O'Connor: I don't think that the government, Elections Canada or federal agencies should ever be involved in regulating the content of news. I don't think that historically in this country we've had a sort of “commissioner of news media” to determine whether something that's being published is appropriate or not.

What I can say is that we're certainly open to stating to the committee that we as a third party want to comply with the legislation in terms of disclosure of our finances, etc. That's what we'll be doing with Bill C-76.

In terms of regulating the content of what occurs online, that's a beast that I don't think government is equipped to handle, and it's not something that I think it should handle.

The Chair: Thank you, Mr. Gourde.

Next up, for five minutes, we have Monsieur Picard.

Mr. Michel Picard (Montarville, Lib.): I'll give my time to Mr. Erskine-Smith.

The Chair: Okay.

Is it Mr. Erskine-Smith or Mr. Baylis?

Mr. Nathaniel Erskine-Smith: We'll go with Frank, and then I'll take the next five.

The Chair: Go ahead, Mr. Baylis.

Mr. Frank Baylis (Pierrefonds—Dollard, Lib.): How many people work at Ontario Proud?

Mr. Ryan O'Connor: We have two full-time employees and several part-time employees. We have consultants who assist us on an as-needed basis.

Mr. Frank Baylis: What's your annual budget?

Mr. Ryan O'Connor: We categorize it differently because of regulatory requirements, so I—

Mr. Frank Baylis: What's the global budget?

Mr. Ryan O'Connor: It really depends. Last year—

Mr. Frank Baylis: What was last year's global budget?

Mr. Ryan O'Connor: We'll see that in the disclosure, but last year we spent a significant amount of money. We fell within the guidelines.

Mr. Frank Baylis: That's fine. What is the number?

Mr. Ryan O'Connor: Okay. Last year, hundreds of thousands of dollars was spent on third party political ads. That will be disclosed shortly, so you can see the numbers for yourself. Our human resources budget is actually not massive. We have to pay salaries. I'm not prepared to disclose what we're paying for salaries—

Mr. Frank Baylis: I'll ask again. What was the global budget? I don't need the salary breakdown. How much money in total did you spend last year? It's a simple question.

Mr. Ryan O'Connor: It would have been likely close to half a million dollars, or a little bit in excess of that with respect to advertising.

Mr. Frank Baylis: It's over half a million dollars. That's fine. Where did all of that money come from? Did every single dollar of that money come from inside of Ontario, yes or no?

Mr. Ryan O'Connor: Yes, with respect to third party political—

Mr. Frank Baylis: No, I didn't ask that. I asked with respect to the total global budget, not the advertising budget. You said you spent over half a million dollars last year.

Mr. Ryan O'Connor: Yes.

• (1220)

Mr. Frank Baylis: Did every single dollar of that money come from people living in Ontario?

Mr. Ryan O'Connor: That has been spent in the—

Mr. Frank Baylis: No, I didn't ask that. I mean the entire spend, the entire budget.

Let me put it another way, so you cannot avoid the question. Did you, in any way, receive money from people outside of Ontario?

Mr. Ryan O'Connor: Are you talking specifically with respect to Ontario Proud's activities?

Mr. Frank Baylis: No. I didn't say in which respect. Did you receive money from outside of Ontario? That's the end of the question, period, with no caveats. Did you receive money from outside of Ontario?

Mr. Ryan O'Connor: Yes, but not for third party political advertising.

Mr. Frank Baylis: I didn't ask that.

Mr. Ryan O'Connor: Well, I think it has to be stated because—

Mr. Frank Baylis: It doesn't have to be stated, because if you used money from foreign entities to run the operation and then just made sure that when you were doing advertising you did it from Ontario, that's another way of skirting around the rules.

Mr. Ryan O'Connor: No, no. You misunderstood—

Mr. Frank Baylis: You are receiving—

Mr. Ryan O'Connor: —my response.

Mr. Frank Baylis: I'm asking the questions.

Mr. Ryan O'Connor: Zero dollars came from foreign entities.

Mr. Frank Baylis: You are receiving money from outside of Ontario.

Mr. Ryan O'Connor: It's from within Canada.

Mr. Frank Baylis: Stop trying to mislead us. It's a simple question. Are you receiving money, irrespective of its application, from outside of Ontario? I've asked it many times. You can say yes or no. I already know the answer. It's yes, so please say yes.

Mr. Ryan O'Connor: Yes, but it's not foreign; it's Canadian.

Mr. Frank Baylis: I didn't say “foreign”.

Mr. Ryan O'Connor: You just did.

Mr. Frank Baylis: I said “outside of Ontario”. That's not foreign.

I'll repeat it one last time—

Mr. Ryan O'Connor: I said yes.

Mr. Frank Baylis: Why did we have to go through this circuitous route for you to hide that?

Mr. Ryan O'Connor: I didn't. I had to explain that there was a regulatory period because of the provincial election.

Mr. Frank Baylis: I didn't ask that question. I simply asked what your budget was and where the money was coming from. You went through this whole circuitous route to try to avoid that. Why?

Mr. Ryan O'Connor: It was important because I don't want there to be any misconceptions.

Mr. Frank Baylis: No, you're the one trying to mis.... Okay.

Are you conscious of the difference between misinformation, disinformation and mal-information? Do you monitor any of that?

Mr. Ryan O'Connor: We do. With respect to the content that Ontario Proud produces, we take great pains that, first, it's properly sourced. For example, if we're reporting on a news story or on an issue that has arisen in the public discourse, we source that. We do that with a traditional notation—for example, “CBC, December 10, 2018”.

Opinion, of course, is not sourced. We like to say that all opinion expressed on the Ontario Proud pages is legitimate opinion.

Mr. Frank Baylis: From an editorial perspective, who is monitoring to make sure you're not crossing the line in promoting or passing along hate speech, for example? My colleague Mr. Angus gave examples of what he says skirted the line. For me, it is hate speech. Who is your editorial board that says something has crossed the line and that you're not going to promote it and use money to push the story forward?

Mr. Ryan O'Connor: Our full-time employees monitor the web properties and Facebook on a day-to-day basis. We do have an automated program that catches inappropriate terms, terms that might be misogynist, for example. We flag those, and those comments are automatically deleted.

Mr. Frank Baylis: Before I run out of time, I want to ask you to submit to this committee the names of everybody who has provided money to Ontario Proud who is not from Ontario. I want the list, please.

Mr. Ryan O'Connor: Okay, well, we comply—

Mr. Frank Baylis: Are you worried about doing that?

Mr. Ryan O'Connor: Sorry? Am I worried about it? No. We comply with the relevant legislation, so we'll continue to do so.

Mr. Frank Baylis: I didn't ask that. I asked whether you will provide a list of everybody who has provided money to Ontario Proud who resides outside of Ontario.

Mr. Ryan O'Connor: No. Again—

Mr. Frank Baylis: No, you won't? Why not?

Mr. Ryan O'Connor: Well, we're going to comply and we have complied—

Mr. Frank Baylis: I didn't ask you to comply. I asked—

Mr. Ryan O'Connor: We're not—

Mr. Frank Baylis: I asked you a specific question. Will you provide us a list of your donors who are running Ontario Proud from outside of Ontario?

Mr. Ryan O'Connor: We're not providing information that we're not required to provide, but we—

Mr. Frank Baylis: Why are you hiding it?

The Chair: Thank you, Mr. Baylis. That's the time.

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

Hon. Peter Kent: Thank you, Chair.

I'd like to come back to the reasons that Ontario Proud was founded, and in a comparative sense. We know that Leadnow was founded in 2011, under the direction of Mr. Brandzel. Mr. Brandzel is with the Online Progressive Engagement Network, OPEN, in the United States. He currently lives in Bangalore, India, of all places.

After the 2015 election, Leadnow claimed to have defeated between 23 and 28 Conservative candidates with its political action. It originally banned foreign advertising, but in 2012 it allowed it and has continued to subsidize its campaigns with American funding from a variety of sources.

You said there was a vacuum when Ontario Proud was created in 2016. Were you aware of the way Leadnow had been created and was acting, and of the dynamics of their campaign specifically

against the sitting government—a campaign for which their American founder gave them an award for defeating a government?

• (1225)

Mr. Ryan O'Connor: I take a great interest in the work of third parties, since I participate in one, but I certainly didn't know the extent to which foreign actors were funding third party campaigns or campaigns against Canadian parliamentarians running for office or offering for the first time. That information came out after the election, so I only became alerted to it—as someone who is interested in these matters—after individuals were elected.

Hon. Peter Kent: Coming back again... Ontario Proud was created in the run-up to an Ontario provincial election, but it was to fill a void in terms of social media activity, which you had observed by other players supporting other political parties.

Mr. Ryan O'Connor: Yes. I mean, there are different models. We did notice that certain parties and certain candidates were getting support from individuals, be they Canadian third parties, foreign-funded third parties or what have you, but there was a void for what we saw as our message. There was a void both in terms of using social media effectively to reach Ontarians and other Canadians, and in terms of the messages we were concerned about, with respect to government transparency, lower taxes and personal freedom.

Hon. Peter Kent: Going forward, has your focus shifted to federal politics, or will you remain in the provincial domain?

Mr. Ryan O'Connor: We do run a lot of content that relates to federal politics. As I indicated in our opening remarks, Mr. Kent, we do intend to register as a national third party organization, when required to do so, for the upcoming national election.

Hon. Peter Kent: Would you operate solely within the province of Ontario, or would you perhaps...? Obviously, social media knows no borders or boundaries, but would your content be broadened deliberately to national dimensions?

Mr. Ryan O'Connor: We're still determining internally what the most appropriate structure is. We expect it will be a separate entity that we'll then register. That entity will be the one ultimately running third party political ads for the upcoming election. That's not something we've made a final decision on, whether it's a new manifestation of Ontario Proud or one of the other pages becoming a national page.

Hon. Peter Kent: Thank you.

The Chair: You have another minute. No? Okay.

We'll go over to Mr. Erskine-Smith for five, and then to Mr. Angus for five after that.

Go ahead.

Mr. Nathaniel Erskine-Smith: Thanks very much.

I just want to close off on PIPEDA. You said you follow the spirit of PIPEDA, but you acknowledge that you're not obligated to follow the actual rules within PIPEDA.

Mr. Ryan O'Connor: Yes. If this committee has any concerns—and I know it does with respect to data breaches and privacy—we're certainly open to being regulated by privacy legislation—

Mr. Nathaniel Erskine-Smith: That's—

Mr. Ryan O'Connor: If you see a lacuna there, Mr. Erskine-Smith—

Mr. Nathaniel Erskine-Smith: Well, that's my principal point. We've made a recommendation whereby something that is manifestly hate speech, harassment or disinformation should be subject to a quick takedown. I think there are concerns with respect to free speech beyond that—and rightfully so.

However, when it comes to data protection and the importance of consent as an operating principle, I think third party political actors like Ontario Proud should absolutely be subject to those rules. I am concerned when I see that hundreds of thousands of Canadians have their information held by Ontario Proud, and then Ontario Proud makes millions of phone calls and sends text messages and collects more information. There are no data protection or privacy rules that apply to Ontario Proud. It's nice that you're following the spirit of the rules, whatever that means, but I think the rules should actually apply.

The 2.5 million phone numbers and the million text messages.... How are those individuals selected?

Mr. Ryan O'Connor: I can't speak to the process by which they were selected, Mr. Erskine-Smith. Again, that's something the vendor would have decided on.

Mr. Nathaniel Erskine-Smith: So you would say to the vendor, "We're going to pay you a significant amount of money to make phone calls and send text messages, but you pick the people." That's not how I would do it. I'd give my vendor specific people to contact, either to get my voters out to vote, or, within my riding, to assess what their voting intention might be, if I want to put a poll into the field, which I have not done but I could do.

How do you decide? Do you say, whatever numbers you choose, Mr. Undisclosed Vendor?

• (1230)

Mr. Ryan O'Connor: That was pretty much the case, yes.

Mr. Nathaniel Erskine-Smith: Of what value is that? You said there were 2.5 million phone calls and a million text messages, and you spent a significant sum of money.

Why did you spend the money? What was the purpose of that?

Mr. Ryan O'Connor: It was to see where the electorate was in terms of whether the polling was an accurate reflection of what was going on on the ground. We were interested in it. We wanted to motivate voters who were concerned about the issues that Ontario Proud considered—

Mr. Nathaniel Erskine-Smith: How did you motivate the voters? The text messages and phone calls that I saw were "How do you plan to vote?" Was it about voter engagement as well, to say, "Get out and vote"? Was there a follow-up campaign to that?

Mr. Ryan O'Connor: Yes. Ultimately, it was voter identification to a certain degree.

Mr. Nathaniel Erskine-Smith: Okay. So you were running simultaneously a voter engagement, get-out-the-vote campaign and a campaign to defeat Kathleen Wynne, and in some cases maybe the NDP. I don't know if you were out to defeat the NDP or just say nasty things about the NDP on the Ontario Proud Facebook page.

Are we clear that the vendor obtained consent from these millions of Ontarians to have the third party undisclosed vendor contact them on behalf of Ontario Proud or to have Ontario Proud contact them?

Mr. Ryan O'Connor: The vendor assured us that it complied with any relevant privacy legislation that would apply to its work, as well as CASL.

Mr. Nathaniel Erskine-Smith: Okay.

This is my understanding, but correct me if I'm wrong: Ontario Proud uses NationBuilder as its database.

Mr. Ryan O'Connor: That's correct, one of its databases.

Mr. Nathaniel Erskine-Smith: In that database, you would have an individual. Their Facebook ID would be in there; their email would be in there, presumably, and their phone number would be in there. How many people are in the database?

Mr. Ryan O'Connor: The NationBuilder database would be cross-referenced with some of the Facebook information that you describe. A lot of that was started with soliciting email addresses from individuals, so that goes directly into NationBuilder, as you can appreciate—

Mr. Nathaniel Erskine-Smith: Yes. I completely understand. Emails go in it. I understand you get the Facebook IDs because you have 419,000 Facebook followers. But you're gleaning a significant amount of information from the 2.5 million phone calls and the text messages, and presumably that information is going into NationBuilder as well.

Is that right?

Mr. Ryan O'Connor: No. It was aggregated data that we received from the vendor, so that specific data I don't think would be of any utility to, and it isn't—

Mr. Nathaniel Erskine-Smith: How do you get aggregated data if you're running a voter outreach campaign?

Mr. Ryan O'Connor: We get the results from the vendor. If you can understand what we were doing.... It was categorized by area code. We saw what the results were—

Mr. Nathaniel Erskine-Smith: Yes. That's like a poll.

Mr. Ryan O'Connor: That's correct. Then the vendor would follow up with phone calls to encourage participation.

Mr. Nathaniel Erskine-Smith: So you would say, "Undisclosed vendor, do a poll for me, and then follow up. Don't send me any of the information specifically. I just want aggregated data about the poll. You know the information specifically, and you follow up for the get-out-the-vote campaign, but don't give us any of that information."

Mr. Ryan O'Connor: The aggregated data was provided to us, yes.

Mr. Nathaniel Erskine-Smith: Okay.

So you never got any personalized information about people texting back from this cellphone number to say, "I'm looking forward to voting for Doug Ford in the coming election." You never got that information.

Mr. Ryan O'Connor: A lot of it was just "Press one", "Press two" or "Press three".

Mr. Nathaniel Erskine-Smith: Right, but it was from a specific cellphone number.

Mr. Ryan O'Connor: Yes. That was—

Mr. Nathaniel Erskine-Smith: And you didn't get that information.

Mr. Ryan O'Connor: That was aggregated, and the vendor provided it to us in aggregate form.

In terms of its interplay with NationBuilder, I can't speak to the specifics of that.

Mr. Nathaniel Erskine-Smith: I have two questions for you to follow up on for the committee.

One is to absolutely confirm that it was all aggregated, and that you never got any information from a specific cellphone number that would be attached to a voting intention.

Two, I know you don't know today, but can you confirm if Ontario Proud has ever used Lookalike Audiences on Facebook? I know you don't know today, but talk with Jeff and get back to us. I just want to be clear: I've never spoken to Jeff, and I know he's a constituent because I saw he was voting NDP in the provincial election. I don't have any bad blood for Jeff. The only bad blood I have is for a constituent named James Sears.

Thank you very much.

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

Last up, for three minutes, is Mr. Angus.

Mr. Charlie Angus: Thank you.

I want to follow up on the question of this voter identification campaign. For the 2.5 million calls and the one million texts to identify voters in that final week, what did that cost?

Mr. Ryan O'Connor: I don't have the figures in front of me right now.

Mr. Charlie Angus: Can you get that to us?

Mr. Ryan O'Connor: Again, to the extent that we're required to comply with the legislation—

Mr. Charlie Angus: Excuse me. I'm asking you for our committee to understand whether our elections have been undermined. What you've complied with is to respond, so that if our committee asks for it, you will supply it.

It's a simple question. I want to know what it cost.

Second, I'd like to know what happened to that data. If you're doing voter identification and you're getting voter contact information, you have gathered now quite the war pool. What happened? Are you going to be using that in the federal election?

• (1235)

Mr. Ryan O'Connor: We'll be using data that we... For example, on Facebook—

Mr. Charlie Angus: I'm not asking about Facebook. I'm asking about the phone campaign, because the phone campaign was a specific voter identification campaign to identify voter intentions. You have their names, their cell numbers and their voter identification.

You did say that you're thinking of setting up a separate entity for the federal election. Will you be transferring that data, those phone numbers, those names and their voter intentions to this separate entity?

Mr. Ryan O'Connor: No.

Mr. Charlie Angus: What are you going to do with it?

Mr. Ryan O'Connor: We're not transferring it.

Mr. Charlie Angus: You're not transferring it.

Mr. Ryan O'Connor: Any information that we may have in our possession will not be transferred.

Mr. Charlie Angus: Really? Okay. I guess one person's misinformation is in the eye of the beholder. The idea that you would gather... Why would you engage in a voter identification campaign with cell numbers and voter intentions, and then not use it?

I will move on from that. I want to follow up on this question about Olivia. You said that the vendor would know. We've asked whether Olivia exists. Will you ask the vendor to give us evidence, or do we have to ask the vendor to come here to tell us whether Olivia exists?

Mr. Ryan O'Connor: I've taken note of your question. I will consider it. Thank you.

Mr. Charlie Angus: It's not about considering it. I'm asking for you to confirm whether Olivia is a real person. If she is, what role does she play at Ontario Proud?

If she's someone who worked at Tim Hortons, and as you were walking in you said, "Hey, that's a great name. Let's use her name," I want to know that. She supposedly ran a massive voter ID campaign in the last week of the Ontario election. Who is she? Will you tell us that, or do we have to ask the vendor to come here to tell us?

Mr. Ryan O'Connor: It's an individual from the vendor. The vendor would have that information.

Mr. Charlie Angus: Okay, so do we have to formally ask the vendor to get that information?

Mr. Ryan O'Connor: Is this relevant to your consideration of—

Mr. Charlie Angus: It is very relevant to our consideration. Don't you think that if you run a campaign by putting somebody's name out there and getting personal information on a major political issue, whether she exists or doesn't is an issue of concern as to whether you're a credible political organization or this was some massive troll organization?

Either Olivia exists or she doesn't. You should be able to tell us that.

Mr. Ryan O'Connor: It's an individual name that the vendor used, so I can't speak further as to who the individual is.

Mr. Charlie Angus: Okay, so you will not. We have to go to the vendor, but you won't tell us who the vendor is.

Mr. Ryan O'Connor: I don't have that information.

Mr. Charlie Angus: So if we ask formally for you to tell us who the vendor is, so that we can find out whether Olivia really exists or it was just a name that came up, would you take that request from us?

Mr. Ryan O'Connor: I will review the request.

Mr. Charlie Angus: You will review the request.

Okay, thank you very much.

The Chair: Thank you, Mr. Angus.

I think you've just been asked to provide some evidence. I would advise you to provide that to the committee. I'd also like to thank you for coming today, Mr. O'Connor.

I'm told this is the second-to-last meeting in this room before this building is closed for 10 years. It's something some of us won't experience again.

We're going to go into committee business, so we'll suspend for about five minutes to get everybody out. Then we'll talk for about five or 10 minutes, and we'll be done for the day.

Mr. Frank Baylis: Before we.... I have a question.

The Chair: It has already been agreed that we're done.

Mr. Frank Baylis: It's not for him, but I have a question. I just want to understand something.

Mr. Angus and I have asked certain questions, and I don't understand if he's going to provide answers or not. I haven't been able to follow if he's going to provide that or not. Before we break, I'd like to know what our rights are to force him to provide that information.

I'm not asking a new question, but the questions I've asked have been skated around, and I've seen the same thing happen to Mr. Angus. Is the witness compelled to provide this information, or do we have to put him under oath to compel him to provide it?

The Chair: I would challenge him right now to provide to the committee any information that he's been asked to provide. If he refuses to do so, then we can take further action.

Is that fair?

Okay, we will suspend for about two minutes.

[Proceedings continue in camera]

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