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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: John Brassard





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• (1105)

[English]

**The Chair (John Brassard (Barrie South—Innisfil, CPC)):**  
Good morning, everyone. I'm going to call the meeting to order.

[Translation]

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

[English]

Pursuant to Standing Order 108(3)(h), the committee will proceed today to a briefing session with the Privacy Commissioner of Canada, followed by a briefing session from the Commissioner of Lobbying.

I have a reminder for everyone about the earpieces. Please be mindful about where they're placed on the desk.

I would like to start by welcoming Monsieur Philippe Dufresne, who is the Privacy Commissioner of Canada.

Mr. Dufresne, I know you've been extremely busy lately. I want to thank you for being with the committee this morning. It's been a while, and I'm sure we have lots to catch up on.

You have five minutes. Go ahead, sir.

[Translation]

**Philippe Dufresne (Privacy Commissioner of Canada, Offices of the Information and Privacy Commissioners of Canada):**  
Thank you, Mr. Chair.

Thank you, members of the committee, for the invitation to appear before you to discuss the work of my office and the importance of prioritizing privacy.

As Privacy Commissioner of Canada, my mission is to protect and promote individuals' fundamental right to privacy. This includes overseeing compliance with both the Privacy Act, which applies to federal institutions, and the Personal Information Protection and Electronic Documents Act, or PIPEDA, Canada's federal private-sector privacy law.

[English]

At a time when more personal data is being collected and shared than ever before, often across borders, this is an essential mandate for Canadians. From the moment that we start our day and check our phones until the time that we wind down by streaming music or a favourite show, our personal data is being sought.

New technologies bring new opportunities to connect, to create and to innovate. For organizations, personal information can be used to offer tailored services, refine operations and evaluate results, but this also brings risks to our privacy.

It is a different reality from that of just a decade ago.

Canada's privacy laws and even my office were designed in and for a pre-digital time.

[Translation]

Since becoming Privacy Commissioner of Canada in 2022, I have advocated for modernization of Canada's privacy laws, and for increased investment in data protection. Prioritizing privacy must be our collective imperative at this time of unprecedented change.

[English]

Privacy matters to Canadians. The OPC's latest public opinion research found that nine in 10 are concerned about their privacy. Sixty-two per cent believe that government respects their privacy rights—

[Translation]

**Luc Thériault (Montcalm, BQ):** Mr. Chair, I have a point of order: the interpretation is not working. It is usually available on the French channel, but now it is on channel 03. As a result, my legislative assistant is having trouble hearing the interpretation. That needs to be corrected, because we can only hear it intermittently.

**The Chair:** Okay.

We apologize for this problem, Mr. Thériault and Mr. Dufresne. The technicians have just fixed it and everything is working now.

You may continue with your opening statement, Mr. Dufresne.

**Philippe Dufresne:** Thank you.

[English]

Privacy matters to Canadians. The OPC's latest public opinion research found that nine in 10 are concerned about their privacy. Sixty-two per cent believe that government respects their privacy rights, and only 40% say the same about business. The survey also showed that more than two-thirds of parents are moderately to extremely concerned about their children's privacy online.

The number of privacy complaints to my office is rising. In the first quarter of the year, the number of complaints increased by 51% over the same quarter last year. This, along with increases in breach notifications, highlights the need for efficiencies, reform and resources.

[Translation]

A necessary precondition to establishing trust in the digital economy is a privacy regulator with sufficient capacity to respond to privacy breaches and to carry out timely investigations. It is within this context that my office works to provide resources and guidance, respond to major privacy incidents, and keep pace with an ever-evolving digital world.

Last year, I established three key strategic priorities for my office—maximizing impact, advocating for privacy in this time of technological change and children's privacy.

[English]

I believe that as a small organization it is important that we prioritize efforts in areas where we can have the greatest impact for Canadians and where the greatest risks lie if they are not addressed.

In January, I launched a transformation at the OPC, informed by a comprehensive review of internal structures and resources, to increase efficiencies, streamline operations, amplify results and make our service to Canadians as efficient as possible.

Our response to the breach at PowerSchool this year is an example of this approach. My office engaged with the company to achieve a timely resolution by focusing on its response to the incident and on implementation of measures that will result in stronger protection for the personal information of students, parents and educators across Canada.

Domestic and international collaboration remain a central component of my tenure. Last month, I was honoured to be elected chair of the Global Privacy Assembly, the international forum that brings together data protection and privacy authorities from all over the world.

Two weeks ago, I announced, along with my counterparts in Quebec, British Columbia and Alberta, the findings of a joint investigation into TikTok, and this committee was interested in that file. This federal-provincial collaborative effort generated increased awareness for Canadians and will lead to improvements to the company's protection of children's privacy.

[Translation]

I will conclude where I began—on the importance of prioritizing privacy. Data has become one of the most important resources of the 21st century. Through modern laws, collaboration and engagement, we can and we must create a regulatory environment that will

benefit Canada's economy, support Canadian businesses and protect the privacy rights of Canadians.

I would be happy to answer your questions.

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

[English]

Congratulations on your election. I know that comes with great responsibility, and I'm sure you're going to be very busy with that.

We're going to start our first round. I know that we've been a little loose on time, but I'm going to try to keep it tight to give everybody an opportunity to ask both commissioners a question.

Mr. Barrett, I'm going to start with you for six minutes. Please go ahead.

• (1110)

**Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC):** Good morning, Commissioner.

I have questions for you about the legislation, Bill C-8. There has been a pretty broad chorus of voices of those who are concerned about the sweeping and secret powers cabinet ministers would have over Internet access and telephone access for individual Canadians: the secret powers to seize private data without warrant and conceal those actions from the public.

Would secret orders to disable an individual's telecommunications access be inconsistent with the principles of the Privacy Act? If so, why, sir?

**Philippe Dufresne:** In the last Parliament, I appeared on Bill C-26 and talked about some of these issues when legislation aims at giving more power to the state to protect infrastructure and to disable and to take certain steps. As commissioner, I've always stated that privacy is not an obstacle to public interest, and it's not an obstacle to national security or to a strong economy, but we need to make sure that by protecting national security, we're not doing so at the expense of privacy.

In cases like this, what I said to the committee was that we needed to put into the legislation a criterion on necessity and proportionality, making sure that the exercise of those powers is going to be tested from a privacy perspective, and to say, “Is this necessary? Does it achieve the result for which it's been put in place and is it proportional?” That's the substantive element.

You mentioned secrecy. In certain instances, secrecy is necessary, but it should be challenged, and there should be ways for some reports to be made to appropriate authorities. It doesn't have to be necessarily that we make it public: reports to my office, reports to a national committee of parliamentarians or other means.

**Michael Barrett:** In your review of this proposed legislation, then, does it check all of those boxes?

**Philippe Dufresne:** Well, I will be waiting to testify on Bill C-8 when called, and we're reviewing that very carefully, but there is, I think, more to be done in terms of the reporting mechanism and the necessity and proportionality.

**Michael Barrett:** I would say for sure that there's more to be done. This bill proposes to let the government secretly cut a Canadian's phone or Internet service. The cabinet minister would have the power to issue the order that would prohibit the revelation of the existence of the order to cut that service—that the order even existed—which would, of course, eliminate the ability for anyone, including you, in your role as commissioner, to have any oversight whatsoever. Isn't this a direct circumvention of the act with which your mandate is concerned?

**Philippe Dufresne:** That's why, again, to make sure we're not making it more difficult to raise rights and to protect privacy, reporting to appropriate authorities, even if done in a confidential manner, is something I recommend—making sure there is the ability for my office to be aware of it and to raise questions. In some instances, a report to Parliament is appropriate or a report to committee is appropriate.

It should be part of the discussion and the assessment to say, “What type of reporting is there? Is it enough?” Certainly, in my view, there should be confidential reporting to some authority that would be able to raise questions about it.

**Michael Barrett:** Currently, what you're describing doesn't exist in the legislation. What you described as “essential” is not included in the legislation.

Bill C-8 lets a minister compel data without judicial oversight, so this also creates the risk of a parallel system whereby Canadians' personal information, their personal data, can be seized in secret, with, again, no redress by individual Canadians or by your office. Isn't this antithetical to the type of system that your office has been designed to protect?

• (1115)

**Philippe Dufresne:** If my office is not aware of something happening, of course we can't raise questions about it. We can't assist Canadians.

Again, I think there will be instances where making something known to the public may not be appropriate, but we should challenge a claim to absolute secrecy. We should make sure there's ap-

propriate reporting to the appropriate authorities and that there is an appropriate means to raise questions.

**Michael Barrett:** Right. Of course, if your office doesn't know that the law is being broken, then I guess the government's contention is that it hasn't broken the law.

Do you think that a vague standard like “any threat”, which is the term used in the legislation, undermines safeguards in the Privacy Act, such as the requirement that collection or use must be necessary, proportionate and authorized by law?

**Philippe Dufresne:** We've advocated in the past, and as I said, I expect to be called specifically on this bill to address it.... As a general proposition, I recommend that necessity and proportionality be in the legislation and made explicit—

**Michael Barrett:** Which they are not—

**Philippe Dufresne:** —so that there's a strong test.

**The Chair:** Thank you, Mr. Barrett and Mr. Dufresne.

[*Translation*]

Mr. Sari, you have the floor for six minutes.

**Abdelhaq Sari (Bourassa, Lib.):** Thank you very much, Mr. Chair.

Mr. Dufresne, thank you for your presentation, and congratulations once again.

I am going to share some information that may betray my age. I started working in information technology when I was still under 16. I have witnessed significant technological advances—particularly in terms of connectivity, affordability, popularization and use of social media, from their emergence to the integration of artificial intelligence in several areas.

As I often tell my students, technology is evolving very quickly, while governments, whether in Europe, Africa, or here in North America, are always very slow to update legislation. That's what I see when I do a quick comparative analysis.

You have knowledge and expertise in this area. In your opinion, what legislative changes should our government make as a matter of priority, given our responsibility to protect the privacy of Canadians?

**Philippe Dufresne:** I think both laws need to be changed: the public sector law and the private sector law.

Certainly, laws and regulations can never evolve as quickly as technology—which, as you say, is evolving extremely rapidly. We do, however, have a law for the public sector that dates back to the 1980s and a law for the private sector that dates back to the early 2000s. There is therefore no doubt that these laws were passed before this evolution took place. Both need to be amended in several ways.

I was referring to the criteria of necessity and proportionality, for example, which are not currently found in the Public Sector Privacy Act. That is a significant shortcoming, and the act must be modernized to address it. In addition, the government must be required to prepare privacy impact assessments and reports when there are privacy breaches.

A shortcoming is found in both acts: They do not grant my office the authority to issue orders and impose fines. That sets us apart from many comparable organizations internationally, and makes it more difficult for us to enlist the co-operation of institutions, since they are not exposed to that financial risk in the end.

**Abdelhaq Sari:** Before moving on to my second question, I must say that you've made a very important point. You clearly stated that protecting the privacy of individuals, broadly speaking, would not hinder economic development.

I could go even further and say that digital sovereignty promotes economic development. Would you agree with that statement?

**Philippe Dufresne:** Yes.

I think digital sovereignty is indeed important, but it should not be achieved at the expense of international trade. There needs to be a balance in everything we are discussing. Data must be transferred in a climate of trust, under crystal clear rules. We need to know what can and cannot be transferred, as well as the conditions under which Canadian data can be sent to another country. This raises all kinds of questions, including the rule of law in the country to which the data could be transferred. We need to think about the contractual or legal rules that apply to what companies can do.

We are working very hard on this. One of my recommendations is to adopt a more rigorous framework. In Québec, the legislation goes further than the federal legislation. Québec's Bill 25, the act to modernize legislative provisions governing the protection of personal information, has specific requirements. For example, privacy impact assessments must be conducted when data is disclosed outside the province.

We therefore need a stronger regime. In Europe, there are adequacy decisions, which involve a formal assessment. In Canada, along with the United States and Japan, among others, we are working hard to create global rules for data transfers. This is an international priority.

• (1120)

**Abdelhaq Sari:** Absolutely.

Finally, I won't ask a question, but I will ask for your advice. What should we say to companies or individuals in the private sector to convince them that protecting privacy will not hinder their economic development? If possible, please substantiate your advice with concrete examples.

**Philippe Dufresne:** Absolutely.

What we do know is that Canadians care about their privacy. We see that in our data, and I'm sure businesses see it too.

When someone loses faith in a company because that company has violated or failed to respect their privacy, that person will go elsewhere. Canadians will find other providers. Customer confi-

dence is extremely important. It's something that companies value, and rightly so.

In Canada, I think privacy is not only a legal obligation, but also part of Canadian values. Consequently, a company that does not uphold privacy may see its market share drop. Higher customer confidence is good for business.

**Abdelhaq Sari:** That's an instructive answer and good advice.

If we want to talk about sanctions, what kinds of sanctions can we impose?

**Philippe Dufresne:** There are, of course, administrative monetary penalties, which influence high-level decisions. My goal would not be to impose penalties very often, because the mere fact that they exist becomes an incentive that promotes good decision-making.

The same applies to the power to issue orders, which also allows for faster results. At the moment, I can only issue recommendations. If those aren't followed, I have to go to court, which is costly and takes time. That's not ideal.

There is also the company's reputation, the importance of which should not be underestimated. That's why I make an effort to publicize the decisions we make, as well as our national and international expectations regarding corporate behaviour.

That said, I also believe in positive incentives. We need to recognize companies' good deeds. We must encourage them, in particular by ending an investigation more quickly when a company acts appropriately. That's what we did in the case of PowerSchool, where the company co-operated with us. We said that there was no need to conduct a lengthy investigation that would be costly for all involved, since we could obtain a letter of commitment and then follow up as required. We encourage such behaviour.

**The Chair:** Thank you, Mr. Dufresne and Mr. Sari.

Mr. Thériault, you have six minutes.

**Luc Thériault:** Thank you, Mr. Chair.

Welcome, Commissioner.

First, I would like to hear your thoughts on Bill C-2, particularly parts 15 and 16, which concern—among other things—the ability of authorities to intercept communications or conduct seizures without a warrant. It is inherently legitimate to fight transnational organized crime and fentanyl trafficking.

I know you will be reappearing before the committee to discuss the bill, but today I would like to focus on a number of issues that you may have identified.

**Philippe Dufresne:** Thank you for the question.

As I was saying to your colleague Mr. Cooper about Bill C-8, I expect to be called to give formal recommendations on the subject.

What I can say about Bill C-2 is that it does indeed give greater powers to authorities to do certain things—sometimes with a warrant, sometimes without one—according to certain criteria. Sometimes the test is reasonable suspicion. Other times, the test is reasonable belief. We are in the process of analyzing all that, and our priority will really be to determine whether, once again, that necessity and proportionality are being met.

We will want to determine whether the criterion is rigorous enough. If we obtain sensitive information on Canadians, the criterion should normally be higher—more rigorous than when the information is not sensitive.

We also need to look at whether there are good privacy practices, for example in terms of information retention. If information is obtained and turns out not to be useful for a prosecution, should it be destroyed? Will appropriate reports be produced so that questions or problems can be raised?

Those are the themes we're looking at for most of the issues around this bill. We want to review the criterion and determine whether it goes too far, whether too much leeway has been granted. We must also ask ourselves that question in light of the Supreme Court's decision in the Bykovets case—because in a similar context, the court ruled that, in some cases, warrantless searches could be problematic in terms of privacy. So we must be cautious.

• (1125)

**Luc Thériault:** Thank you.

In the bill, could we force electronic service providers to provide information without already knowing themselves how they operate, and without knowing what information is there, sometimes unbeknownst to the individuals concerned?

Are the principles of necessity and proportionality not guaranteed at this point by a judge?

**Philippe Dufresne:** If a power is granted that is conditional on obtaining a warrant, then that additional protection already exists, since one must go before a court to obtain the warrant.

That said, we need to look at the criteria, because judges' powers are also limited by law. If the law says that the judge may grant the warrant if it is useful to the investigation, that is very easy to establish. We can also limit what judges can do. For example, we can give the judge sufficient powers to impose all the necessary conditions, or we can limit their powers in this regard.

Would we allow the judge to consider the impact not only on that person's privacy, but also on third parties? Some of these powers allow certain things to be done with a Canadian's device and allow their communications with others to be examined. However, the impact on third parties is significant. All these issues are important.

The police must be given the tools they need, but I think this rigorous analysis is important. It is important to ask why we need this and why it can't be done while providing greater protection for privacy. I see it this way: I want to ensure that law enforcement agencies have the necessary tools, while having a strict and appropriate

standard and mechanisms for reporting to the appropriate authorities.

**Luc Thériault:** Thank you.

In the departmental plan for 2025-26, you indicate that you have temporary funding, which we understand will be abolished in 2026. Given the challenges ahead, do you think this will have an impact? Do you think that funding should continue, given the magnitude of the challenges you face?

**Philippe Dufresne:** Yes. This temporary funding must absolutely be maintained. This is a request that I have made to Treasury Board and to the government.

This actually highlights one of our challenges as independent officers of Parliament, since we still depend on government support for these requests. I agree that it's important that there be rigour and oversight. For us, however, it is problematic, because we have been mandated to conduct investigations into privacy breaches that occur in the public sector, but without having had permanent funding for that mandate. However, the work is permanent and increasing, as privacy breaches are increasing, with major repercussions in Canada and abroad.

The lack of ongoing funding is very problematic for us. I hope and expect that a decision will be made on that.

**The Chair:** Thank you, Mr. Dufresne and Mr. Thériault.

That concludes the first round of questions. We will now begin the second round.

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

[*English*]

**Michael Cooper (St. Albert—Sturgeon River, CPC):** Thank you, Mr. Chair.

Thank you, Commissioner.

The charter jurisprudence, based upon the Supreme Court's 2014 Spencer decision and the more recent 2024 Bykovets decision, is clear: Access to personal data requires prior judicial authorization. Is that correct?

**Philippe Dufresne:** Yes. Those were the findings of the court.

**Michael Cooper:** Looking at the Bykovets decision, the court confirmed that subscriber data is the “key to unlocking” a person's identity and online activity. Based upon that, the court affirmed that even IP addresses attract “a reasonable expectation of privacy” and therefore cannot be obtained without a warrant. Is that correct?

• (1130)

**Philippe Dufresne:** That was a finding in that case. Again, the argument was that this information is not specific enough, so we can ask and obtain it. The court really found that we can draw so much about an individual with these types of data points, so in that case found that a warrant was required.

**Michael Cooper:** Thank you for that.

In order to obtain a warrant or a production order in this type of context, the standard that would have to be met is “reasonable belief”. Is that correct?

**Philippe Dufresne:** There are some instances where under the law it would be “reasonable suspicion”. That is where some of my recommendations are, to the effect that when we're talking about sensitive information, it should be “reasonable belief”. We should have a more rigorous standard to assess that.

**Michael Cooper:** With that in mind, I want to ask you some questions about parts 14 and 15 of the Liberal government's Bill C-2. Buried within the so-called strong borders act are sweeping new powers to government agencies to demand Internet subscriber data. In the Criminal Code, for example, proposed section 487.0121 would allow police and CSIS officers to demand customer information from any company providing public services, including banks, telecoms and social media, on a mere suspicion, without judicial authorization. Do I have that right?

**Philippe Dufresne:** That's right.

**Michael Cooper:** In terms of understanding the implications of what that section would enable law enforcement to do, law enforcement, for example, could compel a bank, without a warrant, to reveal whether an individual is a client at the bank, how long they've been a client and where they have access to banking services, and to provide the name of any person who has provided services to that individual. Is that fair?

**Philippe Dufresne:** I don't have the section in front of me, but that sounds right.

**Michael Cooper:** It would provide warrantless access to subscriber data, including IP addresses, right?

**Philippe Dufresne:** Again, that sounds right.

**Michael Cooper:** That sounds right. It would seem to me that it completely eviscerates the standard set out in Spencer and Bykovets.

**Philippe Dufresne:** Well, it modifies it. Parliament can do that. The question is, is it necessary and appropriate? When we look at this, we ask these types of questions: Why is it suspicion and not belief? Is it rigorous enough? Is there enough reporting?

**Michael Cooper:** It raises serious privacy implications, though, does it not?

**Philippe Dufresne:** It has privacy implications, in that you're making it easier to obtain the data.

**Michael Cooper:** Do you have any concerns about that?

**Philippe Dufresne:** Again, I'm giving in advance the testimony that I will be giving to the committee when called on for that specific bill. Certainly, what we've seen so far is that we would have a preference for it being reasonable belief as opposed to reasonable suspicion in some of those aspects, because of the sensitivity of in-

formation. There are areas where the standard, in my view, should be higher.

**Michael Cooper:** The standard would be higher, in your view, in this context.

**Philippe Dufresne:** It's the standard of reasonable belief as opposed to reasonable suspicion.

**Michael Cooper:** What about the ability for law enforcement to access sensitive personal information? I think you would concede that the information we're talking about here is sensitive personal information. Would you agree with that?

**Philippe Dufresne:** In many cases it will be. In some cases it may not be, but my point is that if we're talking about that sensitive information, the threshold should be higher. There are appropriate places for suspicion, but reasonable belief when we're talking about sensitive information is critical.

**Michael Cooper:** On that—

**The Chair:** I'm sorry, Mr. Cooper. That's five minutes. It's just a little over, but not much.

Thank you, Mr. Dufresne.

Ms. Church, go ahead for five minutes.

**Leslie Church (Toronto—St. Paul's, Lib.):** Thank you, Mr. Chair.

Thank you, Mr. Dufresne, for being with us.

Maybe just to pick up a little on this, could you take a step back for a moment? In your opening remarks, you talked a bit about how some of our frameworks have struggled to keep pace with technological change. I'm thinking in particular about the different provisions that we have in various laws in the Criminal Code that actually empower law enforcement. How are technological changes, like strong encryption, the cloud and cross-border data flows, these new types of technology, putting pressure on the framework that we have right now? What have you heard about some of the need for change?

• (1135)

**Philippe Dufresne:** It is making the law enforcement work challenging. It brings innovation. It makes certain things easier. It makes certain things harder. I think in the Supreme Court's decision, the court recognized that. It said that it is creating challenges for law enforcement authorities. The court talked about innovation also helping law enforcement authorities in certain instances. You can get a warrant more easily and quickly because of technology. You can get an electronic warrant, and these types of things.

We need to look at the whole context. When I talk about necessity and proportionality, it certainly has to be context-based. Something that was not necessary before may be necessary now because of new technology and new challenges. I think the goal is to make sure that law enforcement authorities have the powers that they need but that they are appropriately challenged and limited. Looking at those criteria, these are the questions: Are we going too far in one direction, or are we going too far in the other direction? It's always a balance. That's the challenging work of legislators and courts.

**Leslie Church:** I'll just pick up a little on that. In terms of thinking about the specific tools that law enforcement might require, do you have concerns about timeliness or about national security and how these interface with the privacy regime? Can you talk a bit about that?

**Philippe Dufresne:** It's important for privacy authorities and national security authorities to talk to one another, to work together and to work closely with NSIRA, the National Security and Intelligence Review Agency. One of my goals is that we not be at cross-purposes. I don't want privacy to stand in the way of national security or law enforcement. That's why we're working very closely with a number of bodies, not only competition authorities and copyright but also FINTRAC. In terms of money laundering and financial crimes, we work very closely with them and the Department of Finance to create more opportunities for banks to share information to detect fraudulent and modern slavery types of fraud and terrorism financing, subjecting it to codes of practice that are reviewed by my office. In that sense, there is protection of privacy. There is a demonstration that the privacy aspect is considered. At the same time, we're allowing the authorities to have the tools that they need.

**Leslie Church:** You read my mind in terms of where I was headed, which was actually around the uptick that we're seeing in online fraud, online scams and how personal privacy is being misused and abused. Are there ways that we can do a better job of trying to crack down on the illicit distribution of personal information that's allowing bad actors to access personal information and use it in these ways?

**Philippe Dufresne:** Again, it is this collaboration between all players. I work collaboratively, not only with my colleagues, the other privacy commissioners, but also with cybersecurity experts in Canada and around the world. We need to bring all of this together to say what the best practices are and what the challenges are. How do we do it by building privacy in the design while building security in the design? I think cyber-breaches are a great example of how it's a security issue and a privacy issue. We need to work together to make sure that we have the tools we need, that we're not doing things at the expense of privacy and that we're not doing things at the expense of security.

**Leslie Church:** Are there ways in which we could actually enhance the individual's control over their own private information at this stage?

I'm thinking about how we have very little transparency online around what data is being collected, about the right for people to opt out of that data collection, about the right to opt out of it being

sold or brokered, and about the right to be able to delete it. Are these issues you see growing here in Canada?

**Philippe Dufresne:** Absolutely. These are issues in almost all our reports. In our recent TikTok report, half of the top issues were consent and information, understanding what information is being used, why it's being used and how much, etc.

I think in the context of breaches, it's also relevant. If you know what you're giving, are you aware of the risks of a privacy breach and the safeguards? We ask questions and we challenge. In the 23andMe joint international investigation I did with the United Kingdom, we challenged the security methods. Do you have multi-factor authentication? Do you require strong passwords? Sometimes organizations are doing it with perhaps good intentions. They told us that people don't like complex passwords, because they're challenging and hard to remember. We said we understand that, but they need to insist on those; otherwise, they're exposing themselves to these terrible harms that are sometimes impossible to undo. That collaboration has to happen.

You also mentioned retention. We need to challenge organizations, government and the private sector to not keep information, personal or otherwise, longer than they need to, because that increases the risk.

• (1140)

**The Chair:** Thank you, Mr. Dufresne and Ms. Church.

[*Translation*]

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

**Luc Thériault:** Thank you, Mr. Chair.

In June, you held meetings as part of the G7 Data Protection and Privacy Authorities Roundtable. That led to the publication of a joint 20-point statement, which included encouraging organizations to prioritize privacy throughout the life cycle of a technology, from its design to its deployment, and to prioritize the protection of children.

How do you plan to implement those principles or that statement in the context of the cuts planned in your budget, among other things?

**Philippe Dufresne:** Thank you for your question.

Yes, privacy commissioners also meet in the background of the G7 leaders' meeting.

This year, it was important for me, as chair of that round table, to make a strong statement that recognizes the importance of protecting privacy from the time a technology is designed. In Canada, we pioneered the concept of privacy by design.

In my discussions with my G7 colleagues, we unanimously agreed to strengthen this message and recognize that doing so is not only important and good for the protection of privacy—which itself is a prerequisite for freedom, democracy and the rule of law—but it also helps support the economy and children. There is a consensus in the international community on the importance of protecting strong economies, as well as children and their privacy. This message was strengthened at the G7 summit.

I think it's important to convey this message with a united voice, and we will continue to do so on the international stage. This takes many forms, including common positions adopted by commissioners, joint investigations—such as the one on TikTok—or regulatory frameworks on data sharing under certain conditions, such as asking questions at the outset.

For businesses, as well, and especially SMEs, it is important that privacy protection be achievable. That being done earlier leads to better criteria and a more user-friendly process. That in turn makes the process less expensive and more efficient.

**Luc Thériault:** In terms of the reaction of businesses to this issue, do you sense any collaboration or reluctance?

We've seen some cases recently where matters had to be taken all the way to the Supreme Court to defend people's interests.

**Philippe Dufresne:** There will always be situations where a company or a government will express its disagreement and want clarifications. That's fair. My concern with that in Canada is that I don't have the power to issue an order or impose a fine. So the process is longer and more costly than it should be.

Companies are often in favour of the idea of setting up this kind of a mechanism, but they need to see a common position taken internationally. That's why it's important to have collaboration and a joint statement, as they show that the position is being adopted not only by Canada, but by countries around the world, whether they are G7 countries, or other countries in Asia or Europe. That way, companies that do business in a number of countries will know what position is being taken.

In my opinion, prevention and education are the best things to advocate for.

This takes us back to the issue of limited resources. We want to reserve long contentious investigations for cases that require them. In most cases, if we can resolve a situation through persuasion and communication, it's better for everyone.

**Luc Thériault:** If I understand correctly, the scope of the challenges associated with the emergence of new technologies involves not only local measures, but also international or transnational collaboration, necessarily.

• (1145)

**Philippe Dufresne:** Absolutely. Even in Canada, there is close collaboration among the federal government, the provinces and the territories, not only to raise the criteria for everyone, but also to facilitate and simplify things for companies. Indeed, it is more complicated to deal with the responses of 8, 10, 20 or 50 regulatory authorities than to receive a response communicated by a shared voice.

The fact that data constantly crosses borders is one of the things that distinguishes the privacy field from many other fields. In addition, data is increasingly being used to do just about everything we do, including decision-making, innovation and assessment. That's a good thing, but it increases privacy risks. Therefore, collaboration is more important than ever.

**The Chair:** Thank you, Mr. Thériault and Mr. Dufresne.

The second round of questions is over. We'll now begin the third round, which will start with Mr. Hardy and Ms. Lapointe for five minutes. After that, the Conservative Party and the Liberal Party will each have two and a half minutes.

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

**Gabriel Hardy (Montmorency—Charlevoix, CPC):** Thank you very much, Mr. Chair.

Mr. Dufresne, thank you for being here today.

My question will have a broader scope, as I'm new to Parliament and I'm trying to get a clear understanding of the structure.

We've talked about public trust. I think it's really important that our institutions regain the public's trust. Earlier, you said that the transfer of data must be done under a more rigorous framework in order to inspire public confidence. There needs to be a third party that can provide a balance so that people know that it's not policy-makers who have the green light when it comes to privacy.

My notes say that Canada's privacy laws date back to 1985 and 2000. In a context where technology is evolving so quickly, do you think your office has enough funding and clout to do the necessary work? Do you have enough resources to do what is being asked of you?

**Philippe Dufresne:** We don't have enough resources. Our resources have not been increased in step with our increased responsibilities to manage privacy breaches. They have not been increased, either, to respond to the rapid development of artificial intelligence, the explosion of data and the heightened challenges that are arising in this area nationally and internationally and that require greater collaboration. I am aware of the very difficult financial context, but I continue to request an increase in my organization's funding for these reasons, which certainly distinguish my mandate from that of other organizations.

That said, we will do as much as we can using the financial resources we have, within the limits of the legislation and the structure in place. That's why I reorganized the office of the commissioner. I have reduced the use of some resources and optimized others. I use persuasion and flexibility. I will continue to use to the best of my ability all the tools at my disposal, which also include international collaboration and partnerships.

I'll give you a very concrete example of the privacy breaches at the big genetic data company 23andMe. I conducted a joint investigation with my U.K. counterpart. My office had more power than his during the investigation, but his office had more power than mine to impose penalties. So we did the investigation jointly and came to the same decision. My counterpart was able to impose a fine, whereas I did not have that power. Doing the investigation jointly amplified the outcome.

**Gabriel Hardy:** This exchange is heading in the right direction.

Of course, we often talk about protecting personal information from the public's perspective, but I want to focus more on the internal structure of Parliament. You have important work to do in data management, and that work is gaining in importance year after year. Therefore, the underfunding of your office is a problem for the public, certainly, but the situation could also become problematic for the government itself and its internal structure.

Our committee heard from the Information Commissioner, who also told us that her office was underfunded. So we have parliamentary organizations that are underfunded and that have no real clout. For example, I think that, according to a recommendation from the Conflict of Interest and Ethics Commissioner, a public office holder at fault could receive a \$3,000 fine. It's a slap on the wrist for someone who, at the end of their term in Parliament, would still come out ahead fiscally and make more money.

That's where I want to go with my question. Do you think your funding should evolve based on the real crisis we're currently experiencing when it comes to data management and artificial intelligence, which is on the rise?

**Philippe Dufresne:** Yes, I think the funding for my office should increase. I also think that all funding requests, including mine, should be scrutinized and assessed. Just because I ask for it doesn't mean it should be given to me automatically. I think a healthy debate should be held. However, if we have this debate on my office's funding requests, I think we will agree that they are justified, given the elements you mentioned—the rapid and explosive evolution of technology, the increased need for collaboration and the increase in privacy breaches, which unfortunately affect everyone. We keep hearing about that, and it undermines Canadians' confidence.

I see the additional resources I'm asking for as an investment, because it will save money in the future. Indeed, privacy breaches cost businesses and governments a fortune when there are data breaches or problems stemming from a lack of rigour. Conversely, the results we can achieve through cross-border trade can generate very significant revenues for the Canadian economy.

• (1150)

**Gabriel Hardy:** Can privacy become a bit of a shield to avoid disclosing information that the public should know about some of our decisions? Do you think that this reason is currently being used by the government in certain situations, in the sense that it says it won't go any further because it's protected by privacy rules and principles, even though the situation is raising major questions among the public?

**Philippe Dufresne:** What you are saying is interesting. As Privacy Commissioner, when I hear that you can't do such and such a thing under the pretext of privacy, I always encourage people to ask

questions. Questions need to be asked. Sometimes it's a privacy issue, but is that always the case? Personally, I don't want privacy to be an obstacle to transparency, rigour or national security, for example. We have to see what is really going on.

In addition, the Privacy Act provides for exceptions. The government may disclose certain information if it is in the public interest, even if there may be a privacy breach. So there is some flexibility, and we have to explore the possibilities.

**The Chair:** Thank you, Mr. Dufresne and Mr. Hardy.

Ms. Lapointe, you have the floor for five minutes.

**Linda Lapointe (Rivière-des-Mille-Îles, Lib.):** Thank you, Mr. Chair.

Welcome, Mr. Dufresne. I'm very happy to see you here at the committee. I remember when you were the law clerk and parliamentary counsel at the House of Commons. It's a pleasure to see you again.

I liked hearing you talk about your priorities. You talked about optimizing privacy by taking into account all the possibilities offered by digital technology, among other things. I also liked hearing you talk about protecting children's privacy. This is a very important topic.

Many of you don't know this, but before I entered politics, I worked in the retail sector. One thing I hear a lot about right now in this sector is that shoplifting is a very serious problem. It's a very important issue. I'm talking about theft committed by organized groups, not about an individual who picks up an item and goes out the door without paying for it. The problem is more serious, as it involves organized groups. Merchants can use available technology and, for example, install facial recognition tools at the entrance of their business to determine whether a person could be a member of one of these organized groups.

I understand that there has to be a balance. You also said that you work with the president of the Commission d'accès à l'information du Québec.

On the issue of shoplifting, merchants are being told that they can't really use facial recognition tools. You can imagine that shoplifting is a huge problem. Several people enter the business at the same time, but merchants are unable to organize because they can't use facial recognition tools.

Where is the balance between respecting people's right to privacy and protecting businesses that are experiencing this problem?

**Philippe Dufresne:** Yes, you're quite right.

Thank you for mentioning Quebec's Commission d'accès à l'information. We do indeed work very closely with them. Quebec's Bill 25 contains specific provisions regarding the use of biometrics. Quebec therefore has unique obligations in this area.

As far as we are concerned, I'd say that it's important to ensure this balance, particularly with regard to facial recognition. We've already made joint statements on this issue at the federal-provincial level. We're not entirely opposed to the use of this technology. We're not saying it should never be used. However, its use should be regulated and strictly adhered to. These principles of necessity, proportionality and transparency should apply. If it is appropriate to use it, are people aware? Is it sufficiently clear that this technology is being used?

Several years ago, my office issued a decision on this matter concerning Cadillac Fairview. The concern raised was that customers didn't know they were being filmed or were unaware of it.

All aspects and principles relating to privacy must be examined, such as data minimization, transparency and retention. In other words, what is done with this information? Is it stored in databases for a very long time? If so, this increases the risk of privacy violations. I think it's important to have this dialogue.

I would encourage companies to continue raising these issues. If companies facing this problem feel they don't have the necessary tools, they should raise it with the commissioners, including my office. Not only can they do so by filing a complaint, they can also use our advisory services. We want to hear their concerns. Then we can make better recommendations.

• (1155)

**Linda Lapointe:** Thank you, Mr. Dufresne. That's part of what I wanted to hear from you, meaning I wanted to know what you were suggesting be done in that regard. That's perfect; thank you.

When it comes to data storage and cloud computing, one thing is quite worrying: where our data is stored. You mentioned TikTok earlier. That's one thing. However, when our data is stored elsewhere, in other countries, what can we do to ensure that our data will be stored properly, in accordance with the laws and regulations in force here in Canada?

**Philippe Dufresne:** Indeed, one of my recommendations regarding the modernization of federal legislation on privacy protections in the private sector is that there should be stricter rules in this area and on extraterritorial data sharing: Guidelines are needed and, in some cases, assessments must be carried out beforehand. It is therefore important that the framework be very rigorous.

Some things will be outside our control, such as when a foreign government seizes information from a company in another jurisdiction. It is more difficult to control, but, even then, things can be done through international agreements, protocols and legislative requirements, as Europe has done. In this case, it plans to evaluate the other country's legal system to determine whether it's adequate or sufficiently compliant with the rule of law, so that people are aware and explicitly informed. In the TikTok investigation, for example, we asked for much greater clarity and transparency. Since the information was going to China, there was a possibility the Chinese government could access it.

The issue must be examined from all angles. In many cases, it will be useful, even necessary, to have this data in the other jurisdiction, but a framework will be needed to regulate its transmission. In certain circumstances, we may refuse to allow information to leave Canada because it's too sensitive or poses too great a risk.

**Linda Lapointe:** Thank you very much.

**The Chair:** Thank you, Ms. Lapointe and Mr. Dufresne.

[English]

Mr. Barrett, you have two and a half minutes.

**Michael Barrett:** Without meaningful limits, bills like C-8 and specifically Bill C-2 can hand the government secret, warrantless powers over Canadians' communications. This is a serious setback for privacy. It's also a serious setback for democracy.

With no requirement for privacy impact assessments before these laws or regulations are passed, and with their serious implications for Canadians' privacy, isn't Parliament simply being asked to grant sweeping powers of surveillance to the government without a formal review by the body—the commissioner—that Canadians and Parliament have asked to do that very thing?

**Philippe Dufresne:** Thank you for the question.

In fact, a privacy impact assessment is something that a Treasury Board directive requires government departments to do, but it's not a legal obligation in the Privacy Act. This is one of the recommendations I have made to Parliament and continue to make. It should be an obligation. There should be the opportunity for my office to give input before the fact when there's a major change, including legislation.

It's something to manage. There are cabinet confidences to be considered, but I would agree that the opportunity would be important.

**Michael Barrett:** Have you not had that opportunity with Bill C-8 and Bill C-2?

**Philippe Dufresne:** We're not consulted on specific pieces of legislation before they're tabled. We often have exchanges afterwards, with officials. They're good exchanges, but I think earlier consultation would make our feedback more meaningful, and our feedback would happen before it's tabled.

**Michael Barrett:** I don't think I have a tremendous amount of time left, but to continue to pre-empt your appearance on Bill C-8 at another committee, do you have a particular amendment or guardrail you'd like to see included in that bill before it comes out of committee?

**Philippe Dufresne:** Not specifically at this stage, but I'll repeat that necessity and proportionality—strict criteria for the exercise of powers—and appropriate transparency and reporting mechanisms are the things we're looking for.

**Michael Barrett:** Thank you.

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

Mr. Saini, you have two and a half minutes, sir.

**Gurbux Saini (Fleetwood—Port Kells, Lib.):** Thank you.

You've been elected as chair of the global organization. I'm wondering if you could compare Canada with the rest of the world in terms of where we are with our Privacy Commissioner and legislation.

**Philippe Dufresne:** Thank you.

I think Canada is extremely respected around the world. That was part of my election in that role. I think we are very much a leader in that space. We punch above our weight, and we want to do that, but I will flag that, compared with other parts of the world, the fact that my office does not have the power to issue orders and levy fines is an area where we are not as good as the rest of the world. That's a quick fix that we can improve to raise the level of Canadian privacy law to what's around the world.

That being said, privacy by design, our strong privacy culture and our strong collaboration culture, I think, are things that we can bring to the world and are all part of my goals in this role.

• (1200)

**Gurbux Saini:** We are leaders in the world overall, but why do you think it's important that you have the authority to lay fines? I just want to know your viewpoint on that.

**Philippe Dufresne:** Well, I think it's important because if we want organizations to build privacy into design, if we want privacy and want them to invest money and time in building those things, we need to give them the incentive to do that. It's hard for a CEO and a board of directors to say, "We're going to spend millions of dollars," when there's absolutely no risk and no financial consequence if they don't. It becomes something that feels like a "nice to do", not something that you must do.

That's why this authority is important. Certainly, around the world, those risks exist for other jurisdictions. They don't exist here. That being said, I'm going to continue to use the tools that I have, including making reports public and including calling out organizations. I think those two powers would make the system faster, less expensive, more transparent and more effective.

**Gurbux Saini:** In June, you announced that you would like to have a youth wing in your group. Why is that important, and is it going to incur additional expenses for your office?

**Philippe Dufresne:** I'm sorry. I didn't hear the end of your question.

**The Chair:** We're over the time. I'm going to give Mr. Saini one more chance to ask the question, but I need a very quick response, Mr. Dufresne.

**Gurbux Saini:** In June, you asked for the creation of an Office of the Privacy Commissioner advisory council for Canada's youth. Why is it important? Is it going to incur additional expenses for your office?

**Philippe Dufresne:** Not significantly, no. It's important because we need to hear the voice of youth.

Children's privacy is one of my priorities. I need their perspective. I need to understand their reality, and that's what this council is going to give me.

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

Thank you, Mr. Dufresne. That concludes our first hour.

Philippe, I want to thank you so much for being here. It was an interesting and fascinating discussion. You have lots of work ahead of you, and you certainly need the support of Parliament to do your work. I appreciate all you do to keep Canadians' privacy private.

Thank you, sir, and thank you to your staff as well.

We're going to suspend for a couple of minutes. Then we're going to have with us Nancy Bélanger, the lobbying commissioner.

• (1200)

(Pause)

• (1200)

**The Chair:** Welcome back, everyone. We're going to start the second hour.

I'd like to welcome our witness for the second hour today.

From the Office of the Commissioner of Lobbying, we have with us Nancy Bélanger, who is the Commissioner of Lobbying.

Ms. Bélanger, welcome back to committee. It has been a while, almost a year, and I'm sure you'll talk about the things you would like to see with respect to the act and everything we've been hearing about for the past couple of years.

Please go ahead. You have five minutes to address the committee.

**Nancy Bélanger (Commissioner of Lobbying, Office of the Commissioner of Lobbying):** Thank you so much.

[Translation]

Good afternoon Mr. Chair and committee members.

Thank you for the invitation. I am very pleased to meet a number of you for the first time and to speak to you about the work done by my office.

The Lobbying Act requires that I maintain the Registry of Lobbyists, that I expand awareness and understanding of the lobbying regime through education and that I conduct compliance work that supports respect of the act and the Lobbyists' Code of Conduct. The preamble of the act recognizes that lobbying is a legitimate activity and that Canadians should know who is engaged in lobbying with federal public officer holders and about what subject.

Allow me to present you with an overview of the office's work.

The number of registrations and lobbyists continues to grow each year. During 2024–2025, over 8,800 lobbyists were registered with over 6,000 active registrations at any given time. Communication reports for oral and arranged lobbying of designated public office holders reached just over 31,000 last year. As of September 30, 2025, there are just under 12,000 communications reported.

Last year we delivered over 120 presentations. To date, this year, we have already delivered over 65 presentations. In our advisory role, we responded to over 6,000 requests last year. To date, in the current fiscal year, we have responded to almost 3,000 requests.

On the compliance front, we are currently advancing on 31 files, while 4 suspended files are with the RCMP. When I have reasonable grounds to believe an offence has occurred, I am required to suspend my investigation and refer the matter to a peace officer. For investigations conducted under the code, I am required, once I conclude an investigation, to report my findings to Parliament. As you are aware, the act imposes strict confidentiality requirements, and I cannot, therefore, discuss the specifics of these matters.

● (1210)

[English]

Let me now turn to my office's current priorities. I have recently issued an interpretation bulletin with respect to the significant part of the duties registration threshold for organizations and corporations. This will reduce the registration threshold from 32 hours in a four-week period to eight in that same period, and it will take effect on January 19, 2026.

I've also issued interpretation with respect to the five-year restriction on lobbying for former designated public office holders. As you know, the act completely prohibits former DPOHs from doing any lobbying during a five-year period, both as a consultant for a client and as an employee for an organization. However, the act allows former DPOHs to lobby as an employee of a corporation, as long as the lobbying is not a significant part of the individual's work.

Similar to the new registration threshold, this interpretation sets out that a former DPOH employed by a corporation cannot reach or exceed eight hours of lobbying in any four consecutive weeks.

Accordingly, our priority is to ensure that organizations and corporations understand the new threshold so that they can be compliant with the act, as well as to ensure that employees who lobby on their behalf understand the ethical standards set out in the code. We will also be supporting former designated public office holders to ensure their compliance with the requirements of the act.

I am pleased that this committee intends to study the Lobbying Act and propose updates, as outlined in the motion passed on

September 17. Some of you have heard me say numerous times that an update of the act is long overdue. It is my hope that the study will proceed, and I look forward to supporting this committee in this work to identify important legislative and regulatory amendments.

We deliver on our mandate and fulfill our corporate functions, including meeting extensive government-wide reporting requirements through the invaluable work of a small number of employees—approximately 35 staff positions.

The total annual budget for this current fiscal year is approximately \$6.4 million. Roughly \$4.9 million goes to salary and benefits, leaving an operating budget of \$1.5 million. About \$700,000 of that operating budget is spent on obtaining services from other government organizations, including services related to HR, finance, procurement and IT. The remaining \$800,000 is used for goods and services, with continually increasing costs, particularly related to essential IT infrastructure.

I'd like to conclude by thanking each and every employee of the office. I am proud that a recent media article about the public service employee survey noted that our office ranked as one of only two organizations with 100% of employees responding that their office is a great place to work. I am equally delighted that 100% of our employees responded that they're treated with respect. Indeed, our results in all categories of the survey are impressive.

● (1215)

[Translation]

These accomplishments can only be achieved because of each employee's dedication, professionalism and excellence in delivering on our mandate. For this I am extremely grateful to each of them.

Mr. Chair and committee members, thank you and I welcome your questions.

[English]

**The Chair:** Thank you, Ms. Bélanger.

What would an appearance before the ethics committee be without a request for a legislative review of the Lobbying Act? We hear it every time you're here. Thank you.

Mr. Barrett, you're going to start us off for six minutes. Go ahead, sir.

**Michael Barrett:** Good afternoon.

Has there been a change in the number of investigations that you've suspended, having referred them to the RCMP? You said that the number is four. Is that a revised number since your last appearance before our committee?

**Nancy Bélanger:** Yes, it is; I believe I sent two in the last.... One was before the end of March, and one was this summer. That's an additional two.

**Michael Barrett:** Okay. So, there are two rested with their office and two additional.

**Nancy Bélanger:** There are two additional since the last time I appeared, yes.

**Michael Barrett:** Okay.

I would be remiss if I didn't ask if you are able to share any details about the files that you've referred to the RCMP.

**Nancy Bélanger:** Unfortunately, I can't, no.

**Michael Barrett:** Okay. Thank you.

There have been reports that the Prime Minister has met with corporate leaders whose firms are actively engaged with government. Would you consider those kinds of meetings the type that would raise transparency concerns in your office with respect to lobbying?

**Nancy Bélanger:** Well, according to the Lobbying Act, every meeting that occurs between corporations about topics that are registerable—whether it's about policies, programs or financial benefits—would have registerable subject matter. Obviously, it depends on whether they meet the current 32-hour threshold, but yes, if the topics are registerable according to the act, then the meetings would need to be registered.

**Michael Barrett:** There were, for example, media reports late last week. I think there was a list of individuals from organizations who had met with the Prime Minister. Would those all be registerable meetings?

**Nancy Bélanger:** They would be registerable if they met the threshold.

**Michael Barrett:** Which is currently...?

**Nancy Bélanger:** It is 32 hours, but it's changing in January.

**Michael Barrett:** It's changing in January.

You've said previously that transparency is the foundation for public trust. When someone with substantial private holdings provides policy advice to government and cabinet, but they're paid to do it, is it still lobbying in spirit, even if it's not contrary to the law?

**Nancy Bélanger:** If I understand the question correctly, if someone is paid to lobby, then that's a registerable subject matter. I didn't fully understand the last part, that it would be not in spirit. I'm not sure. If someone is being paid to lobby and it's about policy development, then that's a registerable subject matter, yes.

**Michael Barrett:** If someone is an executive with an organization and has substantial financial holdings in addition to their corporate role but is brought in to advise government in a non-paid advisory role, is that not a violation in spirit of what we're trying to do with the act?

**Nancy Bélanger:** Currently, the Lobbying Act requires payment. That is one topic that I would love to discuss with you during a legislative review.

In the Yukon, they've added the concept of a “directing mind”, where they do not require payment. That is definitely something I will want to discuss.

If somebody's not getting paid to provide the advice, the act does not apply currently.

**Michael Barrett:** Yes. It's a loophole.

We've seen this here when, in Mr. Trudeau's government, they would bring in individuals from the private sector and ask them to advise cabinet. These individuals are executives with global everything companies. They're able to give this advice. They're not registered meetings. However, they have these private interests that of course are going to be reflected in the advice they provide, and Canadians are completely in the dark about that. It's with chairmen and chief executives. They claimed then that it was of high service to Canada, but it certainly also creates a real problem for Canadians about why the advice is being provided.

● (1220)

**Nancy Bélanger:** Of course, I'm a great believer in transparency. The scenario you're giving me is currently not covered under the Lobbying Act, and it needs to be looked at.

**Michael Barrett:** Do you think the act, in its current form, captures influence-peddling when you have unpaid individuals?

**Nancy Bélanger:** If you're unpaid, the Lobbying Act doesn't currently cover you.

**Michael Barrett:** Is it a class of shadow lobbyists?

**Nancy Bélanger:** If you want to give names to it, you can, but I'm not in that business. I'm just telling you the Lobbying Act does not currently apply.

It should be transparent if there's payment involved, but if there's absolutely no payment, it's a requirement now under the Lobbying Act that should be changed—

**Michael Barrett:** Pardon the interruption.

What is the situation that we have with these meetings that were listed? Of course, these CEOs are not going to be registered to lobby. They won't have been paid to be there in the capacity of lobbyists. It's the same as when Mr. Carney was the chair of Brookfield. He was brought in unpaid but had these personal interests.

These are shadow lobbyists. It's a massive loophole—the Carney loophole—and we think it needs to be closed.

**Nancy Bélanger:** There have been questions put to my office in relation to consultative committees, for example.

I'm of the view that for certain CEOs, but for their current employment with their corporation or organization, they wouldn't be sitting at that table. I have said to them that they need to be registered. I interpret it when I am aware of it and I see names, and I communicate with them.

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

Mr. Sari, you have six minutes.

[*Translation*]

**Abdelhaq Sari:** Thank you very much, Mr. Chair.

Thank you for joining us, Ms. Bélanger.

You repeated numerous times that a statutory review of the Lobbying Act is long overdue. My questions will focus on your role, how you see things, meaning your vision in the short to medium term.

Let's talk about change. When it comes to change, there are always two dimensions we want to work on: urgency and importance. Let's start with urgency. In your opinion, what are the most urgent aspects to consider so this legislation reflects current lobbying realities? Around the world, and even here in Canada, we're seeing this role change somewhat. I noticed this in the questions my colleague asked earlier.

**Nancy Bélanger:** It's urgent because the act should have been reviewed in 2017 and we're still waiting. As a result, we lost two opportunities to improve it. That's number one.

However, in my opinion, the most pressing issue is registration-by-default. Organizations and corporations use ambiguous language to claim that they don't engage in lobbying for up to 32 hours. As a result, much lobbying is conducted in a non-transparent manner. This issue should be addressed first. I'm referring to the terms "significant part of the duties" set out in the act.

The second issue that needs to be addressed rapidly is the fact that I'm obligated to send the Royal Canadian Mounted Police, or RCMP, all files that I believe involve an offence. However, not all offences are equal. Unlike my provincial counterparts, I currently have no discretionary power to make them public, require people to undergo training, or impose administrative penalties. Sometimes I'm unable to make breaches and offences public. I find that difficult. It's one of the major challenges.

The third urgent issue that needs to be addressed is the monthly communication reports. Only communications that are oral and arranged in advance must be reported. This means that it's not mandatory to report all meetings with lobbyists at the airport or on the street corner. In my opinion, this is a problem.

Those are the top three urgent issues.

**Abdelhaq Sari:** That's very interesting. You've listed the urgent issues that need to be addressed and, at the same time, you've answered the second question I wanted to ask you about the gaps in the system. You've listed a few of them.

I have worked with public safety organizations in the past. Their objective was always tied to transparency and public trust.

Can those gaps undermine trust and transparency? Even if it's tricky, I'd like you to give a brief response.

• (1225)

**Nancy Bélanger:** Absolutely.

**Abdelhaq Sari:** Fine.

We've listed the urgent issues and the gaps.

In your opinion, what legislative adjustments need to be made? Would it involve legislation? I'd like to hear your thoughts on that.

**Nancy Bélanger:** I know you're going to undertake a study, and I'll be ready to give you my written recommendations once you do if the committee feels that would be useful. However, I can tell you right now that my recommendations will undoubtedly include the registration-by-default of organizations and businesses, monthly communication reports of all discussions, no matter who organizes the meetings, as well as a broader range of sanctions.

That's three recommendations, but I have about twenty in total.

**Abdelhaq Sari:** This leads me to another question.

When any organization wants to implement such changes, particularly legislative changes, the fear—I'm choosing my words carefully—is that the process will become more complicated. I know that we're not studying this now and that you'd need more time to respond to this question, but could this undermine the process or complicate it?

**Nancy Bélanger:** I don't accept the argument that it'll complicate things. It's a small price to pay, a small effort to make for transparency. It takes five minutes to open an account and about 25 minutes to input the data in the registry. It only needs to be done once and then kept up to date.

I don't believe, then, that makes the process more complicated.

**Abdelhaq Sari:** I have one minute remaining, so I'll move on to my second question.

I'm a firm believer in education and awareness. I've seen it and done it in many ways throughout my life. You can hear in my voice that I'm a firm believer.

Do you have adequate funding to do this work?

**Nancy Bélanger:** I'd like to have more money. I don't have enough money to do everything I want to do as a priority.

That said, I know there are budget cuts everywhere, and I haven't been affected, so I'm happy about that. Obviously, I'd like more money. We're doing our best with our extremely competent staff. It's an absolute priority.

**Abdelhaq Sari:** Thank you.

**The Chair:** You have 40 seconds remaining.

**Abdelhaq Sari:** I didn't realize I had any time left.

In terms of education and awareness, before coming here, I took a quick look at the European models. Did your office do any studies related to other countries that we could use for inspiration?

As you indicated, an account takes five minutes to open, and so on. You didn't talk about it in the beginning but is there a gap when it comes to educating both legislators and lobbyists?

**The Chair:** Please keep your answer extremely brief.

**Nancy Bélanger:** We focus our efforts on awareness. For a small team, we do a lot of it. As for conducting a study on what European countries are doing, no, I don't really have the resources to do that.

**The Chair:** Mr. Thériault for six minutes.

**Luc Thériault:** Thank you, Commissioner.

We will continue along those lines. This resonates with me because there are important, even essential or indispensable, organizations that are given few resources to carry out their duties to the fullest. So we do a lot with little, but we should be doing more with much more.

The 2025-26 departmental plan indicates that there are staffing issues, particularly due to competition for specialized resources.

What is the current situation in this regard? How could you be more competitive in attracting people? Are you short-staffed? I imagine that would require a lot more resources.

**Nancy Bélanger:** I think the departmental plan refers to the fact that I received additional funding in 2021 and 2023 to increase my staff from 28 to 37. Since then, I've set that number at 35, and I don't think I can hire two more people because I don't have enough money in my operating budget. Operating costs continue to rise. Each year, I am left with a surplus of less than \$200,000. So, I don't have a lot of money.

In short, in terms of staffing, I'd say that we're operating at full capacity. I have 35 employees and I couldn't hire many more because I wouldn't have enough money.

• (1230)

**Luc Thériault:** But the needs are there.

**Nancy Bélanger:** Yes, absolutely.

When I took this position, we had 28 employees and a budget of \$4.8 million. I submitted two budget requests. The first was approved in full. As for the second, I had requested eight additional employees and was granted four.

This brings me to the budget submission process. It should be independent and not dependent on the government of the day. This is another issue that needs to be addressed.

That said, yes, I would definitely like to have more staff.

**Luc Thériault:** It's one thing to revise the Lobbying Act, but a bad law is a law that cannot be enforced. So, if we don't have the resources needed to comply with the requirements of a legislative review and the recommendations that will have to be made, we'll be no further ahead.

**Nancy Bélanger:** When I started working on recommendations in 2018-19, I carried out a study. There will be more transparency. However, I'm not sure that this will significantly increase the workload of the Office of the Commissioner of Lobbying. More people will be required to register, for sure. I may have to reorganize resources and request more employees. That said, there are no plans to double the number of staff at the Office of the Commissioner. We're quite efficient. I work with highly skilled people. We might need about ten more employees, at most. We're quite capable of doing our job. We've developed great skills and efficiency. Things are going well.

**Luc Thériault:** A word to the wise.

You spoke earlier about a range of penalties.

What would be the biggest penalties?

**Nancy Bélanger:** Right now, during an investigation, as soon as I have good reason to believe that an offence has been committed—any violation of the act is considered an offence—I must pass the information on to the RCMP. I have no discretionary power. I send everything to the RCMP.

In my opinion, my colleagues across the country could cover a whole range. We could start with mandatory training. We could then cover financial penalties that would be made public. We could even impose a ban on lobbying for a certain period. The most egregious cases could then be referred to the RCMP.

I really need that flexibility. Right now, I'm speaking to the committee and you want me to talk about penalties, but I can't. I can't discuss them. I refer those cases to the RCMP.

**Luc Thériault:** I see.

**Nancy Bélanger:** I suggest that, when reviewing the legislation, you invite RCMP officials to hear their perspective as well.

**Luc Thériault:** That was actually one of my questions.

Which partners and stakeholders should be involved in this review and should come talk to us about it, apart from you, of course?

**Nancy Bélanger:** Of course, I would like to be there at the start and at the end. I'll come back as often as you want to hear from me.

You certainly need to also hear from my provincial counterparts, who have reviewed the legislation. In my opinion, the near-perfect model right now—it may have a few flaws—is the British Columbia model. You should definitely invite my counterpart from British Columbia and possibly RCMP officials as well. My counterpart in Quebec is also very active in reviewing legislation and would be a good person to talk to.

**Luc Thériault:** Thank you.

Is my time up, Mr. Chair?

**The Chair:** You have five seconds left.

Are you finished?

**Luc Thériault:** That's fine. I'll continue later.

**The Chair:** Okay. Thank you.

[English]

I'm going to take Monsieur Thériault's time.

You mentioned, Ms. Bélanger, that 8,800 lobbyists have been registered in 2024-25. Last time you were here, you had seen a significant spike in registered lobbying. Can you do a comparison—

**Nancy Bélanger:** It was probably an increase of 5%. I think we were at 7,700 the previous year. There seems to be an increase of 5% every year. The monthly communication reports went down from 34,000 to 31,000, but that's normal in an election year. Technically, from January to April this year, there were really a lot fewer monthly communication reports.

**The Chair:** Can you supply that to the committee for the period from, say, 2015 to 2025?

**Nancy Bélanger:** Yes, absolutely.

**The Chair:** Thank you.

That completes our first round.

Mr. Cooper, you'll start the second round. You have five minutes. Go ahead, sir.

**Michael Cooper:** Thank you, Mr. Chair.

Commissioner, on September 19, 2025, The Globe and Mail reported that a real estate executive, a lobbyist and a banker who all happened to very conveniently be Liberal insiders held an exclusive reception for Liberal MPs and cabinet ministers during the recent Liberal national caucus retreat in Edmonton. Liberal MPs and cabinet ministers were invited for a beverage to discuss politics.

To be clear, lobbying rules require lobbyists to report a meeting with public office holders even if they are oral and arranged. Is that correct?

• (1235)

**Nancy Bélanger:** Yes.

**Michael Cooper:** Under the Lobbying Act, reportable subjects include communicating with a public office holder regarding “the development...of any policy or program of the Government of Canada”; the awarding of any “grant, contribution or other financial benefit”; the “awarding of any contract”; and the “making or amendment of any regulation” or “introduction of any Bill”. It's pretty broad. Do I have it right?

**Nancy Bélanger:** Yes.

**Michael Cooper:** With respect to this reception, has any return disclosing communications with one or more public office holders on a reportable subject been filed with your office?

**Nancy Bélanger:** I don't believe so, currently, but they technically have until October 15 to impose any monthly communication reports. They have to do it by the 15th of the month following the month when the communication occurred, if there was a communication during that period that would meet the definition that you've set out.

**Michael Cooper:** Can you understand why I and a lot of Canadians would really have a tough time believing that a reportable subject would not have come up in that context, with Liberal MPs and cabinet ministers being invited by a real estate executive, a lobbyist and a banker to discuss politics?

**Nancy Bélanger:** The thing I have to say here is that I've looked at that article, and I've gone through it. Most of the people who were involved in this are not registered lobbyists. That's the first element.

The second element is that if there was a registerable subject discussed, it would have to be on behalf of their employer or a client. That's the second step before they would need to register.

Having said that, if you don't mind letting me finish, when these types of events occur and the people organizing it are not actually registered lobbyists, we do have section 4.3 in the code of conduct, which says very clearly that you should not be lobbying people who possibly have a sense of obligation towards you. Some of the examples in there are because of gifts and hospitality that go beyond the rules. I put that in there because—and that's another conversation we'll have during the legislative review—I believe there needs to be corporate accountability, not just lobbyists' personal responsibility and accountability under the act and the code.

**Michael Cooper:** When we speak about a sense of obligation, also in the code, that encompasses political work. Is that right?

**Nancy Bélanger:** I do have a section specifically on political work, yes.

**Michael Cooper:** Here we have three individuals who just happen to sit on the Liberal Party executive.

**Nancy Bélanger:** It's because of that role that maybe they're not lobbying, though. I don't know what occurred during that meeting. For sure, if they are lobbying, then there are possibly some issues there, yes.

**Michael Cooper:** If there was technical compliance with the act by the organizers of this reception; if you're in their position and you can host a reception, buy drinks and use your position of influence to spend time with a cabinet minister or an MP to make your case because you're a Liberal insider, why would you hire someone to lobby cabinet ministers to talk about a reportable matter, which would otherwise be reportable? Why would you pay someone when you can go directly and do what a lobbyist would do? You would just have a lot more access and a lot more influence. That seems to me to be, at least on the surface, what happened here.

**Nancy Bélanger:** Facts matter, so it really will depend on whether these individuals were there to represent anybody. That's how the Lobbying Act applies and how it works right now.

**Michael Cooper:** Certainly, isn't there a lot of smoke there, on the surface? Even putting aside the specifics of this event, there's a major loophole in the act for the scenario I just described.

**Nancy Bélanger:** I agree that we need to have that conversation about corporate accountability and responsibility, yes.

• (1240)

**The Chair:** Thank you, Ms. Bélanger.

Thank you, Mr. Cooper.

We're going to go to Ms. Church now for five minutes, please.

**Linda Lapointe:** No, it's Mr. Saini.

[Translation]

**Abdelhaq Sari:** It's Mr. Saini.

[English]

**The Chair:** Mr. Saini, go ahead please.

**Gurbux Saini:** Madam Commissioner, as a commissioner, you work with other people around the world on issues. How does Canada compare to the rest of the world when it comes to lobbying? What needs to be improved, if anything?

**Nancy Bélanger:** We used to be the leaders. Canada has now started to drop a little in many of the categories. We still are the leader with respect to the code of conduct. In fact, a lot of people around the world call me to figure out how I came to do the code that we have. With respect to the act, we have fallen down particularly in areas of, for example, the spectrum of sanctions in relation to what's disclosed for corporations and organizations with respect to beneficial ownership. We're not as good as we used to be. I'm telling you that British Columbia is one of the leaders in the world, in part due to having some excellent elements that require registration and transparency.

**Gurbux Saini:** Thank you.

What type of a sanction would you like to see in the Lobbying Act? How would those sanctions improve the application of the act for which you are responsible?

**Nancy Bélanger:** It would improve it because of the speed at which I would be able to.... An event occurs, I look at it, and I can possibly impose a penalty or an obligation to obtain training. Now, I have to suspend and send to the RCMP. It takes a lot of resources to investigate, do reports and send. It takes time. Sometimes they're returned to me many, many years later.

For efficiency, and also for the public to have confidence in the work I'm doing, I find it very frustrating to not be able to talk about many of these files. There would be an education component to enable us to say, "You know what, this person has been late 10 times in the last 10 registrations. That's enough. Let's do a monetary penalty." These are ways we could improve the regime.

My colleagues in the provinces have that power. I don't.

**Gurbux Saini:** Thank you.

In 2024, you said that the Lobbying Act needed to be reviewed every five years.

Do you still believe that the commission should prioritize reviewing the Lobbying Act? Do you still believe that should be happening?

Secondly, what do you think the scale and scope of the review should be?

**Nancy Bélanger:** The act says that it must be reviewed by this committee every five years. The last time that happened was in 2012. When I came here for my first nomination in 2017, I was asked, "Can you be ready in the spring of 2018?" I said that I would do my best. I would have been in the job for just a few months. I was ready. I was asked in 2021 if I could share where I was at with my recommendations. I shared a preliminary report on my website. I shared it with this committee. I'm sure your clerk

would have had access to it back in 2021. It's a mandatory obligation to review. We've lost two opportunities to continue to improve and to be at the forefront. Yes, of course, I believe the review of the act needs to continue to happen.

Regarding the scope, we should look at how to improve it from top to bottom. Every recommendation has an impact on the rest of the act. I do think that it should be a complete review.

**Gurbux Saini:** You mentioned that often you have to send files to the RCMP. Are those activities criminal in nature? Do you have to send to the RCMP every file that needs a review?

**Nancy Bélanger:** The Lobbying Act says that being late to register is an offence. Providing false information on the registry is an offence. Lobbying while unregistered is an offence. Lobbying while prohibited from lobbying is an offence. Everything is an offence.

If I'm in an investigation and I find that breach, I must send it to the RCMP. I just don't investigate every time somebody is late. There are five, six, seven, or 10 people late a week. I accept that registration for transparency purposes. However, I would like to be able to impose penalties, because, eventually, they are constantly late, and it's not good for transparency. Transparency delayed is transparency denied. We do need to improve our regime. Every breach of the act is an offence that I must suspend and send to the RCMP. They are not all created equal. I think we need to fix that.

• (1245)

**The Chair:** Thank you, Ms. Bélanger. Thank you, Mr. Saini.

Ms. Bélanger, you're probably aware of this, but the committee has asked the House for an order of reference to have this committee study the legislative review of the act. You have referred to the fact that it hasn't been done. It can be done by any committee. It can be done by a Senate committee or a joint Senate and Commons committee. We have asked that this committee review it. We're still waiting for that process to occur. We expect that to happen soon.

[Translation]

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

**Luc Thériault:** You spoke earlier about lowering the registration thresholds from 32 hours to eight hours, but not to zero hours. Why?

**Nancy Bélanger:** Good question.

I believe in zero, and it should be zero. Unfortunately, according to the wording used in the act, the work is collectively "a significant part of the duties." Those words must have meaning. I have to make a legislative interpretation. Unfortunately, if I set the thresholds at three hours, the court will probably say that it isn't "significant", which means "noteworthy".

I looked at the practices of other jurisdictions that use the same language as us. I did a quick analysis of what might be noteworthy. In my opinion, it's eight hours over a one-month period. The equivalent of about one work day over a one-month period is noteworthy.

It should be zero. I completely agree with you. However, this change must be made in the act. Unfortunately, I can't interpret the act to imply that the word "significant" means zero. I think that I would have a hard time winning that argument in court.

**Luc Thériault:** If we were to amend the Lobbying Act, for example, that would give you an opportunity to make improvements.

Lobbying is easy to recognize. As soon as a person opens their mouth...

I didn't understand why the threshold was lowered from 32 hours to eight hours a year. Even a threshold of 32 hours seems excessive.

**Nancy Bélanger:** When the act came into force in 1995 or 1996, the members of this committee acknowledged the vague and ambiguous nature of the words "significant part of the duties" of a lobbyist. They decided to give the registrar—now we would say the Commissioner—the authority to interpret what this meant. It was a start.

We decided to draw inspiration from the United States, where the "significant part" of the duties amounted to 20%. Over a one-month period, this 20% equates to 32 hours.

However, since I've been coming to this committee, I've wanted the act to change. In my opinion, it was really time to lower this threshold. I lowered it to eight hours. I think that it's reasonable to consider this number a "significant part of the duties" of a lobbyist. Those are the words used in the act. That's why I lowered the threshold.

I gave interviews to the media. One person wrote to congratulate me on my excellent initiative, but said that lobbying activities should be limited to one hour. I completely agree with that person. However, I must comply with the wording of the act.

**Luc Thériault:** Your recommendation to lower the lobbying limit from 32 hours to eight hours shouldn't be considered the threshold for compliance. The number of hours could also be reduced to zero.

**Nancy Bélanger:** In British Columbia, that's the default practice. It's the norm. The province has provided for a few exceptions, such as when an employee of a company with fewer than six employees spends less than 50 hours a year on lobbying activities. I'm told that these types of organizations are few and far between.

You can talk to people in British Columbia to learn about their practices.

**Luc Thériault:** I wanted to discuss another matter.

The departmental plan states that the Office of the Commissioner will continue to reduce barriers to accessibility on its website and in the registry of lobbyists.

What improvements have been made?

• (1250)

**Nancy Bélanger:** We asked the Office of Public Service Accessibility to assess the registry of lobbyists and our website. Some pages didn't meet accessibility standards. We needed to make some technical improvements, particularly in terms of colours and font size. This work is now complete, and we should receive an A+ rating.

**Luc Thériault:** Oh, really?

**Nancy Bélanger:** We should.

**Luc Thériault:** So, in terms of accessibility—

**Nancy Bélanger:** So far, so good.

We had the assessment carried out to ensure that we met the standards. We recently conducted a survey, but I haven't seen the results. I think that it will be completed in the coming weeks.

**Luc Thériault:** I'll ask you a question that you don't have to answer.

When I read that the Lobbying Act hadn't been reviewed since 2012, I wondered how that was possible.

Do you have an explanation for me?

**Nancy Bélanger:** How is that possible? It isn't for lack of trying on my part.

I think that the committee members know this. Since my appointment in 2017—

**Luc Thériault:** Is there an explanation?

**Nancy Bélanger:** I don't know whether there's an explanation. However, I can tell you that other priorities have emerged, such as the pandemic.

This committee had other studies on its agenda. The review of the Lobbying Act was constantly postponed.

I'm pleased that a motion has been moved in this area. It's a step in the right direction.

**The Chair:** Your time is up, Mr. Thériault.

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

**Gabriel Hardy:** Thank you, Mr. Chair.

I want to thank the witnesses for joining us today.

For the people tuning in, lobbying is an activity that involves approaching public officials, such as elected representatives or public servants, to influence their decisions, policies or legislation for the benefit of a group. That's the definition provided for "lobbying activities".

I say this every time I meet with someone here. People are losing confidence in our institutions, as you said earlier, Ms. Bélanger.

Do you feel supported enough? I have another question coming up.

You said earlier that we used to be an international leader in lobbying, but that we're losing our status.

For how many years has Canada been losing its status as a leader?

**Nancy Bélanger:** This decline has likely been going on since 2016 or 2017, when the review should have been done. The legislation in British Columbia was passed in 2020.

**Gabriel Hardy:** We knew this back in 2012. Since 2016 or 2017, we've felt that this issue hasn't been considered important or a priority in Canada.

**Nancy Bélanger:** The reality is that many pieces of legislation in the pipeline around the world contain good features that would be worth considering here.

**Gabriel Hardy:** We're lagging. We haven't dealt with this issue. To a certain extent, I agree with my colleague. I had planned to ask the following question. Why isn't it a priority for our government to ensure that our lobbyists comply with the legislation?

I'll move on to another question. We were talking about 32 hours, which amounted to 20%. We're now down to eight hours. Is this because there are more and more lobbyists? Have you seen an increasing number of lobbyists?

**Nancy Bélanger:** I've noticed an increasing number of lobbyists. However, I also saw that, in 2024, for example, 22 days of unregistered lobbying took place.

**Gabriel Hardy:** Why have we ended up in a world with more and more lobbyists? Is it because people realize that, deep down, paying for a nice lunch here and there and exerting a little influence actually works?

**Nancy Bélanger:** I hope not. I've introduced rules regarding nice lunches here and there. I hope that there aren't too many of these nice lunches.

I think that lobbying is useful and valuable for each and every one of you who must make decisions that benefit Canadians. You need to know their concerns. You need to have data. People roll their eyes when they hear the word "lobbying". However, it's a good thing, as long as the process is transparent and ethical.

I did what I could in terms of ethics, but we really have a transparency issue here. I read newspaper articles and conduct investigations. Trying to substantiate 32 hours of lobbying is nearly impossible. Furthermore, it isn't good to see all these unregistered meetings taking place. We need transparency.

**Gabriel Hardy:** It's a bit like the wild west. The structure is no longer strong enough, and, as you said earlier, the penalties aren't severe enough to make lobbyist groups realize that they're crossing the line and that they need to stop.

I would also like to hear about the number of offences that you have referred to the RCMP compared to the number that work their way through the process and come back to you.

• (1255)

**Nancy Bélanger:** I've sent 18 offence files to the RCMP since my appointment as commissioner. So, in seven and a half years, there have been 18 files. Two charges have been laid, two files are

under discussion, the RCMP still has four files and the rest have been sent back to me with no charges laid.

**Gabriel Hardy:** You said earlier that about ten files a week failed to comply with the rules. Are we talking about 18 files that posed a major issue, or 10 files that you receive each week?

**Nancy Bélanger:** The 10 files are the ones that don't comply with the rules for registration in the registry. These lobbyists are registered, but they're 60 days, a year or three years late. I don't investigate those files. I don't have the resources to do so. However, I ask the lobbyists why they're late, I ask them to take training and I accept their registration.

That said, I investigate people who aren't registered but who are clearly lobbying. I come to see you as witnesses because they're meeting with you. After that, I look at whether they meet the threshold or whether they should have registered. I then decide whether to refer their file to the RCMP.

**Gabriel Hardy:** We agree that, in terms of access to information and privacy and also in your case, we currently lack the structure to empower the commissions. This structure would help ensure that the government is held accountable for its decisions and that the people who interact with the government can realize at some point that they're going too far.

**Nancy Bélanger:** Absolutely.

I want to clarify one thing. The people who engage in lobbying these days without being registered don't need to be registered. The issue is the act and its interpretation of the 32 hours.

**Gabriel Hardy:** It's informal lobbying, basically.

**Nancy Bélanger:** It's informal lobbying, yes, if you want to call it that.

**Gabriel Hardy:** Okay. That's also a serious issue for us.

**Nancy Bélanger:** You have to be registered. Transparency is crucial for a healthy democracy.

**The Chair:** You have only six seconds left. Thank you.

After Ms. Lapointe's remarks, I think that we'll have time for one last round of two and a half minutes for the Conservatives, followed by two and a half minutes for the Liberals.

Ms. Lapointe, the floor is yours for five minutes.

**Linda Lapointe:** Thank you, Mr. Chair.

Good afternoon, Ms. Bélanger. Welcome to our committee.

I find the topic that you're discussing quite compelling. I also want to congratulate you and your team on your accomplishments. You said that things are going well with your team. I would like to return the compliment, given that this certainly stems from your leadership.

**Nancy Bélanger:** That's kind of you. Thank you.

**Linda Lapointe:** You seem to have a very good working relationship within your group, and that's a good thing. The work you do is very interesting.

What you're proposing for the 32-hour registration threshold, the 20% rule, should have been done a long time ago. I understand all that. I assume that when you were appointed, you had already started your verification work to prepare for the Lobbying Act's review.

I hope my colleagues have taken into account the history of the pandemic. It wasn't funny for anyone or any team. We were all working remotely, and it was harder to be cohesive.

Since you presumably had to prepare, had you already started your work toward making recommendations?

**Nancy Bélanger:** As soon as you ask me for something, I can give you something. My work is constant.

I just came from a meeting with my provincial colleagues, who are also reviewing their legislation. I have new ideas every day. There are recommendations I made in 2021 that I push a little further and others on which I back down. I'm always reassessing myself and seeing, with my team, what we can do to improve the transparency and ethical behaviour of lobbyists.

**Linda Lapointe:** When we revise the act, then, you and your team will be ready.

**Nancy Bélanger:** Yes, absolutely.

**Linda Lapointe:** That's interesting.

You said a number of interesting things earlier. For example, you said that you were required to send everything to the RCMP, when there are things that could be done according to a certain spectrum. I'm thinking of the requirement to take training, for example, so that lobbyists know when they can or cannot lobby and when they have to register.

Should it be a little more open to everyone, so people understand their lobbying obligations?

**Nancy Bélanger:** Are you talking about our awareness activities?

**Linda Lapointe:** Yes.

**Nancy Bélanger:** I also have an obligation to inform the public, so we do a lot of outreach. We have a website, and people can contact us on social media. On the 15th of each month, we remind people that they have to do certain things.

We also give a lot of training. I give it to public office holders, for example, public servants who aren't sure what is and isn't lobbying. We've given training 65 times already, and we aren't even halfway through the year. Personally, I never say no to a request for a presentation, so I give a lot of them, and my team of four advisers give a lot as well.

That said, you're right: It's important to inform the public so that people don't roll their eyes every time they hear the word "lobbying". It isn't a harmful activity, it's something right; it just has to be transparent.

• (1300)

**Linda Lapointe:** I understand very well. It's important for people to be able to promote their interests, their points of view, their business and what they represent, and demonstrate how legislative changes can affect certain sectors or businesses in the country. That's interesting.

You talked about British Columbia and Quebec, where legislation is going well, and you said that we should invite people from the RCMP and those provinces. However, are there countries we should be visiting or evaluating? I know that my colleague tried to touch on that earlier.

**Nancy Bélanger:** You could certainly invite people from France, whose regime is one of the most recent, but also forward thinking. I would also ask you to invite the people from the Organisation for Economic Co-operation and Development, or the OECD. They're the ones who propose spectra, look at all the elements and make recommendations. I talk to the people at the OECD regularly, and I think it would be an interesting team to invite to look into this. They would be able to give you a comparison of everything that's being done elsewhere in the world.

**Linda Lapointe:** That's interesting. We'll probably have to add the OECD to our list, then, when the time comes to do the study.

Thank you very much.

**Nancy Bélanger:** Thank you.

**The Chair:** Thank you, Ms. Lapointe.

[English]

Just to follow up on what Ms. Lapointe said, it's kind of an unusual request. Typically, when we ask for a list of witnesses, we'll ask each party to submit their list to the clerk.

I'll make the suggestion, Ms. Bélanger, that you and your staff come together with a suggested list of witnesses for this study that you could supply to the clerk for our consideration. That's in addition to the other requests I made.

**Nancy Bélanger:** There's only one thing I would caution. Of course I think you should speak to the community of those who are regulated by me, but I am not going to suggest particular lobbyists, etc.—

**The Chair:** No—

**Nancy Bélanger:** —because I don't think it would be fair, etc. Can I suggest anyone else? Yes, absolutely.

**The Chair:** You mentioned the RCMP, B.C. and Quebec. You mentioned Ontario, as well.

In addition to what you've mentioned, if there's anything else you can consider that would be helpful for the committee, I would appreciate it.

**Nancy Bélanger:** Yes. Okay.

[Translation]

**The Chair:** Mr. Hardy, you have the floor for two and a half minutes.

**Gabriel Hardy:** Thank you very much, Mr. Chair.

Ms. Bélanger, everyone seems to fully agree that we have to move forward and that we're a little ways from 2012. That's a good thing.

The Conflict of Interest and Ethics Commissioner has to regulate public office holders, such as us, while you regulate lobbyists. How well do you get along? Do you have a good balance of power? When an elected official starts doing business with lobbyists, isn't it the Ethics Commissioner who should slap the official on the wrist to tell them that they're crossing a line or making someone else cross it?

**Nancy Bélanger:** I'm not sure I fully understand the second scenario.

I certainly have a very good relationship with the Ethics Commissioner. I would even add that, when I was appointed, Mr. Dion and I signed an agreement to do training together. That said, my office isn't a reflection of the Office of the Conflict of Interest and Ethics Commissioner. That office regulates each of you, while the lobbyists I supervise interact not only with you, but also with public servants and senators. The two offices don't exactly mirror each other.

When someone leaves office, they're currently told to be careful because they won't have the right to lobby for the next five years, and they're told to make sure to communicate with the Office of the Commissioner of Lobbying.

We have a very good relationship, especially when it comes to training, where we try to work together.

**Gabriel Hardy:** Last week, we heard from experts who told us that the trust set up to manage the Prime Minister's assets and avoid any ethical problems was just a smokescreen. Do you agree with that? Do you think it is enough to hire two people so that no lobbyist can have influence on the other side?

• (1305)

**Nancy Bélanger:** I'm not sure I should comment on that, because it's really outside of my purview. I regulate lobbyists. However, I can tell you that when a lobbyist becomes a public office holder, which happens regularly, we recommend that the people working with that person don't lobby them or their entourage for a certain amount of time.

**Gabriel Hardy:** That's not an obligation, though.

**Nancy Bélanger:** It's a recommendation, but if they don't follow it, that's a violation of the code of ethics, and I have to report it to Parliament. I haven't had an issue so far.

**The Chair:** Thank you.

Mr. Sari, you have the floor for two and a half minutes.

**Abdelhaq Sari:** Thank you very much, Mr. Chair.

Commissioner Bélanger, once again, thank you for your answers.

A number of people were elected for the first time in April 2025, and I'm one of them. This is the first time I've been elected at the federal level, and having worked at the municipal level for eight years, I can tell you that I felt like I was coming out of a municipal pool to face a federal ocean.

There is always talk about lobbyists, and what is or isn't respected, so I'm wondering if you have any advice for members like me. When you come from a municipal background, you're used to being a target, since you have quite significant prerogatives, but I feel that

we're even bigger targets as federal elected officials. I think other new members are feeling that too. Maybe they've also come from another level of government.

What ethics-related advice would you give to members like me? We received some training that aligned with what we knew, but what advice would you give to new elected officials who are targets?

**Nancy Bélanger:** First, when you meet with people who may be lobbyists, you have to ask them to contact my office. I would also advise you to consult our registry every time you meet with them. It's excellent. Go and see who they communicated with before meeting you.

Finally, take notes. Please document your meetings with these people, because if they aren't registered and I conduct an investigation, I will definitely be knocking on your door for information, and I'd like to have as many details as possible. For that reason, I recommend that you document your communications with these people.

**Abdelhaq Sari:** Where is the line between lobbyists and influential people who can influence our decisions? Are they required to register? Do we always have to redirect them to you and ask your opinion before we meet with them?

**Nancy Bélanger:** You don't have to do that before you meet with them. You can meet with them. It's not up to you to make sure that the people you meet are registered. That's my responsibility.

However, if they aren't registered, I would ask you to help me. Tell them that they're lobbying on a bill or a policy, for example, and encourage them to contact my office. If it's an organization that meets with you only once, it doesn't meet the current 32-hour threshold. In January, though, that threshold will be reduced to eight hours, so it could meet the threshold from that point on. It would then have to reach out to us.

**Abdelhaq Sari:** Thank you very much.

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

[English]

Ms. Bélanger, I want to thank you for taking the time to be with us today. The information you've provided has been valuable. I appreciate the work that you and your staff are doing to keep everything on track. Once we get to the study, I'm sure you'll provide some valuable input.

Seeing no other business....

Ms. Church.

**Leslie Church:** Mr. Chair, you had made a request to the commissioner for data on the number of lobbyists dating back to 2015. Can we get that dating back to 2008, when the act was created? Would she be amenable to that?

**The Chair:** Yes.

**Nancy Bélanger:** I think that's possible. In fact, I think some of it is already in our annual report, so it will not be hard work to get that done.

**The Chair:** I don't think that was a point of order, but there's no problem with that.

If you can do that, Nancy, I'd appreciate it.

**Nancy Bélanger:** Is within a week okay?

**The Chair:** Yes. I know that your office is very quick in responding. Thank you.

That's it for today. Thank you to everyone who made this meeting possible.

The meeting is adjourned.

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