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• (1555)

[*Translation*]

The Chair (Hon. Jean-Yves Duclos (Québec Centre, Lib.)): Good afternoon, everyone.

We'll now begin meeting number 43 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the House of Commons order of reference of April 20, 2026, and the motion that we adopted on April 30, 2026, we're meeting, as you know, to study Bill C-22, An Act respecting lawful access.

Once again, I would like to thank and welcome the witnesses. We're getting to know them well and to appreciate them even more.

From the Canadian Security Intelligence Service, we're joined by Ramzi Nashef and Juanita M.

From the Department of Justice, we're joined by Kimberly Gibner and Normand Wong.

From the Department of Public Safety and Emergency Preparedness, we're joined by Richard Bilodeau, Shannon Hiegel and Fenton Ho.

Lastly, from the Royal Canadian Mounted Police, we're joined by Chief Superintendent Richard Burchill and Sergeant Aaron Gilkes.

We know how important and demanding your work is under normal circumstances. We also know that you're making yourselves available for many hours to meet with us. This places an even greater burden on you. We're grateful for the time that you spend with us, including the personal and family time that you sacrifice to join us.

We'll try to work as efficiently as possible to respect not only your time, but also the resources allocated by the House of Commons to the study of this bill. I would ask everyone to remain as diligent, concise and helpful as possible with the committee's questions.

I would like to respectfully remind the committee that, in seven hours, we've covered just seven or eight amendments. So the pace is obviously a challenge, by the way. We also want to live up to the expectations and needs of Canadians and of the people who work for us on this committee.

That said, remember that last Tuesday—

[*English*]

Marcus Powlowski (Thunder Bay—Rainy River, Lib.): I have a point or order, Mr. Chairman.

[*Translation*]

The Chair: Mr. Powlowski, you have the floor.

[*English*]

Marcus Powlowski: It has come to my attention that today is your birthday. I'd like to wish you a happy birthday, and I hope you like our present of being here for seven hours.

Some hon. members: Hear, hear!

The Chair: That was arranged with MP Powlowski, who will get his reward soon. My real birthday is on Saturday. I wanted to be celebrated twice in a single week. Marcus, thank you very much.

Having said that, it makes me even happier to recognize that are we a great team; we had to work together on Tuesday to come to amendment BQ-4.

[*Translation*]

Last Tuesday, we debated amendment BQ-4, to which Mr. Housefather moved a subamendment. Mr. Housefather is joining us remotely. The clerk distributed this subamendment to all the committee members.

[*English*]

MP Housefather, did you want to say a few words just to remind us of the context of that subamendment?

(On clause 6)

[*Translation*]

Anthony Housefather (Mount Royal, Lib.): Thank you, Mr. Chair. I would like to wish you a happy birthday in advance.

I'll be brief. I'll take your wise advice that we should speed up our deliberations.

[*English*]

This subamendment is related to amendment BQ-4, which is a very well-intentioned amendment that follows a recommendation of the Privacy Commissioner. It relates to what could be in a document that is provided by a service provider in response to the back-and-forth with police and the order.

Mr. Chair, when I read BQ-4, which says, “produce a document containing the subscriber information that is specified in the order...”, I felt that it was too limiting. It assumes that police would know, when they are preparing their request, exactly what information the service provider would actually have, and it's way too early in the process for them to know that.

What I propose is to refer back to the definition of subscriber information, and to say that they would produce a document containing the subscriber information referred to in any of the proposed paragraphs (a) to (c) in our definition of subscriber information. I would like to try to limit it in a way that I think is respectful of what the Privacy Commissioner had actually intended.

I'll leave this by asking the officials if they feel that what is drafted here is something that would work—not from a determination of the committee's perspective. Does it actually reflect the intention of what should be in the bill in terms of how it's referred back to the definition?

• (1600)

Normand Wong (Acting General Counsel, Policy Sector, Department of Justice): Looking at the amendment and the subamendment, I think this subamendment does just as Mr. Housefather indicates. It generally leaves the scheme of the production order intact while addressing what I believe the Privacy Commissioner was looking for, which was more explicit discretion for the judge to order specific types of subscriber information.

I do believe that this is in the spirit of the current provision, but I understand that the current provision could lend itself to an interpretation for which the judge has limited discretion. This provides that it's up to the discretion of the judge to order what subscriber information will be produced.

The Chair: Thank you.

MP Housefather, do you have anything more?

[Translation]

Anthony Housefather: No, Mr. Chair.

[English]

The Chair: Thank you so much.

Madame DeBellefeuille.

[Translation]

Claude DeBellefeuille (Beauharnois—Salaberry—Soulanges—Huntingdon, BQ): Thank you, Mr. Chair.

First, I would like to thank the clerk for giving me a headset with two earphones. Perhaps this will give me a more comfortable working environment until midnight.

Regarding the subamendment, we consulted the advisers on the commissioner's team to see whether it would alter my amendment and whether it did indeed reflect what the Privacy Commissioner had in mind. Basically, the subamendment reflects what he had in mind and it doesn't alter my amendment. It still captures the spirit that the commissioner had in mind. I would be quite supportive of this subamendment.

I would like to take this opportunity to say the following, Mr. Chair. I don't know whether you said this at the start. However, I would expect you to give us breaks during the clause-by-clause consideration.

Could you explain how the meeting will run until midnight? Will you be giving us regular breaks?

The Chair: We could take a break every 90 minutes. Last time, we waited a bit longer to make sure that the meal was ready, but we could take a break every 90 minutes.

Claude DeBellefeuille: Thank you, Mr. Chair.

That's all for me.

The Chair: Thank you for your comments, Mrs. DeBellefeuille.

[English]

The floor is yours, MP Kronis.

Tamara Kronis (Nanaimo—Ladysmith, CPC): Thank you very much for welcoming me to this committee. I'm delighted to be here on such an auspicious day—your birthday.

It's interesting to hear the first witness who was here talk about the fact that some people see the proposed changes, the amendment and the subamendment, as limiting the discretion of the judge, or the Privacy Commissioner seems to have proposed it in order to expand the discretion of the judge.

Mr. Wong, could you elaborate on that a little bit?

Normand Wong: Just to clarify what I intended to say if I didn't say it, the proposal for clause 6 that's currently in the bill could lend itself to limiting the discretion of the judge, because it refers to producing all the subscriber information in their possession or control that relates to information that's provided. I think that was the pre-occupation of the Privacy Commissioner. By adding to or dividing the provision up in the way proposed by the subamendment, it makes explicit that it's completely within the judge or the justice of the peace's discretion to order what subscriber information they think is appropriate for the demand.

• (1605)

Tamara Kronis: As you probably know, there has been great concern about the scope of this bill within our communities. I'm sure that I'm not alone in this room in terms of having received hundreds of emails about this bill. Can you explain a little bit about why you think this is a reasonable limit?

Normand Wong: The production order is issued by a judge, so it's not a given that police get the information when they demand it; it's up to the discretion of the judge. In terms of safeguards, one of the main safeguards in terms of the use of this tool is that it's discretionary for the judge to actually order it. The police have to provide certain information and meet certain thresholds in order to obtain this. In terms of balancing the needs of the police and the privacy interests of the people who are involved, who are usually criminals, we think that this strikes a fair balance.

Tamara Kronis: It's interesting that you would say "usually criminals". You and I are both lawyers. I don't know whether most of the people who are watching this are lawyers or not, but you talked about certain information that the police have to provide in order to get the judicial order. Can you provide some examples of the kind of information that they have to provide? I think that would go a long way towards reassuring people in our communities.

Normand Wong: I think a good example might be that, in the course of an investigation for an organized drug ring, they have other tools that they're using, such as a wiretap, a transmission data recorder warrant or production order. While they're surveilling one person of interest, they use a tool that records all the phone numbers that this suspect is calling. The production order for subscriber information would allow police to go to court to verify who's at the other end of those phone numbers. Because it's just specific information—basically, identifying information—police could use this tool to quickly identify additional suspects, pizza delivery people, school people or potential victims. It's a very limited tool in order for police to parse out the people who might be involved in the investigation.

Tamara Kronis: It's interesting that you would use the example of phones. One of the things that I'm constantly hearing about in terms of the concern is the year's worth of metadata that is potentially going to be collected under this. I'm wondering two things. First, in the case of phone numbers, to the extent that a person has had a phone number for years and has a network of contacts in their phone, can you explain why you would need a year's worth of metadata to be able to get that kind of information?

Normand Wong: I will defer to my colleagues from public safety, because that's from part 2 of the bill. Part 1 of the bill, which I'm here to speak to, has to do with the judicial orders to get at that information.

Tamara Kronis: Just before we—

The Chair: Respectfully, I would not want to direct your question, but that's indeed in part 2. There are amendments specific to metadata later.

• (1610)

Tamara Kronis: I'll leave that for now. I want to ask a different question specifically about that kind of situation with the phone numbers.

Forgive me if I'm wrong, but is it not prevalent for people who are engaged in organized crime to use burner phones specifically for this reason, which is so that their information isn't available?

Normand Wong: They do. There is another provision in part 1 that deals with burner phones that there's no amendment for, so I'm

not sure if we're going to get to discuss that, but it will come up during clause-by-clause.

Tamara Kronis: In terms of the utility, you used an example of being able to get phone numbers. We've established that many of those people use burner phones, so that's probably an example of limited utility. Can you give a different example that might be more relatable?

Normand Wong: A case was recently reported in the CBC, I think a couple of days ago, where the subscriber information production order would be of use. It had to do with investigating a ring of men who were harassing women with sexualized deepfakes. The way the police officer was able to connect the suspect of the crime was through records that they obtained through Airbnb. This type of production order has utility not only for telecommunications but for short-term rentals, hotels and things like that.

Tamara Kronis: Just so I have it straight in my head, can you explain what the delta is between the data that would be involved without the Bloc amendment, the data that is involved with the Bloc amendment and the data that's in the subamendment? What does the delta look like? Operationally, what are we doing here?

Normand Wong: In the current amendment, as far as I know, we're not limiting the data that's available. That was in a different amendment. It's subscriber information. The Bloc amendment and the subamendment are making explicit that when you seek a production order, the judicial discretion remains with the judge to decide what subscriber information shall be ordered within that specific production order.

Tamara Kronis: If I could turn to one of the RCMP witnesses, can you translate...

I apologize. I'm so used to this happening automatically.

I want to thank all the people who are assisting us today—all of the translators, the technical people and everyone who's here. This is my first term as an elected official, and these are really long and intense weeks. You are the people who are making it possible for us to do this work. We're very grateful for that.

Could one of the witnesses from the RCMP translate what I understand legally into the practical and operational implications? What information don't you get from this, as a result of this amendment?

Aaron Gilkes (Acting Officer-in-Charge, RCMP Lawful Access, Royal Canadian Mounted Police): I suppose I can bring it back to the burner phone situation, because if we're looking simply for phone numbers, like you mentioned, there could be a phone that's being swapped or a SIM card that's being swapped. There are a number of different things they can change to try to maintain their anonymity.

Some of the information you can recover from, for example, a service provider in this list would be devices being used or equipment being used. What we've seen in the past is that we've established, potentially, the residence of the individuals or individual involved in a crime, and we're able to see, as a result, that they've used multiple devices to access a certain website, for example.

In the case of a bank fraud or something like that, it could be that a particular account was accessed by multiple different devices, but from potentially the same location. That gives us an indication that different devices are being used by a particular individual, even though they are swapping SIM cards or something like that. It's the same device or the same type of device being used, or it's a similar device that they're changing to try to mask their actual identity.

• (1615)

Tamara Kronis: Just following up on that, as you're speaking I'm running through some of the emails that I get from people in my community about this bill specifically. There's a lot of talk about—and we've been focusing on this idea—asking for a judicial order stage, and we're thinking about what kind of information we're looking for in that context.

How do we get here? You talked about multiple devices being used for a fraud from the same location. How does this come across your desk in the first place? Is this one of those situations where someone has reported a crime and you're doing an investigation? Or is it something that you would initiate on your own? If I could ask you to—

The Chair: I'm sorry to interrupt.

[*Translation*]

The bells are ringing. We've been summoned to the House to vote.

Before continuing, we need unanimous consent.

Is it the will of the committee to continue the meeting?

Some hon. members: No.

[*English*]

The Chair: There's no unanimous consent. We will suspend.

MP Mantle, I'm fortunately surrounded by great advice. You're apparently not a member of the committee now, you're not a substitute. I just wanted to check whether you were alone or supported by others.

[*Translation*]

We're suspending the meeting for the duration of the standing vote in the House.

• (1615)

(Pause)

• (1705)

The Chair: Thank you for coming back.

We're continuing with Ms. Kronis, who would like to pick up where she left off.

[*English*]

Did you want to continue your questioning?

[*Translation*]

Tamara Kronis: Yes. I would like to ask some questions.

The Chair: Ms. Kronis, you have the floor.

Tamara Kronis: Thank you, Mr. Chair.

[*English*]

When we broke, I think we'd talked a little bit and had some legal discussions about the differences between the wording of the clauses in the original bill and the amendments, and again in terms of the subamendments.

I would invite our witnesses here from the RCMP to talk a little bit more about what that practical difference is.

Aaron Gilkes: Where I left off before was introducing you to how a police file may get started. Now, I'm going to choose just one type of file. It could be very different, depending on the type of investigation that you're conducting.

Much of the time, it will start off with a complaint from an individual. If I take, for example, someone who claims to have been defrauded at a bank, then they may make a complaint to the police department—

• (1710)

Tamara Kronis: I apologize for interrupting you.

When they say “defrauded at a bank”, do they mean a complaint of being defrauded that they're making to the bank, or is it a complaint of being defrauded by the bank?

Aaron Gilkes: Well, they're not sure yet. They're just trying to say that there are funds missing, but they don't know why those funds happen to be missing.

Tamara Kronis: Thank you.

Aaron Gilkes: Now, there can be a discrepancy between what they say and what the bank says, for example. The bank may allege that this person was complicit in whatever actually happened.

Tamara Kronis: Do you mean that the bank might say, “You're right. The sum of \$12,000 has been withdrawn from your account, but our records show that you did that on Friday in person here at the bank”?

Aaron Gilkes: It could be something like that, yes.

We may receive a complaint, and then that complaint would have to be triaged. A department has to receive it, review it and establish its priority based on what could be the modus operandi, the amount of money that was defrauded or anything like that. Then it has to be assigned to an individual or a team of investigators. Then that investigator has to have the time to begin the file. There could be a considerable amount of time before work actually begins on the file itself.

Depending on what the alleged event was, it's possible that the police may try to obtain certain information from the bank. For example, they might want to obtain IP logs, or logs of the account that had been accessed. If they are able to write a production order to the bank to obtain this information, it could take 30 days, or it could take whatever time it actually takes to for the bank to reply. In that reply, it could be that there are several IP addresses that had accessed the account.

In order to continue with next steps, police would likely try to figure out who would be behind the IP addresses that had accessed the account. Part of the challenge that police face now is establishing exactly which company is in control of the subscriber information associated with those IP addresses.

Tamara Kronis: When you say, “the subscriber information associated with those IP addresses,” that means that you have the IP addresses, and you geolocate them, presumably.

Aaron Gilkes: Well, we can't—

Tamara Kronis: How do you get from having IP addresses to looking for subscriber information?

Aaron Gilkes: That's part of the challenge.

If you're able to do an open-source check on the information that you receive, then you might be able to identify the IP range for a particular provider.

Now, as I alleged earlier—I think it may have been on Tuesday—it's possible that there are resellers of IP ranges. A large company may resell a certain range of IPs to a smaller company, and so forth and so on, until an address is sold to the subscriber. Just because the allotment of IP addresses was to a larger company, it doesn't mean that they're actually going to have the subscriber information that would be associated with that particular IP address at a particular time.

Police have the challenge of trying to identify which company might have provided direct services to whoever used that particular IP address.

Tamara Kronis: How do you get from there to this clause?

Aaron Gilkes: In terms of the production order for this information, this would be a good example of where you receive many IP addresses and you're trying to identify who they might actually belong to. You're trying to identify whether these IP addresses could potentially belong to the victim or to the person who is claiming to be a victim. At that point, you don't necessarily know, or you haven't confirmed, whether a crime has actually occurred. You have, for example, a conflicting statement from the victim, or the potential victim, and the bank itself. You have the possibility that the crime has actually occurred.

If you have only the possibility, you're not at reasonable grounds to believe yet. You need to have, or it would be nice to have, another tool to be able to write the possibility that this crime has occurred. The information received would allow you to confirm or deny, or at least provide evidence of, the offence.

• (1715)

Tamara Kronis: What you're saying is that you can ask the bank for a production order, but you can't just ask Shaw or Telus or Rogers for a production order.

Aaron Gilkes: Well, that would really depend on how you obtained it yourself. When I started walking you through this, I was giving a particular example. That won't always be the way we're going to receive it. Some of the time it can come in the form of a potential breach that has been reported by a bank, “Oh, we believe these IP addresses may have fraudulently accessed accounts.” If that has not necessarily been confirmed, we won't have any evidence to corroborate what has been provided.

We could also simply receive IP addresses and have to determine, based on these IP addresses, whether a crime has been committed, and then obtain information in relation to those to actually further the investigation.

Tamara Kronis: With regard to the kind of example you're laying out, let's say I have a bank branch in my community where five seniors have gone in that week who are all missing money from their accounts. When the bank goes and does its internal investigation, they realize that in all five withdrawals, the same IP addresses were used. They call you. Now you are trying to figure out where the next piece is on the trail of breadcrumbs.

Aaron Gilkes: That's right. The reason we're doing this is that it's not enough to obtain an IP address. We have to obtain information while thinking down the road about conviction. We'll have to associate an IP address to potentially a device, and then associate that device to potentially an individual, and then identify or try to figure out whether that individual is actually the one behind the device or whether someone else was using that device to commit the offence.

Tamara Kronis: What are the limits now in terms of associating those IP addresses with a device that this part 1, and specifically this section, is trying to address so that we can tie it to the subamendment? I always want to be relevant.

Aaron Gilkes: What we're experiencing now, in terms of police challenges, is the initial step to be able to execute or to have enough grounds to go and obtain a production order from a justice or a judge. We need reasonable grounds to believe that an offence has actually been committed. As I mentioned before, if we're not sure—if there are conflicting statements, or if there's nothing more than a declaration by a witness or a victim or something like that—it might not be enough to prove that you have the grounds to believe an offence has been committed. There's the possibility, but there's maybe not the probability.

Tamara Kronis: Okay.

In terms of this subamendment, it lays out a list of things. The way the bill was originally drafted, the idea was that law enforcement could simply go to a judge and say, "I'm looking for subscriber information and I want all of it", or say, "I just want subscriber information; give me an order for subscriber information." Then the Bloc amendment said, well, we're going to limit it to subscriber information specified in the order. Mr. Housefather's subamendment now says that the order can only compel production of subscriber information that is in the Criminal Code definition of subscriber information.

Let me ask you this: Is this an exhaustive menu, or is this where, when you go for the order, you just need to specify what it is and the judge will decide whether or not your list is a good list or a bad list? Is there a limit to the menu here?

Aaron Gilkes: It is up to the justice or judge to decide whether your menu, as you might call it, or your items to be searched for are pertinent to your investigation.

Part of the issue you experience as a police officer is not being able to establish exactly what types of records are kept and exactly what they're called. You could miss records depending on what's kept by the entity itself. You don't always have that back-and-forth, that ability to contact the entity itself and ask those questions as to what types of records they keep, how long they keep those records for and so on. If you don't have knowledge of exactly what's kept, and you send a production order asking for general information, then you might miss out on key evidence that would lead you potentially to other types of...

• (1720)

Tamara Kronis: In this case, is it reasonable to say, then, that Mr. Housefather's subamendment here would not only provide greater privacy protection, but it would also help law enforcement be more specific about what they're looking for?

Aaron Gilkes: Would it be more specific?

It would be inclusive of the different types of potential data that may exist for the different types of service providers.

Tamara Kronis: I just want to be clear.

Again, it's interesting. During the break while we were voting, I got a text from a constituent who said that she was watching. She said some nice things, which is lovely. She's continuing to be concerned about this legislation. She's finding this conversation to be helpful in explaining it, which is nice to hear. It's good to know that the work that we're doing here, if we have you through the afternoon and the evening, is going to be a benefit to people who are trying to understand what's happening in this bill. It's very nice to hear from people. I'm really glad that the people in my community are engaged with this.

You have really helped people who are worried. There's been so much confusion between part 1 and part 2 of the bill. We are in part 1 of the bill. As our friends across the table know, one of the things that we've proposed and would like to see is this bill split in order to help Canadians understand that there's this one type of activity going on over here, and there's a different activity going on over there that requires more scrutiny.

In this part of the bill, you've done a nice job of explaining the fact that this comes to you because it is initiated. There are reasonable grounds. There is a standard. We may have a bit of a discussion about that in further subamendments and amendments. There is a standard that is applied, and it is a legal standard, so it's not just a fishing expedition. You have to go to a judge. You are going to have to specify that information. The judge is there as a check on what information is allowed to be provided. There are standards of review of your information that come with that.

This part might be one of the most important parts that I'd like to hear more from you on. The data is already in the provider's possession or control when the order is received. Can you elaborate on that and talk about how that differs from the kind of data collection and activities that are talked about in part 2 of the bill?

Aaron Gilkes: You want me to speak about how that differs from part 2.

Tamara Kronis: First, let's explain it with an eye to being able to differentiate it.

Aaron Gilkes: Essentially, when we're applying for a production order—it could be any type of production order—in this case, if we're talking about subscriber information, generally this information is kept for business purposes. This is very similar to information that would be kept in part 2 in terms of the reasons that the information is initially kept. What tends to differ is how long the information is kept for.

For example, if we're talking about financial services, there's an obligation to keep that information for a certain amount of time, and that's a legal standard that is put forward by the PCMLTFA or some other type of finance act that establishes that.

In terms of the information that would be targeted in part 2, we're talking about information that a lot of the time is collected for network sanity, for billing purposes or for analytics, to see how their clients are using the network at any given time in any particular area. This is information that's generally not going to be kept for as long because, after you've established that your network is functioning for a certain amount of time, you don't need to keep that information generally for much longer.

• (1725)

Tamara Kronis: That's fair, but when you're talking about network functioning information, for example, that's not information that goes to whether or not a crime has been committed. That's not the kind of information you'd be looking for here.

[*Translation*]

Marianne Dandurand (Compton—Stanstead, Lib.): Thank you, Mr. Chair.

Ms. Kronis, I find your set of questions quite interesting and relevant for the individual in your constituency whom you're talking about. These are really interesting details.

We analyzed this type of information during the committee study. We're now working on the clause-by-clause consideration.

Mr. Chair, we're talking about the subamendment to amendment BQ-4. While this is quite interesting—I'll give you that—I would like us to stay on topic.

The Chair: Indeed, we've already been working on Bill C-22 for 24 hours. Many of these topics have already been explored in detail by the regular committee members. Of course, as members of Parliament, you have the right to delve deeper if you wish. However, I urge everyone to remain focused on the subamendment to amendment BQ-4.

[English]

Tamara Kronis: I really appreciate the comment.

[Translation]

I would like to respond in French, but I'm quite tired. I imagine that you are too.

[English]

I'm asking about the part of Mr. Housefather's subamendment that talks about the Criminal Code's definition of "subscriber information", which specifically includes information that's already in the provider's possession or control when the order is received. What I'm trying to parse through is the question of what information is in the subscriber's control and what information isn't in the subscriber's control.

I realize that you had a very long discussion about this in the more general sense of it, but since we are discussing the subamendment, I'm trying to zero in on the information that's relevant to the subamendment from that subset.

Does that help?

Marianne Dandurand: It's up to the chair to decide if...

The Chair: It's not for me to decide. It's just for me to invite everyone to be as helpful as they can be, and that's everyone's choice to decide how they want to do that.

Tamara Kronis: Thank you.

This is in the interest of making it easier for people at home to understand exactly what we are debating with respect to this subamendment because, as you know—you've been here for the conversations—people are very worried about what information is going and what information isn't going. It's the kind of information that is being asked for in this section.

Please zero in, as per the chair's request, on the kind of subscriber information that would be retained. It was really helpful to point out that banks are already retaining your records. We want banks to retain our records. When we have to do our taxes, sometimes it's frustrating because you can only get so much digitally, and you have to make requests for records. It's what kind of subscriber information you would be asking for from different kinds of service providers.

Aaron Gilkes: Different kinds of service providers—once again, it depends on the types of services they provide—could retain, for example, information in relation to the user or the types of devices being used on their networks when they're accessing the network logs—the areas of their websites that are actually visited—or it could be, for example, other services procured by that particular individual. That leads to other potential leads for police to follow and obtain additional judicial authorizations to obtain information in relation to those services.

• (1730)

Tamara Kronis: Do you think most people know that this information is being saved by telecommunications providers? There's a very small number of telecommunications providers in the country. It's something we complain about on a regular basis. One of the things you said earlier was that one of the challenges with these orders was not knowing what information those providers save. It sounds like you actually know a lot about what kind of information they save.

Does it really vary? Do the different phone companies really differ that much in the types of information they keep?

Aaron Gilkes: I suppose I would answer that by saying that I'm not referring to simply phone companies; I'm referring to telecommunication service providers. For example, there are a very few large ones, but then there are other companies, like web hosting companies, web server companies and server hosts, that buy, rent or obtain services from the larger companies and then resell those directly to the public, and there are prepaid mobile services, so there are other companies that resell the platform or the services that are provided by the larger companies. When that happens, the larger companies don't have access to the subscribers of those smaller services.

Tamara Kronis: How does this subamendment help you with them?

Aaron Gilkes: This particular subamendment brings us back to the information that's retained and how long it's retained for. In terms of what they retain, depending on the services they provide, they may be very limited in what they're retaining, because it doesn't potentially serve their business practices, but they may retain some information that they use for other business practices that are not necessarily part of what a larger company would retain.

Because we don't always have access to those companies to have that discussion and establish exactly what's kept, we cannot write to exactly what's kept or use their language for exactly what's kept.

Tamara Kronis: How do these judicial orders help you with those companies?

Aaron Gilkes: For these judicial orders, when we request, we can say, for example, "including but not limited to", and then provide a solid list of examples of the types of data that we're looking for. That way, even if it's not named specifically, they can say, "Oh, by identifier X, they mean something that we call Y." It would then also be provided at the same time.

Tamara Kronis: Then you do end up having some data normalization issues.

Aaron Gilkes: Could you explain what you mean by normalization issues?

Tamara Kronis: Well, that's the idea that this company calls this field X, but it's named Y in that company. We have to look at the data and figure out what it is and then match it up to the other field in the other spreadsheet. Say that we're looking for first name, or we're looking for a name, and this company has first name, last name, but this one just has it all in one field, and normalization helps. When you normalize it, you build little programs that help you figure out how to split it.

Aaron Gilkes: Precisely.

Tamara Kronis: I just want to get back into the fact that the whole process we're talking about here is in relation to recommendations that were made by the Privacy Commissioner that we be more specific in the judicial orders.

Do you think that this subamendment achieves that balance between people's privacy concerns and the information that you receive? In this kind of order, could you see a situation where you have more information than you needed or less information than you needed through the judicial order process? What are the controls to stop that from happening?

Aaron Gilkes: These are controls that already exist in the courts. For example, one of the powers that police have is to ask questions. If we ask a question of someone, and they provide too much information, information that they're not at liberty to share with police, that could compromise our investigation going forward.

This is very similar. If we're asking for information that's outside of the scope of what we could ask for with this particular judicial authorization, then we could run into issues when it comes to disclosure, when it comes to trial or when we disclose what we received.

• (1735)

Tamara Kronis: In terms of that process, it's interesting, because when Canadians think about the judicial system, they always think about a plaintiff and a defendant, a complainant and a respondent. There's always one side and the other side when you're going to get what we used to think of in plain English as search warrants.

Who argues the other side of the argument in this context? Who makes the argument that the information shouldn't be released, that someone's privacy rights apply or that you could have a charter issue later on in the process?

Aaron Gilkes: In this case, this is what we consider part of the investigation process. It's part of the experience you build from going to see justices or judges with information to obtain an order. If it gets refused, then you have, basically, a review of why it was refused. It could be that there weren't enough grounds, that they didn't establish a link between the offence and a particular individual, or that you didn't prove that the information you're asking for would actually provide evidence to the offence itself.

These are things we learn that we know we have to collect in order to then go see a justice and in order to prove to the justice that we have reached that stage in the investigation where this information is located and where it will provide evidence for whatever investigation we're conducting. We're not starting off the investiga-

tion with identifying who the guilty party would be. We have to start off the—

Tamara Kronis: You mean the accused.

Aaron Gilkes: I'm sorry. Yes, I mean the accused. Thank you.

We actually start off the investigation by collecting as much information as we can and then follow that information to where it actually leads.

Tamara Kronis: Just to get at why this is so important, I really want to....

By the way, thank you so much for the weigh-in. You've explained this in simple language that's easy for people to understand. This morning, I was at the industry committee, and we heard testimony specifically about fraudsters and scams against seniors. This conversation is nicely dovetailed in with that. I'm grateful for it because we're doing a series of town halls in my community on it.

What I want to do, though, is move to Mr. Nashef for a moment.

The stakes on this really go up when we're talking about.... The personal stakes with regard to fraud are horrible, especially when we find ourselves in situations where people lose their life savings or things that are very important to them at a stage in their life when they cannot possibly recoup those. It's horrible, and it affects a small number of people, but that includes not just the victims but also their families.

When it comes to fighting terrorism and when it comes to the work that CSIS does, we get into a much larger arena of people who are affected. I'm wondering if you could help me explore how this kind of situation finds its way onto your desk.

Ramzi Nashef (Director General, Policy, Planning and Accountability, Canadian Security Intelligence Service): To be direct on part 1, from a CSIS perspective, I would say that the tools in part 1 for us are a little bit more limited than they are for law enforcement. The subscriber production order is a law enforcement-only thing. There's no CSIS element or equity in that piece. For us, the element in part 1 that does engage us is the confirmation of service demand.

As has been talked about here and as I have said—but am very happy to repeat because it is an important point—what the confirmation of service demand does for us in a space where we're looking at highest harm investigations, which for us are espionage, foreign interference, terrorism and those sorts of things, is allow us to very quickly take some of those early steps.

Those early steps are, as discussed, when we might have a phone number, and we need to know who is behind that phone number. We need a yes or no to be able to target a warrant or a production order at court. At the end of the day, that is an important tool for us. More generally, the elements that are most important, from an investigative perspective, for CSIS specifically, not for law enforcement, would sit in part 2 of the bill.

• (1740)

Tamara Kronis: This subamendment is not a tool that you would normally use.

Ramzi Nashef: That's right.

Tamara Kronis: The one thing, though, that I want to touch on for a minute in that context is that when you think about the kinds of activities that CSIS is investigating, a lot of the time all of that has to be financed. If you've paid attention to the news in this country over the last few years, you've seen how the flow of funds from money laundering helps put networks together or is used to finance some of the nefarious things like the transnational repression that's happening in this country. For the people who don't spend their time at the subcommittee for human rights with me, that's the act where foreign governments want to influence what's going on in our country, through the dissidents from their own country who are here. In many cases, they're targeting people who are in Canada for domestic security reasons. Lots of their activities are actually directly connected to the kind of fraud that you see in the simple situation where someone goes into a bank because they're missing money from their bank account. The bank takes notice, because there are 10 people who are missing money from their bank accounts. Then it turns out that it's not just happening in British Columbia, but also there's a bunch of stuff that's missing in Nanaimo, in Montreal and also in a suburb of Mississauga. All of a sudden it's able to be tied to a specific foreign regime that is operating in Canada.

In terms of trying to keep Canadians safe, I find it very reassuring that the sort of blanket work that CSIS does isn't grounds for going into this space and being able to get specific information. At the same time, I also find it reassuring that in these situations where you start off with a complaint, and it leads—

Sima Acan (Oakville West, Lib.): I have a point of order, Mr. Chair. The issue is again relevancy. It's not relevant to the subamendment.

Tamara Kronis: Oh, I'm talking directly about—

I'm sorry.

The Chair: The point, as I understand it, is that even though there are 188 amendments in total, maybe focus the discussion at this point on this particular subamendment to the best of your ability.

Tamara Kronis: I know we're not allowed to talk about whether someone's here or not here in the House, but in the context of committee, I want to welcome the member. I'm new as well, and I've been welcomed here.

The subamendment that we are talking about specifically relates to the kind of information that law enforcement is able to get as part of a judicial order. As everyone, I think, around the table who's been involved with this bill knows, there are Canadians who are really concerned about this bill. Many of those concerns relate to part 2 of the bill, and that's one of the reasons why we've been proposing to split the bill into part 1 and part 2.

Of course, today we're talking about part 2 of the bill, and a specific amendment and a specific subamendment. We were talking about the specific situations in which law enforcement uses the ju-

dicial authorizations to be able to get information. In terms of that top-down, general, I hesitate to use the word "surveillance", CSIS operates in a very different way from law enforcement. It's a much broader scope and arena. This is law enforcement saying, well, it's much narrower. The tie-in and the way in which this part of the bill, I think, does something really interesting is that it helps law enforcement make the kinds of connections that sometimes lead to CSIS, without getting CSIS directly involved.

If I'm correct in understanding the interaction between both witnesses and the questioning, the RCMP may find that there is a connection among a number of frauds, or things that look like frauds, that are happening to seniors in our communities; but it turns out that there's enough similarity that they learn through the IP addresses that, in fact, they can be linked to organized crime. This is really relevant in my community and throughout British Columbia as we cope with the addictions crisis, but also for CSIS as they think about issues of national security.

Have I represented your comments accurately in that?

• (1745)

Aaron Gilkes: I can't really speak to the way we typically interact with national security. I have no experience with the operations with our national security department.

Tamara Kronis: What about from the CSIS side of things? Is that a fair representation of how the section of the bill as amended by the subamendment actually contributes to the work you do in a way that doesn't overly invade people's privacy?

Ramzi Nashef: Certainly the second part. Very quickly, to frame it out, the amendment is solely focused on a law enforcement tool. Sometimes, of course, I would say the direction of investigation often goes from national security to law enforcement, not the other way around, although it can. CSIS would start an investigation, would hand that over through a number of different mechanisms to law enforcement, who would reconstitute and take that through a prosecution. That's usually the direction of travel in that case.

I think what we're really talking about in this amendment is finding a way to ensure that law enforcement can get some of those early building blocks of information to expedite the start of an investigation and bring about better prosecutorial outcomes.

Tamara Kronis: I'm really grateful to all of the witnesses who have answered my questions. This has been a really interesting conversation.

I want to thank Mr. Housefather for this subamendment.

I think what I've learned in this, and what I'm inclined to conclude, is this. If we get the rest of this bill right, then this subamendment would help law enforcement in a situation where something has been initiated—it's not a fishing expedition—and has come to law enforcement. They have some information where a legal threshold has been passed, where they believe that they are going to, in the old words, lay a charge, or they feel as if there is something here. They find themselves in a situation where they have enough information to know that and to pull together the kind of argument that will allow them to go before a judge.

At that point, the subamendment proposed by Mr. Housefather would help narrow, funnel or specify what kind of information is available off the menu. It isn't quite a complete menu, but at least it's a menu. Law enforcement can then go to the judge and be cognizant of the fact that if there is ever a trial in this case, the accused would invoke section 8 of the charter. They would be operating within the space they're familiar with in Canada—search and seizure, section 8 and privacy rights—and would be able to make a reasonable application to a judge, which would be successful, or not, sometimes.

The judge would have control over the process and evaluate whether the information provided or the information requested fits within this fairly well-developed section—now that this committee has done excellent work. Then that judge would make a decision, and that information would be taken forward into some of the other processes we'll talk about in other sections of the bill.

I'm particularly heartened to know this, and I think people watching this at home will be as well. When it comes to some of that broader work that CSIS does, the higher-level surveillance of our country in general, this isn't a section they can use to go too far, in the absence of a larger law enforcement file that relates probably to something bigger that would fit into organized crime, terrorism or the kinds of activities that CSIS does.

In the context of this particular subamendment, with the Privacy Commissioner's recommendations, the reassurances that came from the RCMP, the really good work and explanations provided by the counsel from the Department of Justice and the reassurance provided by CSIS, I want to thank everybody. This has been a really interesting discussion.

I will turn the floor back over to you, Mr. Chair.

• (1750)

The Chair: Thank you.

Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): I have a point of order, Chair.

I've just joined and I understand that we're debating a subamendment by Mr. Housefather. I wonder if that could be sent by email to all the members who are here. Maybe it was distributed when it was initially moved, but could you share that?

I had my hand up, as I want to be on the speaking list. Thank you.

The Chair: Thank you. Yes, you'll be sent the subamendment, and you'll be added to the list.

We have MP Mantle and then MP Cody, MP Au and MP Genuis.

Jacob Mantle (York—Durham, CPC): Thanks, Mr. Chair. It's good to be back with everyone this evening.

I want to start by reflecting on your opening comments, Mr. Chair, on both the pace of our review and the time that we have to do so.

Also, of course, happy birthday. I don't want to forget that.

On the pace of the review, I would note that lawful access and these types of proposals have been ongoing for over a decade. For that decade, this government has been in power, and I'll say respectfully that I'm not sympathetic to the argument that we should move at any pace other than what is necessary to consider the bill.

I think that's what you were getting at. We want to have a civil and substantive debate and address each part of the bill—part 1, part 2 and the various clauses—and give them the due consideration they need. If that requires additional time or additional resources, I would be open to further meetings and further opportunities to do that, because—

• (1755)

Sima Acan: I have a point of order, Mr. Chair.

The Chair: MP Acan, please go ahead.

Sima Acan: We are still on the subamendment, and I don't think there's any relevance to the subamendment here.

The Chair: The point is well understood. Thank you.

Garnett Genuis: On the same point of order, Mr. Chair—

The Chair: MP Genuis, please go ahead.

Garnett Genuis: This is my first time coming here physically, but I've been following the work of this committee. The fact is, Chair, that commenting on an issue you raised around timing is of course relevant to the matter being discussed right now on the table, which is the continuation of the clause-by-clause consideration as well as the particular amendments.

I can see that Liberals are trying to slow things down by interrupting Conservative members—

Some hon. members: Oh, oh!

Garnett Genuis: —and I'm sorry they're doing that, but I think Mr. Mantle should be able to continue without delay.

The Chair: Thank you, MP Genuis—

Anthony Housefather: I have a point of order, Mr. Chair.

The Chair: I'll be back in a second with you, MP Housefather.

Thank you for joining us, MP Genuis. This is our 25th hour on this bill and you will join a well-informed crowd. Thank you for being part of it now.

MP Housefather is next.

Anthony Housefather: Thank you, Mr. Chair.

My point of order is that we've now spent about two hours on a simple subamendment, which, from my understanding, everyone is going to vote for. Ms. Kronis has brilliantly summarized it about 14 times over an hour and a half.

My question for you is this, Mr. Chair: Is there any reason you would see that we would continue to debate for hours something that everybody's in favour of? Or is it just simply that because the rules of Parliament allow it and—

Dane Lloyd (Parkland, CPC): I have a point of order.

Anthony Housefather: —the Conservatives are seeking to filibuster in doing this? Just out of curiosity—

Garnett Genuis: Points of order are about the rules, Mr. Housefather.

The Chair: Thank you, Mr. Housefather.

MP Genuis, I'm the one regulating the points of order. Thank you so much.

My role is to invite everyone to be as helpful as they can be. Obviously, life is short. We have limited time. We have limited resources. The officials, the interpreters and many others have been with us for some time now, obviously. I just want to insist that we need to be as efficient and professional as we can be. Now, it's up to everyone to judge how that can be achieved. Thank you, everyone.

Mr. Lloyd.

Dane Lloyd: You addressed my point of order. Thank you, Mr. Chair.

The Chair: Thank you, MP Lloyd.

We're turning back to MP Mantle.

Jacob Mantle: Thank you, Mr. Chair.

Just reflecting on something Mr. Housefather said in his point of order, I have respect for his proposing a subamendment that's substantive. I assure him I will get to some questions on that because I do have some legitimate questions on that. I did look for him today, but I see he maybe wasn't around. I did want to chat with him about it. I apologize that we weren't able to connect before this meeting.

I concur with my colleague Mr. Genuis in his experience. You made some comments at the beginning of the meeting, and I feel like they deserve some reflection on my part.

Again, I will say that this is an important bill. It's raised a lot of debate. All parts of it, including part 1, including the subscriber "confirmation of service", which we discussed at the last meeting, and now, as we move into the production order... We have legitimate concerns over parts of part 1. As we've reiterated several times—and I will do so again for the benefit of the members opposite—we are open to those reasonable amendments and think that part 1 could be dealt with in a more expeditious manner, perhaps if we had more collaboration on it. Then we could at least achieve something that would be beneficial for law enforcement.

We made that offer in the House—I guess it was on Tuesday morning—when Mr. Caputo moved a motion to split Bill C-22 between part 1 and part 2, with the offer that we could work more cooperatively with the government on part 1 with some amendments,

which we've been discussing here. If we could achieve a sort of reasonable resolution to those amendments, we might be able to get to a place where part 1 could be dealt with before Parliament adjourns for the summer. Then part 2, which is a whole other can of worms, in my view at least, could go back to the drawing board and get some additional review. I think there has been a process problem, and your comments sort of allude to that. This is not your—

A voice: This summer—

Jacob Mantle: If Mr. Ramsay wants to come back in the summer, I will be here as much as he would like. If you're here, I'm here. We'll do it together.

The chair's comments allude to the fact that we do have a process problem. It's not the chair's fault in any way. We've been given very limited time to deal with Bill C-22. The government has been unwilling to provide sufficient time for all of the stakeholders who wanted to be here, but could not be. In fact, it has been unwilling to even allow the Privacy Commissioner to attend, even though we have repeatedly asked for the Privacy Commissioner to be here to speak to the very amendment that our Bloc colleague has put forward. It comes directly from comments submitted by the Privacy Commissioner to this committee outlining the Privacy Commissioner's concerns with several of the clauses in part 1.

We have been blocked from doing that without any cogent reason, I would add. There has been some suggestion that the Privacy Commissioner is not an official, so that's not normal practice. I would disagree with that. We have two entities here that are not departmental officials. They are the RCMP and CSIS, who I—

• (1800)

Anthony Housefather: I have a point of order.

The Chair: Yes, MP Housefather.

Anthony Housefather: Mr. Chair, it's repetition. Mr. Mantle has made this point at least six times in the last two meetings. This is about the subamendment to BQ-4. This is where we are. This is not related.

Mr. Chair, I would ask you to have him speak to the subamendment. Thank you.

The Chair: I would encourage MP Mantle to follow that advice, given that these views have been shared already. To the best possible extent, try to stick to the subamendment we are discussing. I certainly hear that you would like the government to act differently in the broader context, but that doesn't speak specifically to the Liberal subamendment we are currently looking at.

Tamara Kronis: On a point of order, I'd like to point out that this is actually the first time I've heard these arguments made, so I was following them.

Thank you.

The Chair: Yes. There would also be other MPs who have not heard them before, but the regular members of this committee heard them just a few days ago.

MP Mantle.

Jacob Mantle: Thank you, Mr. Chair.

I have found that, sometimes, it takes repetition for the government to hear anything. Although they may not like it, it is sometimes necessary, unfortunately. If they listened more carefully, maybe repetition wouldn't be necessary.

As I was saying, this particular amendment and the subamendment are derived from the Privacy Commissioner's recommendation. He is not here. We have two entities that are also not departmental—the RCMP and CSIS—and I appreciate their presence. It's helpful to the committee's clause-by-clause review. It's helpful for me to understand their view, since they will be the primary users of these new powers. At the same time, the Privacy Commissioner's views would be helpful to me, and we have been denied that ability.

Let me go back to the Bloc amendment. I will get to the substance of this amendment and subamendment.

I'll be honest, Mr. Housefather. I have some confusion about what you're trying to achieve, and that's honest confusion here. I'm going to ask a couple of questions. If you want to go on the speaking list, please do.

My understanding is that the Privacy Commissioner's letter to this committee set out a concern about the production order provision, because it stipulates that the person who receives the order to produce information would have to produce “all the subscriber information that relates to any information...that is specified in the order”.

Maybe I'll just ask Mr. Wong or Ms. Gibner to confirm this.

That provision, as it is currently written, seems very broad. Should I interpret this extremely broadly, in your view? It says, “all” and “any”.

• (1805)

Normand Wong: Thank you for the question. I believe I already answered this today.

It lends itself to that interpretation, certainly. In terms of reviewing the motion for the subamendment, I think it is within the spirit of the current provision but makes explicit the discretion of the judge to order whichever subscriber information he thinks is appropriate.

Jacob Mantle: In reading the issue identified in the Privacy Commissioner's letter—because “all” and “any” make it broad—the justice or judge wouldn't be able to otherwise limit the information that has to be produced. As it is currently worded, their hands would be tied because of the language of the act.

Do you agree with the Privacy Commissioner's critique there?

Normand Wong: To restate what I just said, it lends itself to that interpretation, but that was not the intent. We always intended for the justice or JP to have discretion in terms of ordering it.

This subamendment would make that explicit now.

Jacob Mantle: The amendment proposed by the Privacy Commissioner would limit it to the subscriber information specified in the order, which is what the amendment by my colleague from the Bloc would do. I'm not entirely sure how the subamendment changes that, because the Privacy Commissioner's amendment is saying, “Okay, we're going to say that it's limited to the subscriber information specified in the order.” That limits it.

In your view, what does the subamendment do? Does it limit it further? Does it just restate the limit already being proposed? I'm not clear on that.

Mr. Housefather may want to jump in, but I'll ask you, Mr. Wong, because I can.

Normand Wong: The articulation in the subamendment keeps the same structure of the production order, makes reference to the definition, but makes it clear that there's discretion of the judge to order appropriate subscriber information for the application.

As you mentioned before, the bill version lends itself to the interpretation that the judge has no discretion and must order all subscriber information in their possession or control.

The issue with the BQ-4 is that the practice is—the RCMP can speak to this—not only do they bring their affidavit, but they also bring a draft production order. The way it is articulated, it would look like the police would have to actually specify the exact subscriber information they're looking for prior to knowing what they need. As Sergeant Gilkes has expressed before, this can be served on a variety of service providers, and police might not know that, so the classes of information would be more helpful to them.

• (1810)

Jacob Mantle: That's actually very helpful.

I did not realize what you just said about the RCMP, so I'll ask them about that in a second.

When they're coming with the production order, they're coming with their information, their affidavit, but also a draft of what they think the order should look like.

That makes sense logically. You do that in most court proceedings anyway. Sorry, I didn't make that connection.

Could I ask the RCMP to outline that process for me? You swear an affidavit. You bring an order. Can you walk me through that?

Aaron Gilkes: Essentially, when you're preparing your, what we call, information to obtain, there are different parts of that information to obtain. Typically, what we'll call our first section, the annex A, would have that list of items that you intend to search for, that list of items you would speak to. For example, if it were a search, we would have the list of items that speak to the commission of the offence and the list of items that maybe speak to the use of a device, if we're talking about that type of investigation because that's the importance of something like this order.

Jacob Mantle: The things that you're going to search are the things that we've been talking about in terms of the subscriber information. You're going to ask to search...what are we talking about that your list would include? Is it the IP address, pseudonyms, names—

Aaron Gilkes: It could speak also to the device or the type of equipment that's been used.

Once again, this becomes part of linking or creating that chain of evidence that will eventually lead, potentially, to a conviction. For example, if this were a type of device that we'd seen before that had been used, a very particular type of device or something like that, that would provide context to the device being used.

Annex B would be the offence that we're trying to prove the commission of, or the offence that we're trying to collect evidence in relation to, so we would list that for the judge or justice. Then C would be our narrative as to how we know what we know, why we are asking for what we're asking for and how that will contribute to the investigation of the offence.

Jacob Mantle: That's the information to obtain document, the ABC that you've just described, and then attached to that you say, here's what I'd like you to sign as the justice, the draft order.

Aaron Gilkes: That depends on the province that you're in.

Jacob Mantle: Use Ontario. That's where I'm from.

Aaron Gilkes: I'll use Quebec since I've done more work in Quebec.

Quebec has its own judicial forms, which would have to be prepared and then presented. Those would be approved and signed and then returned.

Jacob Mantle: Those are forms set out by the court itself for the justice.

Aaron Gilkes: Correct, which you can find online.

Jacob Mantle: Is that the same in other provinces? In the civil sense, you write whatever order you want and you ask them to sign it. I suspect this is a little different.

Aaron Gilkes: I can confirm, through experience, that it's not the same in all provinces. Going from one province to the next, there's always a learning curve in exactly what's expected in terms of judicial authorizations.

Jacob Mantle: I think the problem Mr. Wong was pointing to is that when you come in with that affidavit and that draft, whether it's a form or a production order, you don't know exactly everything that you might need, so you're trying to... I think what Mr. Wong was saying is that you have to try to guess a bit. Is that right?

Aaron Gilkes: I wouldn't call it a guess, unless you want to say it's an educated guess.

Essentially, you're trying to establish whether there has been an offence and whether this body, this person or whomever you're serving...you're trying to establish whether the information they have could actually contribute to your investigation. You have to think through the types of information you would require that would help your investigation move forward. That's what you're recording.

• (1815)

Jacob Mantle: Again, I think the problem Mr. Wong identified—and I'm trying to understand the problem—is that the amendment from the Privacy Commissioner would limit the document that's produced to the subscriber information specified in the order. In the case of Quebec, you said the order is already set.

Aaron Gilkes: The order itself is not set. As I mentioned before, it could be written. It depends on the form that's provided.

Essentially, we will normally attach a document, which we call an annex—it's basically an appendix—that highlights the items we require. That would be attached to the order to produce. That way, the person who's supposed to produce knows what is being searched for.

Jacob Mantle: Based on what you've said, my understanding is that the Privacy Commissioner's suggested amendment would limit what's produced to what you've put in that annex. Is that right?

Aaron Gilkes: That's correct. This would cause an issue for the police, in my opinion, because you don't know what that entity calls whatever it is in the subscriber information they retain. They might have different terminology. They might have a different category for the items or the information you're requesting.

Jacob Mantle: I'll pick companies at random. Bell calls it this type of information. Telus calls it this type of information. If, in your order, you're thinking it's how Telus organizes its stuff and you put that in, but it turns out that the company uses something different, does it mean you're out of luck when you go to...?

Aaron Gilkes: This does happen. We serve a production order and we receive a nil response. When there's push-back and an eventual discussion, if it's permitted—if you're lucky enough to have that discussion—it's identified and they'll say, "Oh, we call it X," or, "We don't retain this, but we retain this, which is very similar." If we are too precise, we may not obtain the type of information we actually require.

Jacob Mantle: That's interesting. I'm beginning to see your problem.

I will now analogize it to part of my practice, which was helping companies respond to certain types of information requests from judicial bodies, or in litigation or whatever you want to call it. I don't want to say advice. The suggestion would always be "responsive, but not helpful". You respond to the question, but it's not my job, in an adversarial system, to fill in the blanks. If you got the question wrong, I'm going to answer the question you gave me. I'm thinking of the other side giving a nil response and saying you asked for the wrong thing.

Is that what happens, or is there a bit more...? We're not talking about civil litigation. We're talking about a company responding to law enforcement. I assume they are somewhat interested in being helpful, and not just responding. Is that right?

Aaron Gilkes: I can't speculate on their thought processes behind their response.

Jacob Mantle: Perhaps you can tell me about your experience in dealing with some of this.

Aaron Gilkes: Once again, I can't speculate on their thought processes, but they do, at times, respond in a way that we think is very narrow.

Jacob Mantle: Why? Do they know what you're after, or are they genuinely ignorant of what you're after?

Aaron Gilkes: I honestly can't speculate on the why, but I can say it happens and, sometimes, there seems to be a narrow scope applied to what's requested.

Jacob Mantle: The problem becomes that you've drafted it the best way you can and the way you think it should be drafted, based on all of your knowledge and experience in dealing with this stuff, and you list what you think you need. It may not be perfect, which slows you down, because you get a nil response or you get a response that's partially responsive. It gives you some, but you thought you were going to get B and C, and you only got A.

What do you do in that situation? If that's the problem, what do you currently do?

• (1820)

Aaron Gilkes: Depending on the investigation—

Jacob Mantle: Other than having a back-and-forth.... Is that the first step with the provider? You say, "Listen"....

Aaron Gilkes: Ideally, there would be a back-and-forth, but there isn't always a back-and-forth. It really depends on how accessible the provider is. Depending on the size of the provider, you may simply be dealing with a portal.

Jacob Mantle: For a production order.

Aaron Gilkes: Yes. For a production order, you may be dealing with a portal, through which you're sending information and then expecting a response. You can be somewhat limited in the type of discussion you're able to have with the person holding the records.

Jacob Mantle: What you just described seems a bit crazy to me.

Throughout these discussions, I'm very sympathetic to some of the problems with the current system of production orders. I'm not sure that what we're discussing is the answer to that, but I'm sympathetic to the problem. It seems crazy to me that you get a judicial order and you have to submit it to a portal or they don't respond.

When I represented people and we didn't get things, we would go to the tribunal and say, "Subpoena them." We would say, "If you don't follow that, it's contempt." That's "go to jail" territory.

Why is there the indifference to what, in my mind, as a lawyer, is a pretty big deal?

Aaron Gilkes: I can't speak to it being indifference. I can speak to the volume of orders coming in and standard operating procedures for their practices.

Jacob Mantle: I'm not sympathetic to that. It's a judicial order. That's how the system works. You respond to it or the court should intervene.

The fact that it is happening is why I'm sympathetic to your plight. It seems like some parts of the industry are not respecting the authority of the court, if I can put it that way—at least, in my view. I'm not going to put words in your mouth, but that's my view.

It seems to me that at least a partial solution to this should be the court saying, "No. These are orders." If you come back and they haven't been responded to in a reasonable period, and the court is saying, "We have the power to control our own process".... Whether it's contempt, or whatever the case may be, use those powers. It's not acceptable.

Marianne Dandurand: I have a point of order.

The Chair: Go ahead, Madame Dandurand.

[*Translation*]

Marianne Dandurand: Thank you, Mr. Chair.

I've noticed that we already spent a great deal of time discussing many of these points in the committee. We held many meetings for the study. All the Liberals here were in attendance. Mrs. DeBellefeuille was also in attendance. On the Conservative side, two of the six members here took part in the study. Many of the answers that we're looking for are responses that we've already obtained, in particular with the help of the Privacy Commissioner of Canada, who came to testify. He spoke to us for a full meeting.

Our comments are now redundant. We're drifting away from the subamendment. It seems that we're redoing the study, when we should be talking about a subamendment.

I would like us to get back to the main point and to avoid duplicating, with the resources and people here, the study that we already carried out. So if we could get back to the main point, I would appreciate it.

The Chair: Thank you, Ms. Dandurand.

Resources are indeed limited. We absolutely want to avoid redoing the work of the past 25 hours devoted to studying Bill C-22. We also want—and I encourage everyone to do this—to focus on the subamendment. We've already been studying it for almost two and a half hours.

So I urge everyone to use their best judgment to achieve this goal.

[*English*]

MP Mantle.

Jacob Mantle: Thank you.

I'm sorry. I completely disagree with that characterization. I would invite the member to listen more closely, because my line of inquiry was not at all about the comments of the Privacy Commissioner. My line of inquiry was about understanding how the subamendment would affect the problem that Mr. Wong has identified, and I was probing that for my benefit, so I reject that premise. I think this is entirely on point, and I'm going to continue with my line of inquiry.

As I understand it, the Privacy Commissioner's amendment is going to sit.... Yes. I have to go back because I have to start my train of thought again since I was interrupted. If you'd like to make an argument, please add yourself to the speaking list.

The Privacy Commissioner's suggestion would limit you because you get to that point where you've written everything you can, to the best of your ability, and you get a bad response or it's not the way the company intends, so you try to have that discussion. Maybe it helps you, but maybe it doesn't. If it's not helpful at that stage, voluntarily, what do you do?

• (1825)

Aaron Gilkes: Depending on the nature of the investigation, it could end your investigation or seriously slow down your investigation, because you would then, potentially, have to try to find some other way to gain access to the information that's missing from your investigation.

Once again, it's a chain of evidence that brings you to your charge in this case. Police officers don't give up very easily. We often look for other sources of data that might be able to produce that information, but at times, if there's no other source, it could very much end your investigation.

Jacob Mantle: I appreciate that. I'm glad that police officers don't give up too easily. Parliamentarians don't either, so we'll continue as long as we feel is necessary to get to the right answers.

If the company is not helpful, do you not go back to the court and say it's been unhelpful?

Aaron Gilkes: I can speak to myself personally.

Jacob Mantle: Do you write another order?

Aaron Gilkes: It could be writing another order in order to obtain particular information once you've identified that someone is actually in possession of it.

Policing is a community, so at times, you can reach out within your community to try to identify whether anybody has received a

particular type of information from company X that has spoken to what evidence is required. That might be one way to do it, and then go through another order to produce.

There is, I suppose, the option of going back and finding a Crown counsel who would be willing to support your additional request, citing that whatever was required in the order to produce was not met or was not produced. There are some options. Like I mentioned, another one is finding another source for that particular type of information.

Jacob Mantle: When you say “finding another source”, what does that mean?

Aaron Gilkes: For example, if, during your investigation, you've identified through the return to production orders....

An investigation is not necessarily linear. Depending on whatever has happened, it's possible that in your attempt to identify the possible sources of information, you've sent out multiple production orders to try to glean some initial information about what actually happened, and in the process of sending out those orders, you might receive an order back from another company. In there, there might be some information that may hint at, allege...or point you in another direction to another company that might possess the same information or similar information to what you were requesting from the first company.

This can happen, because investigations are dynamic and all types of information are received, and then there has to be an analysis of the information. There are stages. It's not something that can be done very quickly.

Jacob Mantle: It's a bit iterative in that sense.

Aaron Gilkes: That's correct.

Jacob Mantle: You get a piece back, and that says, “I have A but not B and C, but A leads me to E, and now I have E.” Am I following you?

Aaron Gilkes: That's correct.

Jacob Mantle: That could be going to get a production order against another company. Would that also be publicly available information that you didn't think was relevant, but now you do because you got something back from the company?

Aaron Gilkes: I suppose it could also be information that's already in an existing police database, and you are able to now link this investigation to another investigation that you didn't think was necessarily related.

• (1830)

Jacob Mantle: Okay, that makes sense.

Ms. Gibner, I want to bring you back. How does the subamendment fix that problem that I've just explored? I'm still not clear on that.

Kimberly Gibner (Deputy Assistant Deputy Minister, Policy Sector, Department of Justice): I think what we've talked about is that BQ-4 turns it on its head and requires the police to itemize everything in every kind of service provider, while the subamendment does the opposite. It retains the subscriber information definition.

They have to have their grounds. They have to set it out in their affidavit, but it is up to the subscriber. He's not saying I need X name. It's how they categorize their data, and they'll give the information. The back-and-forth, in our view, would be eliminated. You heard the officer talk about having to go back and ask for it again. I think that the subamendment retains the overall purpose of the subscriber tool so that police don't need to itemize, but it does retain the discretion that the judge orders what is set out in the affidavit. Again, what we understood was the critical recommendation from the Privacy Commissioner was to make sure that the judges retain discretion in the decision-making. That was the focus of the subamendment.

Jacob Mantle: I take the point very well.

Thank you, Mr. Gilkes, for helping me understand that. You don't want to put them in this position where they have to get everything right and, if they miss one thing, they're out of luck and have to redo the process or find it somewhere else. That seems unreasonable to me.

At the same time, I'm concerned with it being so expansive that, as it is currently written, it's all of the subscriber information that relates to any information specified in the order. That's too far on the other side. In the subamendment itself—you could bring it up if you have it before you—I think you're suggesting to me that this is a middle ground. Is that fair, or am I misunderstanding?

Kimberly Gibner: I would say that the subamendment really just focuses on retaining judicial discretion. The chapeau again says that you are limited because you must have set out grounds in your affidavit related only to (a) and (c). If you don't set out the grounds to (a) and (c), the judge will limit his order according to what you did set out.

Again, the tool is very narrow and limited. It can only be (a) to (c). The officer's going to need to set out the reasonable grounds to suspect the kind of information that they're looking for based on the facts they have before them, but the information related to the grounds will still need to be produced.

Jacob Mantle: That's helpful, the point you made of trying to retain discretion.

This relates to one of the concerns I think I might have with the subamendment. It still uses in (b), "that relates to any information...specified in the order". Does that not just put us back to where we were?

Kimberly Gibner: What those words mean is that the officer is producing information to the court in the affidavit. They're saying, "Here's what we're working on. Here's the nature of the offence, and here's the information that I think I need". That information is the information that the officer is providing to the court. The court order will order information that relates to what's in the affidavit, the information that's in the affidavit.

Jacob Mantle: The scope of that discretion is still being limited somewhat because it's based on what's in the order. Okay, I follow you, but would that not encourage our friends in law enforcement to write orders that are fairly broad, then? If it's anything that relates to what's in the order, then how I draft my order becomes extremely important. It always was, of course, but it is even more so now because the discretion is going to be limited to how I've drafted that order, so I am going to draft that order in a way that gives me maximum possibilities to rely on any information that I've specified in the order.

• (1835)

Kimberly Gibner: MP Mantle, you may want to have the officer unpack how that works. However, what I heard him say earlier was, "I have a bank fraud, and it's related to an IP address, so I want the name and the address of that information." Those are the only facts he has. He can't make up more facts about a child pornography ring. I mean, the facts he has are that this information is related to this banking information, so I think there are built-in safeguards.

He has to be doing an investigation. He has to have reasonable grounds, what all of the information from the victim that's come to him means. He has to try to corroborate that—how he got that information to him—and the information that he wants is contained in those facts. That's how I would understand it, but it may be of assistance to ask him to unpack it.

Jacob Mantle: Thank you. I appreciate that because I take Mr. Housefather's...what he's done, understanding that a bit better, trying to maintain that discretion and utilizing the language here as the tool.

Maybe I can go back to you, Mr. Gilkes. My concern is this: We're trying to find, maybe "middle ground" is not the right word, but I'm just going to use that as shorthand. We're trying to find that middle ground, where it's not everything but it's not so limited, and it's just going to be limited to what facts you have. I don't want to say, "Convince me," but help me be comfortable that this will not lead us down the path of wanting to draft these orders more broadly to capture more stuff. Help me understand the guardrails here.

Aaron Gilkes: Essentially, what we're talking about here are the existing checks and balances. They're already in place. There is a justice or a judge who's going to review whatever application, whatever affidavit that you're swearing upon. They're going to determine, if they have been convinced of the point, that this information would be useful to establishing the offence. If you have reached the threshold of the grounds that are actually required before that, they would actually sign off and allow you to execute that warrant.

Jacob Mantle: Okay, that's fair. I don't think it entirely alleviates my concern in terms of how you draft your orders.

Your point also confirms for me that our discussion about this on Tuesday, and here, is inextricably linked because, as you just said, it's based on the threshold. Is that not right? You'll be able to draft a broader order because the threshold will be lower unless we accept the....

As currently drafted in the bill, unless we accept amendments, the threshold is "suspicion" right now. That's going to obviously lend itself to a broader interpretation, I guess, because you're suggesting that the justice or the JP will exercise some of those guardrails for us. They're going to say, "Well, it's about bank fraud," to use Ms. Gibner's example, "but you have something here about pornography. Well, that's not relevant here." However, how we move from "relevant" to "not relevant" is much broader on a lower threshold. Do you agree?

Aaron Gilkes: I wouldn't agree that the breadth depends on the threshold. I think that the investigation can only be recorded, or produced or sworn to what has actually been collected. The investigators' only real interest is to reproduce whatever they've discovered through observation, through collection of evidence, through witness testimony or something like that, which has been provided to them in relation to the case. I can't really see an investigator producing anything outside of what they've already collected or what they've observed to a JP or a judge.

• (1840)

Jacob Mantle: Ms. Gibner, am I describing that incorrectly, then? Do you see what I'm saying? If the standard is lower, then the guardrail is further out. Does that make sense?

Kimberly Gibner: It is complicated. I totally understand what you're saying. But what I would offer for your consideration is that the facts are the facts. The officer is constrained to the facts of the case that he has. What he can ask for is limited to the investigation. Whether he's going to get the production order, search warrant or whatever he's after, the standard of reasonable grounds to suspect or reasonable grounds to believe is how much belief he has, or how well he knows, that the offence occurred. I think they're a bit distinct.

He doesn't have to know with certainty that the crime was committed. We agree on that. For reasonable and probable grounds, he only has to have reasonable and probable grounds, so he has to be only that certain in order to obtain certain orders. We use the percentage of less than 50% in the balance of probabilities. Suspicion just means how certain he has to be about the commission of the offence. So I see that differently.

I'm not sure if that's helpful.

Jacob Mantle: It is. I'm just not sure I agree, I guess. I think the standard is—

Marcus Powlowski: I have a point of order, Mr. Chairman.

The Chair: MP Powlowski.

Marcus Powlowski: I don't think the House pays us enough money to have to sit and listen to all this.

Voices: Oh, oh!

Dane Lloyd: On a point of order, that's not a point of order.

Marcus Powlowski: Mr. Chairman, I swear that there are cardiac surgeons who do heart transplants in half the time it takes the Conservatives to get through this subamendment.

Tamara Kronis: I have a point of order, Mr. Chair.

The Chair: Thank you, MP Powlowski.

MP Kronis.

Tamara Kronis: In the context of one of our colleagues having had a heart attack yesterday, that comment was uncalled for. I'd ask you to withdraw it.

Sima Acan: It was in the context of him being a doctor. It had nothing to do with that.

An hon. member: [*Inaudible—Editor*]

Sima Acan: You don't have to agree. It's unrelated.

The Chair: Let's get back to the matter.

MP Mantle.

Jacob Mantle: Thanks.

As I was saying, I'm not sure I agree with that.

Mr. Gilkes, correct me if I'm wrong, but when you're drafting your production order or your information to obtain, you have that standard in the back of your mind. When you put it before the justice or the JP, you know that this is what you have to satisfy. If you know that what you have to satisfy is a lower standard, you can include more.

Let me break that down, because that's more of an argument than a question. When you draft your information to obtain, are you thinking about the test you have to meet?

Aaron Gilkes: Yes.

Jacob Mantle: There; I got that more simply. That confirms part of my uncomfortableness with the lower standard and how that relates, then, to this subamendment.

In conclusion, Mr. Chair—

An hon. member: More, more.

Jacob Mantle: My conclusion can be quite substantive as well. I will make sure it's exactly as long as it needs to be.

I appreciate your input, Mr. Gilkes, and yours, Ms. Gibner, and yours, Mr. Wong, because I genuinely was not entirely sure how the subamendment interacted with the Privacy Commissioner's recommendation. As I said, I unfortunately didn't have a chance to have this discussion with Mr. Housefather personally, but I appreciate him bringing forward a subamendment that, at least in my view now, does seek to get a bit more of a middle ground from where the bill started—all subscriber information related to anything—to what the Privacy Commissioner suggested, which may go too far in the other direction in terms of tying the hands of the judge or justice who's issuing the production order.

I forget which member mentioned it before, but contrary to what was said, I was not entirely prepared to vote for the subamendment at the beginning of this. I'm probably more comfortable now, based on my exchanges with our officials.

I will also say, and it bears repeating—I know that my colleagues across the way want to hear this again—that it would have been helpful, and perhaps could have saved time and resources, if we had been able to have the Privacy Commissioner here to explain some of the reasoning and to help us understand the rationale for the proposal they made in recommendation number three.

• (1845)

The Chair: Madame Dandurand.

Marianne Dandurand: On a point of order, I'd like to make sure it's on the record that....

[*Translation*]

I'll say it in French. The Privacy Commissioner of Canada appeared before the committee members to explain his point of view. Of the members in attendance at the time, only one Conservative member remains, because only one Conservative Party member still has a permanent seat on the committee.

I would like to make sure that we're clear that the commissioner already came to speak on this topic.

The Chair: Thank you, Ms. Dandurand, for this important clarification.

Mr. Mantle, would you like to continue?

[*English*]

Jacob Mantle: I would.

I'd like to clear up a bit of misinformation that I think was just said to the committee.

Although the Privacy Commissioner has been here to speak on certain portions of this bill, he was first consulted only after Bill C-2 collapsed. Colleagues across the way will remember that Bill C-2 was the bill that sought to provide no judicial authorization and warrantless access to people's data and intrusions into their private life.

I know that's the pattern we've seen from across the way when it comes to privacy, but we were able to—

Sima Acan: I have a point of order.

The Chair: Madame Acan.

Sima Acan: Once again, it's not relevant to the subamendment. The bill has nothing to do with people's privacy and their personal information.

Thank you.

Voices: Oh, oh!

The Chair: There may be disagreement on that, but the fact is that we need to stick to the topic. The subamendment is well understood and should be well noted. We have already heard views on broader issues that are not to the satisfaction of everyone but were settled elsewhere.

Having said that, we will now suspend for about 10 minutes.

• (1845)

(Pause)

• (1900)

[*Translation*]

The Chair: Welcome, everyone.

I think that Mr. Mantle had finished his remarks.

Ms. Cody, you have the floor.

[*English*]

Jacob Mantle: Sorry, I'm not finished, Mr. Chair.

The Chair: I think you had a concluding sentence. Do you want to start again?

If Ms. Cody is fine....

Jacob Mantle: I was interrupted. I'm not going to start at the beginning, but I was not finished.

A voice: Start from the top.

The Chair: Please do so, yes.

Jacob Mantle: I was not entirely finished. I was clearing up some misinformation from the other side. In particular, it was Ms. Acan's statement that this bill does not affect privacy.

I would direct her to the government's charter statement, which notes that section 8 is particularly engaged by this bill. I would encourage her to read that. Her government believes that this bill does have a potential effect on Canadians' privacy. I agree that it does.

That having been said, Mr. Chair, I appreciate our officials' work in helping me understand Mr. Housefather's subamendment to our Bloc colleague's amendment. I'm much more comfortable with it and would be prepared to support it.

With that, I will yield the floor back to you, Mr. Chair.

The Chair: Thank you, Mr. Mantle.

I have Ms. Cody and Mr. Lawton.

Garnett Genuis: On a point of order, Mr. Chair, was I missed when you just read the list? I believe I'm on the list.

The Chair: You're not yet missed. Ms. Cody comes before you, MP Genuis.

Garnett Genuis: I heard you reading the list and you didn't mention my name. I wanted to clarify that.

The Chair: I was going to skip you because we couldn't see you anymore. You're back, so you will be immediately after Ms. Cody.

Connie Cody (Cambridge, CPC): Through you, Chair, I appreciate being here. It's my first time here, and I'm really interested in hearing more about this bill.

In my riding of Cambridge, I've been getting a lot of messages of concern. One thing I would like to address more is about the AI tools inside the data that these orders target.

I don't believe that the role of artificial intelligence tools in how service providers manage, retrieve and process the very subscriber data that production orders under this provision would compel has been addressed yet.

Modern telecommunications companies and cloud platforms do not manage subscriber data manually. They use automated and, increasingly, AI-assisted systems to index, search, retrieve and process that data at a scale that is simply not achievable any other way. The transmission data, device identifiers and usage logs of the—

• (1905)

[*Translation*]

The Chair: Ms. Cody, it must be extremely difficult for the interpreters to interpret your remarks. You're a fast talker and your comments are quite complex.

[*English*]

Dane Lloyd: Just go slower, Connie.

[*Translation*]

The Chair: If you could give the interpreter a bit more time, I would appreciate it.

[*English*]

Connie Cody: Thank you. I'll slow down.

I have some questions. When a service provider receives a production order under this provision and compiles the response of subscriber information and transmission data, is there any requirement in Bill C-22 or anywhere in the Criminal Code as amended that the provider disclose whether AI tools were used in the retrieval and compilation of that data and what those tools' known data access and retention behaviours are?

Kimberly Gibner: Everyone is looking to me to respond, so I'll do my best.

The answer is no, as it relates to part 1. Maybe for part 2 there are some implications, but as it relates to part 1, there's nothing specific to AI.

Connie Cody: If an AI tool was used in the production of subscriber data access information beyond what the order specified, retains it beyond the purpose of the order or behaves in ways the provider did not know about and cannot fully account for, the innocent third parties on shared accounts have no recourse under this provision. There is not a single word that I can see that addresses any of this.

Claude Fable 5, which was once Mythos, was released two days ago and was found to contain silent behavioural modifications that degraded its outputs without user notification. This was discovered only through a paragraph buried in a large document.

If a service provider uses an AI tool with similar undisclosed behavioural constraints to compile subscriber data in response to a production order and that tool silently produces an incomplete or

inaccurate response without flagging that fact, what is the legal status of that production?

Kimberly Gibner: I'm going to take a step back for two seconds to remind everyone that “subscriber information” is defined in the bill as name, address and those sorts of things.

If police get information back that is nonsensical... They would be doing that investigative step once they receive the information. If Joe Schmo doesn't exist, I suppose they would follow up, but otherwise... I can't conjure up a scenario any better than that to answer your question, really.

Police who work in that space may be able to respond to your question better than I can.

Connie Cody: Okay.

My concern is more in regard to the tool that would be used—what it can obtain, how it can distribute that, how it can leak information and what controls we have on an order to a service provider to obtain information.

If an AI tool is used but we don't have an understanding of it, how can we ensure that there won't be any misuse of it?

Kimberly Gibner: If I understand you correctly... Police are looking for subscriber information. They go to a service provider with their production order and say, “Service provider, I'd like the name and address attached to this information.” Police aren't using a tool to get that information. They're relying on the service provider to fulfill the production order. They're looking for the service provider to tell them the information identified in the court order. They just receive the information back from the service provider.

Connie Cody: Okay. Thank you.

• (1910)

The Chair: Mr. Genuis.

Is Mr. Genuis still there?

Mr. Lawton.

Is Mr. Lawton there?

Okay. We have run out of speakers.

[*Translation*]

Is it the will of the committee to adopt the subamendment moved by Mr. Housefather?

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

The Chair: Mr. Lloyd, you have the floor.

[*English*]

Dane Lloyd: Oh, we're just... No.

[*Translation*]

The Chair: Is it the will of the committee to adopt amendment BQ-4 as amended?

(Amendment as amended agreed to [*See Minutes of Proceedings*])

The Chair: Amendment CPC-3 is identical to amendment BQ-4. As a result, it can't be moved.

Would anyone like to move amendment BQ-5?

Mr. Mantle, you have the floor.

[*English*]

Jacob Mantle: Have you passed the clause as well?

The Chair: The clause involves more amendments.

Jacob Mantle: What would the next amendment on that clause be?

The Chair: We have a few more amendments before we get to vote on clause 6.

Jacob Mantle: Okay. Thank you, Mr. Chair.

I would like to speak to the next amendment, please.

The Chair: Okay.

We just voted on BQ-4, which we adopted. Now we are moving to BQ-5.

Mr. Lloyd.

Dane Lloyd: I move to adjourn the meeting.

The Chair: Okay. Thank you.

Jacques Ramsay: I have a point of order.

I just want to put on the record that the Conservatives have been here for almost four hours, and they're not here to work. They're not here to make—

Garnett Genuis: That doesn't sound like a point of order.

Dane Lloyd: I have a point of order, Mr. Chair—

Jacques Ramsay: You spoke about—

Garnett Genuis: That's not a point of order. He's editorializing.

Dane Lloyd: [*Inaudible—Editor*]

Jacques Ramsay: [*Inaudible—Editor*]

Dane Lloyd: This member is out of order. It's a dilatory motion. Is that correct?

[*Translation*]

The Chair: I would like to thank all the witnesses for the time that they spent on this meeting.

I'm sorry to let you go earlier than planned.

The meeting is adjourned.

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