

14 December 2023

Addressees:

Mr. Joël Lightbound, M.P.
Chair
Standing Committee on Industry and Technology
House of Commons
Ottawa, Ontario K1A 0A6
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CC Vice Chairs Perkins, Lemire, MP Masse, Miriam Burke (Clerk)

Re: Formal request to send AIDA back for full public consultation and redrafting

Dear Mr. Lightbound:

This letter, submitted on behalf of the individuals and civil society organizations below, is a formal request for your Committee to **recommend that AIDA be sent back to the drawing board for full public consultation prior to a substantial redrafting**. Additionally, such consultation should not be led by ISED alone given that their stewardship to date has resulted in deeply-flawed legislation, flowing from a process biased heavily toward narrow industry interests.

We are also asking that your Committee split your hearings on AIDA — to have them exist distinctly and separately from your hearings on Parts 1 & 2 of Bill C-27 — and to restart the AIDA segment so that witnesses can testify on the Minister's substantial revisions to the Bill.

As you know, the Speaker of the House of Commons, in his [ruling](#) of 28 November 2022, decided that the House would vote separately on Part 3 of Bill C-27 (AIDA). Subsequent to that ruling, the Committee Vice-Chair Rick Perkins noted on 17 October 2023 that “we’ve chosen as a Committee to break up the witnesses,” and that “The details of AIDA will happen, and those witnesses will be at the back end of the witnesses.”

This was in the context of granting the Minister more time to produce his promised amendments on AIDA. Unfortunately, however, many witnesses who wished to speak to AIDA — including several signatories to this letter — have already appeared, and were forced to divide their limited time between commenting on an unfinished AIDA, and providing input on Parts 1 & 2 of the Bill, resulting in the AIDA-specific critique becoming marginalized.

This lamentable state of affairs has now been further exacerbated by the Minister's recent publication of a [38-page package](#) of proposed AIDA amendments and explanatory text. Regardless of the merits or otherwise of the Minister's proposals — and it will take time to carefully assess them — it is clear that the amendments fundamentally alter the shape and implications of this legislation. By sheer volume alone, they rival the size of the original Bill.

None of the oral witnesses so far, nor the authors of the more than 40 written briefs to date — nor, for that matter, any of the MPs who contributed to AIDA's second reading debate — have been able to comment on the Minister's new proposals, because those proposals did not yet exist. And those witnesses won't be able to appear again unless the Committee restarts hearings on AIDA and invites them to return to speak to what is effectively a fundamentally new piece of legislation. Failing that, Committee members will be faced with the challenge of analyzing, obtaining expert feedback, and scrutinizing the voluminous proposals, their impact, and their unintended consequences.

In addition, as Professor Clement's December 6 [letter](#) to the Committee points out, the number of meetings ISED has held with business, academic and civil society stakeholders appears to be significantly smaller than the 300 figure Minister Champagne claimed during his INDU appearance. The participants listed show a profound bias towards businesses, excluding many important interests that belong in the debate.

We are writing now as it has become abundantly clear that the recent major addition of new text to consider, combined with the decision to merge such disparate Acts in the same Bill, and in light of ongoing inadequacy of consultation, has caused the Committee proceedings to muddle issues and testimony, doing poor service to the Bill as a whole.

Witnesses interested in the entirety of the Bill have found it difficult to address all of its content, and that was before the last-minute addition of new AIDA text. We imagine that your experience of having to receive testimony and feedback on issues of vastly different scopes and frames has also been challenging; and that it must be difficult from your Committee's perspective to keep the conversations and guidance coherent to the appropriate parts of Bill C-27.

The process for AIDA, as it is currently unfolding, serves no one's interests: not the Committee's, not civil society's, and certainly not those of the public, who were excluded entirely from its industry-heavy consultation process.

Without a reset to the legislation itself, the Act stands to pass without proper consultation, informed discussion, or fair expectations for feedback — underscoring why your Committee, and the House, should send AIDA back for the full and proper public consultation it desperately needs and which people across Canada deserve. Your Committee should restart the AIDA portion of the hearings, and re-invite witnesses to testify on the Minister's new amendments, to ensure the proposed amendments get the thorough scrutiny they require.

Minister Champagne's demand that this bill be passed urgently with minimal scrutiny shows scant regard to the potential societal impacts of AI, unduly pressures yourselves as Committee members, disrespects the necessary diligence required to craft good law, and is inconsistent with

the norms one expects from a democracy. Such a hasty approach also risks Canada being an outlier in the global approach to AI, with significant economic and trade implications. It is far more important that we get this legislation right, rather than rush through a bill that is so fundamentally flawed.

Thank you for your consideration.

Signed,

Organizations

1. British Columbia Civil Liberties Association
2. Digital Public
3. International Civil Liberties Monitoring Group
4. OpenMedia
5. Privacy & Access Council of Canada
6. Tech Reset Canada
7. Canadian Civil Liberties Association
8. Freedom of Information and Privacy Association
9. Ligue des droits et libertés
10. Centre for Digital Rights
11. Centre for Free Expression
12. Women's Legal Education and Action Fund (LEAF)

Individuals (organizational affiliations for identification only)

1. Ana Brandusescu, McGill University
2. Andrew Clement, Professor emeritus, University of Toronto
3. Fenwick McKelvey, Concordia University
4. Dr. Kristen Thomasen, UBC
5. Bianca Wylie, writer and public interest technology advocate
6. Jonathan Roberge, Professor, Institut national de la recherche scientifique (INRS)
7. Luke Stark, Western University
8. David Murakami Wood, University of Ottawa
9. David Lyon, Queen's University
10. Christelle Tessono, Tech Policy Researcher University of Toronto Faculty of Information
11. Brenda McPhail, Ph.D., Acting Executive Director, Public Policy in Digital Society Program, McMaster University
12. Bill Hearn, Lawyer, Fogler Rubinoff LLP
13. Leslie Regan Shade, Faculty of Information, University of Toronto
14. Maroussia Lévesque, Harvard University
15. Ben Shneiderman, Professor Emeritus
16. Gary Marcus, Professor Emeritus NYU
17. Sara M. Grimes, University of Toronto
18. Evan Light, York University