

## Briefing Note for Sept 2<sup>nd</sup> Open Letter to PM Carney

### Ask

The open letter's signatories urgently request meetings with relevant government officials at the highest levels to begin the vital work for re-setting Canada's digital policies and strengthening its digital sovereignty.

### Overview

This note summarizes and puts into three buckets the fourteen proposed priority action measures in the September 2<sup>nd</sup> open letter to Prime Minister Carney from organizations and individuals concerned about Canada's digital policy and sovereignty.

This open letter builds on the open letter published in *The Hill Times* in early July, the open letter by Canadians for Digital Sovereignty published in the Canada Day edition of the *Toronto Star*, the feedback to both letters from several leading Canadian organizations and individuals, and the groundswell of concern about Canada's digital sovereignty that have intensified with the US capture of Canada's vital information and communications system. Specifically, that so much of Canada's system is owned and controlled by US companies that are subject to the US government's unpredictability, extraterritoriality, and legal fragmentation that has unacceptably intensified under US President Trump.

The Canadian government's implementation of these measures would beneficially reset Canada's digital policy to better serve Canadian interests, rein in US tech giant's negative impacts, and strengthen Canada's digital sovereignty. These measures must be sequenced within a sovereignty-first strategy: legislation to establish Canadian authority over digital systems, followed by institutional capacity-building, and only thereafter engagement in trade or international negotiations.

The open letter's signatories (which include a broad coalition of civil society, industry organizations, subject matter experts, and prominent Canadians) look forward to working with the federal government, Indigenous rightsholders, and all stakeholders to ensure Canada's digital infrastructure remains true to Canadian values, strong and free. The signatories urgently request meetings with relevant government officials at the highest levels to begin the vital work for re-setting Canada's digital policies.

### Fourteen measures put in three buckets

As described in more detail in the open letter

#### ➤ **New measures to pursue**

- Ensure sovereignty over Canadian digital infrastructure and data, through legal, institutional, and where necessary localization measures. Ensure Canadian control across all critical layers. Embed localization in a broader sovereignty framework. At the network level, keep all domestic internet traffic within Canada. At the data level, adopt "blocking statutes" to prevent extra-territorial intrusion.
- Expand digital policy development and implementation capacity across the federal government. Tame US big tech's influence through transparency and accountability measures. Modernize the *Lobbying Act*, fix loopholes in the *Access to Information Act*, provide the Information Commissioner additional oversight, and enable the Office of the Procurement Ombudsperson to compel documentation and issue binding orders. Establish a central digital public policy coordination unit, re-constitute the Department of Communications, and combine the digital policy capacity of ISED and Heritage.
- Launch a public dialogue on AI adoption/digital governance. Include Indigenous rights holders and equity-deserving communities. Build on lessons from the Canadian Citizens' Assemblies on Democratic Expression. Ensure timely action re: online safety, private sector privacy, and Canadian infrastructure.

- Pass laws specifically regulating AI technologies. All to make AI innovation safe, responsible, and in the public interest, after full public consultation. Look mainly to Europe to align AI laws.
- Provide Canadians with the background analysis supporting the government's proposed investments in AI. To assess whether the taxpayer funds will serve the public interest. Such an in-depth analysis of the costs and benefits of an AI-led economic strategy needs to address the concerns about AI development. Vital to inform the public on AI adoption, digital governance and garner trust.
- Conduct and publish an independent expert "full stack" threat/risk assessment of Canada's digital and AI infrastructure. Assemble a panel of independent legal and cyber security experts to audit US extra-territorial laws, how these laws may compromise Canadian digital assets, and policies to address these threats/risks.
- Establish an independent national observatory for digital governance: A research/public education institution for Canadians to better understand/use/develop digital governance. External counterpart to internal government capacity, offering independent analysis on the digital policy landscape.

➤ **Current measures to improve**

- Reintroduce the *Consumer Privacy Protection Act* (CPPA): Amend Part 1 and drop Parts 2 and 3 of former Bill C-27. Rename the *Canadian Privacy Protection Act*. Priorities include: (a) recognize privacy as a fundamental human right; (b) expressly include federal political parties; (c) strengthen privacy protections for minors; (d) give the Privacy Commissioner additional powers to impose administrative monetary penalties and issue orders; (e) strengthen the private right of action; (f) include measures to ensure cross-border data transfers maintain digital sovereignty; and (g) maintain adequacy with EU's GDPR.
- Reintroduce a new-and-improved *Online Harms Act*. Composed of Part 1 (online harms) and Part 4 (mandatory reporting for Internet child pornography), unencumbered by unrelated provisions, unlike in former Bill C-63. Requires the thorough committee study and amendment process not received by former Bill C-63.
- Pass cyber security legislation aimed at protecting cyber systems integral to public safety, national security and Canadian infrastructure. Incorporate into Bill C-8 the four recommendations in the [Joint Civil Society Senate Submission on Bill C-26](#), essential to protecting data security, upholding privacy and civil liberties, and ensuring trust in Canada's cyber security framework.
- Secure the future of Canadian news. Inaction or concessions by the federal government that weaken the free press could imperil Canada's independent self-government. The government should direct the CRTC to implement the *Online News Act* complaint process for alleged contraventions of prohibitions.
- Protect Canadian culture and stories. Canada should not concede, in respect of the *Online Streaming Act*, to the demands of US and other foreign media giants but instead evolve/improve Canada's cultural policies in the Internet age.

➤ **Current measures to reverse**

- Withdraw entirely Bill C-2 (the *Strong Borders Act*). Bill C-2 opens the door to surveillance and cross border data sharing. President Trump's America shows flagrant disregard for Canada's digital sovereignty.
- Reconsider rescinding the Digital Services Tax. Canada's *DST Act* will help ensure foreign tech giants are fairly taxed and held accountable for their power over Canada's society and economy.

**Prepared for Canadians for Digital Sovereignty for sharing with the Government of Canada**