



March 19, 2023

The Hon. Hedy Fry, P.C., M.P., Chair, Standing Committee on Canadian Heritage  
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**RE: Standing Committee on Canadian Heritage motion on Meta and Google**

Dear Committee Members:

I am writing on behalf of the Canadian Chamber of Commerce to express our deep concern regarding a proposed motion to compel companies to provide internal and external communications related to their engagement in public debate on Bill C-18.

Our concern is not about C-18 itself or the companies currently debating its merits with your committee: it is about the preconditions for free discourse in our democracy. The motion, which was disclosed only last Thursday by the Parliamentary Secretary to the Minister of Canadian Heritage, poses a serious threat to the privacy of Canadians and to their rights to hold and express opinions on public issues. In addition, adopting it would put a chill on the legitimate work of thousands of associations, chambers of commerce, unions, social action groups, not-for-profits, and private enterprises across the country. It is impossible to know who the next target of this type of measure will be. We urge the committee to avoid setting a precedent that would make it easier for future governments of any political stripe to attempt to intimidate its opponents in this way.

We have a number of serious concerns related to the substance and handling of the proposed motion:

- (1) The motion specifically compels the disclosure of private communications and documents of third parties, without any requirement to inform them, let alone seek their consent. Such a measure contrasts starkly with the treatment of third-party information under Sections 20 and 36.3 of the *Access to Information Act*. Further, it goes against the principle established in Section 21 that protects the government from disclosure of “advice or recommendations by or for a government institution” or “an account of consultations or deliberations” in which its officials participated.



- (2) The motion sets the stage for a major fishing operation that affects the rights, not only of the companies themselves, but of third parties as well. It requires the production of all internal and external communications (including but not limited to emails, texts or other forms of messages) in addition to any internal and external documents, memos and presentations related to actions the companies planned to take or options they considered or are considering in relation to all Canadian regulation since January 1, 2020, including Bill C-18. It also requires a list of all third parties that have received funding for the purposes of advocacy, engagement, awareness campaigns, and research with respect to regulation by Canada since January 1, 2020.
- (3) The motion is directed only at the opponents of the bill, whom it accuses of “intimidation and subversion tactics.” Is the government prepared to apply the same disclosure standards to itself and to supporters of the bill, who have a direct and substantial interest in its passage? If it is not prepared to undertake the same disclosures related to its own actions, why will it not do so?
- (4) The motion gives the companies only until “5:00 PM EST (sic) on March 31<sup>st</sup>, 2023” to produce this material. Is the government prepared to abide by similar standards for requests to it for information under the *Access to Information Act*?
- (5) Canadians became aware of the intention to move such a motion only on Thursday. The vast majority of people and organisations whose democratic rights are at stake not only have not had a chance to be heard on its appropriateness but are completely unaware of the motion. Do committee members believe that this combination of stealth and haste on matters affecting privacy and basic freedoms sets an acceptable standard for a free and democratic society?

Every individual and every organisation in Canada has the right to decide whether it supports Bill C-18 or any other piece of legislation that comes before Parliament. They should be free to do so without fear of retribution for their views. For the Committee to take any other approach would not only be undemocratic—it would also be unconscionable.

Sincerely,

**Hon. Perrin Beatty, P.C., O.C.**  
*President and CEO*  
*Canadian Chamber of Commerce*

**C.C.:** The Hon. Pablo Rodriguez, P.C., M.P., Minister of Canadian Heritage  
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