

OpenMedia is a community-based organization that safeguards
the possibilities of the open Internet.



To: The Honourable Pablo Rodriguez, Minister of Canadian Heritage

To: The Honourable François-Phillipe Champagne, Minister of Innovation, Science and
Economic Development

To: The Honourable David Lametti, Minister of Justice

To: The Honourable Marco E. L. Mendicino, Minister of Public Safety

House of Commons
Ottawa, Ontario, Canada
K1A 0A6

October 26, 2021

Re: Request to publicly release submissions to harmful content online consultation

Dear Ministers,

We are civil society organizations and individual experts working on internet policy, civil liberties, and human rights, writing to you with concerns about the government's handling of its proposal to address illegal or harmful content online.

Specifically, we are deeply troubled by the rushed and opaque public consultation process the government has recently held on potential remedies to address harmful content online.

Illegal online content and legal but harmful online content are both real issues, but any legislation that threatens the right of all people in Canada to express themselves freely is amongst the most sensitive our government can propose. Accordingly, the process to develop such legislation must be transparent, democratic, cautious and publicly accountable throughout.



We are writing to you today with two requests:

1. **Publicly release the consultation results.** Proactive disclosure and reporting back on this information fits with standard practices in open government, as well as the government's access to information obligations. It is a necessary step for members of the public, experts, and advocacy organizations to audit the full record of your consultation before any legislative changes are proposed, and assess for themselves whether the raised concerns are being adequately addressed by your future proposals. Meeting this basic standard would be a first step to building the necessary transparency and accountability for any future legislation on this issue to succeed.
2. **Publish a 'What We Heard' report summarizing your findings.** These types of reports are commonplace in consultations held by other federal government departments, as most recently seen in the Department of Justice's report on their consultation on updating Canada's Privacy Act, or last year's BTLR report. Providing evidence that you are reading and acknowledging what you've heard from the public, and clearly outlining how you plan to integrate that feedback into any future proposals, will further establish a level of trust and accountability in this process.

This issue has already garnered immense public attention. We are aware of over 25 lengthy written submissions from Canadian and global organizations, experts, and concerned citizens, in addition to the almost 9,000 shorter submissions provided by individual OpenMedia community members. The process with which the government moves forward will substantially determine the public reception, and if this process is to be given any credibility.

Maintaining and building the public's trust has never been more important than it is in this period. Transparency is a crucial and necessary precondition to earn public trust for any plans to move forward on legislation this sensitive, with so much potential to be contentious, and to overstep. We urge you to make this basic commitment to transparency a critical first step before any further action is taken.

We look forward to your response.

Sincerely,

Organizations

Access Now

Canadian Civil Liberties Association

Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC)

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Electronic Frontier Foundation
International Civil Liberties Monitoring Group
Internet Archive Canada
OpenMedia
Privacy & Access Council of Canada
Ranking Digital Rights
Rocky Mountain Civil Liberties Association

Individuals

Michael Geist
Lex Gill
Fenwick McKelvey
Christopher Parsons
Sharon Polsky
Dwayne Winseck