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Chair: Mr. Pat Kelly



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• (1105)

[English]

The Chair (Mr. Pat Kelly (Calgary Rocky Ridge, CPC)): I call the meeting to order.

Welcome, everyone, to the second meeting of the House of Commons Standing Committee on Access to Information, Privacy and Ethics. Pursuant to Standing Order 106(4), the committee is meeting at the request of four members of the committee to discuss their request to undertake a study of the collection and use of mobile data.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely by using the Zoom application. The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

As the first meeting using webinar, today's meeting is also taking place in the webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members enter immediately as active participants. All functionalities for active participants remain the same. Staff will be non-active participants and therefore can view the meeting only in gallery view.

I would like to take this opportunity—

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): I have a point of order, Mr. Chair.

The Chair: Yes, Ms. Khalid?

Ms. Iqra Khalid: My understanding is that our staff can't hear you on the phone line.

The Chair: Okay. We have a problem with staff being unable to hear. I'll suspend the meeting for a moment.

If it's Ms. Khalid's staff who are reporting this problem, can you tell me if staff are now able to hear me?

Ms. Iqra Khalid: Yes, Mr. Chair. I believe they can hear you now, loud and clear.

The Chair: Okay. Thank you.

I'll call the meeting back to order and carry on with reading some of the important points that people must be aware of.

I'll take this opportunity to remind all participants in this meeting that screenshots or taking photos of your screen is not permitted.

Given the ongoing pandemic situation and in light of the recommendations from health authorities as well as the directive of the Board of Internal Economy on October 19, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. I'll remove my mask when I'm speaking, but otherwise I'll keep my mask on.

Members also must maintain proper hand hygiene by using the hand sanitizer provided at the room entrance.

As the chair, I'll be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

To ensure an orderly meeting, I would like to outline a few rules to follow.

Members may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of either "floor", "English" or "French". If interpretation is lost, please inform me immediately. We will ensure interpretation is properly restored before resuming the proceedings.

The "raise hand" feature at the bottom of the screen can be used at any time if you wish to speak or alert the chair. For members participating in the room, proceed as you normally would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as it normally is by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. As a reminder, all comments by members and witnesses should be addressed through the chair.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Having been contacted by Mr. Brassard, I'm going to give him the floor, because I understand that he has a motion he would like to bring forward.

Go ahead, Mr. Brassard.

• (1110)

Mr. John Brassard (Barrie—Innisfil, CPC): Thank you, Mr. Chair, and good morning.

Let me start by thanking you for convening a meeting of this committee on a very important issue. Many Canadians are watching this issue, including security and privacy experts across the country.

I'd like to move the following motion, if I may. I move that in light of recent media reports, the committee immediately begin a study, pursuant to Standing Order 108(3)(h)(vi) and (vii), regarding the Public Health Agency of Canada collecting, using or possessing Canadians' private cellphone data, without their knowledge or consent, and therefore (a) invites the chief public health officer of Canada to appear for one hour, including a five-minute opening statement, immediately following the adoption of this motion; (b) invites the Minister of Health and the Minister of Indigenous Services to appear for one hour, including five-minute opening statements from each, immediately following the appearance referred to in paragraph (a); and (c) requests the members of the committee provide the clerk, no later than 5:00 p.m. today, with their preliminary witness lists for this study.

Madam Clerk, I have the motion in both official languages, and the motion has been circulated to you electronically.

Thank you.

The Chair: Thank you, Mr. Brassard.

I understand that this motion has been circulated electronically to all members and has been passed about in the room. The motion is in order.

Is there any discussion?

Mr. John Brassard: I have just a few comments, if I may.

The Chair: I apologize. Mr. Brassard was not finished. He was moving the motion and allowing time for its distribution.

Mr. Brassard, you still have the floor. Mr. Fergus will be next—

Hon. Greg Fergus (Hull—Aylmer, Lib.): Actually, Mr. Chair, just on a technical matter—a point of order, I suppose—I would like to ask the clerk if she can confirm that she sent that motion to my P9 account. I do not seem to have it in my emails, and I'm wondering if it went to the general inbox.

The Clerk of the Committee (Ms. Nancy Vohl): I believe so, but I will verify that your P9 was specifically added there.

Hon. Greg Fergus: Thank you.

The Chair: We'll take a moment, Mr. Brassard, to ensure that the circulation has in fact occurred.

The Clerk: Yes. All members received it in their personal email, in their P9 and MP accounts. The staff and whips did as well.

The Chair: Mr. Fergus, I'll give you a moment to check and see whether you have it.

Do you have it now? No.

Hon. Greg Fergus: I do not, Mr. Chair, but please continue. I think it might be an issue on my end. If I have a problem, I'll come back to you and to the clerk afterward. I don't want to interrupt Mr. Brassard.

The Chair: Okay. I appreciate that. Thank you, Mr. Fergus.

Carry on, Mr. Brassard.

Mr. John Brassard: Thank you, Mr. Chair, and thank you, Madam Clerk, for circulating the motion.

Mr. Chair, this is an incredibly important issue for Canadians. Since news broke prior to Christmas and over the course of the last couple of weeks, Canadians have become more aware of the situation. The purpose of calling this meeting, and the request that came from the opposition parties, is one of accountability.

Here's what we know, Mr. Chair, and I'm not going to take up too much time, because Conservatives are here to work: We're ready to work this morning. To that end, yesterday I notified the clerk, the chair and other parties, including the Liberal Party, of my intent to move this motion, which would call on Ms. Tam as well as a couple of ministers to appear before this committee today if in fact this motion is passed.

There are three things that we really need to focus on and to dig deeply into on this issue. Number one is the data collection contract that existed, whereby the Public Health Agency of Canada was collecting data without the knowledge of Canadians, effectively doing it in secret. We need to know what security measures were in place to protect the privacy rights of Canadians.

It has come to our attention, Mr. Chair, that over the course of the last week there has been confusing information between Public Health Canada and the Privacy Commissioner and his office concerning to what extent the Public Health Agency did contact the Privacy Commissioner to discuss how the safety and security and the privacy rights of Canadians were to be protected as a result of this information. It is critically important that we find answers to these questions.

The second issue we need to focus on, Mr. Chair, is the request for proposal that was initiated by the Public Health Agency to effectively continue this practice of collecting Canadians' data. The request for proposal was published on December 17, the day after Parliament adjourned for the winter break, and was scheduled to close on January 21 of this month, 10 days before Parliament is to return. I'll note that, curiously, just yesterday the request for proposal was amended to conclude on February 4. We have to find out why this occurred, Mr. Chair, and why this request for proposal was put out when there was no opportunity for parliamentary scrutiny.

It wasn't until this request for proposal was found that the Public Health Agency admitted they were tracking the cellphone data of 33 million Canadians. Canadians weren't aware of that, so we have to get to the bottom of that. That's why the study is so important.

Third, it's not just a matter of looking back but also of looking forward, Mr. Chair. This provides a perfect opportunity for this committee to call in privacy, security and surveillance experts from across Canada and around the world to talk about an important issue, and that is privacy and data protection in the digital age. I don't want to just look back. I don't want to just look at what caused this problem, who made these decisions, why it was done and what metrics they were trying and hoping to achieve as a result. I think we also have an opportunity, Mr. Chair, to look at privacy of data in the digital age and to make recommendations in this report.

As I said earlier, many Canadians have become concerned about this issue, and not just this issue, but a pattern of issues of government overreach, of government extension into the privacy rights of Canadians. We've seen it with StatsCan collecting the banking data of 500,000 Canadians without their knowledge. We saw the proposals in the last Parliament of Bill C-10 and Bill C-11. If you start connecting the dots, Mr. Chair, it becomes increasingly concerning that government is seemingly using this pandemic as a means of and a cause for massive overreach into the privacy rights of Canadians.

• (1115)

As we are parliamentarians, it's incumbent upon us to make sure that we protect those rights and that there is proper scrutiny and oversight of not just the privacy rights but also the constitutional rights of Canadians, Mr. Chair.

I hope Mr. Fergus meant what he said the other night on *Power Play* when he was on CTV with Evan Solomon, which was that the Conservatives and the opposition parties are pushing on an open door here, and I hope that we can get right down to the study now and get to work on this very important and critical issue for Canadians.

Thank you, Mr. Chair.

• (1120)

The Chair: Thank you, Mr. Brassard.

I don't see any hands, so is it the pleasure—

I see Mr. Fergus.

Go ahead, Mr. Fergus. You have the floor.

[*Translation*]

Hon. Greg Fergus: Thank you very much, Mr. Chair.

I'd like to thank everyone who organized this last-minute meeting and commend all of my fellow members for being here to discuss this very important issue.

I have found all the documents that were sent by the clerk, including Mr. Brassard's motion. Before I talk about that, I'd like to point out that we share some values. It goes without saying that all members of the House feel it's important that the privacy rights of Canadians be respected.

When I look at this story and the statements that have been made, including the Public Health Agency of Canada's statement and those of many of the people involved in this issue, it seems quite reasonable to me.

I see one difference between myself and Mr. Brassard. He stated that the government was tracking the cell phone information of Canadians.

Based on the department's statements, that is clearly not the case. What it requested was aggregated and de-identified data. It does not contain any personal identifiers.

So it doesn't make sense to say that Canadians are being tracked. That is not the case at all. The de-identified data received is just aggregated data, which is very useful to see if, generally speaking, Canadians are following public health guidelines like self-isolation to keep the virus from spreading. It's not true that a government agency took the data.

However, like Mr. Brassard, I believe most members of the House agree with and are very open to the idea of checking to see if that is true. We should do an investigation to reassure Canadians that this data is being used properly. If we can put aside partisan differences and truly investigate this, I feel that we can reach a broad consensus.

I am anxious, as I'm sure all my colleagues here are, to begin this work in a reasonable manner. We need to ask those responsible to appear before the committee so that we can do our work.

• (1125)

I also hope that we will do it without delay and not digress into partisan issues, to ensure that we can reveal the truth to all Canadians.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

Next I have Mr. Villemure.

[*Translation*]

Mr. René Villemure (Trois-Rivières, BQ): Good morning, Mr. Chair.

I would like to say hello to all committee members. Under the current circumstances, I wish them good health this year.

As you know, my experience as an ethicist is always close at hand. In my work as an ethicist, I never meant to point fingers, but rather to enable better understanding for the common good. By the way, in that respect, I agree with what Mr. Brassard and Mr. Fergus said.

Of course, the situation that has come to light recently forces us to ask questions. I agree with Mr. Fergus that Health Canada had a worthy objective. I don't believe that the department was trying to spy on Canadians. But it does raise a lot of questions. Who acted on behalf of Health Canada? How was it done? What kind of data was it? For what purpose was the data collected? Why was it done? Who did it? What security procedures were put in place?

That does not take away from the intent to serve the common good, that is, Health Canada's desire to model the behaviour of Canadians to rid us of this pandemic we all want to see come to an end.

Many people I run into in public don't fully comprehend the issue of personal data. As you know, we've all clicked on "I agree" without reading the terms and conditions, which were unintelligible. We can save that discussion for another day. People don't appreciate this issue very well, and in order to do so, they need to see the big picture. The word "comprehend" comes from the Latin [*Technical difficulty*] "cum", which means "together", and "prehendere", "to grasp" with the hand. To comprehend, one must be able to grasp the whole issue. The committee wishes to help people comprehend, that is, get a grasp of everything that is at stake.

We want to ensure that the pandemic is not used as an excuse to infringe on people's freedoms. As we have seen in the past, privacy quickly erodes when people are afraid and unsure. I'm thinking of the H1N1 era when I was working as an ethicist, or the security issues surrounding the 9/11 attacks.

So I am all for putting partisanship aside even though we clearly have different ideologies. However, we still need to agree that we are trying to serve the common good. I agree with Mr. Brassard's third point about the importance of looking forward.

Having said that, I would like to raise two other points. First, we need to understand why the first request was so opaque. Second, we need to understand how this request for proposals works.

My intention is to help our fellow Canadians to understand the situation, so that we can protect privacy, which is invaluable, and it's something we do not think about often enough.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

Now I have Ms. Khalid.

Ms. Iqra Khalid: Thank you very much, Mr. Chair.

Thank you to the members for raising this very important issue.

I really laud MP Brassard for his concern about privacy and data protection in the digital age. I'm hoping that we can build that consensus to ensure that governments of the day and, quite frankly, governments of the future respect the privacy of Canadians in what is becoming less and less private as we go through the digital age.

I want to put in some points of clarification that Mr. Brassard raised.

He mentioned in the letter calling for this meeting that Canadians were unaware. A number of news articles have been published over the past number of years, including a statement by the Prime Minister on March 23, 2020, about entering into a contract. Then there was an article on April 14, 2020, in which the chief public health officer, Theresa Tam, told reporters she was convening a federal-provincial-territorial group of officials on the use of cellphone location data. She said there was a significant amount of interest, but she noted that there were many innovators with lots of different ideas, each of which would need to be evaluated on metrics like privacy. That was back in April of 2020.

In considering ways to combat this pandemic and ensure that Canadians are kept safe, I took into account what accountability and transparency really look like in relation to privacy. In fact, the RFP that's been put forward clearly says that the contractor must :

protect...privacy by: providing de-identified data to ensure the anonymized nature of the data, [remove] all personal identifiers, and grant users the ability to easily opt-out of mobility data sharing programs.

When I read this, I went back to Mr. Brassard's letter. I noticed that the terms "mobility data" and "mobile data" were being used kind of interchangeably, which I think highlights that we need to learn about this issue. All these news articles—in fact, even those that Mr. Brassard refers to—talk about mobility data and aggregated data, and I think there is a very important distinction.

Having said that, I do believe this is an important study. I'm hoping we can build that consensus and set aside partisanship, as Mr. Fergus said, and ensure that we are doing the right thing for Canadians as we grapple with what I think is going to be the most pivotal issue of our lifetime as we deal with the digital age.

Thank you, Mr. Chair.

• (1130)

The Chair: Thank you.

Ms. Saks, I saw that you had your hand up. Do you wish to speak on this motion?

Ms. Ya'ara Saks (York Centre, Lib.): I do not at this time, Mr. Chair. Thank you.

The Chair: All right.

There being no other speakers, is it the pleasure of the committee to adopt this motion?

Ms. Iqra Khalid: Mr. Chair, because we're not in the room, and there are members in the room, we're not really sure if members in the room want to participate.

Can you please clarify what the speaking order is?

The Chair: I had nobody in the room who wished to speak, so the speaking order was exhausted.

I'm putting the question to the committee.

All those in favour of the—

Ms. Iqra Khalid: On a point of order, Mr. Chair, I had some questions around the text of the motion and I thought I would give a chance to my colleagues to also speak before we went into the text of the motion.

Is that okay with you, Mr. Chair, and then with my colleagues?

Mr. Damien Kurek (Battle River—Crowfoot, CPC): On a point of order, Mr. Chair, it was certainly very clear to us in the room that the speaking list had been exhausted. I believe that the chair rightly had even called for any further speakers. There were no more speakers on the speaking list, and that was very clear here.

The Chair: Thank you, Mr. Kurek.

Ms. Iqra Khalid: In response to that, Mr. Chair, if that's okay—

The Chair: Go ahead, Ms. Khalid.

Ms. Iqra Khalid: Thank you, Mr. Chair.

I always find that we should always have that spirit of further debate and further dialogue and conversation. We spoke at length about ensuring that there is consensus as we move forward with this important study, and I'm hoping that members can allow for a significant and substantive discussion on the motion itself.

Having read the motion, I see that there are some logistical challenges and that we just wouldn't be able to meet if we did adopt this motion. If members allow, I would like to move an amendment to the motion.

The Chair: I'm going to ask for just one moment before I continue. I need to confer with the clerk for a moment.

• (1135)

Mr. John Brassard: I have a point of order, Mr. Chair.

The Chair: On a point of order, Mr. Brassard, go ahead.

Mr. John Brassard: Thank you, Mr. Chair.

It goes back to—

The Chair: I had better do this in order. I had some hands up, but I would like to deal with these quickly.

Mr. Fergus and Ms. Saks, are these points of order that you are raising? If so, I will hear them now, starting with Mr. Fergus.

[*Translation*]

Hon. Greg Fergus: Thank you, Mr. Chair.

I believe I ran into a minor technical glitch. I just wanted to make an amendment that I hope will be considered a friendly amendment to Mr. Brassard's motion. That's why I raised my hand. I actually thought I had already raised it, but I hadn't.

Mr. Chair, I know you are in the middle of a discussion with the clerk and I don't want to take up too much of your time.

[*English*]

The Chair: Indeed. Given the nature of that discussion and given that we're in a hybrid format and there are challenges around that, I'm trying to allow some latitude, but I had in fact called the question, and once a vote.... There had been no debate and there were no speakers either on Zoom or in the room, so I was in the process of—

Ms. Ya'ara Saks: On a point of order—

The Chair: —commencing a vote and we hadn't gone to a recorded vote—

Ms. Ya'ara Saks: I have a point of order.

The Chair: All right. Go ahead, Ms. Saks.

Ms. Ya'ara Saks: Thank you.

As I was the last one to speak with my hand up, it was made clear to me that Ms. Hepfner had been trying to raise her hand to speak after me and was having technical difficulties. It was very unclear to those on the Zoom screen that we were ready to call the question. In this hybrid format we are in, and for the sake of our all working constructively towards a successful motion so that we can explore this important issue, I would ask that the technical issues we are all navigating, including Ms. Hepfner's, be taken into consideration before you insist on calling the vote.

The Chair: I'm going to Mr. Brassard and then I'll ask Ms. Hepfner if she has resolved her technical issue.

Go ahead.

Mr. John Brassard: Thank you, Mr. Chair.

I want to reaffirm the point that no hands appeared either on Zoom—and I was watching the screen closely—or within the room to indicate that there were other people who wanted to speak. You quite clearly called the question. If the members of the Liberal Party want to challenge the chair on that, it's their right to do so.

The Chair: Thank you.

I'm going to go to Ms. Hepfner to see if she has an issue with being able to.... Can you try to raise your hand now to see if we have a technical problem?

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): I will give it another try. Thanks very much.

The Chair: I see your hand now.

I will ask Ms. Khalid if there's a further point of order and then I'll rule on this. Go ahead, Ms. Khalid.

Ms. Iqra Khalid: As I said, I had some amendments that I wanted to propose to tighten this up, so I look forward to your ruling.

• (1140)

The Chair: Mr. Fergus, do you also have a point of order?

[*Translation*]

Hon. Greg Fergus: I would like to move a simple amendment to Mr. Brassard's motion, and I hope it passes unanimously.

[English]

The Chair: Mr. Fergus, you had the floor and an opportunity to do so earlier, and ordinarily, when the chair asks the question and the voting commences, there are no points of order at that point. The speaking list had been exhausted and I gave Ms. Saks an extra opportunity to get in on the debate with her having lowered her hand. I feel that I did ensure that each member had a chance to speak and that there were no more speakers.

We will proceed to the vote.

I was going to ask, by a show of hands, if members were in favour, but we can go to a recorded vote if that's the—

Mr. John Brassard: I'd like a recorded vote, please.

The Chair: Mr. Brassard has asked for a recorded vote, so we will have a recorded vote on—

Ms. Ya'ara Saks: I have a point of order, Mr. Chair.

Ms. Hepfner's issue was that she was not able to raise her hand to speak to her points, and that was not addressed. All that was addressed here was the fact that she had a technical difficulty, but she wasn't allowed the opportunity to speak that was rightfully hers.

The Chair: That's fair. If Ms. Hepfner had comments that she wished to make on this.... In fairness to members, with the technical obstacles that we have in a Zoom call, I will allow Ms. Hepfner some remarks if she would like to make them.

Having exhausted the speaking list and being in the process of commencing a vote, which ordinarily cannot be interrupted with points of order, I'll let Ms. Hepfner get her comments on the record, and then we'll have to go back to the vote. That is ordinarily what is required once debate has collapsed. Notwithstanding Ms. Hepfner, debate had collapsed.

Go ahead, Ms. Hepfner, with your comments.

Ms. Lisa Hepfner: Thanks very much.

I would like to move an amendment, if I can at this time. I have some concerns with the motion as it was presented and I'll go forward with those right now.

First, I have concerns about the timing laid out in this motion. It's unreasonable that we would expect to have ministers from two different departments appear today. I would move to amend the first section to take out the word "immediately" from the motion.

Second, in section (b), I would suggest that we remove the Minister of Indigenous Services from the panel. I don't believe the Minister of Indigenous Services has the authority or the standing to be able to respond to concerns from the current health department. I would also further amend that statement to make it clear that we're only looking to hear from the current health minister.

In section (c), I would like to see an amendment after the words "5:00 p.m." to change the word "today" to "Friday, January 14".

Those are the three amendments I would suggest to move this motion forward.

I appreciate the privacy concerns. It is valid to look at how data is collected and to ensure that Canadians' personal cellphone data

isn't being collected. This is mobility data that's being used in jurisdictions all over the world to help authorities deal with the pandemic. It's really valuable information about where people are moving, based on their postal codes.

That's what I wanted to add. Thanks very much for giving me the time.

• (1145)

The Chair: Thank you, Ms. Hepfner.

If I understand correctly, you have now moved an amendment that.... Could you repeat precisely what you are amending? You want to amend the motion by deleting "the Minister of Indigenous Services" and changing "5:00 p.m. today" to "5:00 p.m. Friday". Do I understand correctly?

Ms. Lisa Hepfner: I'll jump in.

The first amendment is in section (a). Following the word "statement", I would remove the word "immediately".

Second, I would remove "the Minister of Indigenous Services" and add the words "a statement" after the word "including", and remove "from each" in front of "immediately following the appearance referred to in paragraph (a)". That's just to make it clear.

The third amendment is that after the words "5:00 p.m.", the word "today" would be changed to "Friday, January 14" so that it wouldn't be a particular time tomorrow.

The Chair: Thank you, Ms. Hepfner.

Madam Clerk, do you have all of that?

Ms. Hepfner, just to make absolutely certain that we're clear, you are deleting "the Minister of Indigenous Services" from the motion; deleting "immediately"; and changing the time for the recommendation for witnesses. Does that capture your amendments?

Ms. Lisa Hepfner: Yes. Would you like me to send them to the clerk so that it's clear and everyone can have a copy?

The Chair: If you have them ready to be sent electronically, that would be helpful. Thank you.

Ms. Lisa Hepfner: I'll have my parliamentary assistant send that immediately. Thanks very much.

The Chair: All right.

Now, speakers, having permitted Ms. Hepfner and now having an amendment that we will now go to, I am going to make a general ruling so that we don't have this issue in the future.

To be clear, when the speakers list is exhausted—those in the room and those with hands up on Zoom—I will ask if there are any other speakers. I would suggest to anybody on Zoom that you not be shy about putting your hand up. If you would like to speak on debate, get your hand up. Otherwise, I have no way of knowing if there is any further debate, and then we would need to go straight to the question.

Right now I have Ms. Saks. For those on Zoom, I have Mr. Brassard who also wishes to speak, and I see other hands going up.

Go ahead, Ms. Saks, on the amendment.

Ms. Ya'ara Saks: Thank you, Mr. Chair.

Before I begin, I would like to thank you for hearing me and my colleagues out and making sure that we have a constructive and thorough discussion for good work coming forward. This will ensure that we create an opportunity to explore this issue in depth, with the attention it requires, and that all committee members' concerns and thoughts on it can be heard.

With regard to the time limitations, when requests under Standing Order 106(4) are submitted, there's usually a 48-hour notice period. I want to make sure that when we're talking about changing the wording from "immediately" and the reasoning behind it, we want to be respectful to all members of the committee and understand the urgency of the issue, but we also want to make sure that we are respectful of the witnesses and the time it takes them to prepare and move their schedules to be here so that we can have successful and constructive discussions and interventions by committee members.

Today's meeting was set up in less than 48 hours with the notices that were provided, and I want to thank all of the committee members who are here today and made the time, because we understand the urgency of the matter. Notwithstanding that, it's important that we respect procedure and people's time, including that of the witnesses we call, and not set a precedent of "immediate" and demand pulling....

Dr. Theresa Tam and the members at PHAC are doing extremely critical work right now as we navigate through this pandemic. It's the same for the Minister of Health and other senior officials. We want to be mindful that they are focused on the important work of the day while also answering the questions of Canadians. When we set the time in this committee to have those important discussions, it's important that we be respectful of the officials' time to make sure that they can appear and answer those questions.

I'm reticent to say "immediate". We can ensure that debate happens and that we have a discussion with those witnesses, rather than just slapping down an immediate demand for them to be here and having them perhaps not being able to fulfill it. That means Canadians' questions aren't answered, and it becomes disrespectful both to the witnesses and to the integrity of the committee.

• (1150)

The Chair: Thank you.

Next I have Mr. Brassard.

Mr. John Brassard: Thank you, Mr. Chair.

The motion I put forward as the meeting started was circulated to the clerk yesterday. I made it very clear. It was actually over 24 hours. I also gave it to Ms. Khalid to give her the courtesy of a heads-up of what I was planning on doing in terms of asking Dr. Tam and the ministers to appear today.

Obviously everybody has access to Zoom. I am respectful of Ms. Tam's time, but they had more than 24 hours' notice to be ready in the event that this motion passed. The thought that somehow we're doing this without their knowledge.... Both of the ministers' offices and Ms. Tam's office would have been aware of the request in the event that the committee passed the motion.

That's the first thing; everybody has access to—

Ms. Ya'ara Saks: I have a point of order, Mr. Chair.

The Chair: Go ahead, Ms. Saks. What is your point of order?

Ms. Ya'ara Saks: Am I to understand from Mr. Brassard's indication that an invitation was sent to the witnesses prior to the motion being presented? That might be a potential procedural issue, considering we are debating the motion now.

The Chair: No. An invitation to appear was not extended to the witnesses, but the individuals named in the draft motion that had been prepared.... In the interest of allowing them to be ready, the clerk reached out to make them aware that it was possible that such a motion might be presented and voted upon. It was just to get ahead and inform the ministers or the individuals of the possibility.

Carry on, Mr. Brassard.

Mr. John Brassard: Thank you, Mr. Chair. That obviously speaks to the urgency of the issue and the fact that we need to deal with it.

The second thing I would say on the amendment is that I know it calls for the Minister of Indigenous Services, Minister Hajdu, to be stricken from this list. I think Minister Hajdu is an important piece of this puzzle as it relates to the information and data collecting that was happening while she was the Minister of Health. We want to find out for sure about not just the involvement of PHAC but also the minister's involvement in this collection of data. I think it's important that Minister Hajdu, as the former Minister of Health, be part of this.

Of course Mr. Duclos would be important as well, because the RFP was proposed when he was the minister. It's not just the connection with PHAC but the connection between PHAC and the government, and I think it's important that both ministers appear.

The next question I have, Mr. Chair, is a procedural one, because the motion did speak about "immediately following the adoption of this motion". If the amendment fails and the main motion passes, then my question to you procedurally is this: When in the near term would it be possible to have a meeting of this committee reconvened with either one minister or both ministers, as well as Ms. Tam, able to appear? If I am to agree to this, understanding what the Liberal members are doing with respect to "immediately", I need to know, because of the importance of this issue, that we're going to have a meeting sooner rather than later. I'm asking for your direction on that, Mr. Chair.

• (1155)

The Chair: Thank you, Mr. Brassard.

Before I go to Mr. Fergus, I will say that as the chair, I am able to convene a meeting. It will be at the call of the chair. It will depend in part on the availability of services and room availability and whatnot, but given the intent of the motion to do this quickly, I would work toward that end.

Mr. John Brassard: Can I ask, Mr. Chair, what assurances we would have that the ministers and Ms. Tam would be available to the committee at a time when the committee is called?

The Chair: I can't answer that question.

Mr. John Brassard: Perhaps the mover of the amendment might be able to answer that question.

Ms. Iqra Khalid: Mr. Chair, on a point of clarification, you indicated that the clerk had sent out a potential notice—I think that's how you phrased it—that this might happen. I'm wondering if you got a response back. Obviously we want the study to happen, and it has to be at a reasonable time. I was wondering if the clerk has had a response back. Maybe the clerk could update us as to what that invitation process is going to look like.

The Chair: I'm going to suspend the meeting on Ms. Khalid's point—and Mr. Brassard's, for that matter, because they're somewhat the same issue. The meeting is suspended.

• (1155)

(Pause)

• (1200)

The Chair: We will resume.

In response to Ms. Khalid's question, which is similar to Mr. Brassard's around assurances of availability, what has happened is that the clerk, as a general heads-up, for lack of a better way to put it, informed the individuals when she was aware of the draft motion or potential motion regarding these three witnesses. When the motion was moved at this meeting, the clerk also at that point emailed the motion so that the witnesses would know there was a motion to invite them as witnesses today and asked in the email for their availability. It seems at this point that none of the three witnesses has affirmed their availability today.

Now, on this motion, the committee is free to adopt whatever motion it would like and invite any witness it wants. It then would be a matter of availability, but the committee is free to invite a witness. It then will be up to the witness and to the administration of the committee to do its best to accommodate and address availability.

I hope that somewhat clarifies the situation. It doesn't clarify Mr. Brassard's question about assurances of witnesses' availability, and I, as chair, am not in a position to comment on any such assurances, but I think it addresses the point of order that Ms. Khalid raised. If that's—

Ms. Iqra Khalid: Mr. Chair, can I just speak to that a little bit? I'm sorry to be taking up time on this, but I feel that we need to be careful with the precedent we're setting—

Mr. Damien Kurek: I have a point of order.

The Chair: I'm sorry. We have a point of order on top of a point of order.

That was your point: It's a concern on the precedent.

I will go to the point of order from—

Ms. Iqra Khalid: I'd like to finish what I was saying, Mr. Chair.

The Chair: Okay. Go ahead.

Ms. Iqra Khalid: My understanding is that prior to a motion being tabled, it is confidential, and for us to have reached out to witnesses prior to having the discussion makes me uncomfortable and nervous. I hope that we will be better in terms of how we communicate in the future.

The Chair: Mr. Kurek, we have your point of order.

Mr. Damien Kurek: Mr. Chair, I am seeking a couple of clarifications.

There are obviously challenges with the hybrid format, which I acknowledge fully, and I just want to ask you to affirm and clarify that this motion is in fact in order and that it's being debated as such and kind of what the committee can expect in terms of a path forward. I know that there have been a number of points of order and of course some complications, some of which are related to the hybrid model. I just want to ensure that the regular rules of order for how committees are to operate are in force, because certainly policy-related discussion in a speaking order is incredibly valuable.

I certainly intend to ask to be put on the speaking list, but there needs to be clarity as to exactly what the process is as we're proceeding—if this motion is in fact in order—and what the committee can expect over the course of the next meeting, as there has been, certainly from my perspective, a little bit of confusion as to exactly where we stand on this amendment and on the motion in general.

The Chair: The motion is in order and the amendment is in order, and as I clarified in discussing my ruling earlier, henceforth when there are both hybrid and in-person participants, I will ensure that when I have exhausted the speaking list that I have, which is a combination of people who catch my eye in the room and those who have their hands up on Zoom, I will ask if there are any others before I call the question and we proceed to a vote.

The amendment is in order. That's what we're debating now. I think yours was the last point of order, so I'm going to go back to my speaking order and go to Mr. Fergus, if that's okay. Thank you.

Mr. Fergus, go ahead.

• (1205)

[Translation]

Hon. Greg Fergus: Mr. Chair, before I comment, I'd like to thank you for your flexibility. These hybrid meetings are not always easy to manage as technical issues always come up, along with other things that can happen around the table.

I also thank all my colleagues attending in person or in hybrid format for their patience and flexibility.

The discussion between Mr. Brassard and Ms. Khalid is the crux of the matter, it's extremely important. Having said that, I'd like to talk about the second part of Ms. Hepfner's amendment, which involves inviting the former Minister of Health to appear. As you know very well, since you have a great deal of parliamentary experience, it is the tradition of the House that ministers must be held accountable for their department's past and current decisions. To maintain that tradition, it's important that Mr. Duclos respond on behalf of Health Canada. Very few exceptions are made. The current minister has access to all officials, and he must be accountable for his department's past and current decisions.

I feel that it's very important, so in terms of the second part of Ms. Hepfner's amendment, I hope that we will honour that tradition. If we do, I hope we can get witnesses in quickly to explore the issues that Mr. Brassard has raised. I believe that is what everyone intends to do. From what I can see, we have a very broad consensus to look into these issues. I even believe we all agree on that.

If we could improve on Mr. Brassard's main motion, I believe we could reach a consensus. It would be a great way to proceed with studying an issue of such great importance to all Canadians.

I will stop there, Mr. Chair.

[English]

The Chair: Thank you.

Next I have Monsieur Villemure.

[Translation]

Mr. René Villemure: Thank you, Mr. Chair.

I am listening to my colleagues' arguments, and all of it makes sense. These are positions that we need to debate. I must reiterate that we all agreed that this was important. The motion includes the word "immediately", which implies some urgency. Both cases have a relationship to time. We need to realize that a tender process is under way. So we have a time component in the equation. I do not want to be obstructive, but certainly the sooner we can examine things, the better. We consider this issue to be important, which means it is somewhat urgent that we take action. While we are debating this issue, the request for proposals continues on, suppliers are being contacted and people are working on it. We don't want them to waste their time either.

First, Mr. Fergus, I always like the arguments you put forward. However, in terms of inviting the former health minister to appear, I ask that you acknowledge the difference between accountability and responsibility. You will forgive me for this etymology lesson, it's a favourite hobby of mine. The word "responsibility" comes from the verb "*respondere*", which is made up of the prefix "*res*" that refers to a "thing", and "*spondere*", which means "to promise". The person responsible is the one who promises the thing. Obviously, we promise something before doing it, while doing it and after doing it, but we must then be held accountable for it.

Of course, Mr. Duclos can be held to account for the decisions of his predecessor. However, when the person who made the decision

and chose the reasons behind it can explain it to us outright. Accountability can and does get passed on, but responsibility remains. In this case, I would rather respect Canadians than respect tradition.

• (1210)

[English]

The Chair: Thank you.

Next I have Ms. Khalid.

Ms. Iqra Khalid: Thank you, Mr. Chair.

Thank you to our colleagues for all their interventions. I think this has been a very heartfelt and substantive debate.

With regard to point (b), maybe we can start with the Minister of Health. Then at a later time, if we feel questions have not been answered, we can come back and re-evaluate whether we want to add anybody else to the witness list who could help clarify those questions for us. That's just in the interest of building consensus and moving forward. As members have agreed, there seems to be a sense of urgency here.

Now, I do realize that PHAC did delay the RFP by a number of weeks, so I think we have a little bit more manoeuvring time to start this study. I am hoping it can be a substantive one. I will again express my support for having just the Minister of Health come in, and then perhaps re-evaluate later who else we would like to add to the witness list.

The Chair: Thank you.

I apologize if I have made an error or two in the order, but I have Mr. Green next.

Go ahead, Mr. Green.

Mr. Matthew Green (Hamilton Centre, NDP): I appreciate the opportunity.

I want to take this moment to welcome all the members back. I'm sure that many of us would be on our other work in our constituencies, but here we are, given the timing and the sensitivity of the issue.

Mr. Chair, you'll note that I've stayed relatively quiet throughout this debate. I'm really keenly interested in the substantive points of debate from the members around the table.

I will ask this, though: In following up on Mr. Kurek's comments around points of order, I've experienced this in other committees, so I would ask, through you, in consultation with the clerk, and referencing *House of Commons Procedure and Practice* in chapter 13, "Rules of Order and Decorum", that at some point in the near future, you as the chair provide all members of this committee with a clear and defined example of what does and doesn't constitute a point of order.

You'll note that the second paragraph under chapter 13, "Rules of Order and Decorum", states, "Although Members frequently rise claiming a point of order, genuine points of order rarely occur." It's been my experience in past committees that points of order are used to disrupt proceedings and jump the line. Very rarely, when asked what their actual point is, does a member's point actually align with what we have in our Standing Orders.

Rather than see that be used as attacking this committee, I would ask, for the purpose and expediency of our debates, that a clear definition be provided to all members, sir, and that, through you as the chair, when a point of order is raised by a member of this committee, they actually state the point of order they're raising rather than launch into debates or other kinds of tactics that might cause a delay in the proceedings of this committee. I think if we can clear that up, then we'll know, on a move-forward basis, what actually defines a point of order and what doesn't. Hopefully, it will then be used in instances that are genuine.

Thank you for providing me the opportunity to make that request.

• (1215)

The Chair: All right. Thank you, Mr. Green. You make some excellent points, and this is something that is—

Mr. John Brassard: On a point of order—no, I'm only kidding.

The Chair: All right, there is no point of order from Mr. Brassard.

That being the case, I have Ms. Saks next.

Ms. Ya'ara Saks: Thanks, Mr. Chair.

I want to thank my colleague Mr. Green. These are challenging times for all of us on Zoom and in hybrid meetings, and, Mr. Chair, I appreciate your taking all of this feedback and ensuring that we have successful debates that are respectful and that everyone is heard. I see today as a learning curve for all of us as we begin to work together, and I look forward to the debate as we go forward.

Mr. Brassard expressed concern about ensuring there are witnesses, and I'd like to emphasize that there is consensus here among all of us that this is an important issue that needs to be explored and that witnesses do need to appear.

I'd also like to make it clear that ministers are currently working extremely hard for Canadians in the middle of the fifth wave of this crisis and that we care deeply about the safety and health of Canadians right now and that we want to make sure there is a focus on this important issue. Our ministers, who are doing the day-to-day work that needs to be done, and their departmental officials and support teams, are really doing the work that needs to be addressed because Canadians are anxious and concerned about their safety and well-being and privacy.

During this fifth wave, indigenous communities are being crippled. Major urban centres, like my riding of York Centre in particular, are seeing tremendous numbers during this wave, and we need to balance that out. We need to make sure we are answering these important questions in a timely manner and also ensuring the confidentiality of these motions as they're presented and debated and discussed here. We also need to ensure that we work as much as

possible with consensus and unanimity to ensure that the witnesses we need are here to answer those tough questions and to serve Canadians during this crisis time.

I appreciate and want to thank my colleague Ms. Khalid for suggesting that we start with, as key witnesses, Minister Duclos for Health Canada, and perhaps other witnesses, and Dr. Tam from PHAC or someone else who can speak to PHAC's decisions, so that we start the conversations and ensure there is a focus on the immediacy of the crisis and we make sure we do the thorough study that is needed.

I'd just like to express, at least from where I sit here in Toronto and also in the committee, that we truly want to open the door of this discussion together, as a committee, to make sure we answer the tough questions that are being asked by Mr. Brassard and by the members of the committee.

Thank you, Mr. Chair.

The Chair: Thank you.

Next I have Mr. Kurek.

Mr. Damien Kurek: Thank you very much, Mr. Chair. Given that this isn't a point of order, I'll make a couple of very brief remarks.

I believe expedience on this issue is incredibly important. I think—at least I hope—that there is a willingness by all members to ensure that this issue is dealt with in a timely manner.

Over the course of the last couple of months and over the course of the entire pandemic, many constituents and folks from across Canada have shared their concerns with me about the privacy of their information. When some of the news articles broke about how mobile data was being collected by the Public Health Agency of Canada and what that looked like, I heard a lot of feedback suggesting that Canadians want answers on this issue. They want to know what steps were taken. They want to know exactly what the decision-making process looked like. Who was responsible? What processes were or were not in place to ensure that their information was safeguarded, especially, as has been mentioned, in a world where, increasingly, tech and online data and whatnot....

We've seen headlines around the world about users' online information being misused. There is a need for clarity so that Canadians can trust their government. This is really an issue of trust, of ensuring that Canadians can trust that their government was not taking liberties with their information, especially at a time when, I would suggest, there has been a significant erosion of the trust that is needed for a government to effectively operate.

Those are more general comments. I thank you for indulging me on that.

Specifically to the amendment, we Conservatives have discussed that we would be willing to move forward with the amendment that Ms. Hepfner has brought forward. However, I hope that she would be open to a friendly amendment to the amendment. Instead of adding the date of January 14, I would suggest that it be replaced with “the day following the adoption of the motion”. It's perfectly in line with what I hope the spirit of the amendment is and just adds a bit of flexibility to ensure that this can be processed in a manner that respects both the committee members' time and, of course, the witnesses' time.

I can't see her on the screen right now. Is there a willingness for that friendly amendment? With that, I think the Conservatives would be—

• (1220)

The Chair: If I may—

Mr. Damien Kurek: Sure.

The Chair: —there truly is not such a thing. You can move a subamendment or, by unanimous consent, her amendment—

The Clerk: It would be a subamendment.

The Chair: If it were the will of the committee by unanimous consent, could the amendment be amended, or does it need to be moved as a subamendment...?

I'm sorry. I'm going from addressing the committee to addressing the clerk in midstream. Give me one moment.

The only way to address this is going to be with a subamendment. Is this a subamendment now, Mr. Kurek?

Mr. Damien Kurek: Even though this amendment changes the witness list somewhat, as members of the official opposition we've been heartened to hear the comments from Ms. Khalid that suggest that if we don't get the answers that Canadians are expecting from this study, there is a willingness from the Liberals—and, I hope, from the rest of the committee—to make sure that we call those who would be responsible and who are able to give all of those answers.

I would move a subamendment that would simply replace the words “January 14” in the amendment with “the day following the adoption of the motion”.

Thank you very much, Mr. Chair.

I'd like to thank the committee.

The Chair: The subamendment is in order.

Resuming discussion on the subamendment, I have Mr. Ferguson next on my speakers list.

[*Translation*]

Hon. Greg Ferguson: Thank you very much, Mr. Chair.

I have to say again, I feel very encouraged when we all work together.

The subamendment moved by Mr. Kurek seems quite reasonable to me, so I hope it will pass. The problem with attending a meeting in hybrid mode is that you can't feel the atmosphere. I would imagine that consensus is building to adopt Mr. Kurek's subamendment,

Ms. Hepfner's amendments and Mr. Brassard's amended main motion. I feel that is a good thing.

I hope the members attending in person will confirm this, but I believe we can move quickly to adopt the subamendment and the amendments. That way we can begin our work, which is very important.

• (1225)

[*English*]

The Chair: Thank you.

I have no more hands up. To be clear, is there anybody who wishes to speak to the subamendment?

There being no other speakers on the subamendment, we will proceed to the vote. Until someone requests a recorded vote, I will proceed by asking if there's anybody opposed to the subamendment.

I will do so now. Is anyone opposed to the subamendment?

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

The Chair: Is there any further discussion on the amendment?

Seeing no hands up and no one in the room, we will go to the vote on the amendment. Are there any members opposed to the amendment?

Mr. René Villemure: I'm opposed.

The Chair: Mr. Villemure is opposed.

If there is nobody else opposed, I will declare the amendment carried—

It's been pointed out to me that in the absence of unanimous consent, we must go to a recorded vote, which I will ask the clerk to do now.

Mr. John Brassard: Can I get clarification on just what the amendment is, please?

The Chair: Yes. I will allow the clerk—

Mr. René Villemure: I have a point of order.

The Chair: First let me address Mr. Brassard. I think it's valid that we clarify the amendment we are voting on, and I'll ask the clerk to do so.

The Clerk: The subamendment was agreed to. The subamendment was to replace “January 14” with “the day following the adoption of the motion”. Therefore the amendment, as amended by the subamendment, would be that in paragraph (a), following the word “statement”, the word “immediately” before “following the adoption of this motion” would be deleted.

Then in paragraph (b), after the word “Health”, the words “and the Minister of Indigenous Services” would be removed, and following “including five-minute opening statements”, the words “from each, immediately following the appearance referred to in paragraph (a)” would be removed.

In paragraph (c), as amended by the subamendment, instead of “Friday, January 14”, the wording there would be “the day following the adoption of the motion”.

The Chair: Thank you, Madam Clerk, for clarifying that.

I have a point from Monsieur Villemure.

[*Translation*]

Mr. René Villemure: I will plead beginner's ignorance. I didn't follow the voting process properly and I was in favour of the amendment. I had mixed up the amendments.

I sincerely apologize to the committee.

● (1230)

[*English*]

The Chair: Okay, so it would appear that we have unanimous consent.

I'll ask a final time, just to be clear: Is anyone opposed to the amendment as amended?

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

The Chair: We will now go to the main motion.

Does anybody wish to speak to the main motion as amended?

I see no speakers on the main motion.

Is anybody opposed, or is there a request for a recorded vote?

Mr. John Brassard: I have a question on the main motion.

The Chair: Go ahead.

Mr. John Brassard: Thank you, Mr. Chair.

The only thing I would say on the main motion right now is that there is nothing with respect to timelines. The motion as proposed suggested “immediately”.

Again, I want to reaffirm, and I hope my colleagues feel this way, that there is a sense of urgency and that we need to have the witnesses appear as soon as is reasonably practical.

Thank you.

The Chair: Thank you, Mr. Brassard. I am in the midst of commencing a vote and I want to avoid discussion on the motion. I had stated on this point the powers of the chair to convene a meeting and I understood the spirit of this motion to mean that this study should begin as quickly as possible with respect also to the availability of witnesses.

Is anyone opposed to the main motion as amended?

Mr. John Brassard: I'd like a recorded vote, please.

The Chair: I have a request for a recorded vote.

Madam Clerk, could you please poll the members?

(Motion as amended agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you, Madam Clerk.

I will now open the floor to other business or motions. I see that Ms. Khalid has her hand up. I thought there may be other members who had motions. If so, they should indicate their interest in speaking now.

Ms. Khalid, you were up first. Go ahead.

Ms. Iqra Khalid: Thank you, Mr. Chair.

I move to adjourn this meeting.

The Chair: That's non-debatable, so we will go to a vote—

Mr. John Brassard: I would like a recorded vote, please.

The Chair: We will go to a recorded vote on whether to adjourn.

Madam Clerk, poll the members.

The Clerk: Thank you, Mr. Chair.

On Ms. Khalid's motion to adjourn the meeting, the vote is as follows: yeas 5; nays 5.

Mr. Chair...?

● (1235)

The Chair: I vote no.

(Motion negated: nays 6; yeas 5)

The Chair: I now go to Mr. Villemure.

[*Translation*]

Mr. René Villemure: I would like to introduce this amendment, which will be sent to you immediately:

That the Committee call upon the government to suspend the cellular data tender upon adoption of this motion until it reports its findings and recommendations to the House, and that the Committee report back to the House on the adoption of this motion at the earliest opportunity.

[*English*]

The Chair: Thank you, Mr. Villemure. Your motion is in order.

Do you wish to speak to the motion, Mr. Villemure?

[*Translation*]

Mr. René Villemure: Yes. This motion reminds us how important our work is, but even more so how we must take action urgently. We want to look forward, but the clock is ticking on this tender process.

I wish we could suspend the request for proposals, both to save potential bidders time and to allow us to learn more about so that we can report on the situation.

We've seen many details about this request for proposals, but some grey areas remain. I'm not saying cancel the request for proposals, I'm only saying suspend it. I feel that would be a wise decision.

[*English*]

The Chair: Thank you, Mr. Villemure.

Next I have Mr. Green.

Mr. Matthew Green: Thank you very much.

I want to thank my friend from the Bloc, Mr. Villemure, for providing this very important and obvious next step, given the conversation of concern around the table. I'll certainly be supporting it. I think that taking our time, getting an understanding and allowing the correct information to come to the public view are going to be incredibly important, versus having a scenario in which I suspect, had it not been for Mr. Brassard's motion, the recent extension they put on this particular RFP would have gone ahead without any real discussion at this committee. I thank both Mr. Brassard and Mr. Villemure, and I hope that the government doesn't rush in haste to have this go out in a way that does not allow for full discussion. I note that.

With regard to consensus and collaboration, I also note that if we're at the end of a meeting and other members from the opposition side have requested to speak, a motion to adjourn would sometimes look like cutting off the opportunity for the debate that we just heard so passionately called for around the table. I want to note that if members are looking to speak, I'll put it out there that it will be very unlikely that I'll support any adjournment motions that would potentially stifle people's ability to interject, notwithstanding any kind of filibusters. I just thought I'd put that out there.

Thank you, Mr. Chair.

The Chair: Thank you.

Next is Ms. Khalid.

Ms. Iqra Khalid: Thank you very much, Mr. Chair. I would like to speak to what Mr. Green just said, and I apologize. I didn't see Mr. Villemure's hand up. I had my hand raised, and that is what I was hoping to do.

I'll be very honest with you. I had a double dose yesterday; I had a flu shot in one arm and a COVID booster in the other arm, and we've had a very good and substantive meeting, so in my mind I was hoping that I could get back to bed, because the fever is rushing up on me.

I find this motion to be very interesting and I appreciate Mr. Villemure's raising it. Since Mr. Brassard brought forward this

meeting and his motion, I've had the opportunity to look over what the RFP says, and I have quoted some of it in the past as well.

What I'm really hoping we can tease out in this discussion is the purpose of a suspension when we have Dr. Tam indicating on the record how important this data is. We've seen the provinces using this aggregated data to inform how they've tweaked their COVID response over the past two years. We've seen cities using similar data trends to protect the public.

As a committee, we've agreed to study this very important issue. We've agreed in principle to really look at data protection and the privacy of Canadians in this digital world, as Mr. Brassard so eloquently said. I think it would be very pre-emptive for us to take any drastic measures like this. We need to do a deep dive into this study, which I think we're all very excited and eager to get going on, and I think it would pre-emptive to suspend the RFP. PHAC has delayed the tender date by a number of weeks. I'm sure that if we get our study under way and we start listening to witnesses, if we start scoping out exactly what our concerns are.... At this point in time, given the nature of the discussion and the letter that Mr. Brassard has presented to us, I don't think we have a clear understanding as to what issue we're dealing with in terms of privacy and the scope of these companies.

I've raised this point before as well. We've talked about the difference between mobility data and mobile data. We've talked about disaggregated and aggregate data. With all of these articles that I've cited over the past two years that have been written on this issue and all the work that's been done on this issue, we should not take lightly what we're asking for here. We really need to understand the scope of the issue before we make that decision.

I would encourage members to get the study started first. We can see how we can prevent losing Canadian lives to COVID. Canadians' lives are at risk, and it would be unfair for opposition members at this table to pre-emptively stop something when even the critical articles state that the information out of these RFPs is being used to create a safety framework. It's being used to understand how the COVID pandemic is really shaping our cities and how the transmission rates are impacting what our responses look like.

As I said before, a lot of cities and provinces are using that data. It would be a very bad precedent for us as a federal government to suspend something that our public health officials have been using to save Canadians' lives over the past two years. We need to scope this issue out significantly before we make such a decision.

I am opposed to this motion.

• (1240)

The Chair: Thank you, Ms. Khalid.

Now I have Mr. Fergus.

[*Translation*]

Hon. Greg Fergus: Thank you, Mr. Chair.

Like my colleague Mr. Brassard, I hope the committee wishes to go ahead this study in a timely manner and call witnesses just as quickly. If it is subsequently determined that there was no prima facie breach involving the personal information of Canadians, I hope that we can bring this study to a close. As my colleague Ms. Khalid mentioned, if we are to believe our officials, and if we have confidence in their work, they did it with good intentions and seeking to protect the privacy of Canadians. They used aggregated data, as did the municipalities and provinces. I hope that we will not keep municipalities and provincial health departments from using this data if we find that there was no privacy breach.

The opposition has a majority on this committee, and I hope they will exercise this responsibility very wisely, because this is about the lives of Canadians. It is important. If we quickly conclude that there is no problem, this study should be ended so that the data continues to be used appropriately, as officials have already assured us.

So if we pass this motion, we will be taking on a serious responsibility.

• (1245)

[*English*]

The Chair: All right.

Next is Ms. Saks.

Ms. Ya'ara Saks: Thank you, Mr. Chair.

I think it's very important that we are clear on terms and purpose and procedure, because I think it really helps us in moving forward efficiently with almost a laser focus on the motion that was brought forward.

We came here today on a Standing Order 106(4) meeting that Mr. Brassard brought forward on a specific issue, which was—let me be clear—the data that PHAC asked for and has been using to date. That is de-identified and aggregated mobility data—not mobile data, but mobility data—meaning where Canadians have been during lockdowns and where Canadians have been during different phases. This has been used by Toronto Public Health. It's been used by Surrey. It's been used by the City of Ottawa. Such private companies as Telus are using data for “social good”; that's how they coined it.

Now, each of these private contractors has an agreement with each cell user in terms of opting in and opting out. PHAC was explicitly clear that these private contractors had to have absolute clarity with users on what they are engaged in on their cellphones. As Mr. Villemure appropriately said earlier, all of us hit “agree” on our phones on various things on a daily basis without reading the fine print. That is an important discussion that we need to have, but that is not the motion that Mr. Brassard brought forward today.

What we were discussing today, and had unanimous consent on, was the data that PHAC is using, which is aggregated and de-identified data to understand the pathology of this pandemic, how it is spreading through our urban centres and how it is impacting the

day-to-day lives of Canadians. That data, which is de-identified, aggregated and scrubbed before PHAC analysts look at it, is helping us understand how we move forward so that Canadians can be safe. To tie their hands from understanding how this....

We're in omicron, which is spreading like wildfire. How are we supposed to make good decisions, how are departments supposed to make good decisions, and how are local public health agencies who are also using this data able to make good decisions to understand the movement of this virus if they don't have access to de-identified, aggregated mobility data—not someone's telephone number, their address or where they live—on the general movements of how this virus is moving through communities, through neighbourhoods and through urban centres?

That was my understanding of why we came here today—the urgency to understand that the data is safe, has been procured properly and is being used with the utmost respect for privacy. Each and every one of those vendors is obligated under the current privacy acts that we have in force.

If there is a desire, as Mr. Villemure may have expressed, for us to have a more extensive discussion on those issues, we can have that, but that's not the reason we're here today. We're here today to ensure that the data that has been collected and the RFP that is currently going out respect all of the important tools and levers that we have to keep Canadians safe and also ensure their privacy.

I just want to make sure that we are working in apples to apples, not apples to oranges, and that we understand the process that brought us here today and the immediate and urgent work we need to do so that we have well-informed steps in the further work we need to do. I want to make sure that we're not muddying the waters with motions that don't speak to the clarity that we need to have as a committee and that Canadians are asking us to provide to them.

Thank you, Mr. Chair.

• (1250)

The Chair: Thank you, Ms. Saks.

Go ahead, Ms. Hepfner.

Ms. Lisa Hepfner: Thanks very much.

My colleagues have already made my points very clearly, so I'll keep it brief.

My concern about suspending the RFP is that we are still in a public health emergency, and the Public Health Agency is using this data right now to show whether the public health measures are working. This is data that's helping inform public health policy. This is something that could help us avert outbreaks.

My concern is while, yes, we have to make sure that Canadians' data privacy is being protected, at the same time, do we have any privacy concerns? There's no evidence that any Canadian's privacy has been compromised to date. This is information that companies are now collecting all over. This motion doesn't stop Google from collecting this information and publishing it. If you've gone on a public health website since December 2020, from what I understand, you can see this data that is being collected and given to public health agencies. I also want to make it clear that the Public Health Agency isn't collecting any data; it's taking information about where Canadians are moving.

That's why it's so important to be clear about the difference between mobility data and mobile data. "Mobile data" makes it sound like people's private information is being shared, and that's not what's happening here. We're getting information on where Canadians are moving, which is mobility data.

I just wanted to reiterate those points that my colleagues have already made very well and move on from there.

The Chair: Thank you, Ms. Hepfner.

Now I have Mr. Villemure.

[*Translation*]

Mr. René Villemure: Thank you, Mr. Chair.

A lot of the data we're talking about here was indeed available on Google, for example. Some governments, including Quebec's, have used Google data, among others. However, the government is not Google and we could level a lot of criticism on that organization. I repeat, in my opinion, Health Canada is looking to use the data in an acceptable way and its aim is true.

However, I have concerns about how it is being done. They are using a private company outside of government. I'm one of those people who hopes the pandemic will end sooner, and if Health Canada can help with that, that's obviously a good thing. On the other hand, I'm hearing about aggregated and de-identified data, while people are telling us that it's relatively easy to re-personalize the data.

Some things are hard to understand and I will go back to my initial statement. We need to understand the situation, that is, we need to see the big picture and allow Canadians to see it as well. Right now, we don't understand how the data is being used, and once data is leaked it's too late. In other words, the toothpaste is out of the tube. Just ask Edward Snowden.

I will sum up in a few words: I believe that Health Canada has a worthy objective and I don't want to cancel the request for proposals. However, I do believe that, in some cases, we need to take the time to look into the situation.

As Mr. Fergus said, if everything is in order, great. The goal is not to work against anyone. Having said that, I thought it was odd that the request for proposals was issued on December 17 and the closing date is January 21, when the House is not sitting. Mr. Brassard pointed out a coincidence earlier: the closing date for the tender was moved up yesterday. It's hard not to see a causal connection there.

Nonetheless, I won't make allegations or jump to hasty conclusions or conclusions that cannot be linked. I do, however, ask the committee to have the wisdom to consent to the motion, which will allow us to take our time and not be pressured by a timeline that we did not set ourselves.

Thank you, Mr. Chair.

• (1255)

The Chair: Thank you, Mr. Villemure.

Mr. Brassard has the floor.

[*English*]

Mr. John Brassard: Thank you, Mr. Chair.

The committee is facing a really fundamental question here as it relates to this RFP. We don't even know whether the collection of data in the past was done in a manner that was safe and secure to prevent the reidentification of Canadians' mobility data. We don't know that, and part of this committee's work is to get to the bottom of it.

I expect that we're going to be calling privacy and security experts. I know that there has been significant concern among those who know about this area. I'll admit I don't know that much—I'm learning a hell of a lot about it—but I understand how easy it is to reidentify the data that has been de-identified.

The Liberal members can say all they want about how it was safe and secure. We don't know. How can we move forward with an RFP on an issue when we have no clue whether it was done securely to protect the privacy of Canadians in the past?

The other thing that concerns me about this—and the commission has stated this publicly—is that the Privacy Commissioner's office wasn't even consulted. Now they are circling back with PHAC to find out whether it meets the criteria of being properly vetted from a safety and security standpoint to protect the privacy rights of Canadians.

I don't think it's unreasonable on the part of Mr. Villemure, who has expertise in this area, to request the government, on behalf of the committee, to hold off on this RFP until we get the answers we need to the questions about the data that was previously collected. Hold off until we and Canadians are confident that the data is going to be collected in a safe and secure manner, that it's not going to be reidentified and that it's not going to be used for nefarious reasons.

I completely agree with Mr. Villemure that this RFP needs to be stopped. They pushed the date back, curiously, as I said, a day before the committee meeting, but it needs to be put off until we and Canadians are confident that their data and their privacy are not going to be compromised as a result of this RFP. The only way we can do that is if we look back at what happened in the past, Mr. Chair.

I don't think it's an unreasonable request. I've quoted a few privacy and security experts in this country, including Dr. Cavoukian—I'm probably not saying her name right—the former Information and Privacy Commissioner of Ontario. Security experts like David Lyon and others have all spoken out about their significant concerns over the collection of this data and the potential for it to be reidentified.

We're here to say that we support Mr. Villemure on his motion. It would be prudent for the committee to do the same thing, considering the circumstances we are dealing with.

The Chair: Thank you, Mr. Brassard.

Now we have Ms. Khalid.

Ms. Iqra Khalid: Thank you very much, Mr. Chair.

While I really appreciate the conversation we've had over these past two hours on the importance of privacy and how data is used, I want to clarify a couple of things that Mr. Brassard has said.

First and foremost, he indicated that the Office of the Privacy Commissioner was never engaged by PHAC. However, it is on the record that on April 22, 2020—which was two years ago—the Office of the Privacy Commissioner was engaged.

I was going to add him to my own list of preliminary witnesses. I found it very telling that we're having a conversation about privacy, ethics and the use of data. It was interesting that the Privacy Commissioner was not included on the list of witnesses that we had discussed already in our motion, but I hope we will include him and his office at a later time.

The second thing I want to highlight is that Canada, over the past couple of years, has done really well with our response to COVID. We've done that because we've had trust and faith in our public health officials. We've used science, we've used data and we've stayed away from conspiracy theories. We've tried to raise awareness to ensure that Canadians understand and appreciate exactly what is going on in their country around them and what kinds of health risks they face. When we say, "Oh, let's suspend this RFP", knowing and understanding that this type of aggregated data collection is done by private companies, provinces and cities in the interest of moving forward in our dealing with the pandemic and with other similar issues as the years go on, I feel we are being very pre-emptive. We should have more faith in our officials.

The issues raised in the previous motion are absolutely valid. We need to make sure there is transparency in and accountability for how data is used in a bigger picture, but we need to do that in a responsible and reasonable way. The last thing we need to do is create fearmongering or confusion for Canadians about what exactly is going on.

It's been said a number of times by members from all sides that we don't read privacy statements or user agreements. We need to do better. As parliamentarians, we have the responsibility to take a reasonable approach in tackling this issue.

It was great to see that all members are in support of the motion that has been put forward, on which we've had a really good discussion. We really need to focus on that before we create doubt in our Public Health Agency of Canada, before we create doubt in how

we've managed the pandemic and before we create doubt in what Canadians need to be afraid of now.

I really encourage members to reconsider what the impact of such a motion is going to be. Just from rereading the wording of the motion, I think that at the very least we can provide a bit more clarity as to what exactly Mr. Villemure is asking for in this motion.

I'll stop there, Mr. Chair.

● (1300)

The Chair: Thank you, Ms. Khalid.

I note that the time is now just past one o'clock and there is typically implied consent that the meeting will end at one o'clock. It's in the committee's hands. I see there are hands up to speak. If members wish to continue the meeting, we can. I don't know if I want to put this to a quick straw vote if we have a majority of members who wish to continue the meeting, or if the meeting should adjourn now at the time when there would ordinarily be implied consent to end it.

Perhaps I could have a show of hands from those who wish to continue the meeting.

Monsieur Villemure, I see your hand is up. It was up before, so I'm not sure if you wish to continue.

[*Translation*]

Mr. René Villemure: I wanted to suggest to the committee that we adjourn the meeting and resume debate on the motion on Monday.

● (1305)

[*English*]

The Chair: To be clear, we don't have a meeting scheduled for Monday. It will be up to me as chair to determine when it will make the most sense to meet once we know the availability of witnesses. It will be my intention to meet as soon as possible with the witnesses who have already been requested and to quickly get more requests for witnesses.

To be clear, Mr. Villemure, do you wish to adjourn debate or do you wish to adjourn the meeting? In either case, there isn't a meeting scheduled for Monday, but if we adjourn the meeting, debate on this motion will commence at the next meeting, whenever it is called.

[*Translation*]

Mr. René Villemure: Debate on the motion would be suspended, not adjourned, and it would resume at the earliest opportunity.

[*English*]

The Chair: Okay. If it's the will of the committee to adjourn now.... Ordinarily, we would adjourn at one o'clock. It's implied that we can do so, and I will adjourn the meeting if there's consensus to do so, but to be clear, this motion will be the first item of business at the next meeting, unless you vote to adjourn debate.

[*Translation*]

Mr. René Villemure: I want to suspend, not adjourn, debate. I move that both the meeting and debate be suspended.

[*English*]

The Chair: One moment....

Okay, Mr. Villemure. If I understand you correctly, and sensing the will of the room by the absence of hands from Zoom participants and those in the room, I'm inclined to adjourn the meeting, in which case we can return to your motion at the next sitting of the committee.

I don't see any other discussion, so having said that, I will adjourn now.

The meeting is adjourned.

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