

June 6, 2024

Standing Committee on Public Safety and National Security  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6

Dear Members of the Committee,

U15 Canada, an association of Canada's leading research-intensive universities, welcomes the opportunity to submit this brief as part of the committee's study of Bill C-70, the *Countering Foreign Interference Act*.

As the Government of Canada develops important additional policy tools to counter malign foreign interference efforts, U15 Canada is concerned that the scope and potential application of the proposed Foreign Influence Transparency Registry may have unintended consequences which unintentionally capture legitimate academic activity, infringe on academic freedom, and place a high administrative burden on universities engaged in international research cooperation and science diplomacy. This concern includes an institution's registration obligation for the activities of individual researchers, the definition of an 'arrangement' for the purposes of the act and how it applies to international research partnerships and the scope of public communications activities related to the publication of research findings.

U15 Canada supports the Government of Canada's efforts to protect Canadians and our democratic processes from foreign interference. Our universities are already acting proactively to respond to emerging foreign threats, including establishing extensive internal policies and practices for the secure conduct of research and creating research security offices on campuses to inform best practices supported by the federal funding announced in Budget 2022.

As committed partners with government on the shared responsibility of research security, U15 Canada has been working in close partnership to continue strengthening the federal government's research security policies, including the creation of the Government of Canada - Universities Working Group in 2018 and continuing to be Co-Chair, spearheading the development of the *National Security Guidelines for Research Partnerships* in 2021, and informing the recently announced *Policy on Sensitive Technology Research and Affiliations of Concern*. We share the goal of ensuring that research in Canada is conducted in an environment that is as open as possible and as secure as necessary. In view of an evolving geopolitical landscape and emerging threats to Canadian research, we take this responsibility extremely seriously.

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THE UNIVERSITY OF BRITISH COLUMBIA  
UNIVERSITY OF CALGARY  
DALHOUSIE UNIVERSITY  
UNIVERSITÉ LAVAL  
UNIVERSITY OF MANITOBA  
MCGILL UNIVERSITY  
MCMASTER UNIVERSITY  
UNIVERSITÉ DE MONTRÉAL  
UNIVERSITY OF OTTAWA  
QUEEN'S UNIVERSITY  
UNIVERSITY OF SASKATCHEWAN  
UNIVERSITY OF TORONTO  
UNIVERSITY OF WATERLOO  
WESTERN UNIVERSITY

While we applaud the Government of Canada's efforts through Bill C-70 to further strengthen measures to protect against foreign interference, including amendments to the *CSIS Act* which allow greater information sharing with non-federal parties including universities, the current criteria for determining the obligation to register activities on the Foreign Interference Transparency Registry poses significant concerns for the research activities of our universities and for the Canadian academic community.

Canada can be rightly proud of our highly successful research enterprise which is internationally recognized and globally engaged. This has long been underpinned by principles of academic freedom and the pursuit of knowledge which have allowed Canadian universities to become internationally recognized centres of expertise, developed new technologies and ideas that have benefited all Canadians and built a global reputation as a safe, welcoming and supportive academic environment which has attracted top talent from across the world.

The success of Canadian researchers has made them highly competitive in international funding competitions, regularly securing funds from entities like the NSF and NIH in the United States, UKRI, and the DFG in Germany. These strong international partnerships, often promoted by the Government of Canada through joint-funding programs, attract additional research funding and enable collaboration with leading global peers. In 2023, this amounted to \$150 million of foreign grants for research performed at Canadian higher education institutions.<sup>1</sup> It was for this reason that research universities celebrated Canada's successful negotiations to enter Horizon Europe as an associate country under Pillar 2, accessing the world's largest research funding program.

However, the proposed criteria for reporting obligations under the Foreign Interference Transparency Registry risks unduly burdening universities and Canadian researchers with reporting requirements for legitimate and cooperative research partnerships which are conducted with high standards of transparency and integrity, as set out under the Tri-Agency Framework for the Responsible Conduct of Research. This includes standards for accurate referencing, identifying authors, acknowledging sources of funding and managing conflicts of interest.

In light of the potential scope of the Foreign Interference Transparency Registry outlined in Bill C-70 and reflecting testimony to the committee by officials at Public Safety Canada, **U15 Canada is seeking greater clarity on the following points of concern:**

1. The institutional obligations for reporting requirements under the registry when arrangements exist directly between an individual at a university or research institution and a foreign principal, given the extensive international networks of research cooperation which exist between Canadian researchers and the wider international academic community. It is simply impossible for large research-intensive universities to track individual research collaborations across their institutions and report this on the registry within 14 days; indeed, it would not be in character for academic institutions to undertake such tracking.
2. Greater clarity is needed on how an arrangement will be defined under the Act and whether it would capture research partnerships, funding agreements or other international research

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<sup>1</sup> Statistics Canada – Gross Domestic Expenditures on R&D:  
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=2710027301>

activities conducted with publicly funded universities, research institutions or foreign research funding agencies which may be considered foreign principals under the Act. The risk of a chilling effect on international research partnerships as an unintended consequence of the registry's reporting requirements could significantly harm relationships with international peers and mean that Canada misses out on the opportunity to cooperate on cutting-edge research and access world-leading expertise with peer nations.

3. Greater clarity is needed on whether the publication, communication or disbursement of research findings, including through peer reviewed academic journals, teaching, conferences or other public forums would be considered a communication activity for the purposes of the Act and thereby requiring registration. The potential scope of this application could significantly infringe on the academic freedom of, and importance for, researchers to disclose their findings to the academic community and wider public; such infringement would limit the pursuit of open science and free exchange of ideas. It is particularly concerning that the three-step criteria for reporting obligations means that the limits on communication with the public would only relate to research regarding federal policy developments, legislation and decision making, thereby unduly targeting certain fields more closely related to political or governmental processes, such as political science, international relations and economics. The unintended and perverse end result of such an application would be less transparency since it would incentivize researchers not to communicate their findings with the wider public.

U15 Canada notes that Bill C-70 includes language in section 6(1) which would allow for the non-application of the registry to certain classes of persons specified in subsequent regulations. We also note that the federal government's 'What We Heard' report following public consultations on the proposed registry reported recommendations from stakeholders that "the GoC should establish an exemption for activities that are predominantly academic or scholastic in nature. They wish to see the exemption definition include teaching and research activities, including the communication of research findings by any means."<sup>2</sup>

This clause in the *Foreign Influence Transparency and Accountability Act* could provide an important tool for the Government of Canada to ensure that the important transparency requirements of the registry do not unduly and unintentionally infringe upon the academic freedoms of Canadian researchers to communicate their research findings or impose adverse administrative burdens on research universities. We encourage the Government of Canada and the new Foreign Influence Transparency Commissioner to engage with the university and academic community to explore how subsequent regulations can mitigate these concerns as this important legislation moves forward.

Once again, we wish to thank the committee for the opportunity to submit this brief and we welcome discussion of our concerns about the potential scope and application of the proposed registry. As underlined, we remain committed partners in the pursuit of secure research and the protection of Canadian institutions, including universities, from foreign interference. We look forward to continuing to work together as this legislation moves forward to ensure it accurately captures malign efforts at

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<sup>2</sup> Public Safety Canada – What We Heard Report: Consulting Canadians on the merits of a Foreign Influence Transparency Registry: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2023-nhncng-frgn-nflnc-wwh/index-en.aspx>

foreign interference without unintentionally infringing on open and collaborative research partnerships that have benefited Canada immensely over many decades.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chad Gaffield'.

Chad Gaffield, OC, PhD, FRSC  
Chief Executive Officer

### **About U15 Canada**

U15 Canada is a collective of Canada's leading research-intensive universities. Although each institution advances its own research and education mandate, U15 Canada works for the collective interest of all our members and the Canadian research ecosystem. We foster the development and delivery of long-term, sustainable higher education and research policy, in Canada and around the world, to the benefit of all Canadians.