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Standing Committee on Justice Policy

Strengthening Cyber Security
and Building Trust in
the Public Sector Act, 2024

1st Session
43rd Parliament

Thursday 21 November 2024

Comité permanent de la justice

Loi de 2024 visant à renforcer
la cybersécurité et la confiance
dans le secteur public

1^{re} session
43^e législature

Jeudi 21 novembre 2024

Chair: Lorne Coe
Clerk: Thushitha Kobikrishna

Président : Lorne Coe
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Thursday 21 November 2024

Jeudi 21 novembre 2024

The committee met at 0900 in committee room 2.

**STRENGTHENING CYBER SECURITY
AND BUILDING TRUST IN
THE PUBLIC SECTOR ACT, 2024
LOI DE 2024 VISANT À RENFORCER
LA CYBERSÉCURITÉ ET LA CONFIANCE
DANS LE SECTEUR PUBLIC**

Consideration of the following bill:

Bill 194, An Act to enact the Enhancing Digital Security and Trust Act, 2024 and to make amendments to the Freedom of Information and Protection of Privacy Act respecting privacy protection measures / Projet de loi 194, Loi édictant la Loi de 2024 visant à renforcer la sécurité et la confiance en matière de numérique et modifiant la Loi sur l'accès à l'information et la protection de la vie privée en ce qui concerne les mesures de protection de la vie privée.

The Chair (Mr. Lorne Coe): Good morning, everyone. The Standing Committee on Justice Policy will come to order. We're here to conduct clause-by-clause consideration of Bill 194, An Act to enact the Enhancing Digital Security and Trust Act, 2024, and to make amendments to the Freedom of Information and Protection of Privacy Act respecting privacy protection measures. We're joined by staff from legislative counsel, Hansard, and broadcast and recording.

Please wait until I recognize you before starting to speak, and as always, just as a reminder, all comments should go through the Chair. Are there any questions before we begin? Seeing none, are there any overall comments or questions to any section or schedule of the bill, and if so, to which section? Hearing none, we will begin clause-by-clause consideration of the bill.

Bill 194 is comprised of three sections which enact two schedules. In order to deal with the bill in an orderly fashion, I'd like to suggest for your consideration that we postpone the consideration of the three sections in order to dispose of the schedules first. Is there agreement on this? MPP Glover.

Mr. Chris Glover: Just a point of clarification: I want to understand exactly what is being proposed.

The Chair (Mr. Lorne Coe): The Clerk will take you through that, please.

The Clerk pro tem (Ms. Tanzima Khan): Good morning, everyone. The first three sections of the bill are the commencement clause and short title of the bill. Because

you would need to go through the schedules before you do the commencement, we usually stand down those three sections and we deal with the schedules first. Then, at the end, we'll go back to the first three sections; we'll do the commencement, the preamble and the short title of the bill.

Mr. Chris Glover: The last amendment that we've proposed has to do with the preamble to the bill.

The Clerk pro tem (Ms. Tanzima Khan): That will be at the end, when we come back to the preamble.

Mr. Chris Glover: Okay. That's fine.

The Chair (Mr. Lorne Coe): Any other questions? All right.

We're going to start with new section 1, and we have before us NDP amendment number 1. Who's introducing that amendment? MPP Glover.

Mr. Chris Glover: I move that section 0.1 be added to schedule 1 to the bill:

"Oversight

"0.1 For greater certainty, the Information and Privacy Commissioner shall have all the powers, duties and functions currently established by the Freedom of Information and Protection of Privacy Act, the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, 2004, the Child, Youth and Family Services Act, 2017 and other legislation which assigns it powers, duties and functions in relation to regulated public sector entities subject to this act."

The Chair (Mr. Lorne Coe): MPP Riddell.

Mr. Brian Riddell: We want to leave it the way it is, so we oppose what he's saying, and we're ready to vote.

The Chair (Mr. Lorne Coe): MPP Glover.

Mr. Chris Glover: The Information and Privacy Commissioner made a number of recommendations to amend this bill to protect human rights. She also asked that the bill be amended to make the use of AI in the public sector be done in a manner that is valid, reliable, safe, privacy-protecting, transparent, accountable and human-rights-affirming.

When we discussed this with deputations here, the government said that we don't need to include the "human-rights-affirming" part, because it's already covered by the Ontario Human Rights Code. This, she felt, is not sufficient, and we in the opposition feel it's not sufficient as well, because this government has overridden both our charter rights and the Human Rights Code with a number of different bills. They've overridden the charter rights

with three different bills and the Human Rights Code with Bill 28. With that record, we feel that the Human Rights Code and human rights protections must be embedded in this bill.

The Chair (Mr. Lorne Coe): Any further debate? MPP Wong-Tam, please, on the amendment.

MPP Kristyn Wong-Tam: Further to what MPP Glover has said, I want to just reinforce that even the Law Commission of Ontario had stepped forward to the committee to give an explanation that it would be recommended that all legislation would have a human rights framework attached to it. Therefore, before designing any legislation, you want to be able to specify that the Human Rights Code—all the laws of the land—would be taken into consideration, specifically and exactly, in that clause—

Mr. Will Bouma: Point of order, Chair.

The Chair (Mr. Lorne Coe): MPP Bouma on a point of order.

Mr. Will Bouma: I believe that this is not the issue that's before us right now. That motion is coming up later, to deal with the preamble with regards to the Human Rights Code. I was hoping that the members could speak about the amendment that's before us right now.

The Chair (Mr. Lorne Coe): Just a reminder to narrow your comments to what's in front of us, because we've already established a response to the question from MPP Glover that we're going to deal with the preamble at the end. That's typical of what we would be doing in considering amendments. Okay?

MPP Kristyn Wong-Tam: Thank you, Chair. With all due respect, the Information and Privacy Commissioner was really clear that her office should have oversight of the matter. She was also very clear that the legislation was deficient when it came to not having a specific human rights framework attached to it and that it had to be embedded in the legislation. So that's why we're bringing this motion forward: It's specifically to address what is a very high-level criticism—constructive criticism—from the Information and Privacy Commissioner.

The Chair (Mr. Lorne Coe): Thank you very much for your comments. Any further debate? MPP Saunderson, please.

Mr. Brian Saunderson: I agree with my colleague MPP Bouma that this is conflating two separate issues. The Information and Privacy Commissioner deals with a totally different jurisdiction than the human rights aspect, and we will deal with that in the context of the Human Rights Code provision and the preamble. What the Information and Privacy Commissioner does is oversee information and FOIs, and that is not a human rights issue at this point. So we've stated our position on the record, but I do think that the submissions of MPP Wong-Tam are off-topic and not on point.

The Chair (Mr. Lorne Coe): All right.

MPP Glover, please.

Mr. Chris Glover: I think the reason the Information and Privacy Commissioner is asking for jurisdiction over the oversight, or the powers to oversee the implementation of this bill, is because artificial intelligence and cyber

security have to do with the privacy of our public data, of our data that is held by public sector organisations.

At the beginning of the committee hearings, we heard of a number of cyber attacks on public sector agencies, including the LCBO, a number of municipalities in southwestern Ontario and the city of Hamilton. The list is extremely long, and all of them—a number of school boards, as well—have put public sector data at risk and put it out there on the dark web.

The Information and Privacy Commissioner is asking for the power to oversee this bill, which is a bill about artificial intelligence and cyber security in the public sector. It's absolutely appropriate that the Information and Privacy Commissioner oversee the implementation of this bill. Otherwise, this bill is implemented in the dark.

One of our criticisms overall of this bill is—it's described as enabling legislation. The bill uses the word "transparency" one time. It uses the term "regulation" 52 times. When a bill gives the minister power through regulation, it gives the minister the power to, behind closed doors, develop the plan for the implementation of the bill.

There is too much regulation in this bill and not enough principles of data protection for the public sector or for human rights protection.

The Chair (Mr. Lorne Coe): MPP Bouma, on debate.

Mr. Will Bouma: Thank you, Chair. Through you, my suggestion to the Privacy Commissioner would then be that she resign, find a riding of her choice, run for a nomination, win an election and then become the minister, so that she can have elected oversight of this legislation and not a bureaucratic oversight without accountability to the people of Ontario.

0910

The Chair (Mr. Lorne Coe): MPP Wong-Tam, on the amendment.

MPP Kristyn Wong-Tam: Chair, I'd like to remind the committee members that the Information and Privacy Commissioner of Ontario is an accountability officer of this House, very similar to the Integrity Commissioner and the Auditor General. To suggest that any one of them would resign and seek public office to have some type of legislative oversight is absurd. We have these independent, non-partisan oversight and accountability officers specifically to protect the public, to ensure that the business of this House is honest.

Her responsibility right now is that she is the chief officer of Ontario that provides oversight for Ontario's access and privacy laws. This includes the freedom of information act. She oversees the protection of privacy act—anything to do with FIPPA as an adjacent—and the Personal Health Information Protection Act. It's actually to our benefit that she sits separate from this House.

This bill specifically is talking about the protection of privacy for citizens of Ontario. It would be absolutely appropriate and in order for us to have an accountability officer attached to it.

The Chair (Mr. Lorne Coe): I would caution that in our dialogue today, describing comments from other

members of the committee as “absurd,” or any characterization along those lines, is out of order. I will rule accordingly, all right? Thank you. It’s just so we understand that.

MPP Bouma. I don’t want cross-debate either, please. Thank you.

Mr. Will Bouma: Again, speaking to this specifically, I agree with the member that we have our commissioner system set up, the Integrity Commissioner and Auditor General, to investigate and to provide reports.

But specifically what I reject out of hand is to powers, duties and functions. That should be through the Legislature and through members of the Legislature to provide that. That’s why our Integrity Commissioner, for example, can only report on things and does not have legislative authority and power. That’s why I’m glad to hear the member reassert the duties of a commissioner, and I trust that she will be voting against this amendment, as this goes against that.

The Chair (Mr. Lorne Coe): I have MPP Riddell, please.

Mr. Brian Riddell: The IPC already has privacy and oversight capabilities in the bill; they’re outlined in schedule 1. Any further powers would impede the flexibility of the government to operate properly.

The Chair (Mr. Lorne Coe): Are the members ready to vote?

MPP Glover, a new point on this, please.

Mr. Chris Glover: The powers, duties and functions that MPP Bouma was talking about are embedded in the Freedom of Information and Protection of Privacy Act and other acts that are listed in this amendment. So the Information and Privacy Commissioner is not asking for new powers; they’re asking for the powers that they have, given to them by the Legislature of Ontario, to apply to the implementation of this bill.

That’s what the Information and Privacy Commissioner is asking for. It is completely appropriate for her to be asking for that. It is in the best interests of the public of Ontario that we have our data protected through the oversight of an independent third party, the Information and Privacy Commissioner, with the implementation of this act, which has to do with cyber security and artificial intelligence in the public sector.

I don’t understand how the government side is going to be voting against this amendment. One of my concerns about this day, and I’ve seen it before, is that the government will vote against every amendment that the opposition brings forward simply because it’s an opposition amendment.

The Chair (Mr. Lorne Coe): Are the members ready to vote? Shall amendment 1 carry?

Mr. Chris Glover: Recorded vote.

The Chair (Mr. Lorne Coe): A recorded vote, Madam Clerk.

The Clerk pro tem (Ms. Tanzima Khan): You need to request a recorded vote before the Chair asks if it shall carry. When he says, “Are members ready to vote?” then

that’s the point where you would ask for a recorded vote. So for this one, it’s too late.

MPP Kristyn Wong-Tam: Sorry. Actually, we’ll go through the vote and then I’ll ask for a point of order.

The Chair (Mr. Lorne Coe): All right.

Shall NDP amendment number 1 carry? All those in favour? All those opposed? The amendment is lost.

MPP Wong-Tam.

MPP Kristyn Wong-Tam: Would it be possible to have recorded votes on all other motions and amendments coming forward, rather than have us make the requests all the time?

The Chair (Mr. Lorne Coe): Yes, that is in order.

Moving to schedule 1, subsection 1(1), a government amendment: MPP Saunderson.

Mr. Brian Saunderson: I move that subsection 1(1) of schedule 1 to the bill be amended by striking out the definition of “minister” and substituting the following:

“‘Minister’ means the Minister of Public and Business Service Delivery and Procurement or such other member of the executive council as may be designated under the Executive Council Act to administer this act; (‘ministre’)”

The Chair (Mr. Lorne Coe): Any discussion on the amendment? MPP Saunderson.

Mr. Brian Saunderson: This is an administrative amendment. When this act was brought in, the ministry’s title was different. So we’re just bringing this amendment in to make sure that it corresponds with the current ministry title.

The Chair (Mr. Lorne Coe): Debate on the proposed amendment? I see none.

Are the members ready to vote? Does amendment number 2 carry?

Interjection.

The Chair (Mr. Lorne Coe): We have a recorded vote for all of these now.

Ayes

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

Nays

Glover.

The Chair (Mr. Lorne Coe): Amendment number 2 is accordingly carried.

Subsection 1(1) of schedule 1, government amendment number 3: MPP Riddell.

Mr. Brian Riddell: I move that subsection 1(1) of schedule 1 to the bill be amended by striking out clause (a) in the definition of “public sector entity” and substituting the following:

“(a) an institution within the meaning of subsection 2(1) of the Freedom of Information and Protection of Privacy Act, other than the assembly,”

The Chair (Mr. Lorne Coe): Do you have any narrative in proposing that?

Mr. Brian Riddell: Not at this time, no.

The Chair (Mr. Lorne Coe): Further debate? MPP Glover.

Mr. Chris Glover: Just a point of clarification: Could we ask the Clerk or research to explain the difference in meaning between “public sector entity” and the institutions within the meaning of subsection 2(1) of the Freedom of Information and Protection of Privacy Act?

The Clerk pro tem (Ms. Tanzima Khan): I think that would be a question for legislative counsel. We also have parliamentary counsel here, who can talk about other parts of the amendment. So you can decide who you would like the answer from.

Mr. Chris Glover: Whoever feels they can answer the question. I just want to understand the meaning of this amendment.

Ms. Tara Partington: Currently, in the bill, the definition of “public sector entity” says that it means an institution within the meaning of the provision of FIPPA. This amendment would add to that by excluding the Legislative Assembly from the meaning of “public sector entity.”

0920

Mr. Chris Glover: I see. So the assembly would not be covered by this bill.

Ms. Tara Partington: It would not be covered wherever you see a reference to “public sector entity.”

Mr. Chris Glover: So the regulations that are developed in this bill would not apply to the work of the assembly?

Ms. Tara Partington: Yes. Any regulations dealing with public sector entities would not.

Mr. Chris Glover: I don’t fully understand the implications of this, but I think it is a risk to the people of Ontario not to have the assembly’s work covered by this bill, which is designed, supposedly, to protect the public sector with artificial intelligence and cyber security. I’ll leave it at that. I’ll definitely be voting against this. I think the assembly should be covered.

I would give one example where the assembly is not covered by the same rules as the rest of the public sector. The public sector cannot do anything that gives the appearance of a conflict of interest. For example, when I was a school trustee, there were some trustees whose children were teachers within the school board. Any time that there was a debate about teachers’ pay or contracts, they had to recuse themselves and declare a potential conflict of interest—not necessarily a real conflict of interest, but just a potential conflict of interest. That potential conflict of interest governs all of the public sector workers in this province; it does not govern the members of provincial Parliament.

The members of provincial Parliament are only prevented from having an actual conflict of interest. Where this comes up, for example, is when ministers are meeting with lobbyists or donors at fundraisers who have business before the House. That is a potential conflict of interest, but it does not breach the Members’ Integrity Act because, unless we can prove a quid pro quo that the

minister is giving that donor something in exchange for the donation, like some legislation or legislative favour, then that’s not an actual conflict of interest, and the Integrity Commissioner would not find them in violation.

So I think the same rules in this case, with cyber security and artificial intelligence, should apply to the assembly and the members of the assembly as they apply to the public sector. I wish that was the case with the conflict-of-interest regulations in this province.

The Chair (Mr. Lorne Coe): I have MPP Saunderson, please, on the amendment.

Mr. Brian Saunderson: I guess this takes us back to the first amendment proposed by the NDP. This makes this act consistent with the MFIPPA requirements. It makes the definitions consistent. What this is doing is further refining the definition of “public sector entity” to comply and be right within the four corners of the MFIPPA legislation.

Further, it ensures clarity that the assembly is excluded from the application of schedule 1, which preserves the separation of powers between the legislative and executive branches of government, which is exactly how MFIPPA was designed. It’s keeping in spirit with the legislation, so that is why we’re bringing this amendment forward.

The Chair (Mr. Lorne Coe): Further debate? Are the members ready to vote? All those in favour of the government amendment to section 1(1) of schedule 1, amendment number 3?

Ayes

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

Nays

Glover.

The Chair (Mr. Lorne Coe): The proposed amendment and section is accordingly carried, Madam Clerk.

Shall schedule 1, section 1, as amended, carry? Carried.

The Clerk pro tem (Ms. Tanzima Khan): I just want to make a clarification that the recorded vote request was for amendments and motions, not for the sections as a whole.

The Chair (Mr. Lorne Coe): Okay. Fine.

We’re now moving on to a new section 1.1—that section 1.1 be added to schedule 1 to the bill. It’s amendment number 4 in your package, from the official opposition. MPP Glover, please.

Mr. Chris Glover: I move that section 1.1 be added to schedule 1 to the bill:

“Governance framework

“1.1(1) The minister shall develop a governance framework that any person carrying out any action under this act shall follow and that does the following:

“1. Ensures that artificial intelligence systems adopted and used by public sector entities are developed, adopted, operated and maintained in a manner that is transparent

and accountable and that respects the privacy and human rights of Ontarians.

“2. Protects the privacy of individuals and groups and ensures that the collection, use, retention and disclosure of personal information is limited to that which is necessary and proportionate for the purpose.

“3. Requires public sector entities to be transparent in fulfilling their obligations under this act to the extent reasonable and appropriate, without jeopardizing the security and integrity of government information systems.

“4. Enables artificial intelligence systems to be valid, reliable and safe by requiring public sector entities that develop or deploy such systems to do so in a manner that is transparent, protects privacy and affirms human rights.

“5. Requires the creation and implementation of standards for digital technologies affecting individuals under age 18 and ensures such standards respect the rights of children and youth and are consistent with the values of personal autonomy, dignity and individual self-determination.

“6. Requires independent compliance reviews to ensure that public sector entities are in compliance with this act and the regulations.

“7. Sets standards with respect to data retention standards and access to information and ensures that data collected in Ontario is stored in Ontario.

“8. Ensures that public sector entities undertake a risk assessment before developing or deploying artificial intelligence systems.

“9. Sets out procurement that align with Ontario law and support Ontario creators.

“10. Protects the integrity of elections by ensuring any data related to elections is protected.

“Consultation

“(2) No person shall make a regulation under this act unless,

“(a) the minister has published a notice of the proposed regulation in the Ontario Gazette and given notice of the proposed regulation by all other means that the minister considers appropriate for the purpose of providing notice to the persons who may be affected by the proposed regulation;

“(b) the notice complies with the requirements of this section;

“(c) the time periods specified in the notice, during which members of the public may exercise a right described in clause (3)(b) or (c), have expired;

“(d) the minister has considered whatever comments and submissions that members of the public have made on the proposed regulation in accordance with clause (3)(b) or (c) and has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the minister considers appropriate; and

“(e) the person making the regulation has consulted with the Information and Privacy Commissioner.

“Contents of notice

“(3) The notice mentioned in clause (2)(a) shall contain,

“(a) a description of the proposed regulation and the text of it;

“(b) a statement of the time period during which members of the public may submit written comments on the proposed regulation to the minister and the manner in which and the address to which the comments must be submitted;

“(c) a description of whatever other rights, in addition to the right described in clause (b), that members of the public have to make submissions on the proposed regulation and the manner in which and the time period during which those rights must be exercised;

“(d) a statement of where and when members of the public may review written information about the proposed regulation;

“(e) all prescribed information; and

“(f) all other information that the minister considers appropriate.”

The Chair (Mr. Lorne Coe): Debate? MPP Riddell.

Mr. Brian Riddell: I recommend voting against this motion, because the proposed governance structure is complicated by the motion, largely duplicates existing frameworks, introduces unnecessary statutory requirements, and reduces the flexibility needed to adapt to rapidly evolving technologies and security needs.

Current legislation and guidelines already address many of the concerns raised, such as privacy protection, AI governance and cyber security measures. Adding these requirements to the bill could create administrative burdens and potential conflicts without significantly enhancing the intended protections or outcomes.

The Chair (Mr. Lorne Coe): MPP Glover, please, on the amendment.

Mr. Chris Glover: This amendment really encapsulates what every deputant who came here asked for. They said they want a piece of legislation that is nimble; because artificial intelligence and cyber security are fast-moving technologies, and we need the legislation to be nimble.

However, every deputant who came—with the exclusion of two who said they wanted to reserve judgment, because they didn’t understand fully the legislative process—agreed that there needed to be a statement of principles in this bill that would provide guidelines and guardrails for the use of artificial intelligence and cyber security within this legislation.

0930

The risk to the public of not having guardrails on this legislation is immense. We’ve seen horrific examples where artificial intelligence systems have been used in other parts of the world by governments and led to, for example, an absolute disaster in the Netherlands, when thousands of people on social supports had their social supports cut off because they were using an artificial intelligence algorithm to determine who should be getting them or not. A similar thing happened in Australia, and this led to people not having money for food, not being able to pay their rents.

The Information and Privacy Commissioner recommended this amendment, the Human Rights Commissioner endorsed this amendment and every deputant who came—and I’ve got a list of them here; let me just find it—

recommended that we have an amendment in this legislation that artificial intelligence should be used in the public sector in a manner that is valid, reliable, safe, privacy protecting, transparent, accountable and human-rights-affirming. I asked every deputant who came here, and they all agreed that there should be a statement of principles in this legislation like that, not to hamper the nimbleness of responding to artificial intelligence or cyber security threats but to provide guardrails for public sector safety.

So I'm asking the government members to vote in favour of this amendment that was proposed by the Information and Privacy Commissioner and endorsed by almost every deputant who came before us.

The Chair (Mr. Lorne Coe): I have MPP Riddell, please, on the amendment.

Mr. Brian Riddell: We're ready to vote.

The Chair (Mr. Lorne Coe): Further debate? MPP Glover, please.

Mr. Chris Glover: The other part of this that we've added to this amendment—

The Chair (Mr. Lorne Coe): On the amendment.

Mr. Chris Glover: Yes, on the amendment—is that we have asked that artificial intelligence—one of the things we added to the amendments proposed by the Information and Privacy Commissioner was that the use of artificial intelligence and cyber security in the public sector will protect “the integrity of elections by ensuring that any data related to elections is protected.”

This is a very simple amendment, but the risk to our democratic elections posed by cyber security and artificial intelligence is great, and we must protect the sanctity of our democratic elections, or we lose everything that we all should be fighting for. I know the government is going to be voting against this amendment, and what really concerns me—if this government did not have the record that it does, it wouldn't concern me so much, but this government has introduced three separate pieces of legislation that overrode the charter rights of the people of Ontario. This includes—

Mr. Brian Saunderson: Point of order.

The Chair (Mr. Lorne Coe): I have a point of order from MPP Saunderson, please.

Mr. Brian Saunderson: We've had this discussion. This doesn't relate to the amendment before the committee, so I would ask that we stay on point here, please.

The Chair (Mr. Lorne Coe): I agree with that particular assessment.

Stay on the amendment, please.

Mr. Chris Glover: Okay. This amendment proposes that the use of artificial intelligence and cyber security in the public sector be used in a manner that is human-rights-affirming, that affirms our protections under the Human Rights Code and also protects our democratic rights.

This government has in the past passed three pieces of legislation: Bill 5, 2018; Bill 307, 2021; and Bill 28, 2022—

Interjection.

The Chair (Mr. Lorne Coe): MPP Saunderson, please, on a point of order.

Mr. Brian Saunderson: You've already ruled on this. It's a bit of déjà vu. You've ruled on this.

The Chair (Mr. Lorne Coe): MPP Glover, you're doing the same thing that I just ruled on, right?

Mr. Chris Glover: I am speaking—

The Chair (Mr. Lorne Coe): Speak directly to the amendment. You're not.

Mr. Chris Glover: Yes, I am speaking to the amendment. I am asking whether—

The Chair (Mr. Lorne Coe): Do not talk about other bills that are not relating to the amendment. Thank you.

Mr. Chris Glover: The amendment is attempting to embed in the legislation protections for our human rights, under the Human Rights Code. The government has argued that this is not necessary because it's protected—

Mr. Brian Saunderson: Mr. Chair?

The Chair (Mr. Lorne Coe): We have a point of order. MPP, put your hand up please. Thank you. I can't read otherwise.

Mr. Brian Saunderson: Perhaps the member opposite can take us to the specific part of the amendment, the subsection that he's got in the amendment that deals with the submissions he's making, because I don't see it here.

The Chair (Mr. Lorne Coe): I concur. Move on, please, MPP Glover.

Mr. Chris Glover: Okay. The first part of the amendment on page 4 is section 1.1, subsection 1 and subsection 1 of that. It “ensures that artificial intelligence systems adopted and used by public sector entities are developed, adopted, operated and maintained in a manner that is transparent and accountable and that respects the privacy and human rights of Ontarians.” This is about protecting the human rights of Ontarians, presumably under the Human Rights Code. So the question is, does this need to be embedded in the legislation or is it already governed by the Ontario Human Rights Code, which governs legislation, unless specifically exempted?

What has happened in the past is this government has specifically exempted or overwritten the charter rights of the people of this province and their protections from discrimination under the Human Rights Code.

Bill 28, that was passed by this government, specifically overrode the charter rights, the fundamental freedoms—

Mr. Brian Saunderson: Point of order.

The Chair (Mr. Lorne Coe): MPP Saunderson, on a point of order, please.

Mr. Brian Saunderson: You have ruled on this point of order, Mr. Chair. The ability for the government to override the charter and the Human Rights Code is embedded through the “notwithstanding” clause. Adding this is not going to change it. The law is the law. My friend is arguing a point of law that has no validity. We've ruled on the matter, and I suggest we move on, please.

The Chair (Mr. Lorne Coe): I agree, and I concur. We are going to move on. I am going to call the vote.

Interjection.

The Chair (Mr. Lorne Coe): No, you're done. You're restating your opinion, as you've already stated. I've already ruled on it twice. You're now out of order.

Interjection.

The Chair (Mr. Lorne Coe): No, we're not going to do this. Is there any further debate? No? All right. Are we ready to vote? Okay.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment 4, that section 1.1 be added to schedule 1 to the bill, is accordingly lost, Madam Clerk.

We're going to move onto schedule 1, section 2: NDP amendment number 5, that section 2 of schedule 1 to the bill be amended. To the mover, MPP Glover, please.

Mr. Chris Glover: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection: "Report to IPC

"(1.1) The minister shall provide the Information and Privacy Commissioner with copies of reports the minister receives from public sector entities under clause (1)(c), including reports produced by third parties at the request of public service entities, in respect of significant cyber incidents that involve, or may involve, personal information."

The Chair (Mr. Lorne Coe): MPP Riddell, please, on the amendment.

Mr. Brian Riddell: I recommend voting against this motion, because schedule 2 under Bill 194 includes the proposed requirement under the Freedom of Information and Protection of Privacy Act, FIPPA, for institutions to report personal information breaches to the IPC under defined circumstances, including where there's real risk of significant harm to the individual.

Under the legislation, including the Child, Youth and Family Services Act, and Personal Health Information Protection Act, similar requirements will remain the responsibility as prescribed by those entities. The motion may be duplicative and confusing, by fragmenting requirements across legislative regimes with limited value and high reporting burdens put on them, should public sector organizations be required to report all incidents that may or may not involve personal information. The proposed provision to report critical cyber security incidents would not replace existing reporting obligations to the IPC.

0940

The Chair (Mr. Lorne Coe): Further debate? I have MPP Glover, please, sir, when you're ready.

Mr. Chris Glover: This amendment was recommended by the Information and Privacy Commissioner. What she is asking for is that when there is a breach of our

public data, there be some transparency and oversight by a third-party entity, which is the Information and Privacy Commissioner. This is vitally important.

The purpose of an Information and Privacy Commissioner and of third-party commissioners in this Legislature is to protect the public from the actions of the government, or to at least to make those actions transparent. This is what the Information and Privacy Commissioner is asking with breaches of cyber security and data leaks of our public information, so that we don't have to depend upon the goodwill of a particular minister to let us know; it would also be the Information and Privacy Commissioner who would have that information. That's what the amendment does.

If the government is overriding it, then what they are doing is saying, "We trust our minister to always act in the best interest of the public and they don't need the oversight of a third-party commissioner to do so." That is a dangerous precedent to be set, because we've seen in the past governments that did not act in the best interest of the public, and this is why we established these commissioners. So I'd ask the government to absolutely support this amendment—

Mr. Brian Riddell: Point of order.

The Chair (Mr. Lorne Coe): Point of order, MPP Riddell.

Mr. Brian Riddell: This is all speculation and has nothing to do with the bill.

The Chair (Mr. Lorne Coe): I agree. Move on. Do you have anything further to add?

Mr. Chris Glover: No.

The Chair (Mr. Lorne Coe): All right. Are we ready to vote? Shall NDP amendment number 5, section 2 of schedule 1 to the bill, carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment number 5 is lost.

We're moving on to amendment number 6, which is section 2(2) of schedule 1 to the bill being amended. MPP Glover, please, when you're ready.

Mr. Chris Glover: I move that subsection 2(2) of schedule 1 to the bill be amended by striking out "and" at the end of clause (d) and by adding the following clauses: "(f) identification and management of any organizational cyber security risks, including risks associated with the public sector entity's supply chain and its use of third-party products and services;

"(g) measures to protect entity cyber systems from being compromised;

“(h) processes to detect cyber security incidents affecting, or having the potential to affect, a public sector entity’s cyber systems; and

“(i) procedures to minimize the impact of cyber security incidents.”

The Chair (Mr. Lorne Coe): Thank you, MPP Glover. On debate, I have MPP Riddell, please.

Mr. Brian Riddell: I recommend voting against this motion, because the intention of the provision under subsection 2(2) is to outline elements that may be included in a cyber security program. Adding these amendments in this statute could create unnecessary administrative burdens and reduce the flexibility needed to adapt to specific organizational contexts and emerging threats.

Elements of a cyber security program may be further outlined in this regulation. Current organizational policies may already mandate comprehensive risk management, incident detection and response procedures, making these additional clauses redundant.

This approach ensures that the public sector entities can effectively manage security risks, without being constrained by overly prescriptive legislative requirements. Making these amendments in the statute now would require public sector entities to implement comprehensive measures for identifying, managing and mitigating cyber security risks. This could significantly increase the complexity and costs associated with cyber security management, especially for smaller organizations with limited resources.

The Chair (Mr. Lorne Coe): Further debate? MPP Glover, on amendment 6.

Mr. Chris Glover: The pattern is pretty clear here, and I’ve seen it before. In fact, so far as I can recall, I have never seen this Conservative government, at committees that I’ve sat in, actually vote in favour of an opposition motion, even when they are the most friendly amendments. In fact, I’ve had a Conservative MPP meet me afterwards and apologize for voting against our amendments.

Mr. Brian Riddell: Point of order.

The Chair (Mr. Lorne Coe): MPP Riddell.

Mr. Brian Riddell: We’re here to discuss a bill, not—

The Chair (Mr. Lorne Coe): We are here to discuss the amendment that’s in front of us, MPP Glover.

Mr. Chris Glover: This amendment is designed to put some guardrails on the use of artificial intelligence and cyber security by the public sector. With this legislation as it stands, all the protections will be done through regulations, which are designed and written behind closed doors by the minister, without public oversight of a legislative debate. The reason that I do not want that, the reason that it’s not in the public’s best interest, is because this government has passed three pieces of legislation that overrode our charter rights and one piece of legislation that actually overrode—

The Chair (Mr. Lorne Coe): On a point of order: MPP Riddell.

Mr. Brian Riddell: He’s speaking again about something that’s not relevant to the bill.

The Chair (Mr. Lorne Coe): I concur.

MPP Glover, if you have anything further to add beyond what I’ve just ruled on, I’d like to hear it; otherwise, I’m going to call the vote.

Mr. Chris Glover: Call the vote.

The Chair (Mr. Lorne Coe): Are members ready to vote? All right.

On subsection 2(2) of schedule 1 to the bill, NDP amendment 6:

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment 6, subsection 2(2) of schedule 1 to the bill, is lost.

Section 2 of schedule 1 to the bill, NDP amendment 7: MPP Glover.

Mr. Chris Glover: I move that section 2 of schedule 1 to the bill be amended by adding the following subsection:

“Annual report re incidents

“(3) The minister shall issue an annual report that includes the number, types and outcomes of cyber-related incidents reported, any trends with respect to such incidents and any other prescribed information.”

The Chair (Mr. Lorne Coe): Debate? MPP Riddell.

Mr. Brian Riddell: I recommend voting against this motion, because the intent of the provisions related to cyber security incident reporting would be to collect information to increase visibility, build trust, gauge maturity and enhance resiliency across select public sector entities with respect to cyber security. A statutory requirement for government to issue annual reports on cyber incidents to the IPC would not align with this attempt.

The Chair (Mr. Lorne Coe): MPP Glover.

Mr. Chris Glover: Certainly the bill does say the word “transparency” one time. Everybody I’ve spoken to and every article I’ve read about artificial intelligence and cyber security emphasizes the principle of transparency in the development of artificial intelligence and the protection of data from cyber security attacks.

This amendment only asks for an annual report from the minister on cyber security-related incidents in the public sector so that it increases the transparency and people will be able to know what cyber security attacks have been made against public sector entities that may compromise our data.

I can’t understand why this government is against having transparent reporting of cyber security attacks on public sector entities that hold our data.

The Chair (Mr. Lorne Coe): Are we ready to vote on NDP amendment 7, section 2 of schedule 1 to the bill?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment number 7 on section 2 of schedule 1 to the bill is accordingly lost, Madam Clerk.

0950

Shall schedule 1, section 2, carry? I need hands up, please. Opposed? Carried.

Is there any debate on schedule 1, section 3, of the bill? No? Okay. Shall schedule 1, section 3, carry? All those opposed? Carried.

Mr. Will Bouma: A question.

The Chair (Mr. Lorne Coe): I have MPP Bouma, please.

Mr. Will Bouma: Just a point of clarification for the Clerk: Have we done that with schedule 1, section 1, as amended? I don't remember voting on that.

The Clerk pro tem (Ms. Tanzima Khan): Yes, it was done for schedule 1, section 1, as amended. There was no recorded vote, but it was called.

Mr. Will Bouma: Okay. Very good.

The Chair (Mr. Lorne Coe): We're now going to move to schedule 1, section 4, of the bill. We have NDP amendment 8 within section 4 of schedule 1 to the bill. MPP Glover, please, when you're ready, sir.

Mr. Chris Glover: I move that section 4 of schedule 1 to the bill be amended by adding the following subsection:

“Consultation

“(1.1) Before issuing a directive under this section, the minister shall consult with the Information and Privacy Commissioner.”

The Chair (Mr. Lorne Coe): MPP Riddell, please, on the amendment.

Mr. Brian Riddell: I recommend voting against this motion, because the government regularly consults with the IPC on matters that may impact access or privacy and would continue to do so. A requirement under legislation could be unnecessarily prohibitive, especially during an event such as a cyber security incident.

The Chair (Mr. Lorne Coe): Further debate, please? I have MPP Glover.

Mr. Chris Glover: A cyber security incident means that there has been a cyber security attack on a public sector entity that holds public data. What the Information and Privacy Commissioner is is a third-party, independent body of this Legislature that is non-partisan. So this is a non-partisan body that is asking for consultation when there is a cyber security attack and public sector data—is at risk.

I think this is a valuable bit of oversight and also will increase the trust of the public in our data and our public sector institutions if there is this transparency. However, I

do not expect the government side, the Conservative side, to vote for this, because they do not see transparency as a vital principle of cyber security and artificial intelligence within this legislation.

The Chair (Mr. Lorne Coe): MPP Riddell, please.

Mr. Brian Riddell: A point of order: It's speculation.

We're ready to vote.

The Chair (Mr. Lorne Coe): That's not a valid point of order.

Are we ready to vote? We are? All right. Shall NDP amendment number 8, on section 4 of schedule 1 to the bill, carry?

Ayes

Glover.

Nays

Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment number 8 is accordingly lost, Madam Clerk.

That section 4 of schedule 1 to the bill be amended through proposed amendment number 9: MPP Glover, when you're ready, sir.

Mr. Chris Glover: I move that section 4 of schedule 1 to the bill be amended by adding the following subsection:

“Publication

“(5) A directive issued under this section shall be posted on a website of the government of Ontario that is accessible to the public.”

The Chair (Mr. Lorne Coe): I have MPP Riddell on debate, please.

Mr. Brian Riddell: I recommend voting against this motion, because publicly disclosing directives could expose sensitive cyber security operational details. This might increase the exploitation by bad actors who could use this information to identify cyber security vulnerabilities. Nothing prevents the government from publicly sharing directives that are safe.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please, when you're ready, on the amendment.

Mr. Chris Glover: Yes. Could we amend this amendment on the floor? We cannot.

The Chair (Mr. Lorne Coe): To the Clerk, please.

The Clerk pro tem (Ms. Tanzima Khan): The bill was time-allocated, so there can't be any amendments moved right now. The deadline was set by the House.

Mr. Chris Glover: I see. Okay. Just to clarify, then: The time-allocation motion that governs the process of this legislation prevents us from making amendments on the floor here. Is this correct?

The Clerk pro tem (Ms. Tanzima Khan): Yes, that is correct.

Mr. Chris Glover: Okay. This seems to be extremely undemocratic, I will say, because the purpose of committee is to make amendments, to debate amendments, hope-

fully to consider amendments, and then to vote on them, in order to strengthen the legislation based on the depositions that we heard from the public. I think it's disrespectful to the people who actually came to depose that we cannot make amendments based on the recommendations that they brought for us on the floor here at the committee.

But I will say that this amendment is about increasing transparency on cyber security. I think this is in the public's best interest, to have that transparency, for us to know when our data has potentially been leaked and is on the dark web, and to know what actions the government is taking to protect our data.

I'm going to be voting, obviously, in favour of this amendment. Obviously, the government is going to be voting against this transparency.

The Chair (Mr. Lorne Coe): Are we ready to vote? All right.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): The NDP amendment to schedule 1, section 4 to the bill, proposed amendment number 9, is lost.

Shall schedule 1, section 4, carry? Carried.

We're going to move to schedule 1, section 5: NDP amendment number 10, as it pertains to section 5(2) of schedule 1 to the bill. MPP Glover, please, when you're ready, sir.

Mr. Chris Glover: I move that subsection 5(2) of schedule 1 to the bill be struck out and the following substituted:

"Information to public

"(2) A public sector entity to which this section applies shall, in accordance with the regulations, provide information to the public about their use of the artificial intelligence system and the results of any compliance assessment done in relation to the entity."

The Chair (Mr. Lorne Coe): I have MPP Riddell, please, on debate.

Mr. Brian Riddell: I recommend voting against this motion, because publicly disclosing detailed information about the use of artificial intelligence systems and compliance assessments could expose sensitive operational details. This might increase the risk of exploitation by bad actors who could use this information to identify vulnerabilities.

The Chair (Mr. Lorne Coe): Further debate?

Mr. Chris Glover: A fundamental principle of good artificial intelligence governance is transparency. This is agreed upon by every group that I spoke with. It was agreed upon by every deputant who came before us here.

It's built into the European Union's artificial intelligence bill: "transparency" appears many times.

The amendment is simply asking that when a member of the public is dealing with a public sector entity and they are using an artificial intelligence system, they be informed that they're working with an artificial intelligence system. The danger of not knowing and the danger of mistakes that have been made by artificial intelligence systems is immense and is potentially life-threatening to the public.

1000

I'll give you an example: In 2015, the Australian government introduced an automated debt-collection program to curb alleged overpayments in welfare. The program relied on an algorithm that compared annual pay information from the national tax office to income data reported to the country's social services platform, Centrelink. Six years later, the system incorrectly flagged over 381,000 people and the government found itself in the middle of a class-action lawsuit in which the judge determined that the program represented a shameful chapter in Australia's history, responsible for financial hardship, anxiety and distress; 381,000 people were incorrectly flagged for potentially receiving overpayments in welfare and falsely accused of that. This is not just in Australia. This has happened in the Netherlands. It has happened in other jurisdictions.

What the Conservative government here is saying is that you may be on a government website or a public sector website, like a hospital or a school board, and you may be interacting with an artificial intelligence system, but this Conservative government doesn't want the government to have to tell you that you're interacting with an artificial intelligence system. I have no idea how you can possibly justify that lack of transparency. Artificial intelligence in the dark is a threat to our public safety. It's a threat to our democracy.

That this government is voting against every transparency amendment that the NDP is bringing forward here just speaks to how little respect this government has for the safety, democratic rights and the human rights of the people of this province.

The Chair (Mr. Lorne Coe): On debate, I have MPP Riddell on the proposed amendment.

Mr. Brian Riddell: Like I said earlier, publicly disclosing detailed information about the use of artificial intelligence systems and compliance is a responsible approach to protect the people of Ontario, and that's what we're here to do—

Interjection.

Mr. Brian Riddell: I'm still talking.

When you give people who are hackers, whether they're someone sitting in their basement or someone sitting in North Korea or Russia or China, the ability to see what the vulnerabilities are and how we react to them, it is irresponsible.

We're ready to vote.

The Chair (Mr. Lorne Coe): All right. MPP Glover, please, on the amendment.

Mr. Chris Glover: The argument MPP Riddell has made is a valid argument, but it does not speak to this amendment, because he's talking about detailed information. This is not asking for detailed information. The only thing this amendment is asking for is that the public be aware when they are dealing with an artificial intelligence system in the public sector. That's all this is asking for. So it's a valid argument you're making; it just doesn't apply to this amendment.

I'd ask the government to support this amendment in the spirit of respecting the human rights, the democratic rights and the transparency rights of the public of Ontario, so that they know when they are dealing with an artificial intelligence system in the public sector.

The Chair (Mr. Lorne Coe): Are the members ready to vote? Shall the NDP amendment to section 5.2 of schedule 1 to the bill, proposed amendment 10, carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 10 is lost.

NDP amendment number 11, subsection 5(3) of schedule 1 to the bill: MPP Glover, please, to the amendment.

Mr. Chris Glover: I move that subsection 5(3) of schedule 1 to the bill be struck out and the following substituted:

“Accountability framework

“(3) A public-sector entity to which this section applies, shall, in accordance with the regulations, develop and implement an accountability framework respecting their use of the artificial intelligence system, which shall include,

“(a) a process for reporting internal and external complaints or concerns about the operation of the artificial intelligence system; and

“(b) record-keeping requirements with respect to such complaints or concerns.”

The Chair (Mr. Lorne Coe): Debate on the proposed amendment? I have MPP Riddell, please.

Mr. Brian Riddell: I recommend voting against this motion, because the motion introduces additional statutory requirements that are already addressed through existing accountability and oversight regulation-making authorities. Mandating a specific process for reporting complaints and record-keeping within the legislation could create unnecessary administrative burdens and reduce the flexibility needed to tailor these processes to unique needs of different public sector entities. Proposed regulation-making authorities would already ensure accountability and transparency in the use of artificial intelligence systems, making these additional requirements redundant.

The Chair (Mr. Lorne Coe): Further debate? MPP Glover, please, on amendment number 11.

Mr. Chris Glover: I just want to respond to MPP Riddell's assertion that accountability and transparency requirements are already built into this legislation. They simply are not. The hope is that in the regulation—all this bill really does is it gives the minister the power to create regulations around artificial intelligence and cyber security systems in the public sector. It means that it just gives the minister the power to develop AI and cyber security policy in the dark, behind closed doors. This is a dangerous power to be given to any government, to any minister.

The purpose of having a Legislature and a parliamentary system is that the legislation is brought before the public in the Parliament, there is a public debate on that legislation, and everybody gets to participate in or at least hear that public debate. This bill is the opposite of that. It's the opposite of that kind of transparent, democratic, public process. All of the accountability and transparency measures will be developed by the ministers behind closed doors. This is a dangerous power to be giving to those ministers.

We are asking that the transparency be built into the legislation, that principles guiding transparency be built into the legislation. That's what this amendment is about. That this government is voting against every amendment that would increase the transparency of the use of artificial intelligence and cyber security in the public sector is dangerous for the public. It's dangerous for our human rights. It's dangerous for our democratic rights.

I'd ask the government to support this amendment.

The Chair (Mr. Lorne Coe): Is there any further debate? We're ready to vote? All right.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): NDP amendment number 11, applied to section 5(3) of schedule 1 to the bill, is accordingly lost, Madam Clerk.

On amendment number 12, section 5 of schedule 1 to the bill: MPP Glover, please, when you're ready.

Mr. Chris Glover: I move that section 5 of schedule 1 to the bill be amended by adding the following subsection:

“Same

“(4.1) A public sector entity to which this section applies shall not use an artificial intelligence system for,

“(a) automated decision making;

“(b) behavioural manipulation;

“(c) scraping facial images from the Internet for the purpose of facial recognition;

“(d) social scoring or biometric categorization of individuals or groups;

“(e) evaluating or classifying individuals or groups based on social behaviours or personal traits;

“(f) predictive policing based solely on profiling or assessing personal traits;

“(g) subliminal, manipulative or deceptive techniques that may cause significant harm to an individual or group; or

“(h) any other prescribed uses.”

The Chair (Mr. Lorne Coe): Debate? MPP Riddell, please.

1010

Mr. Brian Riddell: I recommend voting against this motion, because the motion introduces over-restrictive statutory prohibitions that could hinder the beneficial use of artificial intelligence systems in the public sector.

Many of these concerns are already addressed through existing ethical guidelines, and the proposed regulatory framework would set up a foundation to ensure AI is used responsibly and ethically. Adding these prohibitions to the legislation could limit innovation and the ability to leverage AI for public good.

While existing oversight mechanisms are sufficient to prevent misuse, this approach ensures that AI can be used effectively and responsibly without unnecessary legislative restraints.

The Chair (Mr. Lorne Coe): MPP Glover, please, on the amendment.

Mr. Chris Glover: I’ve been doing research on artificial intelligence for more than a year now. One of the things that struck me is that this is far and away the most powerful tool that humanity has ever created. It’s powerful in good ways. For example, I know somebody who is designing an app that can diagnose skin cancer, so you’ll be able to use your phone, potentially, and diagnose skin cancers.

It’s also incredibly dangerous, because when you combine this with all of the cameras that are out there, when you combine facial recognition software with all of the security cameras in every store that we go into, even on the streets now, and you combine that with facial recognition software, there’s the potential of creating a Brave New World that’s incredibly dangerous, where we are constantly surveilled.

We have already seen incidents of this. The police have used Clearview. They were looking for a particular suspect in a crime so they used Clearview, which is a software that they purchased, that scans all the publicly available cameras for people who looked like that criminal. The danger is that all of us are being surveilled all of the time. Every action, every movement that we make is being surveilled.

The government—if you are voting against this amendment, it means that you are voting for scraping facial images from the Internet for the purpose of facial recognition. It means that you are voting for behavioural manipulation by artificial intelligence systems created by the public sector; that you are voting for automated decision-

making. Automated decision-making can be incredibly dangerous. I gave the example of the Australian government that incorrectly flagged 381,000 people for welfare fraud who were not guilty of welfare fraud but had to go through the embarrassment, the financial hardship and the anxiety and distress of that mistake.

You’re voting for using social scoring, or biometric categorization, of individuals or groups. It is well established, it’s well documented, that artificial intelligence discriminates. It reflects the general discrimination against people of colour. It discriminates against women. So you are voting for using artificial intelligence systems that could potentially discriminate against people of colour or women. You are voting for classifying individuals or groups based on social behaviours or personal traits.

You are voting for predictive policing. There was that Tom Cruise movie—what was it called?—where they were anticipating when someone was going to commit a crime. It’s artificial intelligence—

Mr. Brian Riddell: We’re not talking about movies or anything like that. We are here to talk about the bill.

The Chair (Mr. Lorne Coe): I agree. Are we ready to vote?

Mr. Brian Riddell: I am ready to vote.

Interjection.

The Chair (Mr. Lorne Coe): I think your commentary is concluded. As soon as you strayed into movies, it stopped. That’s my ruling. I’m going to call the vote, and I just did.

Interjection.

The Chair (Mr. Lorne Coe): The Clerk is just reminding me: Seeing that the time is now 10:15 a.m., per the order of the House dated October 29, 2024, this committee will now recess. We will resume clause-by-clause consideration of Bill 194. We’ll recess until 1:20. This committee is now recessed.

The committee recessed from 1015 to 1320.

The Chair (Mr. Lorne Coe): I’d like to resume this sitting of the Standing Committee on Justice Policy as we deliberate on Bill 194 clause by clause.

When we adjourned due to the 10:15, we were on official opposition amendment 12. Are members ready to vote, please? Yes? Okay.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, the amendment is accordingly lost.

Shall schedule 1, section 5, carry?

Interjection.

The Chair (Mr. Lorne Coe): MPP Riddell, did you want to speak on it? He just did? Okay. Carried. Thank you.

Mr. Chris Glover: Point of order.

The Chair (Mr. Lorne Coe): I have a point of order with MPP Glover, please, sir, when you're ready.

Mr. Chris Glover: In the process, then, when we come to after the amendment vote, do we have an opportunity to discuss the schedule itself?

The Chair (Mr. Lorne Coe): Yes, you do.

Mr. Chris Glover: Yes? Okay. So there should have been an opportunity for discussion on schedule 5.

The Chair (Mr. Lorne Coe): Yes, there would be.

Mr. Will Bouma: Section 5.

Mr. Chris Glover: Section 5, yes—schedule 1, section 5.

The Chair (Mr. Lorne Coe): Yes.

Mr. Chris Glover: Okay. Can I speak to schedule 1, section 5, now?

The Chair (Mr. Lorne Coe): Through the Clerk.

The Clerk pro tem (Ms. Tanzima Khan): The vote has been done on schedule 1, section 5. Normally, you would just put your hand up when the Chair asks if members are ready to vote to indicate that you have something to say.

Mr. Chris Glover: Okay. That process wasn't followed. We went straight to the vote without discussion.

The Chair (Mr. Lorne Coe): We'll give you an opportunity now, when you're ready.

Mr. Chris Glover: On section 1, schedule 5: My concern with this bill and this section is that there are no guardrails put particularly on the use of artificial intelligence. What the amendments that the government voted down would have done is put some guardrails that were recommended by the Information and Privacy Commissioner and supported by the human rights commissioner.

Among those amendments that were voted down would have been guardrails on the use of artificial intelligence so that it could not be used for automated decision making; behavioural manipulation; scraping facial images; social scoring or biometric categorization; evaluating or classifying individuals or groups based on social behaviours or personal traits; predictive policing; subliminal, manipulative or deceptive techniques that may cause significant harm to an individual or group. Without that amendment, there are no guardrails.

This bill will go to regulation, and the minister will be able to make regulations that could potentially allow AI in the public sector to do any of those things. The reason that we need those principles embedded in the legislation is that we need some guardrails to protect the public—the human rights, the democratic rights of the public—with the legislation.

I will not be supporting schedule 1, section 5. I am voting against it because of the lack of these amendments, the lack of guardrails.

The Chair (Mr. Lorne Coe): I have MPP Riddell, please.

Mr. Brian Riddell: This is a democratic society. I appreciate your thoughts, but we've put a lot of in-depth thinking into this bill, and the majority rules.

The Chair (Mr. Lorne Coe): MPP Glover, please.

Mr. Chris Glover: There are certain principles that define a democratic society. One is unassailable rights to freedom of speech, freedom of religion, freedom of the press, legal rights: that if you're arrested, you must be charged; you must be brought before a judge; you must have access to a lawyer without delay. These are fundamental freedoms and legal rights. We also have the right not to be discriminated against, based on the Ontario Human Rights Code. We also have the right to a majority-vote democracy.

All of those things, all those democratic principles that I just mentioned, have been voted down by this government in this session. The "notwithstanding" clause has been used to strip Ontarians of their fundamental freedoms and legal rights under the charter. The Ontario Human Rights Code was overridden with Bill 28. That's why it's not enough just to say that we're a democratic society if we are not practising our democratic principles in this House, and this government hasn't been. It's not reassuring just to say, "Oh, we're a democracy," when the majority of municipalities in the province no longer have majority-vote democracy. Those conclude my remarks.

The Chair (Mr. Lorne Coe): Members, there are no amendments to—excuse me for a moment. I've got to put my glasses on. The print is a little small.

Mr. Will Bouma: I know a guy.

The Chair (Mr. Lorne Coe): Thank you.

Members, there are no amendments to sections 6 to 10 of schedule 1. Does the committee agree to bundle them together? Is there any debate? Are members ready to vote?

Shall sections 6 through 10 of schedule 1 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, the section is accordingly carried. Let the record show that.

Members, we're on schedule 1, section 2. We have—

The Clerk pro tem (Ms. Tanzima Khan): Section 11.

The Chair (Mr. Lorne Coe): Oh, 11. See? That's why I've got my glasses on now. Section 11. It's NDP amendment number 13, section 11(1) of schedule 1 to the bill, a proposed amendment. To MPP Glover, please.

Mr. Chris Glover: I move that subsection 11(1) of schedule 1 to the bill be struck out and the following substituted:

"Minister's directives

"(1) The minister may issue directives respecting digital technology made available for use by individuals under age 18 to children's aid societies, school boards and any other public sector entity that may make such digital technology available to individuals under age 18."

The Chair (Mr. Lorne Coe): Debate? Go ahead, MPP Riddell.

Mr. Brian Riddell: I recommend voting against this motion, because these provisions are deliberately precise in scoping school boards and children's aid societies. They are institutions where children are the primary recipients

of services. Public sector settings like hospitals would require protections and requirements for individuals of all ages. This approach ensures that government can effectively manage the use of digital technology for minors without being constrained by overly broad legislative requirements.

The Chair (Mr. Lorne Coe): I'm back to MPP Glover, please.

Mr. Chris Glover: The Information and Privacy Commissioner recommended that there be special protections on the data of children, especially those children that are interacting with our public sector institutions such as school boards and children's aid societies, because children's data is different from adults' data. They don't have the same capacity or legal right even to determine who gains their data, who doesn't gain their data and what use is being put to that data.

There need to be restrictions, particularly with the children's aid societies, where there are no parents involved and the government is essentially the legal guardian of those children. There need to be strict restrictions on what data is collected and how that data is used for children. That's what the Information and Privacy Commissioner recommended, so that's why we have brought forward this amendment. I hope the government side will support this amendment to protect children's data.

The Chair (Mr. Lorne Coe): Is there further debate? MPP Riddell, please.

Mr. Brian Riddell: Ready to vote.

The Chair (Mr. Lorne Coe): Further debate? I don't see any. Are members ready to vote? Okay.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 13, subsection 11(1) of schedule 1 to the bill, is lost, Madam Clerk.

MPP Glover, we're on to official opposition amendment number 14.

1330

Mr. Chris Glover: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Consultation

"(1.1) Before issuing a directive under this section, the minister shall consult with the Information and Privacy Commissioner."

The Chair (Mr. Lorne Coe): Debate? MPP Riddell, please.

Mr. Brian Riddell: I recommend voting against this motion, because the proposed amendment is unnecessary

and could delay the implementation of necessary measures. Existing frameworks already ensure that privacy considerations are integrated into decision-making processes. Adding this requirement could create unnecessary administrative burdens and slow down the response to emerging digital security threats.

The Chair (Mr. Lorne Coe): MPP Glover, please.

Mr. Chris Glover: This legislation is not just even for this current government. It will bind or direct future governments as well. We need to make sure that our privacy rights are protected with the implementation of artificial intelligence and cyber security supports in public sector agencies. That's what this bill is about.

The Information and Privacy Commissioner—a third-party, non-partisan, independent commissioner to the Legislature—has recommended that there be this additional protection, because with cyber security, with artificial intelligence, there is a much greater capacity to collect people's data and to utilize that data in ways that may not meet what they would like to have done with it, or in their best interest. So I am bringing forward this motion to amend the bill, and it is brought forward on behalf of the Information and Privacy Commissioner. They feel that this is an important protection for people's privacy, and I hope the government will support it.

The Chair (Mr. Lorne Coe): Further debate? MPP Riddell, please.

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Is there any further debate? I see none. Are members ready to vote?

On the official opposition amendment number 14 to section 11 of schedule 1.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Proposed amendment number 14 to section 11 of schedule 1 to the bill is accordingly lost, Madam Clerk.

MPP Glover, please, to official opposition amendment number 15.

Mr. Chris Glover: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Publication

"(5) A directive issued under this section shall be posted on a website of the government of Ontario that is accessible to the public."

The Chair (Mr. Lorne Coe): Debate? MPP Riddell, please.

Mr. Brian Riddell: I recommend voting against this motion, because this could compromise the safety and security of children's data. Where directives would have

no negative impact on children's digital safety and security, such directives could be made public.

The Chair (Mr. Lorne Coe): Further debate? MPP Glover, please.

Mr. Chris Glover: It's ironic that the government member is arguing that you're going to be voting against this amendment to protect children's data, but you just voted down an amendment to provide additional protections for children's data.

I don't understand which side of this argument you're on. Are you in favour of protecting children's data or not in favour? Because if you are in favour of protecting children's data, then we should reopen the last amendment and you should vote in favour of it. This amendment is just asking for transparency. This bill, Bill 194, only uses the word "transparency" one time, yet it is a fundamental principle of good artificial intelligence and cyber security policy. This is generally agreed upon.

This is just to publicize when the regulations and directives are made so that the public can be aware. Otherwise, what this bill does is give the minister power to make directives behind closed doors and not even publicize them, not even publish them so that people can be aware of what directives are being made. I think it's a very dangerous thing to give that much power to make policy in the dark to a minister.

The Chair (Mr. Lorne Coe): MPP Riddell on amendment number 15.

Mr. Brian Riddell: No further debate, and we're ready to vote.

The Chair (Mr. Lorne Coe): Any further debate? Are members ready to vote? Okay.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Official opposition amendment number 15 to section 11 of schedule 1 to the bill is lost, Madam Clerk.

Is there any debate on schedule 1, section 11? I don't see any. Are members ready to vote? Shall schedule 1 of section 11 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 1 of section 11 is accordingly carried, Madam Clerk.

We're now moving to new section 11.1. We have an amendment from the official opposition—it's number 16—that section 11.1 be added to schedule 1 to the bill.

MPP Glover, do you want to speak to that?

Mr. Chris Glover: Yes, thank you.

I move that section 11.1 be added to schedule 1 to the bill:

"Contraventions

"11.1 (1) Any person who has reasonable grounds to believe that a public service entity or any other person has contravened or is about to contravene this act or the regulations, including a directive under this act, may notify the Information and Privacy Commissioner or an officer designated by the minister of the particulars of the contravention and may request that their identity be kept confidential with respect to the notification.

"Confidentiality

"(2) Any person who has been notified under subsection (1) shall keep confidential the identity of the person who has notified them, if requested by such person.

"Non-retaliation

"(3) No one shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage a person who, acting in good faith and on the basis of reasonable belief, has,

"(a) disclosed information under this section;

"(b) done or stated an intention to do anything that is required to be done under this act in order to prevent a contravention; or

"(c) refused to do or stated an intention to refuse to do anything that is in contravention of this act.

"Penalty

"(4) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000."

The Chair (Mr. Lorne Coe): On the proposed amendment 16, MPP Riddell, please.

Mr. Brian Riddell: I recommend voting against this motion, because the proposed amendment introduces additional statutory requirements that are already covered under existing whistle-blower protection frameworks.

These protections are already robustly addressed through the legislation such as the Public Service of Ontario Act, which ensures confidentiality and non-retaliation for individuals reporting contraventions.

Additionally, these provisions to Bill 194 could create redundancy and potential conflicts with existing laws, complicating enforcement and compliance efforts.

The Chair (Mr. Lorne Coe): Back to MPP Glover under debate.

Mr. Chris Glover: Again, this was recommended by the Information and Privacy Commissioner. It is to embed whistle-blower protections into this particular legislation, so that the use of artificial intelligence and cyber security would be governed by whistle-blower protections; so that if somebody in the public sector, or not in the public sector, sees artificial intelligence being used in a way that is detrimental to the public, they would be able to inform the Information and Privacy Commissioner without fear of penalty or reprisal.

I think this is a good amendment to insert into this legislation. I don't understand why the government would not vote for it. So far, the government has not voted for any amendments recommended by the Information and Privacy Commissioner or supported by the human rights commissioner. I don't know why you have so little faith in our independent commissioners of this House, and I hope you will support this amendment.

1340

The Chair (Mr. Lorne Coe): Further debate? MPP Riddell.

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Is there any further debate, members? Seeing none, are the members ready to vote? All right.

Shall amendment number 16 to the section 11.1 be added to schedule 1 to the bill?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 16, to section 11.1 to schedule 1 to the bill, is accordingly lost.

Members, there are no amendments to sections 12 to 18 of schedule 1. Does the committee agree to bundle them together? Is there any debate? I see none. Are members ready to vote?

Shall sections 12 through 18 of schedule 1 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The section, as read, is accordingly carried.

MPP Saunderson?

Mr. Brian Saunderson: I didn't know if we had voted on schedule 1, section 11. We went through the amendments, but I don't know that we voted on section 11 yet.

The Clerk pro tem (Ms. Tanzima Khan): We voted on section 11, and then there was a new section being added, 11.1, in the NDP amendment.

Mr. Brian Saunderson: Good. Thank you for that.

The Chair (Mr. Lorne Coe): Members of the committee, shall schedule 1, as amended, carry? Is there any debate? Seeing none, are members ready to vote?

Shall the schedule, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 1, as amended, has carried.

Members of the committee, we're now under schedule 2, section 1. We have amendment number 17, from the official opposition: section 1 of schedule 2 to the bill be amended.

MPP Glover, please.

Mr. Chris Glover: I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(2) Section 2 of the act is amended by adding the following subsection:

““Children and youth

“(5) In this act and the regulations, personal information relating to children and youth is deemed to be sensitive.””

The Chair (Mr. Lorne Coe): Thank you, MPP Glover.

To the amendment, please, and we're under debate. MPP Riddell.

Mr. Brian Riddell: I recommend voting against this motion, because deeming the information of children and youth as sensitive information in FIPPA, while not prescribing any other type of information as sensitive, may result in interpretation challenges that would be better addressed through guidance which could be set out in some specific considerations to determine whether information is considered sensitive.

FIPPA institutions do not include school boards and children's aid societies, hence the proposals under schedule 1 are a more appropriate place to address this. Guidance or other supporting tools could provide more detail about considerations that would inform whether information is sensitive. This would allow for a more comprehensive and flexible approach and could be considered a further implementation tool, should the bill pass.

The Chair (Mr. Lorne Coe): Back to MPP Glover, sir, when you're ready.

Mr. Chris Glover: I'm just trying to understand the argument made by opposite side. Are you saying that schedule 1 should be amended to make personal information of children and youth deemed sensitive in this bill?

The Chair (Mr. Lorne Coe): MPP Riddell.

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please.

Mr. Chris Glover: Sorry. If you're not going to answer the question, then I'll just—again, this is recommended by the Information and Privacy Commissioner and also recommended by the human rights commissioner. They are asking that children and youth data be deemed sensitive, particularly where it is held by public sector agencies like school boards, like hospitals, like children's aid societies. All these public sector agencies have a lot of data on our children. Some of those children do not have the protection of parents. So I'd ask that the government support this amendment.

The Chair (Mr. Lorne Coe): Further debate? All right. Are members ready to vote? All right.

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 17, to section 1 of schedule 2 to the bill, as amended, is lost. Let it be noted.

Shall schedule 2, section 1, carry? Is there any debate? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, schedule 2, section 1, is accordingly carried.

Shall schedule 2 of section 2 carry? Is there any debate? All those in favour, please raise your hand. All those

opposed, please raise your hand. Madam Clerk, schedule 2, section 2, has accordingly carried.

Under schedule 2, section 3, we have a proposed amendment from the official opposition, number 18, to section 3 of schedule 2 to the bill. MPP Glover, please, to the amendment.

Mr. Chris Glover: I move that section 3 of schedule 2 to the bill be amended by adding the following subsection:

“(4) Section 34 of the act is amended by adding the following subsection:

“Annual review

“(6) The commissioner shall conduct a yearly review of the act that shall be based on information included in a report made under this section.”

The Chair (Mr. Lorne Coe): We’re under debate, please. MPP Riddell.

Mr. Brian Riddell: I recommend voting against this motion, because the proposed amendment is out of scope. The commissioner regularly provides advice and recommendations on FIPPA, as consulted when legislative changes are being compiled. Mandating an annual review of the act by the commissioner would increase burden without additional benefit.

The Chair (Mr. Lorne Coe): We’re still under debate, with MPP Glover, please.

Mr. Chris Glover: Again, this is part of the transparency that we’re trying to build into this bill, because there is almost no transparency built into this bill. One of the things that the Information and Privacy Commissioner has asked for is just to conduct an annual review of the bill, because artificial intelligence and cyber security technologies are moving at a breakneck speed, and the application of this act will be changing accordingly. It would be good to have a third-party commissioner investigate and review the application of this bill, so that we can be sure that our data is protected and that we are protected from artificial intelligence technologies and cyber security threats.

The Chair (Mr. Lorne Coe): We’re still under debate, and I have MPP Riddell, please, sir.

Mr. Brian Riddell: No further debate, and ready to vote.

The Chair (Mr. Lorne Coe): Are the members ready to vote? Okay.

1350

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 18, to section 3 of schedule 2 to the bill, is accordingly lost.

Shall schedule 2, section 3, carry? Is there any debate? I don’t see any. I shall call the question. All those in

favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, schedule 2, section 3, as read, has carried.

Members of the committee, we are now under schedule 2, section 4. We have amendment number 19, from the official opposition, to section 4(2) of schedule 2 to the bill—to MPP Glover, please.

Mr. Chris Glover: I move that subsection 4(2) of schedule 2 to the bill be amended by striking out “risk to individuals” in paragraph 8 of subsection 38(3) of the Freedom of Information and Protection of Privacy Act and substituting “risk to individuals, taking into account the sensitivity of the information,”.

The Chair (Mr. Lorne Coe): We’re under debate. I’m going to MPP Riddell, please, when you’re ready.

Mr. Brian Riddell: I recommend voting against this motion, because the proposed amended would be redundant, as its consideration of the sensitivity of information is already implicitly captured under the consideration of the right to an individual. The proposed amendment would add complexity and subjectivity to the risk assessment process.

To implement this proposed amendment, public sector entities would need to develop new criteria to evaluate the sensitivity of the information, which would be time-consuming and resource-intensive. This could lead to inconsistencies, increase operational burden and potential overregulation, making it more difficult to ensure compliance and transparency.

The Chair (Mr. Lorne Coe): I’m back to MPP Glover, please. We’re still under debate.

Mr. Chris Glover: One of the things that has changed over the last decade or even the last two decades is the amount of data that is being collected and the type of data that is being collected. If you go to Google Maps on your phone and you have Google Maps turned on, you can trace every place that you have been in the past number of years. They know how many times you went to a grocery store, how many times you went home or how many times you were in the Legislature. That is a lot of data that is being collected. There are different sensitivities to this data. This data is also up for sale. In the public sector, there’s a lot of data that’s being collected about our driving, about our vehicles, about our homes. All of this data that is being collected is—

Mr. Brian Riddell: Point of order.

The Chair (Mr. Lorne Coe): MPP Riddell, please.

Mr. Brian Riddell: This is not relevant to the bill.

The Chair (Mr. Lorne Coe): MPP Riddell, your point of order is in order; however, I find that MPP Glover is speaking to his amendment, and I think that’s appropriate in the circumstance. Thank you.

Mr. Chris Glover: So what this amendment asks for is that the risk to individuals, taking into account sensitivity of the information, be considered under FIPPA, under the Freedom of Information and Protection of Privacy Act. This, I think, is very important, because there are different levels of sensitivity of information. Particularly, what we’ve seen with artificial intelligence is that it can, for

example, target people of colour or women with the algorithms. This is particularly dangerous if it's not considered sensitive data. There are different levels of sensitivity of data, and this is becoming more and more clear as we enter the artificial intelligence revolution. I would ask that the government side support this amendment.

The Chair (Mr. Lorne Coe): Further debate? Are the members ready to vote? Shall amendment number 19 to section 4(2) of schedule 2 to the bill carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 19, to section 4(2) of schedule 2 to the bill, accordingly, is lost.

Members, we will move to amendment number 20 from the official opposition to section 4(2) of schedule 2 to the bill.

Mr. Glover, please.

Mr. Chris Glover: I move that subsection 4(2) of schedule 2 to the bill be amended by adding “and the privacy risks to an individual are minimal” after “personal information” in clause 38(4)(b) of the Freedom of Information and Protection of Privacy Act.

The Chair (Mr. Lorne Coe): Thank you, Mr. Glover. We're under debate. MPP Riddell, please.

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): MPP Glover, please, when you're ready.

Mr. Chris Glover: There needs to be a risk assessment with different types of data that are being collected. When data is being collected about your VIN number or your driver's licence number, that's one level of sensitivity of information. When data is being collected about your race or your gender, that's a different level of sensitivity of information. And what this is asking for is, where the risks are minimal, then the government can take greater latitude with that data. But where the risks are greater—for example, when we're talking about race or religion or culture or gender—then those risks must be assessed as not being minimal and there would be different regulations built around that. So that's what this section is adding.

The Chair (Mr. Lorne Coe): Are the members ready to vote? Shall amendment number 20 to section 4(2) of schedule 2 to the bill carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 20 to section 4(2) of schedule 2 of the bill is accordingly lost.

Amendment number 21, to section 4(2) of schedule 2 to the bill: MPP Glover, please.

Mr. Chris Glover: I move that subsection 4(2) of schedule 2 to the bill be amended by striking our subsection 38(5) of the Freedom of Information and Protection of Privacy Act and substituting the following:

“Requirement to update

“(5) Unless the regulations provide otherwise, before making any significant change to the matters listed in subsection (3), the head of an institution shall,

“(a) update the assessment prepared under subsection (3); and

“(b) implement any additional steps identified under paragraph 9 of subsection (3).”

The Chair (Mr. Lorne Coe): Thank you, MPP Glover. Is there any debate?

Mr. Brian Riddell: No further debate.

The Chair (Mr. Lorne Coe): MPP Glover, please.

Mr. Chris Glover: Again, this is just building in protections for our public data, for the data that's held by public sector entities. I don't know why the government would not want to protect our data or provide additional protections for our data, particularly when it comes to artificial intelligence and cyber security.

I'm ready to vote.

The Chair (Mr. Lorne Coe): Shall the official opposition amendment number 21 carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 21 is accordingly lost.

Committee members, shall schedule 2, section 4 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 4 is accordingly carried.

We are now moving to schedule 2, section 5 of the bill. We have a proposed amendment number 22, to section 5 of schedule 2 to the bill, to be amended. MPP Glover, please.

1400

Mr. Chris Glover: I move that section 6 of schedule 2 to the bill be amended by adding the following subsection to section 40.1 of the Freedom of Information and Protection of Privacy Act:

“Privacy complaints

“(4.1) A person who has reasonable grounds to believe that another person has contravened or is about to contravene a provision of this part may make a complaint to the commissioner.”

Interjection.

Mr. Chris Glover: My apologies. I read the wrong amendment. I was skipping ahead.

I move that section 5 of schedule 2 to the bill be amended by striking out “in the circumstances” in subsection 40(5) of the Freedom of Information and Protection of Privacy Act and substituting “in the circumstances, taking into account the sensitivity of the information.”

The Chair (Mr. Lorne Coe): Is there any debate?

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please, on the amendment.

Mr. Chris Glover: This just goes back to this debate about whether different levels of data, different types of data, have different sensitivities and deserve further protections, particularly when we have seen discrimination by artificial intelligence systems. So I will hope that the government will support this amendment, although so far, we’re zero for 20, I believe.

The Chair (Mr. Lorne Coe): Are the members ready to vote? Shall amendment number 22 carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Amendment number 22 is accordingly lost, Madam Clerk.

Members, shall schedule 2, section 5, of the bill carry? All those in favour, please raise your hand.

Interjection.

The Chair (Mr. Lorne Coe): Is there any debate? I don’t note any. Thanks for the reminder.

All those in favour, please raise your hand. All those opposed, please raise your hand. This section, as read, is accordingly carried.

Members, we are now under schedule 2, section 6. We have amendment 23, from the official opposition, to section 6 of schedule 2 to the bill. MPP Glover, please.

Mr. Chris Glover: I move that section 6 of schedule 2 to the bill be amended by adding the following subsection to section 40.1 of the Freedom of Information and Protection of Privacy Act:

“Privacy complaints

“(4.1) A person who has reasonable grounds to believe that another person has contravened or is about to contravene a provision of this part may make a complaint to the commissioner.”

The Chair (Mr. Lorne Coe): Is there any debate? MPP Riddell, please.

Mr. Brian Riddell: No debate. Ready to vote.

The Chair (Mr. Lorne Coe): We’re back to MPP Glover, please.

Mr. Chris Glover: Again, it’s about allowing people—because one of the things that we’ve seen in the public sector is that sometimes there are bad actors within the public sector who will abuse their access to our data. If somebody suspects that that is happening, they need to be able to report to the commissioner without fear of reprisal. Yet this government has voted down whistle-blower protections, and now I’m afraid they’re about to vote down this amendment that would allow the person who believes they see something being done that’s in violation of this act to make a complaint to the commissioner.

The Chair (Mr. Lorne Coe): Is there any further debate? Seeing none, shall amendment number 23 carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 23 is accordingly lost.

MPP Glover, we’re now under amendment number 24 to section 6 of schedule 2 to the bill, to be amended.

Mr. Chris Glover: I withdraw amendment 24.

The Chair (Mr. Lorne Coe): Members, shall schedule 2, section 6, carry? Is there any debate? Are the members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, this section, as read, is accordingly carried.

We’re under new section 6.1. We have an amendment from the official opposition, number 25, that section 6.1 be added to schedule 2 to the bill.

MPP Glover, please, to amendment number 25.

Mr. Chris Glover: I move that section 6.1 be added to schedule 2 to the bill:

“6.1 The act is amended by adding the following section:

“Disclosure by person other than institution

“42.1(1) Except as permitted or required by law and subject to any prescribed exceptions and requirements, a person other than an institution to whom an institution discloses personal information, shall not use or disclose,

“(a) the information for any purpose other than the purpose for which the institution was authorized to disclose the information under this act or the purpose of carrying out a statutory or legal duty; and

“(b) more of the information than is reasonably necessary to meet the purpose of the use or disclosure, as the case may be.

“Notification

“(2) If personal information that was disclosed by an institution to a recipient under subsection (1) has been stolen, lost, used or disclosed without authority, the recipient shall notify the institution from which it received the personal information.

“Same

“(3) The notification under subsection (2) shall contain the prescribed information and shall be made in the prescribed form and manner as soon as reasonable after the recipient determines that the theft, loss or unauthorized use or disclosure has occurred.”

The Chair (Mr. Lorne Coe): We’re under debate. I have MPP Riddell, please.

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please.

Mr. Chris Glover: There are two parts to this amendment. The first part is asking, telling, instructing government entities not to collect more data than is necessary to fulfill their functions. This is, I think, a reasonable amendment to make. Whatever data is held by any entity is vulnerable to cyber attacks, and we’ve seen it with numerous cyber attacks on public sector entities over the last year, let alone couple of years. So any data that they hold is vulnerable, and one of the requirements should be that they not carry or hold more data or collect more data than is necessary to fulfill their function. If they are disclosing that data, if they need to share it with another institution, then that institution should be bound by the regulations and by the legislation that protects that data. This is one of the real concerns that we have.

In the private sector, our data gets bought and sold all the time. This should not be happening in the public sector. Our data should be used by the institution that collects it for the purpose that it’s collected and no further use, and the minimum amount of data collected.

This is, I think, a very reasonable amendment that protects our public data. I hope the government will see the reason to support this. I can’t understand why you wouldn’t want to protect our public data or minimize the risk to us of a cyber security attack.

The Chair (Mr. Lorne Coe): Is there any further debate? Shall amendment number 25 carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 25, as proposed, to have section 6.1 be added to schedule 2 to the bill, is accordingly lost.

We’re on to official opposition amendment 26 to section 7 of schedule 2 to the bill.

MPP Glover, please, when you’re ready.

1410

Mr. Chris Glover: I move that section 7 of schedule 2 to the bill be amended by striking out subsection 49.0.1(1) of the Freedom of Information and Protection of Privacy Act and substituting the following:

“Commissioner’s review of information practices

“(1) The commissioner may conduct a review with respect to compliance of any person with this part if the commissioner has received a complaint under subsection 40.1(4) or has other reason to believe that the requirements of this part are not being or will not be complied with.”

The Chair (Mr. Lorne Coe): Debate? MPP Riddell.

Mr. Brian Riddell: No debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please, sir.

Mr. Chris Glover: Basically, what this amendment is doing is putting the information that is collected with artificial intelligence or cyber security systems in our public sector under the protection of the Information and Privacy Commissioner so that anybody who thinks that their data has been misused can make a complaint to the commissioner. It provides a level of responsibility at the government level, and it provides an opportunity for people to make an appeal if they feel there’s been wrongdoing. I don’t understand why the government wouldn’t support this amendment, but they have not supported a lot of really good amendments here.

The Chair (Mr. Lorne Coe): Is there any further debate? I don’t see any, Madam Clerk. I’m going to call the question. Shall the amendment carry?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 27, to section 7 of schedule 2 to the bill, is accordingly lost.

Members of the committee, shall schedule 2, section 7, carry? Is there any debate?

Interjection.

The Chair (Mr. Lorne Coe): Oh, one more amendment. Sorry, pardon me. I got ahead of myself here. We have amendment number 27 to section 7 of schedule 2 to the bill.

To MPP Glover, please.

Mr. Chris Glover: I move that section 7 of schedule 2 to the bill be amended by striking out “and that are in the custody or under the control of an institution” at the end of subsection 49.0.1(6) of the Freedom of Information and Protection of Privacy Act.

The Chair (Mr. Lorne Coe): Any debate?

Mr. Brian Riddell: No debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please.

Mr. Chris Glover: This is, again, protecting children's data privacy. This government has already voted against three different amendments that would have increased the protection and recognized the sensitivity of children's data, so it's pretty obvious that they're not going to vote for it.

The Chair (Mr. Lorne Coe): Is there any further debate? Madam Clerk, I don't see any. Are members ready to vote?

Ayes

Glover.

Nays

Bouma, Dixon, Riddell, Sarrazin, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 27, to section 7 of schedule 2 to the bill, is accordingly lost.

Members of the committee, shall schedule 2, section 7, carry? Is there any debate? Hearing none, I'll call the question. All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 7, as read, is accordingly carried.

Committee members, shall schedule 2, section 8, carry? Is there any debate? Seeing none, I'm going to call the question. All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, schedule 2, section 8, is accordingly carried.

Members of the committee, we are now under amendment number 28 from the official opposition. It's an amendment to section 9 of schedule 2 to the bill. MPP Glover, please, when you're ready.

Mr. Chris Glover: I move that section 9 of schedule 2 to the bill be amended by striking out "unless the disclosure is permitted for a prescribed purpose" and substituting "unless the disclosure is required for the purposes of exercising such powers, duties or functions or the disclosure is permitted for a prescribed purpose".

The Chair (Mr. Lorne Coe): Debate?

Mr. Brian Riddell: No further debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, sir, when you're ready.

Mr. Chris Glover: This amendment just restricts the disclosure of public data, of our data, and provides some additional protections on that public data. Instead of just saying "unless the disclosure is permitted for a prescribed purpose," it would actually say, "unless the disclosure is required for the purposes of exercising such powers, duties or functions or the disclosure is permitted for a prescribed purpose." So it restricts the disclosure to the function of that public sector entity.

The Chair (Mr. Lorne Coe): Is there any further debate? I don't see any. Are members ready to vote? I am going to call the question. Shall the amendment carry?

Ayes

Glover, Wong-Tam.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 28 to section 9 of schedule 2 to the bill is accordingly lost.

Committee members, shall schedule 2, section 9, carry? Is there any debate? I note that there isn't. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, the section, as read, is accordingly carried.

Committee members, we are now moving to official opposition amendment number 30.

Interjection.

The Chair (Mr. Lorne Coe): Oh, sorry. I had 30 on my sheet; it's 29. So it's official opposition amendment 29, to section 10 of schedule 2 to the bill. MPP Glover, please.

Mr. Chris Glover: I move that section 10 of schedule 2 to the bill be amended by striking out "an institution, a ministry data integration unit under part III.1 or a multi-sector data integration unit under part III.1" in subsection 57.1(1) of the Freedom of Information and Protection of Privacy Act and substituting "a person".

The Chair (Mr. Lorne Coe): Is there any debate?

Mr. Brian Riddell: No debate. Ready to vote.

The Chair (Mr. Lorne Coe): Back to MPP Glover, please.

Mr. Chris Glover: I'm so glad that we did not skip this one, because this is one that I think is going to turn the tide here. I think the government is actually going to vote in favour of this one. I can feel it in my bones.

No further debate.

The Chair (Mr. Lorne Coe): Are members ready to vote? No further debate? Thank you. Duly noted. Shall amendment 29, as read, carry?

Ayes

Glover, Wong-Tam.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 29, to section 10 of schedule 2 to the bill, is accordingly lost.

We're going to move now to official opposition amendment number 30, to section 10 of schedule 2 to the bill. MPP Glover, please.

Mr. Chris Glover: I move that section 10 of schedule 2 to the bill be amended by adding the following subsection to section 57.1 of the Freedom of Information and Protection of Privacy Act:

“Non-retaliation

“(3) No one shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage a person who, acting in good faith and on the basis of reasonable belief, has,

“(a) disclosed information to the commissioner that another person has contravened or is about to contravene this act or the regulations;

“(b) done or stated an intention to do anything that is required to be done under this act in order to prevent a contravention; or

“(c) refused to do or stated an intention to refuse to do anything that is in contravention of this act.”

1420

The Chair (Mr. Lorne Coe): Further debate?

Mr. Brian Riddell: No debate, and ready to vote.

The Chair (Mr. Lorne Coe): MPP Glover, please.

Mr. Chris Glover: Again, this is another opportunity for the government to change its record and actually protect whistle-blowers within the public sector regarding artificial intelligence and cyber security. They voted against three different amendments now that would provide whistle-blower protection. You’ve got the chance now. I know in the last amendment that some government members were having trouble raising their hands to support the amendment. I think we must be getting close. There’s only a few more amendments when the government can actually correct its record and support the amendments that are recommended here by the Information and Privacy Commissioner.

The Chair (Mr. Lorne Coe): Any further debate?

Mr. Brian Riddell: No debate, and ready to vote.

The Chair (Mr. Lorne Coe): Noting, Madam Clerk, that there’s no further debate, are members ready to vote? All right.

Ayes

Glover, Wong-Tam.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, amendment number 30, to section 10, schedule 2 to the bill, is accordingly lost.

Committee members, shall schedule 2, section 10, carry? Any debate? Are you ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, this section, as read, is accordingly carried.

Members of committee, there are no amendments to sections 11 to 13 of schedule 2. Does the committee agree to bundle them together? Thank you. Is there any debate?

Madam Clerk, I note that there is no debate. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, this section, as read, is accordingly carried.

Committee members, I am moving to schedule 2, section 14. We have amendment 31, from the official opposition, to section 14 of schedule 2 to the bill. MPP Glover.

Mr. Chris Glover: I move that section 14 of schedule 2 to the bill be amended by adding the following subsection:

“(2) Section 61(1) of the act is amended by adding the following clause:

“(b.2) wilfully contravene subsection 57.1(3);”

The Chair (Mr. Lorne Coe): Committee members, I’m ruling this amendment out of order, as it is dependent on a previous motion that lost.

Shall schedule 2, section 14, carry? Is there any debate? Are members ready to vote? Shall schedule 2, section 14, carry? All those in favour? All those opposed, please raise your hand. This section, as read, is accordingly carried.

Members of the committee, we’re under schedule 2, section 15. There is an NDP notice for section 15 of schedule 2 to the bill. Is there any debate? MPP Glover, please, when you’re ready.

Mr. Chris Glover: If a committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section rather than pass a motion to delete it. So, initially, we would like to have passed an amendment to remove section 15. Because that would not follow parliamentary procedure, we will be voting against section 15.

The Chair (Mr. Lorne Coe): Any further debate? Noting none, are the members prepared to vote?

All those in favour, please raise your hand. All those opposed, please raise your hand. As read, it is accordingly carried.

Committee members, shall schedule 2 of section 16 carry? Any debate? Noting there isn’t any debate, are you ready to vote?

All those in favour, please raise your hand. All those opposed, please raise your hand. As read, that section is accordingly carried.

Shall schedule 2 carry? Any debate? Are members ready to vote?

All those in favour, please raise your hand. All those opposed, please raise your hand. The section is accordingly carried.

There’s an NDP amendment to the preamble of the bill that would, in effect, amend it, and it’s amendment number 32. MPP Glover, please.

Mr. Chris Glover: I move that preamble to the bill be struck out and the following substituted:

“Preamble

“The government of Ontario:

“Recognizes the importance of safeguarding privacy and human rights in the context of artificial intelligence.

“Believes that artificial intelligence systems used by the public sector should be valid, reliable and safe.

“Believes that public sector entities that use artificial intelligence systems should do so in a manner that promotes accountability and transparency.

“Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:”

And then the bill follows.

The Chair (Mr. Lorne Coe): MPP Glover, I have a ruling here. In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it's rendered necessary by amendments made to the bill. I find that the bill has not been amended in such a way to warrant this amendment to the preamble. I therefore find this amendment out of order.

Members of the committee, shall the preamble carry? Is there any debate? Are the members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. That is accordingly carried.

Section 1, the contents of this act: Shall section 1 carry? Is there any debate? Noting none, all those in favour, please raise your hand. All those opposed, please raise your hand. Section 1 is accordingly carried.

Section 2, commencement: Is there any debate? Noting none, are you ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 2, commencement, is accordingly carried.

Shall section 2 carry? Any debate? Noting none, are you ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 2 is accordingly carried.

1430

Committee members, shall the title of the bill carry? Any debate? Are you ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Madam Clerk, the title of the bill is accordingly carried.

Committee members, shall Bill 194, as amended, carry? Is there any debate? MPP Glover.

Mr. Chris Glover: We've gone through quite a process here today to make some attempted amendments to the bill that have been recommended by every deputant who came before this committee. I asked every deputant who came here over the two days last week whether they were supportive of the recommendation by the Information and Privacy Commissioner to amend the bill to declare that AI should be used in a manner that is valid, reliable, safe, privacy-protecting, transparent, accountable and human-rights-affirming. There is nothing controversial in any of those.

There was no deputant who came, who said, “No, I don't think that should be included in the bill.” Everyone agreed that there need to be some principles embedded in the bill about the use of artificial intelligence and cyber security systems within the public sector. This government has, throughout this process, consistently voted down those amendments recommended by the Information and Privacy Commissioner, supported by the human rights

commissioner and supported by all of the delegates who came here to speak to us.

The other change that we asked for is that there be an assessment of risk put in, that there are some places where artificial intelligence should not go. It should not go to places like—artificial intelligence systems should not be used for automated decision-making; behavioural manipulation; scraping facial images from the Internet for the purposes of facial recognition; social scoring or biometric categorization of individuals or groups; evaluating or classifying individuals or groups based on social behaviours or personal traits; predictive policing based solely on profiling or assessing personal traits; or subliminal, manipulative or deceptive techniques that may cause significant harm to an individual or group.

Without these guardrails, artificial intelligence is an incredibly powerful and also dangerous tool. We have attempted to put in this legislation today these guardrails that are embedded in the European Union Artificial Intelligence Act. They're embedded in acts governing artificial intelligence across the United States and across Europe.

I don't know why this government wants to give itself the power to use artificial intelligence, potentially, in manipulative, subliminal or deceptive ways. I don't know why they voted against all of the transparency amendments that we brought forward to this bill, that were recommended by the Information and Privacy Commissioner. Artificial intelligence is an incredibly powerful tool, and we need to build public trust. Building public trust means putting guardrails on, so that people will know how it will be used and how it will not be used. Otherwise, it's a free-for-all, and it's the Wild West. That's not a good place to protect human rights. So I'm extremely disappointed that this government voted against all of the protections and the principles that would protect us and our data used in artificial intelligence systems and cyber security systems.

We need legislation. We need artificial intelligence and cyber security legislation, and we need that legislation to be nimble, but it can still be nimble and embed the principles that guide its use and application in public sector entities. This government has voted against those principles, and that, I think, is really frightening, especially considering this government's record on using the “notwithstanding” clause to override our charter rights and fundamental freedoms, legal rights and the Ontario Human Rights Code. I think this, potentially in the future, could be seen as a very dangerous bill that got passed by the Legislature.

The Chair (Mr. Lorne Coe): I have MPP Saunderson, please.

Mr. Brian Saunderson: I have to respond to this. We had two days of hearings on this. We had multiple witnesses other than the information protection commissioner, and we had amongst those witnesses Charles Finlay, who's the founder and the executive director of the Rogers Cybersecure Catalyst at Toronto Metropolitan University, himself a lawyer, who specifically disagreed

with my friend when he raised the issue of embedding the Human Rights Code principles in the body of the statute. He agreed that the Human Rights Code has primacy, that all legislation passed by this province must comply with the Human Rights Code. In fact, section 14 of Bill 194 specifically states that.

So the idea that this legislation is ignoring or a work-around of the Human Rights Code or the charter is an absolute fallacy. In fact, the Ontario human rights commissioner, through her counsel, acknowledged the primacy of the Ontario Human Rights Code. This act is compliant with the Human Rights Code. If it was not going to be compliant, it would have to specifically state so, and it does not. So this legislation has absolutely recognized the Ontario Human Rights Code. We had a number of experts—technology experts, IT experts—who agreed that having it embedded in the statute itself was not necessary and could cause issues, and Charles Finlay was one of those.

So this government is proceeding, I think, in a responsible way. We had a number of witnesses who said this is cutting-edge legislation that will put Ontario at the forefront of Canadian jurisdictions for this very issue. We are taking the first step. We are building into it, through the regulatory capacity, the ability to be nimble, which was acknowledged by many of the witnesses. This legislation is a very important first step forward that will make Ontario a leader in this sector, and we are absolutely abiding by and acknowledging the primacy of the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Chair (Mr. Lorne Coe): MPP Glover. In your earlier narrative, you were coming close to the margin of impugning motive. If you do step right into that area, I will rule you out of order.

Mr. Chris Glover: One of the things that I've learned in the six years in this Legislature is on what shaky legal grounds our democratic and human rights are built. At any time, any government in this Legislature can pass legislation that uses the “notwithstanding” clause to override our charter rights or our protections against discrimination under the Human Rights Code. This government did just that with Bill 28, which overrode both our charter rights and the human rights protections of education workers.

So this is why we have asked that the human rights be embedded particularly, specifically in this legislation and why that was recommended by the Information and Privacy Commissioner. I asked each deputant who came before this committee whether they supported having AI be used in a manner that is valid, reliable, safe, privacy-protected, transparent, accountable and human-rights-affirming. The following deputants agreed that those principles should be embedded in the bill: the Ontario Human Rights Commissioner, the Vector Institute, Technation, Council of Canadian Innovators, Proofpoint, the Dais think tank at TMU, Engineers for the Profession, Law Commission of Ontario, Rogers Cybersecure Catalyst—I disagree, and I think we'll go back through the Hansard notes of this committee, but I asked Rogers

Cybersecure Catalyst, TMU, Charles Finlay specifically, whether he agreed that those principles should be embedded in the legislation, and he agreed—Association of Municipal Managers and Fariborz Lesani.

So this constitutes almost all of the deputants who spoke before this committee. They all agreed that those guardrails, those principles should be embedded in this legislation. Without that, this could be used for nefarious purposes by this or a future government, and that is really frightening.

The Chair (Mr. Lorne Coe): Now you're straying into impugning motive.

Mr. Chris Glover: I'm finished my comments.

The Chair (Mr. Lorne Coe): You're finished? That's a good thing. Otherwise, I'd have to rule you out of order on that last part.

Any further debate? I see none. Please note, Madam Clerk, that there are no hands going up on future debate. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. All right. Bill 194, as amended, is accordingly carried, Madam Clerk.

1440

Shall I report the bill, as amended, to the House? Any debate? I note none, Madam Clerk. I'll call the question. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The question is accordingly carried.

That concludes the clause-by-clause consideration of Bill 194.

COMMITTEE BUSINESS

The Chair (Mr. Lorne Coe): Is there any further business? I have MPP Wong-Tam, please.

MPP Kristyn Wong-Tam: Thank you, committee members. I recognize you've all had a very long day—the Clerk and all the support staff.

I have prepared a motion, and I do believe the Clerks have that, if you can please put that onto the screen. Mr. Chair, I'd like to move this motion, and once it's on the screen, I'll read it out loud and then be given a chance to explain it.

I move that the Standing Committee on Justice Policy request that the Attorney General appear before the committee on November 27 at 2 p.m. to present his work to date regarding a review of the Lobbyists Registration Act, pursuant to the requirement under section 18.1 of the act that a review be conducted by a committee of the Legislative Assembly by 2021 and that recommendations be provided to the assembly within one year of the review.

I'm happy to explain it when the time comes, sir.

The Chair (Mr. Lorne Coe): Is there any debate? I have MPP Saunderson to begin, and I'll come back to you.

MPP Saunderson, please.

Mr. Brian Saunderson: As a representative for the Ministry of the Attorney General, first of all, I have a question for the member opposite, if she had made inquir-

ies of the ministry that such a date be scheduled. In the absence of such a request, I'll be opposing the motion.

The Chair (Mr. Lorne Coe): Back to MPP Wong-Tam.

MPP Kristyn Wong-Tam: A letter was submitted by MPP Sattler, specifically asking for the Attorney General to provide an update. The Attorney General himself had provided statements in 2023 about the instructions from the Premier, where he was asked to prepare recommendations to present it to this committee. The Attorney General himself was saying that, following up on the recommendations from the Auditor General, he was committed to reviewing the legislation regarding governing lobbyists at a legislative committee and that they were anticipating that that process was to begin within weeks.

I want to remind members of this committee that the Lobbyists Registration Act specifically calls upon an annual review. This review was to begin in 2021. Regrettably, when the government referred this to committee in June 2021, shortly afterward it was prorogued in the fall. The committee then lost its mandate.

In August 2023, the Integrity Commissioner released a report which found significant irregularities in the green-belt process. The Integrity Commissioner recommended a reprimand of the minister, who was subsequently removed from that position. The report also included some very bizarre details regarding a trip to Las Vegas by a minister, paid by a lobbyist. Seemingly trying to shut down the story, in September 2023, the government said the Attorney General would be reviewing that act. That's where I read that statement. There was also suggestion that there might be some inclusion of jail time.

All of this being said, Chair—and to the committee members—this review has been extremely delayed. We recognize that we are now in the year 2024, heading to the beginning of 2025. We want to ensure that the government is aware of its obligation. I know that they are. The Attorney General has a statutory obligation, which goes above the conduct of a minister, but this is a statute declaration and obligation that must be met. There must be a review of this work by committee, there must be a report back to the members of the House. I believe that this motion really brings it to a formal process. Otherwise, we will all be left with the question of, “When is it coming?”

So, if the Attorney General would like to appear himself or send a representative of his office—perhaps it might be even MPP Saunderson—just to give us a very simple update: Where are you on the review? Have you begun the work? What can we anticipate? Will there be an end? Thank you.

The Chair (Mr. Lorne Coe): Further debate? MPP Saunderson, please.

Mr. Brian Saunderson: Yes. I'll take from the member opposite's comments that no specific request has been made to the Attorney General to appear in this time frame. So I will not be supporting the motion, but I'm certainly happy to take the message back and make inquiries.

The Chair (Mr. Lorne Coe): Further debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: My apologies, Chair. No, what I said was that MPP Sattler had already made the request, asking for an update, asking specifically when we can see the work. So failing that and failing any follow-up from the 2023 statement made by the Attorney General's office themselves that this work was going to be under way and “anticipated to start in the coming weeks,” I think that this committee, as well as the members of the House, are owed an explanation of what the heck is going on. Thank you.

The Chair (Mr. Lorne Coe): Any further debate? I'm going to call the question. Are members ready to vote? Thank you.

Ayes

Wong-Tam.

Nays

Bouma, Dixon, Riddell, Sarrazin, Saunderson, Triantafilopoulos.

The Chair (Mr. Lorne Coe): Madam Clerk, the motion before us is accordingly lost.

Committee members, if there's no further business, this committee will now adjourn.

The committee adjourned at 1447.

STANDING COMMITTEE ON JUSTICE POLICY

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Vice-Chair / Vice-Président

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