

June 18, 2025

VIA EMAIL

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Honourable Senators,

Re: Open Letter Calling for Deletion of Part 4 of Bill C-4

We write you on behalf of the Canadian Civil Liberties Association (CCLA) to urge you to remove Part 4 from Bill C-4, the Making Life More Affordable for Canadians Act, in your consideration of this Bill.

The CCLA is an independent, national, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Our work encompasses advocacy, research, and litigation related to the criminal justice system, equality rights, privacy rights, and fundamental freedoms. Advocating for government transparency and accountability with strong protections for personal privacy lies at the core of our mandate.

Part 4 of this Bill poses a serious threat to the privacy rights of Canadians by attempting to immunize political parties from future and historical violations of provincial privacy laws and by failing to provide meaningful privacy protections at the federal level.

These substantive concerns are compounded by the troubling process through which this Bill has been advanced. The inclusion of far-reaching privacy provisions in legislation primarily concerned with affordability, without proper consultation or public debate, raises questions about legislative transparency and democratic integrity.

The Right to Privacy & Data-Driven political campaigning

Privacy is a fundamental human right, enshrined both domestically and internationally. In Canada, privacy laws are considered “quasi-constitutional” out of recognition of the critical role that the right to privacy plays in ensuring a free and democratic society and protecting people’s physical and moral autonomy.¹

Our federal, provincial and territorial laws reflect universally accepted privacy principles, including but not limited to: the principles of necessity and proportionality, the right to informed consent, the right to purpose limitation and data minimization, the right to individual access and rectification, accountability obligations, transparency and openness requirements, and the right to reasonable security safeguards including notification when data breaches occur. Independent oversight of these principles is an equally essential element of these frameworks.

As CCLA has consistently advocated, no individual, group, or institution, particularly those that seek the public’s trust in the democratic process, should be exempt from these fundamental privacy principles that govern all other sectors of society.²

Yet, despite wide consensus within Canada on the need to apply these accepted privacy principles to political parties,³ Canada’s core federal privacy law, the *Personal Information Protection and Electronic Documents Act* (PIPEDA), has been held not to apply to political campaigning and to date no other federal law has meaningfully supplemented this shortfall.⁴

¹ *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers, Local 401*, [2013] 3 SCR 733, 2013 SCC 62, para 19; *Douez v Facebook*, [2017] 1 SCR 751, 2017 SCC 33, para 59.

² Anaïs McNicoll, Noa Mendelsohn Aviv & Timilehin Ojo, Submission to the Standing Committee on Procedure and House Affairs Regarding Bill C-65, *An Act to Amend the Canada Elections Act*, *Canadian Civil Liberties Association*, November 26, 2024, <https://ccla.org/wp-content/uploads/2024/12/2024-11-26-CCLAs-Submission-on-Bill-C-65.pdf>; Daniel Konikoff, Tashi Alford-Duguid & Noa Mendelsohn Aviv, Submission to the Standing Senate Committee on Legal and Constitutional Affairs regarding Bill C-47, *An Act to implement certain provisions of the budget tabled in Parliament, Division 39*, *Canadian Civil Liberties Association*, May 19, 2023, <https://ccla.org/wp-content/uploads/2023/05/2023-05-19-Bill-C-47-LCJC-Submission-English.pdf>.

³ Joint Call to the three participating political parties to cease their legal challenge to the application of BC privacy law to their operations in BC, *OpenMedia*, June 20, 2024, https://openmedia.org/assets/FPP_Political_Party_Privacy_Letter_-_June10_-_2024.pdf: “There is an overwhelming consensus that political parties must be subject to effective and enforceable privacy laws. For years, you have dismissed the expert recommendations of the Chief Electoral Officer, the federal, provincial, and territorial Information and Privacy Commissioners, the House of Commons Standing Committee on Access to Information, Privacy and Ethics, the Senate Legal and Constitutional Affairs Committee, civil society groups, and many academic commentators. You have also ignored the wishes of an overwhelming majority of Canadians from public opinion polls, including an official Elections Canada survey which found that 96% of voters believe laws should regulate how political parties collect and use their data.”

⁴ Office of the Privacy Commissioner of Canada, Letter regarding Complaint Against Federal Political Parties, May 25, 2021, https://www.priv.gc.ca/en/opc-news/news-and-announcements/2021/let_pol_210325/.

Bill C-4 & Data-driven political campaigning

Bill C-4 effectively entrusts political parties with full control over how electorate’s personal information is handled, without meaningful oversight, transparency, or accountability.

Bill C-4 does not impose any substantive limits regarding what privacy intrusive activities political parties can undertake, as long as some measure of public notification is provided. Its main privacy safeguard is to require federal political parties to publish privacy policies that describe some elements of their privacy practices.⁵ While some elements of these privacy policies will be binding, Bill C-4 fails to include any effective redress mechanisms or independent regulatory oversight to ensure privacy commitments are respected.⁶ Bill C-4 also includes a particularly broad provision indicating that federal political parties “cannot be required” to provide voters with access to personal information or to correct inaccuracies in their voter profiles.⁷

Bill C-4 therefore fails to address several core privacy principles and is insufficient as a basis for protecting the privacy of Canadians during elections.⁸

Data-driven political advertising is increasingly intrusive and requires attendant privacy protections.⁹ In Canada, political campaigning has included use of intrusive facial recognition

⁵ Bill C-4, clause 47, proposed para 407(1)(c) and ss 446.5-446.6 of the *Canada Elections Act*, SC 2000, c 9 (the “Act”).

⁶ Anaïs McNicoll, Noa Mendelsohn Aviv & Timilehin Ojo, Submission to the Standing Committee on Procedure and House Affairs Regarding Bill C-65, *An Act to Amend the Canada Elections Act*, *Canadian Civil Liberties Association*, November 26, 2024, <https://ccla.org/wp-content/uploads/2024/12/2024-11-26-CCLAs-Submission-on-Bill-C-65.pdf>; Mike Larsen & Jason Woywada, Letter: Withdraw Part 4 of Bill C-4, *British Columbia Freedom of Information and Privacy Association*, June 12, 2025, <https://fipa.bc.ca/letter-withdraw-part-4-of-bill-c-4/>.

⁷ Bill C-4, clause 47, proposed section 446.4(2) of the Act: “For greater certainty, the registered party, eligible party or person or entity acting on the party’s behalf cannot be required to provide access to personal information or provide information relating to personal information under its control or to correct — or receive, adjudicate or annotate requests to correct — personal information or omissions in personal information under its control.” We note that Canada’s international human rights obligations include the requirement to ensure people can access and correct personal information held by bodies like political parties: Human Rights Committee, General Comment No 16, INT/CCPR/GEC/6624, para 10.

⁸ Anaïs McNicoll, Noa Mendelsohn Aviv & Timilehin Ojo, Submission to the Standing Committee on Procedure and House Affairs Regarding Bill C-65, *An Act to Amend the Canada Elections Act*, *Canadian Civil Liberties Association*, November 26, 2024, <https://ccla.org/wp-content/uploads/2024/12/2024-11-26-CCLAs-Submission-on-Bill-C-65.pdf>.

⁹ European Data Protection Supervisor, Opinion 2/2022, January 20, 2022, https://www.edps.europa.eu/system/files/2022-01/edps_opinion_political_ads_en.pdf; “EU: Stronger Rules Needed for Political Ads”, March 27, 2023, *Human Rights Watch*, <https://www.hrw.org/news/2023/03/27/eu-stronger-rules-needed-political-ads>; *Liberal Party of Canada et al v The Complainants*, 2024 BCSC 814, paras 1-2: “The ability of an individual to control their personal information is intimately connected to their individual autonomy, dignity and privacy. These fundamental values lie at the heart of democracy. The Supreme Court of Canada has, on many occasions, emphasized the importance of privacy, and its role in protecting one’s physical and moral autonomy. The harm that may flow from incursions into a person’s privacy interests should not go without a remedy. ... The rapid advancement of technological tools allowing for the harvesting of private information for the purpose of profiling and micro-targeting voters has created risks of misuse of personal information that could result in the erosion of trust in our political system.”

capabilities,¹⁰ messages targeted based on people’s sexual orientation and gender identity,¹¹ and significant data breaches.¹² In the United States, one 2020 study reported that a political party had amassed more than 3,000 data points on every single voter in the United States,¹³ while online ads used demographic information to target Black Americans in order to “deter” them from voting.¹⁴ Data-driven campaigning increasingly includes detailed psychometric profiles of voters,¹⁵ as well as a range of inferred or predicted financial, political, demographic, religious and other characteristics.¹⁶ Frequently, the rich profiles political parties rely on are outdated or inaccurate,¹⁷ yet these political profiles continue to shape the political messaging that each voter receives.

In an era of escalating data-driven political campaigning, this lack of meaningful privacy protection is wholly inadequate. The lack of meaningful privacy requirements and safeguards in Bill C-4 is all the more concerning in light of the immunity it grants federal political parties from provincial and territorial privacy laws.

Retroactive Immunity from Provincial & Territorial Privacy Laws

Part 4 of Bill C-4 indicates as its objective the provision of a uniform national regime for privacy in political campaigning.¹⁸ However, Canadian federal and provincial laws operate based on the same internationally recognized principles,¹⁹ and have been applied in a

¹⁰ Brenda McPhail & Michael Bryant, Cease and Desist—Liberal Party Must Halt Use of Facial Fingerprinting, *Canadian Civil Liberties Association*, June 23, 2021, <https://ccla.org/privacy/surveillance-technology/face-surveillance/cease-and-desist-liberal-party-must-halt-use-of-facial-fingerprinting/>.

¹¹ Ramneet Bhullar, “Canada’s Political Party Privacy Hall of Shame”, *OpenMedia*, January 17, 2024, <https://openmedia.org/article/item/canadas-political-party-privacy-hall-of-shame>

¹² Alex Boutilier, “Liberal MP Apologizes to Voters After his Office Emails their Information to Conservatives”, *Toronto Star*, February 18, 2021, https://www.thestar.com/politics/federal/liberal-mp-apologizes-to-voters-after-his-office-emails-their-information-to-conservatives/article_0c6bcdd1-8a67-5b21-8064-74ee761c80b3.html.

¹³ Geoffrey A Fowler, “How Politicians Target You: 3,000 Data Points on Every Voter, Including Your Phone Number”, *Washington Post*, October 27, 2020, <https://www.washingtonpost.com/technology/2020/10/27/political-campaign-data-targeting/>.

¹⁴ Job Rabkin, Guy Basnett, Ed Howker, Janet Eastham & Heidi Pett, “Revealed: Trump Campaign Strategy to Deter Millions of Black Americans from Voting in 2016”, *Channel 4 News*, September 28, 2020, <https://www.channel4.com/news/revealed-trump-campaign-strategy-to-deter-millions-of-black-americans-from-voting-in-2016>.

¹⁵ Colin J. Bennett, “Data-Driven Elections and Political Parties in Canada: Privacy Implications, Privacy Policies and Privacy Obligations”, (2016) 16(2) *CJLT* 195, <https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1230&context=cjlt>.

¹⁶ Elizabeth F Judge & Mike Pal, “Voter Privacy and Big-Data Elections”, (2021) 58(1) *Osgoode Hall Law Journal* 1 <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3631&context=ohlj>.

¹⁷ Colin J. Bennett, “Data-Driven Elections and Political Parties in Canada: Privacy Implications, Privacy Policies and Privacy Obligations”, (2016) 16(2) *CJLT* 195, <https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1230&context=cjlt>; Colin J Bennett & Robin M Bayley, “Canadian Federal Political Parties and Personal Privacy Protection: A Comparative Analysis”, March 28, 2012, https://www.priv.gc.ca/media/1756/pp_201203_e.pdf.

¹⁸ Bill C-4, Clause 47, proposed section 446.2 of the Act.

¹⁹ European Data Protection Supervisor, Opinion 2/2022, January 20, 2022, https://www.edps.europa.eu/system/files/2022-01/edps_opinion_political_ads_en.pdf.

consistent manner in situations where there are overlapping provincial and federal dimensions.²⁰ Applying PIPEDA to political parties would therefore be the most effective means of achieving the uniform national regime the Bill posits as its objective.²¹ Instead, Bill C-4 purports to exempt federal political parties from the need to comply with any provincial or territorial laws that relate to personal information.

Bill C-4 is therefore less an attempt to standardize privacy requirements for federal political parties and more an attempt to shield these parties from any meaningful privacy protections whatsoever. Bill C-4's attempt to retroactively immunize federal political parties from historical privacy violations is particularly insidious in light of ongoing regulatory complaints against these practices currently being reviewed by the British Columbia courts.²²

Remove Part 4 from Bill C-4

Bill C-4 is a monetary bill that is being advanced rapidly through the legislative process with minimal study in order to address urgent affordability challenges.²³

Part 4 of the Bill does not address affordability and instead raises significant privacy and constitutional questions by attempting to provide federal political parties free reign to ignore provincial privacy laws despite the absence of any explicit privacy safeguards applicable to political parties at the federal level.²⁴

It is particularly concerning that these elements of the Bill will not even receive careful expert study in the Senate, where its expedited review has been delegated to a Committee of the Whole and discussion has to date been limited to one sitting day despite the complexities of

²⁰ Joint Investigation of AggregateIQ Data Services Ltd by the Privacy Commissioner of Canada and the Information and Privacy Commissioner for British Columbia, Report of Findings #2019-004, November 26, 2019, <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2019/pipeda-2019-004/>; Joint Investigation of Facebook, Inc by the Privacy Commissioner of Canada and the Information and Privacy Commissioner of British Columbia, Report of Findings #2019-002, April 25, 2019, <https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2019/pipeda-2019-002/>; *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5 ("PIPEDA"), paragraph 26(2)(b), requiring that provincial privacy legislation be "substantially similar" in order for activity covered by that legislation be designated exempt from the application of *PIPEDA*.

²¹ Office of the Privacy Commissioner of Canada, Submission on Bill C-11, the *Digital Charter Implementation Act, 2020*, May 2021, https://www.priv.gc.ca/en/opc-actions-and-decisions/submissions-to-consultations/sub_ethi_c11_2105/, Recommendation 10.

²² Joint Call to the three participating political parties to cease their legal challenge to the application of BC privacy law to their operations in BC, *OpenMedia*, June 20, 2024, https://openmedia.org/assets/FPP_Political_Party_Privacy_Letter_-_June10_-_2024.pdf.

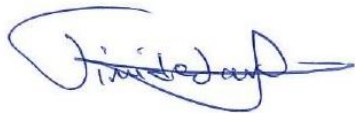
²³ Bill C-4, Clause 47, proposed 446.4(2) of the Act.

²⁴ Anaïs McNicoll, Noa Mendelsohn Aviv & Timilehin Ojo, Submission to the Standing Committee on Procedure and House Affairs Regarding Bill C-65, *An Act to Amend the Canada Elections Act, Canadian Civil Liberties Association*, November 26, 2024, <https://ccla.org/wp-content/uploads/2024/12/2024-11-26-CCLAs-Submission-on-Bill-C-65.pdf>.

Bill C-4's privacy-invasive provisions.²⁵ Substantive matters with significant policy and civil liberty implications should not be shielded from legislative scrutiny through their inclusion in time sensitive monetary bills. Nor is there any urgency to immunize federal political parties from privacy laws.

Given the fundamentally flawed and irreparable nature of Part 4 of Bill C-4, the CCLA urges that this section be removed in its entirety. This is the only responsible course of action to demonstrate respect for Canadians' privacy rights and uphold democratic accountability. A dedicated, transparent legislative process, focused solely on the treatment of personal information by political parties and developed through inclusive consultation, is urgently needed. Anything less undermines the privacy rights Parliament should be protecting.

Sincerely,



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²⁵ Senate, Journals of the Senate, 1st Sess 45th Parl 3 Charles III, June 12, 2025,
https://sencanada.ca/content/sen/chamber/451/journals/pdf/010jr_2025-06-12.pdf, p 107.