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## **Introducing Foreign Influence Transparency Registration Legislation**

On 10 March 2023, the Minister of Public Safety launched consultations on the implementation of a Foreign Influence Transparency Registry (FITR). Implementing FITR in a timely manner would add a significant tool to Canada's toolbox to counter-foreign interference (FI) activities. It is by no means the only tool required.

### **What we heard during the consultations**

We received approximately 1000 submissions via the online portal and by e-mail from across Canada and held roundtables with over 40 organizations representing diaspora communities, academics, legal experts, civil society and business groups.

There is broad support for the implementation of the FITR and feedback indicated that it would enhance transparency, help protect communities targeted by malign foreign influence and strengthen deterrence.

Stakeholders also indicated that if not properly designed, the FITR could disproportionately target minority communities, lead to negative reactions from foreign states and would not address all threats related to foreign interference.

In addition, stakeholders urged the Government to undertake structural and cultural reform within the national security bureaucracy, continue outreach with communities at particular risk from foreign, and allocate additional resources towards the enforcement of existing counter-interference legislation.

### **Timely introduction of FITR legislation**

Policy work was ongoing prior to the start of consultations. This included engagement with key Government of Canada organizations, including Treasury Board of Canada, Department of Justice, the Privy Council Office and the Commissioner of Lobbying. It also included engagement with the United Kingdom (UK), Australia and the United States, each of which have FITR equivalents, or are in the process of developing them. The recent public and stakeholder engagement has allowed for the further refinement of policy proposals.

Attached is a detailed outline of legislation to operationalize the FITR. The outline reflects a made in Canada model, but is aligned with best practices identified in the legislation currently in the final stages of parliamentary proceedings in the UK, the Australian Foreign Influence Transparency Scheme and the U.S. Foreign Agent Registry Act.

This outline would serve as a basis to develop drafting instructions the week of 5 June.

### **Risks**

Introducing legislation prior to the end of the current legislative session does present some risks.

First, certain policy decisions would benefit from further consideration and the truncated delivery timeline may result in legislation requiring amendments during the parliamentary process. Given the high level of expected scrutiny, this approach may open the government up to criticism, and

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have the unintended effect of reducing confidence in the government's ability to counter-FI rather than strengthening it.

Second, in-depth Provincial, Territorial and Indigenous consultations have not taken place (a preliminary consultation on the concept has occurred with Provinces and Territories at the senior officials level). Given that the legislative proposal recommends sub-national application, this engagement is important. To mitigate this risk, these consultations could take place following tabling of legislation, with the government committing to not bring into force sub-national applicability until those consultations are completed.

Third, during consultations with communities, a number expressed concerns with the risks they face and the need to find the correct balance to carefully design FITR as to not amplify the backlash many already face.

Finally, there is limited time to address potential Charter and privacy risks, as well as the potential overlap with the *Lobbying Act*. To help mitigate this risk we are including key departments to address these issues in the drafting of the legislative proposal as they arise.