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STAKEHOLDER AND PARTNER VIEWS OF POTENTIAL AMENDMENTS TO FOREIGN INTERFERENCE LEGISLATION

Name or Group	Feedback/Sentiment	Quotes
Members of the Canadian Public	<p><u>FITR</u></p> <ul style="list-style-type: none"> • Generally supportive of the creation and implementation of an influence transparency registry for Canada. • A majority of respondents indicated the registry should: be country-agnostic, (based on fears that a country-specific registry could be viewed as a “blacklist” and stoke racial and ethnic exclusion); and should not include country-specific exemptions. However, A minority of respondents felt that the registry should not be country-agnostic, and instead only apply to certain designated countries that are in opposition to Canada’s international interests, or that Canada’s allies should be exempted from the registry. • Generally agree with the scope of what constitutes a <i>Foreign Principal and Registrable Activities</i>. Respondents also wished to see non-governmental entities and foreign corporations included. • Generally agreed with the principle that fewer exemptions to registration was preferable to avoid loopholes in application. • Generally agree that all registration information should be made public, in particular emphasizing that any financial relationship be publicly disclosed. • Strongly agree that the Government of Canada should enforce compliance through the use of scalable punishments, including both administrative monetary penalties (AMPs) and criminal penalties. • Asked the Government consider making AMPs scalable (i.e., proportionate to the size of the entity to deter small, medium and large entities to the same degree). • Recommended the registry administration include a complaint and redress mechanism to help address public concerns that a Registry could be used as tool to unfairly target certain communities within Canada. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> • Generally supportive of making amendments to the CSIS Act. 	<p><u>FITR</u></p> <p><i>“Registration should only apply in the case of lobbying government officials and politicians, and not for private activities or general communications. It should not be based on country of origin, ethnicity, business and civil society affiliations, and most importantly, on one’s views.” – Anonymous</i></p> <p><u>CSIS Act</u></p> <p><i>“There is no point in having an intelligence service that can not adequately respond to threats and protect Canadians.” – Public consultation respondent</i></p> <p><i>“CSIS should not be restricted in the efforts of national security of the Canadian people. CSIS must uphold and respect the constitution and Charter rights of Canadians. Both of these ideas can be exercised in concert.” – Public consultation respondent</i></p> <p><i>“It’s essential to balance this with strict safeguards to prevent misuse and protect privacy, ensuring such powers are used responsibly and only when genuinely necessary for national security.” – Public consultation respondent</i></p>

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[APG]

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	<ul style="list-style-type: none"> Felt that the government needs to be stronger in response to FI in Canada and that CSIS needed to be better equipped. Supportive of each category of amendments: information sharing, judicial authorizations, changes to section 16, datasets, periodic review. Support was strongest for periodic review, followed by changes to section 16 and information sharing. Many stressed the importance of ensuring principles of privacy, oversight, transparency, and rule of law remained. Some expressed lack of trust in government institutions. 	
Universities and Academia	<p><u>FITR</u></p> <ul style="list-style-type: none"> Universities Canada & Canadian Association of University Teachers (CAUT) are strongly of the view that the law should include an exemption for activities that are predominantly academic or scholastic in nature, as well as advocacy efforts on behalf of international students and temporary foreign workers, to preserve intellectual freedom. The lack of this exemption is likely to be raised. Raised the view that existing policy initiatives to protect research security are the most suitable mechanisms to counter foreign interference in research partnerships (i.e., <i>National Security Guidelines for Research Partnerships</i> and the Ministerial Statement of February 14, 2023). Suggested the Government exclude 'communications activities' from registrable activities. Ensure that reporting requirements are simple to use and provide sufficient guidance to universities and academics. Introduce amendments to the <i>Criminal Code</i> in addition to a Registry. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Generally supportive of making amendments to the CSIS Act. Understood the need for changes to the Act, especially given new technologies and an evolving threat landscape. 	<p><u>FITR</u></p> <p>A registry should not “inadvertently capture legitimate research... We do not want to discourage research on important topics.” - Anonymous</p> <p>“Without careful efforts to avoid chilling effects on academic freedom and international research collaboration, the government risks substantial harm to the ability of Canadians to pursue, develop and expound ideas freely and to the health of Canada’s research ecosystem, a sector which provides social and economic benefits to all Canadians.” – Universities Canada</p> <p><u>CSIS Act</u></p> <p>“CSIS should be authorized to disclose information to those outside of the Government of Canada to build resilience against threats, including foreign interference, espionage, proliferation and terrorism. In addition, CSIS Act revisions to give CSIS the mandate to provide advice to national security stakeholders outside of the federal government would also hold</p>

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[APG]

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	<ul style="list-style-type: none"> Focus for universities was on information sharing. Some academics felt proposed amendments did not go far enough and hoped to see more ambitious amendments, as well as changes to section 2 of the Act. Some also warned about ensuring risk of biases was mitigated. Some also wanted to ensure that principles of privacy, oversight, transparency, and rule of law remained. The Canadian Association of University Teachers expressed privacy concerns with proposed changes to Information sharing and datasets. Some academics also voiced concerns regarding the operationalization and implementation of information sharing, such as expectations for the recipients upon obtaining the information. 	<p><i>significant benefit for Canadian universities. [...] Some of the most pressing threats to national security, which CSIS is mandated to address, are manifesting today on Canadian university campuses.” – University of Alberta</i></p> <p><i>“As the Government of Canada contemplates potential changes to the CSIS Act, it’s important that information sharing measures with universities are approached with an understanding that research offices and research security offices are most effective when researchers feel comfortable approaching them for advice on how to protect their research, particularly among communities who may be more likely to be targeted by foreign influence. [...] Many institutions may not have access to sufficient resources for dedicated research security personnel. To avoid overloading post-secondary institutions with information they may not be prepared to analyse or assess, information being shared should – to the greatest extent possible – be in a useable and easily understood format.” – Universities Canada</i></p> <p><i>“The proposed changes require greater transparency, and it is unclear how the expansion of the inner circle will better address threats in the academic sector, without undermining due process, procedural fairness, and privacy rights.” – Canadian Association of University Teachers</i></p>
Business and Industry	<p><u>FITR</u></p> <ul style="list-style-type: none"> Business Council of Canada (BCC) member organizations: Generally supports the introduction of a foreign influence transparency registry. 	<p><u>FITR</u></p> <p><i>“... Canada’s leading employers are deeply concerned by the efforts of hostile states to</i></p>

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[APG]

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	<ul style="list-style-type: none"> Look to Canada's closest allies who have similar registries for examples of how to design the registry. Recommends that the GoC educate the business community and Canadian public on the registry and its registration obligations. Mild AMPs will not work. They must be scalable and aggressive. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Strongly supportive of making amendments to the CSIS Act. Focus was heavily centered on information sharing proposal, and the ways it would help protect economic security. There was also interest in how information sharing would be operationalized. 	<p><i>undermine our democratic institutions, military preparedness, and economic security. ... [W]e urge you to prioritize ... : the adoption of a foreign influence transparency registry, and the amendment of the Canadian Security Intelligence Service Act.</i> – Business Council of Canada</p> <p><u>CSIS Act</u></p> <p><i>"The BCC continues to believe that the CSIS Act should be comprehensively reviewed and amended to align the Canadian Security Intelligence Service's (CSIS) legislative mandate and authorities with expanding expectations for the agency to identify, analyze and disrupt threats to Canada's economic security. [...]BCC members increasingly find themselves in the crosshairs of malicious actors seeking to undermine Canadians' lives and livelihoods."</i> – Business Council of Canada</p>
<p>Legal Practitioners</p>	<p><u>FITR</u></p> <ul style="list-style-type: none"> Include exemptions for persons who provide legal advice and representation to foreign governments on the grounds of redundancy, given existing disclosure obligations under the <i>Investment Canada Act</i> and <i>Competition Act</i>. Exempt information subject to solicitor-client or contemplated litigation privilege, regardless of who is in possession of the information from disclosure requirements. A lack of clarity around the duty to register and the stigma associated with being on the Registry could discourage compliance and lead to creative ways of avoiding registration. Include an option for delisting after a period of time or if one stops engaging in activities that could be deemed as foreign influence. 	<p><u>FITR</u></p> <p><i>"A foreign influence transparency registry could complement the existing legislative tools intended to facilitate transparency, including the Lobbying Act, Conflicts of Interest Act, Canada Elections Act and the national security review measures of the Investment Canada Act."</i> – Canadian Bar Association</p> <p><u>CSIS Act</u></p> <p>No written submissions provided by legal practitioners</p>

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[APG]

UNCLASSIFIED

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	<ul style="list-style-type: none"> A first notice of non-compliance should be private, and then become increasingly more public to allow for engagement, seeking legal advice, and demonstrating compliance. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Specific legal practitioners were not directly consulted, though views on legal issues are represented by the inputs received from some academics and community groups. For example, the Canadian Muslim Lawyers Association opposed nearly all proposals, largely because of general mistrust of CSIS and perception of CSIS abuse of authorities and bias. Legal scholars were generally supportive of the changes although often noted that the proposals are not ambitious enough and represent the minimum of legislation changes required. 	
<p>Non-Governmental Organizations and Community Groups</p>	<p><u>FITR</u></p> <ul style="list-style-type: none"> Diaspora community representative organizations strongly indicated that Government inaction to implement a registry, along with other measures, is eroding trust in government in communities across the country. Some NGOs indicated that journalistic and academic activities should be exempt where the individual in question is acting in ways where their employer/funding organization is clearly identified as a foreign government or its proxy. Canada should establish a Commissioner of Foreign Influence, akin to the Commissioner of Lobbying. Foreign actors covered by the legislation should not be limited to agents of foreign governments. Diplomatic and consular staff should be part of the registration system. Canadian citizens who engage in prohibited activity outlined in the Registry should also be covered by the legislation. 	<p><u>FITR</u></p> <p><i>“There needs to be legislation to address the activity in Canada of foreign actors which falls outside the scope of [the Lobbying Act, the Canada Elections Act, and the Foreign Missions and International Organizations Act].” – B’nai Brith Canada</i></p> <p><i>“We support the government’s goal to create a foreign influence transparency registry in Canada to complement existing legislative tools and authorities ... Of crucial importance is the guiding principle to design measures that uphold and are consistent with Charter rights and freedoms especially when it comes to deterrence and detection.” – National Council of Canadian Muslims</i></p>

For Public Release

[APG]

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	<ul style="list-style-type: none"> The registry should be publicly accessible and set out the work for which the foreign actors have been paid. Resource material about the Registry (i.e., factsheets, FAQs, etc.) should be made available in multiple languages other than English and French. Government officials administering the Registry should undergo cultural sensitivity training prior to engaging with Canada's community groups. To mitigate foreign interference and influence activities, increase investments to strengthen the capacities and resiliency of Canada's culturally and linguistically diverse communities. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Most were generally supportive and understood why the government is pursuing these changes. Especially supportive of amendments related to information sharing as this would likely have the most direct impact. Some communities in Canada are directly impacted by FI and were pleased by these efforts, but emphasized the need for potential amendments to be applied consistently across all communities to mitigate prejudice and bias. Some communities made clear that more work is needed to build trust and strengthen relationships, based on past negative experiences with the government or with CSIS. As a result, sentiments included views regarding perceived bias or overreach, and concerns about maintaining privacy protections, as well as strong oversight. 	<p><u>CSIS Act</u></p> <p><i>"We believe that Canada's intelligence agencies and law enforcement agencies need more tools to identify and combat Russian state intelligence operations and disinformation activities. We therefore express our support for the amendments to the CSIS Act"</i> – Ukrainian Canadian Congress</p> <p><i>"We are concerned that the overall approach to this issue to date has focused on greater securitization, greater police and intelligence agency powers, and has raised concerns around the targeting and marginalization of specific communities and worries of a new "McCarthyism" focusing on individuals with ties to particular countries based on political divisions and not actual threat."</i> – International Civil Liberties Monitoring Group</p>
Media	<p><u>FITR</u></p> <ul style="list-style-type: none"> Media organizations were not consulted as part of the public and stakeholder consultation process. Media reactions are likely to be mixed. Many media outlets published op-eds or articles supporting the idea of Canada bringing forward a registry, or at least highlighting that more tools to counter foreign interference are required. 	

[APG]

UNCLASSIFIED

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	<ul style="list-style-type: none"> Some media organizations may react negatively to no exemption in the law for media organizations, and may point to media exemptions in legislative brought forward by Canada's allies (e.g. the United Kingdom's registry). Foreign media organizations who receive some or all of their funding from foreign governments are likely to raise concerns regarding their potential registration obligations under FITAA. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Media organizations were not consulted as part of the public and stakeholder consultation process. Although the reporting will be factual, it is likely that some editorials/op-eds will continue to criticize the government for not addressing this pressing issue more broadly, and in a timely and stronger fashion. 	
<p>National Security Subject-Matter Experts</p>	<p><u>FITR</u></p> <ul style="list-style-type: none"> Countering foreign interference requires a broader investment, beyond a registry, in investigative and prosecutorial capacities. The definition of "Arrangements" should require the transfer of payment or advantage to the person acting on behalf of a foreign principal. While the Canadian Security Intelligence Service (CSIS) is equipped to investigate Registry violations, it could face challenges in sharing its findings with law enforcement and prosecutorial agencies. Navigating the "intelligence to evidence" dilemma may remain a challenge in the implementation of a Registry. Consider amendments to Section 19 of the CSIS Act should be amended, so that intelligence could be shared more easily with law enforcement and other areas of society, including municipalities, academia, and businesses. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Subject matter experts very clearly supported the need for changes that would modernize the CSIS Act. 	<p><u>FITR</u></p> <p><i>"A foreign agent registry will invariably impose prior restraint on the freedom of expression of Canadians and engage their rights under section 2 of the Charter of Rights and Freedoms. As such, it is necessary that registry requirements be narrowly tailored to meet the pressing and substantial objective of the scheme and limit the burden it imposes before Canadians can engage in constitutionally protected speech." - Leah West</i></p> <p><i>"A foreign influence registry is not a full-proof national security tool. What it can do is try to force greater transparency about linkages between foreign states actors and Canadians, in part as a deterrent to witting linkages, and in part to cast greater light on the unwitting dimension." - Wesley Wark</i></p>

For Public Release

[APG]

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	<ul style="list-style-type: none"> • They also felt that some of the proposals needed to be more ambitious or bold. They specifically mentioned that the section 16 changes should have brought an overhaul rather than adjustments. • They also wanted to see changes to section 2 of the Act, relating to the definition of threats to the security of Canada. • Some specifically mentioned ensuring privacy and oversight protections remain strong. • There were also questions regarding operationalizing information sharing, such as the logistics pertaining to security clearances and access to secure infrastructure. 	<p><u>CSIS Act</u></p> <p><i>"The original legislation is now forty years old and is in desperate need of an overhaul. [...] [The proposal] recognizes the need for change, but in some cases reaches for low-hanging fruit and certainly does not contemplate a major overhaul. This lack of imagination and boldness may fit the legislative agenda of a minority government, but will ultimately not meet the needs of a CSIS Act for the 21st century."</i> – Wesley Wark</p>
<p>International Partners</p>	<p><u>FITR</u></p> <ul style="list-style-type: none"> • The United States strongly support the introduction of a transparency registry or scheme in Canada and has urged Canada to implement a similar mechanism as soon as possible. • The United Kingdom indicated that its recently passed Foreign Influence Registration Scheme is an important component of its overall approach to addressing foreign interference, and supported Canada's efforts to bring forward its own registry. • Australia also strongly supports the introduction of a registry in Canada and has shared some of their lessons learned from their experience setting up a Foreign Influence Transparency Scheme. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> • International partners were not consulted as part of the public and stakeholder consultation process. • Canada's like-minded international partners, including the Five Eyes, G7 and UN partners, are expected to be supportive of an approach that promotes more robust resilience against foreign threat actors and disinformation campaigns. 	

UNCLASSIFIED

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	<ul style="list-style-type: none"> In recent years, Canada's Five Eyes partners have also recognized the need for legislative enhancements to bolster their counter foreign interference (FI) capabilities. These partners have considered or introduced various legislative initiatives over this period. 	
Parliamentarians and Senators	<p><u>FITR</u></p> <ul style="list-style-type: none"> All parties are expected to support the implementation of transparency registry for Canada. In April 2021, MP Kenny Chiu brought forward a Private Member's Bill (C-282: <i>An Act to Establish a Foreign Influence Registry</i>). C-282 died on the Order Paper with the end of Session. In February 2022, Senator Leo Housakos introduced Bill S-237: <i>An Act To Establish The Foreign Influence Registry</i> to promote greater transparency by exposing those who do seek to influence on behalf of foreign regimes our policies, public debates and decision making. The bill is at second reading in the Senate. In May 2023, MP Michael Cooper introduced an opposition day motion that called on the government to create a foreign agent registry similar to the United States and Australia. The Bloc Québécois has publicly stated its intent to table a foreign registry Bill in the House of Commons in the near term. Several committees of Parliament, including the Special Committee on the Canada–People's Republic of China Relationship (CACN), Standing Committee on Access to Information, Privacy and Ethics (ETHI) and Standing Committee on Procedure and House Affairs (PROC) have urged the Government to adopt a transparency registry through various reports. Senator Yuen Pau Woo, along with Senator Victor Oh, and Liberal MP Chandra Arya, have expressed concerns regarding any proposal to introduce a "foreign influence registry", citing concerns of racial profiling. Senator Woo has gone as far as to compare a registry with the <i>Chinese Immigration Act, 1923-1947</i> – a repealed act largely seen as a culmination of anti-Chinese racism and policies. <p><u>CSIS Act</u></p>	

[APG]

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	<ul style="list-style-type: none"> Expectation is that, on balance, Parliament will be supportive of the legislation when tabled. The issue of foreign interference by the People's Republic of China, Russia and other foreign states has increasingly been the focus of public and Parliamentary attention. The CPC will likely criticize the Government for not doing more sooner, but will support the majority of the initiatives contained in the proposal. The Bloc Québécois, NDP and the Green Party are also expected to support the proposal, but will insist that legislative changes be coupled with provisions to strengthen accountability and oversight. The NDP will likely insist that any legislative reforms respect individual rights and freedoms, and will advocate for measures to ensure minority communities are not subject to xenophobia and discrimination. Senators are expected to have mixed reactions, but would likely be supportive of measures to address gaps in laws around foreign interference. Senators of all groups are expected to raise concerns around constitutionality broadly, and CPC Senators will likely mirror the reaction of their House colleagues. Many House committees have examined/are examining related FI issues, including with recently tabled reports. A number of key stakeholders have called for more robust action to counter FI, including affected communities, academic leaders, and research and business entities. Recent committee reports have recommended to the Government to do more and have called for a comprehensive review of national security policy and legislation. 	
Province and Territories	<p><u>FITR</u></p> <ul style="list-style-type: none"> Provincial and Territorial governments have indicated general support for the federal government's initiative to bring forward a registry, and saw the utility of a tool that PT public servants could freely consult. Some PT governments have expressed an interest in additional provisions put in place by the federal government to expand information sharing in matters of national security, however noted that this may be outside the scope of the FITR. One PT requested that the administrative burden of such a registry be kept to a minimum, so as not to dissuade foreign investment or private sector activity. 	<p><u>CSIS Act</u></p> <p><i>"The Government of Northwest Territories is particularly interested in seeing timely and relevant information sharing on potential threats and foreign interference in the North. With increased interest in resource development and access to the Arctic, as well as increased reliance on digital technology to transmit and store information, the North has vulnerabilities that could be exploited."</i> – Government of the Northwest Territories</p>

[APG]

UNCLASSIFIED

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	<p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Provinces and territories were quite supportive of the proposed suite of amendments, as long there are appropriate security and privacy safeguards in place, especially regarding information sharing. Focus was heavily centered on the information sharing proposal, and how CSIS would share threat-related information with provinces. There was also interest in how information sharing would be operationalized, how/if they would be able to use classified information received from CSIS given its sensitivity, and the importance of ensuring that information reaches the appropriate recipients within P/Ts, such as local law enforcement. 	<p><i>"Saskatchewan shares the federal government's concerns regarding foreign interference, including spreading misinformation and deliberately malicious actions. Saskatchewan generally agrees with Public Safety Canada's efforts." – Government of Saskatchewan</i></p>
<p>National Indigenous Organizations</p>	<p><u>FITR</u></p> <ul style="list-style-type: none"> National Indigenous Organizations have indicated general interest in the federal government's efforts to bolster societal resilience in relation to threats of foreign interference. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Several Indigenous groups were strongly supportive given the potential benefits through greater resilience to FI, which targets certain Indigenous communities in Canada, and because information sharing would provide more resources to these communities. Some scepticism remains due to historical suspicions of the intentions of the security and intelligence community. There was an emphasis on continuing to build trust and transparency. National Inuit and Metis organizations were especially supportive, while First Nations organizations were more sceptical, but appreciative of consultation. 	<p><u>CSIS Act</u></p> <p><i>"We are making decisions every day that are currently not as informed as they could be about threats and considerations." – Inuit Tapiriit Kanatami</i></p>

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	Some Indigenous partners expressed concerns that their ability for self-governance could be negatively impacted if the legislative amendments were introduced, especially regarding key business and investment relationships.	
Indigenous Rights Holders and Modern Treaty Holders	<p><u>FITR</u></p> <ul style="list-style-type: none"> All but one of the indigenous rights holders and modern treaty holders consulted expressed either a neutral or a positive view of the registry. The majority of the individuals consulted were curious about the proposed registry, but did not express negative or positive views. Some of the nations consulted supported the intention that all jurisdictions (including PT and indigenous) should be covered by a FITR. They were concerned that if a registry is implemented only to include influence aimed at the federal government, foreign influence efforts would be redirected to jurisdictions that are not covered. <p><u>CSIS Act</u></p> <ul style="list-style-type: none"> Some were supportive given the potential benefits through greater resilience to FI, which targets certain Indigenous communities in Canada, and because information sharing would provide more resources to these communities to build resilience. Some scepticism remains due to historical suspicions of the intentions of the security and intelligence community. There was an emphasis on continuing to build trust and transparency. 	