

Unclassified



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

Interview Summary: Owen Ripley

Owen Ripley, Associate Assistant Deputy Minister (“**ADM**”) of Cultural Affairs at Heritage Canada (“**PCH**”), was interviewed by Commission Counsel on September 12, 2024.

Notes to Readers:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

1. Introduction

- [1] Mr. Ripley explained that his role of Associate ADM, Cultural Affairs, was created approximately three years ago to respond to the growing number of policy initiatives in the cultural affairs sector. Though his mandate does not have a specific focus on foreign interference (“**FI**”), Mr. Ripley’s mandate includes countering mis- and disinformation in Canada, primarily through the Digital Citizenship Initiative (“**DCI**”).

2. Digital Citizenship Initiative

- [2] Mr. Ripley explained that allegations of a Russian sponsored disinformation campaign designed to interfere with the 2016 US election was a turning point for PCH. PCH began diagnostic and policy work to understand more about “fake news”, including how it was spreading and the drivers behind it.
- [3] This work began as an informal working group, which ultimately fed into the broader process led by the Democratic Institutions Secretariat at the Privy Council Office (“**PCO-DI**”), culminating in the Plan to Protect Canada’s Democracy (the “**Plan**”) before the 2019 General Election.

- [4] At the time, PCH observed that while there were a number of civil society organizations in this space, no specific community of practice directly addressed mis- and disinformation. Other countries like the United States saw a broad mobilization of civil society organizations around mis- and disinformation. DCI was therefore created to support civil society and researchers in the Canadian context to better understand and collaborate on issues relating to mis- and disinformation and better equip Canadians to deal with the phenomenon.
- [5] One of the Plan's main pillars was the promotion of citizen resilience. DCI supported several projects designed to enhance citizen resilience, including projects aimed at educating citizens to make informed decisions online. When DCI was created, DCI made a specific call for proposals for projects related to the 2019 election. The program has since funded a number of projects supporting citizen resilience, including projects related to democracy more generally, although there has not been an elections-focused call for proposals since 2019.
- [6] Through special calls for proposals, DCI has been able to pivot to respond to changing mis- and disinformation around certain global events, such as in relation to the COVID-19 pandemic and the Russian invasion of Ukraine. The ultimate goal is to equip Canadians with the tools and knowledge they need to navigate the online space. The DCI aims to promote life-long learning so Canadians are evolving with the threat environment.
- [7] DCI does not have permanent funding. Current funding is due to sunset in March 2025.
- [8] PCH continues to work closely with their colleagues at PCO-DI, though PCH's mandate with respect to mis- and disinformation is broader than the electoral or democratic institutions context.

3. Definition of mis- and disinformation

- [9] Disinformation is information disseminated with the intention to mislead. The challenge with drilling down on the meaning of mis- and disinformation is that practitioners operate in different spaces, ranging from public security agencies to civil society, and to

researchers. The terms can have different meanings depending on the practitioner and where they work. When different people work together, it is important that they develop a shared understanding of the meaning of common terminology. In the context of a particular project, there is typically some discussion at the front end about the meaning of certain terms to ensure that everyone is working from the same understanding.

- [10] The topic of mis- and disinformation is in constant evolution. For instance, the increasing use of artificial intelligence is contributing to the expansion and complexity of mis- and disinformation.

4. Work with partners

- [11] DCI is a small program in the context of the ongoing work on mis- and disinformation nationally and internationally. PCH is considering how to most effectively work with provinces and territories to collaborate on efforts to promote digital literacy.
- [12] The development of formalized arrangements with other levels of government is a topic of ongoing discussion. The culture table at the Ministerial and Deputy Ministerial levels is currently the main vehicle for federal, provincial and territorial collaboration on mis- and disinformation at Canadian Heritage.
- [13] [DCI operates through two governance committees – the Consultative Body, which is comprised of government representatives from different agencies including PCH’s Anti-Racism Secretariat, Global Affairs Canada, the Privy Council Office, Public Safety Canada, amongst others, and the Steering Committee, which is comprised of representatives from academic and civil society.] Mr. Ripley explained that the Consultative Body was created out of a recognition that the issues around mis- and disinformation fall under the mandates of many other departments and agencies. As such, it is necessary to ensure that the various government departments working in this area are aligned, collaborating and not duplicating efforts. The Consultative Body and its comprising agencies are in regular contact about DCI and consulted on the priorities ahead of a DCI call for proposals. Mr. Ripley explained that other government agencies and departments are kept abreast of the work of DCI as a result of the Consultative Body.

5. Broadcasting Act

- [14] The PCH Minister is responsible for the *Broadcasting Act*, which means that the Minister has policy responsibilities in relation to the framework and potential amendments, as well as a few limited statutory powers under the Act. The *Broadcasting Act* is structured to keep the government at arm's length to protect democratic values and relevant *Charter* rights such as freedom of the press and freedom of expression. The *Broadcasting Act* is intended to regulate broadcasters- whether online or not- who are in the business of exercising editorial control over a catalogue of cultural content and/or news content.
- [15] Section three of the *Broadcasting Act* sets out a list of policy objectives to guide the broadcasting industry. The Canadian Radio-television and Telecommunications Commission ("**CRTC**") is responsible for giving effect to these policy objectives.
- [16] The government has limited powers under the *Broadcasting Act*. Section 15 allows the government to request a CRTC hearing or production of a report on any matter within the CRTC's jurisdiction. Mr. Ripley's team supports the Minister in exercising their responsibilities under this section. Second, section 7 authorizes the Minister of PCH to recommend to the Governor in Council to issue a policy direction of general application and on broad policy to the CRTC. Because the CRTC is an independent body, this power does not permit the Governor in Council to require a particular outcome in a particular case.
- [17] The *Online Streaming Act* reflects an effort to modernize the legislation to include streaming platforms into the regulatory framework. Some platforms, like Youtube, presented a particular policy challenge because they contain both user-generated and commercial content. The focus of the modernized *Broadcasting Act* is on commercial content. The *Online Streaming Act* was not intended to address the spread of online harms in the space of social media.
- [18] Bill C-63 [which under Part 1, would enact the *Online Harms Act*] which complements the *Broadcasting Act*, focuses on social media services, and imposes upon them the responsibility to reduce exposure to seven types of enumerated harmful content

identified as the most pernicious. The legislation does not identify mis- and disinformation specifically as one of the seven types of harmful content. Mr. Ripley noted that it is difficult to ask a company to moderate content by assuming the role of arbiter of truth. However, the proposed legislation does have a nexus to mis- and disinformation. For example, the *Act* would require that the social media company identify (label) the artificial amplification of any of the seven types of harmful content. Specific instances of mis- or disinformation might also fall within the category of one of the seven harms, such as hate speech or content that incites violence. The legislation recognizes that the internet allows for the free exchange of content and ideas, while imposing an obligation on social media services to take steps to mitigate exposure to harmful content.

- [19] The *Broadcasting Act* is focused primarily on promoting cultural expression and upholding and preserving freedom of the press to the greatest extent possible. The intention is not for the CRTC to play the role of content moderator. As a result, the *Broadcasting Act* has only limited utility in responding to FI.