



CANADIAN MUSLIM PUBLIC AFFAIRS COUNCIL

CMPAC Submission on Bill C-22 - The Lawful Access Act to the Standing Committee on Public Safety and National Security

Introduction

The Canadian Muslim Public Affairs Council ([CMPAC](#)) is a non-partisan organization dedicated to advancing civil liberties, democratic participation, and the protection of human rights in Canada. Through its advocacy and public policy work, CMPAC has consistently engaged issues relating to discrimination, government accountability, and the impact of public policy on marginalized communities.

Legislative efforts to expand state surveillance and information-gathering powers have repeatedly raised concerns regarding the protection of fundamental rights and freedoms. While protecting public safety is a legitimate and important objective, such measures must remain consistent with the Canadian Charter of Rights and Freedoms and Canada's broader human rights obligations.

Bill C-22, the *Lawful Access Act*, would expand state access to personal information while weakening important safeguards designed to protect fundamental rights and freedoms. The legislation raises significant concerns for privacy, freedom of expression, freedom of association, freedom of religion, and equality rights, particularly given the documented impact surveillance and security measures have had on different communities and racialized groups.

For these reasons, CMPAC urges Parliament to carefully scrutinize the necessity, proportionality, and potential consequences of the powers proposed in Bill C-22.

Position on Bill C-22

CMPAC is concerned that if enacted, Bill C-22 will significantly expand state surveillance powers while lowering important safeguards governing access to personal information. These changes raise serious concerns regarding privacy rights, freedom of expression, freedom of association, freedom of religion, and equality rights protected under the Canadian Charter of Rights and Freedoms.

Such concerns cannot be separated from the lived experience of communities that have historically been disproportionately affected by Canada's national security and law enforcement frameworks. Muslim communities in Canada have long experienced the consequences of intelligence gathering, information sharing, and security investigations that were later shown to be based on flawed assumptions, unreliable intelligence, or discriminatory profiling. As a result, proposals that expand surveillance authorities without sufficient evidence of necessity warrant particularly careful scrutiny.

Based on these concerns, CMPAC calls on Members of Parliament to reject Bill C-22 and vote against its adoption. Should the legislation proceed through Parliament, substantial amendments must be made to strengthen safeguards, increase oversight, and mitigate discriminatory impacts on racialized and religious minority communities.

Part 1: Timely Access to Data and Information

a. Production Orders for Subscriber Information

Bill C-22 creates a new production order regime permitting law enforcement to obtain subscriber information based on the standard of "reasonable grounds to suspect." While subscriber information is often characterized as limited in nature, the information captured under the legislation extends far beyond simple identifying details. Information regarding services used, account identifiers, and device-related data can reveal extensive information regarding an individual's associations, activities, and patterns of behaviour. CMPAC is concerned that lowering the evidentiary threshold from reasonable grounds to believe to reasonable grounds to suspect risks normalizing broader access to personal information while providing insufficient safeguards against discriminatory or overbroad investigations.

These concerns are particularly acute given the documented history of national security investigations disproportionately affecting Muslim communities. Where surveillance powers are exercised on the basis of suspicion rather than a stronger evidentiary threshold, there is a heightened risk that existing biases, whether institutional or individual, may influence investigative decision-making. At a minimum, the threshold for obtaining subscriber information should remain reasonable grounds to believe.

b. Effects on Religious and Civic Participation

The expansion of lawful access powers has implications extending beyond privacy rights. Surveillance and information-gathering powers can produce significant chilling effects on lawful religious practice, political participation, advocacy, and community engagement. [Numerous studies](#) have documented that individuals who believe they may be subject to monitoring are more likely to self-censor their speech, limit their participation in civil society activities, and avoid engagement with controversial political issues.

For Muslim communities, these concerns are not hypothetical. The post-9/11 national security environment has generated longstanding concerns regarding surveillance of mosques,

charitable organizations, student associations, and community leaders. The expansion of state access to personal information risks further undermining trust between affected communities and public institutions.

Part 2: Supporting Authorized Access to Information Act (SAAIA)

Issue 1: The SAAIA Creates a Framework for Discriminatory Surveillance

Of greatest concern in Bill C-22 is the proposed creation of the Supporting Authorized Access to Information Act (SAAIA).

Through both public regulations and secret ministerial orders, the SAAIA would permit the government to require electronic service providers (ESPs) to develop, maintain, and modify systems that facilitate access to information by law enforcement and intelligence agencies. While these powers are presented as tools for addressing serious criminal activity, the legislation fails to adequately consider how expanded surveillance infrastructure may disproportionately impact communities that have historically been subjected to heightened scrutiny.

CMPAC is also concerned by the exceptionally broad definition of “electronic service provider” contained within the legislation. The scope of the definition appears capable of extending well beyond telecommunications companies to encompass a wide range of organizations that Canadians rely upon for communication, financial services, travel, education, health services, and community engagement. The breadth of this definition substantially expands the potential reach of surveillance authorities and raises important questions regarding necessity, proportionality, and the scope of information that may become accessible to the state.

Canada's national security framework must be understood in light of its impact on affected communities. Muslims have disproportionately borne the burden of security measures and surveillance practices. This history underscores the importance of ensuring that any expansion of state powers is accompanied by robust safeguards and meaningful oversight.

While Bill C-22 is technologically different from previous national security legislation, it raises similar concerns. Expanded access to communications-related information, metadata, and network data creates opportunities for authorities to identify, map, and monitor entire communities rather than focusing on individuals for whom there exists credible evidence of wrongdoing.

CMPAC is further concerned that powers authorizing the modification of technical systems may create cybersecurity vulnerabilities that undermine the security of Canadians' communications and personal information. Any framework that facilitates government access to digital information should ensure that it does not weaken encryption protections, create new technical vulnerabilities, or increase the risk of unauthorized access by malicious actors, foreign governments, or cybercriminals. Measures introduced in the name of public safety should not come at the expense of the security and integrity of digital communications.

The government has not demonstrated why existing investigative authorities are insufficient. In fact, the National Security and Intelligence Committee of Parliamentarians [concluded](#) that law enforcement and intelligence agencies have not provided sufficient evidence demonstrating the necessity of these additional powers and have generally been able to carry out their mandates effectively using existing authorities. For these reasons, CMPAC recommends that Parliament require a comprehensive Charter and Equality Impact Assessment prior to the implementation of any powers authorized under the SAAIA.

Such an assessment should evaluate:

- Potential impacts on freedom of religion, freedom of expression, and freedom of association;
- Potential discriminatory effects on racialized, Indigenous, immigrant, refugee, and religious minority communities;
- Whether less intrusive alternatives exist;
- Whether the proposed powers are necessary and proportionate to their stated objectives.

Without such an assessment, Parliament cannot adequately evaluate whether the legislation complies with Canada's constitutional and human rights obligations.

Issue 2: Metadata Retention Creates Risks of Community Mapping and Associational Surveillance

CMPAC is particularly concerned by provisions allowing for the retention and organization of metadata.

While metadata does not necessarily reveal the content of communications, it can reveal extensive information regarding an individual's activities, relationships, religious participation, political engagement, and social networks.

Metadata can identify:

- Who individuals communicate with;
- When communications occur;
- Geographic movement and location patterns;
- Participation in organizations and institutions;
- Networks of association among community members.

For religious and racialized minority communities, this information has unique significance. Metadata can reveal attendance at places of worship, participation in charitable activities, engagement with advocacy organizations, and connections among community leaders.

The retention of such information on a broad scale raises concerns regarding what scholars and civil liberties organizations have described as "associational surveillance", the ability of authorities to map relationships and networks without demonstrating individualized suspicion.

This concern is particularly relevant in light of Canada's history of national security investigations involving Muslim communities. Surveillance powers that appear neutral in law may nevertheless have [unequal effects](#) in practice when applied within broader institutional frameworks that have historically associated particular communities with security risks. CMPAC therefore recommends removing the metadata retention provisions contained within the SAAIA.

Should Parliament choose to retain such provisions, at minimum:

- Judicial authorization should be required before any retention order is issued;
- The threshold should be reasonable grounds to believe rather than reasonable grounds to suspect;
- Retention periods should be significantly reduced;
- Independent review bodies should be notified whenever such powers are exercised;
- Public annual reporting should disclose aggregate use of these authorities.

Issue 3: Secret Orders and Democratic Accountability

CMPAC shares [concerns](#) regarding the extensive use of secret ministerial orders throughout the SAAIA. While certain operational details may legitimately require confidentiality, secrecy should not become the default mechanism through which surveillance authorities are expanded. Public confidence in national security institutions depends on transparency, oversight, and accountability.

This is particularly important for communities that have historically experienced disproportionate surveillance. Trust cannot be established through assurances alone; it must be supported by mechanisms that allow meaningful scrutiny of government action.

Under the proposed framework, ESPs may be prohibited from disclosing not only the contents of an order but, in some circumstances, the existence of the order itself. This level of secrecy risks preventing public debate regarding the scope and impact of surveillance measures.

CMPAC recommends:

- Requiring judicial authorization for all secret orders;
- Establishing fixed expiration periods for non-disclosure obligations;
- Requiring public reporting on the number and type of orders issued;
- Providing enhanced review authority to the National Security and Intelligence Review Agency (NSIRA);
- Mandating parliamentary review of the regime every three years.

Expanded surveillance powers should never be insulated from democratic scrutiny.

Issue 4: Lack of Community Consultation and Independent Oversight

The government has repeatedly emphasized the importance of consultation in the development of national security policy. However, communities most likely to be affected by expanded surveillance authorities have not been meaningfully involved in the development of Bill C-22.

The absence of robust consultation is particularly concerning given the documented impact of previous national security measures on Muslim communities and other marginalized groups.

CMPAC recommends the establishment of a permanent advisory mechanism composed of representatives from affected communities, civil liberties organizations, privacy experts, and academic researchers.

Such a body should be consulted regarding:

- The implementation of surveillance authorities;
- Proposed regulations under the SAAIA;
- The development of oversight mechanisms;
- Emerging concerns regarding discriminatory impacts.

Meaningful consultation should be understood not as a procedural formality but as a necessary safeguard against unintended harms.

Recommendations

Given the concerns outlined above, CMPAC recommends that Parliament:

1. Reject Bill C-22 in its current form.
2. Withdraw Part 2 (Supporting Authorized Access to Information Act) in its entirety pending further consultation and independent review. At a minimum, Parliament should restore the evidentiary threshold for obtaining subscriber information and related production orders from “reasonable grounds to suspect” to “reasonable grounds to believe.”

Should Parliament proceed with Part 2, CMPAC recommends:

1. Conducting a Charter and Equality Impact Assessment prior to implementation.
2. Removing metadata retention provisions or, at minimum, subjecting them to judicial authorization and strict reporting requirements.
3. Requiring judicial authorization for all secret ministerial orders.
4. Expanding NSIRA's review authority and access to information regarding the operation of the SAAIA.
5. Establishing mandatory transparency and public reporting requirements.
6. Creating a permanent advisory body including representatives from affected communities and civil society organizations.
7. Requiring periodic parliamentary review of the regime.
8. Ensuring that all powers exercised under the SAAIA comply with Canada's domestic and international human rights obligations, including protections relating to privacy, equality, freedom of religion, freedom of expression, and freedom of association.

Conclusion

Bill C-22 proposes a significant expansion of state surveillance powers while weakening important safeguards governing access to personal information. Although framed as a response to evolving technological challenges, the government has not demonstrated that existing authorities are insufficient or that the powers contained in this legislation are necessary and proportionate.

The concerns raised extend beyond privacy rights alone. Expanded access to personal information and metadata has implications for freedom of expression, freedom of association, freedom of religion, and equality rights. These concerns are particularly significant for communities that have historically experienced disproportionate scrutiny under Canada's national security framework, including Muslim communities and other racialized groups.

CMPAC supports efforts to protect public safety and combat serious criminal activity. However, such efforts must remain consistent with Canada's constitutional values and human rights obligations. Surveillance powers should be evidence-based, proportionate, transparent, and subject to meaningful oversight.

For these reasons, CMPAC urges Members of Parliament to reject Bill C-22. Should the legislation proceed, significant amendments are required to strengthen safeguards, enhance accountability, and ensure that expanded surveillance authorities do not come at the expense of fundamental rights and freedoms.