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PROMPTS

ENVIRONMENTAL POLICY PROMPT

Bill-212: Reducing Gridlock, Saving You Time Act, 2024 where a decision was made to remove bike lanes and make it systematically challenging to install new ones. Raises questions about sustainability mobility in Canada's transport legislation.

In Canada, the transportation sector contributes approximately 22% of the nation's total greenhouse gas (GHG) emissions, making it the second-largest source after the oil and gas sector. Reducing transportation emissions and integrating sustainable mobility in the Canadian transportation landscape is a critical component of the nation's commitment under the Paris Agreement to achieve net-zero GHG emissions by 2050. Sustainable mobility refers to transportation methods that have a low environmental impact, such as cycling.

However, In November 2024, Ontario passed Bill 212 - Reducing Gridlock, Saving You Time Act, granting the provincial government authority to remove certain bike lanes and requiring municipalities to obtain provincial approval before installing new ones that replace vehicle lanes. The stated purpose of this legislation is to alleviate traffic congestion; however, internal draft documents suggest that removing bike lanes may not reduce congestion and could potentially exacerbate it.

Bike lanes cover less than 3% of Toronto roads, and studies show minimal impact on traffic. Emergency services have reported improved response times, and nearly 44% of Torontonians identify as utilitarian cyclists. The bill was passed without prior Indigenous consultation, despite its potential impact on active transportation infrastructure and urban planning. Critics argue the legislation is politically motivated, aiming to divert attention from government shortcomings and appeal to suburban voters.

In light of these issues, how can the Ontario Ministry of Transportation integrate sustainable mobility into its transportation policies in a data-driven, scientific, and equitable manner while ensuring long-term climate-positive policies remain protected from shifting political priorities? Additionally, how can Indigenous communities and other marginalized voices be meaningfully included in transportation decision-making to create more inclusive and just mobility policies?

FOREIGN POLICY PROMPT

Russia's full-scale invasion of Ukraine on February 24, 2022, as a continuation of its illegal annexation of Crimea in 2014 produced the largest conflict in Europe post-WWII. While the war has remained confined to the two countries for now, continued Russian aggression and Russian President Vladimir Putin's repeated nuclear threats arouse significant concerns regarding sovereignty, territorial integrity, and international security. In response, Canada has imposed extensive sanctions and provided massive economic and military aid packages in support of Ukraine's long-term defense. For example, Canada has committed \$4.5 billion in military assistance to Ukraine since the 2022 Russian invasion and recently announced a contribution of \$5 billion under the G7 Extraordinary Revenue Acceleration Loans for Ukraine. However, there have been concerns over the sustainability of such extensive support due to its budgetary strain given the lack of a foreseeable conclusion to the conflict.

What should be Canada's foreign policy towards Ukraine? Namely, should Canada continue to extend aid packages to sustain Ukraine's long-term defense?

Consider Canada-Ukraine relations and Ukraine's ties with key Canadian allies and international organizations in which Canada is a member. For example, how does this issue connect to Canada's commitments under NATO and the G7? In addition, examine Ukraine's strategic significance and how the conflict connects to critical international law concepts such as sovereignty and territorial integrity. Assess the fiscal implications of extensive aid, particularly in connection to Canadian domestic opinion and needs. It may also be useful to consider the scope of the aid and particular areas in which support would be most effective to sustain Ukraine's prolonged defense. Finally, consider long-term implications of the conflict on Canadian reputation, regional stability, and international security.

TECHNOLOGY POLICY PROMPT

As artificial intelligence and mass data collection become deeply embedded in daily life, Canada's outdated privacy laws leave vulnerable communities exposed to discrimination, surveillance, and exploitation. The Personal Information Protection and Electronic Documents Act (PIPEDA), originally enacted in 2000, was designed for an era before large-scale data mining and AI-driven decision-making. While Bill C-27, the Digital Charter Implementation Act, 2022, aimed to modernize Canada's privacy framework, its progress has been halted, leaving Canada without a comprehensive update to its data protection laws.

Data collection and surveillance technologies are increasingly used in public and private spaces, from workplaces to social services. Low-income individuals who rely on government assistance programs are often subjected to heightened scrutiny through automated fraud detection systems that flag welfare recipients for investigation based on opaque algorithms. Additionally, concerns over cross-border data flows have intensified. Many large tech firms operating in Canada store and process data in the United States, where privacy protections are weaker, creating risks of unwarranted government surveillanceA particularly urgent issue is the rise of deepfake technology and AI-generated non-consensual content, which has emerged as a severe privacy threat, which pose the most risk to already vulnerable populations.

Without clear legal protections against AI-generated sexual exploitation, women and gender-diverse individuals remain uniquely vulnerable to digital privacy violations. Without modernized legislation, Canada lags behind jurisdictions like the European Union, which has implemented the General Data Protection Regulation (GDPR), one of the world's strongest privacy frameworks.

Given the limitations of PIPEDA and the stalled progress of Bill C-27, how should Canada reform its digital privacy laws to address the challenges posed by AI-driven data collection and surveillance capitalism? How can these reforms prioritize the protection of marginalized communities, including racialized and low-income individuals, Indigenous communities, and women, who are disproportionately affected by digital surveillance, algorithmic bias, and AI-generated exploitation?

ENVIRONMENTAL POLICY

DIVEST, INVEST, INCLUDE: IMPROVING TRANSPORTATION PLANNING IN TORONTO

By Christina Dinh, Affan Hussain, Enéh Margit LoPinto, Tze Tsun Ernest Tang

Exec Summary

In light of Ontario's Bill 212, which permits the removal of bike lanes and undermines Canada's climate commitments, concerns about the future of sustainable transportation and its role in addressing climate change have become increasingly significant. All the while, questions on inequitable transit planning remain, with marginalized voices excluded in decision-making processes. In reviewing key themes of these issues, we came to three recommendations: (1) Divest in high-emission projects, (2) Invest in expanding active transportation infrastructure, and (3) Include collaborative stakeholder partnerships.

Introduction

The Ontario Government, in 2024 passed Bill 212, formally known as the "Reducing Gridlock, Saving You Time Act," aiming to alleviate traffic congestion in Toronto by increasing highway development and granting the government jurisdiction on most bike lane development. However, experts argue that the policy largely fails to adequately address congestion. The American Economic Review found that an increase in road lanes keeps the level of congestion the same or worsens it, a phenomenon known as induced demand. (Duranton and Turner, 2011). It seems evident therefore that the current legislature on the matter not only fails to meet the transportation needs of its citizens but is also environmentally unsustainable. Our proposal offers a policy framework allowing the government to address these issues through a proven and data-driven method, that addresses the issues of congestion, pollution, and accessibility of transit services across the city.

Approach & Results

Our analysts have analyzed Bill 212 for its functionality and flaws. We conducted a literature review on transit planning reports and reports by Indigenous advocacy groups and environmental NGOs, to identify key issues within Bill 212 and inform our policies to rectify those issues. Bill 212 was proposed as a means to replace existing bicycle lanes. The bill was passed under the idea that bicycle lanes are poorly planned, hurt the local economy, and increase

the risks of traffic accidents due to lane closures (Ontario Regulatory Registry, 2024). The bill, rather, proposes a 73 million dollar grant towards constructing Highway 413 as an alternative (Ontario, 2025). This route serves as a means to accommodate the rapidly growing population and move people and goods faster out of gridlock. However, our research indicates otherwise. Bicycle lanes only consist of 3% of existing roads in Ontario and do not constitute any significant roadblocks or congestion. The construction of Highway 413 encourages car-centric dependency in Ontario, leading to further congestion. The environmental implications of Highway 413 are projected to affect at least 29 at-risk species, including native fauna. Furthermore, it is projected to cause up to 17.4 million tonnes of CO2 emissions by 2050 and cause up to 1-1.4 billion dollars in healthcare costs due to air pollution (Environmental Defence, 2021).

Hence, this policy brief provides three solutions and recommendations as alternatives to Bill 212. The main objective of these recommendations is to help reduce congestion-based emissions, increase civic engagement in transport, facilitate active transport use and alleviate funding issues. Furthermore, this policy brief also aims to properly include Indigenous voices, who constitute some of the most impacted groups by this bill. The Arnstein Ladder of Citizen Participation acts as a metric for the inclusion of Indigenous voices. Ensuring that the recommendations do not tokenize Indigenous perspectives but rather ensure that Indigenous Canadians will have a high degree of citizen power in the decision-making process.

Implications & Recommendation

Funding for our proposals would come from abandoning infrastructure projects that increase emissions. In particular, highway 413. The construction of this highway would increase emissions as the construction of the highway and the current mix of vehicles to 17.5 million tonnes by 2050 (Environmental Defense Canada, n.d). Alongside environmental concerns, the project is also inequitable as the concerns and knowledge of Indigenous groups are ignored in consultations with the Ontario government (Harrison, 2024; Balkissoon et al., 2022). Altogether, we recommend the cancellation of the project. First, to prevent emissions caused in the use and

construction of this highway. Second, to provide funding for better alternatives such as increased public transport options, making existing public transport more appealing and creating an investment fund for community based organizations. Funding would be provided by the Federal government stalling and eventually canceling the project on the basis of Ontario not following federal rules. Specifically not highlighting the specific concerns of Indigenous peoples or explicitly stating their input in designs (Balkissoon et al., 2022).

Our proposal recommends expanding active transportation infrastructure, in select areas to increase the efficiency of public transportation. This includes protecting and expanding bike lanes in the downtown area, and designated bus lanes along major routes to promote public transit services across the city, Research suggests that cities with well-connected bike lanes and dedicated bus lanes decrease (20%) fewer car trips, leading to lower traffic congestion and improved air quality (International Transport Forum 2021). In Ontario's major cities within the GTA, require protected and continuous cycling networks in high urban areas, largely to and from major transit hubs to support multi-modal commuting while greatly increasing the accessibility of its services, particularly among students, seniors, and low-income communities. However, these efforts are limited to high-urban areas.

Additionally, the integration of light rail transit is critical for improving mobility across large cities like Toronto, especially in underserved communities. Two projects in Toronto, The Eglinton Crosstown LRT and the Ontario Line have been under construction to address this and should therefore be prioritized. These lines will greatly reduce the pressure on the existing Line 2, and 1 of the TTC respectively, fill large gaps in access, ultimately improving rider turnout. The Eglinton Crosstown is expected to reduce vehicle congestion along its corridor by 15-20%, providing a fast and reliable alternative to driving (Metrolinx, 2023). Meanwhile, the Ontario Line will add 15.6 km of new subway infrastructure, creating high-speed connections between low-income neighbourhoods and employment hubs (Metrolinx, 2022).

Our research also highlights the need to move beyond tokenistic participation of Indigenous and other marginalized communities in transportation planning to collaborative partnerships that give communities real influence over transportation policies. Traditional consultation methods often reinforce existing power imbalances, where the city holds control over decisions (Fitzgibbons and Mitchell, 2021 p. 3). However, by building partnerships with grassroots community leaders, engagement can be structured to meaningfully prioritize marginalised voices in transportation decisions. Drawing from Toronto's Resilient Conversations, a consultation model within the *ResilientTO* initiative, we propose a three-step approach: (1) Identify high-need areas with concentrations of low-income, immigrant, racialized, and Indigenous populations (p. 4). (2) Build partnerships between the city and trusted community leaders who can act as bridges between local residents and municipal decision-makers within those high need areas (p. 8). (3) Facilitate accessible community-led discussions, where community leaders engage residents in everyday language to capture their transportation needs (p. 8). Community leaders would then document residents' needs and relay them to city staff, ensuring this input is integrated into policies and initiatives (p. 8). Throughout this process, engagement should be grounded in trust-building, and accessibility to ensure that historically marginalized voices are not only heard but meaningfully incorporated into decision-making.

Conclusion

In order for Ontario to meet its targets in reducing carbon emissions, it must rethink its transportation policy. Bill 212 threatens to undermine efforts to build a more sustainable and equitable transit system. As our research demonstrates, expanding road capacity does not alleviate congestion due to induced demand, increasing traffic and emission. By pivoting from a car-centric to a public-centric prescriptive when addressing transportation needs, the evidence suggests prioritizing bike lanes, and expanding rail services. Core to our recommendations is the inclusion of marginalized voices and how their perspectives should be central to transportation planning, prioritizing sustainability and equitability.

Bibliography

- 1. Balkissoon, D., Cyca, M., & Saxena, K. (2022, September 29). *Highway 413 may face delays over indigenous consultation issues*. The Narwhal. https://thenarwhal.ca/highway-413-indigenous-consultation/
- 2. Duranton, G., & Turner, M. A. (2011). The Fundamental Law of Road Congestion: Evidence from US Cities. American Economic Review, 101(6), 2616–2652.
- 3. Environmental Defense Canada. (n.d.). *Paving Paradise: The Impact of Highway 413 on Greenhouse Gas Emissions, Air Pollution and Urban Sprawl*. Environmental Defense Canada.
 - $\underline{https://environmental defence.ca/wp-content/uploads/2021/04/Highway-413-Paving-Parad} \\ \underline{ise-Report_Environmental-Defence.pdf}$
- 4. Environmental Defense Canada and Équiterre. (February 2024). Putting Wheels on the Bus: Unlocking the Potential of Public Transit to Cut Carbon Emissions in Canada. Environmental Defense Canada and Équiterre https://environmentaldefence.ca/wp-content/uploads/2024/02/Putting-wheels-on-the-bus-executive-summary-English.pdf.
- 5. Fitzgibbons, J., & Mitchell, C. L. (2021). Inclusive resilience: Examining a case study of equity-centred strategic planning in Toronto, Canada. *Cities*, 108, 102997
- 6. Harrison, L. (2024, November 9). *First Nation says meaningful consultation hasn't happened on Highway 413* | *CBC News*. CBCnews. https://www.cbc.ca/news/canada/toronto/413-indigenous-consultation-1.7378223
- 7. International Transport Forum (ITF). (2021). Active Mobility and Sustainable Urban Transport: A Global Policy Perspective. OECD Publishing.
- 8. Ontario . (2025, January 28). Ontario newsroom. https://news.ontario.ca/en/release/1005667/ontario-taking-bike-lanes-off-torontos-busiest-streets
- 9. Government of Ontario, Ministry of Economic Development, Job Creation and Trade. (2024). *Government of Ontario, Canada*. Bill 212 Reducing Gridlock, Saving You Time Act, 2024 Building Highways Faster Act, 2024. https://www.ontariocanada.com/registry/view.do?postingId=48893&language=en

FOREIGN POLICY

BALANCING SUPPORT AND SUSTAINABILITY: CANADA'S LONG-TERM COMMITMENT TO UKRAINE

By Lorie Berberian, Hasna Hafidzah, Yeji Kim, and Dan Prasuhn

Balancing Support and Sustainability: Canada's Long-Term Commitment to Ukraine

Executive Summary

Our brief recommends Canada deploy a **dual-track** foreign policy in partnership with European allies; continue both short-term security assistance and establish long-term support for Ukraine's defence-industrial base financed by the seizure of Russian central bank assets, while pursuing an off-ramp to the conflict that affirms Ukraine's sovereignty. The benefit of such a policy based on our three recommendations, is that it would **continue Canada's strong support** for the rules-based international order **while not overburdening resources at home.**

Introduction

As the first Western nation to recognize Ukraine's independence in 1991, Canada has played a crucial role in strengthening Ukraine's military development and defence capabilities through extensive funding packages. In 2024, Canada reaffirmed its commitment to Ukraine's military capabilities by modernizing the Canada-Ukraine Free Trade Agreement (CUFTA), significantly expanding military equipment exports. Since 2022, Canada has provided over \$19.5 billion in multifaceted support to Ukraine, including \$4.5 billion in military equipment aid. Despite U.S. aid gridlock, Canada has also committed \$650 million to fund Ukraine's acquisition of additional armoured vehicles.

On the multilateral front, Canada has contributed to NATO's implementation of the Comprehensive Assistance Package (CAP), offering immediate, non-lethal military aid. Moreover, Canada committed \$5 billion to the G7 Extraordinary Revenue Acceleration (ERA) Loans, a financial mechanism that supports Ukraine using revenues derived from Russia's seized assets.

Approach & Results

This policy brief proposes a novel foreign policy approach to Ukraine, reinforcing Canada's commitment to Ukraine's territorial integrity and the liberal rules-based order while acknowledging its

fiscal constraints. Our approach addresses core challenges affecting the sustainability of Canadian military aid: the fluctuating domestic opinion on continued support, growing uncertainties of Western allies regarding ongoing military assistance to Ukraine, and the lack of diverse funding sources for Canadian military aid. Canada's historical solidarity with Ukraine and commitment to multilateralism, particularly through the G7 and NATO, reject recent American pressure of territorial concessions by Ukraine and appeasement of Russia. Current military support has mostly focused on budgetary pledges in NATO, such as military assistance packages, procurement, and ammunition delivery, presenting an opportunity for renewed Canadian commitment to building Ukraine's defence capacity. Instead of further budgetary pledges, which may impact Canada's fiscal health in the future, Canada can renew its commitment for military aid through non-fiscal sources. Altogether, these efforts will strengthen Ukraine's diplomatic position in the short-term while also bolstering closer Canadian ties with the EU and contributing towards active diplomacy to end the war, ensuring long-term stability.

Implications & Recommendation

Recommendation 1: Facilitate a Long-Term Partnership Between Ukraine and Western Allies Aimed at Increasing Ukraine's Defence-Industrial Capacity

Canadian military contributions have totaled roughly \$4.5 billion since the outbreak of war, but this raises doubts about Canada's commitment to stand with Ukraine for "as long as it takes." At the same time, Western allies cannot afford to abandon Ukraine. It is imperative that Canada work with allies to bolster Ukraine's defence industrial base. A report by the Institute for the Study of War assessed that Western support could be curtailed in the long-run as Ukraine acquires greater abilities to manufacture, deploy, and repair its own military equipment. Canada has already participated in similar initiatives, such as the opening of a NATO logistics centre in Poland to help repair Ukrainian tanks and vehicles.

We recommend that Canada (1) **leverage its bilateral financial assistance** to increase Ukrainian investment in its defence industry, and (2) **increase cooperation between Europe and Ukraine** through successful programs that further integrate defence production, such as Finland's program to <u>manufacture</u> armoured vehicles in Ukraine. Further, Canada should work through the G7 to establish integration mechanisms like the <u>International Defense Industries Forum</u>. While the upfront costs of this would be high, Ukraine's economy is primed to benefit from lower dependence on external assistance.

Recommendation 2: Lead by Example and Encourage Allies to Seize Frozen Assets

Canada can lead on the international stage by using the *Special Economic Measures Act* (SEMA) to **seize frozen Russian assets**. This would build upon the success of the ERA initiative, which has already <u>disbursed loans</u> backed by interest accrued from Russian central bank assets. With major allies <u>remaining skeptical</u>, such a move would set a positive precedent for Europe to follow. The primary benefit is that it would free up resources *without* adding any strain to the tax base or increasing deficits at home.

The federal government has pledged to do this <u>since 2022</u> and even revised the SEMA to authorize it, but thus far no action has been taken. Concerns have been raised about such a policy's implications for <u>investor confidence</u> and international law, primarily in the EU. We argue that the law of state responsibility permits third-party countermeasures when *erga omnes* norms (like launching an aggressive war) have been violated, and such a precedent has already been set in the application of US <u>unilateral</u> <u>sanctions</u> against third-parties.

The Department of Justice and Global Affairs Canada should clarify the legality and applicability of Canada's sanctions regime to ease any financial or legal concerns. Asset seizures would only apply in the most grave breaches of international law. This would calm fears of capital flight and ensure nations like Saudi Arabia or China that their assets are not at risk, particularly in the Eurozone.

Recommendation 3: Strengthen Ukraine's Position through Active Diplomacy with the EU

In response to the United States halting military aid, Ukraine has presented terms of negotiation that reconcile its difficulty to continue fighting the war with the inviolability of its borders. Any peace must be dictated by Ukraine itself, not imposed by external powers. A diplomatic off-ramp to the conflict would allow countries to refocus resources on rebuilding Ukraine. To achieve this, Canada should bolster its ties with the European Union and take proactive steps to facilitate diplomacy, which may be pursued through the creation of a multilateral commission dedicated to accelerating a peaceful conflict resolution.

A key aspect of this initiative would be appointing a third-party member state to the commission, which could strengthen Ukraine's negotiating position in the short term—potentially securing a ceasefire deal that includes political prisoner exchanges and troop withdrawal. Canada's leadership in peacemaking as a mediator would reinforce its commitment to upholding Ukraine's territorial sovereignty and protecting international law. Failure to maintain this stance can set a dangerous precedent as it may enable Russia to exploit political deadlock and pursue more aggressive actions in the future. By initiating these short-term steps, Canada can contribute to a diplomatic framework that fosters long-term peace in Ukraine while enhancing its reputation as a steadfast defender of global stability.

Conclusion

Russia's invasion of Ukraine has created immense diplomatic and economic challenges for the international community. While Western countries have generally remained steadfast in their support for Ukraine's defence, concerns of long-term sustainability have exacerbated political and fiscal pressures. Given these challenges, our brief recommends Canada to launch a long-term program to improve Ukraine's independent defence capabilities, financed by the seizure of frozen Russian central bank assets. At the same time, Western countries—led by Ukraine and the EU—should pursue a diplomatic path to peace that maintains Ukraine's integrity.

References

- Butler, Creon. "Confiscating Sanctioned Russian State Assets Should Be the Last Resort." Chatham House, 2024.

 https://www.chathamhouse.org/2024/05/confiscating-sanctioned-russian-state-assets-should-be-last-resort.
- "Commission Disburses First €3 Billion to Ukraine of Its Part of the G7 Loan, to Be Repaid with Proceeds from Immobilised Russian Assets." European Commission, January 10, 2025. https://enlargement.ec.europa.eu/news/commission-disburses-first-eu3-billion-ukraine-its-part-g7-loan-be-repaid-proceeds-immobilised-2025-01-10_en.
- "Comprehensive Assistance Package (CAP) for Ukraine." North Atlantic Treaty Organization, July 11, 2024. https://www.nato.int/cps/en/natohq/topics 231639.htm.
- Dubinsky, Zach. "Ottawa Has Done Nothing to Actually Seize Millions from Russian Oligarch." CBCnews, January 22, 2025. https://www.cbc.ca/news/politics/russia-sanctions-canada-seizures-abramovich-antonov-1.743746 4.
- "Finland, Patria Explore Option of Manufacturing Armoured Vehicles in Ukraine." YLE News, August 24, 2023. https://yle.fi/a/74-20046806.
- Goncharova, Olena. "How Canada Became First in West to Recognize Ukraine's Independence." Kyiv Post, August 24, 2021. https://www.kyivpost.com/post/7555.
- "Joint Press Release: EU-Ukraine Defence Industries Forum Bolsters Cooperation between Ukrainian and European Defence Industries." Enlargement and Eastern Neighbourhood, May 6, 2024. https://enlargement.ec.europa.eu/news/joint-press-release-eu-ukraine-defence-industries-forum-bolsters-cooperation-between-ukrainian-and-2024-05-06 en.
- "A Just and Lasting Peace for Ukraine." Prime Minister of Canada, February 24, 2025. https://www.pm.gc.ca/en/news/backgrounders/2025/02/24/just-and-lasting-peace-ukraine#:~:text= Extraordinary%20Revenue%20Acceleration%20Loans%20for,face%20of%20ongoing%20Russia n%20aggression.
- Kuzio, Taras. "The West Reaps Multiple Benefits from Backing Ukraine against Russia." Atlantic Council, January 12, 2023. https://www.atlanticcouncil.org/blogs/ukrainealert/the-west-reaps-multiple-benefits-from-backing-ukraine-against-russia/.
- National Defence. "Defence Minister Bill Blair commits \$440 million in military assistance to Ukraine." Government of Canada. Accessed March 8, 2025.

- https://www.canada.ca/en/department-national-defence/news/2025/01/defence-minister-bill-blair-c ommits-440-million-in-military-assistance-to-ukraine.html.
- Leali, Giorgio, and Nette Nöstlinger. "France Warms to Idea of Seizing Russian Assets in Europe." POLITICO, March 5, 2025. https://www.politico.eu/article/france-warming-up-seizing-russia-assets-eu-us-donald-trump.
- MacKinnon, Mark. "Planned NATO Facility in Poland Expected to Raise Tensions with Russia." The Globe and Mail, July 28, 2023. https://www.theglobeandmail.com/world/article-nato-base-poland-russia/.
- O'Grady, Siobhan, Leo Sands, Catherine Belton, and Ellen Fancis. "Zelensky Offers Partial Ceasefire with Russia to Restart Peace Talks." The Washington Post, 2025. https://archive.md/gkyWI#selection-533.0-533.68.
- "Prime Minister Strengthens Defence and Security Partnerships at the NATO Summit." Prime Minister of Canada, July 15, 2024.

 https://www.pm.gc.ca/en/news/news-releases/2024/07/11/prime-minister-strengthens-defence-and-security-partnerships-nato-summit.
- Sanctioning Third-Country Enablers of Russia's War Against Ukraine, 2024. https://2021-2025.state.gov/sanctioning-third-country-enablers-of-russias-war-against-ukraine/.
- Stepanenko, Kateryna, George Barros, and Fredrick Kagan. "Ukraine's Long-Term Path to Success: Jumpstarting a Self-Sufficient Defense Industrial Base with US and EU Support." Institute for the Study of War, 2024. https://www.understandingwar.org/backgrounder/ukraine%E2%80%99s-long-term-path-success-j umpstarting-self-sufficient-defense-industrial-base.
- "Supporting Ukraine for as Long as It Takes." Prime Minister of Canada, February 24, 2023. https://www.pm.gc.ca/en/news/news-releases/2023/02/24/supporting-ukraine-long-it-takes.
- "Updated Ukraine Recovery and Reconstruction Needs Assessment Released." World Bank, February 24, 2025.
 - https://www.worldbank.org/en/news/press-release/2025/02/25/updated-ukraine-recovery-and-reconstruction-needs-assessment-released.



A POLICY PLAN FOR STRENGTHENING AND ENFORCING CANADIAN DATA PROTECTIONS

By Derek Akkiprik, Faiz Jan, and Mia Rodrigo

A Policy Plan for Strengthening and Enforcing Canadian Data Protections TP05 - March 3rd, 2025

Executive Summary

Canada's current privacy regulations fail to adequately protect citizens from the unchecked collection and misuse of personal data, leaving individuals—especially marginalized groups—vulnerable to exploitation, identity theft, and algorithmic discrimination. To address these gaps, we propose a reclassification of personal information as a Charter-protected right, the creation of a voluntary personal data registry, and the establishment of a Bureau of Personal Information Protection to enforce regulations and hold violators accountable.

Introduction

As information, including personal information, becomes far more abundant and transmissible thanks to the internet, Canada has found itself lagging in policies aimed at protecting the privacy of its citizens. We have entered an era where "the customer has become the product" – wherein companies profit not through charging a fee to product users, but by selling their personal information, often without the knowledge or consent of those users.

Outcomes of this unseen market of information can be devastating to individuals, opening them up to targeting for harassment, libel, identity theft, fraud, and more. This is particularly true for marginalized groups whose personal information can be used more injurious to them by opening them up to biased scrutiny. Domestic regulators have implemented certain measures to counter these challenges, however, many of these continue to fail in effectively protecting personal information rights, and misuse of information persists.

Approach and Results

To effectively identify policy prescriptions, our team investigated the core mechanisms through which information management systems fail, finding cases or data alluding to damage

done, and then assessing plausible causal relationships. Our recommendations build on this by trying to identify mitigating techniques for those same cases of damage.

The first major issue with present-day legislation is that it is simply too broad to effectively protect citizens. PIPEDA defines personal information as where "there is a serious possibility that an individual could be identified through the use of the information, alone or in combination with other available information", requiring consent from consumers to collect information for its described use. An issue with this is that non-personal information can include nearly any amount of information, since if it is tied with bank accounts, addresses, phone numbers, or virtually anything apart from a name or SIN, it cannot necessarily be used to identify an individual, and is considered "anonymized data". Additionally, laws on the books do not require any thorough explanation of the use case, failing in contrast to GDPR, by not making any requirements of processors of personal information, only by collectors and users. Warnings can prove to be lacklustre, including some information that is considered voluntary by default, and that information may be used to draw any sort of conclusions so long as those conclusions do not identify the individual, are drawn through automated processes, or are drawn outside Canada.

But current legislation also misses the mark by failing to provide an apt mechanism for enforcement of the regulation, yielding responsibility of active enforcement to the lowest available level. Individuals are encouraged to legally consent by design, but have limited recourse once this is done, as civil procedures can be expensive, filing requests for removal of information from every service is time consuming, and the data users may be unknown.

Implications and Recommendations

Unintentional systemic injustices triumph in this system. For example, the persecution of racial minorities by the police as a result of "algorithmic policing". Possibly worse is the usage

of data for intentionally malignant actions, such as through increased reporting of AI to create deep fakes of non-consensual explicit pornography. While opponents of data regulations will point to plausible decline in innovation, we contest that similar outcomes have not occurred in Europe with GDPR, and even if there were, that these threats are far more vital to address. *Policy Recommendation 1 - Reclassification of Personal Information*

Modifications to existing legislation that dramatically implicate more data will allow assurance that individuals are protected against usage of their information in harmful manners, and that it is truly taken seriously. Thus, we suggest legal recognition of a Charter protected personal security right to information detailing an individual's identity, including their browser history, financial information, location, and physical appearance, defaultly considered akin to a patent. This also should include overriding blanket force for regulations on AI technologies for all other levels of government by referencing Section 91 of the Constitution Act, providing the Federal government responsibilities for patents. Additionally, laws should restrict language and means for obtaining consent so as to ensure individuals are not compelled to share their information, as well as a civil and criminal legal liability for and recourse against all collectors, users, and processors for harmful usage of that information – with penalties expanded to include a loss of data processing rights for repeat offenders. Finally, information laws should include automated information processing, like ignorance of the content of AI training data, and purposefully malignant use of information, as criminal hate crimes – the deliberate weaponization of misrepresented or misconstrued data on the basis of the individual's identity. Policy Recommendation 2 - Establishing a Voluntary Soleau-Style Personal Data Registry

A Voluntary Soleau-Style Personal Data Registry would empower Canadians to preemptively declare specific categories of personal data as off-limits for collection, storage, or

sale by organizations. This system would create a legally binding presumption of non-consent, requiring companies to actively verify permission before accessing protected data. A patent registry established through a government-managed online portal would seek to ensure clear documentation of privacy preferences, and could be set up to automatically flag the sharing or usage of this information on the internet. AI-driven systems, particularly those used in advertising, predictive analytics, and data brokerage, would be obligated to filter out any restricted data points from their datasets.

Policy Recommendation 3 - Establishing the Bureau of Personal Information Protection (BPIP)

BPIP, under the purview of the OIC, should mandate and oversee audits on information collection, processing, storage, and usage in a manner similar to CRA oversight of corporations. They must also have broad authority to investigate and prosecute organizations for crimes against personal information collection regulations, and the authority to direct the command of Peace Officers of Canada. The intent of this bureau would be to actively enforce these protections, particularly on behalf of victims/survivors may not be able to take legal action themselves or may face other barriers, due to their marginalized identity, in accessing support.

Conclusion

Canada's outdated privacy laws fail to protect individuals from exploitation. Our proposed reforms – stronger legal rights and classifications, a voluntary data registry, and a dedicated enforcement bureau – will establish accountability, prevent harm, and ensure digital security while minimizing the possibility of stifling innovation. Aligning with global best cases like GDPR, these measures create a balanced, enforceable framework, empowering individuals while fostering responsible data use.

References

- Barocas, Solon, and Andrew D. Selbst. 2016. "Big Data's Disparate Impact." *California Law Review* 104 (3): 671–732.
- Buolamwini, Joy, and Timnit Gebru. 2018. "Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification." In *Proceedings of the 1st Conference on Fairness, Accountability and Transparency*, 77–91. PMLR.
- Charland, Sabrina, Ryan van den Berg, and Alexandra Savoie. "Legislative Summary of Bill C-27: An Act to Enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to Make Consequential and Related Amendments to Other Acts." Library of Parliament, December 7, 2022. https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummarie s/441C27E.
- Charlebois, Brieanna. "Ai Makes Deepfake Pornography More Accessible, as Canadian Laws Play Catch-Up." CBC / Radio Canada, February 3, 2024. https://www.cbc.ca/news/canada/british-columbia/deepfake-pornography-to-the-masses-1.710432 6.
- "Consolidated Federal Laws of Canada, the Constitution Acts 1867 to 1982." Legislative Services Branch, February 13, 2025. https://laws-lois.justice.gc.ca/eng/const/page-3.html.
- Eubanks, Virginia. 2018. *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor.* New York: St. Martin's Press.
- "Income Tax Audit Manual Conducting the Audit." Canada Revenue Agency, June 27, 2023. https://www.canada.ca/en/revenue-agency/services/tax/technical-information/income-tax-audit-manual-domestic-compliance-programs-branch-dcpb-10.html.
- Noble, Safiya Umoja. 2018. *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York: New York University Press.
- O'Neil, Cathy. 2016. Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy. New York: Crown Publishing Group.
- Pasquale, Frank. 2015. *The Black Box Society: The Secret Algorithms That Control Money and Information*. Cambridge, MA: Harvard University Press.
- "PIPEDA Requirements in Brief." Office of the Privacy Commissioner of Canada, May 1, 2024. https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protect ion-and-electronic-documents-act-pipeda/pipeda brief/.
- Robertson, Kate, Cynthia Khoo, and Yolanda Song. "To Surveil and Predict: A Human Rights Analysis of Algorithmic Policing in Canada." The Citizen Lab, February 2, 2021. https://citizenlab.ca/2020/09/to-surveil-and-predict-a-human-rights-analysis-of-algorithmic-policing-in-canada/.

- "Section 7 Life, Liberty and Security of the Person." Department of Justice Canada, July 31, 2023. https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art7.html.
- Young, Angus, Iana Gaytandjieva, Nikolaos Papageorgiou, Alexander Fetani, Edidiong Udoh, Pranav Ananth, Troy Boatman, et al. "Comparing Privacy Laws: GDPR v. PIPEDA." Edwards, Kenny & Bray LLP. Accessed March 8, 2025. https://www.dataguidance.com/sites/default/files/gdpr v pipeda.pdf.
- Zuboff, Shoshana. 2019. The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power. New York: PublicAffairs.