



Government Openness and Transparency in the Digital Era

Major Anonymous

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OPENNESS AND TRANSPARENCY IN THE DIGITAL ERA

Government openness and transparency is a pillar of democracy. The digital era has ushered in newfound ways of enabling openness and transparency, particularly in the way the Government communicates with the citizens it serves. The digital era has afforded Governments with an array of communication technologies to encourage public engagement and debate of key social and policy issues. At the same time, the digital era has created an overloaded information environment that has become complex, congested and contested. How does the digital era contribute to or challenge Government of Canada openness and transparency and what of the impact on democratic values like citizen access to information and to institutions like the fourth estate?

This paper will demonstrate that the Government of Canada must employ modern communication mechanisms more effectively to meet its commitment of openness and transparency with the public, while countering mis- and disinformation. First, this paper will look at Canada's federal access to information system and the ways in which the Government of Canada continues to fail Canadians by refusing to meaningfully modernize the system. Second, this paper will examine the fourth estate in Canada and the contributors to its decline. The third section looks at the impact of misinformation and disinformation on Canadian democracy and the Government of Canada's response. Finally, this paper will examine the rise of social media and its effect on Government of Canada communications. Digital era communication technologies and the interconnected nature of the information environment has both hindered and promoted Government openness and transparency that the Government chooses to favour either by design or by consequence.

What is the information environment and of what does it comprise? In their literature review of the information environment and its effects on individuals and groups, scholars Paul Röttger and Balazs Vedres define the information environment as: "constituted by all informational processes, services, and entities, thus including informational agents as well as their properties, interactions, and mutual relations."¹ The Department of National Defence and Canadian Armed Forces (DND/CAF) defines the information environment as "the aggregate of individuals, organizations, and systems that collect, process, disseminate, or act on information."² Either definition supports the requirement to define the term "information environment" for the purpose of this paper.

THE OPENNESS AND TRANSPARENCY ACT

The Government of Canada's premier law committing it to openness and transparency with the publics it serves is the federal *Access to Information Act*. The 1983 *Access to Information Act*'s purpose is to "enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public

¹ Paul Röttger and Balazs Vedres, 'Literature Review: The Information Environment and Its Effects on Individuals and Groups', 30 April 2020, 3, <https://royalsociety.org>.

² National Defence, 'CDS/DM Planning Guidance - Enhancing Operational and Institutional Communications: Resetting Information-Related Capabilities Initiatives' (Canada, 12 November 2020), 8.

debate on the conduct of those institutions.”³ Canada’s status of having been considered a global leader in freedom of information as one mechanism to strengthen democratic governance has been the subject of much debate over the past 40 years. This law is critiqued over its perceived and actual use, and its contribution to holding Government accountable to the democratic principle of openness and transparency. This section examines several key players in the debate: journalists and academics, and Information Commissioners and Governments. This section aims to shed light on tension areas and concludes by offering analysis on whether current access to information practices erode public confidence in Government openness and transparency.

Journalists and Academics

The journalism community holds several contentions with the federal access to information system. The most significant criticism revolves around processing delays, which in some cases can amount to years. The law states that within 30 days the government institution to which the request was made must either provide in whole or in part the requested information or provide notice that an extension is being requested.⁴

Just four years after the law came into force, media coverage flagged concerns about processing delays.⁵ Access to information officials cited part of the reasons for delays in about 20 per cent of cases revolved around requests being too broadly worded.⁶ As a result, volumes of paperwork needed to be screened and appropriate severances applied thus extending the legislated 30-day turnaround time.⁷ In 1999, media coverage focused on the political gaming of the system calling out the Minister of National Defence and the Department.⁸ In this case, an opposition Member of Parliament complained to the Information Commissioner about delays accessing information from the Department of National Defence. The Information Commissioner determined the Minister’s Office interfered with the lawful application of the process by deliberately delaying document release to ensure the Minister’s staff had adequately prepared media responses to address potential criticism from the information release. In 2013, the Information Commissioner flagged serious issues such as poor leadership and long-term understaffing as having a significant impact on the access information system’s integrity.⁹ The result? Compounded information release delays described as anywhere between six months to three years.¹⁰

In 2022, seasoned journalists’ coverage discussed the now decrepit state of the federal access to information system is largely a result of two key points: zero-political will to

³ Government of Canada, ‘Access to Information Act’, 1 October 2022, <https://laws-lois.justice.gc.ca>.

⁴ Government of Canada.

⁵ Iain Hunter, ‘Official Blames Reporters’ Loosely-Worded Requests for Information Delays’, *The Ottawa Citizen*, 10 April 1987, Final edition, sec. News.

⁶ Hunter.

⁷ Hunter.

⁸ Mike Blanchfield, ‘Eggleton Aide Rapped for ‘improper Interference’: Minister Escapes Blame for Delays in Handling Access to Information Requests’, *The Ottawa Citizen*, 20 October 1999, Final edition, sec. News.

⁹ Jim Bronskill, ‘Glitches Mar Access to Information, Official Says’, *Toronto Star*, 18 October 2013, sec. News.

¹⁰ Bronskill.

implement meaningful change and zero-consequences facing those who fail to comply with, interfere with and abuse the process.¹¹ Thus, freedom of the press to seek information on behalf of the public that would hold the sitting Government of the day to account is essentially being exchanged for freedom of politicians to act with impunity.

The academic community began advocating for freedom of information protection in the 1960s and 1970s.¹² Legal studies scholar, Vincent Kazmierski, describes a history of academic advocacy in his article assessing the importance of the academic relationship with the *Access to Information Act*. Kazmierski notes scholars Donald C. Rowat, T. Murray Rankin and Alasdair Roberts' advocacy efforts strongly pushed for people's participation in democracy as being based on knowledge of the actions and activities going on with the people to whom the people elected as a fundamental pillar of democracy/informed citizenry.¹³

Kazmierski notes that many academics rely on access to government information as part of their research material as they contribute to academic discourse "to more accurately understand and critique the process and politics of decision-making by government officials and other state agents."¹⁴ Kazmierski makes the case for the academic community to continue to use their voices to advocate for *Access to Information Act* amendments alongside journalists, particularly because academics have lesser pressures as compared with journalists who run against daily or short deadlines, whose stories can be impacted by corporate pressures and who are more highly recognized.¹⁵ In the end, failure to obtain requested government information inhibits academic freedom as it inhibits freedom of the press. An inability for these agents to access information in a timely manner erodes the ability of these agents to communicate and thus erodes important avenues through which citizens become more informed about their elected Government's actions and inactions.

n ormation ommissioners and Governments

Successive Information Commissioners have lobbied for legislative reform to address the *Access to Information Act's* systemic flaws.¹⁶ At the request of the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI), Information Commissioner John Reid tabled a draft reform act in 2005 focused on "proactive

¹¹ Dean Beeby, 'Opinion: World Press Freedom Day — It's Time Canada's Access to Information Law Was Enforced', *Ottawa Citizen*, 3 May 2022, <https://ottawacitizen.com>; Dean Beeby, 'Opinion: The Access-to-Information System Should Be a Window on Government, Not a Brick Wall', *The Globe and Mail*, 10 December 2022, <https://www.theglobeandmail.com>; David Akin, 'Delay, Delay, Delay: MPs Seek Fix to Canada's Broken Access-to-Information System - National', *Global News*, 11 December 2022, <https://globalnews.ca>; Ken Rubin, 'Opinion: Treasury Board's Overdue Review of Access Act Is Big on Propaganda, Light on Recommendations', *The Hill Times*, 26 December 2022, <https://www.hilltimes.com>.

¹² Vincent Kazmierski, 'Accessing Democracy: The Critical Relationship between Academics and the Access to Information Act Problems in Accessing Information: A Collection of Essays', *Canadian Journal of Law & Society* 26, no. 3 (2011): 613.

¹³ Kazmierski, 614.

¹⁴ Kazmierski, 614.

¹⁵ Kazmierski, 615.

¹⁶ Campbell Clark, 'Tories Fail to Take Action on Access to Information', *The Globe and Mail*, 26 February 2009, <https://www.theglobeandmail.com>.

disclosure and open government principles.”¹⁷ After the Liberal Government fell to the Conservatives in 2006 having run on a promise to clean up Ottawa and to implement Information Commissioner Reid’s recommended legislative reforms, the Conservatives had still not delivered on those promises by 2009.¹⁸ The Conservatives instead placed blame on the Public Service for not adhering to legislation.¹⁹ Information Commissioner Robert Marleau tabled to ETHI his report calling for a number of immediate actions to address the access to information system’s ever-deteriorating state, particularly in the areas of modernization and compliance.²⁰ Information Commissioner Marleau’s 2009 report highlights that while successive Governments have made platitudinal amendments to the Act over time, Governments have not seriously considered successive reform recommendations from Private Members, Information Commissioners and the Court, including those recommended in the Act’s 10th Anniversary report.²¹ The Government’s response to Information Commissioner Marleau’s recommendations again demonstrates the lack of political will to implement effective modernization reforms. Instead of embracing legislative amendments to modernize the Act and deal with systemic compliance issues, the Government proposed administrative changes.²²

As *The Globe and Mail*’s Steven Chase wrote in 2011, modernizing the Act requires concerted pressure on successive Governments and mobilizing this sustained pressure is difficult to do.²³ In 2015, the Liberals promised to make right on improving Canadians’ access to Government information as part of their election platform.²⁴ In 2016, the ETHI tabled 32 recommendations to Parliament following its review of the Act.²⁵ This review was the Committee’s response after the Information Commissioner had submitted a special report to modernize the Act in 2015.²⁶ Four years later, Bill C-58 came into force. Hailed as the most significant amendments since the Act’s inception, Bill C-58 introduced binding order-making powers to the Information Commissioner, eliminated fees above the initial application fee and introduced proactive disclosure—a pushing of certain Government information on a set schedule rather than a pulling of this same

¹⁷ Kazmierski, ‘Accessing Democracy’, 618.

¹⁸ Clark, ‘Tories Fail to Take Action on Access to Information’.

¹⁹ Clark.

²⁰ Information Commissioner of Canada, ‘Strengthening the Access to Information Act to Meet Today’s Imperatives’ (Office of the Information Commissioner, 4 March 2009), <https://www.oic-ci.gc.ca>.

²¹ Information Commissioner of Canada.

²² Kazmierski, ‘Accessing Democracy’, 620.

²³ Steven Chase, ‘Can Access to Information Be Fixed?: A Process That Was Supposed to Shed Light on Government Information Has Become Bugged down in Secrecy and Delays’, *The Globe and Mail*, 15 January 2011.

²⁴ Vincent Gogolek, ‘The Holes in the Access to Info System’, *Policy Options*, 6 July 2017, <https://policyoptions.irpp.org/ft/magazines/july-2017/the-holes-in-the-access-to-info-system/>.

²⁵ House of Commons Standing Committee on Access to Information, Privacy and Ethics (Blaine Calkins, Chair), ‘Review of the Access to Information Act’, 42nd Parl., 1st Sess., 2nd Report, June 2016, <https://www.ourcommons.ca/Content/Committee/421/ETHI/Reports/RP8360717/ETHIrp02/ETHIrp02-e.pdf>.

²⁶ Information Commissioner of Canada, ‘Striking the Right Balance for Transparency: Recommendations to Modernize the Access to Information Act’ (Office of the Information Commissioner, March 2015), <https://www.oic-ci.gc.ca>.

information by request.²⁷ Bill C-58 also enshrined a review of the Act one year after coming into force and every five years thereafter.²⁸ The Treasury Board Secretariat completed the one-year review in 2022. Media reporting on that review states there is little in the way of concrete recommendations aimed at improving the updated Act and the same issues remain.²⁹ In their 2022 investigative study about the new access to information regime in Canada, Duncan et al. conclude the Government of Canada continues to prioritize control over information in lieu of access, which contradicts the current Government narrative on improving openness and transparency.³⁰ The Government of Canada states it is committed to leveraging digital technologies to enhance digital government practices as an *Open Government Partnership* member; however, the study determined that Bill C-58's proposed amendments along this vein are not aimed at using digital technology to improve access to information operational systems and digital literacy among its employees.³¹

Based on the Information Commissioners' exhaustive volume of reports to Parliament calling for change, the Government and the Departments for which it is responsible continue to abuse both the spirit and the letter of the law.³² Following more than 16 *Access to Information Act* reviews, it can be argued the Act has only in theory protected citizens' freedom to Government information. The value of open and transparent government lies in the enabling of public discourse and debate on the conduct of government and institutions so they may be held accountable to the publics they serve. Failure of the Government and its Departments to uphold both the spirit and the letter of the law should be of concern to all citizens for it erodes the very right it is designed to protect in the first place.

Because of the problems plaguing the federal access to information system, mainstream media needs to maintain its pronounced role in keeping citizens informed; however, the pace of the digital technology revolution is placing the role of traditional journalism at risk, which will be discussed in the next section.

T E O T E T T E

Press freedom is a fundamental freedom as detailed in section two of the *Canadian Charter of Rights and Freedoms* under the *Constitution Act, 1982*.³³ The digital era has had an irreversible impact on the way consumers access news and the way news makers

²⁷ Government of Canada, 'The Updated Access to Information Act', 18 January 2023, <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information-act.html>.

²⁸ Government of Canada.

²⁹ Rubin, 'Opinion: Treasury Board's Overdue Review of Access Act Is Big on Propaganda, Light on Recommendations'; Neil Moss, 'Confronting "Culture of Secrecy" at Forefront of Access to Information Fix, Say Advocates, as Feds Trumpet Innovation Remedies', *The Hill Times*, 2 January 2023, sec. News, <https://www.hilltimes.com>.

³⁰ Jamie Duncan, Alex Luscombe, and Kevin Walby, 'Governing through Transparency: Investigating the New Access to Information Regime in Canada', *The Information Society* 39, no. 1 (1 January 2023): 46, <https://doi.org/10.1080/01972243.2022.2134241>.

³¹ Duncan, Luscombe, and Walby, 57.

³² 'The Office of the Information Commissioner of Canada', accessed 13 March 2023, <https://www.oic-ci.gc.ca/en>.

³³ Government of Canada, 'Constitution Act, 1982', 7 August 2020, <https://laws-lois.justice.gc.ca>.

have had to evolve. The Fourth Estate is a core institution within healthy democracies. The institutional legitimacy of a free press is founded in trust—a trust with the publics that consume the information relayed to them via the institution.³⁴ This section argues that the Fourth Estate is in decline and that the digital era with its myriad communications tools has encouraged the Government to use the information environment in a way that undermines the value of media as a vital conduit to citizens.

Evol tion Devol tion

The traditional media domain is a degrading domain. What is meant by the term traditional media? For the purposes of this paper, a more salient term – that of “serious journalism” will be used. In her study about serious journalism in Canada, Madelaine Drohan defines this term by describing what serious journalism does: it “provide[s] citizens with the information they need to make the best possible decisions about their lives, their communities, their societies and their governments.”³⁵ The focus for this paper is on serious political journalism.

The 24-hour news cycle introduced in the 1980s with the aim of reporting news in real-time from anywhere around the globe increased the speed at which newsrooms had to do more with less.³⁶ With the Internet came additional challenges of a lesser number of journalists having to produce more content to be pushed on more platforms. Donald J. Savoie quotes a *Globe and Mail* columnist in *Democracy in Canada* as stating the journalism industry as it is traditionally known is experiencing a crisis “unprecedented in scope” in which “the old business model [is] in a state of collapse.”³⁷

As traditional newsrooms throughout the decades have had to do more with less, reporters must do more reporting with less resources.³⁸ The consequence over time is that the beat journalist of old is a cadre on the decline, particularly with respect to the political beat. Henna Hopia describes the relationship between the media and politics as “one of the most powerful...and controversial public relationships.”³⁹ There is an enduring tension in the relationship between media and politics—a required symbiosis. However, the digital age has deeply affected this relationship in a way that harms the trio of players involved in this relationship—the politician, the journalist and the public information consumer. In 2012, Hopia’s article about the declining quality of political reportage and the European Union argues that the technological advancement affecting the information environment has had a negative effect on political journalism.⁴⁰ The dramatic competition between news organizations encouraged a news values compromise: the speed of being

³⁴ Antonis Kalogeropoulos et al., ‘News Media Trust and News Consumption: Factors Related to Trust in News in 35 Countries’, *International Journal of Communication* (19328036) 13 (January 2019): 3672–93.

³⁵ Madelaine Drohan, ‘Does Serious Journalism Have a Future in Canada?’ (Ottawa: Public Policy Forum, 2016), 1.

³⁶ History.com Editors, ‘CNN Launches’, History.com, accessed 16 March 2023, <https://www.history.com/this-day-in-history/cnn-launches>.

³⁷ Donald J. Savoie, *Democracy in Canada: The Disintegration of Our Institutions* (McGill-Queen’s Press - MQUP, 2019), 240.

³⁸ Drohan, ‘Does Serious Journalism Have a Future in Canada?’, 10–11.

³⁹ Henna Hopia, ‘Decline of the Media? Decline of Democracy?’, *European View* 12, no. 1 (1 June 2013): 42, <https://doi.org/10.1007/s12290-013-0247-5>.

⁴⁰ Hopia, ‘Decline of the Media?’

first with the news increased in value over the values of accuracy and balance. With online news platforms, the ability to amend errors came at the expense of a couple of keyboard strokes over the costly requirement to re-print or issue an error notice using a printing press or by taking up time in a television or radio broadcast.

With mounting pressures for journalists to be generalists rather than specialists in a particular field, the quality and tone of political news coverage has evolved into a perpetual state of pessimism and where positive political actions are seldom reported.⁴¹ Politicians and political parties understand the headline grabbing nature of the news environment. Both journalists and politicians use the digital era environment to proliferate headlines within the information environment to get more heated attention, and faster. It is this very environment that does nothing either to advance the democratic principle of openness and transparency on the part of Government or to dig into a subject to provide in-depth informed coverage for the public information consumer. In her book on the federal bureaucracy in the digital age, Amanda Clarke states that “[t]oday’s combative political culture rationalizes strict information control, a fear of public facing failure, and excessive top-down oversight.”⁴² It is within this context that we can see how the explosion of digital technologies has exacerbated public frictions between political parties, between politicians and traditional media, and between the traditional and new media domains. This construct leaves little oxygen for serious, informed conversation and debate that has typically been a traditional media responsibility. Save for few mainstream media political programmes, politicians and departmental experts no longer speak with journalists by course of routine to further inform publics about government policies or decisions. Instead, Government of Canada control over messaging and media responses ensure a steady stream of departmental media response lines of little substance are provided to journalists’ questions via email.⁴³ Thus, this cycle of tension and negative reportage continues—a catch-22 so to speak.

Another pressure contributing to the decline of traditional political journalism is the increasing revenue pressures media organizations face wherein advertising has a more pronounced role in keeping digital news sites running thus leading to news content generated to increase traffic instead of being of a high and informative quality.⁴⁴ Media coverage quality comes at the expense of quantity and quickness to maintain a labour-intensive 24-hour news cycle and to compete with the immediacy and near real-time reportage that can occur through digital technologies. Agencies take the less costly content-producing route and spend less on opportunities to develop in-depth, quality content, which means less investment in cultivating talent resulting in lost expertise.⁴⁵ At the same time, news consumption patterns have shifted. The demographics of news

⁴¹ Hopia, 42.

⁴² Amanda Clarke, *Opening the Government of Canada: The Federal Bureaucracy in the Digital Age* (Vancouver, Canada: UBC Press, 2019), 27.

⁴³ David P. Ball, ‘Should Journalists Refuse Emailed Statements as Substitute Interviews with Politicians? - J-Source’, 10 September 2013, <https://j-source.ca>; Paul Berton, ‘Opinion: Prepared Statements from Public Servants Are No Substitute for an Interview’, *The Hamilton Spectator*, 11 September 2020, sec. Columnists, <https://www.thespec.com>; Les Whittington, “‘Government by Photo Op’: How Stephen Harper Froze out Ottawa’s Press Corps”, *Toronto Star*, 21 June 2015, <https://www.thestar.com>.

⁴⁴ Drohan, ‘Does Serious Journalism Have a Future in Canada?’, 5–9.

⁴⁵ Drohan, 5, 11.

consumers is diverse and news organizations must balance costs across multiple platforms to reach the diverse groups of news consumers. What this means is there is less opportunity to provide the kind of in-depth, balanced and critical reportage on government activity necessary to enable a better-informed citizenry.⁴⁶

The Fourth Estate is no longer what it once was. The digital era has fundamentally changed the media landscape with negative consequences to serious political journalism. There is acknowledgement and support for the Fourth Estate's traditional role, but to remain relevant, the business model must adapt to today's digital environment and range of consumer information habits.⁴⁷ The consequence of not doing so will only further contribute to the Government of Canada being less open and transparent resulting in a less informed public on key public policy issues despite the ubiquitous nature of information availability in the digital era. The Fourth Estate's role in combatting the ease at which misinformation and disinformation is proliferated in the digital age cannot be understated. The next section looks at misinformation and disinformation and how they might affect democracy.

O T O D O T O D D E O

The information environment in the digital era is complex, congested and contested. Distinguishing fact from falsity in the digital era is difficult with COVID-19 having compounded the matter.⁴⁸ This section examines the potential impact of misinformation and disinformation in the digital era on Canadian democracy, and the Government of Canada's response to it.

Though the terms misinformation and disinformation may often be used interchangeably, the following definitions will be used to differentiate between the two terms for the purpose of this paper. Dictionary.com defines misinformation as "false information that is spread, regardless of intent to mislead."⁴⁹ The online dictionary defines disinformation as "false information, as about a country's military strength or plans, disseminated by a government or intelligence agency in a hostile act of tactical political subversion."⁵⁰ More broadly, disinformation means "deliberately misleading or biased information; manipulated narrative or facts; propaganda."⁵¹

⁴⁶ Drohan, 5, 11.

⁴⁷ Drohan, 'Does Serious Journalism Have a Future in Canada?'

⁴⁸ Tej Heer et al., 'Misinformation in Canada: Research and Policy Options' (Ottawa, Canada: Evidence for Democracy, May 2021), 4, <https://evidencefordemocracy.ca>.

⁴⁹ "Misinformation" vs. "Disinformation": Get Informed On The Difference', Dictionary.com, 15 August 2022, <https://www.dictionary.com/e/misinformation-vs-disinformation-get-informed-on-the-difference/>.

⁵⁰ "Misinformation" vs. "Disinformation".

⁵¹ "Misinformation" vs. "Disinformation".

Impact on Citizens

Citizens' exposure to misinformation and disinformation is not a new phenomenon resulting from the digital technology explosion of recent decades. However, the speed and efficacy with which misinformation and disinformation are disseminated across global communities is unprecedented. To understand the potential impact misinformation and disinformation have on Canadians, it is important to first understand how Canadians consume information/news. Simply comparing Canada with the United States is unhelpful because the two countries' media and political landscapes are different.⁵² In studying the 2019 Election, *Digital Democracy Project* found that Canadians generally trusted news media and consumed news from reputable, mainstream news organizations with few Canadians accessing news through more hyper partisan news sources.⁵³ The project also determined that Canadians chose television as their primary source for news over social media for the election. However, a 2023 *Statistics Canada* report highlights that most Canadians use the Internet as their primary news source though it does not detail which online news sources or platforms are preferred. A 2021 *Evidence for Democracy* report on misinformation in Canada determined that in 2020, all social media platforms disseminated misinformation and that Canadians reported seeing it most often on Facebook, Reddit, Twitter, TikTok and YouTube.⁵⁴ The report also highlights that Canadians reported low levels of trust in social media as valid sources for information and news and low levels of belief in information obtained through social media alone.⁵⁵ Further, the report states 76 per cent of Canadians surveyed indicated they verify the information they see at a different source. Based on the various studies' results, a logical assumption that follows is that Canadians still have a degree of trust in mainstream news media regardless of the news media's broadcast mechanism/platform and are savvy about the fact misinformation is promulgated across social media sites that verification is warranted. But, what is the impact of this misinformation and disinformation on Canadians and ultimately on Canadian democracy? The 2021 *Evidence for Democracy* report states more research specific to the impact of misinformation and disinformation in the Canadian context is needed to better inform Canadian mitigation and resilience strategies since most research is focused on the US context.⁵⁶

Though Canadian and US media and political landscapes are different, the way in which people consume information in the digital era is not; therefore, some generalizations are beneficial to appreciate how much of an impact misinformation and disinformation may have on people. A 2019 *Rand Corporation* report on social manipulation in the information environment makes the case that the question to be asked is not necessarily about whether the public is more misinformed now than before the digital technology explosion, rather, it is about whether misinformation is worse now than before.⁵⁷ The study reveals misinformation is not worse than before and the reason is due to the general

⁵² Heer et al., 'Misinformation in Canada: Research and Policy Options', 7.

⁵³ Digital Democracy Project, 'Lessons in Resilience: Canada's Digital Media Ecosystem and the 2019 Election' (Ottawa, Canada: Public Policy Forum, 2020), <https://ppforum.ca/>.

⁵⁴ Heer et al., 'Misinformation in Canada: Research and Policy Options', 10.

⁵⁵ Heer et al., 10.

⁵⁶ Heer et al., 5.

⁵⁷ Michael J. Mazarr et al., 'The Emerging Risk of Virtual Societal Warfare: Social Manipulation in a Changing Information Environment' (RAND Corporation, 9 October 2019), 19.

public's desire for accurate and trustworthy information.⁵⁸ But, the report sets this finding against a concerning backdrop of a changing information environment trending towards the likely erosion of democratic institutions and social stability.⁵⁹ Literature about misinformation and disinformation promulgated through digital platforms highlight several areas of concern that at minimum challenge democracy and have the potential to destabilize it. These concerns include, but are not limited to, the unanimity and amplification of harmful and polarizing digital speech, social divisions based on misinformation, algorithmic design that tailor information towards individuals' ideologies, and advanced deepfake technology.⁶⁰

Government response

There are several criticisms leveled at the Government of Canada's response to misinformation and disinformation as the digital era mainstreams these acts and their potential harms to advanced democracies. Among those criticisms are the Government's inaction to regulate on-line speech, to protect the electoral process and to regulate social media as it does mass media.⁶¹ The *Citizens' Assembly on Democratic Expression* deem the Government's reactive nature to address the threats misinformation and disinformation pose to Canadian society as its Achilles' heel, specifically in the legal realm.⁶² Governments writ large cannot shift legislation to keep pace with technological advancement. And, while the Government reformed in 2018 the *Canada Elections Act* that included efforts to curb misinformation and disinformation, one specific revision is not seen as positive. There are constitutional questions about the removal of the word "knowingly" from section 91(1), which effectively existed as a safeguard because it protected those who unwittingly distributed incorrect or inaccurate information without any intent to harm or otherwise deceive.⁶³ Legal scholar Michael Karanicolas addresses the delicate balance required of Government to preserve Canadian values that make Canada's democracy thrive, such as freedom of expression, while ensuring a national resiliency to defeat against misinformation and disinformation aimed at undermining

⁵⁸ Mazarr et al., 19–20.

⁵⁹ Mazarr et al., 40–41.

⁶⁰ Spencer McKay and Chris Tenove, 'Disinformation as a Threat to Deliberative Democracy', *Political Research Quarterly* 74, no. 3 (1 September 2021): 703–17, <https://doi.org/10.1177/1065912920938143>; Thomas Turmel, 'Framing Disinformation on Social Media in Canada: An Unavoidable Domestic and Foreign Threat', *The Centre for International and Defence Policy* 8, no. 2 (June 2022), <https://www.queensu.ca>; Michael Karanicolas, 'Subverting Democracy to Save Democracy: Canada's Extra-Constitutional Approaches to Battling "Fake News"', SSRN Scholarly Paper (Rochester, NY, 22 July 2019), <https://papers.ssrn.com/abstract=3423092>; Mazarr et al., 'The Emerging Risk of Virtual Societal Warfare'.

⁶¹ Chris Tenove, 'Protecting Democracy from Disinformation: Normative Threats and Policy Responses', *The International Journal of Press/Politics* 25, no. 3 (1 July 2020): 517–37, <https://doi.org/10.1177/1940161220918740>.

⁶² Canadian Citizens' Assembly on Democratic Expression, 'Canadian Citizens' Assembly on Democratic Expression: Recommendations to Strengthen Canada's Response to the Spread of Disinformation Online.' (Ottawa: Public Policy Forum, 2022).

⁶³ Karanicolas, 'Subverting Democracy to Save Democracy', 207.

Canada's democratic institutions.⁶⁴ Karanicolas posits that Canada's proven hate speech and defamation laws could be used more effectively to address on-line disinformation.⁶⁵

While the Government of Canada has been criticized for its lacklustre response in addressing misinformation and disinformation, the Government has engaged in several activities to build Canadians' resilience and to combat this threat. In addition to electoral legislation reform, Government of Canada actions include increased detection and monitoring of foreign disinformation, investing in a digital citizen initiative to help support projects aimed at countering on-line disinformation and other on-line harms and threats, launching the *Digital Charter* to improve Canadians' digital privacy, investing in digital education and literacy programs, and leveraging the intelligence community to communicate factual information about deliberate foreign misinformation and disinformation targeted at Canada.⁶⁶ Further, the Government is investing in more independent journalism and is introducing legislation to force tech giants to pay for Canadian news content they use.⁶⁷ Based on these activities, it appears as though the Government of Canada is taking action to protect Canada's democracy, to protect Canadian interests and to support the Fourth Estate as a vital democratic institution. Further, the Government of Canada appears to demonstrate openness and transparency in its communication with the public on and about misinformation and disinformation on its websites, social media accounts and in public communication.

That said, the contrary can also be argued. Two cases regarding China stand out in recent years. First, the Government of Canada is not showing openness and transparency when it comes to embracing a public inquiry on potential foreign election interference and threats to Canada's democratic process. Though the Government has announced investigations into the issues and has appointed a special rapporteur, it remains to be seen whether or not key investigating bodies will be able to review cabinet documents—a test to the Government's commitment to openness and transparency.⁶⁸ In the second case, the Government has refused for several years to provide opposition parties with access to documents pertaining to two Chinese scientists who were removed from Winnipeg's biosafety level 4 lab in 2019.⁶⁹ Only in early 2023 did the Government agree to providing the requested information to a special committee after mounting opposition parties'

⁶⁴ Karanicolas, 223–24.

⁶⁵ Karanicolas, 224.

⁶⁶ Government of Canada, 'Canada's Digital Charter', Landing Pages (Innovation, Science and Economic Development Canada, 13 March 2023), <https://ised-isde.canada.ca>; Government of Canada, 'Canada's Efforts to Counter Disinformation - Russian Invasion of Ukraine', Global Affairs Canada, 4 February 2022, <https://www.international.gc.ca>; Canadian Security Intelligence Service, 'Foreign Interference: Threats to Canada's Democratic Process' (Ottawa: Government of Canada, July 2021); Government of Canada, 'Digital Citizen Initiative – Online Disinformation and Other Online Harms and Threats', Government of Canada, 23 April 2021, <https://www.canada.ca>.

⁶⁷ Marie Woolf, 'New Bill Will Force Tech Giants to Negotiate Deals to Pay Media to Use Their Content', CTVNews, 5 April 2022, <https://www.ctvnews.ca/>.

⁶⁸ Murray Brewster and Catharine Tunney, 'Agencies Reviewing Foreign Election Interference Face a Wall of Cabinet Secrecy', CBC, 6 April 2023, <https://www.cbc.ca>.

⁶⁹ Justin Ling, 'A Brilliant Scientist Was Mysteriously Fired from a Winnipeg Virus Lab. No One Knows Why.', *Macleans.Ca*, 15 February 2022, <https://macleans.ca>.

pressure.⁷⁰ Because some of the material is classified, a panel of judges will determine which information can be released, severed or withheld.⁷¹

Misinformation and disinformation are rampant with respect to these two cases.⁷² Citizens need to be able trust the Government of Canada to provide accurate information to combat false information. Though the Government of Canada has developed a number of on-line resources to support the combatting of misinformation and disinformation, when the rubber meets the road, the Government is not doing enough. These two cases demonstrate that the Government of Canada has to do better in communicating with the citizens it serves, particularly as social media exacerbates the spread of misinformation and disinformation due to the speed at which false information reaches expansive digital audiences.

T E E O O ED

The next section discusses how social media has affected the way in which traditional institutions communicate with the public. Social media affords the Government of Canada a unique tool in which to engage with citizens. Social media has also challenged traditional media in that it offers something traditional journalism could not do—provide an interactive relationship with the publics it serves.⁷³ Radio programs have done well at engaging with audiences through radio call-in shows directed at issues that allow a platform for public to provide input and opinion, but television and print have not done so well.⁷⁴ Social media proliferation brings an array of viewpoints to the public that traditional media does not. While the 24-hour news cycle brought real-time events to people around the world, publics were required to have at their immediate disposal a television or a radio. Technology and the smart phone enable audiences to receive their news in a much different way. People consume their news through social media any where, any time.⁷⁵ Social media allow for citizens to be part of a social community, for two-way engagement. Government and politicians can directly communicate with the constituents they serve—a role traditional journalism used to play as the “guardians” between government and the citizenry.⁷⁶ When done right, government’s ability to leverage social media can be a powerful tool in strengthening democracy and in building citizens’ resiliency to mis- and disinformation.

Digital Era Open Government

In 2011, the Government of Canada joined *Open Government Partnership*. The partnership is a 76-nation group pledging Governments to “promote transparency,

⁷⁰ Tom Blackwell, ‘What Happened to the Winnipeg Lab Investigation? | National Post’, *National Post*, 8 March 2023, sec. News, <https://nationalpost.com>.

⁷¹ Blackwell.

⁷² Karen Pauls and Jeff Yates, ‘Online Claims That Chinese Scientists Stole Coronavirus from Winnipeg Lab Have “No Factual Basis”’, *CBC*, 28 January 2020, <https://www.cbc.ca>; Sze-Fung Lee and Benjamin Fung, ‘Misinformation and Chinese Interference in Canada’s Affairs’, *Policy Options*, 4 January 2022, <https://policyoptions.irpp.org>; Craig McCulloch, ‘China Accused of Meddling in Canada’s Elections’, *VOA*, 28 March 2023, <https://www.voanews.com>.

⁷³ Drohan, ‘Does Serious Journalism Have a Future in Canada?’, 14.

⁷⁴ Drohan, 14–15.

⁷⁵ Drohan, 14.

⁷⁶ Savoie, *Democracy in Canada*, 240.

empower citizens, fight corruption and harness new technologies to strengthen governance in partnership with civil society and the private sector.”⁷⁷ Though the Government of Canada promotes its leading role in open government and the onboarding of digital technologies to enable greater openness and transparency, leveraging social media to engage citizens at the grass-roots level is not an area in which the Government of Canada excels.⁷⁸ Social media is by its definition supposed to be social—virtual community engagement using various digital communication means.⁷⁹ The Government of Canada instead leverages social media as another tool to push tightly controlled messaging to followers. From the Government perspective, this tight coordination is critical to ensuring all Departments align their narratives with and complement the Government’s political messaging to prevent message fratricide. Message fratricide occurs when Departments contradict one another thus creating a communications issue that must be managed. The consequence of message fratricide is media coverage that focuses on the contradiction rather than on the policy objective in the first place. The Government position is that energy is wasted on managing the issue afterwards; therefore, in preventing such message fratricide, the Government imposes rigorous approval levels for daily Departmental communications programming that extends to social media content.

In research on Government of Canada communications centralization, scholar Alex Marland details the “delicate balance between what constitutes reasonable media management and what constitutes excessive politicization” made even more complicated by the immediate and spontaneous nature of social media and public expectations for greater Government openness and transparency.⁸⁰ Centralized and coordinated Government of Canada communications initiatives are not new; however, the Conservative Government entrenched political level communications coordination between 2006 and 2015.⁸¹ Marland’s research highlights the difference with the Liberal Government following the 2015 election being described as “departmentalization” instead of the Conservatives’ “centralization” approaches. Though appearing different, the Liberals afford departments liberty to implement their own product approval templates, while the Conservatives implemented a uniform template across departments.⁸² The Liberals still demand rigorous hierarchical social media content approvals coordinated through to the political level depending on the subject.⁸³

While both Governments have leveraged social media to support program delivery and to provide information, they have not embraced the two-way engagement aspect of social

⁷⁷ Government of Canada, ‘Canada and the Open Government Partnership’, Global Affairs Canada, 19 October 2015, <https://www.international.gc.ca>.

⁷⁸ Amanda Clarke, *Opening the Government of Canada: The Federal Bureaucracy in the Digital Age* (Vancouver, Canada: UBC Press, 2019), 71; Savoie, *Democracy in Canada*, 250.

⁷⁹ Merriam-Webster, ‘Definition of Social Media’, 7 March 2023, <https://www.merriam-webster.com>.

⁸⁰ Alex Marland, ‘Strategic Management of Media Relations: Communications Centralization and Spin in the Government of Canada’, *Canadian Public Policy* 43, no. 1 (March 2017): 37–38.

⁸¹ Marland, 38–40.

⁸² Marland, 43.

⁸³ Marland, 43. Since the research publishing in 2017, the paper’s author confirms this remains the case under the current Government as of 2023 based on the author’s experience as a Government of Canada communicator in the Department of National Defence.

media.⁸⁴ The one-way pushing of controlled Government messaging on social media channels does not afford social networking opportunity, which is the community engagement component. As this is the mostly the case with Government social media use, it begs the question about the effectiveness of Government of Canada social media activities. This overtly controlled and politicized messaging does not lend itself to more open and transparent government communications with the public. That kind of government communications is a sign of weakening public engagement and a threat to democracy.⁸⁵

O O

This paper demonstrated that the Government of Canada must employ modern communication mechanisms more effectively to meet its commitment of openness and transparency with the public, while countering mis- and disinformation. The Government of Canada should embrace repeated calls to modernize the federal access to information system instead of wasting time and energy on resisting change. The Fourth Estate remains a valuable Canadian institution and one successive Governments must leverage to reinvigorate serious political journalism in Canada, particularly as an important tool in the challenge of combatting misinformation and disinformation with the potential power to disrupt Canada's democratic fabric. The Government of Canada needs to better harness modern digital media to fulfil its commitment of openness and transparency in a social, two-way relationship affording citizens opportunities to increase democratic participation by contributing to informed policy discussions.

⁸⁴ Savoie, *Democracy in Canada*, 249.

⁸⁵ Marland, 'Strategic Management of Media Relations', 37.

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