

**Taking the Charter Back Again:  
The Threat of the Digital ID and How It Can Be Opposed**

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## **Taking the Charter Back Again: The Threat of the Digital ID and How It Can Be Opposed**

### **Introduction**

Digital technology has an increasing influence on many areas of modern life each year, from online shopping to entertainment to education. This became especially obvious over the last two years as people worked from home during a global pandemic. In the midst of this, the World Economic Forum (WEF) began sharing their concept of a digital identity that is supposed to make life more convenient. Instead, worrying descriptions of the program places it at odds with the Canadian Charter of Rights and Freedoms. To combat this threat, Canadians need to acknowledge the risk and take steps in opposition to digital identity. Understanding the technology and recognizing what it threatens, and how it sets a foundation. From there, actionable steps, all of which are already at work, include remaining skeptical of the program, keeping informed and sharing knowledge, and participating in national politics to keep those with power accountable to defend against this system.

### **Body**

The digital identity being proposed and implemented in many countries appears innocent and useful but raises a host of concerns that need to be recognized. Applications include remotely issuing and accessing certificates, signing digital contracts, (Government of Alberta, n.d.) accessing government services, remote identity verification, the ability to pay fines online, (Dawson and Duda, 2021) and the World Economic Forum's *Known Traveler Digital Identity* program (Leong and Wolff, 2020). Consolidating these and other pieces of personal information so they can be accessed with nothing more than an internet connection eliminates risks that come with carrying physical documentation, such as misplacement (Larue-Langlois, 2022). In Alberta, where a form of digital ID already exists, the government claims that it "only store[s]

information required to create and verify [one's] digital ID" (Government of Alberta, n.d.) and "only provides information that participating services need and have authority to collect." (Government of Alberta, n.d.). In a society in which technology is commonplace, the digital ID offers a tool to prove one's existence remotely. It looks like it could "enhance [Canadian's] wellbeing," (Carson, 2022, 13:50), but there are aspects of it that pose a threat to the fundamental freedoms and rights granted by the Canadian Charter.

One of the primary concerns regarding digital identity is the potential to violate privacy rights. Already, Alberta's digital ID program includes users' government-issued documents such as social insurance numbers, driver's licenses, provincial student numbers and health records (Government of Alberta, n.d.). Banking information is not associated with the service, other than the ability to make payments through an account. Although it claims to be "safe [and] secure," (Government of Alberta, n.d.), keeping so much in one place raises concerns about vulnerability to hackers or leaks. There is already a great amount of personal information associated with the digital ID that could be lost, or accessed by hackers, all at once.

Another issue is what the digital identity does not yet include. While active digital IDs like Alberta's currently provide access to government services and don't replace all physical documents, an article from the WEF's 2021 Davos Agenda indicates some of the directions the program could take. Authors Dawson and Duda (2021) describe the digital ID's potential to allow a person to "enter venues or travel" (paras. 4) or prove their existence by "paying bills regularly, giving blood or volunteering." (paras. 13). The first of these could quickly become a violation of the rights of Canadians "to enter, remain in and leave Canada." (Government of Canada, 1982, paras. 5) . The latter has implications that threaten fundamental freedoms. The given list of "verifiable claims of existence" (paras. 13) could have included records most people

already have, such as birth certificates, driving records or health test results. But the article's writers chose to give examples that are not only useful to prove existence but are associated with a selfless, law-abiding existence. And while these are good things, they aren't always a possibility. A person unable to make an income due to an unforeseen circumstance may not be able to make bill payments. Some may choose not to give blood because of religious beliefs, or health concerns. Volunteering isn't an option for everyone due to disability or other time commitments. It is frightening that the only examples the article can give could challenge "freedom of thought, belief, opinion and expression" (Government of Canada, 1892, paras. 3) as well as freedom from discrimination under equality rights (Government of Canada, 1982).

While this aspect of the digital ID has been called misinformation and conspiracy (Lewis, n.d.; Solomon, 2022) the fact that the backing authority will publicly use language like the above makes it difficult to discount the danger it poses. As Conservative Party of Canada MP Leslyn Lewis (n.d.) has pointed out, it cannot be ignored that "free and democratic" (paras. 8) world leaders have already "abused" (paras. 8) their power, and could easily do so again with the digital ID. Between 2021 and 2022, this was seen with the vaccine passports. They went from being "considered" (Office of the Privacy Commissioner of Canada, 2021, paras. 1) by the federal government in early 2021 to being required to enter restaurants and movie theatres to being needed to travel by the end of that year (Government of Canada, 2022). Proof of vaccination was made a prerequisite for many job listings, university admissions and volunteer opportunities within months of the vaccines being made available. Mobility rights, freedom from discrimination and freedom of conscious, religion, thought, belief and opinion were stripped away as those who wished to remain unvaccinated lost the ability to travel by plane, leave the country and, in many cases, keep their job or education. Charter of Rights and Freedoms

signatory Brian Peckford condemns these actions as unconstitutional as they were not “demonstrably justified.” (Carson, 2022, 19:39).

With the vaccine passports still fresh in Canadian’s minds, it is not difficult to foresee the same happening with the digital ID, especially when it is enforced by the same governing bodies. Considering the Known Traveller program, Lewis (n.d.) hypothesizes that what could be considered indications of an “‘acceptable’ or ‘safe’ traveller” (paras. 6) could quickly come to include a person’s “digital currency, banking info, carbon footprint, health records, driver’s license, etc.” (paras. 6). With this many potential issues surrounding the digital ID as it is presented by the WEF, the risks it poses to the Canadian Charter of Rights and Freedoms does not justify the convenience.

For all those already aware of the ways the digital ID threatens our Charter, there are actionable ways to oppose it. And these are already being used and yielding results.

One of the conditions for the launch of the digital ID is trust. The WEF acknowledges that they need “strong governance and transparency of the data and business models behind digital identity ... to build trust with people” (paras. 11) in order for the initiative to be successful. To gain public support, governments need to be “open and clear” (Solomon, 2022, paras. 10) about their plans. Fortunately for Canadians and the Charter, neither of these things are currently happening. According to an online poll, trust in the federal government has decreased steadily over the past four years, across every geographic region, income bracket and political affiliation (Proof Strategies, 2022). The events of the pandemic may have accelerated this process. The Freedom Convoy could be considered the culmination of this as Canadians made a visible show of their opposition to mandates and by association their lack of faith in a government that continued to promote them. The response to this event did not help rebuild

confidence. Rather, the use of “an emergencies act which was illegal and unconstitutional,” (Carson, 2022, 19:16) further stoked this lack of trust. Growing skepticism is considered a problem by the champions of the digital ID (Solomon, 2022). And that makes it an excellent advantage for preventing the program and its potential overreach into Canadian’s lives.

Maintaining this skepticism is another important step that relies on Canadians not only educating themselves but informing others. There is a growing wealth of resources and opinions about the digital ID and its implications that can be found in a variety of forms, from print to podcasts. Word of mouth can be useful for encouraging friends and family to ask questions, but it needs to come with trusted sources, especially with how much information is being labelled as false or misleading in the wake of the pandemic. For those concerned about the digital ID, it should be treated as a duty to do research, thoughtfully consider the findings and form arguments based on these. For a system predicated on trust, evoking more questions than answers will help prevent it from being widely accepted.

A third measure is to keep those in government accountable. This is already starting to occur. In response to the actions of previous years, Canadians are starting to take on a more active role in the democracy that defines this country. During their leadership race, between March and July 2022 the Conservative Party of Canada saw their membership triple to become the largest party by membership in Canadian history (Conservative Party of Canada, 2022). This seems to indicate that more people are paying attention to politics than ever before, and want to be involved. This happened in response to citizens being encouraged to elect leaders who share their views and to put pressure on those who don’t. Those worried about the digital ID must keep this up, and become involved if not already. Even though faith in governments is low, these leaders can be the difference needed, whether they are committed to fighting the digital ID

or simply manage to create enough time for Canadians “to... fight, and try to recapture that Charter back again” (Carson, 2022, 43:53).

### **Conclusion**

The digital ID proposed by the WEF is frightening. But once Canadians recognize how it threatens constitutional rights and freedoms, there are things that can be done to oppose it. First, those with concerns should develop an understanding of what it threatens. Then, taking steps to remain wary of the program, inform others and participate in how decisions are made and implemented in the country will be important. These steps are well within the reach of Canadians, as can be seen in how they are already occurring.

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