

SUBMISSION TO THE STANDING COMMITTEE ON CANADIAN HERITAGE

REGARDING BILL C-34, An Act to enact the Digital Safety Act and the Digital Safety Commission of Canada Act and to make consequential amendments to other Acts

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CHARTER ADVOCATES CANADA

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Bill C-34: Digital Safety Commission as the Internet Safety Police

Bill C-34 proposes the creation of a *Digital Safety Commission* with a sweeping mandate to regulate speech on the internet to ensure that people in Canada cannot post or access content that might negatively impact their "safety and well-being." The proposal to regulate the internet, subjecting everything to the supervision of a government appointed commission, strikes at the heart of *Charter* freedoms. The result will be a fundamental transformation in social and political discourse.
Canadians would not tolerate a government commission regulating materials in bookstores and libraries for "safe" content. This has no place in a free and democratic society. It should not be tolerated for the internet either.

This brief contains three overarching sections and recommendations:

I. The bill is overbroad and vague contrary to s. 2(b) of the *Charter*.

   A. The definition of "harm" is too broad, and enforcement mechanisms are vague and sweeping contrary to s. 2(b) of the *Charter* and not a reasonable limit per s. 1.

   B. The bill is unnecessary since the *Criminal Code* already contains provisions to prevent access to and posting certain dangerous and harmful content.

II. The bill does not create age-restrictions for social media. Rather, it creates a category of "government approved" social media for youth.

III. The bill contains serious transparency issues and unanswered privacy questions.
   a. Secret hearings should not be permitted
   b. Age-estimation measures raise serious privacy issues
   c. Numerous important terms are undefined in the bill

Recommendation 1: Rely on exiting *Criminal Code* provisions, amended as required, to prevent access to dangerous online materials.

Recommendation 1A: Alternatively, subject only the following to direct restrictions: content that sexually victimizes a child, intimate images communicated without consent, content that incites violence, and content that incites terrorism.

Remove references to "well-being," psychological harm," "discrimination," and "hate."

Eliminate indirect enforcement methods - "Digital Safety Plans."

Recommendation 2: There should not be government sanctioned social media platforms. Restrictions on social media would be unnecessary with the proposed direct restrictions on illegal content.

Recommendation 3: Address issues of privacy and transparency: eliminate secret hearings, age estimation, and define undefined terms.

I. Bill C-34 is unnecessary, broad in its definitions, and sweeping in its enforcement

Bill C-34 would create the *Digital Safety Commission*, a government appointed body with a cascading series of powers to police the internet for "harmful content online" which "impacts the safety and well-being of persons in Canada."[1] The provisions of this bill:

i. Create *content restrictions*[2] about what can be *posted or accessed* [3] online which apply to social media,[4] AI services,[5] and regulated online services.[6]
ii. Designate inspectors to verify compliance and authorize the Digital Safety Commission conduct secret hearings[7] in which complaints or compliance matters[8] are dealt with "informally and expeditiously."[9]
iii. Issue compliance orders to operators in relation to complaints or any other compliance matter with the force of a court order on pain of severe financial penalties in excess of $10 million.[10]

A. <u>The definition and application of "harm" in the *Digital Safety Act* is too broad and vague, contrary to s. 2(b) of the *Charter* and not a reasonable limit per s. 1</u>

Vague and Sweeping Terms - Direct and Indirect Enforcement Methods

There are numerous mechanisms in the *Digital Safety Act* which restrict access to or posting of internet content. In addition to the term "harmful content,"[11] several nebulous and expansive terms are employed such as "safety," "well-being,"[12] and "psychological harm."[13] For example, operators are required to create unspecified "measures" to "mitigate the risk that users of the service will be exposed to harmful content."[14] They must also formulate a *Digital Safety Plan* to make inaccessible "content, <u>other than</u> harmful content" which might pose a risk of psychological harm.[15] The *Digital Safety Commission* is tasked with determining whether the measures taken are adequate, and in doing so, must have regard to any "prohibited ground of discrimination within the meaning of the *Canada Human Rights Act*"[16] as well as "any other factor provided for by regulations."[17] Both direct and indirect methods of regulating expression are contemplated, as summarized in the following chart:[18]

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[1] s. 14(c)
[2] As will be explained in s. I below, content would be directly regulated (e.g. through the definition in s. 2: "harmful content") as well as indirectly regulated (e.g. through the requirement for Digital Safety Plans).
[3] s. 8(1)
[4] Part 1 "Duties of Operators," Division 2 "Regulated Social Media Services"
[5] Part 1 "Duties of Operators," Division 3 "Regulated Chatbot Services"
[6] Part 1 "Duties of Operators," Division 4 "Regulated Online Services"
[7] s. 75(2)(a) allows a private hearing if the Commission finds it to be "in the public interest."
[8] s. 75(1)(a) and (b)
[9] s. 74(2)
[10] ss. 88, 107, 108
[11] s. 2: definitions
[12] S. 14(c)
[13] ss. 42(1)(l), 42(1)(n)(ii) and (iii), 58(1)(k)(iii), (iv) and (v). The term is to be defined by regulation: s. 127(1)(b)
[14] ss. 32(2) – social media, 49 – chatbots.
[15] ss. 42(1)(f) and (l) – social media; 58(1)(e), (k)(iii)-(v), 59(d). See also s. 126 (1)(q) and (r).
[16] ss. 32(2)(d)
[17] ss. 32(2)(e)
[18] Relevant references to the chart are contained above or in each respective section below.

Direct method: Operator has a *positive duty to remove* content:

- that sexually victimizes a child
- intimate content communicated without consent

Operator has a duty to restrict access through age verification …

- to pornographic content

The following are inexplicably excluded from the direct method:

- content that incites violence
- advocating terrorism
- counselling suicide or self-injury

Indirect methods: Operators have a duty to mitigate the risk of exposure:

- to "harmful content" …

Operators must have a *Digital Safety Plan* to make inaccessible …

- content, other than harmful content, which might cause psychological harm…
- having regard to grounds of discrimination under the *Canada Human Rights Act*.

The Digital Safety Plan is subject to review and approval by the *Digital Safety Commission*.

The scheme violates s. 2(b) of the Charter and is vague and overbroad contrary to s. 1

The proposed regulatory scheme as currently drafted is vulnerable to being struck down as contrary to s. 2(b) of the *Charter* in a manner not saved by s. 1. The scheme casts too wide a net, capturing expression which is merely offensive or controversial. The argument, simply stated, is:

1. The *Charter* applies to the requirements to restrict posting and access to content.[19]
2. These provisions, both direct and indirect, violate the right to freedom of expression per s. 2(b) of the *Charter*.[20]
3. The provisions fail the minimal impairment branch of the *Oakes*[21] test because they cast an extremely wide net through a combination of the terms:
    a. "mitigate the risk of exposure,"
    b. the expansive definition of "harmful content,"
    c. the requirement to include "content other than harmful content,"
    d. capturing expression which "*might cause* psychological harm"
    e. importing the concept of *discrimination* to limit expression.

[19] *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624
[20] *Ford v. Quebec (Attorney General)*, 1988 2 SCR 712 at p. 767: the right protects both speakers and listeners. See also: *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326.
[21] *R v. Oakes*, [1986] 1 S.C.R. 103

The cumulative impact of these cascading and vague terms will result in the censorship of expression deemed to be illegitimate in the opinion of the *Digital Safety Commission*. There is a serious risk that expression which is controversial, unpopular, or offensive to some will be censured. The bill requires operators to vest users with the power to "flag" content they believe to be harmful.[22] The operator is then required to review what is flagged and remove it in accordance with their approved *Digital Safety Plan*. Operators are also required to monitor their platforms for compliance with their approved plans. These sweeping provisions will result in exactly what the Supreme Court of Canada in *Ward* held to be prohibited: "a right not be offended … has no place in a democratic society." The law "must not be focused either on the repugnant or offensive nature of the expression or on the emotional harm caused to the person."[23] The inclusion in this bill of the concept of "psychological harm" caused by speech (as opposed to conduct, as e.g. criminal harassment *Criminal Code)*[24] is problematic. The law cannot "amount to censoring expression because of its content or its impact on a person."[25]

The *Digital Safety Act* will therefore operate to prevent expression on a wide range of issues and thereby poses a serious risk of suppressing debate on important social issues. The bill seeks to create two tiers of expression, legitimate and illegitimate, which is antithetical to the s. 2(b) *Charter* guarantee of freedom of expression. As noted by the sponsoring Heritage Minister Marc Miller: "What constitutes legitimate and illegitimate discussion is a very fine line that has a lot of views from people, particularly around very important things like freedom of expression."[26] This bill would require or allow the censorship of controversial views online. For example:

1. Censorship of political opinions deemed necessary to "protect democracy."[27]

2. Censorship of criticism of political actors to protect them from "getting attacked online"[28] by members of the public or media on the grounds that it might cause "agitation" [29] or 'psychological harm.'

3. Censorship of religious opinions or texts.[30]

4. Censorship of opinions on controversial issues:
    a. Pandemic restrictions[31]
    b. Gender transition including for youth[32]

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[22] ss. 36, 56.
[23] *Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse),* 2021 SCC 43 at para 82
[24] s. 264 of the *Criminal Code*.
[25] *Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse),* 2021 SCC 43 at para 82. See also *Saint Mary's University v. Nova Scotia Human Rights Commission,* 2025 NSSC 107 at para 80.
[26] Press scrum, September 28, 2026: Liberals wrestle with what speech to censor following internet crackdown
[27] "Statement of Canadian Democratic Principles," Pillar 4, "Building a healthy information ecosystem": Plan to protect Canada's democracy - Democratic Institutions - Canada.ca
[28] PROC Committee, May 30. 2024 at 1305. Evidence - PROC (44-1) - No. 117 - House of Commons of Canada
[29] PROC Committee, May 30, 2024 at 1145: Evidence - PROC (44-1) - No. 117 - House of Commons of Canada
[30] Justice Committee study on Bill C-9, October 30, 2025, question by Chair Marc Miller at 16:10. See: Evidence - JUST (45-1) - No. 11 - House of Commons of Canada
[31] *Katerberg v. Ontario (MTO)*, 2026 ONSC 3991
[32] See e.g. complaint against Amy Hamm in the B.C. College of Nurses for saying "I [heart] J.K. Rowling." Ongoing judicial review at *Hamm v. British Columbia College of Nurses and Midwives*, 2026 BCSC 1704.

c. Pro-life views on e.g. abortion or euthanasia.[33]

5. Censorship of views questioning an accepted narrative on an issue of national importance. It is now acknowledged that reporting on allegations of "mass graves" at residential schools was accepted without adequate proof or investigation. At the time, expression of such a viewpoint was deemed "harmful."[34]

Bill C-34 does not contain any explicit protections to prevent the censorship of political speech, journalism, freedom of religion or conscience, and only pays qualified tribute to our fundamental *Charter* freedom of expression.

Some definitions are clear and narrow with a direct requirement to make content inaccessible

It is acknowledged that certain definitions are clear and appropriately narrow with a defined direct mechanism requiring such content to be inaccessible. For example:

- "Content that sexually victimizes a child or revictimizes a child" is clearly defined and mirrors the *Criminal Code*.[35] Operators are required to make such content inaccessible.[36]
- "Intimate content communicated without consent" is clearly defined and mirrors the *Criminal Code*.[37] Operators are required to make such content inaccessible.[38]
- "Pornographic content" is subject to age restriction measures (but see the privacy concerns addressed in section III below).[39]

One definition that is clear but with no current requirement to make content inaccessible

Paradoxically, other content which is *already criminalized* is not subject to direct restrictions. For example:

- "Content that incites violence"[40] entails content that "actively encourages a person to commit" or "threatens" serious bodily harm, danger to life, or serious interference with an essential service. While the definition is appropriately narrow and mirrors the *Criminal Code*,[41] there is no duty on operators to make such content inaccessible.

> **Recommendation**: operators should have a duty to make such content inaccessible (as in s. 43(1)).

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[33] See e.g. *Campaign Life Coalition v Parliamentary Protective Services,* 2026 ONSC 3401; Harvest Ministries International c. Proulx, 2026 QCCS 2975.
[34] The Law Society of British Columbia accused a lawyer of "racism" for requesting that references to "mass graves" be qualified with the word "potential." See: Law Society of B.C. and lawyer spar over unmarked graves - Business in Vancouver The Globe and Mail in the Editorial of May 30, 2026 acknowledged such claims were made without proof: There is no reconciliation without truth - The Globe and Mail.
[35] s. 2 definitions, *Criminal Code* s. 163.1(1)
[36] ss. 43(1), 45(4)
[37] s. 2 definitions, *Criminal Code* s. 162.1(2)
[38] 43(1)
[39] s. 22
[40] s. 2 definitions
[41] See e.g. *Criminal Code*, s. 83.01(1)(b)(ii)

Definitions that could be made clear with a requirement to make content inaccessible

Still other content, while currently defined too broadly, could employ definitions which are appropriately narrow and tailored to what is already criminalized, and if so, could be subject to direct restrictions. For example:

- "Act of terrorism or violent extremism"[42] is defined too broadly. "Violent extremism" is not a concept currently known to law. The *Criminal Code* definition of terrorism should be mirrored.[43] While the current definition restricts the scope to actively encouraging, threatening, recruiting, and training, the remainder of the definition is overbroad. References to "weakening … social stability" and a risk to the "safety of the public" may be broadly construed since the terms "social stability" and "safety" are vague. "Property damage" may include acts of minor mischief such as graffiti. For example, this definition would capture free expression by persons or groups advocating a peaceful protest against government policy in which there is some risk that minor acts of mischief could occur. Operators would be required to make such content inaccessible in order to 'mitigate risk.' Without further narrowing, this scheme would run afoul of *Charter* s. 2(b) (expression) as well as s. 2(c) (peaceful assembly) and s. 2(d) (freedom of association).

  Recommendation: the definition should mirror the *Criminal Code* definition of "terrorist activity"[44] and the concept of "violent extremism" should be eliminated. If so, operators should have a duty to make such content inaccessible (as in s. 43(1)).

- "Content that induces a child to harm themselves"[45] properly includes suicide but also includes the concept of "self-harm" which is vague. There is no direct duty to make such content inaccessible.

  Recommendation: self-harm should be replaced with "self-injure" in the sense of bodily harm.[46] If so, operators should have a duty to make such content inaccessible (as in s. 43(1)).

Other restrictions that are vague and overbroad should be eliminated

Finally, other content is impermissibly vague and should not be subject to regulation. For example:

- "Content used to bully a child"

  Given that "content that incites violence" and "content that induces a child to harm themselves" is already subject to restriction, there is no need for this additional category of "content to bully a child." There is a risk that this category

[42] s. 2 definition
[43] Which was subject to constitutional challenge and upheld: *R. v. Khawaja*, 2012 SCC 69.
[44] s. 83.01.
[45] s. 2 definition
[46] See e.g. Correctional Service of Canada, "Self-Injurious Behaviour: A Review of the Literature and Implications for Corrections" by J. Power and S. Brown at p. 3 "Preferred Terms: Self-Injurious Behaviour and Non-Suicidal Self-Injury." https://www.canada.ca/content/dam/csc-scc/migration/005/008/092/005008-0216-01-en.pdf

will result in otherwise lawful expression being censored.

For example, politicians advocating for sex segregation in sports or against gender transition surgery for minors have been accused of "bullying and harm" against children and not taking steps to "protect their safety well-being."[47]

"Humiliating" is an inherently subjective standard: what one person views as humiliating may be comical to another. This effectively creates a "right not to be offended" which has been emphatically rejected.[48]

- Violent extremism

The inclusion of "terrorism" and "content that incites violence" are sufficient and this further term which is not known to law is unnecessary.

- Discrimination, hate, psychological harm, and references to "well-being"

As argued above, this legislation would allow the censorship of views which are merely offensive and controversial if they are deemed "discriminatory," "hateful," "psychologically harmful," or that they negatively impact someone's "well-being."

Recommendation: indirect methods of regulation should be eliminated altogether.

Recommendation: remove discrimination, psychological harm, hate, and bullying.

B. *Existing Criminal Code of Canada provisions restrict dangerous content*

The *Criminal Code* has mechanisms for the removal of certain categories of harmful content:

- Child pornography, voyeuristic recordings, intimate images shared without consent, advertisement for sexual services, advertisement for conversion therapy (s. 164.1)
- Hate propaganda (s. 320.1)
- Terrorist propaganda (s. 83.223)

The creation, publication or possession of the above content is already illegal.[49] There are provisions by which such material can be ordered removed from the internet. Where there are reasonable grounds to believe that illegal materials are stored and made available to the public through a computer system within the court's jurisdiction, the court may order a computer system's custodian to ensure the material is no longer available to the public on the computer system.[50]

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[47] Canadian Labour Congress, Press release, "Pink Shirt Day: 2SLGBTQI+ kids should be free to be themselves", (February 28, 2024) online: <Pink Shirt Day: 2SLGBTQI+ kids should be free to be themselves | Canadian Labour Congress>

[48] *Ward v. Quebec (Commissiondes droits de la personne et des droits de la jeunesse),* 2021 SCC 43 at para 82.

[49] ss. *Criminal Code* at ss. 162.1 (sharing intimate images without consent), 163.1 (publishing, creating, possessing or accessing child exploitive materials), 319(2) (Wilful promotion of hatred), 83.221 (counselling commission of terrorism offences), 83.18(3) (participating in activity of a terrorist group).

[50] See *Criminal Code* at ss. 83.223(1), 164.1(1), 320.1(1).

Therefore, law enforcement already has the requisite tools to ensure certain illegal content is rendered unavailable to the public on computer systems throughout Canada. Any limitations on the existing powers can be solved through an amendment to the *Criminal Code* in separate legislation. For example:

- Limitations on enforcement relating to material stored outside of Canada can be solved through simple amendments to the *Criminal Code*.

  The requirement that the material subject to a removal order be "stored on and made available to the public through a computer system that is within the court's jurisdiction" can be amended to read "stored on **or** made available to the public."

- A court may issue orders against a custodian of a computer system to delete the material. The term "custodian" is not defined in the *Criminal Code*. The term "custodian" could be re-defined to include the operator of a service by which illegal material is made available

- The "order" could also impose a duty on custodians to make such content inaccessible.

- There are additional prohibitions in the *Criminal Code* on counselling suicide (s. 241), uttering threats (s. 264.1) and removal order provisions could be added for such material.

In the result, the existing powers in the *Criminal Code* could be amended to ensure that illegal content would be made subject to a court order removing it or rendering it inaccessible in Canada.

Bill S-209: Age restrictions on pornography

Age restriction measures for pornographic material can be implemented without requiring either wholesale restriction of expression on the internet, or the creation of a *Digital Safety Commission* with a sweeping mandate to police the internet for safety. Such a measure is proposed in Bill S-209, introduced May 28, 2025, which passed through the Senate and is currently at second reading in the House of Commons.

II. <u>There should not be government sanctioned social media for youth</u>

This bill does not create a social media ban for youth under 16: it creates a regime where certain social media services are deemed to be government-approved and accessible to youth under 16 without age verification. The bill is silent on the standards by which a social media service would be approved for an exemption to the age-restriction measures.[51]

There is no explanation of what would constitute "adequate safeguards" rendering a social media service exempt from the age restriction. The decision would be within the discretion of the Digital Safety Commission.

The effect of these provisions is that some social media providers would be deemed "safe" and therefore accessible to youth, while others would be subject to age restrictions.

In other words, a category of "government-approved" social media for youth would be created.

[51] See ss. 27 and 29.

III. Privacy, vagueness, and transparency issues

The bill raises additional issues of transparency and privacy:

i. The Digital Safety Commission is empowered to conduct secret hearings.
ii. The age-verification and age-estimation provisions raise privacy concerns.
iii. The definitions of numerous important terms are left to regulation.

i. Secret Hearings

The *Digital Safety Commission* would be empowered to hold hearings in relation to any complaint made or "any other matter relating to an operator's compliance" with provisions of the Act.[52] There exists a power to hold secret hearings "in the public interest."[53]

This provision would violate s. 2(b) of the *Charter* which includes protections for the "open court principle" which guarantees access to members of the public and the press. The "fundamental rationale" for this principle is "discouraging mischief and ensuring confidence in the administration of justice through transparency."[54] The *Digital Safety Commission* would be regulating expression on the internet, and as such, its decisions would engage s. 2(b) of the *Charter*. In such a context, the open-court principle should be scrupulously upheld.

The ability to hold a secret hearing "in the public interest" is a broad and vague standard which will not withstand scrutiny under s. 1 of the *Charter*. This standard is impermissibly low and vests an unreasonable amount of discretion in determining what is "in the public interest." In order to violate the open-court principle, there must be a *serious risk* to an *important public interest* which has to be specifically articulated.[55] For example, courts have held it permissible to anonymize the identity of a sexual assault victim,[56] but even then, not conduct closed hearings.[57]

ii. Age restriction, verification and age estimation raises serious privacy issues

The social media age restriction clearly violates the s. 2(b) *Charter* right to freedom of expression of an entire category of persons, namely those under 16. Further, it engages s. 8 of the *Charter* by requiring all people to subject themselves to age-verification measures.[58] These provisions would not constitute a reasonable limit per s. 1 of the *Charter*, chiefly because of the existence of an arbitrary exemption power with no standards and within the discretion of the *Digital Safety Commission*.[59] Further, it is not clear how limits on free expression could be justified if social media services would be required to make harmful content inaccessible.

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[52] s. 75
[53] s. 75(2)(a)
[54] *Sherman Estate v. Donovan*, 2021 SCC 25 at para. 44.
[55] *Sherman Estate v. Donovan*, 2021 SCC 25 at para. 38.
[56] *R. v. Cdn. Newspapers Co.*, [1988] 2 S.C.R. 122.
[57] *CBC v. New Brunswick (Attorney General)*, [1996] 3 S.C.R. 480.
[58] Government compelled disclosure of private or personal information such as the information and picture on a driver's license or passport attracts a reasonable expectation of privacy and therefore engages s. 8 of the *Charter*. Further, the information could be used by third-party companies as a "digital breadcrumb" by which to trail internet activity. See: *R. v. Bykovets*, 2024 SCC 6 at paras. 8-13. Since s. 8 protects against "unreasonable" searches, an irrational, arbitrary, or overbroad search provision violates s. 8: see footnote 58 below.
[59] If the measures adopted are "arbitrary, unfair or based on irrational considerations" there is no rational connection: *R. v. Oakes*, [1986] 1 S.C.R. 103 at para. 70.

The existence of "age estimation" measures, as distinct from age verification measures, have the potential to similarly violate ss. 2(b) and 8 of the *Charter*. The bill is silent on the meaning of "age estimation measures." The possibility of biometric data collection raises serious privacy concerns which are not adequately addressed in the bill.

The spectre that data could be hacked and released unlawfully is very real and constitutes a real threat to privacy interests. A person loses control over their personal information once submitted to third-parties, as the recent "Crime Stoppers" leak has demonstrated.[60]

iii. Undefined terms are undemocratic

There are numerous important terms which are undefined in the bill. Allowing such important terms to be defined by forthcoming regulation undermines the democratic process, depriving elected representatives from voting on the substance of what is being proposed. Some examples are in the following chart:

Vague Provisions

Term	***Unanswered Questions***
"Regulated online services"[61]	It is not clear what these are. The substance is to be defined by future regulation.
Age estimation and verification measures	s. 22(2)(e) specifies forthcoming regulations to define nature and scope.
Regulated services must have design features to protect children as "set out in regulations."[62]	What are these "design features"?
The content of required "Digital Safety Plans"	Regulation will define some of these requirements.[63]
Social media and chatbot services must implement measures "adequate to mitigate the risk" of communicating harmful content.	Regulation will define these "measures."[64]
Qualifications to be an "inspector"?	The bill is totally silent on this: inspectors are merely "designated."[65]

[60] See e.g. "More than 1.5 million Canadian Crime Stoppers tips leaked," October 21, 2026: https://www.cbc.ca/news/investigates/canadian-crime-stoppers-tips-leaked-hack-investigation-9.7388820 According to the Supreme Court of Canada in *R. v. Liepert*, [1997] 1 S.C.R. 281, informer privilege is an "ancient and hallowed" protection, yet it was breached *en masse* putting informers at serious risk of bodily harm or death.
[61] S. 8(1)
[62] s. 21
[63] ss. 42(1)(q) (social media), 58(1) (chatbots), 59 (regulated online services)
[64] ss. 32(2)(e), 50 (chatbots)
[65] s. 77

BACKGROUND OF CHARTER ADVOCATES CANADA

Charter Advocates Canada is a Canadian charity and *pro bono* law firm registered with the law societies of Ontario and Alberta. CAC's mission is to uphold Canadians' constitutional freedoms, civil liberties and human rights. CAC maintains a team of lawyers across Canada who provide *pro bono* legal representation to defend Canadians against government overreach and the violation of their *Charter* rights.

BACKGROUND OF THE AUTHOR

Daniel C. Santoro obtained his B.A. from the University of Toronto in 2003 and LL.B. from Osgoode Hall Law School in 2006. He has been a member of the Law Society of Ontario since 2007. Upon his call to the bar, he started a criminal defence, constitutional and public law practice. He has represented many people facing all manner of criminal accusations from theft to murder, with a focus on applications under the *Charter of Rights and Freedoms*. From 2023 to 2026, he was a prosecutor with the Ontario Guns & Gangs Unit where he conducted complex prosecutions involving *Criminal Code* warrants of various types. He became Legislative Counsel with Charter Advocates in 2026. He has conducted many trials and appeals at all levels of court including appearances at the Ontario Court of Appeal, Saskatchewan Court of Appeal, Nunavut Court of Appeal, Federal Court of Appeal and three appearances at the Supreme Court of Canada.