



Comments on the Consulting Canadians on a possible Canada-European Union Digital Trade Agreement

Canadian Association of Research Libraries

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Introduction

The Canadian Association of Research Libraries (CARL) is the leadership organization for Canada's research library community. The Association includes the 29 largest university libraries across the country, and aims to foster a sustainable, inclusive and effective Canadian research ecosystem. CARL is committed to public policies that foster research and innovation and acts as a national voice for the interests of the academic community and its libraries.

CARL appreciates the Government's interest in enhancing its trade relationship with the European Union (EU) and modernizing digital trade rules. Aspects of this consultation intersect with CARL's advocacy work. Personal information protection is a core value of the library community and as the world embraces digital and online communication, information sharing, and use, the ability to protect user information while supporting a user's experience online has become very complex to balance.

To strengthen Canada's position as a trading partner with the EU in the digital environment, we believe there are adjacent issues that must be addressed. We highlight three areas: data sovereignty, privacy protections, and digital inclusion.

Recommendations

Data Sovereignty

In the global digital environment and context of cross border digital trade, Canada needs to take a data-sovereign, data-centric approach. This means having sufficient data storage, curation and preservation capacity, accommodating interoperability, ensuring safeguards that address data sovereignty and security (including sensitive and Indigenous data), and integrating measures that mitigate bias.

We believe that consulting with the Digital Research Alliance of Canada on their strides to develop a range of research data management (RDM) tools, advance and implement better RDM practices, and grow expertise from a range of disciplines could help inform the development of a Canadian infrastructure to support data movement and local data storage requirements in this cross-border environment. The work of The Alliance to date has also

addressed data management planning; tackled the special needs of sensitive data; established consortia for persistent identifiers for datasets; and developed a rich data repository network, amongst other things.

Also, through this work, our community has learned that Canada's high-performance computing (HPC) capacity lags and data storage capacity must be strategically addressed at all levels, but with leadership from the national level. We recognize the vital importance of HPC and the burgeoning and widespread need for hybrid cloud storage.

It is equally vital that the workforce supporting HPC keep abreast and skilled in what is a rapidly changing global technology environment. Canada needs a skilled technical workforce to support the infrastructures and must provide leadership and sufficient resources to address this need.

Privacy Protections

This is an opportunity for Canada to learn from and harmonize with the European Union on privacy protection provided in the General Data Protection Regulation (GDPR). The GDPR provides an overarching comprehensive law that includes rights protecting personal data globally, as opposed to the Canadian approach, which addresses privacy protections through a combination of federal and provincial laws, Canada's Privacy Act, and PIPEDA.

Canada would benefit from aligning privacy laws with the GDPR in the following areas:

Right to be Forgotten: The GDPR explicitly grants individuals the right to have their personal data erased. PIPEDA does not currently provide this right.

Scope of Application: The GDPR applies to any organization processing the personal data of EU individuals, regardless of the organization's location. In Canada, PIPEDA primarily applies to private-sector organizations engaged in commercial activities, while the Privacy Act governs federal governmental departments.

Enforcement and Penalties: The GDPR includes enforcement provisions and imposes substantial fines for non-compliance. PIPEDA emphasizes education and voluntary compliance, with relatively modest penalties.

Sensitive Data Protections: The GDPR defines categories of sensitive data and mandates additional safeguards. PIPEDA doesn't explicitly categorize sensitive data but acknowledges that some information may be sensitive depending on context, requiring organizations to exercise additional care.

Adopting an EU GDPR approach to privacy would modernize Canadian privacy laws and ensure they appropriately address the digital environment. Furthermore, aligned privacy laws would ensure Canadians are afforded the same comprehensive privacy rights as Europeans and guarantee protections globally.

Digital Inclusion

While Canada has made great strides in its goal to connect all Canadians to broadband internet (95.4% Canada, 74.8% Rural) 50 Mbps download and 10 Mbps upload speeds has quickly become too slow. With increasing digital consumption of information, entertainment, and day-to-day tasks, we are in an everyday environment that needs high speeds of bit transfer. If Canada wishes all digital industries and consumers from all parts of Canada to participate in and benefit from digital trade with Europe, we need to create sufficiently fast and affordable digital environment in Canada.

Canada can also learn from and harmonize on digital inclusion from the EU through their strategy for digital connectivity whose goal is to achieve “Gigabit connectivity for all of the main socio-economic drivers, uninterrupted 5G coverage for all urban areas and major terrestrial transport paths, and access to connectivity offering at least 100 Mbps for all European households” in 2025. Furthermore - by 2030 - they are working to ensure that all European households are covered by a Gigabit network, and all populated areas are covered by 5G.

Adopting a data-centric approach rooted in data sovereignty, harmonizing Canadian privacy laws with the EU's GDPR, and prioritizing digital inclusion would ensure Canadians enjoy the same strong rights and protections as their European counterparts. This alignment would also enhance Canada's ability to compete and participate effectively in the global digital economy.

Conclusion

We thank Global Affairs Canada for the opportunity to help the Canadian government in this initiative and would be happy to discuss any of the points provided here with your department should you like further information.