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Canada's Digital Investigative Framework

Understanding Bill C-2, Parts 14 & 15





What Happens Without Change?

Without practical intercept frameworks, police must use extreme workarounds:

- Very costly tools
- Long delays
- Complex legal risks

In many cases:

- Charges are delayed or dropped
- Sensitive tools are exposed in court
- Investigations fail, even when crimes are real

This is not safe, affordable, or sustainable.

Key Takeaways

- Support for Bill C-2, Parts 14 and 15, as the foundation for digital lawful access would:
 - Help police carry out judge-approved warrants
 - Set clear rules for service providers
 - Protect privacy with strong court oversight
 - Replace risky workarounds with clear legal authority
- Accept the realities documented by the NSICOP Members, RCMP, and CSIS.
- Recognize that privacy and safety can coexist.
- Canada is the only Five Eyes nation without a clear lawful access framework for modern communications.
 - United Kingdom (*Investigatory Powers Act*)
 - Australia (*Telecommunications and Other Legislation Assistance and Access Act*)
 - United States (*Communications Assistance for Law Enforcement Act*)
 - New Zealand and 11 other Western democracies (France, Germany, Netherlands, Sweden, and more)



The Challenge

- Criminals use smartphones, apps, and online services every day.
- Rapid technological advancement outpaces current laws.
- Evolving digital platforms hinder traditional investigation methods.
- Law enforcement faces obstacles in obtaining crucial evidence.
- The “Going Dark” phenomenon threatens public safety and security.
- Most digital infrastructure is stored outside Canada. Accessing data often requires foreign cooperation.

Warrant
(Lawful Access Granted)



Data Exists
(Company Has Data)



Company Cannot/Will Not Provide
(Technical Barriers/Lack of Cooperation)



Investigation Stalls
(Evidence Inaccessible/Case Cold)

Parliamentary Warning: The NSICOP Report

Members of Parliament and Senators of the National Security and Intelligence Committee of Parliamentarians (NSICOP) conducted an extensive review of lawful access challenges and tabled a report in September 2025.

The Committee found that:

- Canada’s laws are stuck in the past.
- Police are using old tools against modern crimes.
- There is a growing gap between what the law allows and what technology makes possible.
- Claims that police have “too much surveillance power” are outdated.

What Goes Wrong

National Security	Police get approval to monitor a serious threat. The app is encrypted, and the company has no duty to help. The warrant is useless.
Child Exploitation	Accounts are hosted overseas. International requests take months. Suspects delete evidence and keep offending. During the delay, children remain at risk.
Organized Crime	Police must go to court just to match a phone number to a name. This slows investigations that need to move quickly.



The Solution



Part 14: Access to Digital Data

- Establishes legal obligations for service providers.
- Allows for the preservation and production of digital data.
- Modernizes judicial authorization processes for data acquisition.
- Ensures timely response to lawful requests.



Part 15: Intercept Capability

- Mandates technical capability for interception by providers.
- Applies to modern telecommunications and digital services.
- Enables law enforcement to intercept communications with a warrant.
- Ensures providers understand their legal responsibilities.

How Privacy Is Protected

Information Demands

Basic details only. No message content. Time limits on secrecy.

Production Orders

Judge must approve. Judge controls scope. Must show reasonable grounds.

Digital Searches

Judge must believe data contains criminal evidence.

Path Forward

- Balancing public safety with individual privacy rights.
- Fostering public trust through transparency and accountability.
- Continuous adaptation to the evolving digital landscape.
- Bring Canada in line with all Five Eyes partners and other Western democracies.



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