COMMENTS OF CCIC

to the

House of Commons Standing Committee on Canadian Heritage

Ottawa, ON

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In the Matter of:	)	
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	)	Brief
Study of Bill C-34,	)	
the Safe Social Media Act	)	
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INTRODUCTION

The Centre for Canadian Innovation and Competitiveness (CCIC), the Canadian affiliate of the Information Technology and Innovation Foundation, thanks the Standing Committee on Canadian Heritage for the opportunity to submit this brief on Bill C-34, the Safe Social Media Act.

CCIC's position is that the bill's earned exemption, which allows a platform to keep users under 16 if it can show adequate safeguards for children, is the right design and an improvement on a blanket ban. It rewards platforms for what they build and gives them a reason to keep improving, which an age restriction on its own cannot accomplish.

The problem is sequencing. As drafted, the under-16 account restriction may take effect well before any platform is able to obtain an exemption, and the bill guarantees neither a published standard nor a timeline for decisions. For that period, a platform that has already done everything the bill asks is treated the same way as one that does not care about online safety, and the exemption that distinguishes Canada's approach from Australia's does not work. This brief proposes three amendments that keep both the restriction and the exemption and ensure they take effect together: tying the restriction's coming into force to published guidelines and open applications, allowing provisional exemptions with a fixed decision period, and setting an outcomes-based test in section 29.

DISCUSSION

Imagine the safest social media platform ever built. Whatever safeguards one might picture, it has more. Whatever test the Digital Safety Commission may eventually write, it would pass on the first try. Under Bill C-34, as drafted, that platform would still have to remove every Canadian user under 16 on the same day as the worst platform in the country and keep them off for as long as it takes Ottawa to build a regulator, staff it, write the criteria, and review the application.

Last month, Liberal MP Brendan Hanley stated in the House of Commons that "learning from experience elsewhere, Canada is pursuing a sophisticated and innovative approach rather than a rigid blanket ban" built on an earned exemption model.[1] By the government's own logic, the exemption is therefore what separates Canada's approach from that taken by other countries, such as Australia. Yet until the Digital Safety

[1] House of Commons, Debates, 45th Parliament, 1st Session, October 29, 2026 (Brendan Hanley, Parliamentary Secretary to the Minister of Northern and Arctic Affairs), https://www.ourcommons.ca/documentviewer/en/45-1/house/sitting-158/hansard

Commission can grant exemptions, Bill C-34 does what Australia's law does. By the government's own estimates, the Commission will not be operational until close to a year after the restriction takes effect.[2] If the safest platform imaginable cannot earn its way out, the earned exemption model is a blanket ban with an IOU.

Before the first exemption can be granted, cabinet will have to appoint the Commission's three-to-five full-time members through the Governor in Council process.[3] The Commission will need to hire its staff, find office space, build its case management and information systems, and write the procedures for receiving and assessing applications. Cabinet will have to draft the regulations under section 29(2) that set out what the Commission must weigh, publish the proposed regulations in the Canada Gazette, Part I, receive public comments, revise the regulations, and publish the final version in Part II. The Commission will then need to draft its section 30 guidelines on what will constitute adequate safeguards, and will likely want to consult on those too.

Only then can a platform assemble its evidence and apply for an exemption, and only then can the Commission review the file, ask for more information, perhaps watch the platform operate for a while, and decide. At the June 2026 technical briefing, officials estimated that the Commission could be running within 18 months of royal assent, with the regulations, including age-gating, coming online six to eight months after royal assent.[4] Officials have also said the restriction could come into force before the Commission is fully operational.[5] Nothing in the bill or in the government's estimates puts a date on anything after that.

For the length of that gap, the hypothetical safest platform in the world has no recourse, which runs up awkwardly against the premise of the bill. Minister Miller has argued that social media can be made safe by design, and the exemption is the mechanism meant to reward that design. But before the exemption exists, the only compliant conduct available to any platform is to verify ages and remove accounts, so compliance teams and regulatory attention focus on ensuring young users are gone. In Australia, where the restriction took effect in December 2025, platforms removed access to roughly 4.7 million under-16 accounts within a month.[6]

Section 29 of the bill allows the Commission to exempt a platform if it is satisfied that the operator provides adequate safeguards for children, and the best version of that test would look at outcomes such as risk

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[2] Jesse Cole, "Ottawa introduces bill to ban social media for kids under 16," BetaKit, June 10, 2026, https://betakit.com/ottawa-introduces-bill-to-ban-social-media-for-kids-under-16/

[3] 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, 1st Session, 45th Parliament, 2026 (first reading June 10, 2026), https://www.parl.ca/DocumentViewer/en/45-1/bill/C-34/first-reading

[4] Judy Trinh, "Could PM Carney's social media ban be derailed by Trump and big tech?" CP24, June 12, 2026, https://www.cp24.com/news/canada/2026/06/12/could-pm-carneys-social-media-ban-be-derailed-by-trump-and-big-tech/

[5] Catharine Tunney, "Ottawa moves to restrict social media for kids under 16," CBC News, June 10, 2026, https://www.cbc.ca/news/politics/online-harms-ai-social-media-children-9.7229976

[6] Clare Armstrong, "More than 4.7m social media accounts closed in two days after ban began, data reveals," ABC News, January 15, 2026, https://www.abc.net.au/news/2026-01-15/social-media-ban-data-millions-of-accounts-closed/106232768

assessments, independent evaluation, and evidence that harm to young users is reducing. But it is awfully hard for a platform to prove it is safe for kids if kids cannot use it.

The committee can also settle what kind of test the Commission applies. The bill already leans toward lists: Section 21 requires every regulated service to integrate the design features set out in the regulations, and a list of permitted and prohibited features is the easiest standard for any regulator to administer and defend. Yet what keeps a 6-year-old safe on a video service will not keep a 15-year-old safe in a chat room, and a single list would have to cover both. Writing that list well would require the Commission to become the country's leading expert on the inner workings of every single social media platform under the sun, and to stay that way. An outcomes-based test leaves that work with the operators, which already know their products, users, and incentives, and lets the Commission judge whether the results hold up. Setting the type of test in statute also gives platforms a standard they can plan against before the Commission is even appointed.

Some will say that the regulator should take its time and that writing safety standards for platforms is hard. A standard that's been rushed out the door would freeze today's guesses about safe design, and children face harm now, so a total restriction in the meantime is better than nothing. The first part is right: A poorly designed standard could lock in today's guesses for years. But if the standard needs time, the restriction should wait for it, because while a restriction that applies regardless of safeguards protects children on the worst platforms, it also removes them from the platforms that were already safe for them and gives no platform a reason to improve its design while it waits.

RECOMMENDATIONS

Minister Miller told the House there is a legitimate debate over whether the exemption rules are set by the regulator "or perhaps even by committee."[7] CCIC recommends three amendments to the Digital Safety Act:

1. **Tie the restriction to a working exemption.** Amend section 130 so that subsections 27(1) and 28(1) cannot come into force until at least 90 days after the Commission has published its section 30 guidelines and begun accepting exemption applications under section 29(1).

2. **Allow provisional exemptions and set a clock.** Amend section 29 to provide that the conditions the Commission may attach to an exemption include a time limit, monitoring, and public reporting on outcomes for users under 16, with the exemption expiring if the operator fails to meet those conditions. Add a requirement that the Commission decide a complete application within 90 days and publish reasons.

3. **Set the type of test, not its content.** Amend section 29 to require that, in deciding whether an operator provides adequate safeguards, the Commission consider risk assessment, independent evaluation, transparency about what users under 16 encounter, and measured outcomes for those users, instead of compliance with a prescribed list of product features. This leaves the specifics to the

[7] House of Commons, Debates, 45th Parliament, 1st Session, October 21, 2026 (Hon. Marc Miller (Minister of Canadian Identity and Culture and Minister responsible for Official Languages), https://www.ourcommons.ca/documentviewer/en/45-1/house/sitting-152/hansard

Commission, consistent with the concern raised in debate that prescribing details in statute would undermine the Commission's independence.

CONCLUSION

The bill does not need to give up either the restriction or the exemption, only to make sure both exist on the same day. When the restriction takes effect, the safest social media platform ever imagined should have a standard to meet and somewhere to send its application, rather than answering for the sins of others while it waits.

Thank you for your consideration.

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ABOUT CCIC

The Centre for Canadian Innovation and Competitiveness is an Ottawa-based affiliate of the Information Technology and Innovation Foundation (ITIF), the world's leading think tank for science and technology policy. As a separately incorporated and registered charity under the Canada Not-for-profit Corporations Act and Income Tax Act, the Centre's mission is to help policymakers and the Canadian public better understand the nature of the innovation economy and the types of public policies that are necessary to drive Canadian innovation, productivity, and global competitiveness. For more information, visit www.innovationpolicy.ca.