

**BILL C-8: AN ACT RESPECTING CYBER SECURITY
AMENDING THE TELECOMMUNICATIONS ACT AND MAKING
CONSEQUENTIAL AMENDMENTS TO OTHER ACTS**

**SUBMISSION TO THE HOUSE OF COMMONS
STANDING COMMITTEE ON PUBLIC SAFETY
AND NATIONAL SECURITY**

CANADIAN TELECOMMUNICATIONS ASSOCIATION

November 12, 2025

Introduction

The Canadian Telecommunications Association is pleased to provide its comments regarding Bill-C8, *An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts* (Bill C-8) to the House of Commons Standing Committee on Public Safety and National Security.

The Canadian Telecommunications Association is an industry association dedicated to building a better future for Canadians through connectivity. Our members include service providers, equipment manufacturers, and other organizations in the telecommunications ecosystem, that invest in, build, maintain, and operate Canada's world-class telecommunications and broadcasting networks.

Through our advocacy initiatives, research, and events, we work to promote the importance of telecommunications to Canada's economic growth and social development, and advocate for policies that foster investment, innovation, and positive outcomes for Canadians who rely on telecommunications and related services. Accordingly, the Association and its members have considerable interest in the subject matter of Bill C-8.

To the extent that any comments in this submission conflict with a comment of an Association member, the comment of the member shall prevail with respect to that member.

General Comments

The security of Canada's telecommunications system is of the utmost importance. Our members recognize that their services are critical to the social and economic well-being, as well as the security and safety of Canadians. Accordingly, our telecommunications service provider (TSP) members invest significant resources to safeguard their systems and infrastructure from cyber attacks and other threats.

Our TSP members also actively participate in the Canadian Security Telecommunications Advisory Committee ("CSTAC"), which facilitates the exchange of information between the private and public sectors as well as strategic collaboration on current and evolving issues that may affect telecommunications systems, including cyber security threats.

While the Association and its members welcome changes that were made to the former Bill C-26 and that have been carried forward into Bill C-8, we have some remaining concerns.

1. Compensation for losses should be at the discretion of the Governor in Council/Minister

The proposed new subsections 15.1(8) and 15.2(10) of the *Telecommunications Act* provide that "no one is entitled to any compensation from His Majesty in right of Canada for any financial losses resulting from the making of an order...". It is our understanding that the use of "entitled" is intended to mean that no one has a legal right to compensation, but that the Governor in Council and the Minister, as applicable, are not prohibited from ordering compensation in appropriate cases.

While we accept that the intention of these provisions is to preclude a statutory right to compensation, we continue to believe that the legislation should expressly recognize that TSPs may incur significant costs in complying with an order, and that it should be clear that the Minister retains discretion to authorize compensation in such cases.

This is the approach that has been taken in Bill C-2, which contains the following provision regarding discretionary compensation for electronic service providers who are ordered to develop, implement, install, etc., a device, equipment, or capabilities that allow authorized persons to access information:

Part 15 - Section 7

Discretionary compensation

(3) For the purpose of offsetting all or part of the costs referred to in paragraph (2)(c), in the order, the Minister may provide for compensation to be paid to the electronic service provider in an amount that the Minister considers appropriate and may include provisions with respect to the time and manner of payment.

Recommendation

Accordingly, rather than amending subsection 15.1(8) or 15.2(10), we recommend that Bill C-8 be amended to include two new provisions, modelled on the discretionary compensation clause in Part 15 of Bill C-2, to make clear that compensation may be provided at the discretion of the Minister where warranted. Suggested language could read as follows:

15.1(9) – Discretionary Compensation

For the purpose of offsetting all or part of the financial losses or costs incurred as result of an order under Section 15.1, the Governor-in-Council may, in the order, provide for compensation to be paid to the telecommunications service provider in an amount that the Governor-in-Council considers appropriate and may include provisions with respect to the time and manner of payment.

15.2(11) – Discretionary Compensation

For the purpose of offsetting all or part of the financial losses or costs incurred as result of an order under Section 15.2, the Minister may, in the order, provide for compensation to be paid to the telecommunications service provider in an amount that the Minister considers appropriate and may include provisions with respect to the time and manner of payment.

2. Clarification Required Regarding “Backup Systems”

Bill C-8 would authorize the Minister to order TSPs to use a “backup system” for telecommunications facilities.¹ While this provision may appear straightforward, it raises important questions about scope and intent. The term “backup system” is not defined in the legislation,

¹ See the proposed new paragraph 15.2 (2)(n) of the *Telecommunications Act*

creating uncertainty as to what types of systems or measures could be compelled under such an order.

TSPs already employ extensive backup and redundancy systems as part of standard industry practice to ensure continuity of service and network resilience. However, without a clear definition, the proposed provision could be interpreted to permit the Minister to require the use or deployment of systems that fall outside the ordinary course of providers' operations or technical design. This could encompass duplicative or extraordinary measures that do not align with established engineering standards, and that would impose significant and unnecessary costs without demonstrable security or resiliency benefits.

For these reasons, we recommend that the government clarify the intended meaning and purpose of "backup system" and ensure that any such authority is exercised only where necessary, proportionate, and consistent with established technical and operational practices in the telecommunications sector.

Recommendation:

That Bill C-8 be amended to specify that any requirement to implement or use a "backup system" must be defined by regulation or by reference to recognized industry or technical standards and applied only where the Minister determines that such a measure is reasonably necessary to achieve the objectives of the order.

3. Safe Harbour and Limitation of Liability

As presently drafted, TSPs may face civil, regulatory, or contractual liability when complying with government orders made under Bill C-8. Such exposure could arise, for example, where compliance with an order affects the provider's ability to meet contractual obligations to customers or business partners, or where actions taken in good faith to carry out an order are later challenged as inconsistent with other statutory or regulatory requirements.

To address this gap, we recommend that Bill C-8 be amended to include a safe-harbour limitation of liability clause that protects TSPs from liability when acting in good faith and in accordance with a valid government order. This protection is both reasonable and necessary to ensure that providers can act promptly and confidently when directed to take measures in the public interest, without fear of exposure to subsequent legal claims.

A safe-harbour clause would also ensure consistency across the legislative framework established by Bill C-8. Persons exercising powers or performing duties under the *Critical Cyber Systems Protection Act* (CCSPA), also enacted through Bill C-8, are explicitly shielded from liability under subsection 31(1) of that Act. The same rationale applies in the context of telecommunications orders issued under the *Telecommunications Act*, where service providers are acting under compulsion of law to advance national security, public safety, or network resiliency objectives.

Recommendation:

That Bill C-8 be amended to include a new provision stating that no action or other proceeding lies against a TSP, or any of its directors, officers, employees, or agents, for any act or omission done in good faith in compliance with an order made under the provisions of the bill.

Conclusion

We appreciate the opportunity to provide comments and recommendations on Bill C-8. We share the government's desire to promote and ensure the security of Canada's telecommunications system, and the recommendations provided herein seek to enhance that important policy objective by refining Bill C-8 to operate as effectively and efficiently as possible.

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