



Justice Centre

for Constitutional Freedoms

Canada's Road to Beijing

The digital threat to the
Charter rights and freedoms of Canadians

August 9, 2022

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Executive Summary

Canada is moving quickly toward a greater reliance on digital identification (digital ID) and digital currency technologies to form the basis of the relationship between state and citizen. Like physical ID, digital ID technologies allow users to prove their identity and to access services and goods. But digital ID is more comprehensive than physical ID, capturing data attributes such as (for example) usernames and passwords, birth dates, social security numbers, medical histories, online search activities, and even purchasing behaviors. These technologies enable Canadian governments to access vital personal and financial information about Canadian citizens and to store this information in databases. Further, these technologies arm Canadian governments to act upon what they know about their citizens: to intervene in their affairs and, in some cases, to place unjustified restrictions on their *Charter*-protected rights and freedoms.

For some purposes, it is admittedly convenient to be able to renew a driver's license, or to view laboratory results, online. However, the convenience of digital ID is far outweighed by its potential cost: Canadian governments now have the ability to access detailed, personal, confidential, and real-time information about Canadians' personal affairs. Indeed, digital ID equips governments to know where you are, where you travel, what you do, what you say and share, what you earn, own, spend and possess. Digital ID also equips governments to violate the rights and freedoms which Canadians have enjoyed for centuries, treating these, instead, as privileges to be earned by 'correct' behavior. Have Canadians fully considered where this type of technology leads?

At the end of this road lies the 'Social Credit System' of the Communist Party of China (CPC), which uses its system of total surveillance to monitor, punish, and reward its citizens. Critics maintain that the CPC will use digital ID technologies to reinforce the efficiency and scope of an already repressive Social Credit System. A subject of communist China could see their social credit plummet for behaviour the government deems 'bad' or 'undesirable'. For mildly criticizing the government and its leaders in a text conversation, or for supporting a pro-freedom or pro-democracy political group which the government deems to be a threat, a Chinese citizen could find their picture retrieved from a government face-tracking surveillance camera and publicly posted on large government 'blacklist' screens around the city. They could find their bank accounts frozen and their ability to board a train or plane revoked. China already forbids access to things such as Facebook, certain terms on search engines, and other social

media. In fact, China’s internet censorship is the most comprehensive and sophisticated in the world. The Chinese Social Credit System can be compared to the digital ID tools now being developed in Canada. While Canada has a superior tradition of freedom, this tradition has been on a downward trajectory for years (particularly since 2020), as the *Canadian Charter of Rights and Freedoms* has been violated on a massive scale.

For instance, in 2016, the federal government was caught secretly monitoring millions of travellers using facial recognition technology in Toronto’s Pearson Airport.¹ (The facial scans and data of citizens were supposed to be destroyed at the end of the pilot program. According to *The Globe and Mail*, a spokesperson for Canadian Border Services Agency did state that all images taken during the pilot program had been erased.²)

In early 2020, Canada’s federal government secretly authorized the surveillance of 33 million mobile devices to track the location of Canadian citizens.³ The government claimed that this was simply to observe the effectiveness of governments’ pandemic measures at the start of lockdowns and of public compliance, and that the data was “de-identified.”⁴

In September of 2021, Canada’s provinces implemented QR code vaccine passports, with the federal government joining them to pressure citizens into receiving the new Covid vaccine as a condition of participating in society. Canadians were radically divided by their governments into first-class and second-class citizens, based on a personal decision to be injected with a substance for which there is no long-term safety data. In essence, Canadian governments created two categories: ‘the healthy’ and ‘the virus spreaders’. In order to visit a restaurant, gym, library, theatre, or other public facility, Canadians had to scan their digital QR code containing their private medical information. Division became the norm across Canada, and any right to medical privacy or autonomy suddenly became a thing of the past.

Surveillance and government overreach reached a new peak (or a new low, one could argue) during the peaceful ‘Freedom Convoy’ protest in downtown Ottawa in early February of 2022. The government tracked the private donations of convoy supporters and suddenly froze

1 Lauren O’Neil, “Canada Under Fire for Secretly Using Facial Recognition at Toronto’s Pearson Airport,” *blogTO*, July 19, 2021, <https://www.blogto.com/tech/2021/07/canada-secretly-using-facial-recognition-toronto-pearson-airport/>.

2 Tom Cardoso and Colin Freeze, “Ottawa Tested Facial Recognition on Millions of Travellers at Toronto’s Pearson Airport in 2016,” *The Globe and Mail*, July 19, 2021, <https://www.theglobeandmail.com/canada/article-ottawa-tested-facial-recognition-on-millions-of-travellers-at-torontos/>.

3 Cosmin Dzsurdzsa, “Privacy Commissioner to Audit Ottawa’s Surveillance of 33 Million Devices,” *True North*, January 12, 2022, <https://tnc.news/2022/01/12/privacy-commissioner-to-audit-ottawas-surveillance-of-33-million-devices/>.

4 Dzsurdzsa.

more than 200 bank accounts⁵ without any court oversight to protect privacy or private property. “We now have the tools to follow the money,” stated Deputy Prime Minister Chrystia Freeland. “We can see what is happening and what is being planned in real time, and we are absolutely determined that this must end now and for good.”⁶ Canadians, therefore, have already experienced a taste of the CPC-style Social Credit System. Across Canada, as governments and corporations continue to collect, centralize, and share private information about the physical and financial attributes and behaviors of Canadians, alarm bells should be ringing. Canadians are urged to inform themselves and their political leaders of the dangers posed by digital ID technologies.

I Introduction

According to a 2018 report by the Canadian Security Intelligence Service,

Big data is allowing the Chinese Communist Party (CPC) to extend its already extensive control over the lives of Chinese citizens. The developing social credit system will make possible comprehensive data collection to measure individual loyalty to the state. Data can be collected on companies and individuals abroad, posing a challenge for countries not wishing to be part of a Chinese system of social control. China’s big data strategy may improve political control without improving the actual quality of governance.⁷

This sobering assessment of China’s Social Credit System is not the work of a random website pedalling conspiracy theories but is instead part of a wide-ranging report on China prepared in 2018 by the Canadian Security Intelligence Service (CSIS) for the Government of Canada (GoC), intended to prepare Canadian entrepreneurs for the realities of doing business in China. According to this report, entrepreneurs can expect their every move to be monitored; they can expect a file to be opened to record everything the CPC learns about them; and they can expect to earn a social credit score which reflects their ‘trustworthiness’. In other words, Canadian

⁵ Peter Zimonjic, “Most Bank Accounts Frozen Under the Emergencies Act are Being Released, Committee Hears,” *CBC*, February 22, 2022, <https://www.cbc.ca/news/politics/emergency-bank-measures-finance-committee-1.6360769>.

⁶ John Tasker, “Banks Have Started to Freeze Accounts Linked to the Protests, Freeland Says,” *CBC*, February 17, 2022, <https://www.cbc.ca/news/politics/ottawa-protests-frozen-bank-accounts-1.6355396>.

⁷ “Big Data and The Social Credit System: The Security Consequences,” Government of Canada, May 15, 2018, <https://www.canada.ca/en/security-intelligence-service/corporate/publications/china-and-the-age-of-strategic-rivalry/big-data-and-the-social-credit-system-the-security-consequences.html>.

entrepreneurs in China can expect to encounter the kind of surveillance that the Chinese people themselves experience.

Meanwhile, China intends this year (2022) to supplement the web of databases informing its Social Credit System with digital ID (e.g., QR codes on their citizens' phones) and digital currency. The state will know as much as it cares to know about the Chinese citizen (and the Canadian entrepreneur in China), including what they earn, what they buy, what they own, where they go, and with whom they communicate. The CPC is positioned to guide how people use their money; one feature of Central Bank Digital Currency (not to be confused with cryptocurrency) is that it can be programmed for certain purposes and shut down or banned for any purposes not approved by the state.

If it sounds Orwellian, it is. If CSIS made a similar examination of Canada, it would discover parallels between China and existing Canadian identifying and tracking technologies. It is true that these technologies are not as advanced in Canada as in China. But Canada is heading in that direction. For more than ten years, a joint business-government agency has been quietly developing its own digital ID standards so that a synchronised digital ID system can be implemented nationally (see Section III). For practical purposes, digital ID already exists in B.C. and Alberta (and to varying degrees in Ontario and Quebec).⁸

Canada is not yet China, where, in 1989, the regime is said to have killed as many as 10,000 protesters in Tiananmen Square;⁹ more recently, the CPC is said to have dismantled freedom and democracy in Hong Kong¹⁰ and to have committed genocide against the Uyghur population and other Muslim ethnic groups in the north-western region of Xinjiang.¹¹ However, to date there has not been much media coverage on how the Government of Canada has been busily assembling the same suite of digital tools which the CPC is now using to monitor and control its population. The current evidence suggests that Canada is headed towards the CPC model, not away from it.

⁸ Renaud Langlois, "The State of Digital ID in Canada," *ITBusiness.ca*, May 18, 2022, <https://www.itbusiness.ca/news/the-state-of-digital-id-in-canada/121743>.

⁹ "Tiananmen Square Protest Death Toll 'Was 10,000'," *CNN*, December 23, 2017, <https://www.bbc.com/news/world-asia-china-42465516>.

¹⁰ Zen Soo and Huizhong Wu, "How Democracy Was Dismantled in Hong Kong in 2021," *The Globe and Mail*, December 29, 2021, <https://www.theglobeandmail.com/world/article-how-democracy-was-dismantled-in-hong-kong-in-2021-2/>.

¹¹ "Who Are the Uyghurs and Why is China Being Accused of Genocide?" *BBC*, May 24, 2022, <https://www.bbc.com/news/world-asia-china-22278037>.

One could argue that Canada's federal and provincial governments would not abuse the extensive powers conferred by digital ID technologies in the way that the CPC has abused those powers. Some Canadians might comfort themselves with the thought that 'a Canadian government wouldn't do things like that'. As we saw during the peaceful protests in Ottawa in February of 2022, however, the Government of Canada did shut down bank accounts, leaving peaceful protestors and their supporters unable to pay their mortgages, to secure transportation home, or to buy food and medical supplies. It used the briefly invoked powers of the *Emergencies Act* to identify its political enemies and to selectively freeze their bank accounts.¹²

Since the imposition of lockdowns in March of 2020, the policy responses of Canada's federal and provincial governments have generally demonstrated a casual disregard for the *Charter* freedoms of speech, religion, association, mobility, and assembly. The federal government and its agencies also emulated the CPC by using advanced technologies to surveil the Canadian population, by covertly monitoring the movements of 33 million cellphones,¹³ and by using unauthorized facial recognition data.¹⁴

Rather than smugly assume that 'our system is better than theirs', Canadians should be outraged that, in its responses to Covid, Ottawa showed such disturbing eagerness to dismiss and violate the fundamental rights and freedoms which form the foundations of a free society. As remarked above, by placing a simple piece of digital data on people's own smartphones, the government created two categories of people: (1) a group that had privileges and first-class status because they conformed to federal and provincial instructions regarding vaccination, and (2) a second-class group that did not have such privileges because they would not (or could not) conform to vaccination mandates. This second-class group, by legitimately exercising their *Charter* right to control their own bodies, were effectively forbidden, for many months, from participating in normal public life. And, if the members of this class worked for the federal or most provincial governments¹⁵ (or even for a federally regulated enterprise or private endeavour that chose to mimic government), they could not even work or collect Employment Insurance if

12 Tasker, "Banks Are Moving to Freeze Accounts."

13 "Feds Admit Tracking 33 Million Mobile Phone Devices During Lockdowns," *Toronto Sun*, December 21, 2021, <https://torontosun.com/news/national/feds-admit-tracking-33-million-mobile-phone-devices-during-lockdowns>.

14 Anja Karadeglija, "Privacy Watchdogs Call for Laws Limiting Police Use of Facial Recognition," *The National Post*, May 2, 2022, <https://nationalpost.com/news/politics/privacy-watchdogs-call-for-laws-limiting-police-use-of-facial-recognition>.

15 "Prime Minister Announces Mandatory Vaccination for the Federal Workforce and Federally Regulated Transportation Sectors," Prime Minister of Canada, Justin Trudeau, October 6, 2021, <https://pm.gc.ca/en/news/news-releases/2021/10/06/prime-minister-announces-mandatory-vaccination-federal-workforce-and>.

forced into unemployment on account of refusing a medical treatment. In many cases, even private companies followed suit, demanding private medical information from their employees and firing any employees who could not, or would not, comply with mandatory vaccine policies. In China, they call this ‘blacklisting’. In Canada, they called it ‘health policy’.

In short, Canada’s federal and provincial governments used technology to reward Canadians for being ‘good’ citizens and for doing exactly as they were told, just like China’s regime rewards ‘good’ citizens who support the CPC and its policies. Meanwhile, those whom Canadian governments classified as having ‘unacceptable opinions’¹⁶ were electronically removed from participating in society and the economy. Those who protested the federal government’s vaccine mandates (e.g., the truck drivers of the Freedom Convoy) were condemned as anti-science, extremists, racists and misogynists by their own Prime Minister¹⁷ and were dispersed from a peaceful protest with unnecessary force.¹⁸ Many were ultimately blocked from accessing their own bank accounts and credit cards.

This was a period of angst which, for many Canadians, disrupted a comfortable illusion. In the free country of Canada, despite whatever differences in religion, politics, or conscience Canadians may have had, many had been united in the belief that there were certain lines the government would never cross. Canadians lost their naivete. They saw that governments did seize as much power and control as they could, that they are continuing to do so,¹⁹ and that they mean to continue to digitize the process in order to become more efficient and competent at it.

Monitoring and control are the essence of the CPC Social Credit System.²⁰ It relies on technology to coerce and co-opt individuals to participate in their own management. We deplore it in China. But many Canadians remain unaware that it has entered their own backyard. When

16 “Trudeau Says ‘Fringe Minority’ in Trucker Convoy with ‘Unacceptable Views’ Don’t Represent Canadians,” *Global News*, January 27, 2022, <https://globalnews.ca/video/8542159/trudeau-says-fringe-minority-in-trucker-convoy-with-unacceptable-views-dont-represent-canadians>.

17 “You Said It: Costly Move,” *Ottawa Sun*, January 24, 2022, <https://ottawasun.com/opinion/letters/you-said-it-costly-move>.

18 Saba Aziz, Amanda Connolly, and Alex Boutilier, “Ottawa Police Use Anti-Riot Weapons on Convoy Protesters, Arrest 170,” *Global News*, February 20, 2022, <https://globalnews.ca/news/8632832/ottawa-police-freedom-convoy-blockade/>.

19 For example, the Federal Bill S-7 would empower Canadian customs officers to look through cellphones and laptops belonging to travellers ‘on reasonable general concern’ - an incredibly low threshold of justification for government intrusion of a person’s private affairs. See: Sabrina Maddeaux, “Sabrina Maddeaux: The Indefensible Liberal Plan to Search Your Phone on a Whim,” *The National Post*, June 7, 2022, <https://nationalpost.com/opinion/sabrina-maddeaux-the-indefensible-liberal-plan-to-search-your-phone-on-a-whim>.

20 Simon Denyer, “China’s Plan to Organize Its Society Depends on ‘Big Data’ to Rate Everyone,” *Washington Post*, October 22, 2016, https://www.washingtonpost.com/world/asia_pacific/chinas-plan-to-organize-its-whole-society-around-big-data-a-rating-for-everyone/2016/10/20/1cd0dd9c-9516-11e6-ac9d-0030ac1899cd_story.html.

it came to covert electronic surveillance of the population and the shunning of a minority for political purposes, it is obvious that Canadian governments used ‘Beijing rules’ when it suited them. If the government can prevent you from eating at a restaurant or exercising at a gym over a personal medical decision, then that government can also take away basic rights for other reasons. The differences between China and Canada are only differences of degree, not differences of kind.

The question for Canadians, therefore, is not whether *this* federal government can be trusted with digital ID. It is whether *any* government, federal or provincial, can resist the temptation to ignore *Charter* rights to free speech, conscience, worship, association, peaceful assembly, travel, privacy, or security of the person, when those holding power perceive that some advantage will arise by ignoring these.

The short answer is “no.” As Canada’s introduction of digital ID, digital currency and recent cases of government abuse of power echo similar developments in China, alarm bells should be going off all over the country. Canadians have good cause to fear that they, too, will end up living under a system not unlike the Social Credit System.

II Social Credit in China

II.I Life under the Social Credit System in China

Life in Jiangsu

In the Chinese city of Nanjing, in the eastern province of Jiangsu, a man crosses the street against the lights. Almost immediately, a nearby billboard-sized screen displays his name, his face, and an admonition to obey the traffic lights.²¹ As a warning to others, he may also end up on the local television newscast alongside speeders, litterers, and others who have offended in some way—even those with an untidy yard.²²

21 Kelsey Cheng, “Police in Chinese City Punish Jaywalkers by Classifying Them as ‘Untrustworthy People’ in Country’s Social Credit System,” *Daily Mail*, July 9, 2019, <https://www.dailymail.co.uk/news/article-7228205/Chinese-city-punishes-JAYWALKERS-listing-untrustworthy-people-social-credit-system.html>.

22 *NBC News*, “Social Credit System Coming to China, With Citizens Scored on Behavior,” YouTube video, 2:33, May 11, 2019, <https://www.youtube.com/watch?v=NOK27I2EBac>.

When this kind of surveillance and artificial intelligence was first reported in the West, newspapers and television played it as a ‘brite’—the media term for a fluffy story intended to leave the reader smiling after a menu of more serious fare.²³ It was no joke. What had just happened was that surveillance cameras had captured the moment, had secured a digital image of the man’s face, had compared it to a central database of faces compiled over the years, had identified the individual, and had returned the information to the billboard-sized screen—all before the man reached the other side of the road. The system then lowered his social credit score, sent him a text, and notified him of his offence and monetary fine.

If the jaywalker continued his bad habit, he would start to accumulate an ‘untrustworthy’ reputation, and his Social Credit score would be reduced.²⁴ If it fell far enough, as he violated other community standards, he would find there were things that ‘untrustworthy’ people like him could no longer do, e.g., put his children in the school of his choice, buy travel tickets, get a mortgage, or even hold a job. In China, where the government incessantly drills its people with the importance of deference to state authority, it appears that there is widespread acceptance of the technology which makes it increasingly possible for a citizen’s every move to be watched, recorded, and evaluated.

Life in Xinjiang

The Social Credit System and its expansive surveillance systems are most certainly not restricted only to societal *faux pas* like jaywalking or littering. In the region of Xinjiang, a young woman is pregnant with her fourth child against the will of the government and its (current and universal) three-child policy.²⁵ The government, monitoring her private messages, internet searches, and medical records, discovers that she is pregnant with her fourth child and lowers her Social Credit score for disobedience and for her refusal to be surgically sterilized.²⁶

²³ For example, see: Stephen Colbert, “Everyone in China is Getting a ‘Social Credit Score’,” YouTube video, May 8, 2018, <https://www.youtube.com/watch?v=N4Gr-HLM7Qk>.

²⁴ Frances Martel, “China Imposes Mandatory GPS Tracking on Cars in Muslim Xinjiang Prefecture,” *Breitbart*, February 21, 2017, <https://www.breitbart.com/national-security/2017/02/21/xinjiang-china-gps-cars-mandatory/>.

²⁵ “China NPC: Three-Child Policy Formally Passed Into Law,” *BBC*, August 20, 2021, <https://www.bbc.com/news/world-asia-china-58277473>.

²⁶ Laowhy86, “How Does China’s Social Credit System Work?” YouTube video, 18:56, November 26, 2020, <https://youtu.be/PVkWokLqPOg?t=772>.

Life in Henan

In the province of Henan, investors travel to the city of Zhengzhou to seek redress from their bank, which had scammed them and had arbitrarily frozen their accounts. On their way to the bank, the profiles of the citizens' mandatory health apps turn red, signifying that the government considers them to be infected with Covid. As a result, the investors are herded into quarantine hotels and shipped home the next day.²⁷

Life in Shanghai

In Shanghai, human rights lawyer Xie Yang is detained for trying to visit the mother of a journalist who had been jailed for reporting on the Covid outbreak in Wuhan. Even though his home town had been reporting no Covid cases at the time, his health app glares red; he is detained at the airport and forced into quarantine.²⁸ This health app, which the Chinese government developed in order to contain and manage Covid cases, appears to now be serving a purpose that goes well beyond the management of Covid. According to the *Spectator*,

The app requires users to submit information about their health status and other personal details, while at the same time harvesting online behavioral and location data. The precise way people are categorized is far from clear, but the authorities, including public security, have unfettered access. The information is managed by what are described as local 'big data management bureaus'.²⁹

It seems as though the Chinese government is using its health app to suppress political dissidents. Further, the Chinese Communist Party has suggested that the health app technology will outlast the Covid pandemic;³⁰ it will become another dimension of the CPC's already expansive Social Credit System. Since the rollout of the Social Credit System, over 13 million Chinese citizens have been blacklisted and have been deemed 'untrustworthy' at the sole discretion of the communist regime. Like Xie Yang, this subclass of individuals has had what little rights and freedoms they enjoyed under the CPC stripped away.

²⁷ Ian Williams, "China's Increasingly Authoritarian Covid Pass," *The Spectator*, June 21, 2022, <https://www.spectator.co.uk/article/china-s-increasingly-authoritarian-covid-pass>.

²⁸ Williams.

²⁹ Williams.

³⁰ Williams.

Life in Rongcheng

Often cited as the defining example of a successful social credit system, the Social Credit System that was launched in the city of Rongcheng in the Shandong Province provides every citizen with one thousand base points. (Businesses are also included in this system.) Points are earned or lost according to the actions of persons and businesses, resulting in various rewards and punishments. For example, Rongcheng citizens earn points through obedience and good behaviour. A person may earn points when they donate blood, when they make charitable donations at government offices,³¹ or even when they carry home an inebriated person.³² Conversely, a person may lose points when (among many other things) they fail to pay taxes on time, earn a criminal conviction, have a bad credit history, acquire too many parking tickets, behave rudely toward others, or purchase too many video games.³³ In one Rongcheng neighbourhood, which has its own behavioural mini-database, citizens risk losing points for illegally spreading religion or for abusing or neglecting one's elderly relatives.³⁴ The system is supposed to hold citizens accountable, and state officials claim it has "restored morality."³⁵

II.II The state of Social Credit in China

In China, the Social Credit System was sold to the public as a way to address fraud and corruption, which even the Chinese people themselves recognized as a significant problem. Debt-default, 'sharp' practice, and the routine non-enforcement of judicial decisions were a disincentive to business and, therefore, a drag on the economy. That meant that when the Social Credit System was developed as a credit check of the kind familiar in western countries, it did improve the business world. Corporations and individuals with a high credit score were considered reliable, and vice versa. (The system even covered government institutions.)

This continued even after 2014, when China's State Council expanded the idea of simple credit-worthiness to the more nebulous concept of 'trustworthiness'. In its initial announcement

31 *Vice News*. "China's 'Social Credit System' Has Caused More Than Just Public Shaming (HBO)," YouTube Video, 5:44, December 12, 2018, https://www.youtube.com/watch?v=Dkw15LkZ_Kw.

32 *NBC News*, "A Look Inside China's Social Credit System," YouTube video, 8:06, June 4, 2019, <https://www.youtube.com/watch?v=0cGB8dCDf3c&t=207s>.

33 Colbert, "Everyone in China."

34 Simina Mistreanu, "Life Inside China's Social Credit Laboratory," *ForeignPolicy.com*, April 3, 2018, <https://foreignpolicy.com/2018/04/03/life-inside-chinas-social-credit-laboratory/>.

³⁵ Mistreanu.

of an integrated system of Social Credit, the Council said the system should “allow the trustworthy to roam everywhere under heaven while making it hard for the discredited to take a single step.”³⁶ ‘Trustworthiness’ became a consistent theme. In an attempt to rate the moral character of persons or corporations, Social Credit surveillance was expanded to record compliance and legal violations. ‘Trustworthiness’ came to mean more than financial stability and, depending on the context, soon encompassed broader notions of morality, integrity and goodwill as defined by the state.

In July of 2019, the People’s Bank of China (PBOC), the nation’s central bank, stated that the Social Credit System already covered 1.02 billion individuals and 28.34 million companies and organizations.³⁷ In addition to databases of financial, criminal, and tax records, the algorithms are fed by some 200 million surveillance cameras.³⁸ To record behaviour not amenable to capture through electronic means,³⁹ governments gather data from professional informers.⁴⁰ One would anticipate citizen pushback against such an intrusive scheme.

Social Credit is often reported in the West as though it were a single, massive database owned and operated by the CPC. That is not the present reality, but it looks like its destiny. As of 2022, CPC Social Credit depends on a dispersed system of databases managed by China’s economic planner, the National Development and Reform Commission (NDRC), the People’s Bank of China (PBOC), and the country’s court system.⁴¹ Some of the databases are certainly government-owned, but not all. The Sesame rating system, for example, was developed by online marketer Alibaba and is only one of several commercial credit checking mechanisms operating in China. Although it is privately owned, it is available to the three dozen government pilot schemes that have been rolled out across the country.⁴² Roughly “80 percent of China’s

36 Mistreanu, “Life Inside.”

37 Amanda Lee, “What is China’s Social Credit System and Why Is It Controversial?” *South China Morning Post*, August 9, 2020, <https://www.scmp.com/economy/china-economy/article/3096090/what-chinas-social-credit-system-and-why-it-controversial>.

38 A frequently cited number; for example, see: Drew Donnelly, “An Introduction to the China Social Credit System,” *Horizons*, July 13, 2022, <https://nhglobalpartners.com/china-social-credit-system-explained/>.

39 *Vice News*. “China’s ‘Social Credit System’.”

40 *NBC News*, “A Look Inside.”

41 *NBC News*.

42 Mistreanu, “Life Inside.”

provinces, regions and cities have now introduced some version of the system or are about to do so.”⁴³

Social Credit Systems use data aggregated from financial, criminal and government databases to assign ‘social credit scores’ to citizens based on their individual actions. The system constructs profiles of Chinese citizens and is very publicly accessible: with their digital National Identity card, the individual citizen can check their score at any time, using public kiosks comparable in size and distribution to bank machines.

Those favoured by the system may expect lower taxes and higher travel benefits. Indeed, “in a bid to encourage good behaviour, some local governments have offered incentives such as prioritizing health care provision and waiving deposits to rent public housing.”⁴⁴ This is not the case for those determined by the system to be ‘anti-social’ or ‘untrustworthy’. If the ‘untrustworthy’ accumulate enough penalty points, they face the ultimate sanction of being ‘blacklisted’. For them, the routine transactions of daily life become much harder: all face financial penalties, limited opportunities for education, and difficulty booking travel.⁴⁵

The travel ban—a significant limit to freedom anywhere—is especially harsh in China. Apart from its airlines, China has more than 40,000 kilometres of high-speed railway lines. The annual tradition of returning home to family for the Lunar New Year is said to be the world’s largest annual human migration, with as many as 100 million people on the move over a 40-day period.⁴⁶ The millions of blacklisted people barred from taking flights or from using high-speed rail services are not among them. Indeed, the National Development and Reform Commission (NDRC) reported in 2019 that 2.56 million people had been restricted from taking flights; that

43 Jessica Reilly, Muyao Lyu, and Megan Robertson, “China’s Social Credit System: Speculation vs. Reality,” *The Diplomat*, March 30, 2021, <https://thediplomat.com/2021/03/chinas-social-credit-system-speculation-vs-reality/>.

44 Lee, “What is China’s.”

45 Shaming is an important part of the Social Credit System. “If you’re on one of these blacklists, you are barred from buying luxury goods on some of China’s online shopping platforms, you can’t buy a plane ticket, you can’t get a mortgage,” said Nathan Vanderklippe, the *Globe and Mail*’s Asia correspondent. A report from the National Public Credit Information Center revealed that 128 people were blocked from leaving the country in 2018, due to unpaid taxes (*The Associated Press*). “In some places, if you are on this blacklist, there’s been experiments where the government will automatically change your cellphone ringtone,” he told *The Current*’s Anna Maria Tremonti. “So, if your friends call you, instead of hearing a phone ringing, they get a message saying this person is on the blacklist, as a method of public shaming.” See: “How China’s ‘Social Credit’ System Blocked Millions of People from Travelling,” *CBC*, March 7, 2019, <https://www.cbc.ca/radio/thecurrent/the-current-for-march-7-2019-1.5046443/how-china-s-social-credit-system-blocked-millions-of-people-from-travelling-1.5046445>.

46 Erin Blakemore, “Why Lunar New Year Typically Prompts The World’s Largest Annual Migration,” *National Geographic*, January 31, 2022, <https://www.nationalgeographic.co.uk/history-and-civilisation/2021/02/why-lunar-new-year-typically-prompts-the-worlds-largest-annual#:~:text=Known%20as%20the%20world's%20largest,New%20Year%20with%20your%20kids>.

90,000 people had been prevented from using high-speed rail services; and that 300,000 people had been deemed ‘untrustworthy’ by Chinese courts.⁴⁷ There is a significant penalty for ‘untrustworthiness’.⁴⁸

The next steps are coming shortly. As the *South China Morning Post* reports, the CPC is now set to launch China’s own national system of digital ID based on its National ID Card.⁴⁹ Since 2018, the country has been testing a digital ID system in 15 major Chinese cities.⁵⁰ The benign justification offered is the same proposed in Canada: “to enable citizens to easily access important services.”⁵¹ Further, citizens are promised that digital ID will allow an increasingly mobile Chinese population to access government services wherever they are in the country, ridding them of the burden of identities tied to fixed addresses. The ID will exist as a digital file on users’ smartphones. Citizens will indeed be able to access services from anywhere. And, if their governments choose to track their smartphones, governments will always know where they are. China’s digital ID technology will complement the digital currency scheme, upon which the Chinese have also been working for more than ten years. Unlike Digital ID, the digital currency is not yet ready for general use.⁵² However, the CPC is committed to a digital renminbi (the official currency of the People’s Republic of China).

Under the overall direction of China’s economic planner, the National Development and Reform Commission (NDRC), the People’s Bank of China, and the country’s court system,⁵³ the ultimate goal appears to be that the intimate details of all Chinese citizens and businesses will be recorded in a system capable of real-time intervention, so that those whom the government deems ‘trustworthy’ may live normal lives, while the lives of those whom the government deems ‘untrustworthy’ will be stringently limited.

47 Lee, “What is China’s.”

48 “How China’s ‘Social Credit’ System Blocked Millions of People from Travelling,” *CBC*, March 7, 2019, <https://www.cbc.ca/radio/thecurrent/the-current-for-march-7-2019-1.5046443/how-china-s-social-credit-system-blocked-millions-of-people-from-travelling-1.5046445>.

See also: Ayan MacDonald, “China to Introduce Digital ID Cards Nationwide,” *BiometricUpdate.com*, March 14, 2022, <https://www.biometricupdate.com/202203/china-to-introduce-digital-id-cards-nationwide#:~:text=China's%20Prime%20Minister%20Li%20Keqiang,important%20services%20online%2C%20reports%20SCMP>.

49 William Zheng, “China Plans Digital Version of National Identification Later This Year, Premier Says,” *South China Morning Post*, March 12, 2022, <https://www.scmp.com/news/china/politics/article/3170214/china-plans-digital-version-national-identification-card-later>.

50 MacDonald, “China to Introduce.”

51 MacDonald.

52 Theodore Benzmilller, “China’s Progress Towards a Central Bank Digital Currency,” Centre for Strategies and International Studies, April 19, 2022, <https://www.csis.org/blogs/new-perspectives-asia/chinas-progress-towards-central-bank-digital-currency#:~:text=China%20has%20been%20exploring%20a,a%20number%20of%20other%20cities>.

53 Jones.

III Canada develops digital ID, digital currency

Canadians face similar risks and are, indeed, on the road to CPC-style surveillance. Living under lockdowns and mandatory vaccination policies since March of 2020, Canadians have now learned that their governments are capable of acting in arbitrary ways that ignore not only their *Charter* rights but also the longstanding conventions by which a comfortable and limited relationship between state and citizen has been defined in countries sharing the Westminster tradition.⁵⁴ Centralized digital ID (and digital currency) are CPC-style innovations which will buttress arbitrary state power and make it easier to use. Politicians can always imagine arguments which appeal to the ‘public good’ and ‘safety and security’ of Canadians to justify themselves.

III.I Digital ID is here

Just how far have things gone in Canada? In B.C. and Alberta, digital ID has already arrived. Provincially issued digital ID cards now link to federal services (e.g., to Service Canada). The ultimate end-goal is that a single card will give holders access to their bank accounts. At the user’s discretion, the physical card’s data can be transferred to a smartphone and can then be used to access government services in the same way that millions of vaccinated Canadians used the QR code during the era of Covid lockdowns to gain privileged access to restaurants, gyms, various public services, and even churches.

The lead agency developing digital ID in Canada is the public-private Digital ID and Authentication Council of Canada (DIACC). Established in 2012, its purpose is to “develop a Canadian framework for digital identification and authentication.”⁵⁵ Its stated goal is to provide Canadians with a “robust, secure, scalable, inclusive, and privacy-enhancing digital ecosystem that will allow them to ‘securely participate in the global digital economy.’”⁵⁶ Certainly, there is enormous momentum toward a global system of personal, digital ID for all people. It is a UN

⁵⁴ “The Westminster Tradition,” The Legislative Assembly of British Columbia, Accessed July 19, 2022, <https://www.leg.bc.ca/dyl/Pages/Westminster-Tradition.aspx>.

⁵⁵ DIACC.ca, Accessed July 19, 2022, <https://diacc.ca/the-diacc/>.

⁵⁶ DIACC.ca.

Sustainability goal,⁵⁷ a World Economic Forum policy initiative, and it is enthusiastically driven by an alliance of business, government and public advocacy organizations.

In Canada, DIACC's work is focused on defining common standards through its Pan-Canadian Trust Framework.⁵⁸ The federal government is a member. Canada Health Infoway, a federally created arms-length, not-for-profit organization which works on digitizing health services, also belongs to this framework. Major financial institutions—notably Visa, Mastercard, Interac, and the major banks and Canada's credit unions—also belong. Most DIACC members are Canadian, but membership does include non-Canadian entities, such as the Chinese-owned technology group Lenovo.

The heavy involvement of financial agencies at these planning stages is an obvious pointer to the goal of making a government digital ID acceptable for commercial purposes. Indeed, in a curious piece of cross-promotion, Interac—a commercial enterprise whose primary purpose is efficient payments between buyers and sellers—enthusiastically touts the government uses of digital ID along with its commercial uses. According to Interac,

Digital Identity and digital government services represent part of the future of life in Canada. Uniting both government identification and online credentials, it will allow Canadians to take full advantage of the 21st century digital economy by using documents such as driver's licences and passports online and on their mobile devices.⁵⁹

Further, the concept of digital ID is fully supported by the political arms of government. At the federal level, the mandate letter issued by the Prime Minister's Office to the President of the Treasury Board instructed the minister to “advance digital government, which will include ensuring that consideration is given to leveraging digital delivery approaches to improve services to citizens.”⁶⁰ The letter contains a dozen other supporting instructions, including that the Minister should support the Canadian Digital Service by

57 Frank Hersey, “UN Explores Digital Identity Sector to Inform Legal Identity Progress,” *BiometricUpdate.com*, November 15, 2021, <https://www.biometricupdate.com/202111/un-explores-digital-identity-sector-to-inform-legal-identity-progress>.

58 DIACC.ca.

59 Interac, “How Will My Digital ID Shape the Future of Digital Government in Canada?” Accessed July 19, 2021, <https://www.interac.ca/en/content/ideas/how-will-digital-identity-will-shape-the-future-of-canada/>.

60 “Evaluation of the Canadian Digital Service,” Government of Canada, Accessed July 19, 2021, <https://www.canada.ca/en/treasury-board-secretariat/corporate/reports/evaluation-canadian-digital-service.html>.

increasing the number of digitally-accessible government services; and working towards a common and secure approach for a trusted digital IDentity platform to support seamless service delivery to Canadians across the country.⁶¹

A 2020 Treasury Board internal discussion document is similarly explicit:

The goal is to allow Canadians and Canadian businesses to log in with their provincial (sic) trusted digital identity to access federal government services in a timely and secure way. Employment and Social Development Canada and the Canada Revenue Agency are enabling the acceptance of provincial digital identities through pilots and projects. TBS, in its role as a central agency, supports GC digital identity activities with other departments.⁶²

It takes note of the pioneering role played by the governments of B.C. and Alberta in making provincial digital ID interoperable with that of the federal government:

The first digital ID pilot project launched in summer 2019 in Alberta (MyAlberta digital ID). A second project launched in February 2020, which saw the BC government and CRA enable access to CRA’s My Account with the BC My Services card. In August 2020, ESDC is expected to enable full access to My Service Canada for holders of the BC My Services card. Other projects are also being explored as part of a federated model.⁶³

III.II Digital currency in preparation

“We’re looking ahead to imagine how we’ll pay for things in the future” is the breezy opener in the Bank of Canada’s (BoC) look-ahead paper issued in 2020: *The Road to Digital Money*.⁶⁴ “Research is underway at the BoC, because exploring the idea of a central bank digital currency makes sense. In theory, it could provide the safety of cash, with the convenience of modern electronic payments,” notes the paper.⁶⁵ With bankers’ caution, the BoC describes its efforts as investigative only. That is, “...as a contingency only, the Bank will build the capacity to issue a retail, cash-like CBDC⁶⁶ should the need to implement one ever arise.”⁶⁷

61 “Evaluation,” GoC.

62 “Government of Canada digital Identity (ID),” Government of Canada, Accessed July 19, 2021, [https://canada-ca.github.io/PCTF-CPC/docs/2020-08-08%20Digital-ID-General-with-CIOSC-Standard-Draft%20\(EN\).pdf](https://canada-ca.github.io/PCTF-CPC/docs/2020-08-08%20Digital-ID-General-with-CIOSC-Standard-Draft%20(EN).pdf).

63 “Government of Canada digital Identity (ID),” GoC.

64 Stephen Murchison, “The Road to Digital Money,” Bank of Canada, Accessed July 19, 2021, <https://www.bankofcanada.ca/2019/04/the-road-to-digital-money/>.

65 Murchison.

66 CBDC—Central Bank Digital Currency

67 “Contingency Planning for a Central Bank Digital Currency,” Bank of Canada, February 25, 2020, <https://www.bankofcanada.ca/2020/02/contingency-planning-central-bank-digital-currency/>.

The same document does offer the writer's assurance that the BoC has no plans to stop issuing bank notes. However, that is hardly a commitment binding on future generations. And, if one government will freeze the bank accounts of Canadians who disagreed with them politically (by donating relatively small sums to a new, grassroots movement), another may well choose to dispense with bank notes, notwithstanding prior assurances to the contrary, if it allows greater government control over what Canadians do with their money. Some nations have already dispensed with bank notes: Sweden is considered the closest country in the world to being a truly cashless society, with fewer than two percent of its transactions occurring in cash.⁶⁸ The same is true in China:

China also has a vast cashless market, which is mostly dominated by Tencent's WeChat Pay or Alipay, which is owned by Alibaba. But unlike many other countries, China hasn't embraced credit card payments. Instead, most Chinese consumers make payments by scanning QR codes on their phones. Most merchants request payment via QR codes, and it's not uncommon to see QR codes located all throughout China. And this trend is starting to spread to other countries that have a lot of Chinese travelers.⁶⁹

What about cryptocurrency? Cryptocurrency is a digital currency and is, by intention, decentralized; even if cryptocurrency transactions are not entirely invisible to determined government surveillance, they are, at least, somewhat opaque. Transactions made with digital dollars, however, are a different story. It would be easy for governments (or banks) to monitor such transactions, raising serious issues of privacy and control, and allowing an unscrupulous government to know exactly how Canadians are spending their money. Does he spend too much on gasoline? Does she donate money to politically incorrect causes? A Central Bank Digital Currency can also be designed to be programmable and used only for specific purposes. Certainly, the Bank of Canada has precisely such an arrangement in mind: "For example, money could be programmed to gain or lose value over time, or it could be programmed to be used in transactions for only specific goods or services."⁷⁰

For Canadians, there are real risks to personal rights and freedoms posed by both digital ID and digital currency. Both are tools which governments can use to undermine freedom. Both

⁶⁸ "The Top 3 Cashless Countries," Core Cashless, Accessed July 19, 2021, <https://corecashless.com/the-worlds-top-3-cashless-countries/>.

⁶⁹ "The Top 3," Core Cashless.

⁷⁰ Andrew Usher, Edona Reshidi, Francisco Rivadeneyra, and Scott Hendry, "The Positive Case for a CBDC," Bank of Canada, July 20, 2021, <https://www.bankofcanada.ca/wp-content/uploads/2021/07/sdp2021-11.pdf>.

are levers that governments can use to squeeze Canadians and limit *Charter* rights, transferring power from the citizen to the state. Both take Canada closer to the CPC Social Credit model. For those who understand the dangers, it is not too soon to be educating Members of Parliament and working with other concerned citizens to ensure that Canadians are suitably warned.

IV Conclusion

The introduction of digital ID and digital currency is a technological change in data-handling, comparable in scope and scale to switching the country from gasoline-powered vehicles to electric vehicles. How strange, then, that there has been little public discussion about the way in which increased digital services will make it easier for governments to violate *Charter* rights, even as almost every fundamental freedom once held by Canadians is under threat and is becoming increasingly vulnerable to one-click government interventions. What does a worst-case scenario look like, if Canada continues this trajectory towards digital intervention in all aspects of our lives?

The right to travel

With a successful scan of a QR code on their phone, Canadians are on their way by bus, boat, train or by air. Without it, however, they must walk, drive, or ride a bike. The government does not even have to be the ‘enforcer’. Instead, the uncomfortable job of denying access to public transport will likely fall to a desk-clerk or bus driver (just as it falls to a hostess—typically an inexperienced young person—to tell someone that, for want of proof of vaccination, they cannot exercise their right to assemble in a restaurant). As any survivor of a Communist state will affirm, the right to go freely where one wishes is a foundational definition of free people living in a free society.

The right to free speech

When Canadian truck drivers drove to Ottawa to exercise their *Charter* freedoms of expression, association, and peaceful assembly, thousands of supportive Canadians tried to donate money to their cause through GoFundMe, then through GiveSendGo. However, the Government of Canada quickly moved to freeze the funds, and later froze the bank accounts of

both recipient truck drivers and their would-be donors without any due process or court oversight. Donations of as little as \$20.00 were enough to subject donors to severe hardship and stress by way of no longer being able to buy anything at all (unless they had significant cash reserves).⁷¹

According to government information, more than 200 accounts (with funds totalling more than \$8 million) were frozen.⁷² The government did this without encountering the nuisance of judicial restraint on executive power; there was no court oversight to protect the private property of Canadian citizens who had not been charged with (or convicted of) any crime. Rather, the government simply told banks to blacklist certain citizens, and the banks complied. Bad as these events of February 2022 may have been, digital ID and digital currency would make it possible for governments to take these kinds of action even more quickly, at the touch of a button. Canadians have the right to support whomever they wish with their donations; this is a basic democratic principle. In contrast to the instant freezing, without court oversight, of Canadians' accounts in February of 2022, anti-terrorism legislation contains necessary checks and balances which allow the government to restrict and punish the financing of terrorism while still protecting the property of innocent citizens from arbitrary confiscation or freezing.

The right to security of the person

Canadians' *Charter* right to security of the person includes the right to bodily autonomy, meaning that he or she should never be forced, coerced or even pressured to undergo any kind of medical procedure or treatment, including the injection of a foreign body, newly-developed drug, or shot. Digitalization makes it easy for governments to coerce a citizen by denying him or her access to groceries unless (for example) he or she undergoes the required medical treatment or injection. Digital ID equips governments to deny people the ability to participate in everyday life if they do not comply with government demands.

The right to security of the person and (especially) the freedom from unreasonable search and seizure are foundational to Canada. Should governments have access to the speed and efficiency of digital ID and digital currency, both will be significantly further undermined.

⁷¹ Paul Morden, "MP Says Local Woman's Finances Frozen Over Convoy T-Shirt Buy. Is That True?" *The London Free Press*, February 22, 2022, <https://lfpres.com/news/local-news/mp-says-local-womans-finances-frozen-over-convoy-t-shirt-buy-is-that-true>.

⁷² Zimonjic, "Most Bank Accounts Frozen."

Unfortunately, we are well down that road: a full digital transition promises Canada’s federal and provincial governments a potential to not just monitor and affect the lives of Canadians (in a way that is comparable to the powers which the CPC currently exercises over its own population), but to do so easily. Perhaps government assurances that digital ID will not be used for social control are sincerely offered.

Past behaviour is the best predictor of future behaviour. It is wiser and safer to act as though governments will always find a ‘public-good’ excuse to squeeze the citizen a little tighter. Since March of 2020, Canadian governments have surprised us all by their willingness to abuse *Charter* rights and freedoms and have shown themselves capable of doing things we never thought they would do (like imposing second-class citizenship on an unpopular minority). And this, with what appears to be the passive or even enthusiastic support of so many Canadians.

The Social Credit System of the Communist Party of China provides a portrait of a state we do not wish to emulate in Canada. The accelerating adoption of digital ID and digital currency in Canada confers upon the country’s federal and provincial governments similar powers to those of the world’s least desirable countries.

The design of the network supporting digital ID will make some difference. An elaborate examination of the various possible approaches to digital ID is beyond the scope of this paper. (DIACC has published a brief description of the options.)⁷³ However, any model which coalesces the individual’s ability to identify himself/herself down into one unified approach, and which uses the government as the authenticating party for all transactions in society, places the individual’s ability to conduct simple transactions at the discretion of the government. It is dangerous enough when there is a single access-point to government services. Canadians, though, should be concerned that digital ID will go beyond that, from a unified approach to accessing all government services to a unified approach that encompasses virtually all transactions in society—public or private.⁷⁴ When governments and corporations are permitted to collect, aggregate, and disseminate private information, governments and corporations are

73 “Five Year Strategic Plan,” DIACC, Accessed July 19, 2021, <https://diacc.ca/wp-content/uploads/2020/10/DIACC-Five-Year-Strategic-Plan.pdf>.

74 Anthony Furey, “Furey: Digital IDs Just The Beginning—Canadians Need to Think Hard About These Issues,” *Toronto Sun*, April 23, 2022, <https://torontosun.com/opinion/columnists/furey-digital-ids-just-the-beginning-canadians-need-to-think-hard-about-these-issues>.

positioned to unjustifiably intervene in the lives of Canadians. The soundest policy is to design a digital ID and digital currency infrastructure which preserves the privacy rights and fundamental freedoms of Canadians.

The point is not so much that the Government of Canada (and provincial governments) should not be trusted with the powers which control-of-data bestow. It is that all governments are made up of (imperfect) people. And imperfect people do good, bad, and ugly things. Governments, therefore, do good, bad, and ugly things. It is for this very reason that our whole system of governance in a well-functioning democracy is designed to separate, limit, and diffuse the powers of government.

Despite how far the country has advanced toward digital ID, there is still hope. As a result of determined, citizen-led protest action, the Government of Saskatchewan has cancelled its digital ID program.⁷⁵ In Ontario, the Ford government has put its program on hold.⁷⁶ Inevitable as the grinding of the wheel sometimes seems, it can be stopped when enough people know what is going on, speak up, and peacefully protest.

Canadians must be aware of what has been done, to be watchful over what is coming, and, long before it comes any closer to fruition, to do what the people of Ontario and Saskatchewan have already done: raise hell with their elected representatives when they try to take us down the road to Beijing. No politician or government should be trusted with that much control in a free society if Canadians are to have freedom, to realize their potential, and to fulfil their aspirations.

⁷⁵ “Saskatchewan Quashes Digital ID Plan–For Now,” *CBC*, April 1, 2022, <https://www.cbc.ca/news/canada/saskatchewan/sask-digital-id-1.6405362>.

⁷⁶ Sean Davidson, “Ontario Government Won't Comment on Progress of Digital ID Program,” *IHeartRadio*, April 7, 2022, <https://www.iheartradio.ca/newstalk-1010/news/ontario-government-won-t-comment-on-progress-of-digital-id-program-1.17535985>.

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