Human Resources Legislative Update

Mandatory Reporting of Internet Child Pornography by “Persons” Providing an Internet Service

Date: May 6, 2010

On May 6, 2010, the Federal government introduced Bill C-22, the *Protecting Children From Online Sexual Exploitation Act*, legislation that would impose mandatory duty on “persons” (defined to include individuals, corporations, partnerships, unincorporated associations or organizations) providing an “internet service” (internet access, e-mail or internet content hosting) to report child pornography in specific cases. This includes where the person has “reasonable grounds to believe” their internet service is being used for this purpose. In such cases, the duty to notify authorities comes with an obligation to preserve the “all computer-related data” within 21 days. Fines and offences range from $1,000 to $100,000 for repeat offenders.

If passed, this legislation will add to duties embodied in the Child Pornography Reporting Act, 2008, provincial legislation passed in December of 2008 (not yet in force), which imposes duties that apply to “persons” writ large—not only to internet service providers. Bill C-22 specifies that a person who has reported information in compliance with an obligation to report child pornography under the laws of a province will be deemed to have reported in compliance with the provisions of Bill C-22.