

Legislative
Assembly of
Ontario



Assemblée
législative de
l'Ontario

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

REPORT ON E-PETITIONS

1st Session, 41st Parliament
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The Honourable Dave Levac, MPP
Speaker of the Legislative Assembly

Sir,

Your Standing Committee on the Legislative Assembly has the honour to present its Report on e-Petitions and commends it to the House.

Monte McNaughton, MPP
Chair of the Committee

Queen's Park
February 2016

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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1st Session, 41st Parliament

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INTRODUCTION

On February 18, 2015, the Standing Committee on the Legislative Assembly (SCLA) agreed to the following motion:

That, prior to commencing consideration of Bills 12, 27 and 42, the Standing Committee on the Legislative Assembly, for a three-week period initially, to be reviewed after two weeks, conduct a review of the petition procedures currently in use at the Legislative Assembly of Ontario and the use of e-petitions in other jurisdictions; and

That the committee produce a report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures and recommend whether e-petitions should be implemented and, if so, which would be the best practical model; and

That, in order to assist the committee's review, the Clerk and Deputy Clerk of the Legislative Assembly of Ontario be invited to appear before the committee, the table research office be instructed to provide background information on e-petitions and the committee hear from any other witnesses it deems relevant.¹

This report presents our recommendation that an e-petition system be adopted by the Legislative Assembly of Ontario. The system we recommend is a neutral e-petition platform hosted on the Assembly's website.

The recommendations presented in this report reflect and address the issues raised by some of the witnesses who appeared before the Committee, and also take into consideration the experiences of other parliaments which have introduced e-petitions. We benefitted from the hearings conducted in 2014 and 2015 by both the UK House of Commons Procedure Committee and the Canadian House of Commons Procedure and House Affairs Committee as they raised and addressed many of the issues that were of concern to the Committee.

Research conducted by Samara found that petitioning is the second-most popular form of political participation among Canadians; with 64% of those the organization surveyed for their Samara *Democracy 360* report saying they'd signed a petition in the past year.² Ms. Jane Hilderman stated before the Committee: "The motivation should be to improve the relationship between citizens and your work as legislators and the Legislature itself—so increase the number of signatures, increase the number of petitions and help improve that feedback loop between citizens and the political process. If those are the guiding principles, I think you'll come up with a great system."³ The Committee believes that the proposals set out in the following report establish a framework for an

¹ Standing Committee on the Legislative Assembly, *Hansard*, February 25, 2015, p. 26.

² Standing Committee on the Legislative Assembly, *Hansard*, April 22, 2015, p. 104.

³ *Ibid.*, p. 112.

Assembly-hosted e-petition platform that has the potential to increase citizen engagement with the Legislative Assembly of Ontario. We propose that, following the implementation of an e-petition platform, the Sub-committee of the SCLA be kept informed, on an ongoing basis, of any issues that arise with the e-petition system. We also propose that, after six months, the entire system be evaluated by all Assembly branches involved with the e-petition system and that a detailed report be presented to the Committee.

Details of submissions by witnesses and their responses to questions by Committee Members can be found in the Hansard of the Committee's Proceedings. A list of witnesses appears at the end of the report, along with a draft example of the *Terms and Conditions of Use* for an e-petition website.

RECOMMENDATIONS

The Standing Committee on the Legislative Assembly recommends:

1. That an e-petition system be adopted by the Legislative Assembly of Ontario. The system we recommend is a neutral e-petition platform integrated into the Assembly's website.
2. That the Clerk of the House initiate a study to determine the best method of proceeding in order to bring about the e-petition model proposed herein. This study should include the options and costs, including ongoing annual operating costs, of 1) designing and programming a system in-house; 2) adapting an open-source model; or 3) purchasing e-petitions software from a third-party vendor. The Clerk is to provide a comprehensive report on these findings to the Committee before proceeding with development and implementation of any e-petition system. The Clerk is to also recommend a mechanism for conducting regular assessments of the e-petition system once it is launched in order to provide on-going updates to the Subcommittee of the SCLA.
3. That to support the e-petition platform, the current Petitions section of the Assembly website be reviewed to determine how best to integrate e-petitions, and to ensure smart, responsive web design, full social media integration, and clear, transparent and engaging information explaining in full not only the process for creating and signing a petition, but also the process that the petition will undergo for its consideration and likely outcomes.
4. That e-petitions can be created in English or French, that they will not be translated, and that they will be posted on the Assembly website in their original language.
5. That the title of an e-petition be limited to 80-characters and that a 500-word limit be applied for the text of the petition.
6. That only one e-petition on a particular issue is open for signing at one time.
7. That petitioners have the option of using the traditional format (grievances and prayer) or more modern, direct language for the text of their petition.
8. That the petitioner will be required to provide their full name, a valid email address and their postal code before they can proceed with their petition. Only their name will appear online.
9. That a mandatory *Agreement* check box be included obliging the petitioner to indicate that they have read and understand the *Terms and Conditions of Use* of the site; and that a second, voluntary, *Contact* check box be included which, if checked, would allow Assembly staff to share the petitioner's email address with an MPP.

10. That an e-petition be required to attract at least five supporters in addition to the main petitioner in order to be posted online.
11. That anyone wishing to sign an e-petition will have to provide their full name, a valid email address and their postal code. None of this information will appear online.
12. That a mandatory *Agreement* check box be included obliging the signatory to indicate that they have read and understand the *Terms and Conditions of Use* of the site.
13. That Captcha or other user identification procedures be implemented to prevent automatic signing of petitions through automated processes.
14. That the moderation of e-petitions occur after confirmation that the e-petition has five supporters and be based on the criteria listed in the report.
15. That the petitioner and the five supporters will be notified by email if the petition is determined to be out-of-order and provided with reasons why.
16. That an e-petition remain open for signing for 120 days.
17. That there be no Member involvement at any stage of the e-petition process.
18. That only e-petitions which receive 500 signatures qualify for a Government response; that the petition be forwarded to the Government for a response only after the 120-day signing period has concluded; and that this will also be recorded in the *Votes and Proceedings*.
19. That within 45 calendar days of notification, the government shall file a response to the e-petition with the Clerk of the House.
20. That Government responses to e-petitions will be recorded in the *Votes and Proceedings*, and will also be posted on the e-petitions website. The main petitioner and all signatories of the e-petition will be notified that a response has been posted.
21. That e-petitions which do not receive 500 signatures by the end of the signing period not receive a Government response. The main petitioner and the five supporters of the e-petition will be notified that the petition has closed, will be informed of how many signatures it received, and the petitioner will be invited to contact an MPP about other options available to them, including starting a paper petition.
22. That the prorogation of the Legislative Assembly have no impact on the e-petition system beyond the delays that will potentially arise in the government responding to a petition which has received 500 signatures.

23. That upon dissolution, the ability start or sign an e-petition be suspended until the date fixed for the return of the writs for election of Members to the next Parliament.
24. That, in the lead-up to a general election (as per the statutory-set election date), a notice be placed on the e-petitions website informing users of the site that the site will be shutting down in coming weeks for the duration of the election period.
25. That an e-petitions archive be created on the site on which closed petitions will be displayed following their expiration.
26. That, once the e-petition platform is launched, the Sub-committee of the SCLA be kept apprised, on an on-going basis, of any issues that arise with the e-petition system; that all Assembly branches involved in the e-petition process undertake a comprehensive evaluation of the e-petition system after the first six (6) months and that a comprehensive report based on this evaluation be presented to the SCLA. The information provided to the Committee should include statistical data providing a regional breakdown of where petitions are originating and where most signatories are located, based on the postal code information collected.
27. That in developing the e-petition system Assembly staff work closely with the Information and Privacy Commissioner's office to ensure best practices are observed.

PROPOSAL FOR AN E-PETITION SYSTEM FOR THE LEGISLATIVE ASSEMBLY OF ONTARIO

Proposed Platform

The Committee considered two approaches to e-petitions. The first model consisted of e-petitions started by, and hosted on the websites of individual Members of Provincial Parliament (MPPs). A number of MPPs already host e-petitions on their websites and it would have required a simple change to the Standing Orders to allow for print-outs of these e-petitions to be accepted for tabling in the House.

There were a number of potential problems identified around this model. Some of the main concerns included:

- *Availability*: not all MPPs currently offer e-petitions on their site, and some might not want to offer this service;
- *Politicization*: this approach risked the perception that e-petitions hosted on an MPP website might be politicizing an issue (or further politicizing it);
- *Links to or support for political parties*: some residents might be hesitant to sign a petition hosted on an MPP website out of concern that this might be perceived as support for that Member's party rather than the issue of the petition;
- *Use of Data*: there would be no control over how the data collected on these websites was being stored, used or disposed of;
- *Access*: individuals could not unilaterally start an e-petition on the MPP website. They had to depend on the willingness of the MPP to start and host a petition for them.

The second model we considered is the one used by other parliaments which have adopted e-petitions, namely the establishment of a neutral, non-partisan, e-petition platform integrated into the parliament's website. While a more complex and potentially expensive undertaking, this approach addressed all of the concerns and shortcomings associated with the first model. Because of this, the Committee recommends that a neutral, non-partisan, e-petition platform be integrated into the website of the Legislative Assembly of Ontario.

Of the parliaments studied, most had designed and programmed their e-petition platform in-house (the UK Government and Parliament, the Canadian House of Commons, the Legislative Assembly of Wales, the Queensland Parliament, the National Assembly of Quebec, and the White House's *We The People* petition site). The Scottish Parliament's e-petition platform was developed in conjunction with the International Teledemocracy Centre (ITC) at Napier University, which initially also hosted the platform for the Scottish Parliament, but the Parliament has since assumed full control over its e-petition platform. The Legislative Assembly of the Northwest Territories purchased e-petition software from a UK-based company. Both the UK Government and the White House have since made

their e-petition software available as an open-source download, free to be used and adapted by any other institution or organization.

The Committee recommends that the Clerk of the House initiate a study to determine the best method of proceeding in order to bring about the e-petition model described in this report. This study should include the options and costs, including ongoing annual operating costs, of 1) designing and programming a system in-house; 2) adapting an open-source model; or 3) purchasing e-petitions software from a third-party vendor.

The system adopted should include, at a minimum, the features described in the following pages of this report. The Clerk's findings should be reported back to the Committee, complete with a cost breakdown of the various options available before proceeding with the implementation of any e-petition system. We also recommend that the Clerk is to also recommend a mechanism for conducting ongoing assessments of the e-petition system once it is launched in order to facilitate the provision of regular updates to the Sub-committee of the SCLA.

The success of any new initiative will be contingent on the information and guidance provided to citizens. The more successful parliamentary petitions websites have invested in providing clear, useful and transparent information to petitioners and those seeking to support a petition. This information is usually presented in a variety of forms, including, but not limited, to videos, downloadable guides, and an easy-to-navigate website which presents information in a clear and engaging manner. The Committee recommends that to support the e-petition platform, the current Petitions section of the Assembly website be reviewed to determine how best to integrate an e-petition platform, and to ensure smart, responsive web design, full social media integration, and clear, transparent and engaging information explaining in full not only the process for creating and signing a petition, but also the process that the petition will undergo for its consideration. The site should also clarify what the Legislative Assembly can realistically do and what the petitioner should expect as an outcome for their petition.

PROPOSED FEATURES OF AN E-PETITION SYSTEM FOR THE LEGISLATIVE ASSEMBLY OF ONTARIO

1. Creating an E-petition

To create an e-petition, the petitioner would complete an online petition template provided on the Assembly's website. An e-petition can be in either English or French. The Committee recommends that e-petitions will not be translated and will be posted on the Assembly website in their original language. We also recommend that the template contain the following sections.

1.1 Petitioner Identification

In his presentation before the Committee, Brian Beamish, the Information and Privacy Commissioner, explained one of the basic tenets of privacy, data minimization, which ensures that "you only collect the information you need to fulfill the purpose that you have at hand. You don't over-collect information." He added that "[W]e feel that collecting a name, an email address and a postal code would be sufficient to verify that you have a resident of Ontario and that you've got a real person. We feel that's proportionate to what the goal of this program is." ⁴

Current guidelines for paper-based petitions to the Legislative Assembly of Ontario require that both the petitioner and the signatories of petitions be Ontario residents. Consequently, the Committee recommends that the petitioner will be required to provide the following personal data before they can proceed with their petition:

- Full Name,
- A valid email address, and
- Postal Code

Mr. Beamish also stated that it would be fair to list the petitioner's name on the website since he or she was asking others to support their petition. Consequently, the Committee recommends that the petitioner's full name will appear on the website. Their email address will not appear online, but will be required to validate the petitioner's identity, to permit staff to follow-up with the petitioner, and to keep the petitioner informed of developments with their e-petition. The postal code will be required to confirm that the petitioner is a resident of Ontario. It will not appear online.

Ontario residents, who are temporarily living outside of the province, for example, a university student on a work placement in another province, can provide the postal code associated with their permanent Ontario address.

1.2 Petition Title

The petitioner will be required to enter a short, clear title for their petition in a text box. The Committee recommends establishing an 80-character limit for the length of the title. Text below the box should provide examples of "good" and "bad"

⁴ Standing Committee on the Legislative Assembly, *Hansard*, October 21, 2015, p. 151.

titles. Once the title is entered, the petitioner would click a "Submit" button. This would trigger a search of existing e-petitions to identify any existing e-petitions with similar wording in their titles. We recommend that only one e-petition on a particular issue be open for signing at one time in order to maximize the petition's number of supporters.

If potentially similar e-petitions are identified, the petitioner will be presented with a list of the potentially similar e-petitions and invited to sign one of them. If the petitioner believes that his or her e-petition is different from those returned, he or she can proceed with the creation of their petition.

1.3 E-petition Text

While the template for a paper petition provided on the Assembly's website uses the traditional petition format with the grievances and prayer, we recommend that petitioners have the option of using the traditional format or more modern, direct language. Accompanying directions will provide guidance to the petitioner to help them structure the text of their e-petition in a coherent and clear manner. We recommend that a 500 word limit be applied for the text of the petition.

1.4 Background Information

Many parliamentary e-petition platforms allow petitioners the option of providing some background information about the subject of their petition. Providing additional information can be helpful in attracting signatures.

The Committee considered this option for the Assembly's e-petition platform. There are added moderation and security risks with such a move; steps would have to be taken to limit what sort of files could be uploaded and Assembly staff would have to ensure that any URLs provided do not link to any malicious or undesirable websites. Given these risks and added moderation requirements, the Committee has decided against providing any additional space for background information.

1.5 Agreement and Contact

The Committee recommends the inclusion of a mandatory Agreement check box. The petitioner will be required to check a box to confirm that they have read and agree to the *Terms and Conditions of Use* of the e-petitions site. The petitioner must check this box in order to proceed to the next step.

The Committee also recommends including a second, voluntary, Contact check box. This box will be to authorize Assembly staff to put the petitioner in contact with an MPP who has expressed interest in pursuing some sort of action based on the e-petition, for example, a Private Member's bill or motion. The petitioner will not be required to check this box in order to proceed. Leaving the box unchecked will mean that they will not be contacted by anyone other than Assembly staff.

1.6 Supporters

The final step will require that the petitioner find five supporters who will agree to sign the petition, thus enabling it to be posted to the website for general signing. This requirement will be discussed in detail in the next section.

2. Threshold for Publication

Paper petitions can be submitted for tabling with only one signature. Witnesses before the Committee spoke of the relative ease of signing an e-petition compared with signing a paper petition. Dr. Wiseman testified that "most people are much more free and easy with offering their email addresses than with signing their names to a piece of paper."⁵ Dr. Nicole Goodman questioned if an e-petition would be treated with the same legitimacy as a paper-based petition.⁶ The Clerk of the Assembly stressed caution, warning that the credibility of any e-petition platform would depend on ensuring that petitions weren't being automatically generated. She added that even Captcha "now I think is called into question in terms of an actual tool that works 100% in terms of ensuring that you're not getting automatically generated signatures."⁷

Data from the United Kingdom provided to the Canadian House of Commons Procedure and House Affairs Committee during its consideration of e-petitions indicated that approximately 30 percent of approved petitions on the former UK Government E-petitions site attracted fewer than two signatures⁸, while the UK House of Commons Procedure Committee noted in its report, *E-petitions: a collaborative system*, that 42% of the petitions to the Government e-petitions site had attracted fewer than six signatures.⁹ While some parliaments do not have any signature threshold for the publication of an e-petition to their website, the UK Parliament and the Canadian House of Commons require that an e-petition have six supporters (the petitioner and five additional signatories) before it will be posted to the website.

The Committee agrees that it is much easier to sign an e-petition and that all appropriate measures need to be implemented to ensure, as much as is humanly and technologically possible, the credibility of an e-petition platform. We also agree with the conclusion of the UK House of Commons Procedure Committee that the purpose of a petition is "to express a collective, rather than an individual, view on a particular matter"¹⁰ and that a petitioner should demonstrate that he or she has some support for his or her petition before it will be published on the Assembly's website. The Committee therefore recommends that an e-petition be required to attract at least five supporters in addition to the main petitioner in order to be posted online.

This can be achieved by one of two approaches. The approach adopted by the Canadian House of Commons is to require that the petitioner enter the email addresses of at least five (to a maximum of 10) other individuals whom the petitioner believes will support their petition. These individuals would then be automatically emailed through the system and invited to confirm, by clicking a link in the email, that they support the petition. Only once at least five people

⁵ Standing Committee on the Legislative Assembly, *Hansard*, May 6, 2015, p. 117.

⁶ Standing Committee on the Legislative Assembly, *Hansard*, May 27, 2015, p. 126.

⁷ Standing Committee on the Legislative Assembly, *Hansard*, February 25, 2015, p. 34.

⁸ Standing Committee on Procedure and House Affairs, *Evidence*, 25 November, 2014, p. 11.

⁹ UK House of Commons Procedure Committee, *E-petitions: A Collaborative System*, (London: The Stationary Office Ltd., 4 December 2014) p. 22.

¹⁰ UK House of Commons Procedure Committee, *Op. cit.*, p. 22.

have so confirmed their support for the petition will the text of the petition be forwarded for moderation.

The main problem with this approach is the ease with which errors can occur. The petitioner could incorrectly list one (or more) of the email addresses. If they provided only the minimum five additional email addresses, and one included a typographical error, their petition would fail to receive the needed support to proceed because of a typographical error.

The second approach, which is used by the UK Parliament and Government E-petitions platform, would see an email sent to the petitioner that they could then forward to five or more potential supporters. The text of the email would inform the potential supporters that the petitioner had started an e-petition, would include the text of the e-petition, and would invite the potential supporter to sign the petition by clicking a link. This approach would avoid the problem of the petitioner entering an incorrect email address as they would then choose to forward the email to people listed in their email contacts.

We recommend adopting this second approach for the Legislative Assembly's e-petition platform as it would minimize the risk of user error.

3. Signing E-petitions

The Information and Privacy Commissioner recommended to the Committee "that the only thing that appeared on the website was the petition itself and the number of people supporting it, and that the identity of the people who have supported—the signatories—not appear."¹¹ The Committee agrees with this position.

To sign an e-petition, an individual must be a resident of Ontario. We recommend that anyone wishing to sign an e-petition will have to provide the following personal information:

- Their full name (will not appear online);
- Their postal code (will not appear online); and
- A valid email address (will not appear online).

We recommend that Captcha or other user identification procedures be implemented to prevent automatic signing of petitions through automated processes.

Signatories will also be required to tick a checkbox indicating that they have read and understand the *Terms and Conditions of Use* of the site.

After providing the required information, an email containing a validation link will be automatically sent to the email address provided. This email will serve three purposes simultaneously:

1. To validate the email address provided;

¹¹ Standing Committee on the Legislative Assembly, *Hansard*, October 21, 2015, p. 151.

2. To serve as confirmation of the individual's desire to support the e-petition; and
3. To stop an individual from signing the same petition more than once using the same email address.

Once the validation link has been clicked by the individual, their support for the e-petition will be reflected in the total number of signatures attached to the e-petition.

No personal data of anyone signing an e-petition will be made publicly available on the website.

4. Moderation of E-Petitions

The moderating of proposed e-petitions to determine their orderliness and compliance with both the Standing Orders and the site's *Terms and Conditions of Use* will be done by Assembly staff, and based on a strict list of criteria. The main issue the Committee looked at was when the moderation should occur.

The first option would be to moderate the text of the e-petition *before* notices are sent out to the proposed supporters. The advantage with this approach would be to ensure that no one was asked to support a petition that would ultimately be found out of order.

The main disadvantage with this approach is that it would require staff to spend time moderating e-petitions which might fail to garner the five supporters necessary for the e-petition to go forward.

The second option would be to moderate the text of the e-petition *after* it had garnered the support of five other individuals. This approach would avoid the problem of staff spending time moderating e-petitions which end up failing to attract the necessary support to be posted to the website. The disadvantage is that the supporters might end up supporting an e-petition that would not be posted to the website because it will be found to be out of order. However, this is a risk with paper petitions: a petitioner can collect hundreds of signatures on a paper petition, only to leave the Clerk of the House unable to certify the petition because it has not met all of the necessary criteria set out in the Standing Orders. Consequently, we recommend that the moderation of e-petitions occur after confirmation that the e-petition has five supporters.

For an e-petition to be in order, we recommend that, at a minimum, it meet the following criteria:

- The petitioner is a resident of Ontario;
- The e-petition does not duplicate an existing e-petition;
- The petition includes a short title and a clear statement not exceeding 500 words that covers the subject of the e-petition and what action the Legislative Assembly is requested to take;
- The subject matter of the petition must fall within the jurisdictional responsibilities of the Legislative Assembly of Ontario;

-
- The petition must have the support of five individuals in addition to the original supporter;
 - The five supporters must be residents of Ontario.

The e-petition should not:

- Contain any false statements. It is the responsibility of the petitioner to ensure that statements are accurate.
- Name individuals or otherwise contain information that could lead to the identification of any individual.
- Refer to any matter that is the subject of continuing court proceedings.
- Contain any material which is potentially confidential, commercially sensitive or which may cause personal distress or loss.
- Contain confidential, libellous, false or defamatory statements or matters subject to active legal proceedings.
- Name individuals if they have been accused of a crime or information that may identify them.
- Name individual officials of public bodies, unless they are part of the senior management of those organizations.
- Name family members of elected representatives.
- Contain language that may cause offence, is provocative or extreme in its views. This would include swear words, insults, sarcasm or other language that could reasonably be considered offensive by a reader.
- Use wording that is impossible to understand.
- Contain party political material.
- Contain commercial endorsements, including the promotion of any product, service or publication.
- Refer to issues that are dealt with by the federal government.
- Be about a purely personal issue.
- Break the law or violate intellectual property rights.
- Be nonsensical or a joke.
- Be a Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act (FIPPA/MFIPPA) request.

An e-petition determined to be non-compliant for any reason will not proceed. We recommend that the petitioner and the five supporters will be notified by email that the petition was determined to be out-of-order and why. If the reason is the existence of a substantially similar e-petition, a link to the existing e-petition will be included, along with an invitation to the petitioner (and the supporters) to sign the existing petition.

5. Terms and Conditions of Use

An example of a possible *Terms and Conditions of Use* section for the e-petition website can be found in the Annex to this report.

6. Duration of the Signing Period

Research presented to the UK House of Commons Procedure Committee by Professor Helen Margetts, Director of the Oxford Internet Institute found that most e-petitions which had been submitted to the former UK Government E-petition website received the majority of their signatures within the first 36 hours of their posting to the site.¹² Following that initial burst of activity, most e-petitions see very little growth in terms of the number of signatures they receive over the remainder of their time online, even if they remain open for a long period, e.g. a full year. Consequently, the Committee recommend that an e-petition remain open for signing for 120 days.

7. Member Involvement

A paper petition requires that a Member file the petition with the Clerk of the House. The Member may also choose to present a petition in the House during the Routine Proceeding "Petitions".

The Committee considered various options for matching e-petitions with an MPP in order to mirror existing procedure for paper petitions. Most jurisdictions which require Member involvement with e-petitions require that the petitioner secure the support of a Member before the petition will be posted to the website to collect signatures. However, this is not a requirement for paper petitions; a resident circulating a paper petition need only find a Member willing to file and possibly present the petition once they have finished collecting signatures. Of the models in existence, the Committee found they all seemed rather onerous and would possibly act as a deterrent to people wanting to start an e-petition.

The role of the Member with regards to paper petitions is largely to serve as a bridge between the public and parliamentary spheres. Residents cannot file their petitions with the Clerk themselves; they require the intervention of a Member to bring the petition into the parliamentary sphere. However, the simple act of finding a Member willing to bring a petition forward on behalf of a resident does not guarantee that the petition will proceed; it may still fail to be certified by the Clerk of the House.

In contrast, creating an e-petition on the Assembly website already brings the e-petition into the parliamentary sphere. E-petitions will be certified by Assembly staff as being in order before being posted on the Assembly website. The reasons why support by a Member is needed for a paper petition do not apply in the case of an e-petition. Consequently, we recommend that there be no Member involvement at any stage of the e-petition process.

8. Government Responses

All paper petitions filed with the Clerk of the House, regardless of the number of signatures, receive a response from the Government. The Government has 24 Sessional days to file a response to the petition with the Clerk of the House. A

¹² Written Evidence submitted to the UK House of Commons Procedure Committee, ordered published June 25, 2104. Accessed online November 17, 2015.

copy of the response is provided to the Member who presented the petition. The petitioner is not provided with a copy, unless the Member chooses to provide them with a copy.

Given that the e-petition process is simpler than the paper petition process, the Committee recommends that, initially, only petitions which receive 500 signatures qualify for a Government response, and that the petition be forwarded to the Government for a response only after the 120-day signing period has concluded. This will also be recorded in the *Votes and Proceedings*.

We also recommend that within 45 calendar days of this notification, the government shall file a response to the e-petition with the Clerk of the House. The committee recommends using calendar days rather than sessional days because this will be more easily understood by the general public.

We recommend that Government responses to e-petitions will be recorded in the *Votes and Proceedings*, and will also be posted on the e-petitions website. The main petitioner and all signatories will be notified by email that a response has been posted.

We recommend that e-petitions which do not receive 500 signatures by the end of the signing period not receive a Government response. The main petitioner will be notified by email that his or her petition has closed for signing, of the total number of signatures received, and will be invited to contact an MPP about other options available to them, including starting a paper petition.

9. Parliamentary Privilege

The Committee understands that there may be some issues involving parliamentary privilege and e-petitions. These issues would include whether e-petitions open for signing on the Assembly's website are considered proceedings in Parliament, and therefore protected by privilege simply by virtue of being posted to the Assembly's website; whether Assembly staff could be found liable for disseminating an e-petition someone considered libellous; or if staff would be required to release the names of those signing an e-petition that someone considered libellous. We recommend that the Clerk ensure that further research be conducted into this area.

10. Data Collection, Protection and Retention

The Committee heard testimony from Mr. Brian Beamish, Information and Privacy Commissioner of Ontario, and Mr. John Roberts, Chief Privacy Officer and Archivist of Ontario. Both provided valuable information to the Committee and stressed that their offices were available to work with the Legislative Assembly to ensure that best practices were implemented, such as developing a very clear and concise privacy policy and to undertake a privacy impact assessment (PIA):

The Ontario government, particularly the Ministry of Government and Consumer Services, has an excellent PIA tool. They have very

knowledgeable and skilled staff. I think, should the Legislature decide to do a PIA, you would find that they would be really helpful. I can also say, I can offer the services of my offices, to the extent that we can be a resource in undergoing that process before the e-petition process goes live.¹³

On the issue of data retention, Mr. Beamish informed the Committee that in his opinion, the petition itself could be archived in perpetuity, "I draw a distinction, though, with the information about people who have signed up. I think their information should only be kept for as long as required."¹⁴ Mr. Roberts explained the current arrangements for paper petitions, that "the Legislative Assembly is voluntarily archiving that material with the Archives of Ontario—We are currently holding those in perpetuity."¹⁵

Mr. Roberts also recommended that the Assembly conduct a PIA on any e-petition platform it adopted, and also recommended a threat risk assessment:

This relates to the interplay between security and privacy issues. In many cases, privacy breaches occur where a system is hacked or where there is an attack on it. That represents not necessarily bad privacy practice, but shortcomings in the security of the environment and the application. A process known as a threat risk assessment provides a complementary mechanism of looking at what the security arrangement should be in an online environment.¹⁶

The Committee considers it of high importance that an e-petition system, and those administering it, ensure the highest standards are met with respect to the protection of the privacy rights, and the handling of the personal information, of the citizens who choose to take part in the democratic process by starting or signing an e-petition. Consequently, we recommend that at all stages of the development of the Assembly's e-petition platform, the Assembly work closely with both the Office of Information and Privacy Commissioner and Archives Ontario to ensure best practices are implemented from the very beginning, including undergoing both a privacy impact assessment and a threat risk assessment.

As part of the e-petition website, the Committee recommends creating an e-petitions archive on which closed petitions will be displayed following their expiration. The archive should be fully searchable. Information to be included in the archive about each e-petition would include the name of the petitioner, the number of signatories, the text of the e-petition, and, if applicable, the government response. Cost permitting, closed e-petitions should be archived indefinitely.

¹³ Standing Committee on the Legislative Assembly, *Hansard*, October 21, 2015, p. 152.

¹⁴ *Ibid.*, p. 155.

¹⁵ *Ibid.* p. 162.

¹⁶ *Ibid.*, p. 158.

11. Prorogation and Dissolution

The Committee recommends that the prorogation of the Legislative Assembly have no impact on the e-petition system beyond the delays that will potentially arise in the government responding to a petition which has received 500 signatures.

The Committee also recommends that upon dissolution, the ability to start or sign an e-petition be suspended until the date fixed for the return of the writs for election of Members to the next Parliament. Any draft e-petition in the process of being certified or e-petition open for signatures will, upon dissolution, be deemed withdrawn and archived. In the case of an e-petition with 500 signatures but not yet responded to by the Government, Assembly staff will notify the petitioner that the dissolution of the Assembly prevents the Government from responding.

We also recommend that, in the lead-up to a general election (as per the statutory-set election date), a notice be placed on the e-petitions website informing users of the site that the site will be shutting down in coming weeks for the duration of the election period.

12. Paper-based Petitions

The Committee wishes to emphasize that the adoption of an e-petition platform is not meant to undermine or replace paper-based petitions, and that paper-based petitions will remain an important part of the Assembly's parliamentary proceedings.

EVALUATION OF THE E-PETITION SYSTEM

The Committee recommends that, on its launch, the Legislative Assembly of Ontario's e-petition system be regularly assessed by the various Assembly branches involved with the process, and that the Sub-committee of the SCLA be kept apprised, on an on-going basis, of any issues that may arise. After the first six (6) months, the Committee, with the assistance of Assembly staff, will assess the results of the e-petitioning system and recommend any necessary changes.

Any technical issues which arise must be dealt with immediately, and this may require that the e-petition platform be temporarily unavailable. We recommend that, on launching the e-petition platform, there be clear indication on the site that the site may be temporarily unavailable at times to address any technical or other issues that might arise.

APPENDIX A

List of Witnesses

List of Witnesses

Organization/Individual	Date of Appearance
Legislative Assembly of Ontario Deborah Deller, Clerk of the Legislative Assembly Todd Decker, Deputy Clerk of the Legislative Assembly	February 25, 2015
Chris Chapin	April 15, 2015
Samara Canada Jane Hilderman, Research Director and Acting Director Laura Anthony, Research Analyst	April 22, 2015
Nelson Wiseman	May 6, 2015
Nicole Goodman	May 27, 2015
Office of the Information and Privacy Commissioner of Ontario Brian Beamish, Commissioner	October 21, 2015
Office of the Archivist and Chief Privacy Officer of Ontario John Roberts, Archivist and Chief Privacy Officer	October 21, 2015

APPENDIX B

Draft Text for an E-petition system *Terms and Conditions of Use*

Draft Text for an E-petition system *Terms and Conditions of Use*

The right to petition the Crown and Parliament to air grievances is a fundamental constitutional principle; it is one of the most ancient rights of citizens. E-petitions are a modern take on this ancient right, providing an easy way for residents of the Province of Ontario to make their concerns known to the Legislative Assembly.

All e-petitions will be accepted and published on this website providing they:

- Call on the Legislative Assembly of Ontario to take some specific action (or refrain from taking some action) to redress a public grievance;
- Do not substantially duplicate an existing, open e-petition; and
- Meet the further criteria below.

Submission Conditions

An e-petition must be in either English or French. An e-petition may freely disagree with the government or call for changes of policy. There will be no attempt to exclude critical views. Decisions to accept or reject will be made on an impartial basis and based on the criteria outlined below.

To create or sign an e-petition, you must be either:

- a resident of the Province of Ontario (you normally live in Ontario); or
- a resident of Ontario temporarily living abroad (e.g. a university student from Ontario studying in another province or country but whose main, permanent residence is in Ontario).

To submit an e-petition, you must use the online form to provide:

- the title or subject of the e-petition. Titles should be short, factual descriptions of what is being looked for, not a slogan or campaign name.
- A clear statement not exceeding 500 words that covers the subject of the e-petition and what action you want the Legislative Assembly to take.
- The full name of the person submitting the e-petition (the 'petitioner') – names of organizations will not be accepted. **The name of the petitioner will be published on the website.**
- The petitioner's email address (this will not be published on the website).
- The petitioner's postal code (this will not be published on the website). If you are an Ontario resident temporarily residing outside of the province, provide the postal code of your main, permanent, Ontario residence.

Before an e-petition is posted on the website, it must have the support of five (5) other individuals ("supporters"). You will be sent an email containing the text of your petition and a link to sign the petition which you must forward to a minimum of five other Ontario residents inviting them to support your petition. They will be able to indicate their support for your petition by clicking the link provided in the

email and filling in the information required to sign a petition. At least five of them must respond by clicking the link in the email to confirm that they wish to sign the petition before it can be published and opened for further signatures on the site.

E-Petition Guidelines

All e-petitions must call for a specific action on a matter that falls within the jurisdiction of the the Legislative Assembly of Ontario. The Assembly has no powers regarding matter reserved to the Federal Government. The Legislative Assembly currently has significant powers under the following policy areas:

- Health and health services,
- Education and training,
- Social welfare,
- Municipalities,
- Agriculture, forestry, natural resources and food,
- Environment,
- Culture,
- Economic development,
- Housing,
- Legislative Assembly of Ontario,
- Public administration,
- Sport and recreation,
- Lottery and gaming,
- Alcohol sales and regulation,
- Tourism,
- Transportation,
- Ontario Provincial Police (OPP),
- Provincial parks,
- Energy,
- Consumer services,
- Provincial and municipal elections

If an e-petition does not include a clear statement explaining what action you want the Legislative Assembly to take, it will be rejected.

Petitions should not:

- Contain any false statements. It is the responsibility of the petitioner to ensure that statements are accurate.
- Duplicate, or be strongly similar to an existing e-petition.
- Name individuals or otherwise contain information that could lead to the identification of any individual.
- Refer to any matter that is the subject of continuing court proceedings.
- Contain any material which is potentially confidential, commercially sensitive or which may cause personal distress or loss.

- Contain confidential, libellous, false or defamatory statements or matters subject to active legal proceedings.
- Name individuals if they have been accused of a crime or information that may identify them.
- Name individual officials of public bodies, unless they are part of the senior management of those organizations.
- Name family members of elected representatives.
- Contain language that may cause offence, is provocative or extreme in its views. This would include swear words, insults, sarcasm or other language that could reasonably be considered offensive by a reader.
- Use wording that is impossible to understand.
- Contain party political material.
- Contain commercial endorsements, including the promotion of any product, service or publication.
- Refer to issues that are dealt with by the federal government.
- Be about a purely personal issue.
- Break the law or violate intellectual property rights.
- Be nonsensical or a joke.
- Be a Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act (FIPPA/MFIPPA) request. There is a proper procedure for that [provide link].

E-petitions that do not follow these guidelines cannot be accepted. In these cases, you and your five supporters will be informed by email of the reason(s) your e-petition has been refused. If your e-petition is refused because it duplicates or is strongly similar to an existing e-petition, you will be provided with a link to the existing e-petition and invited to sign that e-petition instead.

Rejection of an e-petition does not stop you from submitting a new e-petition which meets the terms and conditions of the site. Advice on petitioning is available on the Assembly's website and from the House Documents Office [link and contact info].

Opening of Petitions for Signature

It will usually take up to [X] days from the time the first five supporters are confirmed following the submission of an e-petition for it to appear on the website. During busy periods it may take longer.

Once accepted, e-petitions will be made available on this website for anyone to sign for 120 days. Anyone signing the e-petition must be a resident of Ontario and provide their full name, email address, and postal code. No personal details of signatories will be published on the site. This information will not be used for any purpose other than in relation to the e-petition.

The Legislative Assembly may contact you by email to:

- confirm you have submitted an e-petition;
- confirm you have signed an e-petition;

- provide updates about the e-petition.

E-Petitions and the Legislative Assembly of Ontario

To receive a response from the Government, an e-petition will have to be signed by at least 500 individuals. At the end of the 120-day signing period, a notice will be forwarded to the appropriate Government department informing it that a response to an e-petition is required. The Government will have 45 calendar days to respond to the e-petition. If, after 45 days, the Government has not responded to an e-petition with 500 signatures, the Chair of the Standing Committee on the Legislative Assembly will report the matter to the Speaker.

E-petitions which do not reach the 500 signature mark will see no further action taken at the end of the signing period. The petitioner will be notified that their petition has closed, how many signatures it received, and will be invited to consider starting a paper petition on the same issue.

Paper-Based Petitions

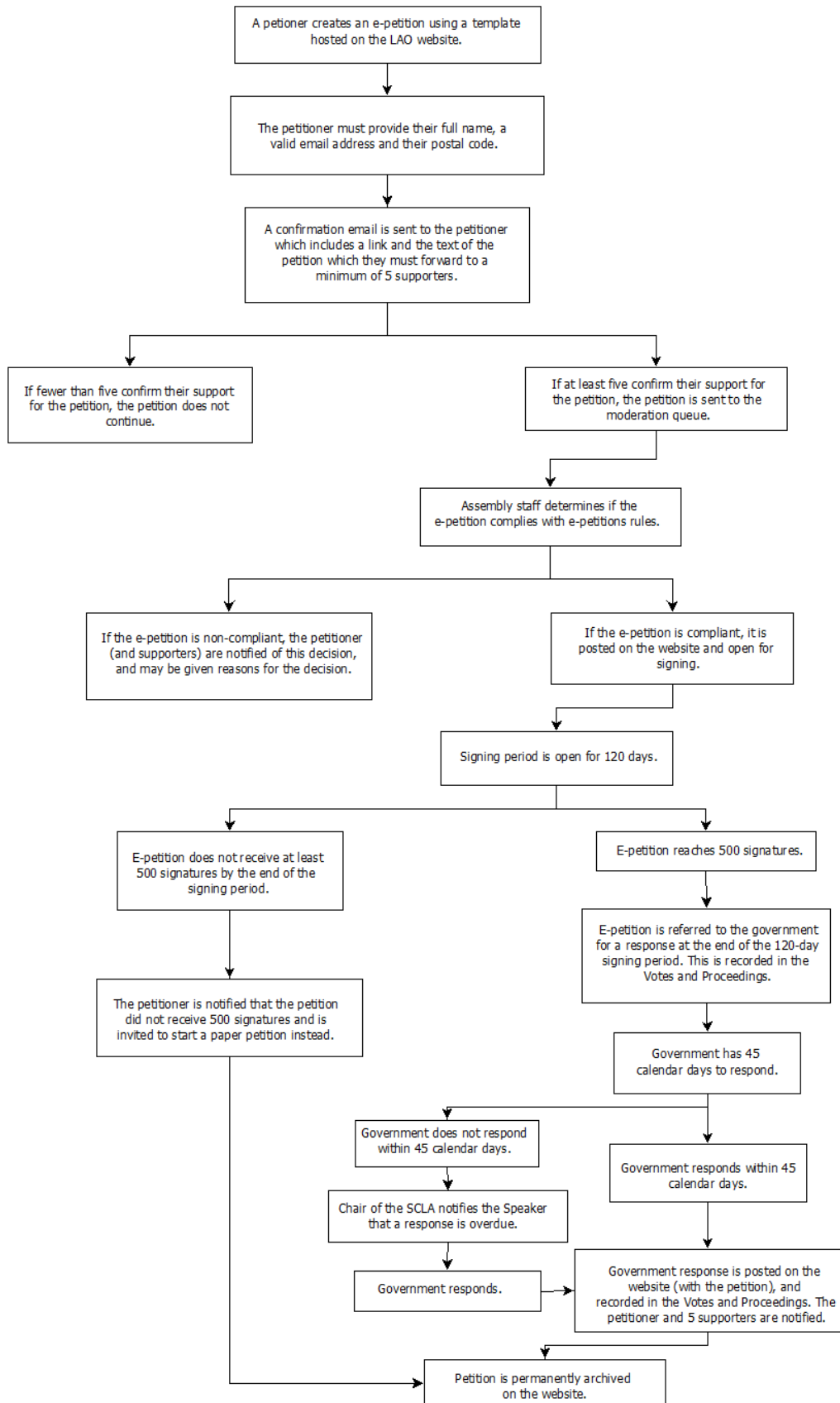
The e-petitions system is not intended to replace the current paper-based system of petitions in the Legislative Assembly of Ontario.

For more information about paper-based petitions, please visit the Legislative Assembly of Ontario website ([link](#)). This link opens in a new window.

APPENDIX C

Proposed E-Petition System for the Legislative Assembly of Ontario

Proposed E-Petition System for the Legislative Assembly of Ontario



APPENDIX D

Dissenting Opinion of the Progressive Conservative Party

Dissenting Opinion of the Progressive Conservative Party

Introduction

This dissenting report first thanks all the witnesses who had appeared before the Committee and took time to share their opinion's and evidence on the matter of e-petitions.

It is unfortunate that much of their time and the time of the members of this committee and also the past committee from the minority Parliament of 2012, which also examined this issue, were often disregarded by Government members. The committee from the previous minority parliament also examined the possibility of introducing e-petitions by simply integrating electronic petitions into the already existent framework and procedures that pen and paper petitions follow. However, their work was cut short by the call of an election and when this subject was revisited; it was under the current majority government producing the majority report.

In the introduction of the report there is a quote from Ms. Hilderman, which serves well as the foundation of this report, which is as follows "The motivation should be to improve the relationship between citizens and your work here as legislators..". This quote showcases that the petition process is one which encourages and strengthens the democratic relationship between an elected official and their constituents along with other concerned individuals throughout the province. The path proposed in this report would unduly change that democratic staple and further erode the relationship between members and the public, particularly for those sitting in opposition and in the Third Party.

Furthermore, this committee strayed far from its initial intentions when considering e-petitions. This committee was struck to examine the viability of integrating electronic petitions into the current framework already in place for considering petitions in the legislature, not creating an entirely new process from the ground up. This is surely to come at an increased cost, whichever path is taken, over the initial proposal of simply allowing electronic petitions to be considered in the same way as their pen and paper counterpart. The points raised against the initial process of integration of electronic petitions were largely unfounded, as some of the expert witnesses pointed out. Issues concerning the identity of the signatory and ensuring they were residences of Ontario are requirements which current petitions do not need, however these requirements must be met for electronic petitions according to this report. In summery criteria not required for paper petitions are now a prerequisite for e-petitions, along with the erosion of private member representation.

Conclusion

This government came into the committee, which it holds a majority of seats, with a set agenda to obtain the petition system they envisioned and desired, giving no credit and little thought to the initial intentions to simply integrate electronic petitions into the existing framework at no cost to the taxpayer. Instead we will

receive a petition system which limits word choice, puts restrictive time frames on petitions, caps the number of signatories, vests in the assembly staff the authority to rule a petition out of order, all at an increased cost to taxpayers. It's a shame to see a simple and straight forward task turned into another costly and restrictive process which changes a staple in our democratic institution for the worst.