

**FEDERAL COURT  
APPLICATION**

BETWEEN:

**PRIVACY COMMISSIONER OF CANADA**

APPLICANT

- and -

**9219-1568 QUÉBEC INC. c.o.b. AYLO SERVICES (formerly known as ENTREPRISE MINDGEEK CANADA), AYLO FREESITES LTD. (formerly known as MG FREESITES LTD.), MG FREESITES II LTD., AYLO SOCIAL LTD. (formerly known as MG SOCIAL LTD.), AND AYLO HOLDINGS S.À.R.L. (formerly known as MINDGEEK S.À.R.L.)**  
RESPONDENTS

---

---

**WRITTEN REPRESENTATIONS**

---

---

1. The Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (“CIPPIC”) seeks leave to intervene in this matter to assist the Court in interpreting meaningful consent for the collection, use, and disclosure of personal information that is sexual in nature (“sexual personal information”) under the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”).<sup>1</sup> CIPPIC will advance an interpretation of PIPEDA that prohibits online pornography platforms from facilitating the non-consensual distribution of intimate images (“NCDII”).

2. The Office of the Privacy Commissioner of Canada (“OPC”) brought this Application arising from an unresolved complaint relating to the privacy practices of the Respondents (collectively, “Aylo”). Aylo operates global pornography platforms, including Pornhub, one of the most frequented online sites in the world. The Commissioner's investigation resulted in PIPEDA Report of Findings #2024-001, “Investigation into Aylo (formerly MindGeek)’s Compliance with

---

<sup>1</sup> [Personal Information Protection and Electronic Documents Act](#), SC 2000, c5 [PIPEDA].

PIPEDA” (“Report of Findings”).<sup>2</sup> The investigation, which focused on user-uploaded content as opposed to content uploaded by professional studios, found that Aylo failed to make reasonable efforts to obtain express, meaningful, and valid consent for Aylo’s collection, use, and disclosure of highly sensitive personal information—being intimate images and associated identifying information—directly from each individual depicted in uploaded sexual content.

3. Aylo’s consent practices lie at the heart of this case: Aylo relies on third-party uploaders to attest that they have secured valid consent from every person depicted in sexual content. The Commissioner concludes that PIPEDA requires Aylo to obtain consent directly from each person who is depicted, rendering Aylo’s third-party consent model for user-uploaded content in contravention of the legislation.

4. This proceeding will require the Court to interpret PIPEDA’s standard for meaningful consent in the highly sensitive context of technology-facilitated sexual violence—behaviour that disproportionately harms women, girls, and trans and non-binary people. CIPPIC seeks leave to intervene in this matter to assist the Court by situating PIPEDA’s consent requirements within the broader legal context of sexual violence and intimate image abuse, ensuring full consideration of the profound public interest dimensions of this case. CIPPIC’s proposed intervention:

- (i) canvases law that is directly applicable to the interpretative exercise before the Court but that lies beyond the Applicant’s expertise: the Applicant has not addressed this law below and indicated that it will not address it here;
- (ii) draws on the extensive experience of CIPPIC and the team it has assembled; and
- (iii) is in the interests of justice because it goes some small way towards rectifying the existing “inequality of arms” between the parties.

---

<sup>2</sup> *PIPEDA Findings #2024-001: Investigation into Aylo (formerly MindGeek)’s Compliance with PIPEDA*, CanLII 2024 107207 [PIPEDA Findings #2024-001]. See also: *Notice of Application*, Tab 5 at para 27 [NOA].

## PART 1 – THE FACTS

5. On February 27, 2025, the OPC commenced this *de novo* Application against Aylo following an investigation and the Report of Findings. The Application asks this Court to determine whether PIPEDA requires a large commercial pornography platform that hosts user-uploaded content to obtain express, meaningful, and valid consent directly from each person depicted, in order to collect, use or disclose their sexual personal information. Aylo is a global technology company headquartered in Montreal that operates popular pornographic websites (including platforms that allow users to upload sexual content). The OPC pleads that PIPEDA applies to Aylo's operations by virtue of its real and substantial connection to Canada, including the location of a significant portion of its workforce and senior leadership.<sup>3</sup>

6. The underlying complaint was brought by an Ontario resident who discovered that an intimate video that her partner had assured her would be kept private, and other intimate images of her, along with identifying information, had been uploaded to and distributed on various Aylo websites without her consent. That uploading and distribution caused significant harm to the complainant.<sup>4</sup> The OPC's investigation, which focused on user-uploaded content as opposed to content produced and uploaded by professional studios, found that Aylo historically relied on uploader attestations to represent that all depicted individuals had consented, instead of obtaining express, meaningful, and valid consent directly from each person depicted.<sup>5</sup>

7. In 2015, Aylo's consent model relied solely on uploader attestations. The OPC found Aylo did not make reasonable efforts to ensure that depicted individuals understood the purposes for which their sexual personal information would be used and disclosed, nor did it consistently verify that uploaders had obtained the required consent. The OPC found few barriers preventing a user from uploading someone else's intimate images or videos without the latter's consent and considered Aylo's consent process, including reliance on human moderation, to be "wholly

---

<sup>3</sup> *NOA*, *ibid* at paras 6 and 12.

<sup>4</sup> *Ibid* at para 15.

<sup>5</sup> *Ibid* at para 19 and 28.

ineffective", "completely inadequate", and "clearly insufficient" to obtain the express, meaningful, and valid consent required by PIPEDA.<sup>6</sup>

8. Although Aylo implemented changes beginning in 2020, the OPC found Aylo still did not require that express consent be obtained directly from each depicted person and relied on third-party uploader attestations. While Aylo nominally required uploaders who did not themselves appear in the content to collect a piece of identification and consent forms from each depicted individual, uploaders routinely failed to comply with these requirements—the OPC concluded that there was no evidence of consent from all depicted individuals in the majority of these instances.<sup>7</sup> In these cases where consent appeared absent, such content would still remain publicly visible for up to two weeks.<sup>8</sup> The OPC also found Aylo failed to provide individuals who had never consented with an easily accessible, simple-to-use, and effective process for removal of their sexual personal information from its platforms. The OPC alleges that Aylo's practices still fail to ensure express, meaningful, and valid consent is directly obtained from all depicted individuals, creating an ongoing risk that sexual personal information will be and is presently being collected, used, and disclosed without consent.<sup>9</sup>

9. Under PIPEDA, the Privacy Commissioner of Canada acts as an independent ombudsperson and regulator for the private sector, involving: receiving and initiating complaints (ss 11(1)-(2)); investigating with evidence-gathering powers (ss 12.1(1)(a)-(f)); mediating and conciliating (s 12.1(2)); issuing non-binding reports with recommendations (s 13(1)); entering compliance agreements (ss 17.1-17.2); conducting audits (s 18(1)); cooperating with provincial and foreign regulators (ss 23-23.1); promoting public awareness and best practices (ss 24(a)-(d)); maintaining confidentiality subject to limited exceptions (ss 20(1)-(7)); and reporting annually to Parliament (s 25(1)). Binding remedies and damages flow through the Federal Court, not from the Commissioner (ss 14-16).<sup>10</sup>

---

<sup>6</sup> [PIPEDA Findings #2024-001](#), *supra* note 2 at para 74.

<sup>7</sup> *NOA*, *supra* note 2 at para 32.

<sup>8</sup> *Ibid* at para 31.

<sup>9</sup> *Ibid* at paras 31, 33, 35-36.

<sup>10</sup> *PIPEDA*, *supra* note 1, [ss 11–18](#), [20](#), [24–25](#).

10. CIPPIC is a public interest legal clinic at the University of Ottawa with specialized expertise in digital privacy, consent, and technology-facilitated harms.<sup>11</sup> For this proposed intervention, CIPPIC has assembled a team that collectively brings decades of public interest litigation and advocacy on privacy law and digital privacy rights; recognized expertise in technology-facilitated gender-based violence (“TFGBV”), digital platform governance, and the intersection of privacy, technology, and equality; and leading scholarship on TFGBV including a current federally funded project focused specifically on consent in the context of privacy-invasive technologies. CIPPIC has a sustained track record of publishing, and assisting courts and tribunals with, useful and distinct submissions on the factual and legal issues under consideration in this matter, concerning meaningful consent to the collection, use, and disclosure of sexual personal information.<sup>12</sup>

11. The facts put squarely at issue a third-party consent model that the OPC found fails to meet PIPEDA’s requirements when sexual personal information is at issue. The outcome will directly affect the privacy, dignity, autonomy, and sexual and bodily integrity of people depicted in user-uploaded pornographic or otherwise sexual content and will be particularly consequential for groups disproportionately harmed by non-consensual distribution of intimate images (“NCDII”), including women, girls, and trans and non-binary people.<sup>13</sup>

12. CIPPIC has a particular interest in the legal issues raised in this proceeding and seeks to intervene to present the crucial public interest dimensions at issue.<sup>14</sup> If granted leave to intervene, CIPPIC proposes to argue that:

- (i) PIPEDA is a quasi-constitutional statute, and thereby demands dynamic, purposive, and contextually sensitive interpretation to give full effect to its provisions, in particular its requirements for consent to the collection, use, or disclosure of personal information—

---

<sup>11</sup> *Affidavit of David Fewer*, Tab 3 at paras 4-6, Tab 3 [*Affidavit*].

<sup>12</sup> *Ibid* at paras 7-10 (for CIPPIC’s team qualifications) and paras 11-17 (for CIPPIC’s track record of legal engagement and publications).

<sup>13</sup> *Ibid* at paras 22.

<sup>14</sup> *Ibid*.

in this case, sexual personal information;

(ii) courts have recognized that few contexts involve greater sensitivity than the distribution of someone’s intimate images; without consent, such distribution is a form of technology-facilitated sexual violence, inflicting the most serious of privacy harms;

(iii) a business’s statutory obligations under PIPEDA begin with ensuring meaningful consent, and such consent and the process of obtaining it must reflect the sensitivity of the personal information at issue and the gravity of the privacy interest involved;

(iv) courts should look to sexual violence jurisprudence and legislation as an interpretive authority in determining what constitutes meaningful consent under PIPEDA as applied to sexual personal information, such as intimate images and videos;

(v) Canadian sexual violence law first, places NCDII in the realm of sexual assault and other forms of sexual violence, and second, provides a robust standard for consent where, as here, sexual integrity is at issue. Under this standard, consent must be all of direct, informed, personal, contemporaneous, voluntary, and revocable;

(vi) privacy and data protection laws within Canada and other jurisdictions recognize personal information of an “intimate nature” or concerning an individual’s sex life is sensitive information that requires a greater degree of protection, and accordingly apply a standard of consent that corresponds to that heightened sensitivity;

(vii) interpreting PIPEDA’s consent requirement as aligned with Canadian jurisprudence and legislation concerning sexual assault and intimate image abuse ensures compliance with the principle of presumed legislative coherence. Such interpretive alignment would also ensure a standard that recognizes that consent embodies and expresses core human rights and constitutional values of dignity, autonomy, integrity, and equality. This befits PIPEDA’s quasi-constitutional status, its protection of privacy as a *Charter* right, and its role in shielding vulnerable individuals from structural harm; and

(viii) meaningful consent under PIPEDA, as informed by sexual violence jurisprudence and legislation, requires businesses to implement and maintain a stringent consent process

for the collection, use, and disclosure of material containing sexual personal information, reflecting: (a) the sensitivity of the personal information; and (b) the severity of potential harm when such material is uploaded for online distribution without consent. PIPEDA's consent standard demands first-person consent, not third-party assurances, without which businesses that commercialize sexual personal information for profit would operate business models built atop a foundation of sexual privacy violations.

## PART II – POINTS IN ISSUE

13. The only issue in this motion is whether this Court should grant CIPPIC leave to intervene in this matter of public interest.

## PART III – SUBMISSIONS

14. Rule 109 of the *Federal Courts Rules* empowers the Court to grant any person leave to intervene in a proceeding.<sup>15</sup> Paragraph 109(2)(b) requires a proposed intervener to describe how its participation would assist the court in determining the factual or legal issues before it.<sup>16</sup> Rule 3 requires Courts to apply the Rules “so as to secure the just, most expeditious and least expensive determination of every proceeding.”<sup>17</sup>

15. The test for granting public interest intervener status is flexible and discretionary. The Federal Court of Appeal in *Le-Vel Brands, LLC v Canada (Attorney General)* recently affirmed the factors relevant to that test are those articulated in *Sport Maska Inc v Bauer Hockey Corp.*<sup>18</sup> These factors require that:

- (i) the proposed intervener makes different and useful submissions;
- (ii) the proposed intervener has a genuine interest in the matter before the Court; and

---

<sup>15</sup> [Federal Courts Rules](#), SOR/98-106, [r 109](#).

<sup>16</sup> *Ibid*, [r 109\(2\)\(b\)](#).

<sup>17</sup> *Ibid*, [r 3](#).

<sup>18</sup> *Le-Vel Brands, LLC v Canada (Attorney General)*, FCA 2023 66 at [para 12](#) [*Le-Vel*]; affirming *Sport Maska Inc v Bauer Hockey Corp*, 2016 FCA 44 [*Sport Maska*].

- (iii) the proposed intervention is in the interests of justice.<sup>19</sup>

16. These factors are non-exhaustive, and context drives their relative weight and emphasis.<sup>20</sup> On these facts, the ‘interests of justice’ factor warrants elevated weight for three reasons. First, no party appears for the complainant or for the class of individuals most directly affected by NCDII; an intervener can assist by addressing those impacts within the issues already joined. Second, there is a pronounced resource asymmetry between a publicly funded ombudsperson and a multinational Internet platform company; a focused, non-duplicative public interest intervention promotes balance without expanding the case. Third, this *de novo* proceeding raises novel, systemic questions about how PIPEDA’s consent provisions operate for sexual personal information—questions that benefit from principled submissions grounded in equality-informed approaches to privacy law and to the law of consent in the context of sexual violence. On these facts, the interests of justice strongly favour granting leave.

**A. CIPPIC will leverage its expertise to make different and useful submissions**

17. CIPPIC’s proposed submissions offer useful insights distinct from those of the other parties, relying on its extensive institutional and legal expertise in privacy, technology, equality, and TFGBV. To be granted leave, a proposed intervener’s submissions must be different and useful. Justice Stratas in *Le-Vel* proposed four questions to assist in making this assessment:

- (i) What issues have the parties raised?
- (ii) What does the proposed intervener intend to submit concerning those issues (*i.e.*, are the submissions distinct)?
- (iii) Are the proposed submissions doomed to fail?
- (iv) Will the proposed submissions assist the determination of the actual issues (*i.e.*, are

---

<sup>19</sup> *Le-Vel*, *ibid* at [para 12](#) affirming *Sport Maska*, *ibid*.

<sup>20</sup> *Sport Maska*, *ibid* at [para 42](#).

the submissions useful)?<sup>21</sup>

18. We answer each question in turn. CIPPIC argues that:

- (i) in response to the first two questions, CIPPIC's proposed arguments will be distinct by bringing to bear on the interpretive exercise before the Court bodies of Canadian jurisprudence concerning sexual consent, which neither the parties nor another proposed intervener will consider;
- (ii) in response to the third question, CIPPIC's arguments are not doomed to fail as they find grounding in longstanding principles of statutory interpretation and existing Canadian laws concerning privacy, sexual consent, and intimate image abuse; and
- (iii) in response to the fourth and final question, CIPPIC's proposed submissions squarely address the actual issue at the core of this proceeding, that of what is required to meet PIPEDA's standard of consent for the collection, use, or disclosure of sexual personal information.

***What issues have the parties raised?***

19. The central issue raised in this case is the Applicant's contention that Aylo's business model fails to meet the required standard for obtaining meaningful, personal consent under section 6.1 of and clause 4.3 of Schedule 1 to PIPEDA.<sup>22</sup> This proceeding will require the Court to interpret PIPEDA's standard of consent in the highly sensitive context of sexual personal information.

20. The grounds for this proceeding are set out in paragraphs 2-37 of the Notice of Application, and include:

- (i) the Privacy Commissioner of Canada is an independent, impartial Agent of Parliament mandated to promote and protect the privacy rights of Canadians, with

---

<sup>21</sup> *Le-Vel*, *supra* note 18 at [para 19](#).

<sup>22</sup> *PIPEDA*, *supra* note 1, [s 6.1](#) and [clause 4.3 of Schedule 1](#).

authority over private sector organizations like Aylo under PIPEDA (para 2);

(ii) PIPEDA establishes rules governing the collection, use, and disclosure of personal information by private sector organizations, recognizing an individual's right to privacy and the organizational need to collect, use, and disclose information for purposes a reasonable person would consider appropriate (para 3);

(iii) PIPEDA generally requires an individual's knowledge and consent for the collection, use, or disclosure of their personal information, with consent being valid only if it is reasonable to expect that the individual would understand the nature, purpose, and consequences of such activities (para 4);

(iv) the OPC's statutory mandate under PIPEDA includes investigating complaints alleging contravention of the Act and, if a complaint is well-founded and unresolved (as in this case), bringing the matter before the Federal Court with the complainant's consent (para 5);

(v) Aylo is a global technology company, headquartered in Montreal, Canada, operating many popular pornographic websites like Pornhub and Youporn, which are also digital pornography platforms that allow users to upload their own or others' sexual personal information. PIPEDA applies to Aylo's global operations due to the company's real and substantial connection with Canada, including over 50% of its global workforce and senior leadership being based in Montreal, and its acquisition by an Ottawa-based firm (paras 6-14); and

(vi) the complaint originated from an Ontario resident who discovered an intimate video and other intimate images of herself had been published on Aylo's websites without her consent, alongside identifying details, resulting in significant harm. The uploader of the video had assured her at the time the video was made that it would be kept private. The intimate images involved included nudity, exposed intimate body parts, and explicit sexual activity, coupled with personal information like her name, mother's maiden name, university, and sorority (paras 15-17).

21. The OPC's investigation, focusing only on user-uploaded content as opposed to content

produced or uploaded by professional studios, found that:

- (i) Aylo failed to obtain express, meaningful, and valid consent directly from all depicted individuals for the collection, use, and disclosure of their personal information in intimate images and information relating to those images uploaded to its websites (para 27);
- (ii) specifically, in 2015, Aylo's consent model relied solely on uploaders to attest that they had obtained consent, and that, in so relying, Aylo failed to make reasonable efforts to ensure depicted individuals understood the purposes for which their information would be used and disclosed, as required by PIPEDA. Further, Aylo did not, as a general practice, verify that uploaders had obtained the required consent from depicted individuals (paras 28-29);
- (iii) Aylo's measures in 2015—limited technological barriers to uploading someone's intimate images even without their consent, absence of identity verification of either uploaders or depicted individuals, and reliance on human moderation—were insufficient to obtain express, meaningful, and valid consent (para 30);
- (iv) despite changes implemented in 2020, Aylo's practices still failed to require express consent directly from each depicted individual, continuing to rely on uploaders' attestations. Although Pornhub nominally required uploaders who did not appear in the content to collect identification and consent forms from each depicted individual, uploaders routinely failed to comply with this requirement. In these cases, such content would remain publicly visible for up to two weeks. As a result, the OPC concluded that there was no evidence of consent from all depicted individuals in the majority of instances (para 31-32);
- (v) the OPC also found that Aylo failed to provide individuals who had never consented to the upload of their personal information with an easily accessible, simple-to-use, and effective process for removing their personal information from its websites (para 33);
- (vi) even with further changes during and after the investigation, Aylo's practices

continued to fail to ensure express, meaningful, and valid consent was obtained directly from all depicted individuals for each piece of content. Moreover, older content uploaded to Aylo's websites does not meet the requirements of its updated practices, which themselves fail to meet the standard required by PIPEDA (para 35); and

(vii) this ongoing failure creates and perpetuates a continuous risk of sexual personal information being collected, used, and disclosed without consent, necessitating corrective action (para 36).

***CIPPIC will make distinctive submissions concerning the issues the parties raise.***

22. The Federal Court of Appeal has explained that public interest organizations may demonstrate distinctiveness by offering submissions that “invoke a body of jurisprudence that existing parties have not invoked, ask [the Court] to interpret certain jurisprudence differently, or acquaint the Court with the larger implications associated with its ruling.”<sup>23</sup> New perspectives that proposed interveners offer must be tied to an issue in the proceeding. Under Rule 109(2)(b), a proposed intervenor must show “its potential contribution to the advancement of the issues on the table, not how it will change the issues on the table.”<sup>24</sup> Duplicative arguments do not assist the Court.<sup>25</sup>

23. CIPPIC's submissions meet this standard for distinctiveness by:

- (i) providing a statutory interpretation analysis that focuses on (a) how the context of sexual personal information requires express, meaningful, and valid consent from each depicted individual, and (b) the quasi-constitutional status of privacy rights under PIPEDA;
- (ii) focusing on how Canadian sexual violence law already recognizes and applies a

---

<sup>23</sup> *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 102 at [para 49](#) [*Tsleil-Waututh*].

<sup>24</sup> *Canada (Attorney General) v Canadian Doctors for Refugee Care*, 2015 FCA 34 at [para 19](#).

<sup>25</sup> *Le-Vel*, *supra* note 18 at [para 22](#).

robust standard of consent aimed at protecting sexual integrity and autonomy rights; and

(iii) having taken steps to ensure CIPPIC does not duplicate the arguments of the other parties.

### *Valid Consent and the Quasi-Constitutional Right of Privacy*

24. The Supreme Court of Canada has affirmed that privacy legislation such as PIPEDA has a quasi-constitutional character that courts must interpret in a manner protective of “fundamental values”.<sup>26</sup> CIPPIC will interpret PIPEDA’s consent regime (a) broadly, purposively, and liberally, as grounded in Supreme Court of Canada authority that links privacy to dignity, autonomy, and democratic participation,<sup>27</sup> and (b) dynamically, recognizing risks technological evolution poses to privacy.

25. The right to privacy in Canadian law is constitutionally complex and evolving, grounded in human dignity, autonomy, and democratic participation, and safeguarded through section 8 of the *Canadian Charter of Rights and Freedoms*.<sup>28</sup> Canadian courts reject an all-or-nothing view of privacy.<sup>29</sup> entering a public space or consenting to limited observation does not erase all expectations of privacy.<sup>30</sup> CIPPIC will focus its interpretational analysis on how the context of sexual personal information governs the content of meaningful consent under the Act. A broad, purposive, and liberal interpretation of PIPEDA requires businesses to meet a robust and contextually-sensitive standard of consent when collecting, using or disclosing an individual’s sexual personal information. Such an interpretation recognizes that, as the Supreme Court of Canada has noted, “privacy with respect to intimate parts of our bodies and information about our sexual selves is particularly sacrosanct”<sup>31</sup> and misuse of such information strikes at the heart of

---

<sup>26</sup> *Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers*, 2013 SCC 62 at [para 19](#) [*United Food*].

<sup>27</sup> *Dagg v Canada (Minister of Finance)*, [1997] 2 SCR 403 at [paras 65–67](#).

<sup>28</sup> *Ibid*.

<sup>29</sup> *R v Wong*, [1990] 3 SCR 36 at 47; *R v Wise*, [1992] 1 SCR 527 at 10–11; *R v Mills*, [1999] 3 SCR 668 at [para 108](#); *R v Spencer*, 2014 SCC 43 at [paras 41–44](#); *R v Quesnelle*, 2014 SCC 46 at [paras 28–29, 37–43](#); *United Food*, *supra* note 26 at [para 27](#).

<sup>30</sup> *R v Jarvis*, 2019 SCC 10 [*Jarvis*].

<sup>31</sup> *Ibid* at [para 82](#).

the right to privacy and dignity.

26. CIPPIC will also argue that PIPEDA requires a dynamic interpretive approach to accommodate the evolving technological and social context in which it applies. CIPPIC will rely on Supreme Court of Canada jurisprudence that recognizes the significant risks to privacy the evolution of ubiquitous surveillance and data-capturing and distribution technologies pose.<sup>32</sup> Technological advances, while facilitating intrusion, do not diminish privacy interests.<sup>33</sup> In a time of ubiquitous surveillance and data-capture, courts distinguish casual observation from the creation of durable, manipulable digital records, the latter posing significantly greater risks to dignity and autonomy.<sup>34</sup>

*Consent within the Context of Canadian Sexual Violence Law*

27. CIPPIC's institutional expertise at the intersections of privacy, technology, and equality law, including with respect to technology-facilitated violence, allows it to focus on distinctive submissions that illuminate the matter's context. This case involves the uploading of sexual personal information onto a commercial pornography platform, where a failure to obtain express, meaningful, and valid consent not only violates PIPEDA, but can also facilitate the criminal and tortious act of NCDII. CIPPIC's unique submissions will situate the interpretation of PIPEDA in the context of sexual violence legislation<sup>35</sup> and jurisprudence that recognizes NCDII as inhabiting the same realm of behaviour as sexual assault and triggering the same autonomy, dignity, and bodily and sexual integrity interests that are at stake in other forms of sexual violence.<sup>36</sup> By situating the ruling in this larger context, CIPPIC's submissions will bring to bear, on this matter, sexual violence jurisprudence and legislation that establish a standard for interpretation of the

---

<sup>32</sup> *Douez v Facebook*, 2017 SCC 33 at [para 59](#) [*Douez*]; *Lavigne v Canada (Office of the Commissioner of Official Languages)*, 2002 SCC 53 at [paras 24–25](#).

<sup>33</sup> *R v Tessling*, 2004 SCC 67 at [paras 42, 54](#); *Jarvis*, *supra* note 30 at [para 51](#).

<sup>34</sup> *Jarvis*, *supra* note 30 at [paras 65–67](#).

<sup>35</sup> See e.g. *Protecting Victims of Non-consensual Distribution of Intimate Images Act*, SA 2017, c P26.9; *The Non-Consensual Distribution of Intimate Images Act*, CCSM 2015, c N93; *Intimate Images and Cyber-protection Act*, SNS 2017, c 7; *Intimate Images Protection Act*, RSPEI 1988, c I-9.1; *Intimate Images Protection Act*, SBC 2023, c 11.

<sup>36</sup> *R v Walsh*, 2021 ONCA 43 at [para 70](#) [*Walsh*], see also *R v NW*, 2023 CanLII 13784 (NL PC) at [para 22](#) (citing [para 70](#) of *Walsh*) [NW].

PIPEDA consent provisions in the context of sexual personal information.

28. CIPPIC will augment these distinct submissions with reference to privacy and data protection laws within Canada and other jurisdictions that also adopt a robust standard of consent for intimate and other sexual content. These include Quebec Law 25<sup>37</sup> and Article 9 of the European Union’s General Data Protection Regulation (“GDPR”),<sup>38</sup> both of which specify that heightened consent standards should apply when handling sensitive categories of personal data, such as, respectively, personal information of an "intimate nature" or concerning an individual's sex life.

*Steps Taken Not to Duplicate Other Parties’ Arguments*

29. CIPPIC’s arguments will differ from those of the Applicant, for the following reasons. First, the OPC did not avail itself, in its Report of Findings, of CIPPIC’s proposed interpretational approach to determining the standard of required consent under PIPEDA. Second, having been apprised of CIPPIC’s proposed arguments in broad strokes, the OPC suggests by its non-opposition to this Motion that it is not intending to make those arguments. Third and last, if granted leave, CIPPIC expects it will have an opportunity to closely review the Applicant’s Record once filed, and CIPPIC will accordingly adjust its submissions if necessary to ensure they remain complementary, distinct, and useful.

30. CIPPIC has coordinated with the other proposed intervener, the Women’s Legal Education and Action Fund ("LEAF"), and CIPPIC understands that its arguments will complement, but not duplicate LEAF’s proposed submissions. If granted leave to intervene, CIPPIC would continue to coordinate with LEAF to ensure non-duplication of submissions.

*Are CIPPIC's proposed submissions doomed to fail?*

31. CIPPIC’s proposed submissions are not “doomed to fail” because they are admissible,

---

<sup>37</sup> [Act respecting the protection of personal information in the private sector](#), CQLR, c P-39.1.

<sup>38</sup> [Regulation \(EU\) 2016/679](#) (General Data Protection Regulation), Article 9.

legally tenable, and directly address the live issues before the Court. The Federal Court of Appeal warns that a proposed intervenor's suggested submissions may be “doomed to fail” if they are indisputably wrong in law, irrelevant to the live issues, or inadmissible.<sup>39</sup> CIPPIC's submissions will be none of these.

32. CIPPIC's proposed submissions are legally arguable and fit for the Court's consideration. In *Kattenburg*, Justice Stratas distinguished submissions that are arguable from those that are wrong in law.<sup>40</sup> CIPPIC grounds its submissions in well-established jurisprudence and statutory interpretation. CIPPIC's proposed submissions, far from being doomed to fail, offer a constitutionally grounded framework for interpreting PIPEDA's consent provisions. The Supreme Court of Canada has affirmed that privacy legislation like PIPEDA has a quasi-constitutional nature and should be interpreted in a way that is protective of privacy rights.<sup>41</sup> Presuming interpretive coherence “between statutes dealing with the same subject matter” across legal domains is a well-established principle in Canadian law.<sup>42</sup> Fundamental values drive consistent interpretations across the law, so it is proper to interpret the consent provisions of PIPEDA with respect to sexual personal information in a manner consistent with the foundational robust standard of consent developed in sexual violence jurisprudence and legislation. Indeed, it appears essential for the standard of consent relating to sexual personal information under PIPEDA to be interpreted in line with the approach to consent under these laws lest PIPEDA permit sexual violations that the *Criminal Code*, tort law, and provincial privacy and intimate image protection laws prohibit.

33. CIPPIC's proposed submissions address the same consent questions the parties have put at issue and will not broaden the case. In *Le-Vel*, Justice Stratas stated that usefulness turns on whether an intervenor will assist with “the actual, real issues in the proceeding.”<sup>43</sup> CIPPIC's proposed submissions take the case as the Applicant has defined it in its Notice of Application: in this *de novo*

---

<sup>39</sup> *Canada (Attorney General) v Kattenburg*, 2020 FCA 164 at [para 9](#) [*Kattenburg*]; *Thompson v Canada*, 2024 FC 215 at [para 28](#).

<sup>40</sup> *Kattenburg*, *supra* note 39 at [para 9](#).

<sup>41</sup> *Douez v. Facebook*, *supra* note 32 at [para 59](#); *Lavigne*, *supra* note 29 at [paras 24–25](#).

<sup>42</sup> *Bell ExpressVu Limited Partnership v Rex*, 2002 SCC 42 at [para 27](#) (citing *R v Ulybel Enterprises Ltd*, 2001 SCC 56, at [para 52](#)); see also *Thibodeau v Air Canada*, 2014 SCC 67 at [para 93](#).

<sup>43</sup> *Le-Vel*, *supra* note 18 at [para 16](#).

Application, the Court will determine the correct interpretation of PIPEDA. CIPPIC proposes a purposive approach to interpreting PIPEDA’s consent provisions that resonates with core Canadian rights to privacy, dignity, autonomy, and equality, and is consistent with existing law that imposes a robust standard of consent where bodily and sexual integrity are at stake. That proposed approach will assist the Court in its interpretive task.

34. CIPPIC’s proposed submissions are admissible because they are directed towards the correct interpretation of the statutory provisions at issue and require no new evidence. In *Le-Vel*, Justice Stratas warned that issues requiring new evidence—and such evidence itself—are inadmissible.<sup>44</sup> CIPPIC will not introduce new grounds or new evidence, but will work from the parties’ records and existing law to argue for the coherent application of PIPEDA through accepted pathways of legal reasoning in accordance with sensible, widely accepted underlying principles to assist the Court on the issues already joined.

***Will CIPPIC's submissions assist the determination of the actual issues?***

35. CIPPIC's submissions will directly assist the Court in determining the actual issue in the case. Courts will assess the utility of a proposed intervenor’s submissions based on the court’s perspective of what it needs to decide the factual and legal issues before it.<sup>45</sup> CIPPIC’s proposed submissions will assist the Court because:

- (i) the issue before the Court has not been answered in the case law; and
- (ii) they are tethered to law directly relevant to the Court’s interpretational task and exclude points or positions that belong in policy venues rather than a court of law.

36. The issue raised in this matter has not been determined by the courts. In *DAC Investment Holdings*, Justice Stratas observed that “intervention on a point of law is a realistic possibility where the established legal precedents do not go far enough to determine the legal issues in the

---

<sup>44</sup> *Ibid* at [para 34](#) citing [Right to Life Association of Toronto and Area v Canada \(Employment, Workforce and Labour\)](#), 2022 FCA 67 at [para 13](#).

<sup>45</sup> [Canada v DAC Investment Holdings Inc](#), 2025 FCA 37 at [para 7](#) [*DAC Investment Holdings*].

case.”<sup>46</sup> The present Application raises just such conditions. This case marks the first time that a court has been asked to assess the standard of consent PIPEDA imposes on a commercial entity in the context of sexual personal information. CIPPIC’s proposed submissions, relying as they do on Canadian sexual violence law, will provide the Court with interpretive authority to settle the question before it.

37. CIPPIC’s proposed submissions are based in case law directly applicable to the Court’s interpretative task and are not based in policy or politics. CIPPIC relies on a substantial body of Supreme Court of Canada case law that describes the standard of consent where sexual integrity is at stake. In *Kattenburg*, Justice Stratas warned that a proposed intervenor’s submission should not “make political points without law, pronounce freestanding policy positions untethered to law, or offer submissions irrelevant to the legal task the Court must perform.”<sup>47</sup> CIPPIC’s submissions with respect to sexual violence and NCDII will focus on statutory<sup>48</sup> and jurisprudential recognition of NCDII’s negative impacts on the same autonomy, dignity, and bodily and sexual integrity interests that are at stake in other forms of sexual violence,<sup>49</sup> placing NCDII in the same realm as sexual assault.<sup>50</sup> CIPPIC’s distinctive submissions will introduce Supreme Court of Canada and other appellate sexual assault jurisprudence, articulating a robust standard for consent befitting what is at stake in this case. This legal standard requires consent to be:

- (i) direct, as in affirmatively communicated;<sup>51</sup>
- (ii) informed, or is otherwise vitiated;<sup>52</sup>
- (iii) personal: it must be given by the person affected and not by a third party;<sup>53</sup>

---

<sup>46</sup> *Ibid* at [para. 15](#).

<sup>47</sup> *Kattenburg*, *supra* note 39 at [para 9](#).

<sup>48</sup> See statutes cited *supra* note 35.

<sup>49</sup> *Walsh*, *supra* note 36 at [para 70](#); *NW*, *supra* note 36 at [para 22](#) (citing [para 70](#) of *Walsh*).

<sup>50</sup> *R v SCC*, 2021 MBCA 1 at [paras 33-36](#); *R v AM*, 2021 ONCJ 266 at [paras 42-43](#).

<sup>51</sup> *R v Goldfinch*, 2019 SCC 38 at [para 44](#) [*Goldfinch*]; *Criminal Code*, RSC 1985, c C-46, [s 273.1\(2\)\(d\) & \(e\)](#).

<sup>52</sup> *R v Kirkpatrick*, 2022 SCC 33 at [paras 299-300](#).

<sup>53</sup> *Criminal Code*, *supra* note 51, [s 273.1\(2\)\(a\)](#); *McLaughlin v R*, 2017 NBCA 52 at [para 4](#).

- (iv) contemporaneous: it must be given at the time of each and every sexual act<sup>54</sup> (for example, in this case, at the time of each upload);
- (v) voluntary: it must be given by a conscious and competent person,<sup>55</sup> and cannot exist if agreement to the act or disclosure was coerced;<sup>56</sup> and
- (vi) revocable: where consent has been given, it can be withdrawn at any time,<sup>57</sup> and that withdrawal must be honoured (for example, in this case, through immediate deletion of uploaded content).

## B. Establishing a Genuine Interest

38. CIPPIC’s interest in this matter is genuine. Its public interest mandate and track record of privacy advocacy, including with respect to TFGBV, align with issues at the heart of this matter: how the nature of the right of privacy defines the scope of meaningful consent under PIPEDA in the context of sexual personal information. CIPPIC meets all the overlapping, contextual considerations for assessing a proposed intervenor’s interest as articulated by the Federal Court of Appeal, namely:

- (i) whether the intervenor demonstrates the necessary knowledge and skills to assist in the matter, such as through institutional expertise and experience;<sup>58</sup>
- (ii) whether the intervenor’s mandate and “historical record of engagement” align with the issues raised in the matter;<sup>59</sup> and

---

<sup>54</sup> *R v JA*, 2011 SCC 28 at [para 44](#) [*JA*]; *Goldfinch*, *supra* note 51 at [para 44](#).

<sup>55</sup> *Criminal Code*, *supra* note 51, [s 273.1\(2\)\(a.1-b\)](#); *JA*, *supra* note 54 at [paras 36, 44](#).

<sup>56</sup> *Criminal Code*, *supra* note 51, [s 273.1\(2\)\(c\)](#), [265\(3\)\(a\)-\(d\)](#).

<sup>57</sup> *JA*, *supra* note 54 at [paras 40, 43–44](#).

<sup>58</sup> *Le-Vel*, *supra* note 18 at [para 19](#); and *Safe Food Matters Inc v Canada (Attorney General)*, 2022 FC 915, at [para 26](#).

<sup>59</sup> *Gordillo v. Canada (Attorney General)*, 2020 FCA 198 at [paras 12-13](#).

(iii) whether the intervener has the necessary resources and will dedicate them to the matter before the Court, such that it can work within given timelines and not cause delay.<sup>60</sup>

39. First, CIPPIC has developed specialized expertise in digital privacy and consent, demonstrated through litigation and law reform advocacy that establishes the institutional expertise and experience that its proposed intervention requires and that Rule 109 demands.<sup>61</sup> Since its founding in 2003, CIPPIC's history of engagement includes participation in dozens of regulatory and quasi-judicial proceedings, interventions in court proceedings, and expert testimony before parliamentary committees.<sup>62</sup> CIPPIC's institutional track record demonstrates it has the requisite knowledge and skills required for this case, in particular its long history of applying privacy law and principles to the context of technology-facilitated harms generally and TFGBV specifically.

40. Second, CIPPIC's mandate and historical record of engagement align with the matter at issue. CIPPIC's mandate includes advocating in the public interest on issues arising at the intersection of law and technology, including those which implicate the rights to privacy and equality. For example, CIPPIC was granted leave to intervene before the Supreme Court of Canada in cases concerning the reasonable expectation of privacy in the context of voyeurism: *R v Jarvis*, 2002 SCC 73, and *R v Downes*, 2002 SCC 73 (which quoted CIPPIC's factum in the reasons);<sup>63</sup> and in *AB v Bragg Communications Inc*, 2012 SCC 46, 2012 SCC 46, where CIPPIC argued for the heightened privacy interests of a young victim of TFGBV.<sup>64</sup> This alignment is further bolstered by the specialized expertise of CIPPIC's counsel, including in the application of Canadian privacy law to the devastating harms of NCDII and TFGBV, as well as to individuals and businesses which perpetuate such harms, and in the aspects of sexual consent law most relevant to the matter at hand: determining the appropriate standard of consent under PIPEDA when sexual personal information

---

<sup>60</sup> *Le-Vel*, *supra* note 18 at [para 19](#); *Safe Food Matters Inc v Canada (Attorney General)*, 2022 FC 915 at [para 26](#).

<sup>61</sup> *Affidavit*, *supra* note 11 at paras 11-21.

<sup>62</sup> *Ibid.*

<sup>63</sup> *R v Downes*, 2023 SCC 6 at [para 47](#).

<sup>64</sup> *Affidavit*, *supra* note 11 at para 11.

is at stake.<sup>65</sup>

41. Lastly, CIPPIC has and will dedicate the necessary resources to the matter before the Court, remaining within the established proceeding schedule and without prejudicially delaying the parties or hearing. CIPPIC is an established legal clinic with staff counsel and institutional support. CIPPIC participates selectively in cases, ensuring that it brings focused submissions, fully resourced and timely, whenever it intervenes.<sup>66</sup> CIPPIC seeks to intervene in a matter only after it has researched its position. It has timed this Motion to avoid any delay or disruption, and if successful, proposes a filing date that fits within the parties' established schedule, and which CIPPIC is equipped to meet.<sup>67</sup> This assures that its intervention in this matter will assist the Court without disruption to proceedings.

### **C. Serving the Interests of Justice**

42. CIPPIC's proposed intervention is in the interests of justice because it addresses the specific matters of public importance before the Court in this proceeding and seamlessly integrates into the schedule for the prosecution of the matter already agreed upon by the parties. CIPPIC's proposed intervention meets the contextual factors relevant to the interests of justice identified by the Federal Court of Appeal. An intervention is in the interests of justice if it:

- (i) respects procedural fairness to parties by not expanding the issues already raised;<sup>68</sup>
- (ii) is consistent with the just, most expeditious, and least expensive prosecution of the matter, being efficient and timely;<sup>69</sup>

---

<sup>65</sup> *Ibid* at paras 7-10.

<sup>66</sup> *Ibid* at paras 5-6.

<sup>67</sup> *Ibid* at paras 6, 24.

<sup>68</sup> *DAC Investment Holdings*, *supra* note 45 at [para 9](#).

<sup>69</sup> *Ibid* at [paras 18-19](#).

(iii) does not cause an “inequality of arms” between parties (here, on the contrary, CIPPIC’s intervention would go some small way towards rectifying an existing imbalance between the parties);<sup>70</sup> and

(iv) addresses a matter that has assumed a novel and complex dimension of such public interest import that it merits exposing the Court to perspectives beyond those the parties offer.<sup>71</sup>

43. First, CIPPIC’s proposed intervention respects procedural fairness by confining its arguments to the issues the parties raise. CIPPIC will address the same core questions this Application raises, and will not expand the issues, raise new issues, add evidence, or recharacterize the proceeding as other than it is. CIPPIC understands that interveners are considered “guests at a table already set”<sup>72</sup> and accepts that role.

44. Second, CIPPIC’s proposed intervention meshes seamlessly into the timeline that the Court and parties have established. CIPPIC has sought leave to intervene promptly. Consistent with Rule 3, its participation will not impede “the just, most expeditious and least expensive outcome” of the proceeding.<sup>73</sup> The Federal Court of Appeal has noted that in its estimation, those “who have a valuable perspective to offer ... jump off the starting blocks when they hear the starter’s pistol” and move quickly to join.<sup>74</sup> In addition to expeditiously assembling its team and directing resources towards this matter, CIPPIC has corresponded with the parties to this proceeding and with the other proposed intervenor to ensure that the parties can account for CIPPIC’s engagement in their plans to prosecute the matter.<sup>75</sup> CIPPIC will continue to do so should this Court grant leave to intervene.

45. Third, CIPPIC’s participation does not create an unfair imbalance in the proceeding, but

---

<sup>70</sup> *Gitxaala Nation v Canada*, 2015 FCA 73 at [para 23](#); *Canada (Citizenship and Immigration) v Canadian Council for Refugees*, 2021 FCA 13 at [paras 13–17](#) [*Canadian Council for Refugees*].

<sup>71</sup> *Le-Vel*, *supra* note 18 at [para 19](#).

<sup>72</sup> *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 174 at [para 55](#).

<sup>73</sup> *Federal Courts Rules*, SOR/98-106, [r 3](#).

<sup>74</sup> *Canadian Doctors for Refugee Care*, *supra* note 24 at [para 28](#).

<sup>75</sup> *Affidavit*, *supra* note 11 at [para 24](#).

rather, ameliorates two inequities: (i) the massive disparity of resources between the parties; and (ii) the structural imbalance created by the Applicant's statutory role:

(i) first, if there is any imbalance, the associated disadvantage falls upon the Applicant. To the extent that CIPPIC's submissions could be characterized as adverse to those of the Respondents, CIPPIC's intervention goes some small way towards addressing an "inequality of arms" between the Applicant—a publicly-funded ombudsperson and regulator with limited resources—and the Respondents, a global technology conglomerate. In its Report of Findings, the OPC stated that the Respondent had an estimated annual revenue of \$450 million USD as of 2018,<sup>76</sup> and that its former CEO described it as "one of the top five most visited websites on the Internet";<sup>77</sup> and

(ii) second, CIPPIC's participation addresses a structural imbalance inherent to this proceeding. The Applicant is not before the Court as a complainant or as a representative of the individuals or communities most directly affected, such as the thousands of women, girls, and trans and non-binary people disproportionately harmed by non-consensual distribution of their intimate images. Rather, the Applicant is a public entity whose core statutory mandate is to function as an ombudsperson in disputes over the handling of personal information for commercial purposes. CIPPIC's public interest mandate fills that gap, ensuring the Court has the benefit of perspectives otherwise absent; CIPPIC's participation will round out the proceeding, not unbalance it.<sup>78</sup>

46. Lastly, the issue before the Court is one that involves a matter that has "assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court",<sup>79</sup> and CIPPIC provides one such perspective. CIPPIC's perspective (i) is independent of the Applicant's, and one that uniquely positions CIPPIC to submit arguments other parties are not equipped to raise; (ii) would promote

---

<sup>76</sup> *PIPEDA Findings #2024-001*, *supra* note 2 at [para 1](#).

<sup>77</sup> *Ibid*, at [para 3](#).

<sup>78</sup> *Voltage Holdings, LLC v Doe #1*, 2021 FC 1130 at [para 21](#).

<sup>79</sup> *Pictou Landing First Nation v Canada (Attorney General)*, 2014 FCA 21 at [para 11](#).

access to justice by giving voice to the perspectives of those who are excluded from proceedings but would be most impacted by the outcome of this case; and (iii) would acquaint the Court more thoroughly with the broader societal context and full implications of its ruling beyond the immediate parties, particularly for groups disproportionately harmed by NCDII.

47. First, CIPPIC provides a perspective that is independent of and not always aligned with that of the Commissioner. CIPPIC has successfully litigated decisions made by the OPC to ensure it properly exercised its jurisdiction.<sup>80</sup> This history demonstrates CIPPIC's distinct and expert voice on the interpretation of PIPEDA, uniquely positioning CIPPIC to provide what would otherwise be a missing perspective.

48. Second, in cases with a broad societal impact, interveners promote access to justice for civil society by providing a voice to individuals and groups who are otherwise excluded from the proceedings. CIPPIC, as a small public interest legal clinic, is judicious in how and when to marshal its resources to raise critical issues in an intervention. CIPPIC raises broader implications of the matter that the parties have not advanced. Substantively, CIPPIC will elaborate certain points of law in a way the other parties are not equipped to do, foregrounding for the Court that its decision has a broader impact than might be otherwise suggested by the parties. The outcome sought by the OPC in this Application implicates profound public interest dimensions that CIPPIC is especially well positioned to address.

49. Third, and finally, the specific legal question regarding PIPEDA's standard for consent in the collection, use, and disclosure of sexual personal information, particularly intimate images and the legality of third-party consent models, has not been addressed in this context in Canadian jurisprudence. The wider impacts of the outcome in this proceeding will land with the greatest weight on those beyond the specific parties, particularly affecting marginalized groups such as women, girls, and trans and non-binary people who are disproportionately harmed by NCDII and whose concerns are too often dismissed by Internet platform companies. CIPPIC's mandate to advocate in the public interest on matters arising at the intersection of law and technology,

---

<sup>80</sup> *Affidavit*, *supra* note 11 at para 13 (referencing [Lawson v Accusearch](#), 2007 FC 125).

including in the context of privacy, equality, and TFGBV, positions it to present the court with a statutory interpretation of PIPEDA that reflects these impacts. Canadian jurisprudence and legislation already recognize such values in related contexts, such as the consent standard in sexual assault law and laws addressing intimate image abuse. CIPPIC's submissions will advance an interpretation that ensures PIPEDA's consistency and coherence with this jurisprudence, demanding a standard of consent equal to what is at stake for affected individuals' privacy, equality, dignity, autonomy, and sexual and bodily integrity.

#### **PART IV – ORDER SOUGHT**

50. CIPPIC respectfully requests that its motion for leave to intervene be granted, with conditions set out in Schedule A to its Notice of Motion.

51. ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 16<sup>th</sup> day of September, 2025.



---

Jane Bailey

**Samuelson-Glushko Canadian Internet  
Policy & Public Interest Clinic  
(CIPPIC)**

University of Ottawa, Faculty of Law  
Common Law Section  
57 Louis Pasteur Street  
Ottawa, ON K1N 6N5

Tel: +1 (613) 562-5800 x2364  
Email: [jane.bailey@cippic.ca](mailto:jane.bailey@cippic.ca)

**Counsel for the Proposed Intervener,  
CIPPIC**



---

Cynthia Khoo

**TEKHNOS LAW**  
284 - 123 Edward Street  
Toronto, ON M5G 1E2

Tel: +1 (437) 374-0144  
Email: [ckhoo@tekhnoslaw.ca](mailto:ckhoo@tekhnoslaw.ca)

**Counsel for the Proposed Intervener,  
CIPPIC**

**PART V - AUTHORITIES**

| <u>Statutory Provisions</u> |                                                                                                                                             |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                          | <a href="#"><i>Criminal Code</i></a> , RSC 1985, c C-46                                                                                     |
| 2.                          | <a href="#"><i>Federal Courts Rules</i></a> , SOR/98-106                                                                                    |
| 3.                          | <a href="#"><i>Intimate Images and Cyber-protection Act</i></a> , SNS 2017, c 7                                                             |
| 4.                          | <a href="#"><i>Intimate Images Protection Act</i></a> , RSPEI 1988, c I-9.1                                                                 |
| 5.                          | <a href="#"><i>Intimate Images Protection Act</i></a> , SBC 2023, c 11                                                                      |
| 6.                          | <a href="#"><i>Personal Information Protection and Electronic Documents Act</i></a> , SC 2000, c5                                           |
| 7.                          | <a href="#"><i>Protecting Victims of Non-consensual Distribution of Intimate Images Act</i></a> , SA 2017, c P26.9                          |
| 8.                          | <a href="#"><i>The Non-Consensual Distribution of Intimate Images Act</i></a> , CCSM 2015, c N93                                            |
| <u>Case Law</u>             |                                                                                                                                             |
| 9.                          | <a href="#"><i>Alberta (Information and Privacy Commissioner) v United Food and Commercial Workers</i></a> , 2013 SCC 62                    |
| 10.                         | <a href="#"><i>Bell ExpressVu Limited Partnership v Rex</i></a> , 2002 SCC 42                                                               |
| 11.                         | <a href="#"><i>Canada (Attorney General) v Canadian Doctors for Refugee Care</i></a> , 2015 FCA 34                                          |
| 12.                         | <a href="#"><i>Canada (Attorney General) v Kattenburg</i></a> , 2020 FCA 164                                                                |
| 13.                         | <a href="#"><i>Canada (Citizenship and Immigration) v Canadian Council for Refugees</i></a> , 2021 FCA 13                                   |
| 14.                         | <a href="#"><i>Canada v DAC Investment Holdings Inc.</i></a> , 2025 FCA 37                                                                  |
| 15.                         | <a href="#"><i>Dagg v Canada (Minister of Finance)</i></a> , [1997] 2 SCR 403                                                               |
| 16.                         | <a href="#"><i>Douez v Facebook</i></a> , 2017 SCC 33                                                                                       |
| 17.                         | <a href="#"><i>Gitxaala Nation v Canada</i></a> , 2015 FCA 73                                                                               |
| 18.                         | <a href="#"><i>Gordillo v Canada (Attorney General)</i></a> , 2020 FCA 198                                                                  |
| 19.                         | <a href="#"><i>Lavigne v Canada (Office of the Commissioner of Official Languages)</i></a> , 2002 SCC 53                                    |
| 20.                         | <a href="#"><i>Lawson v Accusearch</i></a> , 2007 FC 125                                                                                    |
| 21.                         | <a href="#"><i>Le-Vel Brands, LLC v Canada (Attorney General)</i></a> , 2023 FCA 66                                                         |
| 22.                         | <a href="#"><i>McLaughlin v R</i></a> , 2017 NBCA 52                                                                                        |
| 23.                         | <a href="#"><i>PIPEDA Findings #2024-001: Investigation into Aylo (formerly MindGeek)'s Compliance with PIPEDA</i></a> , CanLII 2024 107207 |
| 24.                         | <a href="#"><i>Pictou Landing First Nation v Canada (Attorney General)</i></a> , 2014 FCA 21                                                |

|     |                                                                                                                                |
|-----|--------------------------------------------------------------------------------------------------------------------------------|
| 25. | <a href="#"><i>R v AM</i></a> , 2021 ONCJ 266                                                                                  |
| 26. | <a href="#"><i>R v Downes</i></a> , 2023 SCC 6                                                                                 |
| 27. | <a href="#"><i>R v Goldfinch</i></a> , 2019 SCC 38                                                                             |
| 28. | <a href="#"><i>R v JA</i></a> , 2011 SCC 28                                                                                    |
| 29. | <a href="#"><i>R v Jarvis</i></a> , 2019 SCC 10                                                                                |
| 30. | <a href="#"><i>R v Kirkpatrick</i></a> , 2022 SCC 33                                                                           |
| 31. | <a href="#"><i>R. v Mills</i></a> , [1999] 3 SCR 668 (SCC)                                                                     |
| 32. | <a href="#"><i>R v NW</i></a> , 2023 CanLII 13784 (NL PC)                                                                      |
| 33. | <a href="#"><i>R. v Quesnelle</i></a> , 2014 SCC 46                                                                            |
| 34. | <a href="#"><i>R v SCC</i></a> , 2021 MBCA 1                                                                                   |
| 35. | <a href="#"><i>R v Spencer</i></a> , 2014 SCC 43                                                                               |
| 36. | <a href="#"><i>R v Tessling</i></a> , 2004 SCC 67                                                                              |
| 37. | <a href="#"><i>R v Ulybel Enterprises Ltd.</i></a> , 2001 SCC 56                                                               |
| 38. | <a href="#"><i>R v Walsh</i></a> , 2021 ONCA 43                                                                                |
| 39. | <a href="#"><i>R v Wise</i></a> , [1992] 1 SCR 527 (SCC)                                                                       |
| 40. | <a href="#"><i>R v Wong</i></a> , [1990] 3 SCR 36 (SCC)                                                                        |
| 41. | <a href="#"><i>Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)</i></a> , 2022 FCA 67 |
| 42. | <a href="#"><i>Safe Food Matters Inc v Canada (Attorney General)</i></a> , 2022 FC 915                                         |
| 43. | <a href="#"><i>Sport Maska Inc v Bauer Hockey Corp.</i></a> , 2016 FCA 44                                                      |
| 44. | <a href="#"><i>Thibodeau v Air Canada</i></a> , 2014 SCC 67                                                                    |
| 45. | <a href="#"><i>Thompson v Canada</i></a> , 2024 FC 215                                                                         |
| 46. | <a href="#"><i>Tsleil-Waututh Nation v Canada (Attorney General)</i></a> , 2017 FCA 102                                        |
| 47. | <a href="#"><i>Tsleil-Waututh Nation v Canada (Attorney General)</i></a> , 2017 FCA 174                                        |
| 48. | <a href="#"><i>Voltage Holdings, LLC v Doe #1</i></a> , 2021 FC 1130                                                           |