

Part 1: Digital Investigative Tools

An in-depth analysis of subscriber data access and confirmation demands under Bill C-22

1 Overview

Part 1 of the *Lawful Access Act, 2026* (Bill C-22) introduces new investigative mechanisms designed to assist law enforcement and intelligence agencies in conducting digital investigations. By modernizing tools for identifying online actors, the legislation aims to close the gap between traditional physical search capabilities and modern digital realities.

This section provides an analysis of the two primary mechanisms created in Part 1: **Confirmation of Service Demands** and **Subscriber Information Production Orders**, alongside the new international cooperation framework.

2 1. Confirmation of Service Demands

The first major addition is the **Confirmation of Service Demand**, a rapid-response mechanism that allows law enforcement officers to request instant account confirmation from Electronic Service Providers (ESPs).

2.1 Key Provision: Section 1 of the Act

Under Section 1 [1], a peace officer or public officer may issue a demand to an ESP to confirm whether a specific identifier (such as an email address, telephone number, or IP address) belongs to an active subscriber of that service.

- **Response Window:** The provider must confirm or deny the association within **48 hours**.
- **Standard of Proof:** Unlike a traditional search warrant, this demand can be issued by a peace officer *without prior judicial authorization* when investigating federal offenses.

2.2 Investigative Purpose

This tool is intended to quickly eliminate false leads. In cybercrime or child exploitation investigations, officers often need to know if a specific IP or account is active on a service before dedicating resources to seeking a full judicial warrant.

3 2. Subscriber Information Production Orders

For deeper identifier details, Part 1 establishes a new judicial order: the **Subscriber Information Production Order** (Section 2 & 3) [1].

Unlike the simple “yes/no” of a confirmation demand, this court order requires the ESP to produce detailed records about a specific account.

3.1 Details Produced under Section 3:

1. Full name and physical address.
2. Associated telephone numbers and alternative email addresses.
3. IP addresses associated with the registration and logins of the account.
4. Account activation dates and service types utilized.

3.2 Lower Judicial Threshold

A key legal debate revolves around the judicial threshold for obtaining this order:

- **Reasonable Grounds to Suspect:** The order is granted if a judge is satisfied there are *reasonable grounds to suspect* that an offense has been or will be committed, and that subscriber data will assist the investigation.
 - **Contrast with Search Warrants:** Traditional search warrants require *reasonable grounds to believe* (a higher legal standard). Proponents argue a lower standard is appropriate because subscriber data is non-content data, whereas critics argue subscriber information can reveal highly sensitive details about an individual’s digital life.
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4 3. International Cross-Border Cooperation

Modern digital evidence is frequently stored on servers located outside Canadian borders (predominantly in the United States and Europe).

Section 4 of Bill C-22 [1] attempts to streamline this by:

- Creating a direct administrative pipeline for Canadian police to request data production from foreign ESPs.
 - Establishing reciprocal frameworks with international partners (such as the US Cloud Act and European frameworks) to bypass slow Mutual Legal Assistance Treaties (MLAT).
 - Enforcing strict privacy and data-handling safeguards for any data transferred across borders.
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5 Analytical Conclusions

Part 1 represents a significant shift toward rapid, structured digital identification. While it accelerates investigations involving volatile online threats, it lowers the constitutional friction required to map anonymous digital activity to real-world identities, setting up a direct conflict between law enforcement efficiency and individual privacy expectations under Section 8 of the *Canadian Charter of Rights and Freedoms*.

6 Sources

1. Bill C-22: [Parliament of Canada: Bill C-22 - Lawful Access Act, 2026](#) (Date Added: 2026-05-22)
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