Google could face disciplinary action after failing to send internal e-mails and rejecting summons for CEO

Liberal MP Anthony Housefather said he intends to propose the committee formally report Google's failure to comply to Parliament.

Marie Woolf

Ottawa - Google could face disciplinary action from Parliament for failing to supply internal e-mails to a Commons committee, and for declining a summons for its chief executive, Sundar Pichai, to appear before MPs.

The Commons heritage committee voted this week to call Mr. Pichai and other senior Google leadership to explain the company's decision to block some Canadians from accessing news through the Google search bar.

The company has said the blocks will last for a few weeks and affect only about 4 per cent of Canadian users, and that the restrictions are a test of a potential response to the federal government's Bill C-18, which would make Google and Facebook pay news organizations for posting or linking to their work.

The committee also set a 5 p.m. Thursday deadline for Google to send MPs internal and external communications - including texts and e-mails - about the company's response to the bill and its restrictions on news searches.

In addition to Mr. Pichai, the committee voted to summon Kent Walker, Google's president of global affairs; Richard Gingras, its vice-president of news; and Sabrina Geremia, its vice-president and country manager for Canada. They were to testify for two hours next Monday about the company's response to Bill C-18.

But Google has agreed to send only Ms. Geremia, along with Jason Kee, its Canada-based public policy manager, to testify via video link.

The tech giant has written to the committee about the communications MPs asked it to produce, but as of Friday had not yet provided any of them.

Last week, Prime Minister Justin Trudeau condemned Google's test as a "terrible mistake" and said it was "extremely troubling."

Liberal MP Anthony Housefather, a member of the heritage committee, said Friday that he intends to propose that the committee formally report Google's failure to comply to Parliament.

"I am disappointed to have not had a positive response from Google executives in the United States and to have not received any of the documents we requested as yet," he said. "I certainly intend to propose that, if the U.S. executives we summoned do not appear and the documents we required do not come, the committee refer the matter to the House."

The Commons can pass motions disciplining, rebuking or even imprisoning people who fail to comply with MPs' instructions - though it has not exercised its right to jail someone since 1913.

It has no power to force people based outside Canada to testify. But it could vote to force Google's American executives to appear before the heritage committee if they ever cross the border into Canada, including on vacation.

In 2021, Iain Stewart, president of the Public Health Agency of Canada, received a formal reprimand from the House of Commons over the government's refusal to hand over documents relating to the 2019 firing of two scientists from the National Microbiology Lab.
The sergeant-at-arms, who has a formal responsibility for Commons security, escorted Mr. Stewart to the bar of the House of Commons - a brass rod across the floor of the chamber - where he was rebuked by the Commons speaker, Anthony Rota, in front of MPs. He did not produce the documents MPs had demanded.

Mr. Housefather, who worked as general counsel at a multinational technology company before being elected, said he plans to ask the Google representatives "some tough questions" when they appear on Monday.

Michael Geist, the University of Ottawa's Canada Research Chair in internet law, said that, as long as MPs don't engage in "political grandstanding" at Monday's hearing, it will be a chance to learn "some important things" about Google's news-blocking test, "including why this wasn't disclosed publicly, how broadly this affects users and media outlets and what, if anything, Google has learned from the test."

Google declined to comment.

Shay Purdy, a spokesperson for the company, said on Feb. 22 that it was "briefly testing product responses" to Bill C-18 and that the tests would run for five weeks.

People included in the test have been experiencing varying degrees of limited access to news sites in Canada and abroad using Google's search function.

Paul Deegan, the president and CEO of News Media Canada, which represents the news industry, said "denying consumers the benefit of access to Canadian news sources is unacceptable in a free and democratic society."

He said the federal government should "halt doing business, including advertising, with Google, until the company ceases this practice, which is abuse of dominance and an affront to corporate social responsibility."

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