Facebook will let U.S., other countries access Canadian news after it blocks Canada

A resident of Niagara Falls in New York would be able to read Facebook posts by Canadian news organizations while those living across the border in Niagara Falls, Ont., would not

Marie Woolf

Ottawa - Facebook said Friday that tinkering with the Online News Act through regulations would not be enough to stop it blocking access to news in Canada, but people in the United States, Britain and other countries would still be able to read Canadian stories on the platform.

Meta, which owns Facebook and Instagram, said this week that it plans to follow through with its threat to end millions of Canadians' ability to access and share news on both platforms, as Bill C-18 gained royal assent.

But people living outside Canada would not be subject to the same blocks on accessing or sharing news as people living here, Facebook said. When the restrictions take effect, Canadian news outlets would still be able to post links and content on the platform, but some would not be viewable in Canada.

This would mean that a resident of Niagara Falls in New York would be able to read Facebook posts by Canadian news organizations such as The Globe and Mail, while those living across the border in Niagara Falls, Ont., would not.

Andrew Sullivan, president of the Internet Society, predicted that some tech-savvy Canadians would spoof a location outside Canada, by using a virtual private network (VPN) to suggest their computer or device is located outside the country, so they can continue to access and share news on the platform.

Meta begins blocking news on Facebook, Instagram for some Canadians

"The real danger of these kinds of narrowly targeted laws is that they tend to encourage a 'splinternet,' where the internet works differently depending on where one is," he said.

"Under C-18, digital news intermediaries have to make deals with news companies or face fines. One obvious way to comply with this law is not to be a digital news intermediary at all, which is precisely what Meta has announced it is doing."

The Online News Act would make Facebook and Google negotiate deals with news outlets to compensate them for posting or linking to their work. It is aimed at supporting Canada's news industry, which has seen advertising migrate to the tech giants.

Some in Ottawa continued to express hope this week that the government may be able to keep Facebook and Google on board by issuing regulations to address their concerns.

But on Friday Facebook said regulations would not be enough to deter it from blocking Canadians' access to news on the platform. Both the government and the Canadian Radio-television and Telecommunications Commission, can issue regulations on how the act would be implemented.

"Our business decision to end the availability of news in Canada before the bill takes effect, and our timing for implementing that decision, is based on the language of the bill," Facebook spokeswoman Lisa Laventure told The Globe in a statement. "The regulatory process is not equipped to make changes to the fundamental features of the bill that have always been problematic."

As talks between Google and the Her-
itage Department continued, the tech giant said it wants clarity before the regulatory process starts about how to be exempt from regulation, including whether current deals with publishers would count. The tech giants have already reached deals with a number of Canadian publishers, including The Globe.

On Thursday, Heritage Minister Pablo Rodriguez held 11th-hour talks via videolink with Google executives in the United States. The talks with Kent Walker, Google’s president of global affairs and chief legal officer, and Don Harrison, president of global partnerships, are expected to resume next week.

Google said Friday that it was hours away from deciding whether to suspend links to Canadian news when the Minister agreed to a meeting.

"Our office has had meetings with Facebook and Google this week. The conversations are continuing and we look forward to further discussions with the platforms," said Laura Scaffidi, a spokeswoman for Mr. Rodriguez. "Now that Bill C-18 has received royal assent, the government will engage in a regulatory and implementation process."

Meta is currently testing ways to block news on both Facebook and Instagram, affecting around 1.1 million Canadians.

Facebook to test blocking Canadians’ access to news in response to Ottawa’s online news bill

Google, which earlier this year conducted similar tests affecting around 1.2 million Canadians, says it has not yet decided whether to block the ability of Canadians to search for news in response to the act.

Michael Geist, the University of Ottawa’s Canada research chair in internet law, said Facebook’s confirmation that it would withdraw from news after the bill passed has led to the tech giants’ long-stated concerns being taken seriously in Ottawa.

"The government has finally woken up to the reality that this is not just bluff," he said. "The best-case scenario for the government is to find a way to keep Google on side."

Paul Deegan, president and chief executive officer of News Media Canada, which represents the news industry, said: "We are at a stage where the devil is in the details in terms of the regulatory process."

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