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August 9, 2022

Daniel Sheppard
Senior Commission Counsel
Public Order Emergency Commission
121 King Street East, 25th Floor
Toronto, ON M5H 3X7

Re: *Public Order Emergency Commission*

Dear Mr. Sheppard:

On behalf of our client GoFundMe, Inc. (“GoFundMe”), I write in response to your July 15, 2022 Letter pertaining to GoFundMe’s removal of the Freedom Convoy fundraiser from its platform due to its violation of GoFundMe’s Terms of Service and GoFundMe’s subsequent initiation of full refunds, including any tips and transaction fees, for all donations made by all donors. We believe that the following summary of the Freedom Convoy fundraiser and GoFundMe’s actions with regard to it, along with the key documents accompanying this letter, will fulfill the needs of your investigation as it pertains to GoFundMe. If you have any additional questions after you have had the chance to review this information, please do not hesitate to contact me.

GoFundMe provides this response voluntarily, while preserving all rights and objections. This response is based on GoFundMe’s understanding of the information reasonably available to it as of the date of this letter. This response and the accompanying documents contain confidential business information and are being provided for the sole purpose of resolving questions raised by Public Order Emergency Commission about the Freedom Convoy fundraiser and GoFundMe’s decision to remove it from its platform. GoFundMe requests that the information herein be used only for this purpose and not be shared with or disclosed to any other party. GoFundMe reserves the right to supplement or amend this response should further investigation of this matter so require.

I. GoFundMe’s decision to remove the Freedom Convoy fundraiser from its platform

a. GoFundMe coordinated with the Freedom Convoy fundraiser organizer to ensure contributions would be used to carry out the stated purpose set forth in the fundraiser and comply with GoFundMe's Terms of Service.

The Freedom Convoy fundraiser was created on the GoFundMe platform on January 14, 2022. The fundraiser organizer, like all GoFundMe fundraiser organizers, agreed to abide by GoFundMe's Terms of Service as a condition of posting the fundraiser to the platform.¹ Based on the original fundraiser description, GoFundMe understood that the organizer's goal was to support a peaceful demonstration in Ottawa protesting certain rules and mandates issued by the Canadian government.² On January 22, 2022, the organizer edited the fundraiser to include the following language: "Any left over donations will be donated to a credible Veterans organization which will be chosen by the donors."³

On January 27, 2022, the organizer agreed to and signed the GoFundMe Letter of Attestation.⁴ Per the terms of the Letter of Attestation, the organizer agreed that any distributed funds would be "held by [the fundraiser organizer] as a fiduciary for the ultimate benefit of the Convoy Participants and any charitable organizations chosen to receive any remaining funds."⁵ The organizer also agreed that she would be responsible for delivering the funds in a manner consistent with the plan laid out in the Letter of Attestation and the purpose of the fundraiser.⁶ The organizer likewise confirmed that both the use of funds and her use of the GoFundMe platform were subject to the Terms of Service.⁷ Finally, the Letter of Attestation specified that "[a]ll funds not distributed to Convoy Participants will be delivered to yet-to-be-determined registered charitable organizations in good standing."⁸

¹ GoFundMe's Terms of Service are attached hereto as **Exhibit A**. The Terms of Service are also available publicly at <https://www.gofundme.com/c/terms>.

² A document capturing the original fundraiser description and all fundraiser edits and updates is attached hereto as **Exhibit B**.

³ See Ex. B (edit made on 01/22/22 11:11 AM).

⁴ The Letter of Attestation is attached hereto as **Exhibit C**.

⁵ Ex. C at 1.

⁶ *Id.*

⁷ *Id.* at 1-2.

⁸ *Id.* at 2.

Upon receiving the executed Letter of Attestation from the organizer, on January 27, 2022, GoFundMe initiated through Stripe (the third-party payment processor) a single distribution of \$1M CAD comprised of Freedom Convoy fundraiser donations, which was deposited to the bank account designated by the organizer. This was the only distribution made from the fundraiser.

b. GoFundMe monitored and ultimately removed the Freedom Convoy fundraiser from its platform in accordance with the Terms of Service.

On February 2, 2022, after several days of reviewing publicly available reports by local authorities, including a statement issued by the Ottawa Police describing the Freedom Convoy demonstration as “unique in nature, massive in scale, polarizing in context and dangerous in literally every other aspect of the event itself,”⁹ GoFundMe suspended the fundraiser for review. While suspended for review, donations and withdrawals were both paused.

From February 2, 2022, to February 4, 2022, GoFundMe continued to monitor the demonstration. On February 2, 2022, during a press conference held by the Ottawa Police, Deputy Chief Steve Bell called the demonstration something “between a demonstration and a long-term plan to occupy [Ottawa] streets” and described the demonstrators remaining in Ottawa as “a highly-determined and highly-dedicated group of unlawful individuals.”¹⁰

GoFundMe then spoke directly with Deputy Chief Bell shortly after his remarks to the press. Deputy Chief Bell reiterated his description of the demonstration as an “occupation” and confirmed that there were several active investigations into acts of violence or hate perpetrated by demonstrators. Deputy Chief Bell also noted that Freedom Convoy protestors were discussing how the funds raised by the GoFundMe Freedom Convoy fundraiser would allow them to extend their presence in Ottawa.

On February 3, 2022, GoFundMe spoke with Ottawa Mayor Watson, who stressed growing concerns over the protestors’ occupation of the city, and in particular, described several incidents of protestors engaging in harassment of Ottawa residents, property damage, violence, and other unlawful conduct.

On February 3, 2022, the fundraiser organizer and her team held a press conference to

⁹ See Chief Peter Sloly remarks during Media availability (January 31, 2022) (available at <https://www.ottawapolice.ca/Modules/News/index.aspx?lang=en&newsId=4e505c6b-0e2e-4a69-a9f0-cfcdcb3e542>). In that same statement, the Ottawa Police also announced that in connection with the demonstration, it had “several active criminal investigations undergoing from bribery to threats to assault to the dangerous operation of vehicles” and that “1000 potential flashpoints could have resulted in rioting, injury, or death.” *Id.*

¹⁰ See Ted Raymond and Michael Woods, “Ottawa police expect ‘Freedom Convoy’ protest to grow this weekend.” (February 2, 2022) (available at <https://ottawa.ctvnews.ca/ottawa-police-expect-freedom-convoy-protest-to-growthis-weekend-1.5764002>).

communicate that the team had been working closely with Ottawa Police and that fundraiser donations would not be given to those violating the law. After the press conference, GoFundMe spoke directly with the organizer and her team. When GoFundMe asked who the team had been coordinating with from the Ottawa Police, the team could not name an individual. GoFundMe also asked how the team was working to ensure that fundraiser donations would not be provided to individuals who were in violation of the law. The organizer's team could not articulate a clear answer and instead responded that it was doing what it could. The team also denied that protestors were engaged in any illegal activities.

On February 4, 2022, GoFundMe again spoke with Deputy Chief Bell, who stated that the situation was escalating, Ottawa residents were legitimately scared, and his department had opened numerous investigations for various acts of unlawful conduct, including harassment, assault, and violence, in connection with the demonstration.

After taking all facts into account, on February 4, 2022, GoFundMe determined that the Freedom Convoy fundraiser no longer complied with its Terms of Service and decided to remove the fundraiser.¹¹

c. GoFundMe has refunded all Freedom Convoy fundraiser donations, including any tip and transaction fee.

On the afternoon of February 4, 2022, GoFundMe removed the fundraiser and provided donors with two options: (1) request a refund based on instructions and an online form provided by GoFundMe, or (2) opt for their donations to go to independent charities "chosen by the Freedom Convoy 2022 organizers and verified by GoFundMe."¹²

GoFundMe initially included the second option for donors because the Freedom Convoy fundraiser organizer had stated on the fundraising page that "[a]ny left over donations will be donated to a credible Veterans organization which will be chosen by the donors,"¹³ and because the Letter of Attestation agreed to by the organizer stated that the organizer would serve "as a fiduciary for the ultimate benefit of the Convoy Participants and any charitable organizations

¹¹ GoFundMe has provided this explanation to the Freedom Convoy donors and to the public in a series of blog posts on February 2, 2022, February 4, 2022, and February 5, 2022. *See* GoFundMe Statement on the Freedom Convoy 2022 Fundraiser (2/2/2022 and 2/4/2022) and UPDATE: GoFundMe to refund all Freedom Convoy 2022 donations (2/5/2022), <https://medium.com/gofundme-stories/update-gofundme-statement-on-the-freedom-convoy-2022-fundraiser-4ca7e9714e82>.

¹² GoFundMe Statement on the Freedom Convoy 2022 Fundraiser (2/2/2022 and 2/4/2022), <https://medium.com/gofundme-stories/update-gofundme-statement-on-the-freedom-convoy-2022-fundraiser-4ca7e9714e82>.

¹³ Ex. B (edit made on 01/22/22 11:11 AM).

chosen to receive any remaining funds,” and that “[a]ll funds not distributed to Convoy Participants will be delivered to yet-to-be-determined registered charitable organizations in good standing.”¹⁴

After publicly communicating its decision to remove the fundraiser and the two choices for donors with respect to their donations, GoFundMe learned that its announcement was being misconstrued and misunderstood. GoFundMe discovered on several online and social media platforms multiple false assertions accusing GoFundMe of fraud and misappropriating donor funds.¹⁵

Shortly after making its announcement, GoFundMe employees experienced a flood of violent and threatening messages, including death threats.¹⁶ GoFundMe became concerned for the safety of its staff.

Furthermore, while GoFundMe and the fundraiser organizer kept an open line of communication up to the point that GoFundMe removed the fundraiser, once GoFundMe alerted the organizer that the fundraiser would be taken down, communications from the organizer ceased. As a result, GoFundMe no longer believed that it would be possible for the organizer and the company to work together in the process necessary for the organizer to choose other charitable organizations as the new beneficiaries of any funds remaining after GoFundMe first returned the donations to those donors requesting refunds.

For the reasons described above, on the evening of February 4, 2022, GoFundMe decided to automatically refund *all* contributions from fundraiser donors. This decision was made in accordance with the Terms of Service, which provide that “GoFundMe may, at any time, for any reason, without notice, and in its sole discretion, offer or issue a refund of [d]onation(s) with or without consulting with [the fundraiser organizer and/or beneficiary], which may comprise the entire amount donated to [the] [f]undraiser.”¹⁷

¹⁴ Ex. C at 1-2.

¹⁵ For example, journalist Tim Pool posted to his one million Twitter followers that “GoFundMe just stole the FreedomConvoy’s money.” See @Legalcast, Twitter (Feb. 4, 2022, 3:50 PM), <https://twitter.com/Timcast/status/1489748249246318592>.

¹⁶ Prior to February 4, GoFundMe had received threatening messages in relation to the Freedom Convoy protest, but the volume increased, and the violent nature of the messages worsened after GoFundMe removed the fundraiser and announced that donations could either be refunded or directed to other charities chosen by the fundraiser organizer.

¹⁷ Ex. A, section re “Organizers, Beneficiaries or Charities.”

As explained in GoFundMe's Terms of Service,¹⁸ GoFundMe is not a payment processor and does not hold any funds, nor could GoFundMe redirect funds to itself. Rather, GoFundMe uses third-party payment processing partners to process, hold, and pay out all fundraiser donations. As such, to refund the Freedom Convoy fundraiser donations, GoFundMe worked with its third-party payment processor, Stripe.

On Saturday, February 5, 2022, GoFundMe initiated the automatic refund process through Stripe. The refunds include all donations made from all donors to the Freedom Convoy fundraiser. The refunds include all tips and transaction fees. And the refunds also include all those donations which were already part of the January 27 \$1M CAD distribution (as GoFundMe had not recollected those funds from the organizer), resulting in a significant out-of-pocket loss for GoFundMe of those funds.

No funds donated to the Freedom Convoy fundraiser were distributed to charities.

The Freedom Convoy fundraiser received a total of approximately \$10,000,000 CAD from 133,836 donations. All donors are expected to see a full refund, including any tip and transaction fee, returned to their original payment method. The amount of time it takes for a donor to see the funds returned to their original payment method depends on third-party payment processor and issuing bank times as well as on whether the donor filed a transaction dispute with their credit card issuer. GoFundMe understands that nearly all donors should have seen the funds returned to their original payment method as of the date of this letter. To the extent that this does not resolve the Commission's request, GoFundMe would be happy to provide additional information.

II. Ottawa local authorities' statements and testimony about the Freedom Convoy.

As noted, from February 2, 2022, to February 4, 2022, GoFundMe initiated conversations with Ottawa law enforcement leaders and the Ottawa Mayor's office multiple times to get firsthand reporting on the protest. In each conversation, the Ottawa authorities gave a clear and consistent message: (1) the protest was dangerous, (2) protestors were acting violently and unlawfully, and (3) Ottawa residents were facing harassment and assault.

In addition to GoFundMe's communications with the local Ottawa authorities, GoFundMe reviewed public statements about the Convoy protest made by Ottawa law enforcement. These statements included information about Ottawa law enforcement's concern regarding unlawful activities connected with the Freedom Convoy protests, which GoFundMe was informed culminated in more than 200 arrests and criminal charges leveled against more than 100 participating individuals. These public statements include:

¹⁸ *See id.*, section re "Access and Use of the Services."

1. On January 30, 2022, Ottawa police reported that they saw “multiple cases of disruptive, inappropriate and threatening behaviour from demonstrators.”¹⁹
2. On January 31, 2022, Chief Peter Sloly remarked that, “[w]e have active criminal investigations undergoing from bribery to threats to assault to the dangerous operation of vehicles.”²⁰
3. On January 31, 2022, Ottawa Mayor Watson remarked that protestors were “harassing,” “threatening,” and “intimidating,” Ottawa residents, and in particular, retail workers.²¹ Mayor Watson also provided several examples of the protestors’ “disgraceful” behavior, including “stealing from a soup kitchen,” and “carrying swastika signs.”²²
4. On February 1, 2022, the Ottawa police reported that it had charged two protestors with criminal offenses (one protestor was charged with the criminal offense of Carry a Weapon to a Public Meeting) and was investigating the desecration of a war monument.²³
5. On February 2, 2022, Chief Peter Sloly addressed Ottawa residents and described the protest as illegal, specifically with respect to protestors' threatening behavior.²⁴ That same day the Ottawa police charged a protestor with making threats.²⁵

¹⁹ Ottawa Police Service Press Release (Jan. 30, 2022, 7:28 PM), available at <https://www.ottawapolice.ca/Modules/News/index.aspx?keyword=&date=01/01/2022&newsId=9bbfb519-7695-4d88-80be-942baal2c223>.

²⁰ Chief Peter Sloly remarks during Media availability (Jan. 31, 2022), available at <https://www.ottawapolice.ca/Modules/News/index.aspx?lang=en&newsId=4e505c6b-0e2e-4a69-a9f0-cfccdeb3e542>; see also Dowd Bennett Letter, supra note 1, at 3 (providing the same quote).

²¹ “Ottawa mayor has message for freedom convoy protestors: ‘It’s time to move on’” (Jan. 31, 2022), available at <https://www.youtube.com/watch?v=9FLdHh92PIA>.

²² *Id.*

²³ Ottawa Police Service Press Release (Feb. 1, 2022, 8:45 PM), available at <https://www.ottawapolice.ca/Modules/News/index.aspx?keyword=&date=02/01/2022&page=8&newsId=bbbb85e-4056-4321-954c-5cf034dc3f07>.

²⁴ Chief Peter Sloly remarks during Media availability (Feb. 2, 2022), available at <https://twitter.com/OttawaPolice/status/1488964871425306628>.

²⁵ Ottawa Police Service Press Release (Feb. 2, 2022, 11:05 AM), available at <https://www.ottawapolice.ca/Modules/News/index.aspx?keyword=&date=02/01/2022&page=8&newsId=f915d2c2-0ca0-4258-b821-837fb901be04>.

6. On February 3, 2022, the Ottawa police reported that it laid multiple charges, among them transportation of dangerous goods and for driving while criminally prohibited.²⁶
7. On February 4, 2022, the Ottawa police announced additional measures it was taking to protect Ottawa neighborhoods. In doing so, the police noted that its actions were aimed at addressing protestors' "unlawful and threatening; conduct" and the "violence[] and illegal acts" endured by Ottawa residents.²⁷

Since the protest, Ottawa Interim Police Chief Bell testified on March 24, 2022, before the Canadian Parliament.²⁸ In his testimony, Interim Police Chief Bell made the following statements:

8. "This unlawful protest was unprecedented. The protestors brought thousands of vehicles to our city with the full intention of disrupting our capital. After they arrived, many chose to stay and were clear in their words and actions that they meant to do damage to our community."
9. "Our police service received regular reports of intimidating and threatening behaviour towards residents on a daily basis. We had reports of hate crimes being committed and of willful disregard of police and court orders. The protestors used their vehicles as tools to back up their behaviour, honking their horns and racing dangerously around streets in the downtown core."
10. "Despite our attempts to negotiate or threats of investigation and enforcement, the illegal and disruptive behaviors continued throughout the protest and became elevated on weekends when more protestors arrived."
11. "During the protest, we saw clear signs of hate, such as swastikas, anti-government sentiment, leaders posting threatening language on social media and other various forms of social disorder."
12. "In total, there were 230 arrests, and 118 people were criminally charged with more than 400 criminal counts. Hundreds of provincial offence notices were issued. There are cases that are still moving through the courts, and multiple investigations are ongoing."

²⁶ Ottawa Police Service Press Release (Feb. 3, 2022, 9:07 AM), available at <https://www.ottawapolice.ca/Modules/News/index.aspx?keyword=&date=02/01/2022&page=7&newsId=3eae7a92-fdab-4477-9625-e40cf0823823eba>.

²⁷ Ottawa Police Twitter, (Feb. 4, 2022, 6:09 AM), <https://twitter.com/OttawaPolice/status/1489602087226949635>.

²⁸ See Standing Committee on Public Safety and National Security, House of Commons of Canada, Hearing Transcription (March 24, 2022), attached hereto as **Exhibit D**.

Daniel Sheppard

August 9, 2022

Page 9

13. "As the protest/demonstration unfolded, we quickly identified it as an illegal occupation of our streets."

* * *

Thank you for your attention to this matter. If you or your colleagues have any questions or need any clarification regarding this matter, or if there is further information that you believe would be necessary to address your concerns, please feel free to contact me directly to discuss. I can be reached by email at sragland@keker.com or by telephone at (415) 773-6604.

Very truly yours,

KEKER, VAN NEST & PETERS LLP



Steven P. Ragland

EXHIBIT A

GoFundMe Terms of Service

Questions about our terms? [Contact Us](#)

Date of Last Revision: December 31, 2021

Subject to these Terms of Service, as amended from time to time (“Terms of Service”), [GoFundMe Inc.](#) provides the GoFundMe platform to you through its website at www.gofundme.com and attendant mobile applications (collectively, with any new features and applications, the “Platform”) and the GoFundMe Community and related services (collectively, with the Platform, including any new features and applications, the “GoFundMe Services”). If you are an Organizer (as defined below), Beneficiary (as defined below) to a Fundraiser (as defined below), comment contributor, or Donor (as defined below) (collectively referred to herein as a “User”) located in the United States, you are contracting with GoFundMe Inc., 855 Jefferson Avenue, PO Box 1329, Redwood City, CA, 94063. If you are a User located outside of the United States but not in either Australia or New Zealand, you are contracting with GoFundMe Ireland, Ltd., 70 Sir John Rogerson Quay, Dublin 2, Ireland. If you are a User located in Australia, you are contracting with GoFundMe Australia PTY Ltd., Tower One – International Towers Sydney, Level 46, 100 Barangaroo Avenue, 2000, Sydney, NSW. If you are a User located in New Zealand, you are contracting with GoFundMe New Zealand Limited, c/o Quigg Partners, Level 7, 36 Brandon Street, Wellington 6011. Unless specifically indicated otherwise, for purposes of the following Terms of Service, “GoFundMe,” “we,” “us,” “our,” and other similar terms, shall refer to the party with whom you are contracting.

ARBITRATION, JURY TRIAL, AND CLASS ACTION WAIVER: EXCEPT AS OTHERWISE DESCRIBED IN THE DISPUTES SECTION BELOW, BY USING THE GOFUNDME SERVICES, YOU AGREE THAT DISPUTES BETWEEN YOU AND US WILL BE RESOLVED BY BINDING, INDIVIDUAL ARBITRATION AND YOU WAIVE YOUR RIGHT TO A JURY TRIAL OR TO PARTICIPATE IN A CLASS ACTION. PLEASE REVIEW THE DISPUTES SECTION CAREFULLY; BY ENTERING THIS AGREEMENT, YOU EXPRESSLY ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND ALL OF THE TERMS OF THIS AGREEMENT.

We reserve the right, at our sole discretion, to change or modify portions of these Terms of Service at any time and without notice. When we do this, we will post the revised Terms of Service on this page and will indicate the date of such revision.

Your continued use of the Services after the date of any such changes constitutes your acceptance of the new Terms of Service. To the extent allowed by law, the English version of these Terms of Service is binding and other translations are for convenience only. If you do not wish to accept the new Terms of Service, you may discontinue your use of the Services.

In addition, when using the Services, and unless you are in the European Economic Area, the United Kingdom, and Switzerland (“Europe”), you will be subject to additional applicable policies including without limitation, the [Privacy Policy](#). All such terms are hereby incorporated by reference into these Terms of Service (provided, however, these Terms of Service will take precedence in the event of conflict). We shall resolve any such conflicts in our sole discretion, and all of our determinations are final.

ACCESS AND USE OF THE SERVICES

GoFundMe Services Description: The GoFundMe Services are offered as a platform to allow an individual, entity or non-profit organization (the “Organizer”) to post a fundraiser (“Fundraiser”) to the Platform to accept monetary donations (“Donations”) from donors (“Donors”) on behalf of the beneficiary of the Fundraiser (“Beneficiary”). Neither the Organizer nor the Fundraiser will provide goods or services in exchange for Donations.

Payment Processor: GoFundMe is not a payment processor and does not hold any funds. Instead, GoFundMe uses third-party payment processing partners to process Donations for a Fundraiser (“Payment Processor”). You acknowledge and agree that the use of Payment Processors are integral to the Services and that we exchange information with Payment Processors in order to facilitate the provision of Services.

Transaction Fees: Although there are no fees to Organizers to set up a Fundraiser, please keep in mind that transaction fees, including credit and debit charges, are deducted from each donation (hereinafter and on the website referred to as “Transaction Fees”). To learn more about the Platform and the applicable Transaction Fees, visit [GoFundMe Pricing for personal fundraisers](#), and [GoFundMe Pricing for Charity Fundraisers](#).

The Services are Platforms; We are not a Broker, Financial Institution, Creditor or Charity: The Services are administrative platforms only. GoFundMe facilitates the Fundraiser of the Organizers and permits Donors to make donations to these Fundraisers. GoFundMe is not a broker, agent, financial institution, creditor or 501(c)(3) nonprofit corporation.

All information and content provided by GoFundMe relating to the Services is for informational purposes only, and GoFundMe does not guarantee the accuracy, completeness, timeliness or reliability of any such information or content. No content is intended to provide financial, legal, tax or other professional advice. Before making any decisions regarding any Fundraisers, Charities (defined hereinafter), Donations, Donors, or any information or content relating to the Services, you should consult your financial, legal, tax or other professional advisor as appropriate. You acknowledge that all information and content accessed by you using the Services is at your own risk.

GoFundMe has no control over the conduct of, or any information provided by, a User and hereby disclaims all liability in this regard to the fullest extent permitted by applicable law. We do not guarantee that a Fundraiser will obtain a certain amount of Donations or any Donations at all. We do not endorse any Fundraiser, User, or cause and we make no guarantee, express or implied, that any information provided through the Services is accurate. We expressly disclaim any liability or responsibility for the outcome or success of any Fundraiser. You, as a Donor, must make the final determination as to the value and appropriateness of contributing to any User or Fundraiser.

No Solicitation: The Platform is offered to help Organizers raise money. GoFundMe merely provides the technology to allow Fundraisers to connect with Donors. The existence of the Services is not a solicitation of donations by GoFundMe, and GoFundMe does not engage in any solicitation activities, or consult on the solicitation of contributions from the public, on behalf of any individual, entity, or organization. By using the Services, you understand and agree that GoFundMe shall not be responsible for the use of your Donations or the amount of funds raised for the User or Fundraiser.

Donors: All Donations are at your own risk. When you make a Donation through the Platform, it is your responsibility to understand how your money will be used. GoFundMe is not responsible for any offers, promises, rewards or Promotions (defined below) made or offered by Users or Fundraisers; such conduct violates these Terms of Service. We do not and cannot verify the information that Users or Fundraisers supply, nor do we represent or guarantee that the Donations will be used in accordance with any fundraising purpose prescribed by a User or Fundraiser or in accordance with applicable laws. Notwithstanding the foregoing, we take possible fraudulent activity and the misuse of funds raised very seriously. You can learn more about our [Fraud Policy](#). If you have reason to believe that a User or Fundraiser is not raising or using the funds for their stated purpose, please use the “Report” button on the Fundraiser to alert our team of this potential issue and we will investigate. If you are a Donor, you may also be covered by the [GoFundMe Guarantee](#).

A. Donors are not permitted to impose restrictions on the use of Donations by a non-profit organization, established as such under the applicable laws of incorporation (“Charity”). To the extent that a Donation is made in response to an appeal for a particular program of a Charity, or to the extent that a Donor purports to direct the use of Donations by a Charity, any such directions shall constitute non-binding recommendations only and the Charity shall have full discretion to determine how all Donations will be used.

B. GoFundMe makes no representation as to whether all or any portion of your Donations, including, if any, Transaction Fees, are tax deductible or eligible for tax credits. GoFundMe will have no liability for any claim by any federal, state, provincial, territorial, local or any other tax authority with respect to the characterization on any applicable tax return of any Donation by you, any User or any Charity. You should consult your tax advisor as to the amount of your Donation that is tax deductible or eligible for tax recognition, having regard to (among other things) the tax status of the recipient of any Donation in any relevant jurisdiction.

C. Unless the Donor opts-out of such disclosure, Donor acknowledges and agrees that, in accordance with the Privacy Policy, certain of Donor's personal information will be shared with the Charity to which such Donor makes a Donation (including without limitation as part of a Donor List, as set forth below) and may be used by such Charity to issue official Donation receipts (or equivalent document) and in accordance with the Charity's privacy policy. GoFundMe is not responsible, and shall not be liable, for any Charity's use of any Donor information.

Certain states require written disclosures for Charities soliciting contributions. For Donors making Donations to Charities, please see the [state non-profit disclosures](#) for those Charities.

Organizer: You, as an Organizer, represent, warrant, and covenant that: (i) all information you provide in connection with a Fundraiser or Beneficiary is accurate, complete, and not likely to deceive reasonable Users; (ii) all Donations contributed to your Fundraiser will be used solely as described in the materials that you post or otherwise provide; (iii) if you withdraw donations believed by reasonable Donors to be raised on behalf of someone other than you (i.e., the Beneficiary), all Donations will be given to and/or spent on behalf of the Beneficiary; (iv) if you add a Beneficiary through the Services, you relinquish control of the Donations, including the ability to issue refunds; (v) you will not infringe the rights of others; (vi) you will comply with all relevant and applicable law and financial reporting obligations, including but not limited to laws and regulations relating to registration, tax reporting, political contributions, and asset disclosures for your Fundraiser; (vii) to the extent you share with us any personal data of any third party for any purpose, including the names, email addresses and phone numbers of your personal contacts, you have the authority (including any necessary consents), as required under applicable law, to provide us with such personal data and allow us to use such personal data for the purposes for which you shared it with us; and (viii) you will not provide or offer to provide goods or services in exchange for Donations. You authorize GoFundMe, and GoFundMe reserves the right, to provide information relating to your Fundraiser to Donors, Beneficiaries of your Fundraiser or law enforcement, and to assist in any investigation thereof.

If you use the Services as an agent of a Charity to raise funds for such Charity, you represent and warrant that: (a) you are a representative of the Charity, which representative is authorized to raise funds for the Charity and bind the Charity to these Terms of Service; (b) you are raising funds for a Charity, with a cause or activity that is legal under all applicable federal, state, provincial, territorial and local laws and regulations; (c) all donated funds will be used solely for the purpose you have stated on and in connection with your Fundraiser, and under no circumstances may you use the funds for any other purpose; (d) your Charity has and will maintain tax-exempt status under applicable law (for example, the Internal Revenue

Code in the United States or the Income Tax Act in Canada); and (e) if your Charity is in the United States, your Charity is registered with GuideStar or the IRS tax exempt organization database, or, in Canada, is listed in the Canada Revenue Agency's database of registered charities.

Your Registration Obligations: You may be required to register with GoFundMe in order to access and use certain features of the Services. If you choose to register for the Services, you agree to provide and maintain true, accurate, current and complete information about yourself or your Charity as prompted by the Services' registration form. Organizers must register using their true identities (or the identities of the Charities' authorized representatives), including their name, address and any image or video purporting to depict the Organizer or the Beneficiary of such Fundraiser. You agree to keep registration information current and up to date.

Registration data and certain other information about you are governed by these Terms of Service, including our Privacy Policy. If you are under 13 years of age (16 in Europe), you are not authorized to use the Services, with or without registering. In addition, if you are under the age of majority in your jurisdiction (typically 18 or 19 years of age), you may use the Services, with or without registering, only with the approval of your parent or guardian. Certain aspects of our Services may also require you to register with, and agree to the terms of, third-party service providers (e.g., Payment Processors), with whom GoFundMe has entered into contracts, in order to be able to benefit from their services. If GoFundMe or one of our Payments Processors at any time discovers that the information you provided about you or the purpose of your Fundraiser is incorrect or violates any of these Terms of Service or their terms of service, your access to the Services may be suspended and/or terminated with immediate effect and fines may be applied by relevant authorities, which will in all such cases be payable by you. You acknowledge and agree that the use of Payment Processors are integral to the Services and that we exchange information with such third parties in order to facilitate the provision of Services as set out in our Privacy Policy.

Charities: The GoFundMe Services include the features and services described here. All Donations are subject to a Transaction Fee for each Donation.

A. Chargebacks and Refunds. Occasionally, a Donor may dispute a credit card charge for a Donation through the Services.

1. If Donations are refunded to the Donor by PayPal, or if PayPal Giving Fund already remitted payment to the Charity, the chargebacks or refunds will be deducted from future payments to the Charity, and if necessary, an invoice will be issued to the applicable Charity. The applicable Charity expressly agrees that: (a) it will be responsible for paying PayPal or PayPal Giving Fund the full amount of any Donation refund due to a Donor; and (b) PayPal or PayPal Giving Fund, as applicable may elect to offset a future Donation rather than requesting that the Charity return the refunded Donation.
2. If Donations were made through Adyen or Stripe, the Charity has control over the Donations and Charity, rather than GoFundMe or Adyen or Stripe, is responsible for issuing refunds and handling chargebacks directly with Donors.

B. Removal of a Charity from our Database. If you are the authorized representative of a Charity, and you do not wish for your Charity to appear in GoFundMe’s searchable database, you may contact us [here](#) to request that your Charity be removed from our database. Your email should include your full name, title, and an email address and phone number associated with your Charity. Please note that if your Charity is removed from the GoFundMe’s database, it will not be eligible to receive contributions through the Platform.

C. Receiving Funds. As a Charity, receipt of Donations, minus any applicable Transaction Fees, is based upon and subject to the applicable Payment Processor’s procedures and terms. Available Payment Processors are described under “Payment Processors for Charities” below. **GoFundMe is not a payment processor and does not hold funds.**

D. Taxes. GoFundMe does not withhold funds for tax purposes or otherwise. Charities will be solely responsible for taxes based on applicable international, federal, state, local or any other taxes or levies, or for any applicable taxes based on their net income or gross receipts (if any).

E. Donor Lists and Other Data. A Charity may access information about an Organizer of a Fundraiser for the Charity, Donor Lists (defined below) and Donor Data (defined below) for compliance and transactional purposes. Please contact us [here](#) with any questions. “Donor Data” means a Donor’s name, address, email address, Donation amount, date of transaction, transaction identification number, and name of the project. THE LIST OF DONORS WHO CONTRIBUTE TO A CHARITY’S FUNDRAISER THROUGH THE SERVICES (“DONOR LISTS”) IS PROVIDED “AS IS,” AND GOFUNDME MAKES NO REPRESENTATIONS, WARRANTIES OR GUARANTEES ABOUT THE ACCURACY, COMPLETENESS OR TIMELINESS OF ANY DONOR LIST OR ANY INFORMATION CONTAINED THEREIN. Unless a Donor checks the “Anonymous” checkbox at the time of Donation or seeks to be anonymous through other means provided herein, by using the Services, the Donor consents to the disclosure of Donor’s Donor Data as described herein, including without limitation, disclosure as part of a Donor List.

Taxes: It is your responsibility to determine what, if any, taxes apply to the Donations you receive through your use of the Services. It is solely your responsibility to assess, collect, report or remit the correct tax, if any, to the appropriate tax authority.

Member Account, Password and Security: You are responsible for maintaining the confidentiality of your password and account, if any, and are fully responsible for any and all activities that occur under your password or account. You agree to (a) immediately notify GoFundMe of any unauthorized use of your password or account or any other breach of security, and (b) sign out from your account at the end of each session when accessing the Services. GoFundMe will not be liable for any loss or damage arising from your failure to comply with this Section.

reCAPTCHA: The Platform uses the reCAPTCHA product to provide an added level of security. reCAPTCHA is subject to the Google [Privacy Policy](#) and [Terms of Service](#).

GoogleMaps: The Platform uses the Google Maps feature and content, which is subject to the then-current versions of the (a) Google Maps/Google Earth Additional Terms of Service at https://maps.google.com/help/terms_maps.html; and (2) Google Privacy Policy at <https://www.google.com/policies/privacy/>.

Modifications to the Services: GoFundMe reserves the right to modify, suspend or discontinue, temporarily or permanently, the Services (or any part thereof) at any time and for any reason, with or without notice, and without any liability to you or to any third party for any claims, damages, costs, or losses resulting therefrom.

Content Manifestly Made Public by the User.

A. Public Content; Public Display of Information and Donations. Some of your activity on and through the Services is public, such as content you post publicly on the Platform (including descriptions, texts, music, sound, information, data, software, graphics, comments, photos, videos, images, trademarks, logos, brands or other materials you upload or post through the Services or share with other Users or recipients) (“User Content”). Additionally, User profile information, including your first and last name, public email address, organization, personal biography, and other information you enter in connection with your User profile may be displayed to other Users to facilitate User interaction within the Services. For example, as an Organizer, you might post your personal data – such as information about a recent hospital stay – which data might be considered sensitive data. In addition, as a Donor, you have the option to publicly display your Donation for all to see, including on search engines (like Google and Yahoo). To keep the details of your Donation private from the general public, click the “Private” checkbox during the Donation process. Please remember that if you choose to provide information using certain public features of the Services, then that information is governed by the privacy settings of those particular features and may be publicly available. Individuals reading such information may use or disclose it to other individuals or entities without our knowledge and without your knowledge, and search engines may index that information. We therefore urge you to think carefully about including any specific information you may deem private in content that you create or information that you submit through the Services. Please see our [Privacy Policy](#) for information on the ways that we may collect, use, and store certain information about you and your use of the Services.

B. Other Information. Please be advised that User Content and other information, solicited or unsolicited, that you provide to GoFundMe may be publicly accessible, such as information you post in forums, comment sections or in response to surveys we may send out. We also collect information through customer support communications, your communications to us of ideas for new products or modifications to existing products, and other unsolicited submissions, or any questions, comments, suggestions, ideas, feedback or other information about the Services (collectively, with publicly-accessible information, “Other Information”). By sending us Other Information, (a) you agree that we are under no obligation of confidentiality, expressed or implied, with respect to the Other Information; (b) you acknowledge that we may have something similar to the Other Information already under

consideration or in development; (c) you agree that GoFundMe will be entitled to the unrestricted use and dissemination of the Other Information for any purpose, commercial or otherwise, without acknowledgment or compensation to you; (d) you represent and warrant that you have all rights necessary to submit the Other Information; (e) to the extent necessary, you hereby grant to GoFundMe a fully paid, royalty-free, perpetual, irrevocable, worldwide, non-exclusive, and fully transferable and sublicensable right (through multiple tiers) and license to use, reproduce, perform, display, distribute, adapt, modify, re-format, create derivative works of, and otherwise commercially or non-commercially exploit in any manner, any and all Other Information, and to sublicense the foregoing rights; and (f) you irrevocably waive, and cause to be waived, against GoFundMe and its Users any claims and assertions of any moral rights contained in such Other Information. This Other Information section shall survive any termination of your account or the Services.

You acknowledge and agree that GoFundMe may preserve Other Information, as well as User Content, and may also disclose your Other Information or User Content if required to do so by law or in the good-faith belief that such preservation or disclosure is reasonably necessary to (a) comply with legal process, applicable laws or government requests; (b) enforce these Terms of Service; (c) respond to claims that any User Content violates the rights of third parties; or (d) protect the rights, property, or personal safety of GoFundMe, its Users or the public.

Third-Party Communications: If you use any feature of the Services that allows you to communicate with third parties (such as to refer a third party to the Services or to communicate with them regarding a Fundraiser or a donation), either by submitting data about the third party (“Third-Party Data”) to the Services or otherwise permitting the Services to automatically access Third-Party Data in your possession, you acknowledge and agree that you have the authority of the relevant third party for us to access and use the relevant Third-Party Data and that you have notified these third parties and informed them how their information is collected and used by GoFundMe to provide the Services. We reserve the right to identify you as the person who has made the referral in any messages that are sent to them. We use Third-Party Data to (a) contact such third party using the Third-Party Data provided, and/or (b) provide you with an editable template message designed to facilitate communications between you and such third party through the Services. In addition to sending the foregoing communications, we may also send reminders or related messages to you and to third parties on your behalf from time to time where permitted by applicable law. In each case, any such communication sent to third parties using Third-Party Data will provide a means to “opt out” of receiving further communication of the same nature.

Promotions on the Platform: If You are located in the United Kingdom, You will be permitted to offer give-away (e.g., one sticker, while supplies last, for every donation made) incentives in connection with Your Fundraiser. If You are located outside of the United Kingdom, You are not permitted to offer any contest, competition, reward, give-away, raffle, sweepstakes or similar activity (each, a “Promotion”) on or through the Services.

Sales Prohibited on the Platform: You are not permitted to offer any good or service in exchange for a Donation on the Platform.

Data Retention: You acknowledge that GoFundMe has no obligation to you to retain data relating to any account or Fundraiser. You acknowledge that GoFundMe reserves the right to delete data or to terminate accounts or Fundraisers at any time and for any reason, with or without notice, and without any liability to you or to any third party for any claims, damages, costs or losses resulting therefrom. The foregoing does not apply to Fundraisers or accounts started by Charities on the Platform, in which case GoFundMe will provide reasonable notice where possible.

Mobile Services and Text Messages: The GoFundMe Services include certain features that may be made available via a mobile device, including the ability to (a) upload User Content to the Platform, (b) browse the Platform, and (c) access certain items through an application downloaded and installed on a mobile device (collectively, the “Mobile Services”). To the extent you access Mobile Services, your wireless service carrier’s standard charges, data rates and other fees may apply. In addition, downloading, installing, or using certain Mobile Services may be prohibited or restricted by your carrier, and not all Mobile Services may work with all carriers or devices. By using the Mobile Services, you agree that we may communicate with you about matters related to your account by SMS, MMS, text message or other electronic means to your mobile device and that certain information about your usage of the Mobile Services may be communicated to us. Further, when setting up your GoFundMe account, if you click “Send code” by “Text Message,” you agree to receive automated text messages related to your account from or on behalf of GoFundMe at the phone number provided. You can reply STOP to such text messages to cancel. Message frequency will vary. Message and data rates may apply. We will comply with any additional requirements that may apply under local laws and regulations before communicating with you in this manner. In the event that you change or deactivate your mobile telephone number, you agree to promptly update your GoFundMe account information to ensure that your messages are not sent to the person that acquires your old number.

PROHIBITED CONDUCT

If you are a User located in Australia, references to “GoFundMe”, “we”, “us”, “our” and other similar terms in this section (Prohibited Conduct) shall be read as references to both GoFundMe Australia PTY Ltd and GoFundMe, Inc.

You are solely responsible for compliance with all applicable law in relation to your Fundraiser or use of the Services. You are further solely responsible for all User Content that you upload, post, publish, display, transmit or otherwise use. If you are not the Beneficiary of the Fundraiser you organize, you agree to deliver funds to the ultimate beneficiary directly and as soon as possible. You agree to fully cooperate with any request we make for evidence we deem necessary to verify your compliance with these Terms of Service.

The following are examples of User Content and/or use that is illegal or prohibited by GoFundMe. This list is not exhaustive and we reserve the right to remove any Fundraiser and/or investigate any User who, in our sole discretion, violates any of the terms or spirit of these Terms of Service. As we investigate your Fundraiser, a User, or User Content, we may consider all available material including but not limited to

social media, related news, and any other information that we, in our sole discretion, deem relevant in our review. We further reserve the right, without limitation, to ban or disable your use of the Services, remove the offending User Content, suspend or terminate your account, stop payments to any such Fundraiser, freeze or place a hold on Donations, and report you to law enforcement authorities or otherwise take appropriate legal action including seeking restitution on behalf of ourselves and/or our Users.

Without limiting the foregoing, you agree and represent, warrant and covenant:

A. not to use the Services to raise funds or establish or contribute to any Fundraiser with the implicit or explicit purpose of promoting or involving:

1. the violation of any law, regulation, industry requirement, or third-party guidelines or agreements by which you are bound, including those of payment card providers and transaction processors that you utilize in connection with the Services;
2. any election campaigns that are not run by a registered organization within the supported country;
3. User Content or Fundraisers that are fraudulent, misleading, inaccurate, dishonest, or impossible;
4. drugs, narcotics, steroids, controlled substances, pharmaceuticals or similar products or therapies that are either illegal, prohibited, or enjoined by an applicable regulatory body; legal substances that provide the same effect as an illegal drug; or other products, medical practices, or any related equipment or paraphernalia that have been found by an applicable regulatory body to cause consumer harm;
5. knives, explosives, ammunition, firearms, or other weaponry or accessories;
6. annuities, investments, loans, equity or lottery contracts, lay-away systems, off-shore banking or similar transactions, money service businesses (including currency exchanges, check cashing or the like), pyramid schemes, "get rich quick schemes" (i.e., Investment opportunities or other services that promise high rewards), network marketing and referral marketing programs, debt collection or crypto-currencies;
7. gambling, gaming and/or any other activity with an entry fee and a prize, including, but not limited to raffles, casino games, sports betting, fantasy sports, horse or greyhound racing, lottery tickets, raffle tickets, auctions and other ventures that facilitate gambling, games of skill or chance (whether or not it is legally defined as a lottery), Promotions involving monetary rewards, including gift cards, or sweepstakes;
8. User Content that reflects or promotes behavior that we deem, in our sole discretion, to be an abuse of power or in support of hate, violence, harassment, bullying, discrimination, terrorism, or intolerance of any kind relating to race, ethnicity, national origin, religious affiliation, sexual orientation, sex, gender, gender identity, gender expression, serious disabilities or diseases;
9. the legal defense of alleged crimes associated with hate, violence, harassment, bullying, discrimination, terrorism, or intolerance of any kind relating to race, ethnicity, national origin,

- religious affiliation, sexual orientation, sex, gender, gender identity, gender expression, serious disabilities or diseases, financial crimes or crimes of deception;
10. activities with, in, or involving countries, regions, governments, persons, or entities that are subject to U.S. and other economic sanctions under applicable law, unless such activities are expressly authorized by the appropriate governmental authority;
 11. the funding of a ransom, human trafficking or exploitation, vigilantism, bribes or bounty;
 12. pornography or other sexual content;
 13. offensive, graphic, perverse or sensitive content;
 14. the collecting of payments on behalf of merchants by Payment Processors or otherwise; including but not limited to self-payments on Fundraisers or an attempt to bypass or otherwise circumvent the designated method of payment as provided by GoFundMe;
 15. credit repair or debt settlement services;
 16. the receipt or grant of cash advances or lines of credit to yourself or to another person for purposes other than those purposes clearly stated in the Fundraiser;
 17. publication of User Content (such as mug shots), where we deem, in our sole discretion, that the primary purpose of posting such User Content is to cause reputational harm;
 18. the sale or resale of a good or service;
 19. the aggregation of funds owed to third parties, factoring, or other activities intended to obfuscate the origin of funds;
 20. counterfeit music, movies, software, or other licensed materials without the appropriate authorization from the rights holder;
 21. products or services that directly infringe or facilitate infringement upon the trademark, patent, copyright, trade secrets, or proprietary or privacy rights of any third party;
 22. the unauthorized sale or resale of brand name or designer products or services;
 23. the sale of goods or services that are illegally imported or exported;
 24. processing, where there is no bona fide donation accepted; cash advance; card testing; evasion of card network chargeback monitoring programs;
 25. the collecting or providing of funds for any purpose other than as described in a Fundraiser description;
 26. any other activity that GoFundMe may deem, in its sole discretion, to be in support of individuals and/or entities associated with alleged financial crimes including but not limited to corruption, bribery, tax evasion, fraud, and activities of a similar nature; or
 27. any other activity that GoFundMe may deem, in its sole discretion, to be unacceptable.

B. not to use the Services to transmit or otherwise Upload any User Content that (i) infringes any intellectual property or other proprietary rights of any party; (ii) you do not have a right to Upload under any law or under contractual or fiduciary relationships; (iii) contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment; (iv) poses or creates a privacy or security risk to any person; (v) constitutes unsolicited or unauthorized advertising, promotional materials, commercial activities and/or sales, "junk mail," "spam," "chain letters," "pyramid schemes," "contests," "sweepstakes," or any other form of solicitation; or (vi) in the sole judgment of GoFundMe, is objectionable or which restricts or inhibits any other person from using or enjoying the Services, or which may expose GoFundMe or its Users to any harm or liability of any type;

C. not to interfere with or disrupt servers or networks connected to or used to provide the Services or their respective features, or disobey any requirements, procedures, policies or regulations of the networks connected to or used to provide the Services;

D. not to harvest, collect or publish personally identifiable information of others;

E. not to raise funds for a minor without the express permission of the minor's guardian unless the funds are transferred into a trust account for the sole benefit of the minor;

F. not to use the Services on behalf of a third party or post any personal data or other information about a third party, without the express consent of that third party;

G. not to use another User's account or URL without permission, impersonate any person or entity, falsely state or otherwise misrepresent your affiliation with a person or entity, misrepresent a Charity or Fundraiser through the Services, or post User Content in any inappropriate category or areas on the Services;

H. not to create any liability for GoFundMe or cause us to lose (in whole or in part) the services of our Internet Service Provider(s), web hosting company or any other vendors or suppliers;

I. not to engage in any conduct that, in GoFundMe's sole judgment and discretion, restricts or inhibits any other User from using or enjoying the Services;

J. not to gain unauthorized access to the Services, or any account, computer system, or network connected to the Services, by any unauthorized or illegal means;

K. not to obtain or attempt to obtain any materials or information not intentionally made available through the Services;

L. not to use the Services to post, transmit or in any way exploit any information, software or other material for commercial purposes, or that contain advertising, except that using the Services for fundraising activities in accordance with these Terms of Service is expressly permitted;

M. not to transmit more request messages through the Services in a given period of time than a human can reasonably produce in the same period by using a conventional online web browser;

N. not to undertake any activity or engage in any conduct that is inconsistent with the business or purpose of the Services; or

O. not to attempt to undertake indirectly any of the foregoing.

Additionally, with respect to all Donations you make or accept through the Services, you agree and represent, warrant and covenant:

A. not to make or accept any Donations that you know or suspect to be erroneous, suspicious or fraudulent;

B. not to use the Services in or for the benefit of a country, organization, entity, or person embargoed or blocked by any government, including those on sanctions lists identified by the United States Office of Foreign Asset Control (OFAC);

C. to maintain reasonable and standard security measures to protect any information transmitted and received through the Services, including without limitation, adhering to any security procedures and controls required by GoFundMe from time to time;

D. to maintain a copy of all electronic and other records related to Fundraisers and Donations as necessary for GoFundMe to verify compliance with these Terms of Service and make such records available to GoFundMe upon our request. For clarity, the foregoing does not affect or limit your obligations to maintain documentation as required by applicable laws, rules, regulations, or governmental authority; and

E. at GoFundMe's request, to fully cooperate in the auditing of, investigation of (including without limitation, investigations by GoFundMe, a Payment Processor, or a regulatory or governmental authority), and remedial efforts to correct any alleged or uncovered violation or wrongdoing of a User to whom, or Fundraiser or Donation to which, you are connected.

GoFundMe reserves the right to refuse, condition, or suspend any Donations or other transactions that we believe in our sole discretion may violate these Terms of Service or harm the interests of our Users, business partners, the public, or GoFundMe, or that expose you, GoFundMe, or others to risks unacceptable to us. We may share any information related to your use of the Services with the appropriate

financial institution, regulatory authority, or law enforcement agency consistent with our legal or contractual obligations. This information may include information about you, your account, your Donors, your Donations, and transactions made through or in connection with your use of the Services.

DONOR CONDUCT

Donations: In order to contribute to a Fundraiser or to a Charity, a Donor will be required to provide GoFundMe information regarding the Donor's credit card or other payment instrument ("Payment Instrument") that is linked to the Donor's GoFundMe account (a "Billing Account"). You, as a Donor, represent and warrant to GoFundMe that such information is true, current and accurate and that you are authorized to use the applicable Payment Instrument. You agree that a certain minimum Donation amount may apply, and that all Donations are final and will not be refunded unless GoFundMe, in its sole discretion, agrees to issue a refund, for example in accordance with the GoFundMe Guarantee. GoFundMe uses third-party payment processing partners to bill you through your Payment Instrument and Billing Account for any Donations made, and Donors acknowledge that by contributing a Donation to a Fundraiser, the Donor agrees to the processing, use, transfer or disclosure of data by the Payment Processors pursuant to these Terms of Service as well as any and all applicable terms set forth by our payment partners. Our current Payment Processors include: Adyen LLC ([Adyen's terms of service](#)), Stripe, Inc. ([Stripe's terms of service](#)), and PayPal, Inc. ([PayPal's terms of service](#)). GoFundMe's payment partner in Australia is Adyen Australia. Adyen Australia contracts with GoFundMe's Australian entity, GoFundMe Australia Pty Ltd (ACN 627 702 630), which entity is the contracting party responsible for transactions benefitting the Australian User. Australian Users, please see Adyen Australia's [Combined Financial Services Guide and Product Disclosure Statement](#).

ORGANIZERS, BENEFICIARIES OR CHARITIES

Account Holds: From time to time, GoFundMe may, in its sole discretion, place a hold on a Fundraiser account (a "Hold"), restrict Withdrawals (defined herein as the transfer of Funds raised to Beneficiary), initiate a reverse ACH transfer, secure reserves, or take similar actions to protect its interests and those of its Users. Some of the reasons that we may take such actions include, but are not limited to, our belief or determination, in our sole and absolute discretion, that: (i) information provided by an Organizer is false, misleading, or fraudulent, or funds are being used in a prohibited manner, (ii) the funds available should be provided directly to a person other than the Organizer, such as a legal beneficiary or person entitled by law to act on behalf of an Organizer, (iii) a Fundraiser or Organizer has violated these Terms of Service, (iv) the Organizer is colluding with Donors to engage in fraudulent activity, (v) there may be suspicious or fraudulent Donation activity, or (vi) such action(s) is required to comply with a court order, subpoena, writ, injunction, or as otherwise required under applicable laws and regulations. If you have questions about a Hold we may have placed on your Fundraiser account, or need information about how to resolve the Hold, please [see this article](#).

Withdrawing Donations from a Fundraiser: While GoFundMe strives to make Withdrawals available to you promptly, you acknowledge and agree that: (i) Withdrawals may not be available to you for use immediately, (ii) GoFundMe does not guarantee that Withdrawals will be available to you within any specific time frame, and (iii) GoFundMe expressly disclaims any and all responsibility for any delay in Withdrawals or your inability to access and use Withdrawals at any specified time, and any consequences arising from such delay or inability. You, as an Organizer and/or Beneficiary, are responsible for ensuring that the information you provide to GoFundMe in order to process a Withdrawal, including bank account information, is accurate and up to date. GoFundMe may, at any time, for any reason, without notice, and in its sole discretion, offer or issue a refund of Donation(s) with or without consulting with you, which may comprise the entire amount donated to your Fundraiser. GoFundMe is not liable to you or to any third party for any claims, damages, costs, losses, or other consequences caused by GoFundMe issuing refunds, including, but not limited to transaction or overdraft fees.

PAYMENT PROCESSORS

GoFundMe uses Payment Processors to process Donations for your Fundraiser and thereafter deliver it to you. In order to withdraw funds from a Fundraiser, an Organizer or, if not the same, Beneficiary (collectively “Withdrawing Entity”) will be required to provide the Payment Processor information regarding bank account information (“Withdrawing Account”). You, as Withdrawing Entity, represent and warrant to Payment Processor and GoFundMe that such information is true and that you are authorized to use the applicable Withdrawing Account.

By setting up a Fundraiser or accepting the role of Beneficiary to a Fundraiser, the Withdrawing Entity agrees to the processing, use, transfer or disclosure of data by the Payment Processors pursuant to these Terms of Services as well as any and all applicable terms set forth by the applicable Payment Processors. Our current Payment Processors include: Adyen LLC ([Adyen’s terms of service](#)), Stripe, Inc. ([Stripe’s terms of service](#)), and PayPal, Inc. ([PayPal’s terms of service](#)), and PayPal Giving Fund. GoFundMe’s payment partner in Australia is Adyen Australia. Adyen Australia contracts with GoFundMe’s Australian entity, GoFundMe Australia Pty Ltd (ACN 627 702 630), which entity is the contracting party responsible for transactions benefitting the Australian User, Users, please see Adyen Australia’s [Combined Financial Services Guide and Product Disclosure Statement](#).

Payment Processors for Charities: GoFundMe has partnered with PayPal and, in limited circumstances, Adyen or Stripe, for Donations to Charities. Although exceptions can be made, Charities in the United States, United Kingdom, Ireland, Canada and Australia will be defaulted to using PayPal to process Donations made through the Services. The manner in which transactions are processed is explained below. Charities in other countries will be defaulted to using Adyen or Stripe.

A. PayPal.

- i. PayPal is the Payment Processor for Fundraisers with a Charity identified as a Beneficiary.

ii. In the United States, all Donations made through those Fundraisers will be accepted by PayPal Giving Fund, a grant-giving IRS-registered 501(c)(3) public charity. PayPal Giving Fund receives Donations from Users as the charity of record and then, to the extent it is able, grants Funds to the Charity selected by the Organizer and identified in the Fundraiser. While PayPal Giving Fund takes multiple steps to attempt to grant donated funds according to the Donor's identified preference, PayPal Giving Fund retains exclusive control over all Donations. If a Charity fails to meet the terms of PayPal Giving Fund's Nonprofit Certification Policy and/or fails to meet PayPal Giving Fund's due diligence standards for receipt of a donation at any time, PayPal Giving Fund may reassign the funds in accordance with its policy [here](#). When PayPal Giving Fund receives your Donation, it will forward the Donation to the Charity of your choice, but PayPal Giving Fund will appear on your tax receipt. Donations made through PayPal Giving Fund are governed by the [Privacy Policy and User Agreement of PayPal Giving Fund and PayPal](#).

iii. PayPal Giving Fund has foreign counterparts, which are also registered charities in those countries. For example, if an Organizer in the United Kingdom starts a Fundraiser for a Charity in the United Kingdom, then PayPal will act as the Payment Processor with PayPal Giving Fund UK receiving the Donations. Thereafter, PayPal Giving Fund UK will grant funds to the Charity identified in the Fundraiser, to the extent it is able, and it will issue country dependent tax documentation for all Donations received through it.

B. Adyen or Stripe. When Adyen or Stripe processes a Donation through the Services for a Charity, the Donation will go directly from the Donor to the Charity's merchant account. Donations will appear on the Donor's credit card statement under the name of the Charity to which the Donor contributed. For more information, see [Adyen Terms and Conditions](#) or [Stripe's services agreement](#).

SPECIAL NOTICE FOR INTERNATIONAL USE; EXPORT CONTROLS

Software (defined below) available in connection with the Services and the transmission of applicable data, if any, may be subject to export controls and economic sanctions laws of the United States or other jurisdictions. No Software may be downloaded from the Services or otherwise exported or re-exported in violation of such export control and economic sanctions laws. Downloading or using the Software is at your sole risk. Recognizing the global nature of the Internet, you agree to comply with all local rules and laws regarding your use of the Services, including as it concerns online conduct and acceptable content.

APPLE-ENABLED SOFTWARE APPLICATIONS

GoFundMe offers Software applications that are intended to be operated in connection with products made commercially available by Apple Inc. ("Apple"), among other platforms. With respect to Software that is made available for your use in connection with an Apple-branded product (such Software, "Apple-Enabled Software"), in addition to the other terms and conditions set forth in these Terms of Service, the following terms and conditions apply:

- GoFundMe and you acknowledge that these Terms of Service are concluded between GoFundMe and you only, and not with Apple, and that as between GoFundMe and Apple, GoFundMe, not Apple, is solely responsible for the Apple-Enabled Software and the content thereof.
- You may not use the Apple-Enabled Software in any manner that is in violation of or inconsistent with the Usage Rules set forth for Apple-Enabled Software in, or otherwise be in conflict with, the App Store Terms of Service.
- Your license to use the Apple-Enabled Software is limited to a non-transferable license to use the Apple-Enabled Software on an iOS Product that you own or control, as permitted by the Usage Rules set forth in the App Store Terms of Service.
- Apple has no obligation whatsoever to provide any maintenance or support services with respect to the Apple-Enabled Software.
- Apple is not responsible for any product warranties, whether express or implied by law. In the event of any failure of the Apple-Enabled Software to conform to any applicable warranty, you may notify Apple, and Apple will refund the purchase price for the Apple-Enabled Software to you, if any; and, to the maximum extent permitted by applicable law, Apple will have no other warranty obligation whatsoever with respect to the Apple-Enabled Software, or any other claims, losses, liabilities, damages, costs or expenses attributable to any failure to conform to any warranty, which will be GoFundMe's sole responsibility, to the extent it cannot be disclaimed under applicable law.
- GoFundMe and you acknowledge that GoFundMe, not Apple, is responsible for addressing any claims of you or any third party relating to the Apple-Enabled Software or your possession and/or use of that Apple-Enabled Software, including, but not limited to: (i) product liability claims; (ii) any claim that the Apple-Enabled Software fails to conform to any applicable legal or regulatory requirement; and (iii) claims arising under consumer protection or similar legislation.
- In the event of any third party claim that the Apple-Enabled Software or the end-user's possession and use of that Apple-Enabled Software infringes that third party's intellectual property rights, as between GoFundMe and Apple, GoFundMe, not Apple, will be solely responsible for the investigation, defense, settlement and discharge of any such intellectual property infringement claim.
- You represent and warrant that (i) you are not located in a country that is subject to a U.S. Government embargo, or that has been designated by the U.S. Government as a "terrorist supporting" country; (ii) you are not listed on any U.S. Government list of prohibited or restricted parties and (iii) you are not located in any other country or jurisdiction from which you would be barred from using the Services by applicable law.
- If you have any questions, complaints or claims with respect to the Apple-Enabled Software, they should be directed to GoFundMe as follows:

GoFundMe, Inc.

% Legal Department
855 Jefferson Ave.
PO Box 1329
Redwood City, CA 94063

Or GFMLegal@gofundme.com

GoFundMe and you acknowledge and agree that Apple, and Apple's subsidiaries, are third-party beneficiaries of these Terms of Service with respect to the Apple-Enabled Software, and that, upon your acceptance of the terms and conditions of these Terms of Service, Apple will have the right (and will be deemed to have accepted the right) to enforce these Terms of Service against you with respect to the Apple-Enabled Software as a third-party beneficiary thereof. Accordingly, the parties acknowledge and agree that GoFundMe enters into this clause ("Apple-Enabled Software Applications") for its own benefit and on its own behalf and also as an agent for the benefit and on behalf of Apple and its subsidiaries with respect to the exercise and enforcement of all rights, benefits and remedies of Apple and its subsidiaries (but not any obligation or burden) in this clause ("Apple-Enabled Software Applications") which rights, benefits and remedies shall be enforceable by GoFundMe in its own right and also as agent for and on behalf of each of Apple and its subsidiaries. GoFundMe may amend, terminate or rescind these Terms of Service without the consent of Apple or any such subsidiary.

INTELLECTUAL PROPERTY RIGHTS

Services Content, Software and Trademarks: You acknowledge and agree that the Services may contain content or features ("Services Content") that are protected by copyright, patent, trademark, trade secret or other proprietary rights and laws. Except as expressly authorized by GoFundMe, you agree not to modify, copy, frame, scrape, rent, lease, loan, sell, distribute or create derivative works based on the Services or the Services Content, in whole or in part, except that the foregoing does not apply to your own User Content that you legally upload to the Services. In connection with your use of the Services you will not engage in or use any data mining, spiders, robots, scraping or similar data gathering or extraction methods. If you are blocked by GoFundMe from accessing the Services (including by blocking your IP address), you agree not to implement any measures to circumvent such blocking (e.g., by masking your IP address or using a proxy IP address). Any use of the Services or the Services Content other than as specifically authorized herein is strictly prohibited. The technology and software underlying the Services or distributed in connection therewith are the property of GoFundMe, our affiliates and our partners (the "Software"). You agree not to copy, modify, create a derivative work of, reverse engineer, reverse assemble or otherwise attempt to discover any source code, sell, assign, sublicense, or otherwise transfer any right in the Software. Any rights not expressly granted herein are reserved by GoFundMe.

The GoFundMe name and logos are trademarks and service marks of GoFundMe (collectively the "GoFundMe Trademarks"). Other company, product, and service names and logos used and displayed via the Services may be trademarks or service marks of their respective owners, who may or may not endorse or be affiliated with or connected to GoFundMe. Nothing in these Terms of Service or the Services should

be construed as granting, by implication, estoppel, or otherwise, any license or right to use any of GoFundMe Trademarks displayed on the Services, without our prior written permission in each instance. All goodwill generated from the use of GoFundMe Trademarks will inure to our exclusive benefit.

Third-Party Material: Under no circumstances will GoFundMe be liable in any way for any content or materials of any third parties (including Users) or any User Content (including, but not limited to, for any errors or omissions in any User Content), or for any loss or damage of any kind incurred as a result of the use of any such User Content. You acknowledge that GoFundMe does not pre-screen User Content, but that GoFundMe and its designees will have the right (but not the obligation) in their sole discretion to refuse, remove, or allow any User Content that is available via the Services at any time and for any reason, with or without notice, and without any liability to you or to any third party for any claims, damages, costs or losses resulting therefrom.

User Content Transmitted Through the Services: With respect to the User Content, you represent and warrant that you own all right, title and interest in and to, or otherwise have all necessary rights and consents to (and to allow others to) fully exploit, such User Content, including, without limitation, as it concerns all copyrights, trademark rights and rights of publicity or privacy related thereto. By uploading, sharing, providing, or otherwise making available any User Content, or any portion thereof, in connection with the Services, you hereby grant and will grant GoFundMe and its affiliated companies and Users a nonexclusive, worldwide, royalty free, fully paid up, transferable, sublicensable, perpetual, irrevocable license to copy, display, upload, perform, distribute, store, modify and otherwise use your User Content in connection with the operation of the Services or the promotion, advertising or marketing thereof, in any form, medium or technology now known or later developed. Without limiting the foregoing, if any User Content contains your name, image or likeness, you hereby release and hold harmless GoFundMe and its contractors and employees, from (i) all claims for invasion of privacy, publicity or libel, (ii) any liability or other claims by virtue of any blurring, distortion, alteration, optical illusion, or other use or exploitation of your name, image or likeness, and (iii) any liability for claims made by you (or any successor to any claim you might bring) in connection with your User Content, name, image or likeness. You waive any right to inspect or approve any intermediary version(s) or finished version(s) of the results of the use of your User Content (including your name, image or likeness). Further, if any person (other than you) appears in your User Content, you represent and warrant that you have secured all necessary licenses, waivers and releases from such person(s) for the benefit of GoFundMe in a manner fully consistent with the licenses, waivers and releases set forth above. You further acknowledge that your participation in the Services and submission of User Content is voluntary and that you will not receive financial compensation of any type associated with the licenses, waivers, and releases set forth herein (or GoFundMe's exploitation thereof), and that the sole consideration for subject matter of this agreement is the opportunity to use the Services.

We do not guarantee that any Services Content will be made available through the Services. We reserve the right to, but do not have any obligation to (i) remove, edit or modify any Services Content or User Content, in our sole discretion, at any time, without notice to you and for any reason (including, but not

limited to, upon receipt of claims or allegations from third parties or authorities relating to such Services Content or User Content, or if we are concerned that you may have violated these Terms of Service), or for no reason at all, and (ii) remove or block any Services Content or User Content from the Services.

Payment Card Industry Data Security Standard: The Payment Card Industry Data Security Standard (PCI DSS) is a set of industry-mandated requirements for any business that handles, processes, or stores credit card information. The primary purpose of the standard is to maintain controls around cardholder data to reduce credit card fraud. Although card data is processed and stored by our Payment Processors, GoFundMe has achieved the highest level of PCI Compliance as PCI DSS Level 1 Compliance Service Provider. To learn more, see [here](#).

Copyright or Trademark Complaints: GoFundMe respects the intellectual property of others, and we ask our Users to do the same. If you believe that your work has been copied in a way that constitutes copyright infringement, or that your intellectual property rights have been otherwise violated, you should notify GoFundMe of your infringement claim in accordance with the procedure set forth below.

GoFundMe will process and investigate notices of alleged infringement and will take appropriate actions under the Digital Millennium Copyright Act (“DMCA”), trademark infringement and other applicable intellectual property laws with respect to any alleged or actual infringement. A notification of claimed infringement should be emailed to GoFundMe’s Copyright Agent at GFM_legal@gofundme.com (Subject line: “DMCA Takedown Request”). You may also contact us by mail at:

GoFundMe Copyright Agent:

GoFundMe, Inc.

Attn: Legal

855 Jefferson Ave.

PO Box 1329

Redwood City, CA 94063

To be effective, the notification must be in writing and contain the following information:

- an electronic or physical signature of the person authorized to act on behalf of the owner of the copyright or other intellectual property interest;
- a description of the copyrighted work, trademark, or other intellectual property that you claim has been infringed;

- a description of where the material that you claim is infringing is located on the Services, with enough detail that we may find it on the Services;
- your address, telephone number, and email address;
- a statement by you that you have a good faith belief that the disputed use is not authorized by the copyright, trademark or intellectual property owner, its agent, or the law; and
- a statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the copyright or intellectual property owner or authorized to act on the copyright or intellectual property owner's behalf.

Counter-Notice: If you believe that your User Content that was removed (or to which access was disabled) is not infringing, or that you have the authorization from the owner, the owner's agent, or pursuant to the law, to upload and use the content in your User Content, you may send a written counter-notice containing the following information to the above-listed Copyright Agent:

- your physical or electronic signature;
- identification of the content that has been removed or to which access has been disabled and the location at which the content appeared before it was removed or disabled;
- a statement that you have a good-faith belief that the content was removed or disabled as a result of mistake or a misidentification of the content; and
- your name, address, telephone number, and email address, and a statement that you will accept service of process from the person who provided notification of the alleged infringement.

If a counter-notice is received by the Copyright Agent, GoFundMe will send a copy of the counter-notice to the original complaining party, informing that person that GoFundMe may replace the removed content or cease disabling it in 10 business days. Unless the owner files an action seeking a court order against the content provider, member or User, the removed content may be replaced, or access to it restored, in 10 to 14 business days or more after receipt of the counter-notice, at our sole discretion.

Repeat Infringer Policy: In accordance with the DMCA, trademark and other applicable law, GoFundMe has adopted a policy of terminating, in appropriate circumstances and at GoFundMe's sole discretion, Users who are deemed to be repeat infringers. GoFundMe may also at its sole discretion limit access to or terminate the Services and/or terminate the memberships of any Users who infringe any intellectual property rights of others, whether or not there is any repeat infringement.

THIRD PARTY WEBSITES/SERVICES

The Services or third parties may provide or facilitate links, tools, widgets or other features that allow you to access other sites, services and resources provided by third parties (collectively, "Third Party Resources"). GoFundMe has no control over such Third Party Resources or any products, services or content made available through or by such Third Party Resources, or the business practices of the third

parties providing such Third Party Resources, and GoFundMe is not responsible for and does not endorse such Third Party Resources or the products, services or content made available thereby. You acknowledge that GoFundMe is not responsible or liable for the content, functions, accuracy, legality, appropriateness or any other aspect of such Third Party Resources. You further acknowledge and agree that GoFundMe will not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with the use of or reliance on any content, events, goods or services available on or through any such Third Party Resources. Any dealings you have with third parties found while using the Services are between you and the third party and may be subject to additional terms provided by the third party, which you agree to by using such Third Party Resources. As an example of this, if you use the Platform through your mobile device, and you upload a video to a Fundraiser, that video will be uploaded using YouTube, and subject to the [YouTube Terms of Service](#). And you agree that GoFundMe is not liable for any loss or claim that you may have against any such third party.

INDEMNITY AND RELEASE

You agree to release, indemnify on demand and hold GoFundMe and its affiliates and their officers, employees, directors and agents harmless from any and all losses, damages, expenses, including reasonable attorneys' fees, costs, awards, fines, damages, rights, claims, actions of any kind and injury (including death) arising out of or relating to your use of the Services, any Donation or Fundraiser, any User Content, your connection to the Services, your violation of these Terms of Service or your violation of any rights of another. You agree that GoFundMe has the right to conduct its own defense of any claims at its own discretion, and that you will indemnify GoFundMe for the costs of its defense (including, but not limited to attorney's fees). If you are a California resident, you waive California Civil Code Section 1542, which says: "A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party." If you are a resident of another jurisdiction—in or outside of the United States—you waive any comparable statute or doctrine.

DISCLAIMER OF WARRANTIES

YOUR USE OF THE SERVICES IS AT YOUR SOLE RISK. THE SERVICES ARE PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS. GOFUNDME AND ITS AFFILIATES EXPRESSLY DISCLAIM AND EXCLUDE, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ALL WARRANTIES, CONDITIONS AND REPRESENTATIONS OF ANY KIND, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT.

GOFUNDME AND ITS AFFILIATES MAKE NO WARRANTY OR CONDITION THAT (I) THE SERVICES WILL MEET YOUR REQUIREMENTS, (II) THE SERVICES WILL BE UNINTERRUPTED, TIMELY, SECURE, OR ERROR-FREE, (III) THE RESULTS THAT MAY BE OBTAINED FROM THE USE OF THE

SERVICES WILL BE ACCURATE OR RELIABLE, OR (IV) THE QUALITY OF ANY PRODUCTS, SERVICES, INFORMATION, OR OTHER MATERIAL PURCHASED OR OBTAINED BY YOU THROUGH THE SERVICES WILL MEET YOUR EXPECTATIONS.

LIMITATION OF LIABILITY

YOU EXPRESSLY UNDERSTAND AND AGREE THAT, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, NEITHER GOFUNDME NOR ITS AFFILIATES WILL BE LIABLE FOR ANY (A) INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES, (B) DAMAGES FOR LOSS OF PROFITS, (C) DAMAGES FOR LOSS OF GOODWILL, (D) DAMAGES FOR LOSS OF USE, (E) LOSS OR CORRUPTION OF DATA, OR (F) OTHER INTANGIBLE LOSSES (EVEN IF GOFUNDME HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES), WHETHER BASED ON CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, RESULTING FROM (I) THE USE OR THE INABILITY TO USE THE SERVICES; (II) THE COST OF PROCUREMENT OF SUBSTITUTE GOODS AND SERVICES RESULTING FROM ANY GOODS, DATA, INFORMATION OR SERVICES PURCHASED OR OBTAINED OR MESSAGES RECEIVED OR TRANSACTIONS ENTERED INTO THROUGH OR FROM THE SERVICES; (III) ANY PROMOTIONS AND RELATED PRIZES OR REWARDS MADE AVAILABLE THROUGH THE SERVICES; (IV) UNAUTHORIZED ACCESS TO OR ALTERATION OF YOUR TRANSMISSIONS OR DATA; (V) STATEMENTS OR CONDUCT OF ANY THIRD PARTY ON THE SERVICES; OR (VI) ANY OTHER MATTER RELATING TO THE SERVICES. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT WILL GOFUNDME'S TOTAL LIABILITY TO YOU FOR ALL DAMAGES, LOSSES (INCLUDING CONTRACT, NEGLIGENCE, STATUTORY LIABILITY OR OTHERWISE) OR CAUSES OF ACTION EXCEED THE AMOUNT YOU HAVE PAID GOFUNDME IN THE LAST SIX (6) MONTHS, OR, IF GREATER, ONE HUNDRED DOLLARS (\$100).

SOME JURISDICTIONS DO NOT ALLOW THE EXCLUSION OF CERTAIN WARRANTIES OR THE LIMITATION OR EXCLUSION OF LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. ACCORDINGLY, SOME OF THE LIMITATIONS SET FORTH ABOVE MAY NOT APPLY TO YOU. IF YOU ARE DISSATISFIED WITH ANY PORTION OF THE SERVICES OR WITH THESE TERMS OF SERVICE, YOUR SOLE AND EXCLUSIVE REMEDY IS TO DISCONTINUE USE OF THE SERVICES.

DISPUTES

ARBITRATION CLAUSE & CLASS ACTION WAIVER – IMPORTANT – PLEASE REVIEW AS THIS AFFECTS YOUR LEGAL RIGHTS

Arbitration; Class Action Waiver: YOU AGREE THAT ALL DISPUTES BETWEEN YOU AND US OR ANY OF OUR OFFICERS, DIRECTORS OR EMPLOYEES ACTING IN THEIR CAPACITY AS SUCH (WHETHER OR NOT SUCH DISPUTE INVOLVES A THIRD PARTY) WITH REGARD TO YOUR RELATIONSHIP WITH US, INCLUDING WITHOUT LIMITATION DISPUTES RELATED TO THESE TERMS OF SERVICE, YOUR USE OF THE SERVICES, AND/OR RIGHTS OF PRIVACY AND/OR

PUBLICITY, WILL BE RESOLVED BY BINDING, INDIVIDUAL ARBITRATION AND YOU AND WE HEREBY EXPRESSLY WAIVE TRIAL BY JURY. DISCOVERY AND RIGHTS TO APPEAL IN ARBITRATION ARE GENERALLY MORE LIMITED THAN IN A LAWSUIT, AND OTHER RIGHTS THAT YOU AND WE WOULD HAVE IN COURT MAY NOT BE AVAILABLE IN ARBITRATION. YOU UNDERSTAND AND AGREE THAT, BY ENTERING INTO THESE TERMS, YOU AND WE ARE EACH WAIVING OUR RIGHT TO A TRIAL BY JURY OR TO PARTICIPATE IN A CLASS ACTION.

Notwithstanding the foregoing, nothing in these Terms of Service will be deemed to waive, preclude, or otherwise limit the right of either of us to (a) bring an individual action in small claims court; (b) pursue an enforcement action through the applicable federal, state, or local agency if that action is available; (c) seek injunctive relief in a court of law; or (d) file suit in a court of law to address an intellectual property infringement claim.

The Process: Any arbitration between you and us will be settled under the Federal Arbitration Act and administered by the American Arbitration Association (“AAA”) under its Consumer Arbitration Rules (collectively, “AAA Rules”) as modified by these Terms of Service. The AAA Rules and filing forms are available online at www.adr.org.

A party who intends to seek arbitration must first send a written notice of the dispute to the other party by certified U.S. Mail or by Federal Express (signature required) or, only if that other party has not provided a current physical address, then by electronic mail (“Notice of Arbitration”). Our current address for Notice is: GoFundMe, Inc., % Legal Department, 855 Jefferson Avenue, PO Box 1329, Redwood City, CA 94063. The Notice of Arbitration must: (a) describe the nature and basis of the claim or dispute; and (b) set forth the specific relief sought (“Demand”). We agree to work with you and make a good faith effort to resolve the claim directly, but if we aren’t successful within 60 days after the Notice of Arbitration is received, you or we may commence an arbitration proceeding. All arbitration proceedings between the parties will be confidential unless otherwise agreed by the parties in writing. During the arbitration, the amount of any settlement offer made by either of us must not be disclosed to the arbitrator until after the arbitrator makes a final decision and award, if any. If the arbitrator awards you an amount which exceeds the last written settlement amount offered by us in settlement of the dispute prior to the award, we will pay to you the higher of: (i) the amount awarded by the arbitrator; or (ii) \$10,000.00.

Fees: If you commence arbitration in accordance with these Terms of Service, we will reimburse you for your payment of the filing fee unless your claim is for more than \$10,000 in which case the payment of any fees will be decided by the AAA Rules. Any arbitration hearing will take place at an agreed upon location in San Francisco, California, but if the claim is for \$10,000 or less, you may choose whether the arbitration will be conducted: (a) solely on the basis of documents submitted to the arbitrator; (b) through a telephone hearing; or (c) by an in-person hearing as established by the AAA Rules in the county of your billing address. If the arbitration finds that either the substance of your claim or the relief sought in the Demand is frivolous or brought for an improper purpose (as measured by the standards set forth in the Federal Rule of Civil procedure 11(b)), then the payment of all fees will be governed by the AAA Rules. In that case, you agree to reimburse us for all monies previously disbursed by us that are otherwise your obligation to pay

under the AAA Rules. Regardless of the manner in which the arbitration is conducted, the arbitrator must issue a reasoned written decision sufficient to explain the essential findings and conclusions on which the decision and award, if any, are based. The arbitrator may make rulings and resolve disputes as to the payment and reimbursement of fees or expenses at any time during the proceeding and upon request from either party made within 14 days of the arbitrator's ruling on the merits.

- **No Class Actions:** YOU AND WE AGREE THAT EACH MAY BRING CLAIMS TO THE FULLEST EXTENT LEGALLY PERMISSIBLE AGAINST THE OTHER ONLY IN YOUR OR ITS INDIVIDUAL CAPACITY AND NOT AS A PLAINTIFF OR CLASS MEMBER IN ANY PURPORTED CLASS OR REPRESENTATIVE PROCEEDING. Further, unless both you and we agree otherwise, the arbitrator may not consolidate more than one person's claims and may not otherwise preside over any form of a representative or class proceeding.
- **Modifications to this Arbitration Provision:** If we make any future change to this arbitration provision, other than a change to our address for Notice of Arbitration, you may reject the change by sending us written notice within 30 days of the change to our address for Notice of Arbitration, in which case your account with us will be immediately terminated and this arbitration provision, as in effect immediately prior to the changes you rejected will survive.
- **Enforceability:** If this Disputes section is found to be unenforceable, then the entirety of this Disputes section will be null and void and, in that case, the parties agree that the exclusive jurisdiction and venue described in the General section below will govern any action arising out of or related to these Terms of Service.

Confidentiality: We each agree to keep the arbitration proceedings, all information exchanged between us, and any settlement offers confidential, unless otherwise required by law or requested by law enforcement or any court or governmental body. However, we may each disclose these matters, in confidence, to our respective accountants, auditors, and insurance providers.

TERMINATION

You agree that GoFundMe, in its sole discretion, may suspend or terminate your account (or any part thereof) or your access to the Services and remove and discard any User Content or data at any time and for any reason, with or without notice, and without any liability to you or to any third party for any claims, damages, costs or losses resulting therefrom.

USER DISPUTES

You agree that you are solely responsible for your interactions with any other User in connection with the Services and GoFundMe will have no liability or responsibility with respect thereto. GoFundMe reserves the right, but has no obligation, to become involved in any way with disputes between you and any other User of the Services.

GENERAL

These Terms of Service constitute the entire agreement between you and GoFundMe and govern your use of the Services, superseding any prior agreements between you and GoFundMe with respect to the Services. You also may be subject to additional terms of service that may apply when you use affiliate or third-party services, third-party content or third-party software. These Terms of Service will be governed by the laws of the State of California without regard to its conflict of law provisions. With respect to any disputes or claims not subject to arbitration, as set forth above, you and GoFundMe agree to submit to the personal and exclusive jurisdiction of the state and federal courts located within San Mateo County, California. The failure of GoFundMe to exercise or enforce any right or provision of these Terms of Service will not constitute a waiver of such right or provision. If any provision of these Terms of Service is found by a court of competent jurisdiction to be (or are otherwise) invalid, the parties nevertheless agree that the court should endeavor to give effect to the parties' intentions as reflected in the provision, and the other provisions of these Terms of Service remain in full force and effect. You agree that regardless of any statute or law to the contrary, any claim or cause of action arising out of or related to use of the Services or these Terms of Service must be filed within one (1) year after such claim or cause of action arose or be forever barred. A printed version of this agreement and of any notice given in electronic form will be admissible in judicial or administrative proceedings based upon or relating to this agreement to the same extent and subject to the same conditions as other business documents and records originally generated and maintained in printed form. You may not assign these Terms of Service without the prior written consent of GoFundMe, but GoFundMe may assign or transfer these Terms of Service, in whole or in part, without restriction. If we fail to enforce any of our rights, that does not result in a waiver of that right. The section titles in these Terms of Service are for convenience only and have no legal or contractual effect. Notices to you may be made via either email or regular mail. The Services may also provide notices to you of changes to these Terms of Service or other matters by displaying notices or links to notices generally on the Platform. GoFundMe may, at any time, assign our rights or delegate our obligations hereunder without notice to you in connection with a merger, acquisition, reorganization or sale of equity or assets, or by operation of law or otherwise. Nothing in these Terms shall prevent GoFundMe from complying with the law. GoFundMe shall not be liable for any delay or failure to perform resulting from causes outside its reasonable control, including, but not limited to, acts of God, war or threats of war, terrorism or threats of terrorism, riots, embargos, acts of civil or military authorities, fire, floods, accidents, governmental regulation or advisory, recognized health threats, as determined by the World Health Organization, the Centers for Disease Control, or local government authority or health agencies, strikes or shortages or curtailment of transportation facilities, fuel, energy, labor or materials.

PRIVACY POLICY

At GoFundMe, we respect the privacy of our Users. For details please see our [Privacy Policy](#). By using the Services, you consent to our collection and use of personal data as outlined therein. If you are in Europe, by using the Services, you acknowledge GoFundMe's collection and use of personal information as described in the Privacy Policy.

QUESTIONS? CONCERNS? SUGGESTIONS?

Please visit the [Help Center](#) to learn more about GoFundMe's platform or [contact us to report violations](#) or [pose any question](#).

EXHIBIT B

Fund Edit History

Showing 54 of 54 Campaign Edits

Created At (PST)	Description
02/02/22 1:55 PM	<p data-bbox="423 346 662 373">Delta BC Rollout Jan 23</p> <p data-bbox="423 411 1421 527">To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.</p> <p data-bbox="423 567 1421 806">We are a peaceful country that has helped protect nations across the globe from tyrannical governments who oppressed their people, and now it seems it is happening here. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this for our future Generations and to regain our lives back.</p> <p data-bbox="423 846 1421 900">We are asking for Donations to help with the costs of fuel first, and hopefully food and lodgings to help ease the pressures of this arduous task.</p> <p data-bbox="423 940 1406 995">It's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.</p> <p data-bbox="423 1035 1421 1182">In order for your generous donations to flow smoothly, the good people at Go Fund Me will be sending donations directly to our bulk fuel supplier and are working out the details now which means your hard earned money is going to straight to who it was meant for and need not flow through anyone else. Any left over donations will be donated to a credible Veterans organization which will be chosen by the donors.</p> <p data-bbox="423 1222 1304 1249">**Money raised will be dispersed to our Truckers to aid them with the cost of the journey**</p> <p data-bbox="423 1251 1401 1306">**Funds will be spent to help cover the cost of fuel for our Truckers first and foremost, will be used to assist with food if needed and contribute to shelter if needed**</p>

02/02/22 1:54 PM

[Delta BC Rollout](#) Jan 23

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02/02/22 1:03 PM

[Delta BC Rollout Jan 23](#)

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02/02/22 1:01 PM

[Delta BC Rollout Jan 23](#)

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[Delta BC Rollout Jan 23](#)

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02/02/22 9:15 AM

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01/30/22 4:38 PM

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01/29/22 6:19 AM

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01/28/22 7:29 AM

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01/26/22 5:51 PM

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01/25/22 7:13 PM

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01/24/22 4:35 PM

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01/23/22 8:47 PM

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01/18/22 6:39 PM	<p>To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.</p> <p>We are a peaceful country that has helped protect nations across the globe from Tyrannical governments who oppressed their people, well now its happening to us. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this for our future Generations and to regain our lives back.</p> <p>We are asking for Donations to help with the costs of fuel, food and lodgings to help ease the pressures of this arduous task. But it's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.</p> <p>**Money raised will be dispersed to our Truckers to aid them with the cost of the journey** **Funds will be dispersed via e-transfer (preferred) but can also be sent by cheque if absolutely necessary** **Funds will be spent to help cover the cost of fuel for our Truckers first and foremost, will be used to assist with food if needed and contribute to shelter if needed**</p>
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01/18/22 11:27 AM	<p>To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.</p> <p>We are a peaceful country that has helped protect nations across the globe from Tyrannical governments who oppressed their people, well now its happening to us. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this for our future Generations and to regain our lives back.</p> <p>We are asking for Donations to help with the costs of fuel, food and lodgings to help ease the pressures of this arduous task. But it's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.</p>

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01/14/22 5:02 PM	<p>To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.</p> <p>We are a peaceful country that has helped protect nations across the globe from Tyrannical governments who oppressed their people, well now its happening to us. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed, homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this for our future Generations and to regain our lives back.</p> <p>We are asking for Donations to help with the costs of fuel, food and lodgings to help ease the pressures of this arduous task. But it's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.</p>

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01/14/22 3:44 PM	Join us as we hit the road to Ottawa to Take Back Our Freedom. All proceeds going to our participants to help with fuel, food and lodgings to and from Parliament Hill. Thank you for your support.
01/14/22 3:42 PM	Join us as we hit the road to Ottawa to Take Back Our Freedom. All proceeds going to our participants to help with fuel, food and lodgings to and from Parliament Hill. Thank you for your support.
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01/14/22 3:40 PM	Join us as we hit the road to Ottawa to Take Back Our Freedom. All proceeds going to our participants to help with fuel, food and lodgings to and from Parliament Hill. Thank you for your support!
01/14/22 3:33 PM	Join us as we hit the road to Ottawa to Take Back Our Freedom. All proceeds going to our participants to help with fuel, food and lodgings to and from Parliament Hill. Thank you for your support!
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01/14/22 3:31 PM	

Fund Updates

Showing 4 Campaign Updates

Created At (PST)	Description	Status
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01/29/22 1:52 PM	<p>Sunday Itinerary: Freedom Convoy Canada 11:00 - Prayer for Unity Service held by Mennonite Pastor Henry Hildebrandt. All religious denominations welcome. Join Us. Location: Parliament Hill 13:00 - 1st Press Conference. Location: Undisclosed (Live Stream) Looking forward to seeing you all. Thank you for all your love and support. You are all heroes.</p>	Active
01/28/22 10:06 AM	<p>The Freedom Convoy has inspired truckers from across Canada, the United States, and now the world. The Freedom Convoy to Canberra is one example and has already started in Australia. Their GoFundMe campaign has already raised \$63,569. To support their fight in taking back their freedoms, please click here to donate! Some of the most influential, intelligent, and rational world industrious leaders like Elon Musk, Jordan Peterson, Joe Rogan, and others, have repeatedly expressed their support for Canadian truckers and the working people who are fed up with our global leaders infringing on our rights and freedoms. However, we cannot achieve our goals if there are threats or acts of violence. This movement is a peaceful protest and we do not condone any acts of violence, etc. We live in a world where the pervasiveness of the internet and instant global communication gives more power to words and ideas than any physical weapon - making it a powerful tool that can be used against tyranny and authoritarianism. This is why they censor us and why we must remain peaceful no matter the cost. We already know there will be activists working at the behest of global authoritarians and think tanks to sabotage our movement. Because of this, we must have a zero-tolerance approach to aggressive behaviour and violence. Please remain calm and loving to one another. We cannot stress enough how important it is for everyone to do the following:</p> <ol style="list-style-type: none"> 1. DO NOT enter any government building or government property under any circumstances. 2. Treat all police officers with respect. Front line police officers are already under significant pressure from powerful politicized individuals and local politicians. They are our fellow Canadians, and the police in regions like Peel defended us when they refused to enforce Doug Ford's draconian Covid restrictions on citizens last year. Please do not put front line officers in a difficult position. Always be respectful, even if they issue you a citation. Just know that most of them are doing so under duress. 3. Keep calm. If you see individuals attempting to bait other truckers and attendees into conflict, report them to the police and our staff, or look to others around you to help with de-escalation. Sometimes it merely requires one calm head in a group to temper us all. Don't hesitate to be the negotiator! 4. Do not make any type of threat. Threats lead to escalation, which could lead to violence. Please do your absolute best to stifle any aggressive rhetoric. As you know, the legacy media will be present and will use this as ammunition against our movement. Their business model is built on a strategy of destroying reputations. Do not help them profit from destroying your reputation. If we keep calm and show love and support for one another, many things will happen. We will eventually cause the government to reverse its policy on Covid passports and vaccine mandates as the UK has recently done. We will meet new friends, develop relationships, and there will likely be people who meet during this peaceful protest and fall in love and build a life together. Let's not sacrifice such a bright future for all of us by losing our temper. This is the first step in a long journey to a new golden age of freedom and understanding for one another. Let's build that future together. There will be a follow up press release after the leaders of the Convoy For Freedom arrive in Ottawa, outlining the date and time for our press conference. Be good and love one another. Sending much love and positive vibes to you all! Tamara Lich Twitter: @Tamara_MVC tamaralich@protonmail.com Benjamin Dichter: Twitter: @BJDichter info@possiblycorrect.com 	Active

01/27/22 7:31 PM	<p>We have some great news to share with all of you! We have received confirmation that GoFundMe has released our first batch of funds and is initiating our first transfer. We can't thank you enough for your patience. Sadly, the legacy media felt it was necessary to publish news articles implying that GoFundMe had frozen our funds for a variety of outrageous reasons. In reality, the temporary hold was due to international banking regulations which dictate many of GoFundMe policies. It is common practice with GoFundMe to conduct this kind of due diligence to ensure the funds are legitimate. For our case, because of the overwhelming donations we have received, and we are currently the 8th fastest growing campaign in their history, the constant attempts by activists to flag our campaign as illegitimate exacerbated the already tedious process. The team at GoFundMe have been amazing to work with and we are very appreciative of their support. The release of this first batch of funds will allow us to start processing registration forms and remittances to drivers who need our support. Initially, there will be a bottle neck because of the large number of requests we need to process, and because of payment processing times. Please bare with us as we are working as fast as we can to get this done. As a reminder, these funds will first assist drivers of all Semi trucks and direct support vehicles such as, pilot trucks and/or mechanic trucks in the convoys to Ottawa. Registrations must have been received and signed off by the Road Captains. These forms must also be completed exactly as per the instructions on the registration form, otherwise they will not be processed. Please note that all submissions are not guaranteed, as this is dependant on how many registrations are received and how much is donated through the GoFundMe campaign. We have an amazing team behind the scenes comprised of lawyers, accountants and bookkeepers working hard to ensure people will be compensated. As a reminder, this will take a bit of time, and we ask for your patience while the team reviews and validates the overwhelming number of submissions by participants. Again, thank you to everyone for their kindness, patience, and support while we get this sorted. Each and everyone of you is playing a part in unifying Canadians across the country and showing the world that there is not just hope for Canada, but for the entire world.</p>	Active
01/25/22 1:31 PM	<p>Thank you everyone for your love and overwhelming support. We wish we could thank all of you in person but hopefully we will get to meet many of you in Ottawa. To the rest of you, we send you our love and gratitude. We will be engaging with media directly in the coming days. Patrick King is not and never has been affiliated with our movement nor has he been a part of our great team of volunteers. Patrick King only represents himself and does not represent any of us who started Freedom Convoy 2022 / Freedom Convoy Canada. The only spokespeople for Freedom Convoy are Tamara Lich Twitter: @Tamara_MVC and Benjamin Dichter Twitter: @BJdichter. We will have more updates soon. Thank you again for your love and support.</p>	Inactive

This report was created at: February 7th, 2022 2:50 PM

Last Updated: Mon, 02/07/2022 - 02:50 PM

EXHIBIT C



GoFundMe Attestation Letter

I declare under the penalty of perjury that the following is true and correct: I, **Tamara Lee Lich**, will be withdrawing the donations from the fundraiser entitled "**Freedom Convoy 2022**" to a bank account held in my name at **TD Bank**; provided, however, that the funds will be held by me as a fiduciary for the ultimate benefit of the Convoy Participants and any charitable organizations chosen to receive any remaining funds. Once the funds are withdrawn to the bank account in my name, I will be responsible as a fiduciary for delivering the funds raised: (a) consistent with the plan below; (b) consistent with the stated purpose set forth in the fundraiser; and (c) in accordance with GoFundMe's Terms of Service, available at <https://www.gofundme.com/terms/>.

With oversight from the Freedom Convoy 2022 Finance Committee, I will execute the following plan to meet the stated purpose of the fundraiser and distribute the funds raised and released to me:

- Funds will be distributed via e-transfer directly from the TD Unlimited Chequing Account established in my name to individual Convoy Participants.
- Participants must submit their own Convoy registration forms, fuel receipts, and verification of their participation from their Road Captain to financeconvoy@protonmail.com.
- Participant registration is verified by their respective Road Captains upon demonstration of registration completion, receipts, and confirmation of the journey to Ottawa.
- Reimbursement amounts will be calculated at an estimated rate of \$0.62 CAD per kilometer driven.



- Reimbursements will be prioritized by Road Captains and may include other semi-truck drivers participating outside of a proper Convoy.
- Not all registered Participants are guaranteed to receive reimbursements.

Freedom Convoy 2022 Finance Committee Members are in agreement with this withdrawal and distribution plan for the funds raised through GoFundMe. Committee Members are:

- Tamara Lich, president
- Cindy Parker, secretary
- Helen Gazica, bookkeeper
- Kristina Kenyon, bookkeeper
- Noeline Villebrun, First Nation advisor

All funds not distributed to Convoy Participants will be delivered to yet-to-be-determined registered charitable organizations in good standing.

By signing below, I confirm that Funds will be used in accordance with this Letter of Attestation. I also agree to provide GoFundMe with documentation of proof of delivery of funds to the aforementioned beneficiaries. I further confirm that my use of the GoFundMe Platform is subject to and consistent with the GoFundMe Terms of Service <https://www.gofundme.com/terms/>.

Tamara Lich

Tamara Lich (Jan 27, 2022 12:55 EST)

Signature of **Tamara Lee Lich**

Jan 27, 2022



Date

EXHIBIT D



Standing Committee on Public Safety and National Security

Comité permanent de la sécurité publique et nationale

**EVIDENCE NUMBER 14,
TÉMOIGNAGES DU COMITÉ NUMÉRO 14**

UNEDITED COPY - COPIE NON ÉDITÉE

PARTIE PUBLIQUE SEULEMENT - PUBLIC PART ONLY

Thursday, March 24, 2022 - Le jeudi 24 mars 2022

* * *

🕒 (1100)

[*English*]

The Chair (Hon. Jim Carr (Winnipeg South Centre, Lib.)): Good morning, everyone. I call this meeting to order. Welcome to meeting No. 14 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of November 25, 2021.

Colleagues, I don't have to read about all of the public orders and the way that we keep our distance. We wear masks when we are not speaking. Staff wear masks at all times please. We will run the meeting as efficiently as we can. Members will be participating virtually and they may speak in the official language of their choice. Interpretation services are available for the meeting. You have the choice at the bottom of your screen of either floor, English, or French. If interpretation is lost, please inform me immediately and we will set it right.

When speaking, please speak slowly and clearly. Should any technical challenges arise please advise me.

Pursuant to Standing Order 108(2), and the motion adopted by the committee on Tuesday, February 15, 2022, the committee is resuming its study of the occupation of Ottawa and the federal government's response to convoy blockades.

With us today by video conference Commissioner Thomas Carrique of the Ontario Provincial Police. Deputy

commissioner Chris Harkins, and chief superintendent Carson Pardy. From the Ottawa Police Service, Steve Bell, interim chief, and Trish Ferguson, acting deputy chief. Welcome to all of you.

Up to five minutes will be given for opening remarks after which we will proceed with rounds of questions.

Interim Chief Bell, I now invite you to make opening remarks of up to five minutes. Chief Bell, the floor is yours please proceed.

Mr. Steve Bell (Interim Chief, Ottawa Police Service): Thank you very much, Mr. Chair. I share your passion for well-run meetings so thank you for that. Distinguished members of the committee I'm pleased to be given this opportunity to meet with you today.

The Chair: I'm sorry we're going to need more volume.

Mr. Steve Bell: Joining me today is Deputy Chief Trish Ferguson, who was the operational lead for the successful resolution of the illegal protest.

We're here today to answer questions about the illegal protest that occurred in Ottawa between January 28, 2022 and February 20, 2022.

As the police service of jurisdiction in the nation's capital, our members are well-practiced in keeping the peace during public demonstrations.

Every year, hundreds of protests occur in our capital. Our officers are trained to maintain the safety of both the demonstrators and the public at large. The vast majority of these protests are peaceful and lawful, and protesters return home when their point has been made.

This unlawful protest was unprecedented. The protesters brought thousands of vehicles to our city with the full intention of disrupting our capital. After they arrived, many chose to stay and were clear in their words and actions that they meant to do damage to our community.

Our police service received regular reports of intimidating and threatening behaviour towards residents on a daily basis. We had reports of hate crimes being committed and of wilful disregard of police and court orders.

The protesters used their vehicles as tools to back up their behaviour, honking their horns and racing dangerously around streets in the downtown core.

Despite our attempts to negotiate or threats of investigation and enforcement, the illegal and disruptive behaviours continued throughout the protest and became elevated on weekends when more protesters arrived.

Our response as a police service, along with our many partners, was to work to safely manage the disruptions, contain the behaviours and negotiate the protesters out.

In the early days we were able to ensure that no serious injuries, deaths or damage to infrastructure was committed. But that's not the standard of policing any resident of our city or any Canadian would expect.

As a police service, we understood quickly that we needed assistance from all levels of government in the form of legislative powers and policing resources if we were to safely remove this unlawful protest from our streets.

It's important that this committee understand and appreciate the negative impacts this behaviour had on our entire community and our businesses, and especially the impacts on our vulnerable, marginalized, indigenous, 2SLGBTQAA+ and racialized communities.

Our Centretown is a diverse, proud and vibrant place. During the protest, we saw clear signs of hate, such as swastikas, anti-government sentiment, leaders posting threatening language on social media and other various forms of social disorder. It shook the community's faith and confidence in the ability of police and government to keep them safe. We have seen the same effects in cities such as Calgary and Windsor and in Coutts, Alberta, where similar protests were held.

Our goal from the outset was always to remove this protest safely. In order to do that, it required the careful coordination between all of our policing partners to develop a strategy that would ensure a safe resolution.

All three levels of government responded with legislative measures that aided our strategy. I want to thank the City of Ottawa and the Ontario government for the changes brought forward. I also want to thank the federal government for invoking the federal Emergencies Act.

From a policing perspective, the legislation provided the OPS the ability to prevent people from participating in this unlawful protest; to restrict people from travelling to any area where the unlawful protest was taking place; to secure protected places and critical infrastructure; to create and maintain the secured area to prevent people from violating the act and safely remove people who were attempting to do so; to go after the money funding the protest; and to require third parties to assist in removing the heavy vehicles that were clogging streets and creating a safety hazard. It was a critical piece of our efforts, but it was only one piece.

Another critical piece was the rallying of police resources from the RCMP, the OPP and police services from across Canada. I want to thank them all for their support.

As you saw, once we had all of those authorities and those resources in place, we were able to implement a methodical police operation, between February 17 and February 20, with an integrated command led by the Ottawa Police Service, the Royal Canadian Mounted Police and the Ontario Provincial Police to safely remove the protest.

In total, there were 230 arrests, and 118 people were criminally charged with more than 400 criminal counts. Hundreds of provincial offence notices were issued. There are cases that are still moving through the courts, and multiple investigations are ongoing.

There is no doubt, in a democracy such as Canada, that a discussion and assessment on the appropriateness of the invocation of the Emergencies Act, which provided police broader powers, is important. I am pleased to be here to contribute to that discussion.

I can tell you that police chiefs across the country are watching this discussion, because they know that similar situations could, or are, occurring in their jurisdictions. I have spoken to many of them who have sought out advice.

🕒 (1105)

Finally, I want to reiterate my pride in all of the police members who worked on this operation, including the members who came from across Canada to assist us. This was truly a Canadian effort and it showed the vital role police play in maintaining our democracy and keeping our residents safe.

Deputy Chief Ferguson and I look forward to answering your questions today.

The Chair: Thank you very much, Interim Chief.

Now I would like to call on Commissioner Thomas Carrique. Sir, you have five minutes for an opening statement. The floor is yours.

Commr Thomas Carrique (Commissioner, Ontario Provincial Police): Thank you, Chair.

Good morning Chair, vice-chairs and committee members. I am joined here today by Ontario Provincial Police deputy commissioner, Chris Harkins; and chief superintendent, Carson Pardy.

Under the Ontario Police Services Act, the OPP has a unique dual mandate providing frontline policing services to 328 municipalities across the province, as well as providing assistance and/or specialized support to municipal services upon request.

As it relates to the “freedom convoy”, and the associated illegal blockades in the city of Ottawa, the OPP's intelligence bureau commenced reporting to our policing partners on January 13, 2022. As of January 22, daily intelligence reports focused on the convoy headed to Ottawa and the anticipated protest movements across the province.

The intelligence reporting was shared with more than 35 Canadian police, law enforcement and security agencies.

As the convoy crossed over the Manitoba-Ontario border and travelled across the province, until it arrived in Ottawa on January 28, OPP officers professionally fulfilled their duties without incident.

In support of the Ottawa Police Service, throughout the occupation, an increasing number of OPP officers and specialized resources from various services became engaged, ultimately contributing to an integrated plan and the establishment of a unified command.

Simultaneously, our members responded to many other convoys and demonstrations that consistently and repeatedly emerged in communities across Ontario. Including, but not limited to, the critical blockage of the Ambassador Bridge, the blockade of Highway 402, multiple other attempts to block Canada-U.S. land border crossings, and demonstrations that posed a risk to the area of the Ontario Legislature.

In addition, from day one, when the convoy entered Ontario, we were responsive to requests for assistance from other municipal police services. This was a provincial and national emergency that garnered international attention.

In response, the OPP and more than 20 other police services from across the country worked collaboratively to address public order emergencies that were unmatched in recent history. Protests and demonstrations are often complex in nature. The role of the police remains that of protecting the public, upholding the law and keeping the peace.

The province's Critical Infrastructure and Highways regulation under the Emergency Management and Civil Protection Act, and the federal Emergencies Act were effective supplementary tools needed to help protect critical infrastructure and ensure the continuous and safe delivery of essential goods and services, while at the same time, maintaining, or in the case of Ottawa, restoring peace, order and public security.

As the committee is well aware, in addition to the critical events experienced in Ontario, the illegal Ottawa occupation was accompanied by numerous other high-risk, “freedom convoy”- related protests and blockades across Canada. The OPP worked collaboratively with the Ottawa Police Service, the Royal Canada Mounted Police and other policing partners to develop a sustainable integrated operational plan that was informed by best practices from other high-risk critical events, available police resources, along with other concurrent and emerging operational requirements in a number of police jurisdictions.

Sufficiently trained public order officers were amassed from throughout Canada and deployed in an integrated, strategic and measured manner which resulted in the collapse of the occupation. The situation, and the associated events simultaneously taking place across Canada, required unprecedented national collaboration to prevent injury, preserve life and protect critical infrastructure.

As the commissioner of the Ontario Provincial Police, I am extremely proud of the remarkable professionalism and dedication of the officers deployed to Ottawa and the other high-risk events simultaneously occurring across the province. Despite all the challenges, while the entire nation watched live, our officers and those from a multitude of other Canadian police services, remained committed to their roles and responsibilities, and represented the entire policing profession with the upmost professionalism, discipline and competence.

Thank you. Meegwetch.

I look forward to answering any questions you may have of the Ontario Provincial Police.

🕒 (1110)

The Chair: Thank you very much, Commissioner. We appreciate your opening remarks.

Colleagues, I'll now open the floor to questioning.

Mr. Lloyd, you are first up for a six-minute round. The floor is yours, sir.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Thank you, Mr. Chair.

Interim Chief Bell, in Ottawa, during the protest clearing operation, where any loaded shotguns found in the trucks of protesters?

🕒 (1115)

Mr. Steve Bell: Mr. Chair, what I can indicate is that throughout the protest we did receive information and intelligence around weapons and the position of weapons by people that either had attended or intended on attending the occupation.

As a result of the clearing, at no point did we lay any firearms-related charges, yet there are investigations that continue in relation to weapons possessions at the occupation.

Mr. Dane Lloyd: Yes or now, Interim Chief. Were loaded firearms found in the truck during the protest clearing operation?

Mr. Steve Bell: As I indicated, Mr. Chair, there has been no charges laid to date in relation to weapons at the occupation site.

Mr. Dane Lloyd: It's a clear question, Interim Chief. Were weapons found? Were loaded firearms found, yes or no?

Mr. Steve Bell: No, not relating to any charges to this point.

Mr. Dane Lloyd: Thank you, Chief. That's very illuminating.

On March 19, this past Saturday, a reporter, Justin Ling, wrote in the *Toronto Star* the following.

Police sources indicated that loaded shotguns were found in trucks at the Ottawa protest.

Is this false information?

Mr. Steve Bell: I'm unfamiliar with the quote you're referring to, but as I indicated before, we received intelligence information, we continue criminal investigation, and no charges have been laid to date in relation to firearms.

Mr. Dane Lloyd: But the article claims that a police source told the journalist that loaded shotguns were found in trucks during the protest-clearing operation. You have said to this committee that is in fact not the case, that loaded shotguns were not found in trucks during the protest clearing operation.

Is that the case, Interim Chief?

Mr. Steve Bell: Thank you for the question, Mr. Chair.

As I indicated, we received intelligence information. I'm unclear around the source of information that was received through that article or the corroboration around it. We have not laid any charges—

Mr. Dane Lloyd: Interim Chief, can you clarify, speaking on the record, not off the record, that loaded shotguns were not found in the vehicles during the protest operation? Can you confirm that?

Mr. Steve Bell: Consistent with my answer previously, yes. I can confirm to date no charges have been laid.

Mr. Dane Lloyd: If there had been firearms found, would the government have been made aware of that, as far as you know? Would the cabinet have been made aware of that if there had been firearms found?

Mr. Steve Bell: Our normal course of action would be that we would conduct an investigation and charges would be laid. As a result of those charges there would be public notifications of those charges. We wouldn't specifically notify any level of government as to the course or the conclusion of any investigation.

Mr. Dane Lloyd: But they would have been immediately aware if you had found firearms. Correct?

Mr. Steve Bell: There would have been public notifications made.

Mr. Dane Lloyd: We had a cabinet minister, the Minister of Crown Indigenous Relations, Marc Miller, retweet that article from Justin Ling from the *Toronto Star* claiming that there were loaded shotguns found in trucks. This is misinformation, Chief.

I submit to the committee, this is misinformation being spread by a journalist and misinformation being spread by a member of this government. I'll close my remarks and give my time to Mr. Shipley.

Thank you, Mr. Chair.

Thank you, Interim Chief.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair.

First of all, I'd like to thank all the witnesses who are here with us today. I witnesses first-hand what went on here in Ottawa. Both your services, in very trying times—I spoke to many officers out there—handled themselves in a very professional manner.

I'd first like to direct a couple of my questions to Commissioner Carrique.

Hello, Commissioner Carrique. I understand we have some mutual acquaintances.

My questions today are based on.... I had the opportunity to speak to two previous commissioners of the OPP as this was going on, trying to get some information. One of them told me an interesting statement that you will never find a police service that would turn down additional powers.

Would you agree with that statement, Commissioner?

Commr Thomas Carrique: Thank you.

Through you, Mr. Chair, I would like to know the context of the statement. I don't know that we are in a position to turn down additional powers. We utilize the laws that are provided to us. We do so in a judicious manner consistent with the charter of rights and freedoms.

Mr. Doug Shipley: Thank you for that.

I'm not giving you all the details on that, so I know I kind of put you on the spot. It was around, obviously, the Emergency Measures Act and how that could help some services. Also through those discussions with those two past commissioners, they both felt the Emergency Measures Act was not required in clearing this.

Could you elaborate on that? Do you agree with your past predecessors on this?

🕒 (1120)

Commr Thomas Carrique: I can say the Emergencies Act was an extremely valuable tool. This was identified as a threat to national security. We were able to utilize a number of the powers in the Emergencies Act, specifically prohibiting people from attending designated areas, limiting the presence of children, which created a significant public safety risk, compelling service providers to assist with the removal of vehicles that required heavy tows, providing indemnification for those service providers and the freezing of accounts. These tools made our operation very effective and, in the absence of having those tools, we could have not have been as effective as we were.

The Chair: Thank you very much.

I would know like to invite Mr. Noormohamed, for six minutes of questioning.

Sir, over to you.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair.

I'd like to thank both of you for being with us today.

I'd like to start with Interim Chief Bell.

Thank you so much for your opening comments. I think they were important for all of us to hear.

I just want to clarify something that was asked of you. I know my colleague, Mr. Lloyd, is not here, but I think it's important for the record.

Just to be clear, you had said there has been no charges laid to date related to firearms. Is it possible that charges could still be laid related to firearms?

Mr. Steve Bell: Mr. Chair, thank you for the question.

We don't specifically comment on the progress of ongoing investigations. As I indicated in the answer, information and intelligence was received prior to the demobilization of the demonstration around the existence of firearms within the footprint. Investigations relating to weapons offences continue. Upon the completion of them, we'll be able to provide information, if, ultimately, there are charges laid. But to date there has been no firearms-related charges laid in relation to our takedown.

Mr. Taleeb Noormohamed: Thank you.

There has been, as you know, a lot of interest across Canada in what happened in Ottawa. Many of us receive emails from people with information about how they believe things went down in Ottawa. If you'd indulge me, I have a few questions I just want to ask you just to clarify things that you had said in your opening statement for folks across the country, so there isn't misinformation about what happened in Ottawa.

Would you classify what happened in Ottawa as a peaceful, unobstructed protest?

Mr. Steve Bell: Mr. Chair, as I indicated in my statement, no, I wouldn't. As the protest/demonstration unfolded, we quickly identified it as an illegal occupation of our streets. Beyond our own observations of it, that was by far and large the sentiments we were receiving from our community: that the activities ongoing within the streets were extremely disruptive and made them fear for their own safety within their community.

So, no, I do not believe this was a lawful demonstration within our streets, and for those reasons we took the course of action we did to ultimately remove them.

Mr. Taleeb Noormohamed: Thank you.

Interim Chief, again, just to clarify for folks who may not have heard your statement, were there multiple reports of allegations of hate crimes?

Mr. Steve Bell: The existence of undesirable, intolerable, criminal behaviour the residents of our city were subjected to are well documented through the course of our investigations and through the course of the unfolding of our dismantling of the occupation. What I can tell you is all through the occupation we had conversations with our community, where they demonstrated and identified and reported incidents of hate-based crimes and incidents they were experiencing within their streets. We continue to investigate those. We continue to look at the community healing and reparation that we know needs to go on within our community based on the intolerable circumstances and behaviours they were subjected to.

Mr. Taleeb Noormohamed: Thank you.

People had been told there had been reports of visible minorities, of indigenous people, of women, of vulnerable communities being harassed, being made to feel unsafe, and they were told not to worry because this was a peaceful protest. Do you believe they had reason to worry?

🕒 (1125)

Mr. Steve Bell: Mr. Chair, I think it's a very interesting question and I don't think I'm the one properly situated to

answer it.

What I can tell you is the experience of the community members that we spoke with experienced that. They felt unsafe in their communities. They were terrorized by activity that occurred in interactions with them relating to people who were present in and around the occupation. They experienced incidents of hate, biased crimes, and biased incidents, in their interactions. Their very real, very relevant, experiences are exactly that; they felt unsafe within their own communities.

Mr. Taleeb Noormohamed: Interim Chief, as you reflect on what was going on and having heard from your community, how did you feel when you saw political leaders encouraging or supporting the blockade and defending the actions of those who were occupying your city?

Mr. Steve Bell: Mr. Chair, my focus throughout this was to work with my policing partners.

I would like to publicly thank Commissioner Carrique and Commissioner Lucki for the amazing support that they provided throughout this. When it came to our interactions with various levels of government our sole focus was around looking at how we identify accessing the resources and supports that we need and how we look at leveraging the adequate tools including the legislative changes like the Emergencies Act that we ultimately received. When it came to political and government operations that is where our sole focus was.

Mr. Taleeb Noormohamed: We have a very short amount of time left.

I'm going to ask you two very quick questions and I'd really appreciate your answers.

A lot of folks said that the protest only became illegal after the Emergencies Act was invoked.

Could you share your perspective on that very quickly? Could you also share if in fact laws and statutes were broken prior to the Emergencies Act being invoked?

Could you also confirm or deny that “a large number of—

The Chair: I'm sorry.

He's only going to have 10 seconds to answer both.

Mr. Taleeb Noormohamed: Okay.

Could you confirm your perspective on whether the Emergencies Act was needed or not?

The Chair: Time's up. Sorry.

I'll give you 10 seconds to answer, Interim Chief.

Mr. Steve Bell: That's a challenge.

The unlawful activity progressed throughout the course of the occupation. That is, from the time that people did not leave. What could have been a lawful demonstration to, ultimately, our take-down, lawful activity was observed, documented, and prosecuted.

The Chair: Thank you very much.

I'll now call on Ms. Michaud to begin her six minute question slot.

The floor is yours.

[*Français*]

Mme Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Merci, monsieur le président.

Je remercie les témoins de leur présence. C'est très apprécié.

Nous avons hâte de vous entendre. J'en profite pour vous remercier de votre travail, remercier vos agents également, lesquels ont quand même mis en place une opération d'envergure pour déloger les manifestants qu'on a vus, pendant plusieurs semaines, sur la Colline du Parlement.

Or, il y a une question qui me vient tout de suite en tête: pourquoi cette opération n'a-t-elle pas eu lieu avant cela? Pourquoi cela a-t-il duré si longtemps avant qu'on puisse la mettre en place?

Je ne peux pas m'empêcher de faire le parallèle avec ce qui s'est passé dans la ville de Québec. À partir du moment où on a eu l'information qu'il y avait des gens qui se dirigeaient pour manifester devant le Parlement et devant l'Assemblée nationale à Québec, le maire de Québec et le premier ministre du Québec ont fait des mises en garde. Ils ont dit qu'ils ne toléreraient pas de dérapage. Les policiers ont bloqué l'accès au Parlement. Il y avait des policiers de la SQ et du service de police de la ville de Québec à peu près partout dans la ville, ou près de la Colline du Parlement et dans les rues avoisinantes. Il y avait des remorqueuses qui étaient prêtes.

Je me demande, du côté de votre préparation, à partir de quel moment vous avez su qu'il y avait des gens qui s'en venaient vers la Colline du Parlement. Quelle a été votre préparation? Quelle a été la collaboration avec les autres services de police, avec les paliers du gouvernement et avec la Ville d'Ottawa? Comment vous êtes-vous préparés à accueillir ce convoi qui se dirigeait clairement au centre-ville d'Ottawa?

Ma question s'adresse peut-être à M. Bell en premier.

[*English*]

Mr. Steve Bell: Thank you, Mr. Chair.

One of the things that I think is really important to highlight is that as the police jurisdiction in Ottawa, on a yearly basis we deal with hundreds of demonstrations. As the seat of Parliament for the nation, as the police jurisdiction in that nation's capital, it is what we do. On a daily basis, we manage, support, liaise and work with protesters and demonstrators in our jurisdiction for them to engage in their lawful right to have their voices heard.

This circumstance was unprecedented to any of those other circumstances that we'd seen previously. On previous occasions within the last six months prior to this, we'd had several demonstrations that were centred around vehicles attending our jurisdiction to have their voices heard.

All of the past history that we had was around people attending, having their voices heard and then leaving, as is their constitutional right. We prepare, we support and we work with protesters to look at how we best manage their safety and the safety of the community.

What I can tell you is that as this built, as this moved across the country and as it ultimately settled down into our jurisdiction—ultimately occupying our streets—this grew to be a very different circumstance from any other protest or demonstration that we had managed in the past. The very outcome of it identifies how different it was.

Last year, during our protests, we had fewer than five arrests associated with demonstrations and demonstration activity. In this protest, we had 280 arrests that resulted in hundreds and hundreds of criminal charges. Those were not the circumstances that existed prior to this demonstration occupying our streets.

Since this has occurred—

🕒 (1130)

[*Français*]

Mme Kristina Michaud: Monsieur Bell, je n'ai pas beaucoup de temps. Je me permettrais de retourner à la question principale. Vous avez dit, dans votre allocution d'ouverture, que l'intention des manifestants était clairement de troubler l'ordre public et de venir déranger le centre-ville. Il y avait des signes de haine. Vous dites maintenant que c'est quelque chose que vous n'avez jamais vu auparavant.

On voit chaque semaine ici devant le Parlement des gens qui viennent manifester et qui veulent se faire entendre, mais ceux dont on parle avaient clairement l'intention de rester ici. Ils disaient aux médias qu'ils ne s'en iraient pas

tant qu'ils n'auraient pas ce qu'ils voulaient. On voyait donc qu'il y avait cette intention d'aller un peu plus loin. Comment vous êtes-vous préparé à cela?

J'ai l'impression qu'à un moment donné, cela a pris une ampleur incroyable. Une personne du service de police de la ville d'Ottawa a signé une lettre destinée à M. Trudeau et à M. Watson pour demander 1800 agents supplémentaires. C'était autour du onzième jour ou du douzième jour. Ces outils-là auraient pu vous permettre d'agir plus rapidement. Comment vous êtes-vous préparé donc? Quand vous avez demandé de l'aide, est-ce que vous avez été entendu?

[English]

Mr. Steve Bell: I think you've identified scope and scale that are very important factors that play in this. The original intelligence that we had had a much smaller footprint of the people who were—what I would call—motivated to stay for longer periods of time. What ultimately ended up on our streets in terms of scope and scale—geographical footprint—was not consistent with what we believed or what we believed to have intended to occur.

Beyond that, the activities that were engaged by the protesters were not what we believed would occur, were not consistent with previous demonstrations that had occurred in our streets. The hate, the disruptive behaviour, the intimidating behaviour, the noise pollution that terrorized our communities—24 hours a day, seven days a week—were nothing that was indicated to have occurred before.

You mentioned the preparations of other jurisdictions. What I can tell you is through conversations with many other chiefs of police that continue to be ongoing now, much was learned from what occurred in Ottawa.

Chief Ramer from Toronto clearly indicated—

The Chair: Thank you very much. Sorry, interim Chief, we're out of time on that block.

I'd like to turn now to Mr. MacGregor. Sir, you have six minutes. The floor is yours.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you so much, Chair.

Chief Bell, I'm going to continue with you. Your opening remarks quite skillfully and completely deconstructed the narrative that this was a peaceful protest. I appreciate your providing Ottawa Police Service's perspective on what your officers were dealing with.

I want to go through this timeline because the convoy arrived in Ottawa on the weekend of January 28. On February 6, we had Ottawa declare a local state of emergency, followed by February 11, when the Province of Ontario followed suit. Then, on February 14 was the federal state of emergency. With the two previous states of emergency, both Ottawa and the Province of Ontario, there have been a lot of questions as to why existing laws were not sufficient to deal with this protest. Why did we get to the point, on February 14, where federal powers were necessary?

Can you please explain to the committee why a local state of emergency, and then a provincial state of emergency, were not enough to deal with the occupation of Ottawa?

🕒 (1135)

Mr. Steve Bell: Thank you for the question, Mr. Chair.

As I indicated in my statement, and as Commissioner Carrique reiterated in his opening statement, there were several factors and several pieces that needed to come into play for us to be able to successfully and safely end the occupations of our streets.

One of those pieces was the injunctions levelled within the City of Ottawa. Another piece was the provincial state of emergency and emergencies act that were implemented. The final piece to that was the Emergencies Act. They all provided different components, legislation and tools for us that were utilized to ultimately and successfully take down the demonstration that was occurring.

Beyond the tools we had, we needed to amass the resources. We did ultimately have just shy of 2,000 police members attend our city streets in order to be able to successfully dismantle this.

So we needed, not only tools, but resources and the plan. That all culminated in the ultimate take-down that you were able to witness.

Mr. Alistair MacGregor: I think that residents of Ottawa still have a lot of questions about their police service and the actions that led up to the declaration of emergency.

We had media reports and saw pictures of police officers standing by while people were carting jerry cans of diesel fuel. A lot of residents, rightfully, have questions as to why those officers were not enforcing the law at that time. Can you provide some illumination as to why that did not occur?

Mr. Steve Bell: Mr. Chair, I'll concur at the very beginning. Residents of our city do have questions about our activities as we led up to this. I have questions about our activities leading up to this. That's why discussions like these and the internal review that's going to be done by the City of Ottawa are so important. We need to learn from these circumstances. We need to make sure that something like this never replicates again.

This was an unprecedented, unseen event for any jurisdiction across Canada. The members of our police service, our unified command team between the RCMP and the OPP were dealing with a situation that had never been tackled, had never been approached before.

We went through a series of methodical planning, a series of resource gathering and ultimately utilized the tools that were presented to us in order to safely take down this demonstration and the illegal occupation of our streets.

Mr. Alistair MacGregor: I just need to interject. I'm sorry, I have limited time here.

I just want very quickly from you, on what date did you feel that the protest had moved into an illegal occupation?

Mr. Steve Bell: As I indicated, as the protest grew in scope and scale and as we observed the activities of the members, it turned from what would have been a demonstration to an illegal occupation very early in—

Mr. Alistair MacGregor: So it was very early.

There are reports that some members of the Ottawa Police Services donated funds through GiveSendGo to contribute to the illegal occupation. Police officers are necessarily held to a higher standard because of the role they play in our society. What does it say when we have police officers funding an occupation that is actively undermining the residents' right to peace and security and the ability to go about their daily business?

Mr. Steve Bell: Mr. Chair, that is an extremely important question and one that has been asked of me many times and I've been very clear around that.

People who support—members who support—this activity do not share the values of this organization and we have already commenced and initiated investigations that will look to fully discipline, within our authorities, any misconduct that's identified.

I also think it's really important to balance that. The vast majority of the members of this police service, the members of the OPP and the RCMP and every police member that attended our city did it with the values that we hold and share to make sure that these illegal activities and occupation of our streets were removed so that the streets could be given back to our citizens. I think that's the important thing to focus on.

🕒 (1140)

The Chair: Thank you very much, Chief.

Thank you, Mr. MacGregor.

We'll now move into the second round of questions. That begins with Mr. Brock, who will have five minutes. Sir, the floor is yours.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Chair.

Thank you to the witnesses for your presence today and testimony.

Largely my questions will be directed towards Interim Chief Bell.

Interim Chief Bell, just a little bit of background, we know that there were a number of other similar based protests around this country. We know there were border disputes in Alberta, Manitoba and at the Windsor Ambassador Bridge. You'll agree with me, Officer, that those disputes were all resolved, removed and charges laid without the invocation of the Emergencies Act. Yes or no?

Mr. Steve Bell: Mr. Chair, I would debate the definition of “similar”. Border protests in non-residential areas are considerably different than an occupation of what amassed to approximately 20 square blocks in the centre of a major municipality within the country, in front of a Parliament who had to suspend sitting for a period of time so that the police operations could be undertaken. The characterization of the other three demonstrations and where they were situated, as well as scope and scale...I don't think it's comparable to what happened within the streets of Ottawa.

Mr. Larry Brock: You'd also agree with me, Officer, that in fact, part of the wording of the statute is that the invocation can only take place where there are no other existing laws in Canada to remove the nuisance or dispute.

You'd agree with me in these circumstances there were a myriad of Criminal Code charges, Highway Traffic Act charges, City of Ottawa municipal bylaws, as well as several Superior Court orders that could have been utilized by the rank and file of the Ottawa Police Service, but there were no charges laid before the invocation of the Emergencies Act.

Do you agree with that Officer, or not?

Mr. Steve Bell: I do not, because there were several criminal charges laid in the course of our enforcement through the process of stabilizing, maintaining and ultimately removing the demonstrators from our streets.

The Emergencies Act—

Mr. Larry Brock: I'm sorry to interrupt, was that before or after the invocation of the act?

Mr. Steve Bell: There were criminal charges laid prior to the invocation of the Emergencies Act.

Mr. Larry Brock: Okay, what charges were they? Were they Criminal Code charges?

Mr. Steve Bell: Absolutely. There were Criminal Code charges related to activities surrounding the demonstration.

Mr. Larry Brock: You mentioned racing dangerously around the city core. Those laws exist under the Highway Traffic Act. Presumably that wasn't simply a report that was generated to the Ottawa Police Services. Hundreds and hundreds of your rank and file Ottawa Police Service members were able to witness that dangerous behaviour and yet no charges were laid in relation to that conduct.

You'd agree with me?

Mr. Steve Bell: As I indicated in my opening, the Emergencies Act was one of the tools that we utilized. What specifically it provided us was the ability to create an exclusionary zone. One of the major issues that we had in trying to manage and maintain was the free flow of people in and out of the demonstration footprint—the red zone, as we called it. [*Inaudible*].

Mr. Larry Brock: I get that.

Chief Bell, thank you. I've got a limited amount of time. That does not answer my question.

My question is, there were a number of Highway Traffic Act infractions and Criminal Code violations being

conducted in the presence of police officers, where no charges were laid. What direction did leadership give to the rank and file to turn a blind eye to this illegal behaviour that only became necessary in terms of exercising your duty as a police officer after the invocation of the act?

🕒 (1145)

The Chair: You've got 15 seconds, Chief.

Mr. Steve Bell: There was no direction to disregard criminal activity or highway traffic activity. In fact, what we have done is gathered information, intelligence, and we continue to do investigations around that very activity you're discussing.

What was paramount for us was the safety of the community, the safety of our officers, and the safety of the demonstrators, and on several occasions that safety was—

The Chair: I'm sorry for interrupting, it's not the best part of my job but it's an important part.

Now we turn to Mr. Naqvi who has five minutes, I believe joining us remotely.

Mr. Naqvi.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you very much.

Thank you, Mr. Chair, I hope you can hear me clearly?

The Chair: Yes, fine.

Mr. Yasir Naqvi: Thank you to all the officers who are here today.

I'm going to be focusing my questions to Interim Chief Bell.

Chief Bell, thank you for being here and being so forthcoming in answering questions.

I'm going to be asking some really basic fact-based questions, questions that I'm hearing directly from the community that I represent. As you know, I represent Ottawa Centre that was the ground zero of this illegal occupation, and the questions that I think you've been asked as well by our citizens of our community.

Let me start by asking this question, is it the general practice for Ottawa police to let vehicles park on Wellington Street?

Mr. Steve Bell: Mr. Chair, as I indicated in an earlier answer, at various times as it relates to different protests that have occurred in the past, and in the very near past, provisions are made to allow vehicles into that area, to have their voices heard and they then leave at the end of that.

Mr. Yasir Naqvi: Have we in the past for various protests, and as you mentioned we get protests often on parliamentary precinct, have you allowed for cranes to be mounted right in front of Parliament Hill?

Mr. Steve Bell: Sorry, Mr. Chair, if it's specifically relating to the fact do we allow cranes and do we manage the access to that, yes absolutely, that is one of the functions of the Ottawa Police Service.

Mr. Yasir Naqvi: We don't allow those type of equipment as part of a protest to be stationed on Wellington Street?

Mr. Steve Bell: Mr. Chair, it depends on the context of the protest. We, as a police service, attempt to facilitate the lawful right to people have their voices heard. There are many different communities that we have facilitated that ability in different ways in the past.

In the past summer, we had a farmers protest that had multiple dozens of tractors occupying that same area. In the past we had trucking association demonstrations that have had vehicles come, park in that area, drive around in different areas, get their message across and then ultimately leave the jurisdiction, as is the course of a normal

protest.

Mr. Yasir Naqvi: Chief Bell, I've seen a lot of those protests as well, it was highly unusual to see a crane right in front of the Privy Council and the Prime Minister's office.

Let me ask you this question, did this protest have a permit to hold a protest at Parliament Hill?

Mr. Steve Bell: As the police jurisdiction for Ottawa, we would not provide permits for people to protest within the parliamentary precinct, that's not within our area of jurisdiction. We would be able, and no ourselves but us through our city partners, to issue permits for demonstrations and protests that were to occur within our city streets.

I can tell you as a result of the ongoing pandemic those permits have been suspended so any protest within the time span of the pandemic has not received a permit because they have not been sanctioned by the city.

🕒 (1150)

Mr. Yasir Naqvi: Thank you.

The protest started around January 28, after the first weekend, just around February 1 or 2, Tuesday or Wednesday, I recall seeing a news release from Ottawa police that clearly said that there's about 200 to 250 protesters with a couple of hundred of vehicles.

As you stated a few laws were being broken, why didn't the Ottawa police at that time, move in and enforce the existing laws at their disposal to remove the occupiers?

Mr. Steve Bell: As I indicated before, I think it's important to understand the scope, scale, and magnitude of the operation we undertook. I understand people have witnessed and observed how many police officers it took to come here, the amendments of powers that we needed in order to be able to create a safe environment in order to begin that operation. That took time as it moved through.

The numbers of people involved in the protest site fluctuated, but the number of vehicles did not dramatically fluctuate. And the vehicles were an impediment to us—

The Chair: Ten seconds, Chief.

Mr. Steve Bell: —a concern and something that was different for us in dealing with.

Mr. Yasir Naqvi: But Chief, in the eventual operation, you removed [*Inaudible*] vehicles.

The Chair: Sorry, we're out of time. Mr. Naqvi, you're out of time, sir. We have to move on.

We move to Ms. Michaud. You have all of two and a half minutes. Make good use of it.

[*Français*]

Mme Kristina Michaud: Monsieur le président, je vous remercie. C'est ce que je vais essayer de faire.

Je vais reprendre là où je me suis arrêtée tout à l'heure avec M. Bell.

Monsieur Bell, vous disiez que les autres à Québec étaient peut-être un peu mieux préparés parce qu'ils se sont inspirés de ce qui s'est passé ici. Clairement, ils étaient mieux préparés. Je pense que les événements nous l'ont montré.

Cependant, je m'intéresse un peu plus au dénouement de la chose. Ici, à Ottawa, on a apparemment eu besoin de la Loi sur les mesures d'urgence pour dénouer le tout, mais ce n'est pas ce qui s'est passé à Québec, parce qu'on n'a pas laissé les manifestants s'installer.

À Windsor, au pont Ambassador, les manifestants se sont installés, mais on a été en mesure de les déloger et de démanteler le blocage sans l'application de la Loi sur les mesures d'urgence.

Je vous repose la question que j'ai posée tout à l'heure. Avant d'avoir recours à la Loi sur les mesures d'urgence, vous aviez levé la main et demandé du renfort pour avoir des agents supplémentaires. Si vous les aviez reçus, pensez-vous que cela aurait pu changer la donne?

[English]

Mr. Steve Bell: Mr. Chair, as I indicated, the pieces that we needed to come together needed to come together and they ultimately came together that allowed for our dismantling of the operation. Those pieces included the amassing of the resources we required and the tools we needed to create the environment that we could undertake the operation to ultimately dismantle. Those are the timelines that we've identified and those are the timelines that I've spoken about over the course of these questions.

[Français]

Mme Kristina Michaud: J'ai l'impression que ces outils et ces ressources étaient déjà à votre disposition et que ce n'est pas la Loi sur les mesures d'urgence qui a permis de les utiliser.

Quand une voiture obstrue la voie publique, on peut donner une contravention, on peut la faire remorquer, on peut ériger des barrières physiques, on peut bloquer des rues. Bref, on peut empêcher des voitures de s'installer. Ce sont tous des pouvoirs que vous aviez déjà. Pourquoi ne les avez-vous pas utilisés avant?

J'ai l'impression qu'il y a eu un changement de mentalité une fois que la Loi a été décrétée. Auparavant, on voyait les agents qui encadraient, qui surveillaient la manifestation, comme si c'était une manifestation normale alors que ce ne l'était clairement pas, car c'était une occupation.

Avant cela, on n'avait pas vu d'agents qui essayaient de déloger les manifestants. Pourquoi n'a-t-on pas essayé de les déloger avant, même s'il y avait peut-être un petit manque de ressources? Les outils étaient clairement déjà à votre disposition.

[English]

Mr. Steve Bell: The Emergency Measures Act—

The Chair: Sorry, we're out of time, but I'm going to give you 10 seconds to answer that please.

Mr. Steve Bell: The Emergencies Measures Act specifically provides us authorities to utilize those officers who attended. It specifically provided us authorities to exclude vehicle and pedestrians from the area, authorities we did not have prior to it being evoked.

The Chair: Thank you very much.

Mr. MacGregor, over to you for two and a half minutes. All yours.

Mr. Alistair MacGregor: Thank you, Chair.

Chief Bell, the Integrated Terrorism Assessment Centre in the week before the convoy arrived in Ottawa provided intelligence assessments that concluded that violent extremist groups were deeply involved in the protest movement. Then we have a convoy with that assessment arriving in our nation's capital, setting up on Wellington Street right beside the Prime Minister's Office, right beside the seat of our democracy, how did those assessments inform police behaviour? That should have put you on high alert. Even if what turned out afterwards was far from the assessment, that assessment alone should have put your police officers on high alert that something potentially could happen in a very bad way.

🕒 (1155)

Mr. Steve Bell: What I can say is we were on high alert as an organization, and we thank our partners from the OPP and the RCMP who helped us actively gather intelligence throughout the build up to this and ultimately all the way throughout the occupation and ultimate takedown.

We are actively now engaged in the reviews that identify what was the information we had, what were the courses that were taken and how can we learn in order to be able to make sure something like this does not occur again.

What I can tell you is the planning that we had done was exactly in line with protest planning that had been done in the past, what we saw [*Inaudible*] in front of us was an extremely unprecedented [*Inaudible*] occupation.

Mr. Alistair MacGregor: At the time, though, did you feel that was a national security threat? When you received those assessments, did your police officers feel that was a viable national security threat?

Mr. Steve Bell: As the intelligence experts who we have with us, I am actually going to turn this question over to Commissioner Carrique, to identify as he and his organization were principal in gathering that intelligence.

Commissioner Carrique.

Commr Thomas Carrique: Thank you, Chief Bell.

Through you, Mr. Chair, we did identify it as a threat to national security through the provincial operations intelligence bureau on or about February 7.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you very much.

Colleagues, we have two more questioners, but not sufficient time to give them the full allotment.

I'm going to ask Mr. Shipley and Mr. McKinnon to confine their periods to three minutes each.

Mr. Shipley, the floor is yours for three minutes.

Mr. Doug Shipley: Thank you, Chair.

Very quickly to both Commissioner Carrique and to Interim Chief Bell, were you at any time during this protest given any political direction from any level of government, be it your counsellor, your mayor, your board of police or your provincial or federal jurisdictions?

Commr Thomas Carrique: I can answer first, Mr. Chair.

Absolutely not. At no point in time did I receive any direction.

I am solely responsible for the operations of the Ontario Provincial Police.

Mr. Steve Bell: I can concur with Commissioner Carrique.

I must make the statement, though, that I did not become chief of this operation until February 15, and from that time, moving forward, I have received no political direction or intonation around what I should do. We operate as an independent policing service under the oversight of our police services board.

Mr. Doug Shipley: Thank you for that, and that's reassuring to know.

Interim Chief Bell, it was a bad situation, quite frankly. When I am here I live in downtown Ottawa. I walked through this protest, coming to work in the morning and at night.

I was surprised, though. There was one particular night when I walked home with a colleague and I'll admit, we took a little bit of a longer route to just keep an eye and see what was going on to have a look at this, as I had to walk through it. That night—and it was probably about nine o'clock at night or so—I did not see one single Ottawa police officer anywhere in the protest, keeping an eye on anything.

I have heard that perhaps absences were up at the beginning of this protest. Could you maybe give me some information as to why there wouldn't be any officers there, and if absences were up at the beginning of this protest?

Mr. Steve Bell: Mr. Chair, I can't comment specifically on what was observed because I'm unsure of the exact date and time.

What I can tell you is that our members, members from across the country came together in force to actually help support the take-down of the occupation. It took a considerable amount of time to amass that number of resources and in the early days of the illegal occupation, we indicated the resourcing pressures that we felt, as an organization.

We relied on the Ontario Provincial Police, the Royal Canadian Mounted Police to help support our operations.

Although I can't comment on whether you saw an Ottawa police member in the crowd or not, what I can tell you is that from the time that this started to ultimately the time it was taken down, police members monitored and actively worked to dismantle it.

🕒 (1200)

Mr. Doug Shipley: Thank you for that answer.

I should have clarified that I didn't see any uniform members. I'm sure there were other members in and about there.

My last question is, then—

The Chair: You have 10 seconds, sir.

Mr. Doug Shipley: Very quickly, I know that Chief Sloly kept requesting the number of 1,800 officers. Was there a plan to use those 1,800 officers?

The Chair: That will have to be a yes or no answer.

Mr. Steve Bell: Absolutely. The number 1,800 was built around a plan that ultimately we needed to build to monitor, maintain, stabilize and ultimately dismantle. That's what we were ultimately able to amass as the refined planning went into—

The Chair: Thank you very much.

Now, for our last three-minute slot I understand that I go to Mr. Zuberi.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair.

I'd like to thank all the witnesses for being here and for doing your duty to protect and serve society.

I'd like to double-back on some remarks that have been made thus far. We heard from the OPP, Interim Chief Bell, that on February 7 you had intelligence saying that there was a national security threat.

Was this national security threat related to far-right extremism?

I'm not sure if you can hear me.

I ask that my time be paused while we're waiting for the answer.

The Chair: Chief, did you hear the question? Are you there?

Mr. Steve Bell: I'm sorry, my mistake. I had believed that question was for Commissioner Carrique, around the intelligence. My apologies.

Mr. Sameer Zuberi: No, for the Ottawa....

Mr. Steve Bell: So, again, I will defer to Commissioner Carrique around the intelligence. It was the OPP who led the intelligence efforts around this.

Mr. Sameer Zuberi: If you could reply quickly, was that related to far-right extremism?

Commr Thomas Carrique: Sorry, Mr. Chair, this is not the appropriate venue to get into the specifics of intelligence.

What I can tell you is that the collection of intelligence, right across this country, with the simultaneous activities going on and the events in our nation's capital, we did identify—collectively—a risk to national security.

Mr. Sameer Zuberi: Thank you for confirming that.

We've spent about a minute or so of lost time due to lack of answers, so I ask for that back.

Going back to the OPP.... There was a real and live national security concern. You've said that Ottawa handles hundreds of protests every year. Were you in contact with the protest organizers in advance of the actual protest or convoy? If so, did you try to prevent them from entering Wellington Street and the Parliamentary precinct?

Mr. Steve Bell: I believe that question is for me as I'm the one who stated we have managed hundreds of protests.

We regularly, and in all occasions, attempt to make contact and liaise with the organizers. That's the important part of our police liaison team. [*Inaudible*] extremely successful—

Mr. Sameer Zuberi: I'm sorry, I'm just trying to ask a question.

Were you successful in making contact with the protest organizers?

Mr. Steve Bell: This was a difficult group to identify protest organizers within. It was a fractured, frayed group. We did make contact with several people—

Mr. Sameer Zuberi: Thank you. My time is very limited.

I found the Facebook page of the convoy was developed as of January 14. The protests started on January 22. Were you in contact with the protest organizers through information they made available through their Facebook page and other methods?

Mr. Steve Bell: So, again, the protest organizers were extremely difficult to identify because it was a very fractured, frayed group of people. Our police liaison team members did an amazing job in contacting as many different people that had identified themselves as organizers to start discussions.

The Chair: Okay, thank you very much. I added it to the time—

Mr. Alistair MacGregor: I have a point of order, Chair.

Just quickly, I was wondering through you, if you could invite our witnesses to provide written briefs. They may not have been able to fully develop some of their answers during testimony and I think written briefs, from both departments, would aid our committee in getting a fulsome picture of this.

The Chair: Sure, I can make that request.

I want to thank the witnesses for coming to appear in front of this committee at a very difficult time. The request has been made that—

🕒 (1205)

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): I have a point of order, Mr. Chair.

Sorry to interrupt. During the course of this meeting, Mr. Lloyd has tweeted that “Ottawa interim chief Bell confirms that no firearms were found during a clearing of the convoy protests.” That's not the testimony I heard. I believe that mischaracterizes Chief Bell's testimony, and I would urge people to look at the actual testimony.

The Chair: We're not going to be debating tweets in front of the committee, however I will ask the witnesses to

feel free to give us more information if they had insufficient time to answer these questions fully. I would encourage them to do that.

On behalf of the committee, in fact, on behalf of the Parliament of Canada, I want to thank witnesses. I know how intense a time this has been for all of you. We appreciate you sharing your views and your perspectives for us. Thank you very much.

Members of the committee, we will now suspend for five minutes and we will return in camera. Thank you.



[Proceedings continue in camera]