



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 045 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Tuesday, November 15, 2005

—
Chair

Mr. David Chatters

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Access to Information, Privacy and Ethics

Tuesday, November 15, 2005

• (1110)

[English]

The Acting Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning, ladies and gentlemen. We'll call the meeting to order.

This is the Standing Committee on Access to Information, Privacy and Ethics. The orders of the day are twofold: first, from now until 12 o'clock, pursuant to Standing Order 81(5), supplementary estimates (A), 2005-06, vote 45a, Office of the Privacy Commissioner of Canada, under Justice, referred to this committee on Thursday, October 27; and secondly, from 12 o'clock to 1 o'clock, pursuant to Standing Order 81(5), supplementary estimates (A), 2005-06, vote 40a, Office of the Information Commissioner of Canada, under Justice, referred to the committee on Thursday, October 27.

Our first witnesses today come from the Office of the Privacy Commissioner of Canada: the Privacy Commissioner, Ms. Stoddart; and the director general of corporate services, Mr. Pulcine. Welcome to both of you.

Commissioner Stoddart, you have a brief presentation, which I think members have. If you could proceed with that, we'd appreciate it.

Ms. Jennifer Stoddart (Privacy Commissioner, Office of the Privacy Commissioner of Canada): Thank you very much, Mr. Acting Chair.

I'm happy to be here to talk to you about my supplementary estimates, which, as you know, for five years running are an integral part of our regular budget.

[Translation]

Thank you for inviting us to appear before you to discuss the Supplementary Estimates for the Office of the Privacy Commissioner of Canada. With me today is Tom Pulcine.

A little over three weeks ago, we met with this committee to review my Office's Annual Reports. I appreciated the open and frank discussion we had at that time.

Today, I want to focus on how our Office is funded, and why it is important to put in place permanent and predictable funding for our operations.

[English]

I'll briefly go over how our office is funded, as it is very unusual. It is in fact what we call a rather peculiar funding situation. I'll repeat this message today.

Our office's total operating budget is approximately \$10.8 million. Funding of \$4.7 million for requirements under the Privacy Act is provided to us through the main estimates, while funding of \$6 million for PIPEDA is provided through supplementary estimates. There are also some other minor adjustments included in the supplementary estimates.

As you can see from these numbers, about 60% of our total budget allocation—and this is the unusual part—the part targeted for PIPEDA, comes to us by way of the supplementary estimates, and I refer you to table 1, which should have been handed out to you.

As you know, Parliament may approve additional expenditures set out in the supplementary estimates should the amounts voted under main estimates prove insufficient. The “supps”, as they're commonly called, are not really meant to contribute to the core financing of departmental or agency operations, yet this is exactly what is happening at the Office of the Privacy Commissioner and this is what has happened for the last five years.

We've distributed a table, which you should have before you, that summarizes this very unusual funding situation. It's important for you to note that although our office receives its funding both through the main estimates and supplementary estimates, from a management perspective we don't separate resource allocation under the two acts. Both the \$4.7 million and the \$6 million are consolidated, and this sum of money is allocated in support of our planned strategic outcomes under both acts.

• (1115)

[Translation]

I would now like to turn your attention to the multi-faceted nature of our mandate, another rather singular aspect of our operations.

The Office of the Privacy Commissioner is unique when compared to other Officers of Parliament in that it has responsibility for two Acts: the Privacy Act which applies to federal institutions, and PIPEDA which governs personal information management in commercial activities. Also, contrary to other Officers of Parliament, the OPC is the only one to have a broad private sector mandate.

As an independent ombudsman, we are: an investigator and auditor; a public educator and advocate; a researcher and expert advisor to parliament on privacy issues; and a legal advisor involved in litigation concerning the application and interpretation of the two privacy laws.

This multi-faceted aspect of our operations manifests itself in a number of ways at the OPC. A brief description of a real-life issue that has occupied my Office for some time now can best illustrate this point.

[*English*]

To illustrate our many activities, I've chosen the theme of transnational flow of personal information.

As you know, studies, public opinion polls have shown us that Canadians are becoming increasingly preoccupied with where their personal data is going abroad, and of course how it can be accessed from abroad, and why. My office too has been following developments concerning the transnational flow of personal information with keen interest. Keeping track of these developments has required the involvement of virtually every part of my organization, so I'll give you some examples.

In the audit field, our office has undertaken a scoping review of the Canadian Border Services Agency's multiple programs and information management activities. We expect our audit report on this matter to be completed by early 2006.

In the inquiries and investigation field, my office received a number of complaints after the CIBC sent a notification to its Visa customers in the fall of 2004 amending its credit cardholder agreement. The notification referred to the use of a service provider located in the United States and the possibility that U.S. law enforcement or regulatory agencies might be able to obtain access to cardholders' personal information under U.S. law. Our legal branch helped advise the investigation in this matter. We concluded—and our conclusion is on our website—that PIPEDA requires Canadian companies that send personal information abroad to protect it with comparable protections to those it would have under Canadian law.

On the research and policy front, we have worked with Treasury Board to strengthen privacy protections in the outsourcing process. Through its work on the policy suite, Treasury Board is striving to improve the privacy management practices of the federal government. It recently issued a guidance document to help federal managers mitigate the risk to personal data resulting from outsourcing. We will continue to advocate such improvements, and we intend to monitor compliance with privacy principles.

[*Translation*]

We have also appeared numerous times before parliamentary committees to provide our expert advice on the transnational flow of personal information.

My staff and I must regularly attend international gathering of privacy experts to keep abreast of new developments in the field of transnational flow of personal data. Most recently we attended a meeting at the OECD.

Finally in the public education field, my Office has received over the past year numerous citizen and media inquiries on the transnational flow of personal information.

As an aside, I should like to point out that our web site provides an indicator of our success in communicating to the Canadian public on key privacy issues, with nearly one million visits in 2004-05.

The transnational flow of personal information is one example where the multi-faceted “personality” of my Office manifests itself. But it is only one of many other examples.

[*English*]

Finally, Mr. Chairman, I'd like to conclude with a message on the importance of permanent funding. Given this multi-faceted approach, it is all the more important for our office to acquire permanent, stable, and predictable funding. We have devoted a considerable amount of time and energy over the past year to preparing a full-fledged business case for all of our operations. We have completed reports on this matter and submitted them to Treasury Board.

In two days we will be submitting our business case for new funding to the advisory panel on the funding of officers of Parliament. Many of the members of this committee are members of this panel. The creation of this panel flowed from the work of this committee and your report. So I look forward to meeting you again shortly to discuss this question.

I appreciate your ongoing interest in the work of this office.

Mr. Chairman, I would be happy to answer your questions.

• (1120)

The Acting Chair (Mr. David Tilson): Thank you, Commissioner.

The first round, as you know, is seven minutes per caucus.

Mr. Epp.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Thank you, Mr. Chairman.

Ms. Stoddart, thank you very much for attending our committee today. As I said to you out in the hallway, are you ready for the grilling and the inquisition? We're going to sock it to you here today.

I want to ask, first of all, about this thing with your PIPEDA estimates being in the supplementaries. Why are they? This isn't an unexpected expenditure. We've known about it for quite some time. It's a regular part of your responsibility. Why don't you put it into the main estimates, as is the habit of most departments?

Ms. Jennifer Stoddart: Thank you for the question, Honourable Member.

Historically, the PIPEDA money, which is the bulk of the financing of the Office of the Privacy Commissioner, was granted in 2000 only for three fiscal exercises. At the time, it was temporary supplementary funding when the new law, PIPEDA, came into force to see how this law would work out and what its costs would be. That's the condition under which Parliament granted the money. At the time this grant expired in 2003, the previous Privacy Commissioner had resigned. In the circumstances, it was thought appropriate to simply extend this temporary funding for one and then two years to allow us to prepare a thorough revision of our future financial needs. We have done that. Some of the honourable members will be looking at our new request for permanent funding Thursday.

Mr. Ken Epp: So it's your expectation that in the next fiscal year you will be in the main estimates for this as well?

Ms. Jennifer Stoddart: It's our fervent hope and expectation that we will have permanent funding in one grant.

Mr. Ken Epp: It's just unusual for you to miss over half your budget and swing it over into the supplementaries.

I have a question with respect to some of the items on the budget itself. That's the main purpose of our meeting here today. I know we have a whole bunch of other things we can discuss with you.

I notice you have a fairly substantial item for staff, for salaries, employee benefits, and other operating expenses. It's curious to me that your salary—I'm looking at both the main estimates and the supplementary, even though today we're talking mostly of the supplementary. How is it that for salaries you have \$3.6 million in the main estimates and \$3.5 million...? Is that totally because of the staff who are allocated by PIPEDA? You said those were consolidated.

Ms. Jennifer Stoddart: Yes.

Mr. Ken Epp: I'm wondering about that.

Ms. Jennifer Stoddart: My understanding is it is somewhat arbitrary. We have a total number of staff. We're funded for 100 full-time equivalent person years. The funding doesn't follow exactly the allocation under the two acts. It's blended together as one pot.

Mr. Ken Epp: Okay.

I look down a little bit farther and we have this curious thing on contributions: \$250,000. What are you doing? Is this like a sponsor thing, or what is it?

Ms. Jennifer Stoddart: No, it's no kind of a sponsor thing.

It was set up, Honourable Member, in 2000, as part of our original funding. There's an allocation of a total of \$500,000 that can be used for research grants and contributions. The program was not started for the first three years. Last year we started for the first time. We ran an equivalent of a competition, we had many entries, and we chose what we thought were the five best research projects. We gave the grants, after examination, to five non-profit organizations—all the details are on the website—mostly to universities. The program was so successful in terms of generating new research, helping specialists explore new aspects, notably of technology and the application of our law, as well as different types of invasion of privacy and so on, that we're repeating it this year. That is the money that is earmarked for a similar program.

●(1125)

Mr. Ken Epp: So this is basically research and report writing and so on?

Ms. Jennifer Stoddart: It is.

Mr. Ken Epp: Have those reports been completed?

Ms. Jennifer Stoddart: They've been completed, I believe, all except one. The link to the completed reports are on our website, so you can read the reports that way.

Mr. Ken Epp: Did we get value for money out of them?

Ms. Jennifer Stoddart: I think we did.

Mr. Ken Epp: For \$250,000, well, I don't know. I guess around here it isn't a lot of money, but to me and my taxpayer constituents, it's a pretty big gob of money.

Ms. Jennifer Stoddart: It's an important amount of money for us too. We look at the requests carefully. There was a tremendous interest in this program, so we had to administer it very carefully.

You can judge the value I think if you go to our website and read the reports.

Mr. Ken Epp: Those are the reports. Now what's going to happen with them? Is there any action recommended? Is there going to be any improvement for ordinary Canadian citizens that's going to help protect their information and their privacy?

Ms. Jennifer Stoddart: Yes, I think there will be. I think these reports add to the body of knowledge about privacy issues, whether it be medical health records, location technology, marketing practices, and so on. I think this helps policy-makers and specialists devise appropriate responses to privacy-invasive practices.

Mr. Ken Epp: My last question has to do with policy, just as you suggested. You do this research, you get policy, you get policy suggestions. These are people who are over and above your regular staff, so hopefully it's for a really important purpose. I really do want to know what kind of clout, if any, you have to actually implement any recommendations that are made, or, in the end, does nothing happen?

I'm thinking of some specific cases. We have reports to our offices of people whose information is stolen; it's known by people that shouldn't know it. We find reports of people who are not necessarily even in the banking business who can, at the click of a button, get a credit report on a person. Is anything going to happen?

Ms. Jennifer Stoddart: That's an interesting question, Honourable Member. The clout we may or may not have comes to us from the two acts we administer. I've said to this committee on previous occasions that one of the acts is in drastic need of reform; that's the Privacy Act.

PIPEDA, which is the private sector act we administer, is up for review next year, and we're going to make some suggestions for strengthening it. You may have other suggestions. The public may have other suggestions as well.

The Acting Chair (Mr. David Tilson): Thank you.

Monsieur Desrochers.

[*Translation*]

Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ): Thank you very much, Mr. Chairman.

Welcome back, Ms. Stoddart. We met several weeks ago.

I was surprised to learn that funding for an important office such as yours was provided through two sources, namely the Main Estimates, and the Supplementary Estimates, the focus of the committee's attention today.

To your knowledge, has your Office's funding situation always been thus, or did Treasury Board only recently adopt this approach to funding your operations?

Ms. Jennifer Stoddart: This is a relatively recent development. Up until the year 2000, the OPC received a grant through Treasury Board and Parliament. This rather unusual funding situation came about as a result of the addition of a private sector component to the Privacy Act. In terms of responsibility, the OPC is unique when compared to other officers of Parliament. The OPC is the only one to have a private sector mandate. We were provided funding for three years and, as a result of our unique circumstances, this arrangement was extended in 2003.

Mr. Odina Desrochers: Would Treasury Board be willing to revert to a statutory funding arrangement which would give you more flexibility and allow for better planning, or does it intend to maintain the current cumbersome situation where funding is provided through both the Main and Supplementary Estimates?

• (1130)

Ms. Jennifer Stoddart: No. Obviously, this has been the topic of some rather intense discussions with Treasury Board over the past year. The latter is quite receptive to our demands, but maintains that we need to justify them properly.

Therefore, for the past year, we've devoted much of our energy to carefully examining our requirements with a view to submitting a business case to Treasury Board.

Mr. Odina Desrochers: What kind of justification is Treasury Board seeking?

Ms. Jennifer Stoddart: It wants us to justify our requirements for additional staff and our request for additional funding to reduce the amount of time required to conduct inquiries and audits. It also wants us to justify our reliance on individuals to help us understand new technologies and so forth. It wants us to justify our request for funding which will come before a special House of Commons committee in two days.

Mr. Odina Desrochers: Regarding the whole issue of the transnational flow of personal information, do your current operations take into account the new reality that exists between Canada and the United States as a result of the famous Patriot Act? I

imagine that dealing with this situation requires considerable energy and manpower.

Ms. Jennifer Stoddart: Yes. This is one of the phenomena that has been identified. We're talking here about taking a different, much broader, multi-faceted approach. We've taken into account the international implications of our operations, the fact that we must look beyond our borders, stay abreast of developments outside Canada and negotiate agreements to safeguard privacy on a global scale.

Mr. Odina Desrochers: What proportion of the funding that you are requesting today does this aspect of your work represent? I'm talking about the transnational flow of information?

Ms. Jennifer Stoddart: We have not broken down our funding requirements into separate components. In my opinion, this activity accounts for about 25 per cent, or one third, of our operations.

Mr. Odina Desrochers: Is this sufficient to meet your requirements?

Ms. Jennifer Stoddart: No, it is not, because we need additional funding for research and analysis of new technologies in particular. We have requested additional funding as part of our application for permanent funding.

Mr. Odina Desrochers: In light of what you told us three weeks ago and the proposed amounts in the Supplementary Estimates, do you believe that you will be able to achieve your Office's stated objectives?

Ms. Jennifer Stoddart: With this budget?

Mr. Odina Desrochers: Yes.

Ms. Jennifer Stoddart: We set our goals for the year based on the funding allocated to the Office. Therefore, I hope we can achieve our objectives. However, I must admit that we are finding it very hard to complete our inquiries within the allotted time frame. We are considerably behind in processing requests for inquiries.

If our budget is increased as we hope it will be, we will be able to set bigger goals for our Office in the future and tackle the backlog of requests.

Mr. Odina Desrochers: You stated that you will be meeting with Treasury Board to obtain additional funding. Will you be seeking a smaller amount than what is presented here? Are you talking about additional funding, or simply about justifying the budget amounts being presented here today?

Ms. Jennifer Stoddart: No. We have applied to have our permanent funding base renewed. We're talking about a rather substantial sum of money. We've met with Treasury Board on several occasions and I think we've come to an agreement in terms of our financial situation. Two days from now, we'll be submitting our request for an increase in the new funding base to a parliamentary committee.

Mr. Odina Desrochers: Are you optimistic?

Ms. Jennifer Stoddart: Cautiously optimistic.

Mr. Odina Desrochers: Thank you very much, Mr. Chairman.

[*English*]

The Acting Chair (Mr. David Tilson): Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you.

Ms. Stoddart, you have about 85 or 90 employees.

Ms. Jennifer Stoddart: Yes. I believe 83 is the current member, Honourable Member.

Mr. Derek Lee: I was looking through the budget again. The main estimates that came through had a budget of about \$10 million. What we're dealing with now is a total of \$10 million. We didn't vote the whole thing, then, I gather. Is that what happened?

Ms. Jennifer Stoddart: That's the difficulty. Part of our budget comes through the main estimates and part through the supplementaries.

Mr. Derek Lee: But the main estimates seem to be global and projected everything, but the vote didn't contain...I'm looking at about \$10 million contained in the main estimates. Now as I look at the total attached to the supplementaries, it's also \$10 million. So for whatever reason, in the main estimates procedure we did not vote the full \$10 million set out in the main estimates. Is that right?

• (1135)

Ms. Jennifer Stoddart: That is correct.

Mr. Derek Lee: I want to address a component of your program activities, and it has to do with education and promotion. More specifically, I want to address a statement in your opening remarks here. It's quite normal, what you said, but I just want to attach a number to it.

It says, "And my staff and I must regularly attend international gatherings of privacy experts to keep abreast of new developments in the field..."—and this is just in the field of transnational flow, not to mention all the other fields. Now as I look at this, if privacy was a core function of government, we would have a Minister of Privacy, but we don't.

Can you tell me how much travelling would be involved to stay on top of these new developments? How much travelling does happen? I'm asking this really with precision because I know the last Privacy Commissioner travelled with a vengeance. And because the mandate you have from Parliament is pretty open-ended, it looks like it's quite possible for a commissioner—not necessarily yourself at all—to look upon privacy and the privacy office as the centre of the world, no other function in government is as important, and you just have to get out there and sell the world on it. I'm not saying this describes you.

Could you please tell me how much travelling your office really does now, international and in Canada?

Ms. Jennifer Stoddart: Yes. Perhaps I could tell you what we travel for. Most of the travel done by the office is travel in support of complaint investigations across Canada and to give speeches within Canada. So this year we budgeted—because we know this has been a preoccupation of this committee historically—some \$220,000 for domestic travel.

Foreign travel is often to the United States, for example, to Washington to meet officials of the American government who have similar functions to ours, to give speeches, or to other places. We always travel abroad for the international privacy commissioners' conference. This year it was in Switzerland. The year before it was in Poland. We will be hosting this conference in 2007. It's been taking place for almost 25 years now.

The assistant commissioner, PIPEDA, also has been attending the meetings of APEC on the Asia-Pacific economic community. There have been deliberations on personal information protection standards throughout the APEC world, so she has been attending those meetings. We also attend the meetings of a committee that's focused on personal information in the context of the OECD. In fact Canada chairs this committee through the Department of Industry. We've attended almost all of those meetings on that particular topic.

Mr. Derek Lee: Do you have a number for me?

Ms. Jennifer Stoddart: For the last fiscal year?

Mr. Derek Lee: No, this year. That's a lot of travel.

Ms. Jennifer Stoddart: In this fiscal year there was one OECD meeting. I was in Paris.

Mr. Derek Lee: You don't have to particularize the persons; I'm just looking for the amount of money. You've given me a number for domestic travel. Can you give me a number for international travel?

Ms. Jennifer Stoddart: Yes, excuse me, Honourable Member. It's \$51,000 for foreign travel.

Mr. Derek Lee: Just \$51,000?

Ms. Jennifer Stoddart: Yes.

Mr. Derek Lee: I'm sorry, it doesn't make sense to me that you can travel to an OECD meeting, you can travel to APEC meetings, to the U.S. and Geneva or wherever else for \$51,000. I think you've mentioned four separate pieces of travel. Are you saying that was done with \$51,000?

Ms. Jennifer Stoddart: This is the amount budgeted. The exact amounts spent are on our website, what we've spent up until now. They're published every quarter in conformity with Treasury Board guidelines, so you can see exactly how much we spent. If we have to go over \$51,000 because of our international commitments, it would appear there.

• (1140)

Mr. Derek Lee: Now, you say "international commitments". In your statement you said you were going abroad internationally to learn, and in your response to me you said you or your staff go abroad to give speeches.

Ms. Jennifer Stoddart: Both, yes.

Mr. Derek Lee: Well, those are inputs and outputs. If your office is invited to give a speech in San Diego, what criteria do you use to determine whether or not you or your staff will go and give the speech? Is that part of your mandate in promoting privacy?

Ms. Jennifer Stoddart: The criteria are: what is the group we'd be addressing, who are the other speakers, how strategic—

Mr. Derek Lee: They're all privacy experts, so would you want to go?

Ms. Jennifer Stoddart: We get many requests. We can't honour them all, and obviously there's a cost-benefit analysis, particularly for foreign travel.

Mr. Derek Lee: So you say your budget this year caps the international travel at \$51,000?

Ms. Jennifer Stoddart: It estimates the international travel—

The Acting Chair (Mr. David Tilson): Mr. Lee, you know that you're over time?.

Mr. Derek Lee: Am I over my time?

The Acting Chair (Mr. David Tilson): Yes.

This issue we're talking about has been raised many times in this committee. Would it be useful for the commissioner to prepare a summary for your questions on travel?

Mr. Derek Lee: I don't want to overemphasize this, except that this issue has come up previously and therefore we're looking at it more closely.

It doesn't have anything to do with Ms. Stoddart directly. I'm just looking for some clarity about how much money—

The Acting Chair (Mr. David Tilson): It was a question to you. We can ask her to prepare a statement. Quite frankly, you've raised some great issues. If the committee agrees....

[*Translation*]

Mr. Odina Desrochers: I'd just like to clarify something. Ms. Stoddart, you did in fact state that every three months, information is made available on the web site. I can't put questions to my colleague, but I think it's quite normal to get an update every three months. Would you like a monthly update? That would take some work.

[*English*]

The Acting Chair (Mr. David Tilson): Once again, I seem to have lost control of the meeting here.

Some hon. members: Oh, oh!

Mr. Derek Lee: Mr. Chairman, why don't I—

The Acting Chair (Mr. David Tilson): Could I just ask, is everything you've said on the website?

Ms. Jennifer Stoddart: My foreign travel, as well as the travel of the assistant commissioners, is on the website. Travel of other staff, I don't believe, is on the website.

The Acting Chair (Mr. David Tilson): Can you provide the committee with a summary of all of this that we're talking about?

Ms. Jennifer Stoddart: Certainly.

The Acting Chair (Mr. David Tilson): Okay.

That concludes the seven-minute round.

We are now on to Mr. Chatters.

Mr. David Chatters (Westlock—St. Paul, CPC): Thank you.

As interesting as this travel business is, I want to go in a little bit of a different direction. I think the types of expenses we've been talking about may be justified, to keep your office and yourself up to speed on what's new and what's happening.

But I think Canadians really want to see some substantive action coming out of your office on some of their issues. I don't think Canadians are seeing that. I think, quite frankly, we have a crisis. You made a note in your presentation about an issue that we talked about a year ago, at one of the first meetings you had with us, on banking information ending up in a junkyard in the United States. You said you had investigated that and concluded that PIPEDA requires Canadian companies that send personal information abroad to protect it with comparable protections. That's fine and well, but did anybody ever see if those protections were there, and was anybody ever prosecuted for not having those protections there?

I'm just shocked, quite frankly. I received a letter from an employee of the TELUS corporation, and I'd like to quote a bit from that letter. He says:

When a caller speaks to a TELUS representative, the information immediately present on the computer screen is very sensitive. Just by entering a customer's phone number, they have access to their home address, drivers licence, social insurance number, credit card numbers, passport number, date of birth, family members names, phone numbers and addresses, places of work, work telephone number, boss's name, bank account number, and even with a few clicks of a mouse, a customer's entire credit report.

That's shocking enough, but even more shocking is the fact that TELUS is contracting out work to Manila, and someone in Manila has this information on their screen. On top of that—which I think makes a mockery of your department—it's revealed in the upcoming *Maclean's* magazine that somebody bought your telephone records for \$200 from some company in the States.

What's your department doing about this? Why isn't the Solicitor General or the justice minister investigating this, with an eye to prosecuting somebody for these violations of our privacy—yours and mine? That's the kind of thing Canadians want to see your office doing. It's all very well to travel and stay up to speed and to make speeches around the world, but we want something done by your office to protect us at home.

• (1145)

Ms. Jennifer Stoddart: Thank you, Honourable Member. You've raised several important questions about what we are doing concretely, and I'll try to take them in order.

In terms of the CIBC complaint about personal information being processed abroad, in order to come to the conclusion we did, that CIBC was in fact taking the proper steps in that context to protect Canadians' personal information abroad to the extent they could once it is abroad, we did do a thorough review of CIBC's practices and policies in that context.

Mr. David Chatters: And you concluded that they were doing everything they could but still couldn't protect our privacy.

The Acting Chair (Mr. David Tilson): Mr. Chatters, my problem is that this is a three-minute round and you took three minutes to ask your question, so if you could, allow her to finish, and then you'll have to come back to that. I'm sorry.

You can continue.

Ms. Jennifer Stoddart: A company that contracts information out, any of the companies you mentioned, has to make sure that the contractor is bound by Canadian rules. But once the information is abroad, it can be subject to other national security laws. That is a fact, and that will happen as soon as information leaves Canada. Indeed, foreign information or information from other countries that is in Canada is subject to our national security laws.

Secondly, concerning issue of information that is held on people by telco companies, I am very interested in what you read out. I am personally not aware that all this information is available at the click of a mouse. I am amazed. If you care to share that with our office, we will look into that.

In the absence of strong audit powers, we depend on complaints in order to tell us what problems are happening. If we don't have complaints, it's hard to understand exactly what's happening. The recent article you talked about is a glaring example of what appears to be happening but of which we had no information. This is a problem of audit powers; it's a problem of audit capacity. We presently don't have the power to go in and see whether that's happening, so we have to depend on somebody actually coming to us with a case.

The good news, I guess, is that because of that piece of investigative reporting, we now have a concrete case we can follow up on, if necessary, with the Department of Justice and the police. We hope to have a clear, factual trail to be able to follow up.

I would be very interested in having the information the honourable member obtained.

The Acting Chair (Mr. David Tilson): The Conservatives are going to have to be lenient with the other two parties because you're two and a half minutes over.

Mr. Lee.

Mr. Derek Lee: I will just pick up on that issue.

It should not be a surprise that Canadian businesses, particularly in financial services, have tons and tons of information about Canadians, personal and financial. It should not be a surprise that they could access it in their own way and could buy and sell it for perfectly legitimate purposes in making judgments in financial services and commercial transactions. Isn't that the whole reason for the PIPEDA legislation?

If they do that, if they have all of this information and they manage it in accordance with the principles of the statute, then that's okay; that's quite legitimate. I accept that shipping it off to Manila raises a new dimension because we don't have much control at all about what goes on in Manila—or anywhere else, for that matter, it appears.

Could you comment on that, then? Although it sounds interesting, what Mr. Chatters has explained to us, most of what's going on there is quite legitimate. But these companies that have this information do have an obligation to follow the law, and part of your job is monitoring that.

• (1150)

Ms. Jennifer Stoddart: That's right.

The honourable member Mr. Chatters gave us a list of information that apparently a telco does have. I'm not making a judgment as to whether or not the telco as an institution is justified in having that information.

Clearly, as the honourable member has said, companies are justified in having a large amount of our personal information in order to do business with us in different contexts. I think it's important, though, to remember that the principles of PIPEDA, which govern this situation, say that, to put it simply, not everybody working for a private sector organization should have access to all my information at one time, so the disclosure and the access has to be tailored to exactly what you need to do your job.

There may be issues to explore as to how much of one's personal file can be accessed by everyone or by whomever in the company for what purposes. If you're just changing your phone number, for example, how much information do they need just to change your phone number? But these are the principles that regulate public sector companies in Canada.

I will say that when we have had a complaint, when we've investigated the complaint, and when we have made suggestions for change, up to now our experience has been positive.

Mr. Derek Lee: Does the existing, relatively new legislation, PIPEDA, adequately direct and teach and lead Canadian industry into handling this information properly, or have we got to make some more changes to the legislation? Other than the issue of the international flows of personal information, is PIPEDA up to standard, up to spec, for our Canadian needs at this time?

Ms. Jennifer Stoddart: This will be the subject of a parliamentary review next year, which is mandated by the legislation after five years, so I don't want to jump the gun on that. Certainly, we'll have some suggestions on strengthening the law. You will also have suggestions perhaps from those who think the law as we have interpreted it is too strong, so there will be choices to be made.

Clearly, there are already opinions on both sides. Some say that our enforcement powers should be strengthened, even that we should be turned into a tribunal, or that some of the dispositions of PIPEDA should be strengthened. On the other hand, we have some criticism that PIPEDA is too onerous in certain areas and in fact should be clarified to make business easier.

Mr. Derek Lee: Thank you, Mr. Chairman.

The Acting Chair (Mr. David Tilson): Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you.

I'll just quickly follow up on what my colleague Mr. Chatters was saying.

Yes, it would concern me too as an average Canadian if I made a phone call to TELUS and all of a sudden they had not just the required information to allow them to do their job, but a full credit background check on me at the push of a button.

While in response to Mr. Lee's questions you have outlined two sides—there are some who say this and some who say that—I think what Canadians are looking for is a sense of direction from you, a vision. What would you like to see? Is this acceptable to you under the current laws, whether it be PIPEDA or privacy laws in general, or would you like to see a strengthening of the legislation, a change in the legislation? You as the Privacy Commissioner should be able to provide Canadians with some vision as to how you think these laws should be both written and administered.

Ms. Jennifer Stoddart: Yes, personally I would like to strengthen PIPEDA. I think the phenomenon of the circulation of personal information is reaching dangerous proportions. I spoke about that in both my annual reports. I think we should look at this very carefully and look at how we can strengthen it.

The case I have put forward in my request for substantial additional resources also goes to this vision of the omnipresent problems of the circulation of personal information and how we have to be resourced in order to meet this. Again, a group of you will be meeting on this in two days. That is part of my vision, that we can't just wait for complaints to come in; we have to be out there doing audits, inspecting, and trying to find out on our own what is happening, and I cannot do that at the present time.

• (1155)

Mr. Tom Lukiwski: So you will be coming forth with some specific recommendations and detailing the cost factor that would be associated with those?

Ms. Jennifer Stoddart: Yes, I will. Our next PIPEDA report is due as soon as possible at the end of this calendar year, and we hope to get it to you in March. That is four months from now, and there will be a list of subjects for PIPEDA review and our opinion on what should be modified in that legislation.

Mr. Tom Lukiwski: Thank you.

The Acting Chair (Mr. David Tilson): Mr. Chatters.

Mr. David Chatters: To follow up some more on the Visa issue in the United States and the information that went to the junkyard, you determined that CIBC was in compliance with the law, yet that information still went to the junkyard. So there's something missing there.

Ms. Jennifer Stoddart: Excuse me, Honourable Member, I may not have explained clearly that there is the CIBC so-called junkyard episode, where clearly it was not in compliance with the law, and that's what we said.

Then there is another CIBC credit card Visa issue that I refer to in my speech, and that has been discussed by several honourable members here, which has to do with the complaint about the processing of credit card information outside Canada. That is the one we investigated, and we saw it to the extent it's possible in Canadian law. In that case, CIBC had taken the proper steps.

Mr. David Chatters: Okay. On the one where they weren't in compliance with the law, was legal action taken, and did something happen?

Ms. Jennifer Stoddart: No. We concluded it was well-founded, but legal action, in our opinion, was not useful because at the time we looked at it, CIBC had gone through extensive changes to the

internal management of their personal information system. So it wasn't clear what would have been accomplished by legal action.

We also looked at the possibility of damages for complainants. We didn't see a case in which people could say that those kinds of damages had been entertained.

Mr. David Chatters: Okay. If I still have a bit of time, I'd like to go back to the telephone company. I was shocked—and I understand from the article that you were also shocked—that they had your telephone information. If TELUS has that information and uses it in accordance with the law, they're not in breach of the law if they're not breaching people's privacy. My question is, where did they get the information? They didn't ask me for it; they obviously got this information somewhere else. Somebody is selling my personal information, and I don't think that's acceptable. Somebody in the United States is selling your personal information.

Ms. Jennifer Stoddart: Exactly. It's possible somebody is selling all our personal information.

This is a serious problem. You alluded to several aspects of the issue. One is the kind of information that companies can have legally in order to do their business; that's one thing. Then there's the issue of who is illegally...because all preliminary reactions suggest that the telcos were unaware of this. Certainly they don't condone or encourage it. So they're faced with illegal and possibly fraudulent action being taken unbeknownst to them.

That goes to another principle of PIPEDA, which is the security of your information and my information. When we confine it to someone like a telco, have they taken all the necessary steps to protect it? Hopefully, that's what our investigation should reveal. It seems there's a serious problem here regarding not just one but several telcos. Part of PIPEDA is keeping my personal information and your personal information secure.

The Acting Chair (Mr. David Tilson): I need direction from the committee. We have at least one more committee member who wishes to ask questions. Do we have a consensus? I think the supplementary estimates for the Information Commission is \$100,000. Will we end it now, or will we continue on?

An hon. member: Continue.

The Acting Chair (Mr. David Tilson): Mr. Valley.

• (1200)

Mr. Roger Valley (Kenora, Lib.): Thank you.

You mentioned your travel inside and outside of Canada. I gather, or make the assumption, that when you travel inside Canada you're spreading the information, you're informing people of your office's capabilities, and that's how you get some of the complaints in.

When you travel internationally, I'd like to know, are we out there to learn information, or are we out there to talk about what Canada does? Where do we fit in the world with our privacy laws? Who are we learning from, and how much more of that learning do we have to do? Or are we teaching them out there?

Ms. Jennifer Stoddart: Thank you for the question. We're doing both. In the private sector, certainly we're telling others about our fairly advanced privacy standards that are on par with the European Union. This is among the forefront of world standards in terms of the protection of personal information. So in your analogy, we're teaching about that.

We're also learning about how other countries deal with personal information. As you know, our neighbour and trading partner, the United States, does not have comparable privacy legislation. This has a huge impact on us, one impact being the question that was raised by the other honourable member. So in learning about how they deal with this, what is their approach? What issues do we share? How can we bring common solutions to shared problems, is also part of what we're out to explore.

Mr. Roger Valley: Thank you. I would gauge our success by how many invitations we get and how much they want to listen to us. Are you quite in demand in the world? Do they think we have our act together? Obviously we have problems, but we work on them. Are they looking for your opinion, I guess would be my question.

Ms. Jennifer Stoddart: Yes, from time to time we receive requests to join international fora or speak at an international conference. But we're fairly careful about accepting those engagements; we just accept the most important and necessary of them.

The Acting Chair (Mr. David Tilson): Thank you, Mr. Valley.

I think that concludes the questions.

There is one issue. At the end of May you undertook to provide the committee with copies of reports and decisions on the rulings you have made. We haven't received those.

Ms. Jennifer Stoddart: My apologies, Mr. Chairman.

We'll look back at the transcript. I'm sorry, that must have fallen between the cracks. We'll get them over right way.

The Acting Chair (Mr. David Tilson): You could send them to the clerk's office.

Ms. Jennifer Stoddart: Absolutely. We'll do that right away. I'm very sorry.

•(1205)

The Acting Chair (Mr. David Tilson): Thank you very much to both of you for coming this morning and going over some of these very difficult issues that you have, and that the country has, on the issue of privacy. Thank you again.

We will recess for five minutes.

•(1203)

_____ (Pause) _____

•(1206)

The Acting Chair (Mr. David Tilson): We will reconvene the meeting.

As I've indicated, the second order of the day is a visit from the Office of the Information Commissioner of Canada. I understand the commissioner is ill and Mr. Leadbeater is going to fill in for him. He is the deputy information commissioner.

Mr. Leadbeater, thank you very much.

Also with us today is Mr. Dupuis, who is the director general of investigations and reviews, and Ms. McEwan, who is the director general of corporate services.

Mr. Leadbeater, do you have any preliminary comments?

Mr. J. Alan Leadbeater (Deputy Information Commissioner, Office of the Information Commissioner of Canada): Thank you, Mr. Chairman. Thank you for your understanding about my pinching for Mr. Reid, who is sick in bed with this cold that's going around. I know I'm not going to be able to live up to him, but I'll try my best. I beg your indulgence.

The Acting Chair (Mr. David Tilson): Don't put yourself down, Mr. Leadbeater—never, never, never.

Mr. J. Alan Leadbeater: I would also like to start by thanking this committee for the fourth report that dealt with funding mechanisms for officers of Parliament.

There have been developments, as many of you know. A panel has been struck to take part in this pilot project. We will be appearing on Thursday to present our budget requests.

It's going to be a true pilot project when it comes to us, because the government, as represented by the Treasury Board, doesn't see eye to eye with us on some of our resource needs on core business. In that sense, it's going to be an exciting and a real test.

Because of the role of our office, we are disappointed that the panel has decided to meet in camera. The Information Commissioner feels, as do all officers of Parliament, that the business of their offices, especially the funding, should be a matter that is in public and not in camera. This being the committee to which we report, Mr. Reid has asked me to make you aware of that.

On the actual document for supplementary estimates (A) of the blue book that you have in front of you, it's on page 231 in the English and page 246 in the French. You'll see that we have a supplementary estimate, vote 40, in the amount of \$123,000. It's not big money, but I wanted to let you know what that money represents.

First of all, all of the \$123,000 is one-time money. It's not to the base; it's one-time money. There's no change in the ongoing reference level.

The \$67,000 really relates to the salary costs of a single individual to help us comply with the requirements of public service modernization. We have agreed to be the lead agency with the advisory committee of the Public Service Human Resources Management Agency of Canada. We have therefore received this money from the Treasury Board to help us review all policies and procedures with respect to human resources. That material not only informs our processes but assists this advisory committee for the Public Service Human Resources Management Agency. Of that \$67,000, I think \$65,000 is for personnel costs and \$2,000 is for O and M in relation to the pens, papers, chairs, and desks for the persons to sit at.

The \$61,000 is simply a carry-forward cost. As you know, every government agency is entitled to carry forward 5% of the amount of their main estimates from one fiscal year to the next. For us, 5% of the amount of the main estimates would be \$212,000. As prudent cash managers, we try to get down to the end of a year with a little bit of a cushion. The cushion we carried over this year was \$61,000. That has to be reflected.

The final figure you'll see in that table is \$5,000. It is taken out of our budget, not added to the budget. We think it was taken out capriciously by the government, assuming we will make that savings as a result of central agency procurement. We don't think we will; neither do all the other officers of Parliament. We've been talking to the Treasury Board about getting an exemption from these automatic debits or automatic assumptions that we'll have procurement savings.

In fact, if we continue without an exemption, we will have entirely wiped out our administrative services by year three. In our office, one person uses 25% of his time on procurement and the rest of the time doing other administrative tasks for the office. That person will be entirely lost if these fake assumptions of savings are imposed on us. There will be similar problems for the other officers of Parliament.

•(1210)

That totals \$123,000 for our supplementary estimates (A).

I'm available to answer your questions.

The Acting Chair (Mr. David Tilson): Thank you, Mr. Leadbeater.

Mr. Lukiwski.

Mr. Tom Lukiwski: I have a quick question here, and I apologize; I was engaged in a secondary conversation during part of your presentation so you might have already answered this, and if you have, then my abject apologies.

My question is, you've got a carry-forward amount of about \$61,000 from the last fiscal year to this. In subsequent appearances, Mr. Reid has stated, as have most witnesses, frankly, who have appeared before the committee, that you have a severe lack of funding for resources and that's contributed to the backlog, etc. Why do you have a carry-forward amount? If you haven't got enough money to do the job that you say you need to do, why would you have a balance of \$61,000 that you're carrying forward?

Mr. J. Alan Leadbeater: My experience is—yours may be too—that the less money you have, the harder it is to properly budget. So

we have to get into a cash management approach almost from the beginning of each year, by trying to get some supplementaries from the government as we need them—and you'll see here we did get some additional money for one person—but never knowing if we're going to get those as the year goes on. So we try to keep a cushion in our professional services budget, for example, to help us get through if we don't get what we're looking for.

And as much as we try to come out to zero, in an organization such as ours, we prefer to come out to something more than zero so that we can at least carry that over to the next year and use it in accordance with government rules. But it's not because we have excess money. It's really a case of trying to be prudent managers and, when you're cash managing, having a very difficult job to get to zero.

We don't want to artificially spend money in the last month of the year just to get to zero. Knowing we can carry it over and spend it prudently...we'd rather have that.

•(1215)

Mr. Tom Lukiwski: This is just so that I'm clear here and we have it on the record. You're suggesting that the \$61,000 certainly could have been spent. It's not a reflection of the fact that you had adequate resources. You're still maintaining you don't. It was more a function of this being money you could carry over, you did, and it would add to the resource-level funding that you have for this coming year.

Mr. J. Alan Leadbeater: Absolutely. If we were properly resourced to the level that we believe we should be—and this is the case we'll be making to the panel on Thursday—we would be able to cease this cash management approach; that is, right from the beginning of each fiscal year we are trying to look at every pen and every pencil. And at the same time, in a democracy, you can't be just overspending and hoping that Parliament will forgive you, so you put aside a few thousand dollars, even though you need it, and that's what we do.

Mr. Tom Lukiwski: I have just one final comment. I guess it's not such a bad idea at all times to keep track of every pen and every pencil if you're spending taxpayers' dollars, but I can understand your position.

You've also said that you're requesting \$67,000 related to the implementation of the Public Service Modernization Act. How will your office specifically be utilizing that funding?

Mr. J. Alan Leadbeater: That legislation, as you know, is a revolution in the management of human resources, and the Government of Canada requires a complete review of policies and practices, the establishment of new grievance procedures, and the establishment of new internal conflict resolution mechanisms. For small agencies, we are all trying to help each other get into compliance with this.

As part of the program, the Treasury Board agreed to make some money available for essentially a new hire for one year, to help us review all of these and come up with proposals. That is not just going to benefit our organization, but through the public service management advisory committee, it will also assist all other small agencies.

Is there anything you'd like to add to that, Ruth?

Ms. Ruth McEwan (Director General, Corporate Services, Office of the Information Commissioner of Canada): No, I think you've summarized it quite well.

Mr. Tom Lukiwski: So this is a one-year initiative? It's not going to be ongoing?

Mr. J. Alan Leadbeater: It's not ongoing. It's one year.

Mr. Tom Lukiwski: Okay. Thank you.

That's all, Mr. Chair.

The Acting Chair (Mr. David Tilson): Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Thank you, Mr. Chairman.

According to the Commissioner's last report, the number of unresolved complaints was increasing. Is that still the case? As of March 31, 2005, I believe you had 1,385 complaints that were still unresolved.

[English]

Mr. J. Alan Leadbeater: It's still increasing, I think. At this point in the fiscal year we're maybe at 970, I think. We're forecasting probably in the 1,500 range for this year.

[Translation]

Mr. Mario Laframboise: Are these complaints that will still be outstanding by year's end?

Mr. J. Alan Leadbeater: *Oui.*

Mr. Mario Laframboise: Have you requested additional funding? One of the reasons given for the processing delays was the lack of personnel.

Have you requested additional staff?

[English]

Mr. J. Alan Leadbeater: Yes, we've prepared it in the form of a Treasury Board submission, but under this new pilot project that has been created as a result of the fourth report of this committee, we will be proposing those resource requests to the panel on Thursday afternoon.

[Translation]

Mr. Mario Laframboise: Yes, but that would be posted to next year's budget, not to the current year's budget.

[English]

Mr. J. Alan Leadbeater: For 2005-06 we asked for additional investigative staff, and we were given some additional staff for the backlog—I think five additional staff for the backlog—but we were not given additional staff for the ongoing workload coming in the door.

[Translation]

Mr. Mario Laframboise: Surely you've estimated the cost of handling the extra workload.

[English]

Mr. J. Alan Leadbeater: Yes, we have a very good estimate of what we need. We believe that in year one we will need 11 additional investigators. That is to meet a turnaround-time standard of about four months. We're now up over seven months. Treasury Board is recommending that we get five new investigators, and that will be part of the discussion on Thursday. Who's in a better position to know what we need?

• (1220)

[Translation]

Mr. Mario Laframboise: When you do your investigations, do you rely on full-time staff, or do you use term employees? Have you ever done this kind of analysis?

[English]

Mr. J. Alan Leadbeater: For the backlog work, we're going to do a combination of things. We're going to do some overtime with our existing people. We're going to hire term employees for a period of a year. We think we can do this backlog in three years, but we have to get the resources to do it in three years. It depends, in the end, on what resources we're given, and then we can decide the mix: terms, contract, overtime for existing people and full-time staff. It will depend on the resources we're given.

[Translation]

Mr. Mario Laframboise: Since we're going to discuss the Supplementary Estimates elsewhere, are you satisfied with the new amounts proposed in the Supplementary Estimates under discussion? Are you satisfied with the funding that you'll be getting?

[English]

Mr. J. Alan Leadbeater: Yes, we are. We're happy with this.

[Translation]

Mr. Mario Laframboise: Thank you.

[English]

The Acting Chair (Mr. David Tilson): Mr. Lukiwski.

Mr. Tom Lukiwski: I have one quick question. Being relatively new to the committee, I haven't gone through the budget process you engage in.

I'm assuming your department uses a zero-based budgeting process when establishing budgets on a yearly basis.

Mr. J. Alan Leadbeater: Yes.

The Acting Chair (Mr. David Tilson): Mr. Lee.

Mr. Derek Lee: You'll pardon my impudence. By the way, the amount of money involved here is relatively small, but I'm sure it was well worth the trip down Bank Street to make the pitch.

Mr. J. Alan Leadbeater: Absolutely.

Mr. Derek Lee: I don't think the committee has any problem with it.

I wanted to address a broader issue with you, and I'm not doing it to be cute. You'll understand where I'm coming from.

Your office has a system of report cards for government departments. Do you have a report card for your own office?

Mr. J. Alan Leadbeater: We do in this sense; we report every year our own turnaround times and our own backlog. I don't think you'll find another officer of Parliament that does that.

Mr. Derek Lee: You have very good records on that. I've seen them, and you're right up front. You always have been.

Do you have a standard you try to meet?

Mr. J. Alan Leadbeater: The standard we use, what we consider we fail to do in a good amount of time, is four months for a denial-of-access complaint—that's where there are exemptions applied and so forth—and one month for a delay complaint. If the answer should have been given by government in 30 days on a complaint, we think we should be giving an answer to the requester in 30 days. If we don't meet those, then we feel we've let down the system.

Mr. Derek Lee: You're just as hard on your own office as you are on the government departments who are tardy.

Mr. J. Alan Leadbeater: Yes, but there is one difference: Parliament has made it mandatory for government institutions to respect the deadlines, and they have not done that for the office of the—

Mr. Derek Lee: Fair comment, Mr. Leadbeater. I think you've been around here longer than I have—

Mr. J. Alan Leadbeater: I think so.

Mr. Derek Lee:—so you shouldn't sell yourself short in terms of coming to Parliament to ask for funding.

Thank you, Mr. Chairman.

The Acting Chair (Mr. David Tilson): Mr. Powers.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Thank you, Mr. Chairman.

My question is with regard to the \$61,000 carry-over. Perhaps you can help me on this one. I don't know whether it's done by this government, but certainly in the past it was the practice to...

I was involved in a hospital setting, a university setting, for quite a number of years, and the mindset back then was that you expend your budget no matter what. I mean, you come to the end, because if you don't expend your budget, they'll redraw to what you had at the end of the year. On the \$61,000 that's proposed, you indicated that you were entitled to substantially more, but through prudence you determined....

Is the fact that you didn't expend the money, or will expend the money at the end of the year, because you hadn't thought it through, hadn't contemplated the expenditures you needed, and you just needed the time? Perhaps you could help me with regard to the justification, and probably the rightful justification, of carrying it into this part of the budget process.

• (1225)

Mr. J. Alan Leadbeater: It's very clear. When we start the budget year, all my managers have their wish lists on the table. When we go through it, I tell them, all right, just make sure you don't get to the end of the year and overspend; in fact, I want to have a cushion of at least \$50,000, and then, when we get to the third quarter, we'll take a look at where we are. With bills coming in the door, where are we? Are we more than \$50,000, less than \$50,000? Is there a responsible way for us to spend that in the third quarter, or should we engage the carry-over provision and responsibly spend it the next fiscal year?

We have carry-over because of my direction to my managers to make sure they don't overspend the public's money. That's why we do this process, so that we don't overspend what Parliament gives us.

Mr. Russ Powers: And I commend you and your staff for that initiative.

Thank you.

The Acting Chair (Mr. David Tilson): That appears to be the end of questions.

Mr. Leadbeater, I'd like to thank you and your colleagues for coming. We're going to do some votes now; you can stay or be dismissed, whatever you wish.

Members of the committee, as you know, the standing committee may approve, reduce, or reject the estimates referred to them. They may not increase them.

Mr. Lukiwski, you have a point of order?

Mr. Tom Lukiwski: I think it's perhaps a point of clarification. You can overrule me, Mr. Chair, if you think this is out of order.

We've had discussions at this committee before where concerns were raised, and I think rightfully so, primarily by members opposite—Ms. Jennings was also one of them—that from time to time we deal with motions or vote on motions when the entire committee is not here. That's patently unfair. It shouldn't be done that way. I see that while we have replacements over on the opposite side, Mr. Martin still is not here, and....

I'm wondering if it's the appropriate thing to do to deal with the votes now, when the entire committee is not present. I want to throw that out there, but I'll certainly go with the will of the committee.

An hon. member: We're ready to vote.

The Acting Chair (Mr. David Tilson): I don't think it's a point of order, Mr. Lukiwski.

Mr. Tom Lukiwski: All right.

The Acting Chair (Mr. David Tilson): Thank you very much.

We will now turn to three votes for the supplementary estimates (A) 2005-2006.

JUSTICE

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 45a—Offices of the Information and Privacy Commissioners of Canada—Office of the Privacy Commissioner of Canada—Operating expenditures and contributions.....\$6,142,900

Vote 40a—Offices of the Information and Privacy Commissioners of Canada—Office of the Information Commissioner of Canada—Operating expenditures.....\$122,837

(Votes 45a and 40a agreed to)

PARLIAMENT

SENATE ETHICS OFFICER

Vote 17a—Senate Ethics Officer—Program expenditures.....\$843,600

(Vote 17a agreed to)

Mr. Ken Epp: We have no choice.

The Acting Chair (Mr. David Tilson): These appear to have been carried unanimously.

Will I report this to the House?

Some hon. members: Agreed.

The Acting Chair (Mr. David Tilson): As far as the future is concerned, tomorrow at noon there will be a business meeting, in camera, in room 340S. On Thursday there will be a business meeting in room 308 of West Block.

We will adjourn this meeting until tomorrow at....

Mr. Epp.

Mr. Ken Epp: I just want to put one thing on the record. Moments ago, when I said we had no choice about voting on that Senate thing, that's probably accurate. However, I still want to have

it on the record that notwithstanding that the Senate is so terribly independent of us, if we're going to vote on those estimates then I think those guys should show up here and explain to us how they're spending taxpayers' money.

I want that on the record, and I stand by it.

Thank you.

The Acting Chair (Mr. David Tilson): Thank you, Mr. Epp.

The meeting is adjourned until tomorrow at 12 noon—

• (1230)

Mr. Derek Lee: Mr. Chairman.

The Acting Chair (Mr. David Tilson): You guys keep on stopping this meeting.

Mr. Derek Lee: In terms of Mr. Epp's comment, while in the broad sense of accountability—

The Acting Chair (Mr. David Tilson): Through the chair, Mr. Lee.

Mr. Derek Lee: Yes.

The fact is that the Senate, legally and otherwise, is a fully independent House here. It is a fact, or a potential fact, that if we did not allow them to determine their spending, then they would not deal with any of our spending. It's a quid pro quo kind of balance. That is why we don't scrutinize in detail the Senate House expenditures.

I sympathize with Mr. Epp's perspective here, where we are elected and we are the House that authorizes all expenditures, but we have always accorded the Senate the independent right to manage its own expenditures. Any change in that would provoke a crisis, where no money bills would get passed and no money would flow—although that might please some people around here, a lot.

So that's why we essentially rubber-stamp the Senate expenditures and let them deal with the details in that House. I just want to put that on the record.

The Acting Chair (Mr. David Tilson): The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.