



House of Commons
CANADA

Standing Committee on Industry, Natural Resources, Science and Technology

INDU • NUMBER 043 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Wednesday, June 15, 2005

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Chair

Mr. Brent St. Denis

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• (1530)

[English]

The Vice-Chair (Mr. Werner Schmidt (Kelowna—Lake Country, CPC)): I'd like to call the meeting to order.

Pursuant to order of reference of Monday, June 13, 2005, Bill S-18, an act to amend the Statistics Act, will be discussed this afternoon.

We are joined by a number of witnesses. First of all, I should explain why I'm here. Brent St. Denis, our chairman, is en route from Toronto and will be joining us, hopefully, in about 20 minutes or so. In order for us to be on time, he asked me if I would take over chairing the beginning of the meeting.

The order of presentations will start with the Chief Statistician, Mr. Fellegi. He is going to join us by telephone. He's in Geneva, I understand. Following him will be Mr. John Reid, followed by Mrs. Stoddart, the Privacy Commissioner. We ask each of the witnesses to make presentations of about five to seven minutes, and then we'll open up for questions.

So perhaps we could have all of the witnesses make their presentations, and then various members will follow with a question.

Mr. Fellegi, thank you very much. It's a pleasure. Can you hear us, Mr. Fellegi?

Dr. Ivan Fellegi (Chief Statistician of Canada, Statistics Canada): Yes.

The Vice-Chair (Mr. Werner Schmidt): Oh, good.

Thank you for joining us and being willing to join us.

What time is it in Geneva right now?

Dr. Ivan Fellegi: It's 9:30.

The Vice-Chair (Mr. Werner Schmidt): It's 9:30 in the morning?

Dr. Ivan Fellegi: No, in the evening.

The Vice-Chair (Mr. Werner Schmidt): In the evening. Okay. We'll hope to get you to bed by midnight.

Thank you very much for joining us. Let's hear your remarks with regard to Bill S-18.

Dr. Ivan Fellegi: Thank you very much, first of all, for allowing me to represent Statistics Canada by telephone. I'm in Geneva, and all day long I've been chairing a meeting of OECD chief statisticians, so my excuse is good.

This is not the first time an amendment has been proposed to the Statistics Act. Bill S-13, which died on the order paper in November 2003, has helped to bring us to where we are today. I believe that Bill S-18 strikes an effective balance between conflicting values of privacy, access, and the prerequisites of a strong statistical system.

For the 1911 to 2001 censuses it removes a legal ambiguity that unfortunately characterizes the current confidentiality provisions of these records. It specifically protects the unconditional privacy of each Canadian for 92 years, after which time the records would be made public through Library and Archives Canada.

[Translation]

The bill also ensures that in the future there is no ambiguity at all: beginning with the 2006 Census, all Canadians will have the opportunity to make an active and informed decision on whether or not to permit others to have eventual access to their personal information 92 years after the census date. Individual census records would be released only where consent is given.

This consent will be obtained through a question on the census questionnaires that asks if the person agrees that 92 years after the census date their information would be made public. For those who answer "yes", their census information will be made public 92 years later. For those who answer "no" or leave the question unanswered, their information will never be made public. That is a simple message to sell in the 20 seconds that we typically have available to either gain or lose the cooperation of a household during the census.

However, while Bill S-13 and S-18 share this basic property, under S-13 access between 92 years and 112 years following a census would have been subject to some special provisions: for genealogical purposes access would have been conditioned on some undertakings regarding confidentiality; and for historical research purposes it would have been subject to some expert review.

A major change between the two bills is that S-18 would provide unrestricted access to personal census records 92 years following each of the censuses that were taken in the past, i.e. between 1911 and 2001 inclusive.

• (1535)

[English]

Mr. Chairman, the entire process leading to both Bill S-13 and Bill S-18 has been a thoughtful balancing act on all sides of the issue, and there are many sides. I believe that Bill S-18 and the public undertakings of Statistics Canada provide several safeguards to ensure the effective protection of the interests of three major groups involved in this issue: users of statistics, genealogists and historians, and those for whom privacy issues are the primary concern.

First of all, we have to keep in mind that the census is primarily an undertaking to provide a periodic and comprehensive snapshot of the changing socio-economic portrait of the Canadian population. On the basis of my many decades as a statistician and census taker, I am convinced that the informed consent provisions of the bill will reinforce Canadians' long-standing record of participating in the census because it will preserve their trust in the confidentiality promises of Statistics Canada. Indeed, this trust is at the heart of Canada's statistical system and hence of our ability as a country to monitor our social, economic, and environmental conditions.

I'm convinced that there is absolutely no realistic alternative to respecting the wishes of Canadians regarding our treatment of their information. We either do it explicitly through informed consent, as is proposed in this bill, or it occurs implicitly, when Canadians refuse to respond to the census if they are concerned about the eventual release of their personal census records. Although the census is mandatory, response to it is nevertheless fundamentally dependent on the goodwill of Canadians. Of these two possibilities, it is in no one's interest—genealogists, historians, or the users of statistics—to put at risk the success of the census.

Second, the package presented to you today will provide effective measures to foster the continued availability of census information for both genealogical and historical purposes. For the 1911 to 2001 censuses, it provides for public access, 92 years after each census, to the census records of all Canadians, a significant step in the direction of public access, compared to Bill S-13. As such, it eliminates the special provisions of Bill S-13 for the period between 92 and 112 years following the census, provisions that had been viewed by some parliamentarians as overly bureaucratic.

Furthermore, for all future censuses the bill attempts to ensure that the trust of Canadians in the confidentiality provisions of the Statistics Act is maintained—indeed, hopefully strengthened—by removing the unfortunate legal ambiguity that attaches to past census records. As I mentioned before, if this trust was ever broken, census information would cease to be available for either statistical or historical purposes.

Last but not least, Statistics Canada is committed to working closely with Library and Archives Canada to encourage all Canadians to give their consent to the eventual public availability of their census information.

Finally, we work very hard to provide for a range of measures to protect the privacy of census information. Indeed, at the heart of this bill is informed consent, what is considered to be the gold standard of privacy measures. This option is expressed as a positive choice, that is, the census information of only those who specifically gave

their consent will be released after 92 years. A blank response will be interpreted as a negative response, and those who are actually completing the census return will be specifically asked to consult all members of their households. Statistics Canada commits itself to give effect to the decisions of those Canadians who at any time in the 92 years following the return of their census form wish to change their choice regarding their own disclosure provisions.

And last but not least, the bill provides for a review by Parliament of the administrative arrangements used to implement the bill so changes can be made, should they be necessary, following the experience of the next two censuses.

Mr. Chairman, I wish to conclude by reiterating that I believe the bill to be a carefully balanced compromise. It resolves an unfortunate legal ambiguity with respect to the confidentiality status of past census records; it achieves the goal of historians and genealogists, gaining access to historical census records; and at the same time, it provides for full respect of the wishes of Canadians where this can be ascertained, that is, with respect to all future censuses. As Chief Statistician of Canada, I fully endorse this bill.

Thank you.

The Vice-Chair (Mr. Werner Schmidt): Thank you, Mr. Fellegi.

Now, will you be able to stay here with us while we hear the other two witnesses as well?

• (1540)

Dr. Ivan Fellegi: Indeed. If you wish me to, I certainly will.

The Vice-Chair (Mr. Werner Schmidt): Yes, I think it would be preferred, so you can hear what our witnesses say and also perhaps participate in the answers to some of the questions we might have.

Thank you very much for doing that.

Also, welcome to the witnesses who are at the table here.

I'd like now to call on Mr. John Reid, if you would, please, to make your presentation.

Hon. John Reid (Information Commissioner, Office of the Information Commissioner of Canada): Mr. Chairman, I'm grateful for the opportunity to express my views on the merits of Bill S-18. I'm pleased to be here with a panel of other witnesses for whom I have a great deal of respect.

As you probably have guessed, I am a critic of this bill. It does not, in my view, represent a responsible scheme for the eventual disclosure, for research and historical purposes, of nominal census returns.

I hasten to say, however, there's no difference among us as to what the ultimate goal of this reform exercise should be. That shared goal is to find an appropriate balance between the legitimate interests of researchers and historians and families, on the one hand, and on the other, the legitimate privacy interests of those who complete census returns. We want to ensure that whatever disclosure of nominal census returns occurs in the future, the prospect of such disclosure will not discourage voluntary participation in a population census. We also want to ensure that the nominal census returns remain available to future generations who wish to understand the history of their country, their communities, and their families.

Bill S-18 adopts two schemes for attaining this balance. Pre-2006 census records will become publicly available after 92 years. Post-2006 census records will also become public records after 92 years but only if the respondent has given consent for such release. I support the pre-2006 scheme. I am opposed to the scheme proposed for the post-2006 records.

In my view, the passage of 92 years ensures that the sensitivity of personal information has diminished to such an extent that the legitimate historical and research interests can take precedence. In this regard, I note that the period of secrecy in the United States is 72 years and in the United Kingdom it is 100 years. In neither jurisdiction does the prospect of eventual disclosure compromise voluntary participation rates in a population census exercise. There is no evidence from the British and no evidence from the Americans that their population census has been impaired in any way by the fact that the data comes out in 72 or 100 years. Ninety-two years is now the period established by the privacy regulations governing the disclosure of census records that have been transferred to the National Library and Archives of Canada.

If Bill S-18 passes in its current form, starting in 2006 respondents will be given the option of consenting to or refusing consent to disclosure after 92 years. Some nominal census returns will thus never become available for public research. Using the Australian experience as a guide—and this is the Australian system—we can assume that up to one-half of all Canadians might refuse to provide consent for disclosure after 92 years. In such a case the nominal census data for the future would be profoundly degraded as a comprehensive research tool. This is not a recipe for balance between two valid interests; rather, it is a guarantee that the privacy interest will reign supreme no matter how much time elapses.

Until now, when personal information collected by government has had a variety of important uses, government has decided what uses are permitted. It does not leave the decision to those providing the information by means of a consent provision. Rather, the approach that has been taken is for government to make the decisions as to what use of personal information are legitimate and to provide notice of those intended uses to the subject at the time of collection.

If one examines the government's index of personal information banks—it's called Info Source, and if you're looking for government records, here's where you'll find them—one will find a whole range of these up-front notices, and such notices will be found on most of the forms and questionnaires used by the federal government to collect personal information.

That is the approach that should be adopted, in my view, for the post-2006 census exercise. Respondents should be given a notice on a census form that their information has historical and research value and that it will be made public for that purpose after 92 years. In this way, the census database will not be degraded for research purposes and the privacy practice in this country will have been respected in the way in which government data banks respect it already.

• (1545)

In this regard, I urge the committee to be guided by the advice of the expert panel on access to historical census records. This was established by John Manley in 1999, and it reported in June 2000.

The panel was chaired by Dr. Richard Van Loon, the president of Carleton University, and the members of the panel were the Honourable Lorna Marsden, president and vice-chancellor of York University; Professor Chad Gaffield, University of Ottawa; Professor John McCamus, Osgoode Law School; and the Honourable Gérard La Forest, retired Supreme Court judge.

In coming to their conclusion after a year's work, the expert panel dealt with the question as to how to balance privacy and access for the future in this way. And I quote directly:

The Panel does not recommend that each individual's or respondent's consent be sought for future release of census records.

The Panel is not convinced that the provision of consent, for example, as proposed for the 2001 Australian Census, would achieve an adequate result in Canada. The notion of "group consent" whereby the individual who completes the household census form provides consent on behalf of all household members is not a form with which Canadians are familiar; nor is it founded in Canadian privacy law and practice.

Rather, the Panel recommends for the 2001 Census that Canada adopt the practice currently in place in the United Kingdom and the United States. For the 2001 Census and all others where a household questionnaire is used, respondents would be informed that their individual census information would be kept secret for 92 years and after this time, the information would be publicly released by the National Archives.

My case boils down to this: if the pre-2006 scheme is good enough to adequately to protect the privacy of those of us who have already committed to census forms, why is it not good enough for those of us who will complete them in the future? If in fact the only national database that we have available to Canadians is the census, why have we made a decision to degrade it and possibly destroy it starting with the census in 2006?

Thank you, Mr. Chairman.

The Vice-Chair (Mr. Werner Schmidt): Thank you very much, Mr. Reid.

You kept right within the timeframe; I think it's almost to the second. That's very good, and thank you very much.

Now I'd like to turn to Ms. Stoddart, the Privacy Commissioner.

Ms. Jennifer Stoddart (Privacy Commissioner, Office of the Privacy Commissioner of Canada): Thank you.

I hope I can also be within the timeframe.

I'll start right away by saying we understand the need to resolve the controversy around the release of past census records taken between 1911 and 2001 for which consent was not obtained, as well as the challenge of implementing for the future a meaningful and appropriate consent framework that respects privacy rights and protects the integrity of future censuses.

[*Translation*]

I will start with the release of census records after 92 years.

The effect of the amendments in Bill S-18 is to enable census information to be placed after 92 years under the care and control of the Library and Archives of Canada. Once that occurs, release of the information by the Librarian and Archivist is governed by the provisions of the Privacy Act.

With respect to past census information, where no consent to release the information has been obtained, section 8(3) of the Privacy Act allows the Librarian and Archivist of Canada to disclose personal information in accordance with the regulations “to any person or body for research or statistical purposes”.

Section 6 of the Privacy Regulations allows the Librarian and Archivist to disclose personal information under the control of Library and Archives Canada: to a person or body; for research or statistical purposes; and after 92 years.

Releasing census records after 92 years is consistent with the regulations to the Privacy Act which have been in place for over 20 years. I am satisfied that this figure represents a reasonable compromise for dealing with past census records.

[*English*]

I'll turn now to the consent provisions of the act that will apply for future censuses beginning in 2006.

I must say that I am pleased to see that consent provisions are included in the amendments to the act, and I concur with the comments made by the Honourable Minister of Industry, David Emerson, that Canadians should have a right to decide for themselves if they want their personal census records to be made publicly available in the future.

As you know, consent is central to the concept of privacy, and by granting or withholding consent individuals can control how their personal information will be used or disclosed. The ability to control the future release of census records is very important, because we are required by law to respond to census questions that could be perceived to be an unacceptable intrusion.

The census form asks, for example, about the relationship with the members of the household, including whether or not they are same-sex spouse or a common-law partner. The long form of the census, which is given to one in five respondents, asks a large number of questions, some of which involve sensitive information. It requires individuals to indicate, for example, whether or not they have a physical or mental disability that reduces the amount or the kind of activity this person can do. The long form also asks detailed questions about income, including income from various sources, such as paid employment, employment insurance, workers' compensation, welfare payments, and other private sources.

The Honourable Mr. Emerson was quoted as saying at a press release accompanying the introduction of the bill: “I am proud of the active consent provisions of this bill, which satisfy the highest standard of privacy protection.”

However, I would argue that to meet the standard quoted by the minister, Statistics Canada needs to give close consideration to the

way in which consent to the release of census information is obtained. Bill S-18 states very clearly that census information will be released only with the consent of, and I quote, “the person to whom the information relates”.

I wish to emphasize this: consent must be obtained from the person to whom the information relates, which is not necessarily the person filling out the census form. As you can appreciate, in many households one individual usually completes the form. As a result, individuals are likely to give consent or to withhold consent for others in their household. This does not meet the highest standard of privacy protection promised in the minister's press release.

● (1550)

[*Translation*]

Statistics Canada will want to ensure that its administration of the census in fact is consistent with the consent provisions in Bill S-18. It will need to ensure that the person, to whom the information relates, gives or withholds consent and that everyone, particularly children, should have the right to later withdraw or grant their consent. We concede that this is logistically challenging, but Canadians have a right to nothing less.

We have brought forward these comments to Statistics Canada and have been told that Statistics Canada officials have been working hard to improve and strengthen the language in the census form so that it more fully reflects the views of each household member. We acknowledge the efforts of Statistics Canada officials in this regard, and encourage them to continue. Statistics Canada enjoys a world-wide reputation for its work and this why Dr. Fellegi is in Geneva. I encourage him to continue.

Thank you.

[*English*]

Thank you very much for your attention, Mr. Chair.

The Vice-Chair (Mr. Werner Schmidt): Thank you very much, Madam Stoddart.

Not only did you stay within the confines, you beat the other two fellows. That was excellent. I really want to congratulate all three of the witnesses who appeared for being very concise and straightforward in their comments.

I'll now open it up to questions.

We'll start with Mr. James Rajotte, please.

Mr. James Rajotte (Edmonton—Leduc, CPC): Thank you very much, Mr. Chairman.

Thank you all for coming here. Thank you, especially, Mr. Fellegi, for being with us today, in spirit, from Geneva.

The first question I want to start with is on the whole issue of respect for privacy and retroactivity. I'd like to quote a statement; it's actually from the committee briefing book, but I think it states it very well. It says:

Those censuses held after 1901 contain a statutory provision of confidentiality and were therefore collected with legally enforceable and no time limited promise of confidentiality. As a result, these latter census records have not been available to the public.

It talks about how legal opinion initially held that the census records may not in fact be made available for public access, and now it holds that they may in fact be made available.

I'd like to ask the witnesses, particularly Ms. Stoddart, do you have any concerns whatsoever about personal privacy, about retroactivity? Does this bill address any of the concerns you may have in that direction?

• (1555)

Ms. Jennifer Stoddart: As a matter of principle, as Privacy Commissioner, I do have some concerns. However, in reading the report of the committee, whose members were quoted by my colleague, the Honourable Mr. Reid, I would differ with you. The report suggests that a clear statutory promise was made to Canadians, and that there is conflicting evidence. There are instructions to enumerators, and there are also instructions about transfers to the Public Archives of Canada.

By 1900 the Canadian public knew that census information passes at some point into the historical record. This bill would suggest that census information can be released by the archivists and librarian of Canada after 92 years. This follows the prescription of the Privacy Act adopted in 1983, which suggests that 92 years is an appropriate period. I am satisfied with that aspect.

Mr. James Rajotte: This is not actually my statement. This is a statement, which I assume is from the Department of Industry, that quoted from the committee. This is incorrect, then?

Ms. Jennifer Stoddart: I don't have the statement in front of me. I'm saying that from reading the report on privacy and personal information by a distinguished committee, which included one of our leading Supreme Court justices, prominent academics, and historians, my understanding is that the historical record is ambiguous, and that this legislation is a useful, clarifying step.

Mr. James Rajotte: So you have no concerns about privacy or retroactivity. This legislation adequately addresses any of your concerns with respect to privacy.

Ms. Jennifer Stoddart: That is exact.

Mr. James Rajotte: We talk about the people who want access to this—genealogists, historians, and the like. Some people argue that what's released should be limited to tombstone information, enough to allow historians or genealogists to trace a family tree. We should not be delving into very personal information, which I believe you referenced.

Some of our members in the House the other night quoted from the census of 1911, which asked some very personal questions. In fact, it even asked if there were "idiots" in the family. These are personal questions that some people have concerns about. Maybe this kind of personal information should be kept separate and we should focus more on releasing the tombstone information and thus allow the historians and genealogists to continue with their work. Do you see this as a solution to the need for balance between privacy and the right of researchers to discover whether it's family history or history of the country?

Ms. Jennifer Stoddart: It's an interesting approach that has its merits. As Privacy Commissioner, however, I take my cue from the principles that Parliament adopted in the Privacy Act itself. It suggests that, as a society, we recognize that personal information becomes less personal with time. It would seem that 92 years is a reasonable time to let pass before making census information retroactively available to the public.

As for information that seemed to be sensitive at the time, what is sensitive to one generation is not necessarily sensitive to others. With time, most things pass into the historical record, and differences may diminish.

• (1600)

Mr. James Rajotte: Dr. Fellegi, do you want to comment?

Dr. Ivan Fellegi: Yes, if I may, I'd like to make a couple of comments.

First of all, we did quite a bit of research before this bill was drafted, and in fact before Bill S-13 was drafted. It appears from our focus group testing that Canadians have a kind of threshold. They either agree to share information about themselves or they don't. But they don't differentiate among categories of information, at least among categories contained on the census form.

This was also confirmed in our very recent census test leading up to the 2006 census. We had a test earlier this year. In fact, we found that when the informed consent question was tested, there was basically very little difference in the agreement to share between those who received the so-called tombstone information, the short form, and those who received the long form. There was a difference, but it was practically negligible. Empirically, both from our focus group research and from our census testing, it appears that the threshold is on a willingness to share and the distinction between categories of information is not a major factor.

If I may, I'd like to take this opportunity to respond to a couple of the points Mr. Reid was making on why we are differentiating between historical censuses and future censuses. The reason is very simple. We cannot go back and ask people for informed consent with respect to historical census records, but we can do so with respect to future censuses.

I think that the argument about degrading the census as an historical record is in effect fallacious. People may intrinsically object to sharing information about themselves, even after 92 years, in which case we really have no means of forcing them to provide information in the census. Even though the census is nominally compulsory, we cannot put 30 million Canadians in jail, nor would we. They can basically withhold information or give false information, if they object. If they don't object, then they will in fact consent.

Our experience in other surveys has been that when the purpose is explained to Canadians, sharing is agreed to by a very large proportion. More than 90% of Canadians agree, for example, to share health information that we collect about them with other agencies outside Statistics Canada.

The Vice-Chair (Mr. Werner Schmidt): Mr. Reid.

Hon. John Reid: Mr. Chairman, I want to say that I agree with the interpretation that the Privacy Commissioner gave of the expert panel report. I'm sorry that you did not get a copy of the expert panel report in your briefing notes, but I have a copy here. I will submit it to the clerk, so that members can have the advantage of the work they did. I'm sorry it was not given to you in the original briefing book. I think it was probably an oversight by Industry Canada.

On the point of looking at the question on focus groups and what not, there was a focus group exercise conducted by the expert panel. It was done by Environics in July 2000. I can make a copy of that report available to you, as well. The major findings of their focus group were as follows.

One, the focus group research revealed there was virtually no public awareness of the topic of the release of individual-level census data. In other words, it's not a question on anybody's mind.

Two, the focus group research and both surveys suggest that most Canadians would find it acceptable to release individual-level data from future censuses after a time delay of 100 years.

Three, when it comes to the reasons to release individual census data, the public responds most favourably to the idea that their descendants would find such data useful or helpful. The public is less moved by the argument that this data should be released because historians find the data to be valuable and important for historical research.

On the degradation of the database, it's important to recognize that once you have data that is 100% correct, and you start diluting it by a factor of 10%, 20%, or 30%, it is clearly a burden to families that happen to fall within that. Clearly, it means that the statistical base is degraded over time.

On the figure that I quote in my statement on Australia, Australian figures have to be taken with care because Australia is a penal colony that has had a pattern of destroying censuses after they've been taken. The first time they did it, about 40% to 45% of people opted out.

If you did that, you would basically say that the database for historical research in the 19th and 20th century, for a whole range of research, aboriginal research and what not, was 100% and good, but going into the 21st century, we've decided to no longer keep those records as accurately as before.

I am in favour of proper notification to people responding to the census that this information will in fact be used and released. This is the way most information collected by governments is used. When you give that information, you're never told how it will be moved throughout the system, and that's according to law. I'm saying that the same principles ought to apply. If you perhaps want to have it this way, then all government data should come under this new

regime, but the government will find that the data collected would not be very useful.

• (1605)

The Vice-Chair (Mr. Werner Schmidt): In order to give everyone a chance, we have to move along here.

I'll now give Paul Crête the opportunity to ask some questions.

Please, Paul.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Thank you, Mr. Chairman.

If I understood correctly, in his presentation, Dr. Fellegi said that in the future, the census questionnaire would contain a question on disclosing information. If a person specifies that the information concerning him can be made public, it will be made public; if he does not want the information to be made public, it will not be made public; if someone leaves the question unanswered, it will be taken as if consent had not been given. Have I understood correctly?

Secondly, if I understood correctly, would it not be preferable then to use wording that would encourage the disclosure of information and that would prevent it only when someone formally denied consent? At present, we are promoting the disappearance of data by not making information available on people who leave the question unanswered.

Dr. Ivan Fellegi: Shall I respond?

[*English*]

The Vice-Chair (Mr. Werner Schmidt): Paul has asked a question. Is there an answer to that? Did you understand the question correctly?

Dr. Ivan Fellegi: Yes.

The Vice-Chair (Mr. Werner Schmidt): Yes, okay.

Do you have a further question, Paul?

[*Translation*]

Mr. Paul Crête: No, there is none. Does Dr. Fellegi wish to respond?

[*English*]

Dr. Ivan Fellegi: Yes, I will respond.

First of all, you did understand our proposition correctly. The reason we put forward the option in the positive mode, rather than in the negative mode, is because it seems that the public doesn't react very favourably to the opt-out situation. It seems that when somebody doesn't respond to a question about whether or not he or she agrees to share his or her information, it may be negligence, and it doesn't signify agreement and doesn't signify consent. We believe that we should in fact ascertain Canadians' wishes for the future censuses, because if we don't, they will cease to collaborate with the census.

The census is a very different undertaking from any other data collection system. In fact, statistical data collections are very different because we offer nothing in return. When you are asked to complete your income tax return or when you are asked to provide information for social benefits, when you apply for employment insurance or some other benefits, you are either under very serious penalties or you are applying for a benefit. Either way, you are threatened or you are given a reward for providing information.

Neither of those apply in the case of statistical collections. The only thing we have to rely on is the goodwill of the public, and we don't want to trade on that goodwill.

• (1610)

The Vice-Chair (Mr. Werner Schmidt): Do you have any further questions, Paul?

[*Translation*]

Mr. Paul Crête: So you are satisfied with the current wording in the bill. We do not need amendments to correct the situation. The current wording responds precisely to what you are looking for, from what I understand.

[*English*]

The Vice-Chair (Mr. Werner Schmidt): He said yes.

Are there are no other questions?

Okay. Denis, please.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Good afternoon, Dr. Fellegi.

What concerns me is perhaps the situation surrounding the collection of the data at the outset. I am under the impression that, during the census, you awarded contracts to external companies to collect the data.

Isn't this bill a good opportunity to kill two birds with one stone and to send a clear message that there is a guarantee that the data will be protected, not only in managing future data but also with the current collection? What guarantee like that can you give us for the next census?

Dr. Ivan Fellegi: We have taken all of the necessary precautions. It will be physically impossible to have access to the data outside the offices of Statistics Canada. I am prepared to challenge any young 16 or 18-year-old to try and obtain access to the census data. It is impossible.

As regards the contract, it is only for office equipment and software. The contractor will not have access to the census data. Only Statistics Canada employees will have access to it. Moreover, we have asked three independent Canadian companies to verify Statistics Canada's security measures and to make their conclusions public.

Hon. Denis Coderre: I am torn.

On one hand, I think protecting privacy is essential. We cannot play with that principle. When information must be protected, it must be protected properly. We must ensure first and foremost that the person who is providing the information is protected. On the other hand, I understand that for historical and genealogical

purposes, it is important to preserve the history and identity of a nation, of a people; these are very relevant reasons. So I understand why at one end of the table Mr. Reid is talking about accessibility, and at the other end, Mr. Stoddart is talking about protection.

Given the advent of smart regulations, would there not be a more pragmatic way of resolving the 92-year issue after 2006? For me, that is the Gordian knot: how do we preserve the interests of research and ensure that we are not losing the value of the information, while adequately protecting information on people?

Ms. Stoddart.

Ms. Jennifer Stoddart: You have raised an important question, which contains several facets. First of all, and perhaps Dr. Fellegi will be able to help us, we do not know exactly how many Canadians will not consent to releasing their census data after 92 years. It would be important to know how these provisions will be managed, how Canadians will react to them, and what the outcome will be.

In my opinion, if the actual number jeopardizes historic data, we will have to make some changes. Since we need historic data and we need to protect the privacy of Canadians, as much as we can, who do not want to release their information after 92 years, at a time when people are living longer and longer.

I draw your attention, Mr. Coderre, to one of the provisions in Bill S-18 in section 2(1), which talks about a review by "any committee of the Senate, the House of Commons or both Houses of Parliament" that would take place no later than before the taking of the third census of population, around 2014, if I am not mistaken. So there will be a mandatory review. If there are problems, you could even review the act prior to that, after the census next year.

I will add that EKOS, which made a presentation to us on the themes relating to privacy, reported last week that a significant number of Canadians provide inaccurate answers, in order to protect themselves from the ever-increasing incursions into their private lives. I had not made the link before coming, but I remember that they said about 30 per cent of people provide inaccurate information over the phone, in stores, and in different situations; even to medical authorities, or doctors, up to 12 per cent of the answers provided are wrong or incomplete, because people are concerned about the protection of this information.

This represents a substantial methodological problem for someone who, like Dr. Fellegi, must preserve records for historical purposes. With this trend on the rise, I wonder if having to obtain consent would not guarantee better quality of existing data; if the reply rate is 100 per cent for everyone, between 12 and 30 per cent of the answers will be incorrect, in keeping with what people admit to doing in other situations. So what would the historical value be? But I am not the statistician who could provide you with information on that.

• (1615)

Hon. Denis Coderre: I fully agree with informed consent, as I believe that it does in fact provide protection. But there is a pragmatic issue. We must also determine how far we must go, and access to information is also relevant.

[English]

That's why, Mr. Reid, I would like you and Dr. Fellegi to intervene on that. I believe that the issue here is to strike a balance. You don't want to be overruled. You want to make sure that you protect the major principles, the typical Canadian values of people's rights and privacy. At the same time, there is an added value to also having that kind of access for the purposes of genealogy or historical issues. So Mr. Reid and Dr. Fellegi, I would appreciate your comments on that too.

Dr. Ivan Fellegi: If I may say so, I certainly totally agree with the very wise comments of Madame Stoddart. There is a safeguard in this bill because it is subject to automatic review following the next two censuses. Let's be guided by experience. That's the first point.

The second point is, however, to underline again the pertinence of what she was saying and what I was saying: there are simply no means. We don't have the means to force Canadians, against their wishes, to respond or to respond correctly to the census.

If, on the other hand, they don't object to the sharing of information, they give their consent. We have given our word of a solemn undertaking that we will work with the Public Archives and Library of Canada, and anybody else, in our public communication campaign for the 2006 and future censuses, to encourage Canadians to indeed give their consent to the sharing of information. We recognize the importance of the historical record.

I have just one more quick point, and that is of course we don't destroy, under any condition, the information that we collect. So it's going to be available for future research. The question is whether it's available at a nominal level with names and complete personal information attached, or only as a historical, statistical record, which of course it will be kept as, under any circumstances.

• (1620)

Hon. John Reid: Mr. Chairman, I think there is a fair amount of experience out there. First of all, we have checked with the United States, which has only a 74-year period. They are, in many ways, much more privacy-obsessed than Canadians are. Their statistical people have informed us that they have never had any complaints.

We've also checked with the British, who release after 100 years. They have never had any complaints. I did check with the National Librarian and Archivist to see how many complaints he had received after the 1906 census records were released. "None", he said, "but it's broken my servers because so many people are coming in to look at it." In other words, it's been extremely popular since he put it online.

So if you take a look at other jurisdictions and you say to the chief statisticians in those countries, "Are you having problems that are so severe in getting your census material that you have to go and restrict the publication of your census records?", the answers that you get in those two countries is, "No, there is no problem".

I don't believe there is any significant problem in Canada, and certainly I can tell you that we have about 100 cases in the courts today dealing with the 1911 census records. We have done extensive research into what the problems are on this. We have been unable to find any significant problems in terms of finding a good census. We have spent a lot of time and energy checking with other countries to

make sure that the information we have about Canada is as reliable as what we were able to get from foreign bodies.

Dr. Ivan Fellegi: Mr. Reid, if I may just mention, you keep quoting the United Kingdom and the United States, and not Australia. Its record is just as relevant as that of the United States or Britain.

The Vice-Chair (Mr. Werner Schmidt): We have to move along here, because we've had a lot of time.

I think, Mr. Masse, you'd like some time now, please.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair.

Mr. Fellegi, I just want to confirm something. I know you noted that there would be three Canadian companies. Can you confirm that the real issue is that the work actually be completed in Canada? It's not necessarily the nationality of the company; it's a question of the work being completed in Canada. Can you confirm that the work will all be done in Canada? I wouldn't mind knowing what those three companies are.

Second to that, I believe it was the Privacy Commissioner who suggested a system in which you could opt in or opt out at a particular time in terms of release of information. Could you comment about that, and whether it's procedurally possible to be able to set up a system, and either the benefits or the detractions from that type of a system?

Dr. Ivan Fellegi: With respect to your first question—and I'll invite, if I may, Mr. Barnabé to comment further on the details—when you buy a suit or a radio labelled as being made in Japan or Canada, you don't know where the components were made. Similarly, in our contracts for software and for hardware, the companies with whom we are contracting are Canadian companies—not Canadian-owned, but Canadian companies—but we just cannot guarantee what component will be made in what country.

What we can guarantee is that the contractors will have no access whatsoever—it will be physically impossible to have access—to any of the completed census records. That's a guarantee. We will have three independent security firms contracted to carry out an audit of our security arrangements, and the results will be made public.

With respect to your second question, we have in fact given thought to the feasibility of people changing their minds, and indeed it's entirely feasible. We'll be able to have on our website a downloadable form that anybody can complete, and find out, first of all, what response has been given in a given census, either by him or her or on behalf of him or her. Secondly, the person may then request that we change that information on past census records, starting in 2006. But any time up to 92 years after a given census, any person whatsoever will be able to change their consent.

We have given careful consideration to the procedures, and it's entirely feasible.

•(1625)

Mr. Brian Masse: To Mr. Reid, you mentioned about the data not being consistent. So it's almost a chicken-and-the-egg here in the sense that if you don't have the confidence of the Canadian public about the privacy of their information, they won't participate or accurately complete the data information, versus having it all available later, and if people don't want to do it, they won't do it.

Specifically, how damaging do you think it will be for, I guess, research purposes and information purposes to have an opting system that's in and out, as suggested, or a system that gives two-tiered responses?

Hon. John Reid: "Two-tiered responses" is a good way of putting it. The dilemma is that nobody knows what the take-up will be in the first year, and there's no way anybody could predict what that would be. We know that Australia has had a very high pick-up, but Australia's a particular society with a particular history as a penal colony.

We know that in the United States there is no reported problem with conducting a good census. We had the same assurance from the British, and that's the model we have at the present time. So let's assume there's a 10%, 15%, or 20% take-up. That means we've gone from a census that started with Confederation to 2001 that is 100% available, and at 2006 we now go to a census that begins to be degraded. How much, we can't say, but presumably it will reach a point where it will be common.

At that point, from a statistical point of view, you only have, say, 20% false information or lack of information, but you've gone from 100% to, say, 80%. If you happen to belong to one of those families that wants to trace that, then it's 100%, because the information is not there. If you're a genealogist, then there's a gap in the family tree that you're tracing. If you're a historian, maybe you can't trace families.

For example, the biggest use of the 1906 census for Saskatchewan and Alberta was to trace families and family homesteads, and to look at where they came into that society, where they were, where they went. If you opt out, then you opt out for that family and that family tree 100%. That's the problem.

Mr. Brian Masse: Ms. Stoddart, what types of complaints does your office receive, for example, about census information? Have you had individuals complain about privacy?

I participated in the complete count, and my area actually is one of the areas that has this difficulty with census respondents because of a transition of population, because of new immigrant populations. We actually did on-the-street solicitations for the census to get people out to do it. We physically had people on the doorstep asking to do it.

I'm wondering, over the years, has the census-gathering period or time driven up spikes of complaints or concerns about Canadian privacy, and how is that dealt with? I know it's a big question, but I'd be interested to hear whether you're inundated when the census happens. Do people come out and say the government has no business asking this question?

•(1630)

Ms. Jennifer Stoddart: Perhaps I could say to you that it's an interesting question. I have not heard from my staff in the time I've

been Privacy Commissioner that this has been an issue. This does not mean that over the 20-odd years that the law has been extant that we haven't had the odd complaint. I could ask my staff to look into it and write to the committee if we've had complaints about this.

Mr. Brian Masse: I'd be interested to know that. I would suspect, for example, that when we go through these census years, if there were a real concern among Canadians about privacy on this, they might get active then.

Ms. Jennifer Stoddart: I haven't heard that this is a big privacy issue, the taking of the census.

Mr. Brian Masse: How detrimental would it be in terms of privacy? How much discomfort would there be for you, for example, if they didn't have the opting-in and opting-out of the records, as Mr. Reid has proposed? How much of a concern about a threshold of privacy would you have in terms of that? Would it be a breach of our laws? Would it be something that would just give you discomfort?

Ms. Jennifer Stoddart: I think you have to ask if you are in a category that feels more sensitive about something you might have told the census-taker, depending on which set of questions you inherited at that point, statistically.

Secondly, the release is 92 years later. I think for Canadians, clearly, I'd say they're not as concerned about the historical record as they are about some other more pressing privacy issues. We talked about outsourcing of personal information—where is my personal information going today, in my lifetime, that's going to have an impact on me .

However, I think that perhaps one of the reasons I haven't heard about any complaints about the census-taking is that we have a very admirable organization, Statistics Canada, that has preserved the confidentiality of Canadian statistical information admirably. As a society we have great confidence in Statistics Canada.

In going forward, I think it is the ideal to ask, "From now on, would you like your information to be released, even though they're not doing it in other countries?" It is, as somebody said, the gold standard. Are we innovating in privacy protection in doing that? Yes, possibly. But clearly, there are also other privacy issues that are, I'd say, even more pressing for Canadians than being part of the historical record in 92 years.

Mr. Brian Masse: I agree. In fact, I saw it from one issue I've had about public policy, and I think it's the shortcut of outsourcing that has compromised the great work of the Canadian census, which actually contributes to a lot of our decisions about programs and services for Canadians.

Thank you.

The Chair (Mr. Brent St. Denis (Algoma—Manitoulin—Kapusking, Lib.)): Thank you, Brian.

Thank you, Werner, for covering for me while I had to be away for a couple of hours today.

Mr. Werner Schmidt: You're entirely welcome.

The Chair: Thank you.

I have Brad next, please.

I know Werner wants to be on. Do I have any others who want to be on the list? James and Jerry, okay.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): I have just a couple of quick questions and some comments.

My first question, seeking clarification, is predominantly directed to Mr. Reid, but whoever else wants to answer may answer. I very much see your reasoning, your concern that the future census quality may not be there if we have opt-in, opt-out options. Gathering from your presentation, the American system is roughly what you're arguing for.

Hon. John Reid: Not really. I'm arguing for the continuation of the Canadian system with permission to release the census data—and I want to emphasize the words I used here, “the nominal census data”, not the long form—after 92 years. That's been a practice since the first censuses took place, and I see no reason why it should not happen.

Mr. Bradley Trost: As you said, and I understood—I heard this, but I want it to be clear—there are no problems whatsoever, in that we have no reason to believe there have been any problems in any group throughout the country refusing census data, and so on, because of privacy concerns on the nominal census data, that this could come out.

Hon. John Reid: In the work that we have done over the last two years and in the court case we are preparing, that's true. To make sure that our figures would be accurate and our position would be good, we spent a fair amount of time and effort checking with the Americans and with the British.

•(1635)

Mr. Bradley Trost: Does any other witness wish to comment?

Dr. Ivan Fellegi: I will comment.

First of all, we have carried out focus group research. Mr. Reid was referred to Environics. It's very, very clear that when Canadians focus on the question—and it's not necessarily their primary focus, which is why we don't hear about it—when they are asked and are focused on the question, they are indeed very concerned about the confidentiality and the potential of eventual disclosure of their census information. That's the first point.

Secondly, with respect to the question that was put to Madame Stoddart, when the census has been taken in the past—which of course precedes her appointment—there has been a spike in privacy-related complaints to the Privacy Commissioner. But as importantly, it's the single most important question, by far, that I have to answer in correspondence that comes in by the thousands, thousands of letters, at the time of any census. The single overriding issue is confidentiality.

I plead with the committee, please don't put the census at risk. It may be that if Canadians don't focus on it, any provision may go by and there is no concern, no issue—which I think is what's happening in the United Kingdom and the United States—but if Canadians are focused on the issue, as we were asking them to focus in our focus

groups, there is an underlying serious level of concern about confidentiality.

Why put the census at risk? When the bill proposes an empirical approach, let's try what's in the bill and see how it works. If it doesn't work after two censuses, we have a mandatory review.

This bill is a compromise. Every group has been consulted, every group has given some ground, and every group had its bottom line. Indeed, genealogists, as represented, among others, by Senator Milne, are fully supportive of this bill, as it is a reasonable compromise.

It's the compromise nature that I want to underline. This compromise has been arrived at after six or seven years of intensive work. In my twenty years as chief statistician, I've not put as much effort into any issue as I have on this. I have spent more time on this than any other issue, in order to find a reasonable compromise.

Mr. Bradley Trost: As almost more a comment here than a question—though, if anyone can answer this, feel free—not having dealt tons with this bill prior to when it came across my desk just a couple of weeks ago, one thing that I feel that I'm a little bit handicapped in asking you questions about is that I'm not totally sure what historical records the historians will all use for every purpose.

I'm not an historian researcher. I'm a geophysicist by trade. So I'm a little bit lost there. I know what a genealogist will use it for.

Would anyone want to make any comments on that in terms of your knowledge concerning what the historians would use it for, as far as specifics are concerned?

I have another general comment here. Not knowing all the questions that were asked in previous censuses—Ms. Stoddart might answer this one more directly—what previous questions might there be out there that might have a really serious privacy concern, even at this late date, for future generations?

Ms. Jennifer Stoddart: I must say, I'm not personally acquainted with all the questions asked over the years.

•(1640)

Mr. Bradley Trost: Who could be?

Ms. Jennifer Stoddart: Perhaps Dr. Fellegi can talk about the more sensitive questions, because there's the standard form and the long form.

There can be more or less sensitive questions. However, I'd repeat that if you adopt this act, all this information already collected in past censuses would be subject to the 92-year rule, which is the standard rule for the protection of personal information in the Privacy Act.

We considered that this information becomes less sensitive with time, so even the most sensitive of it then recedes in sensitivity—maybe I could say that.

Hon. John Reid: I was trained as a historian, and I did do an MA thesis in which I could not use the Canadian census material because it had not yet been released. But I was fortunate enough to find most of the documentation that I needed in the archives of the Anglican archbishop and the Catholic archbishop.

It allowed me to trace patterns of settlement in particular areas to find who was coming in and why the social tensions that I was studying took place. I found I couldn't do that unless I looked at the demographics—who the people were, where they came in, what kind of baggage they brought with them—so that I could understand the difficulties the community was in. I was able to get that information from the archdioceses of both the Catholic Church and the Anglican Church.

It's absolutely vital, when you start trying to track migration patterns, settlement patterns, when you try to track the way in which the economy grows, and what not, and look at its impact on people and individuals. You can track a lot of that statistically with the excellent material that Statistics Canada provides, but it's very difficult for you to take that material at a macro level and put it down at the level of an ordinary human being and track down what happens to individuals and why it happens to them. So that's an extraordinarily useful historical resource.

The Chair: We'll go to Jerry, then Werner, and I have James and Brian on the list as well.

Hon. Jerry Pickard (Chatham-Kent—Essex, Lib.): Thank you, Mr. Chair. I do appreciate the witnesses being here.

My question basically is to anyone, probably all, to give some response. There has been a suggestion that there may be an amendment brought forward in the committee. In the opening clause, "The information contained in the returns of each census", they would replace "The information" with "The name, address, birth-date, sex, occupation of the respondent and the name of children, spouse, or common-law partner of the respondent".

I would suggest that if that amendment were put in place, that would be the information that would be allowed to be opened to the public. Would that not totally—totally—defeat the purpose of this bill?

Dr. Ivan Fellegi: We're aware that there may be such an amendment, but we've been aware of it only since yesterday, when we listened to the debate during second reading. So I can only give a very preliminary response.

The problem is that with respect to past censuses, there was no separate short form and long form. There was only one form. Everybody got the full census form. The manner in which those forms are preserved is on microfilm.

I understand that to sever the kind of information that you listed from all the remaining information on those microfilms would be an absolutely gigantic task. It involves tens of thousands of microfilm reels. We don't have a full cost estimate, but I was told by my office, in a very, very quick estimation that we did in conjunction with the public archives and library, that the cost of doing such a severing would run into the several tens of millions of dollars.

It's a logistical problem. It's not a point of principle; it's a point of logistics.

• (1645)

Hon. Jerry Pickard: Mr. Reid.

Hon. John Reid: For the historical census, up to 2001, I think that information is best left as is, to be brought out as is. I think the real

question we would like to focus on is what happens in the future, because it may well be that providing that kind of information on the future census that would automatically come out—the nominal census, but all other material that comes out in the long form—might be an appropriate compromise, to make sure the historical sequence is not degraded and that at least that kind of common data would continue to be available. The cost of doing that would be an awful lot of useful social material, but that would be a cheaper price to pay than the degradation of the historical series.

Hon. Jerry Pickard: Mr. Chair, unless any of the other—

The Chair: Jerry, I think Mr. Fellegi is wanting to add something.

Mr. Fellegi.

Dr. Ivan Fellegi: As I keep repeating, what I'm concerned about is that we don't know—and Mr. Reid agrees—about the reaction of Canadians. I would be desperately anxious not to put the census at risk. Our limited experience is that Canadians don't differentiate between the short form and the long form. They are either willing to share their information, whether it's the short form or the long form, or they are not willing to do so, but they don't particularly differentiate between the two.

If that's the case, then forcing people to share information, which they are reluctant to do, would potentially put the census at risk. I'm not sure it would happen, but it could, and once it happens, there is no way back. We can't repeat the census under different circumstances. But on the other hand, we can review the act two censuses from now and change it if necessary.

Hon. Jerry Pickard: Mr. Chair, I'd like to take another issue. I think I've heard the answer from some of our witnesses, but I want to be clear about this.

It has been stated by many that you could dilute census information by putting the public in a position where they don't respond. We would put them in a position where they don't respond by saying we will make this information public within a certain time period without giving them permission or choice. As has been said, the public may then refuse to respond to the census. In my opinion, that would have the same dilution process, as Mr. Reid has suggested, by going forward and not having all the information.

So one way or another, you have a minor risk of some part of the public not being included in all the data. It seems to me that the best course to take is to allow that public to respond on their own individual initiative and not overbearingly make a decision by saying this will be released in 90 years. I guess that's where I'm trying to strike the balance in my own mind.

How do you respond to that, Mr. Reid?

The Chair: Mr. Reid and then Mr. Fellegi.

Hon. John Reid: I think you have to look at it from an empirical point of view. What is the evidence? We looked at what happened in Canada, then we checked with our neighbours to the south, the United States, and we checked with the British, because we have similar systems. We did not get any information from the foreign countries that indicated they were having a problem in maintaining the statistical purity of their data.

Empirically, I say the case that we will stop releasing data because of a perceived fear we won't get data here has not been proven. My argument is that case has simply not been proven. It's been eloquently made by the Chief Statistician, but I take the opposite view. In my judgment, that case has not yet been made.

• (1650)

The Chair: Mr. Fellegi.

Dr. Ivan Fellegi: I totally agree with the point put forward, and in fact the manner in which it was put forward by the honourable member. This is an empirical question indeed. If Canadians are not concerned, they will give their consent. If, however, they are concerned, then there will be a dilution one way or the other of the quality of the historical record, as well as of the census as the current statistical information system. And there is no choice over that matter, because Canadians control information about themselves either directly, by giving their consent or not giving it, or by not cooperating with the census.

The Chair: Okay.

Jerry, are you just about done?

Hon. Jerry Pickard: It's possible the Privacy Commissioner would have a comment as well.

The Chair: Ms. Stoddart.

Ms. Jennifer Stoddart: Yes, I think I could add that we also know from studies done that Canadians increasingly want to control their own personal information, so I think one way or the other—and I just found out about these studies a couple of days ago—Canadians are going to take steps to do that. That's what the information tells us. They'll do that by either not giving accurate information, if they don't have a choice of opting out, or by opting out if they have a choice.

So I think as a society we want to preserve, if it is at all possible, the best methodological quality of information, and from that I think that statisticians and historians—although perhaps not genealogists—can also extrapolate, fill in, and so on. Because at least you'd know—you would hope to know accurately—who really was telling you the truth. Because it's a big issue with historical records—what their quality is. What we aim at is the best quality of the historical record. And we have people in an information society that's far different from the society of 1911, where if you said something to somebody, you didn't expect it to go around the globe by Internet because somebody Googled your name. We're in a far different world now, and Canadians know it. So they're actively taking steps, when they feel insecure about where their information is going, to fudge the records so that they have more privacy protection.

The Chair: Thank you very much.

Werner, then Brian, then James.

Mr. Werner Schmidt: Thank you very much, Mr. Chairman, and welcome back. Now I can ask a question.

Thank you very much, Mr. Fellegi. I want to make sure that I heard you correctly. Did I hear you say that if the possible amendment that was alluded to by Jerry Pickard were to be presented, it would not be a question of principle, but a question of carrying it out?

Dr. Ivan Fellegi: Yes, indeed. If Parliament decides to vote their option, we'll have no option but to try to implement it. My point was simply to say that it would be a logistical nightmare to do so, and it would be extremely costly.

Mr. Werner Schmidt: You've answered my question. I just wanted to make sure that I heard you say that.

The other question I have for you, Mr. Fellegi, is you are no doubt intimately familiar with the details of the various census forms that were completed in 1911 and the subsequent censuses that were taken since then. I would like you, if you would please, to give us some of the very sensitive information that was contained specifically in the 1911 census.

Dr. Ivan Fellegi: Well, being in Geneva, I would have to rely on memory, and again, I'll invite Mr. Barnabé, perhaps, to come in and help.

Some of the sensitive questions have already been alluded to—for example, about mental health. In fact the question was rather provocatively formulated in the 1911 census, which asked whether there was anybody who was mentally infirm or an idiot in the household—something along those lines. But there are other sensitive questions in every census. For some people, age is sensitive, because potentially their welfare benefits, unemployment, or old age security benefits depend on that. Religion is sensitive for some people, very sensitive, particularly some for Europeans of Jewish origin. Race was a question on some previous censuses, which is sensitive for some people. And the list goes on.

I'm speaking from memory. If you want additional information, of course, we can provide it. Mr. Barnabé can perhaps help me out.

• (1655)

The Chair: Is there anything you'd add to that, Mr. Barnabé?

Mr. Richard Barnabé (Assistant Chief Statistician, Social Institutions and Labour Statistics, Statistics Canada): Thank you, Mr. Chairman.

No, I think Dr. Fellegi covered the essential point on the question that was alluded to regarding what were then called “infirmities”—blind, deaf and dumb, crazy—that 1911 was the last time this was asked. Beyond that, the questions are more concerning origin or nature, or have to do with income, occupation, and variations on that theme throughout the years.

The Chair: Thank you.

Are there any comments by other witnesses to Werner's point?

Go ahead, Werner.

Mr. Werner Schmidt: I think, Mr. Barnabé, you avoided the one I was fishing for, and I think you know which one it is. I think I know which one it is as well. I'd like you to read it, further down—I think it's the third or fourth item—on exactly that question.

Mr. Richard Barnabé: Do you mean on the 1911 census?

Mr. Werner Schmidt: Yes.

Mr. Richard Barnabé: Infirmities was the topic, and the response categories were: blind, deaf and dumb, crazy or lunatic, idiotic or silly.

Mr. Werner Schmidt: Those are some of the sensitive areas that would automatically be released if this particular bill were passed.

The other fact behind all of this—and I'd like to ask the Privacy Commissioner and also Mr. Fellegi to respond to this, and perhaps Mr. Reid as well—has to do with the principle of retroactivity. Really, if I understand correctly, when retroactivity takes place in legislation like this, what it really means or does is make something that was illegal when the legislation was first enacted now legal. Where it was illegal to release this kind of information, passing Bill S-13 now makes that action, which was illegal, legal.

Is that principle of retroactivity a sound basis on which to make legislation?

Dr. Ivan Fellegi: Let me answer that.

We were, for decades, under the belief that in fact confidentiality of past census information was legally guaranteed in perpetuity. We found out several years ago—I don't know exactly what the date was, but something like ten years ago or eight years ago—from the Department of Justice that they had in fact revised their legal opinion and indicated that there is at least a legal ambiguity about whether or not such a promise could have been given under Canadian law by Statistics Canada or its predecessors to Canadians.

So in effect, we are not talking about retroactivity. We are talking about an ambiguity, which we want to remove and in fact come to a conclusion on concerning an issue that is ambiguous, according to the best legal interpretation available at the present time.

The Chair: I think Ms. Stoddart and Mr. Reid wanted to say something about that point.

Ms. Stoddart.

Ms. Jennifer Stoddart: Yes, that would be my understanding, that we are not in fact technically faced with an issue of retroactivity, but a clarification of an ambiguity upon which some of the best legal minds in the country, including Mr. Justice La Forest, who wrote many of our most quoted decisions on the protection of personal information, agreed that it was ambiguous.

What you're called upon to do is simply clarify different pieces either of legislation or of instructions to people carrying out the census. We are not really faced with a retroactivity issue, fair and square.

Hon. John Reid: Mr. Chairman, the expert panel I referred to before had this to say about the situation: "However, while we find the legal situation ambiguous, we find no convincing evidence that Parliament intended to create perpetual confidentiality" of the census records.

So I agree with Dr. Fellegi; I agree with the Privacy Commissioner. We're not dealing with legislation that changes what was there before; what we are doing in this legislation is setting up the regime that was contemplated, and setting up a new regime for censuses after 2001.

• (1700)

Mr. Werner Schmidt: I have two supplementary questions to that, Mr. Chairman.

The first one has to do with whether it is conceivable that in the minds of the people who were given the assurance by the enumerators—and until 1971, all of the censuses were completed by enumerators—and who gave their information to the enumerators, the perception existed that indeed this was confidential information in perpetuity; or did they have the understanding that yes, this information, while it was confidential now, might at some time become public?

Hon. John Reid: My understanding, having looked at a lot of the documents, is that for the information given to the enumerators, the enumerators were sworn to confidentiality. We've had censuses in this country since Confederation, so the census process itself is sort of built into modern society, into existing society.

It is after having done two or three years of research on this subject that I decided to go to court to deal with this issue, to seek the release of the 1911 census after 92 years. That was because, after the research we had done, we were convinced the law was slanted towards the historical release of the information. Had I not been convinced of that as a result of the work we did, I would not have gone to court. As it is, I have a total of about 103 cases; 100 of them are in a sort of class action, and there are three special cases in addition to that.

The results of the work we have done over the last four or five years have indicated that there was a commitment, because the original one was that the documents were to be turned over to the national archivist.

Mr. Werner Schmidt: I think the supplementary question that follows from that, then, is, supposing someone in 2006 said no, I don't want this information to be made public, could that then be overturned by subsequent legislation passed in say, 2090?

Hon. John Reid: I would say, Mr. Chairman, that if you look at the bill, it shows that Parliament will revisit the bill after two censuses—

Mr. Werner Schmidt: But that's not my question.

Hon. John Reid: I know what you're saying. But the point is that if Parliament decides to make the change, in my judgment, for those people who had refused consent before, that information should be protected. I don't think Parliament in that case would want to go back to revoke the legislative promise it makes in this bill. And that data would be permanently lost to the historical census.

The Chair: Dr. Fellegi, do you want to intervene?

Dr. Ivan Fellegi: Yes, I agree on this point entirely with the Information Commissioner, in that Parliament in theory, of course, and in practice can change any law that a previous Parliament passed. This is my understanding. But it's very unusual for a parliament in the future to revisit legislation that was explicitly designed to achieve a particular purpose and retroactively change its provisions. It's possible for Parliament to do it—that is my understanding—but it's most unusual.

Ms. Jennifer Stoddart: I could also remind us that we have a constitutional charter in which the value of protection of personal information privacy is recognized under sections 7 and 8, and that were such legislation to go ahead, presuming we still have the principles of that constitutional charter, certainly it could be reviewable on the basis of an infringement upon privacy rights.

The Chair: Werner, is there something else you want to...?

Mr. Werner Schmidt: I don't have the document with me, but I would like to refer back to the.... I believe Ms. Stoddart has alluded to it, but I don't have it right now, Mr. Chairman, so I can't really build the case on that issue. But I really wanted to allude to exactly what kind of confidential security actually was given. I think it has to do with Mr. Reid's point, but I can't quote chapter and verse, and in order to make my case, I guess I'd have to do that, or at least ask the question properly.

So I'll not present that question, because I can't really provide the detailed evidence. But I would like to ask the committee to keep this open so that the question can be asked.

•(1705)

The Chair: Fair enough.

Brian, then James.

Mr. Brian Masse: Thank you, Mr. Chair.

Ms. Stoddart, one of the things with privacy is people actually having the ability to make choices. I understand where Mr. Reid's coming from with regard to information and being concerned about it, but at the same time, it does give people the options.

Would you have any objection—and you don't have to, just off the top right now.... Say, for example, in the future, I said no on this next census about releasing my private information, but then on the next one there was another box saying I could now consent to releasing information and it actually happened—if I chose, as an individual, to release it—would that erode privacy, or would you have no objection?

Ms. Jennifer Stoddart: You could amend your choice—is that what you're saying?

Mr. Brian Masse: Yes, if I opt out, out of caution, when I first start. Say, for example, you're coming to Canada from another country, and you're really concerned about what the government does with your information. There are different thresholds, but later on, when you learn about the Canadian laws and the mechanisms there, you might make a different choice. Would you have any problem if there were an amendment to allow people to go back and say, “No, actually, I don't mind opting in”?

Ms. Jennifer Stoddart: No. And I understand from Dr. Fellegi's exposé that they are setting up ways in which Canadians can access their information and change the way they would like it to be disposed, because privacy is, ultimately, control of your personal information in a context. What we tell to one person is not what we want to tell somebody else. What we'll say today is maybe not what we want to say about ourselves next week. So allowing Canadians to modulate that would be extremely privacy-sensitive, I think.

Mr. Brian Masse: Okay. I know that your ultimate suggestion was opting in and out, but that might be problematic. Once again, I just want to make sure it's clear: if somebody originally opted out, you wouldn't have any difficulty supporting their choice if later on in the next census they decided, “Oh, by the way, I decided to disclose this one and go retroactively and disclose my other ones”?

Ms. Jennifer Stoddart: No.

Mr. Brian Masse: That might alleviate what Mr. Reid—

Ms. Jennifer Stoddart: Yes, that might be what happens.

A voice: One would hope.

Ms. Jennifer Stoddart: Yes, that's right.

Mr. Brian Masse: Yes. So I would suggest that might be an amendment I'd look at.

The Chair: Okay. Thank you, Brian.

Could we have James, please?

Mr. James Rajotte: I think Dr. Fellegi wanted to comment.

The Chair: Dr. Fellegi?

Dr. Ivan Fellegi: Yes, just to say that this is entirely consistent with the current bill. It doesn't require an amendment. We have already worked out procedures which would allow people to change their mind for up to 92 years about opting out. If they want to change their mind in either direction, we would have a website with downloadable forms and all they would need to do is complete that form and send it to us, and we would change their response up to 92 years after the census.

The Chair: Good. Okay.

It was good to get that clarified, Brian. Thank you.

James, go ahead, please, and then we're going to go to Jerry, and then Werner has got his hand on the point he wants to raise.

Mr. James Rajotte: Thank you, Mr. Chairman.

Actually, Dr. Fellegi, could you address that, particularly the case for children? If a parent indicates a “yes”, in fact they want the census to be made available, and then the child turns, I believe, 18 years of age and then indicates that they do not want that census, what happens to that information? Is that turned over to the archives but kept separately? How, specifically, will Statistics Canada handle that situation?

Dr. Ivan Fellegi: Nothing is made public until 92 years have passed, and in that interval people can change their minds several times, in fact. A child whose parents responded one way may decide, when he or she becomes 18, to respond differently. That's perfectly fine, and we will have very simple procedures to accommodate that.

Mr. James Rajotte: That is exactly my question. I'm asking how you will actually do that. Will the information still be kept but not released with the archives? Is that correct?

Dr. Ivan Fellegi: Oh, yes, exactly. Information will not be destroyed because it's part of the statistical record, even though it may not be a nominal record, an identified personal record. In other words, the personal information will not be made public, but the statistical information, as part of an aggregate, an average or a distribution, of course will be made public, and will be made public right after the census and at any time in the future.

•(1710)

Mr. James Rajotte: The other thing I'd like clarification on—I guess Mr. Fellegi can answer this—is the distinction between the long form and the short form, and whether, when the long form began, specific information from the long form would actually be released or whether that would apply only to the short form. I think maybe Mr. Reid had mentioned this.

Dr. Ivan Fellegi: The long form came into existence as a separate form in the 1971 census. Under the proposed bill that information would not be slated for disclosure for 92 years after that census—in other words, until 2063. So there's quite a bit of time between now and the first time that a separate long form will be released. For all past censuses prior to 1971, there was only one census form, and that form was given to every Canadian.

Mr. James Rajotte: Okay, but my question is, does this legislation have an impact on this, or will a future Parliament have to legislate for the long form before 2063?

Dr. Ivan Fellegi: No, according to this legislation, past census information—whether from the short form or the long form—would be released 92 years after the event.

Mr. James Rajotte: That leads me to my next question.

I believe you said Canadians do not distinguish between the short form and the long form. With respect, I would say that's not true. Certainly people in my constituency and others from across this country have written to say that they don't wish to fill out the long form, and they object to being compelled to do so. I think, in fact, Statistics Canada should revisit that distinction between the short form and the long form.

Also, I wanted to comment on the problem with the post-2006 scheme that Mr. Reid spoke about. He seemed to indicate in his speaking notes that participation in a population census is voluntary, when in fact, according to the laws of the land, it's not really a voluntary census. It's something prescribed by law that citizens have to do.

Mr. Fellegi, I'd ask you to address the first point, and then, Mr. Reid, I'd ask you to address the second one.

Dr. Ivan Fellegi: The point I made about Canadians empirically not making a distinction between the short form and the long form did not refer to their preference to fill out the short form rather than the long form. Of course the response burden is a problem for everybody. People prefer to get the short form and object to filling out the long form. My comment simply referred to the fact that, with respect to having filled out either the short form or the long form, they don't appear to make a distinction in terms of the information being made public. They either agree that their personal information can be made public, whether it's the short form or the long form, or they disagree. Overwhelmingly, there is no distinction made in that respect between the short form and the long form.

Mr. James Rajotte: Mr. Reid, do you want to address the voluntary issue?

Hon. John Reid: I posed the question of voluntary participation in the census because, while there are provisions in the law that can force you to give the information, if we had to do that, the whole census system would break down. It basically is a voluntary system, and Canadians have been very good at participating in that census.

We don't want to go to a situation where we have to use the hammer of the law to get people to provide the information. We want to have a system that is voluntary. The work done by Statistics Canada and the information that comes out of the census is very important.

Mr. James Rajotte: I certainly concur.

Perhaps I'll conclude with some comments. And maybe, Mr. Fellegi, if you want to submit something to the committee in writing, I know this is a bit separate from this specific bill, but I receive an awful lot of complaints from constituents and others who do not like filling out the long form, not because it's a hindrance, but because they object to some of the very personal questions being asked of them. That is the issue.

Perhaps, Mr. Chairman, the committee could get a response on that general issue.

Maybe I'm the only Canadian who has any concerns about this, but I'm certainly supportive of census records being released after a reasonable period. I think 92 years is reasonable. Someone made the statement that personal information becomes less personal with time—I forget which witness said that—but I don't agree. If I'm the only Canadian with concerns about this, I'll accept that, and we'll move the bill forward. But I just want everyone to perhaps think about this very carefully and to make sure that we do get this piece of legislation right, because I think that statement is not true.

You look at figures throughout history who in fact burned all of their materials because they wanted all of that personal information kept secret or kept out of people's hands. I can speak from my own family's experience. I have an amateur genealogist in my family who, at the last family reunion, put the entire Rajotte family line up on a tree. It went back to Ivan Rageot, who landed sometime in the 1700s in New France. There were a lot of little figures there to show who the mothers and fathers were, and there were a lot of unknown fathers, which was quite embarrassing to many of the family members, most of whom are Catholic.

I just submit that we should think about it. Obviously, we supported this bill coming to committee, and we voted for it, but there does need to be some thought given to this. I don't know whether any of you have any reservations at all. You don't seem to have any reservations, so I'll certainly take you at your word, but this is something that perhaps we should consider, at least in the committee temporarily.

● (1715)

The Chair: Thank you, James.

A thought on that, Ms. Stoddart?

Ms. Jennifer Stoddart: Well, probably it was I who said that personal information becomes less personal with time. I was referring to the scheme that the Parliament of Canada set up in the current Privacy Act that allows for the release of historical information after 92 years. That is the accepted Canadian standard; that's what you, Parliament, chose in 1982.

At the Office of the Privacy Commissioner, I don't think we've noticed a huge problem, generally, with the idea, although, as you point out, many individuals are concerned. I think a lot of us are concerned about what's on the historical record about us after we go. Some of us may take extraordinary steps to influence that historical record in one way. That doesn't contradict your personal concern, but in terms of a national standard, Parliament has chosen 92 years.

The Chair: Oh, Dr. Fellegi.

Dr. Ivan Fellegi: May I add that in this bill there is an equivalent to burning your personal record. You can choose at any time up to 92 years following the census to say you don't want your information to be made public. You can do so not only on the basis of some vague recollection of what you might have responded to, but you can ask Statistics Canada, as part of the procedures we have developed, what you have responded to in a given census. On that basis, you can decide if you still want to maintain your opt-in or your opt-out, so we do provide the option of the equivalent of burning your personal census records.

The Chair: Thank you.

Mr. Reid.

Hon. John Reid: I think the question with your family genealogist is to make sure there are no gaps in the family record. The problem you run into is that the historical record is pretty variable. You often find strange things that you didn't anticipate in the family tree. Certainly, we have found strange things in our family tree, as well.

Mr. James Rajotte: I think we thought there were, but we didn't want to admit it.

Hon. John Reid: On the question of information, in the business of the Information Commissioner, all information has a time value. When the information is hot and is being used, it has a very important value. As time goes on, that information loses its value.

The classic example is that Government of Canada cabinet records are excluded from the Access to Information Act, but in 20 years it all comes out, so the time value of the cabinet documents and the cabinet deliberations is a 20-year period. Other information has a longer life because of its sensitivity, but all information has a time value. The 92 years is a very reasonable period of time. It's set between the American historical record coming out at 74 years and the British record at 100 years.

I think you have to look at all information as having a time value. You also have to look at it as varying in value over time, depending on who wants it and for what purpose. A cabinet document today, if I could get it, is a worth a heck of a lot more to me now than if I get it in 20 years. I might not be interested in 20 years.

• (1720)

Mr. James Rajotte: A cabinet document is very much in terms of the public interest. What Prime Minister Trudeau, say, did in his private time should not really be any of my business, whether it's 20 years or 30 years from now. I'm more interested in how we govern as a country and what the cabinet decisions were. I would distinguish between that and someone's personal life in terms of information.

The Chair: Very good, James.

We're going to share our last little bit of time between Jerry and Werner. I'm going to keep you both on tight time.

Hon. Jerry Pickard: There has been some comment about some of the questions that may have been in the census of 1911 and earlier. I think the word "imbecile" was one of the words that potentially described a person. However, all of us have to realize that for any genealogist or any person who is looking at a specific time period, certain words are used and are applicable to those time periods.

On refinement of our language and our society, those things change. We all have to be readily aware of that. "Imbecile, idiot, mentally retarded, uneducable, educable" are all words that went through the Ontario teaching system in the last fifty years. There are specific definitions for every one of those words. So when we look at the type of word that was used that might be objected to by a few folks, it is a word that was consistent with the acceptability of questions in that era and that time. Today we would clearly say "intellectually challenged" for the same folks, but then we had very specific definitions, very specific rules by which those words were used.

We have to look at it in a very open context, not with a narrow-mindedness that might restrict access to information and the whole application of what's going on. I hope our witnesses would all agree with that kind of thing. There might be words in some of the questions that we wouldn't use today, but they were certainly acceptable and used in previous eras. Those words were not offensive to a lot of folks who were doing the census in those days. They have been changed because over time words become offensive.

You can look at it culturally. You can look at it through race comments. You can look at it through intellectual comments. Almost every facet of our language changes over several years. I press the point here because I don't want that to become an issue in looking at past records.

Hon. John Reid: I hesitate to think what people will think of the terms we use today in fifty years.

Hon. Jerry Pickard: Exactly.

The Chair: Thank you, Jerry.

I'll leave the last words, in terms of testimony, to you, Werner.

Mr. Werner Schmidt: Thank you, Mr. Chairman.

I was referring earlier to privacy and confidentiality. The references Jerry made a moment ago are by way of illustration, but that's not the issue. The issue is a provision, and this may not be the authentic one but it looks like it could be. It comes from the Department of Industry, I believe, and quotes subsection 15(1) of the 1918 Statistics Act as follows:

No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of the Act, except as hereinafter set forth, shall without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connection with the census be permitted to see any such individual return or any part of any individual return.

There are also references in the 1911 act to similar things, and in the current Statistics Act there are similar kinds of things.

I'm trying to ask our witness whether this kind of provision in the act creates the perception on the part of those who are completing the form that indeed their information is confidential.

I quite agree with Mr. Reid's comment that information is time-sensitive. It always is. We know that's the case. We also know that language changes over time. But when it comes to a principle of privacy of one's personal identity and the things related particularly to an individual, to release that information.... I heard Mr. Fellegi say clearly that if an individual wants to change or not allow certain information to be released about himself or herself, that person has the right to direct the department of statistics to not release that information. But that's impossible for someone who is dead. Of the people who completed the form in 1911, the odd person may still be alive, but many of them are not alive, and could not give permission to either release or not release information.

Those are some of the questions, Mr. Chairman.

• (1725)

The Chair: Is that more by way of a comment, Werner, or are you looking for feedback from any of our witnesses?

Mr. Werner Schmidt: Well, yes, I think so. The indication seems to be that there is no understanding or even an indication or a perception on the part of the person completing the form that the information is indeed going to be confidential in perpetuity. That's really the issue here.

The Chair: Are there any comments?

Mr. Reid, I see your hand.

Hon. John Reid: I regret, sir, that you did not get a copy of the expert panel on access to historical census records.

Mr. Werner Schmidt: No, I did not.

Hon. John Reid: But I will leave this with you. They go into considerable detail on the whole question that you have raised.

The conclusion they basically come to is that there was ambiguity in terms of what was in the law and in terms of how the material was to be dealt with afterwards. That ambiguity was the reason why there were going to be these court cases. This legislation eliminates that ambiguity.

It's interesting to note that the enumeration in those days was usually carried out by people who were known to the respondent. It was one of the reasons why the person doing the enumeration was under oath not to release any of the information. The problem was not so much the census. The problem was because it was your neighbour doing the inquiry.

I will leave this with you, and you can look at it, but the issue has been thoroughly discussed over time.

The Chair: I'm facing the possibility of the bells starting to ring very shortly.

Dr. Fellegi, do you have any comments on Mr. Schmidt's comments?

Dr. Ivan Fellegi: I only want to make two quick points.

I certainly agree with the Information Commissioner on the fact that currently the best legal opinion is that there is ambiguity with

respect to the historical census records and their confidentiality status.

But the last point I want to make and underline very strongly is that we basically spent a great deal of the committee's time talking about the census as a historical record. I want to underline the value of the census as a current statistical record. That's the primary purpose for which funding is provided to carry out the census. I'm deeply concerned that unless informed consent is provided for future censuses, with respect to the eventual disclosure of personal information, the value of the census both as a statistical record and a historical record would be jeopardized.

I'm deeply concerned. If I'm wrong, I can be found wrong by reviewing this act two censuses from now, and we can amend it. But in the meantime, please, let's not risk what is a Canadian treasure and an unbroken record of excellent censuses.

The Chair: Dr. Fellegi, if I could ask you to stand by, sir, for a moment, I'm going to ask my colleagues whether they're interested in continuing this discussion in the context of clause-by-clause tomorrow morning or some other day.

Do you feel, sir, as the senior officer of Parliament under Industry Canada for this, that you would want to participate by telephone in the clause-by-clause, or would Mr. Barnabé stand in your place?

• (1730)

Dr. Ivan Fellegi: I think it would have to be Mr. Barnabé, because I'm still chairing a meeting of the OECD tomorrow.

The Chair: Before we lose you, we certainly want to thank you.

What time is it there, by the way?

Dr. Ivan Fellegi: It's 11:30.

The Chair: That's not too bad. Oh, it's at night. Your colleagues are out enjoying the local beer and you're working.

Thank you very much, sir. You can continue to listen in, if you wish. I only wanted to thank you before we lost you.

Our bells are starting. Before my colleagues go, I'd like to get a sense of whether we can continue this good discussion in the context of clause-by-clause at 9:30 tomorrow morning. We had a room tentatively booked, just in case.

James.

Mr. James Rajotte: Well, Mr. Chairman, I can't make the meeting tomorrow at that time. I didn't know there was a meeting. I just received notice today. I would prefer it to be another time, because I'd like to attend.

Secondly, are we going to hear from any national association of historians and genealogists on this bill? It's the one other group that we should hear from.

The Chair: I'm in the hands of the committee on that.

Let me see if Paul wants to weigh in on this.

Paul.

[*Translation*]

Mr. Paul Crête: I simply want to know if anyone is thinking about submitting any amendments. I have received many e-mails from people who want the bill to be adopted as quickly as possible. If people do want to present amendments, they must tell us and we will react accordingly. If any of you want to hear other witnesses, you must say so. There is no point in holding a meeting tomorrow morning and proceeding with clause-by-clause consideration, if no amendments are planned and if we do not want to hear additional witnesses.

[*English*]

The Chair: Denis, and then we're going to come back to James' point.

[*Translation*]

Hon. Denis Coderre: I agree with Paul. I am not aware of anyone who might want to present amendments, but I do not intend to do so. We should not hold a meeting just for the sake of holding a meeting. We have heard several opinions that have shown us both sides of the coin. We have had a truly balanced meeting today. Many aspects were addressed. I do not see why we would hold a meeting. Moreover, it might not be possible, according to the rules. If there are no amendments, let's accept the bill and leave it at that. This is an extremely fascinating issue that we could talk about for hours on end. Instead of trying to determine how many angels can dance on the head of a pin, I think we should go ahead with it right away.

Mr. Paul Crête: Go ahead with what right away?

Hon. Denis Coderre: Adopting the bill, since we support it.

[*English*]

The Chair: To answer Paul's question, yes; Werner and James made it clear that there is an amendment.

We don't have too much time. Did you want to...?

Well, I guess you've explained your amendment in your question, which was to limit the information made available to those who would inquire.

As to the short notice for tomorrow, I did mention last week that should the bill come up...because we agreed a long time ago that we would never do witnesses and a bill the same day. I think Werner can confirm this. So if we did get the bill in time for Wednesday, I would ask for consent at that time to have a meeting right after.

We've never faced this dilemma, that I can recall. I think there's a sense that we should go ahead with clause-by-clause tomorrow.

Do you totally object to that, James?

Mr. James Rajotte: Well, I won't be able to be here, so....

The Chair: But we could still have a discussion.

Mr. James Rajotte: We're not hearing from any genealogists or historians on this issue at all?

The Chair: If we do, I don't think we could arrange that before.... I mean, Monday would be the soonest we could do that.

To me, the two options are we go ahead with clause-by-clause tomorrow or we go Monday and try to get the genealogists here, and then go right into clause-by-clause after that.

So we end up with the same dilemma we had before, Werner, where we're doing witnesses and clause-by-clause the same day.

And we all know that we're going to be out of here sometime pretty soon.

• (1735)

Hon. Jerry Pickard: It's just a question of whether—

The Chair: Just a moment.

The clerk has just advised me that the genealogists are not interested in appearing.

Dan has some information on that.

Mr. Dan Shaw (Committee Researcher): From talking with the genealogists and associations, and from looking at their websites and so on, they are happy with this bill as it is. Actually, from a lot of the things they say, they want quick passage of this bill before you leave Ottawa.

That's what I know.

Hon. Jerry Pickard: I would support that. I have had contact with many of the organizations, and they have clearly said that the urgent side of it is to get this in place so that movement can go forward.

It's a question for the committee: do we want to move this ahead, or are we going to leave it until fall?

The Chair: Paul.

[*Translation*]

Mr. Paul Crête: I move that we report the bill to the House without amendments.

[*English*]

The Chair: No, members?

Then I propose that we do clause-by-clause tomorrow. If it's the will of the group not to finish tomorrow, then we'll go ahead to Monday. But we'll start clause-by-clause tomorrow.

I want to thank our witnesses very much.

Again, Dr. Fellegi, thank you for your patience. I know it's difficult staring at a telephone on a table all by yourself.

Thank you, all.

We are now 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

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