



House of Commons  
CANADA

# **Standing Committee on Access to Information, Privacy and Ethics**

---

ETHI • NUMBER 041 • 2nd SESSION • 40th PARLIAMENT

---

**EVIDENCE**

**Tuesday, December 1, 2009**

—  
**Chair**

**Mr. Paul Szabo**



## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, December 1, 2009

• (0905)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** Order, please. This is the 41st meeting of the Standing Committee on Access to Information, Privacy and Ethics. The orders of the day are to carry forward items from our last meeting.

The first item is to address the Access to Information Act reform. I believe Mr. Wrzesnewskyj has a proposed motion for our consideration. This is in regard to the response that we received from the Minister of Justice with regard to our eleventh report.

The second item is pursuant to Standing Order 108(2) and our study on Privacy Act reform. We still have the motion of Madam Simson, which we stood. We'll decide how we want to deal with that.

Colleagues, what I'd like to do is entertain the motion from Mr. Wrzesnewskyj first, simply to put something on the table and to hear where the members are generally on the Access to Information Act reform.

As you know, we have reported to the House in a previous motion our disappointment with the response. Subsequently we've had this discussion with regard to the report on privacy, and committee members asked me to send, on their behalf, a letter to the minister asking for responses to each of the items in the report, which I've done. I believe you have a copy of that letter.

I've also, in that letter, asked the minister if he would let us know by next week if that plan to deal with privacy would be acceptable to him. We'll see, hopefully next week, whether the minister is prepared to respond favourably to our request for a more detailed response.

Mr. Wrzesnewskyj, on your motion, I think the members have it before them. I don't think there's any need to repeat it, but you want to speak to it, I'm sure.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Sure. I'll keep it relatively brief. This motion basically mirrors a very constructive motion that Mr. Del Mastro put before the committee during the last meeting. It was constructive. It extended the committee's goodwill to the minister in the hope of receiving a more substantive response than we have to date.

As we had responses from the minister on the Access to Information Act that were similar to those on the Privacy Act, I thought we would provide the minister with an opportunity to give this committee a more fulsome response to the various points. I don't want to have to once again go through all of the quotes from the minister's appearance before the committee when dealing with the

Privacy Act, but at least a dozen times the minister repeated his statement that—and I'll just quote once—“it's only fair and reasonable to take into consideration the recommendations of the present commissioner”.

He encouraged this committee to do our work and to look at the recommendations of Mr. Marleau. Whether questions were from the Conservative members, from members such as Kelly Block, or from the opposition members, the response was uniform: he looks forward to the work, he looks forward to responding to the work we've done, and he looks forward to responding to all of the recommendations.

This provides the minister with an opportunity to do so.

**The Chair:** Okay.

Now, at our last meeting we had a list that kept on.... Mr. Rickford and Madam Freeman were wanting to speak on this.

I don't know if you still do, but if not, is there anyone who wants to speak? Other than those two, I don't have anybody who wants to speak to this motion.

Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair.

I'll be really brief. I want to say that I support the motion.

**The Chair:** Good.

Madam Davidson, and then Mr. Rickford.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thanks very much, Mr. Chair.

I just want to say that we do certainly support transparency and we believe in the openness. I think this motion, following very much on the motion that Mr. Del Mastro put forward at the last meeting, certainly will require some further information from the minister. Although I think the government response was good—I think the minister gave us a good response—I do think that I can support this motion.

I wonder about January 15 being a bit early as a date. I'd perhaps propose February 15 instead of January 15, to give a bit of time. We have the other report.

I believe the motion that came from Mr. Del Mastro said January 15, did it not, Mr. Chair?

Those are my comments.

**The Chair:** Okay.

Madam Freeman.

• (0910)

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Chair, I want to tell you that I support this motion. I think that after all the discussions we have had in other committees, we unanimously agree on the motion moved by Mr. Del Mastro. We are at the point of asking for clarification. So we will support this motion.

[*English*]

**The Chair:** *Merci.*

Are there any further comments from members?

Mrs. Davidson raised the issue about the date. The minister doesn't do the work; it's the department. They don't have anything to do for a couple of months, so I'm not sure. What we wanted to do is have responses on these things so that we could determine what work we could do when we get back. I wanted to be able to circulate it to members in advance of our meetings picking up.

But I don't think that anybody around this table is going to disagree if as the chair I respond to a request from the department that they could use a little time by simply saying that's fine and we'll leave it up to them.

**Mrs. Patricia Davidson:** Mr. Chair, this isn't a huge issue with me. I just threw it out to see if there was any room for movement on Mr. Wrzesnewskyj's part.

**The Chair:** I think we can be flexible.

Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** In terms of the timing, in fact, our report on the Access to Information Act landed prior to the Privacy Act, I believe. Yes.

The minister's response to this was prior to the Privacy Act, so they've actually had more time on this one than on privacy, which we set the January 15 timeline for. But if you remember, the discussions were about precisely what the chair had suggested: to give us enough time to be able to digest it.

Having said that, I think we will probably be dealing with the Privacy Act response first. If they're unable to meet the January 15 deadline—and it is highly unlikely that they wouldn't be able to—I think we should allow one additional week. That would fit into our schedules and it would still give us time to digest. But let's see how they respond.

**The Chair:** Are we ready for the question?

**Some hon. members:** Yes.

(Motion agreed to)

**The Chair:** That's carried. Now, shall the chair write a letter to the minister similar to the one we've done?

**Some hon. members:** Agreed.

**The Chair:** We're agreed? Okay. That's good.

I think you can go ahead and mirror that one.

**A voice:** Okay.

**The Chair:** Then I will sign it and we'll be done.

All right. We'll move to the matter of the Privacy Act reform.

Madam Freeman, do you have a point?

[*Translation*]

**Mrs. Carole Freeman:** Mr. Chair, could I say a few words just before we move on to Ms. Simson's motion? I do not know how long we will deliberate; it could be brief or a long time. I wanted to make a rather special comment to the members of the committee. The committee members could make this same comment.

Our analyst, Élise Hurtubise-Loranger, who has always done outstanding work for the committee, is leaving us today because she is expecting her baby in a few days. This will be her last day with the committee. I truly want to thank her for her work and wish her all the best with her baby in the coming months, which will no doubt be wonderful.

I want to thank you and wish you all the best.

That was what I wanted to say. I did not want us to end the meeting quickly without having said it publicly. Thank you.

**Ms. Élise Hurtubise-Loranger (Analyst, Library of Parliament):** That is nice.

[*English*]

**The Chair:** I must admit that we've been blessed. We have an excellent team to support the committee. I'm very happy with the very good work they've done to help us prepare for our work.

Thank you to the whole team.

And Élise, we're so happy for you and your family.

• (0915)

**Ms. Élise Hurtubise-Loranger:** You're in very good hands while I'm gone.

**The Chair:** I'm sure we are.

What I was going to say with regard to Madam Simson's motion was that since we adopted that other motion at the last meeting, it really is kind of moot at this point, until we find out what happens by January 15. I assume that we will allow that motion to simply remain dormant at this time.

I understand that there is going to be a vote in the House on Thursday morning, which means that this committee will be interrupted. I'm not sure that it would be a productive time for us. What I'm suggesting is that we not call a meeting for Thursday.

The following week there will be a series of votes carrying on and a number of important issues going through the House in a couple of areas. It may be very difficult for us to really get our heads around anything new.

What I'm going to propose is that on either Tuesday or Thursday of next week, once we get a better idea of the business of the House, we have a preliminary get-together with the steering committee to start talking about anything that could be done by our support crew over the break to explore certain things. I would encourage those who are not on the steering committee to pass on to the reps things you would like to do.

One of the suggestions that came to me is with regard to the Access to Information Act, which we know has been extremely difficult to deal with in terms of updates. We'll certainly get more information.

One of the possibilities would be for us to undertake some sort of study on proactive disclosure, which basically is a move towards putting government information directly on the Web and alleviating

the workload. There are a couple of jurisdictions that already have that.

We could do some work on that to educate ourselves about some of the other things happening around the world in terms of providing good transparency and openness and so on. That may be one of the things that we could discuss and report on to the House.

Those are the kinds of things I mean.

Our principal work is access and privacy. I hope we can continue to seek ways in which we can have some input on how to improve performance in those areas.

Is there any further business for the committee? None?

The meeting is adjourned.

---





**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

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

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

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

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>