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

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EVIDENCE

**Tuesday, November 23, 2010**

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**Chair**

**The Honourable Shawn Murphy**



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

Tuesday, November 23, 2010

• (1530)

[English]

**The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)):** It is 3:30 and I will call the meeting to order. I want to extend to everyone a warm welcome. *Bienvenue à tous.*

This afternoon, this meeting of the Standing Committee on Access to Information, Privacy and Ethics has been called pursuant to the Standing Orders. We are dealing with the follow-up on the Information Commissioner's report card.

We are pleased to have with us today, from the Department of the Environment, Mr. Bob Hamilton, associate deputy minister. He is accompanied by Mr. Pierre Bernier, director general of the corporate secretariat, and Shelley Emmerson, the manager for access to information and privacy.

The committee has allocated an hour and a half to this particular issue. Let me say a few words in opening, on behalf of the committee.

As I indicated, this is a follow-up to the report tabled by the Information Commissioner of Canada, which was entitled "Out of Time, 2008-2009 Report Cards, Systemic Issues Affecting Access to Information in Canada".

The report, which was very extensive, very lengthy, and very comprehensive, graded various departments within the Government of Canada as to their compliance with the Access to Information Act. The report unfortunately identifies a number of systemic problems with various departments, which are basically failing Canadians in providing timely information in accordance with the legislation.

According to the report of the Information Commissioner, the reasons for this failure include, among other things, lack of leadership, inappropriate use of time extensions, time-consuming consultations, insufficient resources, deficiencies in record management, and the whole issue regarding insufficient or improper delegation.

The Information Commissioner in this report graded all 24 federal departments. Five departments received a rating of 1 out of 5, or an F grade. Those departments were Natural Resources Canada, CIDA, Correctional Services Canada, Canadian Heritage, and the Department of the Environment.

Unfortunately, the Department of Foreign Affairs received a rate of zero, which the commissioner classified as a red alert rating.

The committee considers this a very serious issue. As a result, it decided to call before it both officials from the Department of the

Environment and officials from the Department of Foreign Affairs, who will be appearing next week.

We're pleased that the associate deputy minister is here. We're pleased that the other officials are here. We're going to now ask for opening remarks.

The floor is yours, Mr. Hamilton.

**Mr. Bob Hamilton (Associate Deputy Minister, Department of the Environment):** Thank you very much, Mr. Chairman. As you mentioned, I am the associate deputy minister at Environment Canada. I am here with two of the key people in the department working on the access to information area: Pierre Bernier, who is the coordinator of our access to information area; and Shelley Emmerson, who is the manager of our access to information office. I will describe in a minute how we all fit into the organization.

We welcome the opportunity to be here today to provide you with some information on how we're following up on the report card from the Information Commissioner and to talk a little bit about the progress we've seen and the progress that we hope to continue to see. Certainly there's more work to be done, but we believe we have put in place some mechanisms that have started to show some progress already.

I should say at the outset that we believe at Environment Canada that the Access to Information Act is an important vehicle by which we can get information out to the Canadian public on government operations and a way by which people can hold us to account. We are strongly committed to access to information and its principles of openness, transparency, and accountability.

Despite the fact that we have experienced a few challenges over the last few years, which I'll outline in a minute, we remain committed to providing that kind of access to records, subject to the very limited special exceptions outlined in the act.

I'll just give you a couple of points of context. At Environment Canada we are consistently among the top 10 institutions in terms of number of requests received per year. We receive a lot of requests to deal with, so there's obviously a workload issue.

In the last five years we have seen that workload increase by about 10% in the number of requests on average every year and on average by about 40% in the number of pages reviewed. It's a big volume, and it's a volume that's been growing. We've had to adapt to that.

That has continued this year. In the statistics we've pulled together at Environment Canada, we've seen a 33% increase in the number of requests this year and a 61% increase in the number of pages reviewed.

We have to find ways to deal with that large and growing workload, in order that we can fulfill our responsibilities under the act.

The access to information office is situated in the corporate secretariat. It currently has 15 employees responsible for processing records, and we're continuing to staff positions to increase that complement. I'll come back to that staffing issue in a moment.

[Translation]

Environment Canada acknowledges the importance of establishing clear accountabilities for access to information issues. The department follows the Treasury Board best practices on delegation of authority. That's why it has delegated full authority to Mr. Bernier and Ms. Emmerson.

• (1535)

[English]

Now let me just turn to the report card briefly and talk a little bit about what the report card told us, and how we've responded.

The report highlighted the challenges that were faced by Environment Canada during that time. There was really a range of things that contributed to the poor grade we received.

First, as I mentioned, is the workload we had, and that was acknowledged in the report, that it had been growing. Second, within the department we actually had a fairly significant reorganization, which created several new branches and had an impact on our records retrieval process. So that was something that was self-inflicted, if you like, but it was something that contributed to our difficulty in that 2008-09 year that was examined. At the same time during that period, for a short period of time we were processing requests on behalf of Parks Canada, so we were actually taking on additional requests during that year than would normally be in the Environment Canada domain. And finally—and this is one I'll come back to—we had a number of experienced people leave our ATIP office, so we were very short staffed during that time.

We had a heavy workload, we were undergoing a reorganization, we had extra files from Parks Canada, and we had a number of experienced ATIP people leave. So there was a combination of events there that really produced, obviously, the results the commissioner outlined and gave us some things to work on.

I'll come back on the issue of qualified staff, because that's an issue we face, and it continues to challenge us at the department. And it's not unique to the Department of Environment; it's something we see elsewhere, but it is something we're trying to address, and it's probably one of the more significant issues we face.

On the basis of that analysis and information, the commissioner made four recommendations. First was that the deputy minister should allocate sufficient resources to this activity in order to ensure a full access to information staffing complement. Second, we should develop a clear plan to tackle the backlog of access requests, because

we had built up, through this period, a backlog of requests that had not been dealt with. And as you know, as that accumulates and you keep getting new ones coming in the door...we need to find ways to deal with that backlog, and the commissioner gave us that recommendation. Next was that we identify and implement measures of record management systems to ensure quicker searches to enable us to meet the timelines, and that we notify the Office of the Information Commissioner of all the extensions that we take for more than 30 days.

[Translation]

We have developed an institutional action plan to address each of these recommendations, and I'm happy to report that the department has made progress in each of the areas identified in the report. I will provide you with several examples of the progress made during my presentation.

[English]

In 2008, in response to these, we began developing a departmental ATIP professional development program, which is really a program we put in place to try to get qualified personnel in the access to information area. We were having difficulty recruiting and retaining these people and we needed to develop a good succession plan, so we instituted this program. It's meant to help us bring people into the access to information area, make it a better place for them to be so that they stay with us, and provide some continuity of succession going forward.

Obviously it takes a little time to set it up and put it into the institution, but we're quite confident that in the long run we have to do this kind of thing to be able to get qualified people to work in this area. It's extremely difficult to deal with backlog and new requests coming in if you have a shortage of qualified people or if they're leaving continually.

We're already seeing some signs of success. We've got the second round of recruitment under way and we're starting to see people building their knowledge, not only of the Access to Information Act and how one has to deal with that, but also, importantly, of the department. In this area you have to know the rules, obviously, and how to process that, but you also have to gain a knowledge of the department. We're starting to see that.

The second thing is that we've committed to a plan of trying to deal with the backlog of requests. We've identified those as requiring action, even though we're having some difficulty staffing up to full complement. We have used contractors to try to help us through this because we recognize that we just have to beat down that backlog in order to deal adequately with the flow that's coming in. It's obviously a balance. We can't focus just on the backlog and ignore the ones coming in; similarly, we can't do just the ones coming in and ignore the backlog. We've tried to put some attention on trying to get rid of that backlog over time.

We have made some progress. We've reduced our overall backlog by 28% this year, and we've reduced the backlog of some of our oldest files by over 50%. We are seeing signs of progress, but as in all of these areas, there is more work to be done.

We have instituted information management and ATIP awareness and training to try to sensitize not just the ATIP specialists but also people more generally in the department about how one should manage records and what one needs to do to comply with the requirements of ATIP. We have seen some improvement in the time required to retrieve records. We've gone from an average of 26 days down to 18 days, and our target is to get down to 13 days. We're seeing some signs; we've got farther to go, but in this key element of retrieval of records, we are seeing some signs of life.

It's also allowed us to complete more requests within a 30-day timeframe. In 2008-09 we completed 62% of requests within that timeframe; we're now up to 72% of requests. Hopefully, as I say, we're going to have continued improvement.

The other thing I'd say is that we recognize that this requires leadership from the top, and both the deputy minister and I are taking active roles in trying to ensure that we make progress. Reports on the statistics that we've generated on how we're doing are presented quarterly to the senior management team. The deputy minister and I review those reports, and we are closely watching how our progress is going. We know it's challenging, but we know that we have instituted an action plan. We're seeing some signs of progress and we're looking for more over time.

In terms of our response times, in 2008-09 the average completion time was 97 days. We've seen that come down now to 77 days. Obviously there's room for improvement there, but we are watching it move in the right direction.

We've also strengthened our internal administrative procedures to ensure that the Information Commissioner gets notification of all extensions of more than 30 days.

We have been an active participant interdepartmentally to try to learn from the best practices of other departments. We try to lead through some of our best practices, but we also want to learn what's worked well in other places, so we're always on the lookout to try to pick up what others may be doing well that we can mimic or modify somewhat to work in the Environment Canada context.

Again, we're committed to continuing our efforts. I think you've heard me say that coming out of the commissioner's report, we know there's more work to be done, but we believe we've got a good action plan in place to make progress. We've seen some signs of that progress, and we're on the lookout and closely monitoring for further improvements as we go forward.

• (1540)

With that, I'll end my remarks.

Mr. Bernier, Ms. Emmerson, and I would be happy to take any questions.

**The Chair:** Thank you very much, Mr. Hamilton.

We'll start the first seven-minute round. Mr. Easter, you have seven minutes.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Mr. Chair.

Welcome, folks, and thank you for your presentation.

There's no question that the Information Commissioner wasn't happy with Environment Canada's performance, and she gave you an F. I want to follow up on that, and hopefully I'll have time.

The area I want to delve into first is whether there is any political influence, or potential for it, over access to information requests within the department. I think you are well aware that last spring it was an extremely hot topic at this committee. There was an article in the *Hill Times* talking about cabinet ministers' offices being under orders to pressure bureaucrats to pare down the amount of information released under access to information. In fact, it was noted at this committee that the former Minister of Public Works and Government Services, Mr. Christian Paradis, and his former staffer, Sebastien Togneri, did admit to some political interference over access to information, or at least Mr. Togneri did.

Has anyone on your staff ever had discussions with ministerial exempt staffers about the content or the quality of information to be released by Environment Canada on access requests?

• (1545)

**Mr. Bob Hamilton:** Thank you.

No, that has not been an issue at Environment Canada. We have a very straightforward process that both Pierre and Shelley manage. When we receive a request, it follows a very set path, and they are delegated to determine what should go out over what timeframe.

We do have a system of making the minister's office aware of files, but it's not anything that has ever contributed in any way to a slowdown or to any change in what we release.

**Hon. Wayne Easter:** Have there ever been negotiations with ministerial exempt staffers on content or on whether the full package should be released, or anything of that nature?

**Mr. Bob Hamilton:** No.

**Hon. Wayne Easter:** That hasn't happened at Environment Canada. Okay.

There have been no suggestions, then, by exempt staffers that information going out is too extensive—no requests to take something out or to change it in any fashion?

**Mr. Bob Hamilton:** No. That's correct. It's just an information provision.

**Hon. Wayne Easter:** Could you give us a quick explanation, then, Shelley, of the process you follow? Certainly the impression in this town is that there has been pressure by the PMO to restrict information getting out there, and sometimes the department can get blamed for delays when the delays may be from a higher body. What process do you follow to ensure that there isn't ministerial influence?

Having been a minister myself, I understand the need for a minister to be notified—not to change the request in any way, but to be notified. The minister absolutely must and should have a heads-up on a request so that he or she is not blindsided, and we understand that, but the experience at Public Works and Government Services was not a good one, and it's a matter of another committee discussing what potential witnesses we can have before committees as a result of that experience.

Shelley, what's the process you follow to prevent that from happening?

**Ms. Shelley Emmerson (Manager, Access to Information and Privacy, Department of the Environment):** When a file is ready to circulate for approval, a duplicate package of the materials that are going to be released is provided concurrently to the minister's office and to our communications branch, for communication purposes only.

Once it comes time to release the materials, we provide a 24-hour advisory that the materials are being released. We don't wait for the minister's office or for our communications area to respond. We provide them with a 24-hour advisory and the materials are released.

**Hon. Wayne Easter:** Once the request comes in, the information is gathered. It's prepared for release. You give the minister's office and others 24 hours' notice that it's going out.

That's basically the heads-up. Am I correct?

**Ms. Shelley Emmerson:** We give them a copy of the release package when it's going for approval; it might be a little longer than 24 hours. However, 24 hours prior to the release date of the request we do send out our advisory.

**Hon. Wayne Easter:** Thank you.

Coming back to your summary, Mr. Hamilton, and some of the work you're doing to get the backlog down and the requests caught up, you mentioned that you're using contractors. Why?

**Mr. Bob Hamilton:** As I mentioned, one of the challenges we have is finding qualified people to work in the access to information area. And as I said, it's not something that's unique to Environment Canada. We experienced quite a dip in our staffing levels in the 2008-09 year, which is being looked at here. We have difficulty both attracting and retaining these kinds of people; there's a shortage of them, if you like.

We've instituted this development program to help us train qualified people, but while that's building up, rather than have the backlog continue to grow, we have used consultants to supplement for the people we can't hire, if I can put it that way, to help us deal with the backlog.

Our hope is that over the coming months and years—we'll see how long it takes—we'll have full staffing, either with people we've been able to attract to the department or with people we've built up through this program.

We have to get on top of this backlog, and we felt this was the only way we could do it in the near term.

• (1550)

**The Chair:** Thank you, Mr. Easter.

*Monsieur Bigras, sept minutes.*

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Thank you, Mr. Chair.

I want to thank the Deputy Minister and the Environment Canada officials for appearing today and for presenting their brief.

On page 2 of the brief, you state the following: “Environment Canada is strongly committed to access to information and its principles of openness, transparency and accountability.” I want to focus on the words “transparency” and “accountability.” Those two words are emphasized. You have principles and you ensure that they are met.

Section 72 of the Access to Information Act states the following:

The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution [...]

It seems that Environment Canada doesn't publish online its annual report to Parliament on the administration of the Access to Information Act.

Do you think that, despite failing to post the report on your website, you are meeting the transparency and accountability principles? Wouldn't publishing the report be the least you could do? First, I want to know whether you have published the report online. If not, do you intend to do so?

**Mr. Pierre Bernier (Director General, Corporate Secretariat, Department of the Environment):** No, we have not published it, but there is absolutely no reason for us not to. The report has been submitted to Parliament, which means that it's public. We have no objection to posting it online.

**Mr. Bernard Bigras:** Did you know that you are in violation of section 72 of the Access to Information Act?

**Mr. Pierre Bernier:** The report has been submitted to Parliament.

**Mr. Bernard Bigras:** Yes, but it's not online. Do you feel that not posting the report online demonstrates transparency?

No? Thank you.

**Mr. Pierre Bernier:** I won't comment on this. I feel that we have met our transparency principle by submitting the report to Parliament.

**Mr. Bernard Bigras:** But I think that...

**Mr. Pierre Bernier:** Publishing the report online is an approach we could adopt in the future. We have no objection to doing that.

**Mr. Bernard Bigras:** Okay.

**Mr. Bob Hamilton:** We will take your suggestion into consideration.

**Mr. Bernard Bigras:** You also seem to be having issues in labour management. That's rather clear. You explained it to us. However, you say that your department has adopted measures to address these issues. On page 5 of your brief, you state the following:

By committing resources to specifically deal with backlog files, particularly the older requests, we have reduced our overall backlog by more than 28% since the 2008-2009 reporting period.

I understand this, but if my daughter's report card contained an F, which is worse than a failure, I would sit down with her and would propose that we come up with a plan and set some goals.

You have made improvements, but have you set any objectives? The backlog has been reduced, and we are very glad to hear that, but has a recovery plan been implemented in the department to remedy the problem?

**Mr. Bob Hamilton:** Yes. We have developed a plan, specifically for addressing all of the commissioner's recommendations. In some cases, it's possible to set specific targets, but in other areas, things are a bit more complicated. As for our professional development program, it's somewhat difficult to accurately estimate staffing actions for a given year. Regardless of that, we do have a specific plan in place. I think it's been posted online. For instance, the average document retrieval time used to be 26 days, and it's now 18 days. Our goal is to reduce it to 13 days.

• (1555)

**Mr. Bernard Bigras:** Okay. What target have you set for backlogs?

**Mr. Pierre Bernier:** In the case of backlogs, we want our compliance rate, or the percentage of requests we respond to on time, to exceed 85% in the short term. It goes without saying that we would like our compliance rate to reach 100%, but we know that's almost impossible to achieve.

**Mr. Bernard Bigras:** Okay. Management wise, have you established a monitoring committee to ensure that the objectives are met?

**Mr. Pierre Bernier:** Yes. As a member of the departmental management committee, I have specific objectives regarding targets to be met. As Mr. Hamilton said earlier, these objectives are regularly monitored by the management committee.

**Mr. Bernard Bigras:** It looks like you are having a very hard time retaining your employees. Your results seem to be very poor, which is indicative of a systemic issue. It's not just one particular sector that's doing poorly, but rather the whole system.

You have implemented a training plan, but have you tried finding resources outside your department to address your shortfalls? According to the commissioner's report, the government is not doing well. Even the confidence in the system is being put to the test.

**Mr. Bob Hamilton:** As for the difficulty in retaining experts in our field, the problem is not exclusive to the Department of the Environment. Many other departments are experiencing the same difficulties. We are interested in the employees of other departments, but those departments are also interested in our employees. That's why it's difficult to retain highly qualified staff. I will ask Mr. Bernier to provide you with more details on the issue.

**Mr. Pierre Bernier:** First of all, retaining employees is not really a problem for us. We went through a difficult period in 2007-2008 and 2008-2009, and our struggles are reflected in the report data. Some people retired, and some employees left to work for other departments. This period coincided with the time when all government agencies were subject to the Access to Information Act, so the demand was high. The demand exceeded the supply, which is still the case.

You probably understand that becoming an access to information officer requires time, training and a knowledge of the department. We're talking about employees that can't be recruited haphazardly. We must recruit from very restrictive pools. So, retention is not an issue. The issue is finding qualified personnel.

You mentioned that we have implemented a training plan. We have also implemented a plan for employee development. We are now recruiting "junior" employees who don't necessarily have experience in access to information, but who do possess basic skills in document revision and analysis. We train employees, so that they can move up to a "senior" level after a period of time.

[English]

**The Chair:** *Merci, Monsieur Bigras.*

Mr. Siksay, seven minutes.

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

Thank you for being here today to talk about this important subject with us.

I want to continue with this question of retention and recruitment of folks who do the ATIP work. You mentioned, Mr. Hamilton, that there are 15 employees in the access to information office at Environment Canada.

• (1600)

**Mr. Bob Hamilton:** Right.

**Mr. Bill Siksay:** Are all those positions currently filled with permanent employees?

**Mr. Bob Hamilton:** Yes, that's the number of people who are there. Actually, if we had our full complement, I believe we'd be around 20 people. We haven't quite got up yet to where we need to be.

**Mr. Bill Siksay:** So you're looking for five more. Is that right?

**Mr. Bob Hamilton:** That's right.

**Mr. Bill Siksay:** In terms of the training program that you've instituted, how many people are involved within the department?

[Translation]

**Mr. Pierre Bernier:** We're talking about a development program. We recruited four people during the first hiring wave. We implemented the development program in April 2010. Initially, we were able to recruit four people under the program. We have just publicly announced a second round of staffing actions.

I want to make it clear that our capacity to absorb new staff is somewhat limited because new employees are trained by senior officers. As we don't have many senior officers, our capacity to absorb staff is limited. This is why we are hoping that, if the program is successful, the resulting benefits will be felt in the medium term as well as in the long term.

[English]

**Mr. Bill Siksay:** Can you help me understand what the different requirements for training someone in the ATIP requirements of Environment Canada would be as opposed to another government department? I guess the background question is, why was it necessary for Environment Canada to come up with its own training program on this matter within the department? Why not use something that was across government, for instance?

[Translation]

**Mr. Pierre Bernier:** I can't tell you why this program is not used across government. We established the program at Environment Canada because a person must have a solid knowledge of the law in order to become a good access to information officer. That goes for all the departments. The legal side of the training is the same for everyone.

However, employees also need to have a sound knowledge of issues specific to each department. They need to know about the access to information requests that are problematic, that may take longer to process, that are complex and that require research and involve a lot of document review. In order to refer requests to the appropriate department section and to then conduct the proper document review, we need people who have a sound knowledge of the department. So the program contains a component that is common to all departments, which is the law, but it also contains a component that is based on the knowledge of each department.

[English]

**Mr. Bob Hamilton:** If I could just add to what Pierre was saying, as I said, there's a common element and there is an element specific to Environment Canada. Other departments are doing this, too. We're not the only department in town that has instituted such a program just for that reason. It's part of the best practices that we look to mirror.

**Mr. Bill Siksay:** Is there any concerted effort to share information about these kinds of programs across the government? Or is everybody doing their own thing and you happen to hear it about once in a while when you get together for a meeting?

**Mr. Bob Hamilton:** I think Pierre, and certainly Shelley, are quite actively involved. It's something that we all are dealing with to varying degrees of success, and there's a common element in the types of issues we need to handle. There's a pretty active attempt at best practices. We're learning lessons as well, learning from the good and the bad. I think we all know that none of us can solve this thing alone. There's always a good idea out there somewhere that we can pick up on.

**Mr. Bill Siksay:** Is there any perception problem among public servants about doing this kind of work in a department? Do people feel that it's a dead end, career-wise, to become involved in the access to information side of a department's activities? Is there a perception problem with doing this kind of work in the department or in any government department that you're aware of?

**Mr. Bob Hamilton:** No, I don't believe so. Certainly part of the program we're putting in place in development and part of what we're trying to do in the culture of Environment Canada is make it a more attractive place to be, for sure. We're always trying to do that,

for a whole bunch of reasons in a whole bunch of areas. I wouldn't see that as the issue.

In fact, there's a fair amount of demand for people who are quite expert in moving around the access to information area. We have an excess of demand, so it could be attractive from that perspective, for somebody who has those particular skills.

It's an area where the workload just keeps on increasing, and the demands are there. So we are trying to make it a little more attractive in a number of ways: in how we manage the place, and by providing this kind of training and leadership, and in the culture. Again, this is why we think it comes from the top: people know that we care about how we're doing and want to do better. We don't want to get another F.

**Mr. Bill Siksay:** Can you say something that's more specific about how you're trying to make it more attractive to employees? You mentioned a couple of things, but could you expand on them a little?

**Mr. Bob Hamilton:** Yes, and Pierre and Shelley can feel free to chip right in.

I think it's just trying to commit to getting qualified people to work in this area to help share the work. Some of the people in the area, particularly when we watched that period when our staffing went down.... That can be a crushing workload for the people who are still there. It's a commitment on behalf of senior management that we are going to deal with this as best we can. We are prepared to use consultants, if needed. It's a commitment that we're going to be there; that we recognize that there are challenges and that we're going to be there to help make it as attractive as possible—and to know that this isn't something the deputy minister or I or others don't care about. We do, just so that people understand that.

Pierre, I don't know whether there's anything—

• (1605)

**Mr. Bill Siksay:** Could I ask one question? Is there a different level of absenteeism among employees of the ATIP unit at Environment Canada from that in other departments or in other aspects of the work of Environment Canada?

**Mr. Bob Hamilton:** Gosh, there is not that I'm aware of. I don't think so. We can check into it, but I don't think so.

**Mr. Bill Siksay:** Sure.

Go ahead, Mr. Bernier.

[Translation]

**Mr. Pierre Bernier:** I just wanted to add that our development program is incentive-oriented, as we recruit people at the PM 01 level. After meeting certain pre-determined objectives set during the training, employees who complete the program successfully are promoted to the PM 04 level.

I believe that this is a rather attractive incentive for employees who really want to have a career in access to information. We provide them with the training, and they are promoted, after meeting a number of specific objectives, to the PM 04 level. In other words, they become senior officers.



[English]

**Mr. Bill Siksay:** Is there some kind of training program outside of the department that you recruit people from or that people come into the department from to do this kind of work?

[Translation]

**Mr. Pierre Bernier:** We don't recruit from specific training programs, but some programs are available. For instance, the University of Alberta offers access to information training. However, we don't actually recruit from this program. In-service and out-service selection processes are used to recruit qualified individuals.

[English]

**The Chair:** Thank you very much, Mr. Siksay.

Ms. Davidson, you have seven minutes.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thank you, Mr. Chair.

Thank you very much for being here with us today to answer our questions. I don't expect that you were very pleased to see the F mark, any more than the rest of us were. So we're pleased that you're here.

There are a few things that were mentioned, both in the commissioner's remarks and in your opening remarks. You talked about Parks Canada. You used to do their access to information things, but you don't anymore. Is that correct?

**Mr. Bob Hamilton:** That's right. I think it was for a two-year period. During that period, in any event—I forget how many years it was—we were processing their requests as well, and that stopped, I guess, at the end of this stretch.

**Mrs. Patricia Davidson:** It stopped after this report was done?

**Mr. Bob Hamilton:** Yes, it was after the report was done.

Go ahead.

**Ms. Shelley Emmerson:** It ended on April 1, 2009.

**Mrs. Patricia Davidson:** Okay.

Now, you talked about the numbers and how they have been increasing. But those numbers are increasing even with the Parks Canada numbers being taken out of there. Is that correct?

**Mr. Bob Hamilton:** That's correct.

**Mrs. Patricia Davidson:** Were the Parks Canada numbers included in your totals when they were with you?

**Mr. Bob Hamilton:** No, they weren't...do you mean in the commissioner's report?

**Mrs. Patricia Davidson:** I mean in numbers you gave.

**Mr. Bob Hamilton:** In my numbers, I believe we've taken the Parks Canada numbers out. We tried to be consistent with the way the commissioner reported, and that report didn't include Parks Canada. Anything I've given you is just our access requests.

**Mrs. Patricia Davidson:** Okay.

Can you go over the specific system that's in place at Environment Canada? What happens when a request comes in? Walk us through the process and say how it might be the same or different from the

process in another department that got a different rating, if you know that.

**Mr. Bob Hamilton:** I'll let Shelley walk us through it. We can't comment on what other departments have in place, but I think Shelley can take us through again the process that we follow.

**Ms. Shelley Emmerson:** Sure. Thank you for the question.

My office is a central coordinating body for all requests under both the Access to Information Act and the Privacy Act. Requests are directed to Mr. Bernier, and our office will open a file and determine where in the department the request should be sent to.

The texts of the requests are sent by e-mail to the various sectors of the department, and we have contact people in place in each area within the department to coordinate the retrieval of information.

Once the documents are retrieved, they're reviewed, and recommendations are approved to an assistant deputy minister level or branch head level, and then the documents are provided to our office with these recommendations.

Once the documents arrive in our office, the files are given to an analyst to process the remaining portions of the file. We will conduct any of the necessary consultations required, and once the consultation responses are received and our own line-by-line analysis is completed, we'll prepare the documents for approval. The files are approved by Mr. Bernier, as the ATIP coordinator.

● (1610)

**Mrs. Patricia Davidson:** Do you or do any of your colleagues have meetings with other people in other departments who hold similar positions to those that you hold? Is there a cross-training or a sharing of information and best practices among departments—within ministries, I guess I should say.

**Mr. Bob Hamilton:** Yes. I'll say two things on that.

I was just going to add to what Shelley said on the case before. We haven't talked very much about the part of the process that is consultation with other departments. It's a challenge for us at Environment Canada, because so many of our files touch other departments, whether it's Foreign Affairs, Natural Resources, or provincial governments, and that's really one of the keys.

I think Shelley did a good job of describing the process. You can see that at each stage you have to have good systems to pull the records out, you have to have efficient systems within the department to analyze them...and we have to find ways to have these consultations with other departments in an efficient way, because they can prolong things.

On your second question, what I meant when we talked earlier is that there is an active community out there among, I guess, primarily Shelley and her colleagues, but to some extent Pierre's, who talk to each other about what they're doing, share best practices, lessons learned—that kind of thing. That's where some ideas, such as the training program, come from, and other things that somebody might be doing to improve their search system.

Shelley, does that cover it?

**Ms. Shelley Emmerson:** Treasury Board has ATIP community meetings, and we are definitely active participants in these meetings. Either I or one of my staff members always attend the ATIP community meetings. It's a chance to network with colleagues in other departments to discuss best practices.

**Mrs. Patricia Davidson:** I understand, from what you have told us and from what the commissioner has stated, that your staffing complement was not where it needed to be and that you have been working on it. You have talked about the different initiatives you've put in place for training and for retention, and that's good. Taking into account that you have done those things, how do you think your next report card is going to look?

**Mr. Bob Hamilton:** I'm an economist, so I have difficulty making predictions about the future, but I guess I want to be realistic. I'd like to get an A on the next report card, but I don't know when the next report card will come for us. I think you could even see in the commissioner's report that it was already referring to some of the signs of progress in the areas identified. There are a couple of glimmers there, I think, in the text of the report.

I think we definitely would see ourselves getting a passing grade. How good it will be is hard to say. We're monitoring it carefully. As Pierre said, some of the things, like the training and development programs, won't have overnight success. But they're the foundation that we have to have for the medium to long term and they are already having some impact.

Some things that we can do to get quicker retrieval of records can have a little bit more immediate impact. Every bit of efficiency that we can squeeze out of our system to just try to take away all the little frictions at each of the steps along the way, which Shelley mentioned, can have immediate impacts. We're starting to see it in reductions in our average times, in the percentage of times that we meet the request in the deadline, and all of those.

I guess that's a long way of not giving you a mark, but we feel we've got a good action plan to address the problems raised in the report. So we'll be looking for a much better mark the next time.

**The Chair:** Thank you very much, Ms. Davidson.

Colleagues, that concludes the first round. We're going to move to the second round.

I just wanted to ask you, Mr. Hamilton, following up on that last question from Ms. Davidson, before we go to the second round, could you elaborate for the committee's benefit what the chain of accountability is here, and who actually is accountable? I understand that Ms. Emmerson is the manager of access to information and privacy. That department reports to the director, to the corporate secretary, who in turn reports to the associate deputy minister, or is it directly to the deputy minister?

●(1615)

**Mr. Bob Hamilton:** To the deputy minister.

**The Chair:** To the deputy minister. Okay.

We have the situation where we have the F in the commissioner's report. Does that show up in anyone's evaluation? Is anyone held accountable for this? Does that show up on anyone's personal evaluation for the year?

**Mr. Bob Hamilton:** Yes, it does. I'll let Mr. Bernier elaborate on that. Certainly it's part of what's looked at in all of our evaluations. How the department is performing in a number of different areas of management is important for the deputy and myself. But we have followed the Treasury Board's best practices of trying to delegate this responsibility down as far into the organization as we can.

I'll let Pierre elaborate on how we've chosen to do that.

[*Translation*]

**Mr. Pierre Bernier:** Yes, in fact, I am responsible for the results related to access to information within the department.

However, as the commissioner's report states, we are faced with systemic issues. These issues are present pretty much throughout the department.

The two main issues are the difficulty in finding and recruiting qualified staff, which affects our ability to meet deadlines, and the amount of time spent on consultations outside the department, be it consultations with other federal departments or with other levels of government—as Mr. Hamilton mentioned—with the provinces or even municipalities. We also hold many consultations with the industry and the business community, as we possess information that concerns them.

So, yes, I am responsible for the results. We might not have gotten a good grade for our results, but we certainly hope to get a better grade for the efforts we are putting into fixing the problem, over a certain period of time.

[*English*]

**Mr. Bob Hamilton:** If I could just add one point, in terms of who's responsible, Pierre is absolutely right.

I guess the point I was trying to make earlier was that we are trying to make sure that we show some leadership on this and that all of the management committee takes some accountability, perhaps a looser sense of accountability than what you've just described, but we do want to see the results. We want to see how we're doing and we want everybody to be collectively engaged in this.

**The Chair:** Okay. Thank you very much.

We're now going to start the second round.

Ms. Bennett, five minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thanks very much.

In the overlap of requests that would touch a couple of departments or maybe touch something in PCO, do you have to share the request with other departments? How often would you have to send it to PCO in order to find out whether or not it can be released?

The refusal rate in the report card at 36.9% seems awfully high. What percentage of that is your own assessment within the department and what refusals were done at PCO or other places?

**Ms. Shelley Emmerson:** Certainly consultations do provide a challenge to the department to respond to requests. Because we're a regulatory department, there are a number of requests that require consultation to determine cabinet confidences, and because the environment is a shared jurisdiction, we have a number of files that have to be sent to other departments because we're working cooperatively. Certainly during the 2008-09 period there would have been a number of files that were late owing to consultation requirements, but delays were also caused by capacity issues within our own office in processing the requests as quickly as possible.

**Hon. Carolyn Bennett:** Do you know offhand the percentage that would have had to be consulted or the percentage that would have gone to PCO?

**Ms. Shelley Emmerson:** Unfortunately I don't have those figures at hand.

**Hon. Carolyn Bennett:** But you could get them for us.

**Ms. Shelley Emmerson:** I could, yes.

**Hon. Carolyn Bennett:** Okay, because I think that in the—

**The Chair:** To firm this up, did you want her to table those numbers with the clerk?

**Hon. Carolyn Bennett:** Yes, please. I would like to know the number of requests that were up to your department alone to answer, the number that had to be checked out through a different department, and the number that went to PCO.

**The Chair:** Is that clear, Ms. Emmerson? You can table that with the clerk.

Go ahead, Ms. Bennett.

**Mr. Bob Hamilton:** I'm not aware of exactly what information we have, but we'll definitely give you whatever we have.

• (1620)

**Hon. Carolyn Bennett:** Thank you.

With reference to things like backlogs, it is a little bit worrying that you hope that you'll pass this time. Usually when you get an F, you more or less want the "most improved" award next. It means that all of a sudden there needs to be new attention put on retention, recruitment, and hiring to deal with backlogs, particularly since there is a statutory requirement to get this done.

I would like to know how that happens. What's the problem? We understood that sometimes only half the people who were supposed to be dealing with this were there. How do you do better on that?

Obviously we're very excited by what you have been doing on open government and the various approaches that you've demonstrated you can do in terms of Emitter.ca and these kinds of things. I also think that in terms of the trouble you're in, backlogs could be fixed and even the number of requests decreased if we could move to more of an open government approach, which would actually have all this stuff up there anyway so that people wouldn't even have to ask.

**Mr. Bob Hamilton:** Yes, that's a good point, and I like your characterization of "most improved". That's something for us to shoot for. Maybe we'll get an A, but in any event, we'd like the next one to be "most improved".

What we're doing is what I've been describing about trying to make progress. The first thing is to get qualified people working on these files. We talk about the backlog, and we've got to get that taken care of, because it's just like a dead weight on us as we try to make progress, but all the time we're trying to deal with it, we're getting increasing numbers of new requests. We have to get qualified people.

Somewhat in the short term, but mostly in the medium term, we have this development program—

**Hon. Carolyn Bennett:** Is it budget resources? Can you not just hire enough people to deal with the backlog?

**Mr. Bob Hamilton:** No. Even if we put more money on it, there is not the capacity out there for us to draw from. We have to grow some more capacity.

We're confident that if we had resources of 20 people, we could make significant progress on this and deal with it, but we've got to find a way to get senior people who are qualified in this area. That's why we're focusing on the development plan.

We are trying to extract every efficiency out of the system that we can. We are improving our records management. Records management is a key part of this as well, because making sure you have a system that's keeping the records in a more easily accessible way can really cut down your retrieval time.

The last point you made was that sometimes we do good things, and sometimes not so good, in terms of making information available so that somebody doesn't have to put through an access to information request for it—but even there, although the information may be available, sometimes people don't know about it. We have to look at a multi-faceted way of trying to tackle this problem. That's what we're doing. We're hoping for some good short-term results, but we're also building a strong foundation to make sure we have something that will be solid and will last, because I don't see this problem getting any easier over time.

**The Chair:** Go ahead, Mr. Albrecht, for five minutes.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair, and my thanks go to you, Mr. Hamilton, and to your colleagues for being here today.

I'm certainly encouraged by the commitment you've made in your public statements here and also in the steps you've outlined concerning improvements. You've done a great job of outlining the challenges you face.

The first one that you outlined is the volume. That alone to me is overwhelming—a 61% increase in the number of pages being reviewed. None of us here would be able to survive a 61% inflation rate, so I think it's understandable that you've had a major challenge there. But if you add to that the reorganization, the Parks Canada requests, and also the departure of many of your ATIP officers, there's no question that you have faced severe challenges.

I want to come back for a moment to the ATIP professional development program that you spoke of, and the shortage of staff, training of ATIP workers, the need for them to have an in-depth knowledge of your department. I think all of us understand that, but for me the part that is difficult to understand is that, if I have understood it, there's only one university providing some kind of ground-level training program for workers in this field.

I would ask two things. One is, are there other universities that would plan to start these kinds of programs, or is it possibly to your advantage to do training that is specific to the department so that you have the qualities that are needed to meet the demands of your unique situation?

• (1625)

**Mr. Bob Hamilton:** I'll let Pierre elaborate on what's out there, but we see the need in the current environment to have a specific training program for our department. As we mentioned earlier, there's a common element of knowing what the Access to Information Act is, all of the responsibilities, etc. You could give that to any department and it would be common across them. But as Pierre said, we can't lose sight of the importance of knowing how the department works, for those people too. You can waste a lot of time, if somebody doesn't know how the department works, searching around. You can eat up probably your whole 30 days. That's an exaggeration, but you can certainly spend a lot of time doing that.

So it's a combination of those two that tells us that we need a program like this, certainly at the moment.

Maybe Pierre can elaborate on what other things are out there on the horizon, if any.

**Mr. Pierre Bernier:** Actually, Shelley would be best placed to answer that question.

**Ms. Shelley Emmerson:** Unfortunately, I'm not aware of any other universities that have courses on access to information. The University of Alberta course is a few years old now, and we're seeing people starting to graduate from the course. Certainly my staff have taken training through the University of Alberta.

But so much of the training that's required for access to information officers is based on hands-on work and actually knowing what to do with a document when you receive it. That's why we feel the developmental program is a good step: we're providing in-depth mentoring to our employees, and our recruits through the program have all indicated that they're very happy with the mentoring they're receiving, the hands-on mentoring.

**Mr. Harold Albrecht:** I'd like to follow up, then, with Ms. Emmerson.

You outlined very carefully and well the process that you follow when an ATIP request is made. I'm not going to relist all the steps,

but could you identify within those you outlined—about six or seven steps—at what point the greatest delay or backlog is likely to occur?

**Ms. Shelley Emmerson:** What I would say is that there are a number of areas in which there could be delays. Retrieval is one of the areas that, during the time of the commissioner's report in 2008 and 2009, was a real challenge for us. Consultations can also be a challenge. We may think we've asked for an appropriate extension, but it's always dependent upon the workload in another department.

In addition, there's just the volume of material that might be coming through our office, so there are capacity issues within our office. If we receive 10 boxes of material in response to a request, it could also delay the file.

**Mr. Harold Albrecht:** I want to point out that in spite of the fact that the environment department got an F on its report, they were held up as a model by the Information Commissioner in relation to the initiatives on open government. The data sets of material that are made available to the public were I think a great stride forward.

It's difficult for me to understand how on the one hand your department is held out as a model related to the release of these data sets, and on the other hand we're having difficulty achieving a good mark on the release of access to information requests. I understand, because of the problems you've outlined, about the volume and some of the other challenges, but could you help me understand how you've done so well on the open government initiative?

**Mr. Bob Hamilton:** I think they're related, but they're two different issues as well. We have had some success in taking some of the information that we've had and looking for ways to get it out into the public domain. This has the effect, to the extent that people know about it, of reducing the number of requests that come in for that information. It's much easier for us if we can just put it out, and not have somebody ask for it so that we then go through the process of retrieving files, assessing them, etc.

It's possible, I think, to do well on that side of publishing information but still experience the challenges we have when people have to come to us for the type of information that maybe we can't put on the website, or haven't yet. I think it's possible to have that problem as well as some successes with the data on the website.

**Mr. Harold Albrecht:** This is just a 10-second follow-up. Is it possible that the greater degree of openness will reduce the number of requests for ATIP down the road, so that you are actually solving your problem?

• (1630)

**Mr. Bob Hamilton:** Directionally, I think I would agree with that. As to how much, I don't know. It depends on the type of information. You can't put everything out there, and there will always be certain things that will have to come in through the request route. My bet is that there is an intersection of some things that could be put in the public domain that would help reduce the requests for information.

**The Chair:** Thank you, Mr. Albrecht.

Monsieur Bouchard.

[Translation]

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Thank you, Mr. Chair.

I also want to thank Ms. Emmerson, the deputy minister and Mr. Bernier for being here this afternoon.

Deputy Minister, your presentation has brought two points to my attention. First, you professed your faith in the service of access to information, which you consider to be an important vehicle for providing information to Canadians. Second, you said that there has been a considerable increase in the number of Canadians, organizations, media and MPs who are taking advantage of the service.

Have you wondered why there has been such an increase? Why has there been such a significant increase?

**Mr. Bob Hamilton:** I guess there are several reasons for the increase in the number of cases. I think that, over the last few years, Canadians have become more interested in the environment, especially last year, when the Copenhagen Conference, among others, was held.

I think that people are more interested in environmental issues. I don't know how this shift has affected other departments, but I assume that they have all experienced a fairly similar increase in demand. We have certainly noted an increase over the last few years.

Could you give us a reason or two for this shift, Mr. Bernier?

**Mr. Pierre Bernier:** Our data shows that Canadians use the tool provided under the Access to Information Act a lot more. So, they are exercising their right.

In addition, the procedure is simpler now. There has been an increase in use owing to the popularization of e-mail requests. Previously, all the requests we received were sent by mail. Now, most of the requests are submitted by e-mail. Fees are also paid electronically. All those factors have contributed to the increase in the demand. As Mr. Hamilton said, people are also more interested in subjects that, in our case, are related to the environment.

**Mr. Robert Bouchard:** I'm not sure if my question is for Ms. Emmerson or Mr. Bernier. How do you classify the access to information requests?

I assume that the media probably want to make use of the access to information service, as do parliamentarians. I use it, so I imagine that others, like the public and the organizations, must also use it.

Do you have a chart that shows what percentage of the requests parliamentarians, for example, account for, or what percentage the media account for. I would like to get more information on this subject.

**Mr. Pierre Bernier:** Yes, we do have statistics on this.

By the way, the categories we have to use in our annual report are established by the Treasury Board. I have the percentages the various categories have accounted for so far this year. I apologize, but I only have the terms for you in English.

Academy accounts for 1%; business accounts for 69%; organizations, NGOs and others, account for 11%; the media account for

13%; and the public accounts for 6%. We don't have a separate category for parliamentarians.

**Mr. Robert Bouchard:** Are MPs seen as part of the business community?

**Mr. Pierre Bernier:** Ms. Emmerson had better answer that question, as I am not sure.

[English]

Which category are the MPs in?

**Ms. Shelley Emmerson:** I believe it would be "organization". I would have to check on that to be certain.

[Translation]

**Mr. Robert Bouchard:** Okay. I would like to get an answer to this question eventually.

• (1635)

**Mr. Pierre Bernier:** Yes, absolutely.

**Mr. Robert Bouchard:** I have an example to run by you. Say I submit a request to the access to information section of the Department of the Environment and I receive an English document.

Can I ask you to send me a French copy, to have the document translated? Is there a procedure to follow or, if it's a document that only exists in English, should I just settle for what I received? What's the procedure to follow in that case?

**Mr. Pierre Bernier:** You won't be told to just settle for what was sent to you because the Access to Information Act entitles Canadians to existing governmental documents. So, if the document is available in both languages, it will be provided in both.

**Mr. Robert Bouchard:** I have another hypothetical situation involving a request submitted to the Department of the Environment. Say I receive a document, but I realize that half of the report sent to me consists of blank pages.

Who decides what will be sent to me? Is it Mr. Bernier or Ms. Emmerson who makes this decision?

**Mr. Pierre Bernier:** We're not talking about a decision, per se, as we are just applying exemptions under the act. Experts from Ms. Emmerson's group make the appropriate analyses and recommendations. After that, I make the final decision on the application of the exemptions.

**Mr. Robert Bouchard:** In other words, your recommendation is based on criteria?

**Mr. Pierre Bernier:** That's absolutely correct.

**Mr. Robert Bouchard:** Could you list those criteria, quickly?

**Mr. Pierre Bernier:** There are several of them, but each exemption has its own set of criteria. We could certainly provide you with a list.

**Mr. Robert Bouchard:** Okay, thanks.

[English]

**The Chair:** Go ahead, Mr. Siksay, for five minutes.

**Mr. Bill Siksay:** Thank you, Chair.

Mr. Hamilton, I'm going to come back to the recommendations that were specific to the report card. In the third one, the Information Commissioner recommended that "Environment Canada identify and implement the necessary enhancements to records management systems to ensure a quick and proper search of records in response to an access to information request."

In the response, the department said that you were in the process of rebuilding record management services at Environment Canada. It mentions that a new chief of records management services was hired for February 1, 2010. Did that person take office, and is that person currently on the job?

**Mr. Bob Hamilton:** Yes. Nancy McMahon, I believe, is on the job.

**Mr. Bill Siksay:** It also talks about the SharePoint technology-based document collaboration and storage system being implemented across the department. Has that been fully implemented? Is it operational now, and how has it helped to address this issue?

**Mr. Bob Hamilton:** It's operational; it's not fully there. There's still room for development in terms of turning it into a records management operation as opposed to a documents processing operation.

I'm just looking at the notes here. It appears that it was deployed about 18 months ago, so it's well on its way, but there are still some improvements that we want to make to it.

**Mr. Bill Siksay:** So it's also going to become a records.... Remind me of what you just said. There are two facets to it, and the first is the....

**Mr. Bob Hamilton:** One is keeping track of documents, but then there's also records management—in other words, how you manage those documents that you have. That's the part of it that we haven't fully developed.

**Mr. Bill Siksay:** There's more work to be done on that particular recommendation, then. Would you say that you're still working on that issue identified by the Information Commissioner?

**Mr. Bob Hamilton:** I would say that we've made very significant progress on it, but we're looking to do a little bit more.

**Mr. Bill Siksay:** I want to ask another question. We've touched on this, and maybe the answer was given and I just missed it.

In terms of access to information requests that are fulfilled, is there any analysis of them to determine whether there is a way of proactively disclosing information? Is there another data set? Does somebody do analysis of what's been released to see if there is that opportunity to proactively release a category of information in the future that might reduce the number of specific requests?

[Translation]

**Mr. Pierre Bernier:** Yes, we already have a few databases, at the Department of the Environment, that are posted on the website and accessible to all. One of them is the National Pollutant Release Inventory, which has been referred to in the report on the open government.

We're also working on creating a website on which we intend to post summaries of all the access to information requests we receive. The website will go online in April 2011. The idea behind making

those requests available is to make it possible for people to access documents that have already been reviewed. So, we will be able to provide those documents more quickly and easily. Other initiatives are also being taken to help make our department as open as possible.

[English]

**Mr. Bill Siksay:** Thank you.

Thank you, Chair.

**The Chair:** Thank you, Mr. Siksay.

I have one point that I want to address, Mr. Hamilton. This gets back to the issue of accountability to Parliament.

We had this report tabled in April of this year from an officer of Parliament, which was very negative. But about two months after that, the department tabled its departmental performance report. It's an 83-page document. It talks about everything from providing weather forecasts to the Olympics, but it doesn't mention one word about this very negative report and the struggle you're facing and the challenges in dealing with the access to information requests.

Is there any reason why that was not included in your departmental performance report?

• (1640)

**Mr. Bob Hamilton:** That's an interesting question. I'll have to go back to look at it, but I'll take your word that it wasn't in there.

I certainly felt, as we looked into the springtime period, that we had quite a bit of attention placed on access to information by virtue of this report and the action plan we had put together. It certainly felt as though it was an item that was pretty heavily on our agenda as a management team.

But I'll have to look, I suppose for next year, at whether we should find a place in our departmental performance report to report on this or whether we feel that we have adequate avenues to provide this information. It's a good question that I'll take under advisement.

But there certainly was an abundance of attention, from our perspective, on this issue by virtue of the report.

**The Chair:** Do you have any comment, Mr. Bernier, on that issue? I'm surprised it wasn't in the....

[Translation]

**Mr. Pierre Bernier:** We definitely see this as a management issue. We actually did not feel that it should have been included in the RPP this year.

[English]

**The Chair:** Mr. Easter, you have five minutes.

**Hon. Wayne Easter:** Thanks again, Mr. Chair.

In earlier questions from Carolyn you talked about the consultations across the departments. I know that some requests—from us, certainly—would involve Environment Canada, DFO, and in one particular area in my province, Parks Canada along with it. I certainly understand the difficulty of that.

But what about the area of cabinet confidentiality and national security? In those areas, would there be any ATIP requests that end up at PCO?

**Mr. Bob Hamilton:** Yes, in general there are lots of consultations with other departments. I'm not sure we have numbers on what goes where. Certainly, anything that had to do with cabinet confidence we would be discussing with PCO, but I'm not aware whether we have any particular numbers.

No, we don't have any statistics, at least readily available. We can check to see whether we have any.

But your point is absolutely correct. I find that at Environment Canada, because of the type of work we do—and Shelley referenced it—as a regulatory agency, with many of the files that come our way we either have to go to DFO or NRCan or the provinces, and in some cases to PCO, for cabinet confidences.

**Hon. Wayne Easter:** We'd appreciate, when you're putting the package together, that the numbers on national security at least or on cabinet confidences come to us as well.

**The Chair:** Ms. Emmerson, are you clear on that request?

**A voice:** [*Inaudible—Editor*]

**Hon. Wayne Easter:** Yes, it would be over the last couple of years or three.

**Mr. Pierre Bernier:** Is this on cabinet confidence, consultations?

**Hon. Wayne Easter:** Yes, it's cabinet confidence and national security. National security becomes, at least from my perspective, a cover-all sometimes, a default position for not allowing stuff to be released. We have to be careful on that one.

As well, in the recommendations of the Information Commissioner, the last one was that Environment Canada comply with the act by notifying the Office of the Information Commissioner of all the extensions it takes for more than 30 days.

Is that being done, and how extensive is the requirement for extensions for longer than 30 days?

**Mr. Bob Hamilton:** Yes, we have made some administrative improvements to try to deal with this. I'll let Pierre explain exactly what these are.

[*Translation*]

**Mr. Pierre Bernier:** This was strictly an administrative oversight. During this period, the documents in our computer system for monitoring cases were encoded incorrectly. A code enables us to determine of which requests the Commissioner's Office should be notified. This error was realized following the commissioner's recommendations and has since been rectified.

As for the percentage of requests that are subject to consultation, I have a percentage regarding requests that took more than 30 days to process. Currently, 72% of requests taking over 30 days are subject to consultation. This doesn't answer your question exactly, but it gives you some idea of the percentage, which is high.

•(1645)

[*English*]

**Hon. Wayne Easter:** I think Mr. Siksay was on this a little earlier. What are the discussions on access to information across the breadth

of government? Is each department trying to reinvent the wheel on its own? Sometimes it sounds as though that's what's happening.

Somebody mentioned best practices earlier. If one department has an A, they must be doing something right, and certainly some departments do not have a lot of requests. But what is happening across the breadth of government to make this work? What are you learning from each other?

**Mr. Bob Hamilton:** Again, I'll let Shelley describe that, because she actually sits on these. But I think the way you've put it is right. What we're trying to avoid is everyone reinventing the wheel for ourselves and doing it in 20 or 30 different places.

The idea is that whatever part of the chain we're looking at, whether it's the system that's used to recover the information or how we train our employees—I think we talked about the training program—it's something we've learned from each other and that we're trying to institute. Yes, it needs to be done on an institution by institution basis, but we can learn from others and share those experiences.

Treasury Board also puts out a little guideline of best practices. Through these discussions and others, there comes to be a bit of a template of what seems to be working out well from an efficiency perspective but also in meeting our obligations. These group discussions can help populate the guidelines.

Very much with the goal of what you're trying to say, we all have a shared challenge. We all face slightly different issues in terms of the types of requests that come in, the numbers that come in, the systems that we have in place, but it's a lot easier to pick out something that somebody else is doing well and copy it.

Does that cover it, or would you add anything?

**Ms. Shelley Emmerson:** Certainly the ATIP community meetings that Treasury Board holds every couple of months are a good forum. And Treasury Board does put forth its best practices, which we try to follow.

I'm participating in a steering committee that Treasury Board has struck dealing with community development. I'm sure Treasury Board could better elaborate the issue they're dealing with, as far as this committee is concerned, but we are actively working amongst departments to look at best practices and determine ways in which we can deal with the challenges with regard to staffing and community development.

**Hon. Wayne Easter:** Mr. Chair, I wonder whether there is any way the department could table their action plan showing how they're moving forward, how they're dealing with this.

**The Chair:** Mr. Hamilton.

**Mr. Bob Hamilton:** We have an action plan, so we will table it with the committee.

[Translation]

**Mr. Bernard Bigras:** Thank you, Mr. Chair. I don't know if I will use all of my five minutes, but I'd like to ask a few questions.

We know that there are some exceptions under the Access to Information Act. For instance, if I'm not mistaken, all documents on trade secrets, some cabinet documents and some documents on scientific research are examples of these exceptions. However, it is my understanding that many Environment Canada employees, especially scientists, would like there to be more transparency when it comes to information access.

We won't discuss the communication office directives, we'll set that aside. Let's focus instead on scientific studies. What criteria do you follow when a citizen, an MP or an organization requests a document or a scientific study on climate change, for instance? Which criteria prevent you from providing this information and render the document an exception under the Access to Information Act? I would like to know what determines whether or not a document, or a scientific study on climate change, can be provided under the Access to Information Act.

• (1650)

**Mr. Bob Hamilton:** I will ask Mr. Bernier to answer your question, but I think that the act is very clear when it comes to this. Criteria are set out, and we comply with them.

**Mr. Pierre Bernier:** First, I would like to specify that the act does not set out any document exemptions, but rather exceptions that apply to information. That's why reviewing the documents takes us so long, as Ms. Emmerson pointed out. Our review is always done line-by-line. We can't decide whether a document as whole constitutes an exception. We can decide that some parts of a document are covered by the exceptions. You mentioned certain examples, specific technological procedures, for instance, which are the property of some companies or industries.

As far as criteria go, the act provides for exceptions, and the Treasury Board has issued directives that help us acquire a more thorough understanding of those exceptions. Our department uses those directives when making decisions. We have already said that we will provide you with the criteria. There are several of them, depending on the exception in question.

**Mr. Bernard Bigras:** I find it strange that we have not yet talked about the Privy Council Office and its role in what is known as censorship. As my colleague, Robert Bouchard, said, we basically get blank pages in response to our access to information requests. That is why I say censorship. What percentage of documents has been reviewed...

Some of your employees do the research. Ms. Emmerson does the filtering and determines what can be disclosed and what cannot. But there is another filter called Treasury Board. Is it common for documents to come back and for you to be told that, despite the department's recommendations, all of the requested information cannot be disclosed because, for whatever reason, the Privy Council Office said that it could not be disclosed?

**Mr. Pierre Bernier:** First of all, I would like to point out that the process works the other way around. We send the documents to other departments or to the Privy Council Office for consultation. Then they make recommendations on the exceptions they want adopted,

and we always have the final say on departmental documents, as do all departments.

**Mr. Bernard Bigras:** So you are saying that it is not in fact the other way around. Department employees do not decide on whether or not to disclose the information; it is actually the people at the top. You send unaltered documents to Treasury Board, and more than likely, you will get those documents back from Treasury Board in the same censored state we receive them in, and then....

**Mr. Pierre Bernier:** We send the unaltered documents, but we have done our own analysis prior to that.

Furthermore, when you say Treasury Board, I think what you mean is the Privy Council Office.

**Mr. Bernard Bigras:** Yes, I meant the Privy Council Office. I apologize.

**Mr. Pierre Bernier:** For example, if we determine that certain parts of a document fall under the category of Cabinet confidence, we send the document to PCO for review. They then determine whether or not they want, or recommend, rather, that an exception be applied. We then get the document back for final analysis.

[English]

**The Chair:** *Merci, Monsieur Bigras.*

That concludes the questions.

It is getting close to five o'clock, which is when we're going to start the second phase of the meeting.

Before we suspend this part of the meeting, I'm going to invite you, Mr. Hamilton or Ms. Emmerson or Monsieur Bernier, to make any closing comments or remarks you want to make to the committee.

• (1655)

**Mr. Bob Hamilton:** I'll leave it to my colleagues if they would like to. Otherwise, I would just like to say thank you. We appreciate the opportunity to come here. It's not always pleasant to come in front of a committee when you receive an F, but I hope that through the course of the discussion you've given us an opportunity to explain what we're doing and how we're trying to fix that situation and become the most improved player in the game. We're looking forward to success on that.

Thank you for your time.

**The Chair:** Monsieur Bernier or Ms. Emmerson, do you want to comment? Okay.

On behalf of all committee members, I want to thank you and wish you all the best as you deal with this very important issue going forward.

The next item on the agenda is to hear from the Privacy Commissioner on her supplementary estimates. I will suspend for two minutes so that we can set up.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

• \_\_\_\_\_

**The Chair:** I'm going to resume the meeting.



The second matter to come before the committee today is a request from the Office of the Privacy Commissioner for a supplementary estimate in the amount of \$694,000.

As everyone on the committee is aware, the original estimates are the appropriations of the office. They were approved by this committee in May of this year, and this is an additional amount that the office is requesting. All appropriations, of course, have to be approved by Parliament, and this committee acts as the interface for Parliament on this particular issue. This should be a very brief meeting.

We are very pleased to have with us the Privacy Commissioner, Ms. Jennifer Stoddart. She's accompanied by Tom Pulcine, director general and chief financial officer, and Carman Baggaley, senior strategic international policy analyst, legal services, policy and parliamentary affairs. That must be the longest title in Ottawa, is it not? Welcome.

Ms. Stoddart, I understand you have brief opening remarks, and then we will ask some very brief questions.

**Ms. Jennifer Stoddart (Privacy Commissioner, Office of the Privacy Commissioner of Canada):** Yes, thank you. I understand you've had a very busy day, so I will try to be very economical with your time.

As you said, Mr. Chair and honourable members, we're here to discuss the supplementary estimates relating to our oversight role in relation to Bill C-28, known as the anti-spam legislation. I'll just remind you that the overarching purpose of Bill C-28 is to combat spam in order to provide for a safer Internet. Spam is a serious problem that has had a significant impact on the economy. I should point out that Canada is currently the only G-8 country without such legislation.

Three federal agencies will share the oversight: the CRTC, the Competition Bureau, and the Office of the Privacy Commissioner of Canada. I thought I might take a few minutes to describe our role regarding the legislation.

[*Translation*]

Our role will be to investigate the unauthorized collection and use of personal information through a variety of different techniques: harvesting of email addresses, dictionary attacks, and malware or spyware.

The legislation does not change our existing enforcement powers. However, we will play an important enforcement role. To fulfill this role, we will need to explain this new law to our stakeholders and the public, and undertake compliance education. The investigations themselves are likely to require technical expertise, as well as collaboration with domestic and international enforcement bodies, and legal enforcement action in some cases.

The legislation also imported some amendments to PIPEDA that are familiar to many members of this committee. Number one is to give our office discretion to decline to investigate a complaint, to discontinue a complaint or to refer it elsewhere. It also allows for collaboration and the exchange of information with provincial and foreign counterparts who oversee and enforce laws that are similar to PIPEDA. These are general amendments to PIPEDA and would

therefore apply to all of our activities, not just those activities related to spam.

• (1700)

[*English*]

Assuming, Mr. Chairman, that the bill receives royal assent this fiscal year, we will receive approximately \$700,000 this year and then \$2 million as an ongoing sum in future years.

We plan to hire a modest number of additional staff that will amount to six FTEs. The focus this year will be on educating the public on the new legislation. We will be hiring technical expertise, acquiring knowledge to deepen our understanding of the many facets of spam, and collaborating with the other stakeholders.

In future years we envisage significant work in responding to public inquiries, providing increased education, and carrying out compliance activities. We need to prepare for public inquiries and inquiries from businesses. We've already started to ramp up the technical expertise that will be needed for investigations dealing with spyware and malware under Bill C-28, and we've invested in software for these online investigations.

Perhaps that's enough to give you some context for our request for additional money here today. I would be very happy to answer the questions of the honourable members.

**The Chair:** Thank you very much, Ms. Stoddart.

We're going to have one round of three minutes each. There will be only the one round.

Go ahead, Mr. Easter, for three minutes.

**Hon. Wayne Easter:** Thank you, witnesses, and thank you, Mr. Chair.

What's the process for doing compliance education? As with spyware, on a couple of these they're not going to comply anyway. I can see them complying in some areas, such as spam, but spyware is a huge issue. How do you undertake that compliance education? Who are you dealing with?

**Ms. Jennifer Stoddart:** I would put anti-spam enforcement in two different buckets. There are compliance efforts, and then there's education of the broad public and education of other stakeholders that we work with. There's education so that people know how to recognize spam. One of the problems is that spam is becoming so sophisticated that it continues to draw in more and more people, or at least the same number of people, so just keeping the public up to date on the latest kinds of spam attacks is going to be an ongoing effort.

Because we haven't had spam legislation before, we want to encourage them to come forward and give us information about where and how, information about who is suffering from spam attacks in Canada and what kind of damage these attacks are causing. Some of this information will then go into what is colloquially called the spam freezer, which I think is a spam research centre that will provide forward-looking research and compliance information.

**Hon. Wayne Easter:** The “they” you are talking about, then, is the public. Do you mean you will be educating the public so that John and Jane Doe will send you information that they've got something on their computer screen that is causing a problem?

**Ms. Jennifer Stoddart:** That's partly it, but it's also other stakeholders. I've appeared before this committee on anti-spam issues quite frequently, and there's a whole network of stakeholders, ranging from those who work on anti-spam devices such as firewalls and technological ways of combatting spam to various police forces. I believe there's a special branch of the RCMP, and so on. I think we all have to work together on this issue to see where the spam is coming from and how it changes, because these things are constantly changing.

Educating other stakeholders to our role while we ourselves learn their particular roles will help Canadians to be more spam-free, I think.

• (1705)

**The Chair:** Thank you, Mr. Easter.

[Translation]

Mr. Bigras, you have three minutes.

**Mr. Bernard Bigras:** Thank you, Mr. Chair.

I want to thank the commissioner and her colleagues for being here.

Essentially, you just told us that there are two key components to this new challenge.

First of all, you talked about compliance efforts. And then you have all the activities related to education. On page 3 of your brief, you say that your role will be to investigate the unauthorized collection and use of personal information through a variety of different techniques. You are asking for new appropriations.

Did you do a needs and volume assessment to arrive at that figure? Do you have the exact details? Perhaps you consulted someone. Currently, investigation requests must be directed to law enforcement, the RCMP or other police force. Can you provide us with a needs and volume assessment?

**Ms. Jennifer Stoddart:** I do not have the numbers with me, but Mr. Baggaley, who sat on an interagency committee with Industry Canada, may be able to provide more details on that. Generally speaking, I think we can estimate with a fair bit of accuracy the number of spam emails entering and leaving Canada. I do not have the exact figures with me, but I can provide them at a later date.

In fact, Canada is still one of the top ten spam-producing countries in the world. So it is important to do whatever we can to stop Canadian-produced spam from going to other countries.

**Mr. Bernard Bigras:** I read your report on social networks very carefully, especially the part about Facebook. I was quite shocked to learn how many Canadian users there are. No doubt, you will probably be called upon, at some point, to receive and handle complaints.

Further to your study, would you be able to paint us a picture of the type and quantity of complaints arising from the use of those

social networks? As a parliamentary committee, we need to be able to anticipate requests. Do you foresee the need for additional funding to carry out these activities, based on your investigation to date?

**Ms. Jennifer Stoddart:** That is an excellent question, sir, but personally, I prefer to use as little public money as possible. We are very aware of the need to be as mindful as possible of taxpayer dollars these days.

There have already been spam attacks on certain sites, including Facebook and other social networking sites on the web. We are doing more and more to encourage companies. A giant like Facebook is well organized and has the necessary expertise to protect its network and to respond to any user complaints.

But we have not had enough experience yet. I think we need to wait at least another year and a half before we start to draw any conclusions regarding these efforts to combat spam.

[English]

**The Chair:** Thank you, Monsieur Bigras.

Before we go to Mr. Siksay, I want to point out that some of the members may think this is a very short or abbreviated portion of the meeting, but this is to deal with the request for the supplementary estimates only. When Bill C-29 comes to the committee, which we expect will be soon, the committee probably will or may decide to bring Ms. Stoddart back to talk about the bill, and we'll have a more fulsome discussion at that time.

That's why we only allocated this short period of time: it's to deal with the request for the additional appropriation.

Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

I think it's actually Bill C-28 that corresponds to what this request is about; Bill C-29 is something else again.

**The Chair:** Yes, and it's going to a different committee, isn't it? I guess it will be going to the industry committee, perhaps?

• (1710)

**Mr. Bill Siksay:** Yes, it's industry I think.

Thank you for being here again, Commissioner, with your colleagues.

Commissioner, this isn't the first time there's been a request for extra funding around the implementation of ECPA. I think you came once before for \$100,000 in a supplementary estimate in 2009, I think again anticipating the implementation or the passage of the bill.

Am I correct about that?

**Ms. Jennifer Stoddart:** You're quite right, honourable member. In fact, I believe I had another engagement. It was my colleague, then-assistant commissioner Elizabeth Denham, now the commissioner for British Columbia, who came several days. It was a very difficult situation for everybody to understand, because it was a few days before the end of the fiscal year.

But we never got that money, and it lapsed.

**Mr. Bill Siksay:** Okay, so that money lapsed, and it is rolled into this request now.

I guess we're a bit closer. We're hoping that this bill finally makes it through. It almost made it through last time.

So the request for the \$694,000 includes whatever was planned with that \$100,000 from the previous round of estimates?

**Ms. Jennifer Stoddart:** That's right.

**Mr. Bill Siksay:** That's basically my only question. I think we have to get prepared for this. It sounds as though it's long overdue. We need this legislation; I'm hoping it moves through Parliament.

I have one other question. I don't know what dictionary attacks are, or don't remember what they are. Can you remind me?

**Ms. Jennifer Stoddart:** I'm not a huge specialist on this, but I think basically it's like the expression that somebody "throws the dictionary" at you. In the virtual world you just go through all the known forms of words, addresses, symbols, and so on that you can. It's just an all-out blanket attack at every kind of known, recognizable...I won't even say word, but phoneme or something, that is known to these computers.

I can bring people who can explain this and know a lot more about it than I do. My understanding is that if, let's say, your password is "fish" or something, if there's one of these dictionary attacks, you're a dead duck—or a dead fish—because the computer will recognize it.

**Mr. Bill Siksay:** Thank you, and thank you, Chair.

**The Chair:** Thank you, Mr. Siksay.

Go ahead, Ms. Davidson.

**Mrs. Patricia Davidson:** Thank you, Mr. Chair, and thank you very much, Commissioner, and the rest of your staff, for being here with us again today.

I have a couple of quick questions. I note that there are some changes under this bill when it comes to authorizing you to communicate and share information internationally. It also gives you the ability to refuse to conduct an investigation. Those are changes that you'll be dealing with.

Do you have to make organizational changes within your department to meet the intent of the bill? I noticed that you said you'll need an additional six FTEs. What will they be doing?

**Ms. Jennifer Stoddart:** The six FTEs are particularly for the anti-spam initiative. They will be scattered across the organization in each of our major functions, such as research, communications, law, compliance, etc. It will be more or less like that. They will be mainly, I would think, acting as in-house experts and liaising with the outside world.

We're not asking for money to hire a lot of new civil servants, for the reason that we think, from our observation of the online world and particularly the spam world, which is an illicit world, that what we need constantly is state-of-the-art expertise. This can change, as I understand it, from week to week. These people will be liaising with the outside, pointing out experts that we and our partners should be working with to keep us abreast. They could be experts in the private sector, in the public sector, or elsewhere in the world. They will be constantly putting us in a position to be efficient in the anti-spam efforts.

**Mrs. Patricia Davidson:** Thank you. I don't have any more questions.

**The Chair:** I believe that concludes the questions. Now the options available to the committee are to approve the request, to negate it, or to decrease it. We of course have no option to increase it. I'm going to read the motion and ask for a mover.

JUSTICE

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 45b—Offices of the Information and Privacy Commissioners of Canada—Office of the Privacy Commissioner of Canada—Program expenditures..... \$694,048

Shall vote 45b under Justice carry? Ms. Davidson so moves.

(Vote 45b agreed to)

**The Chair:** Thank you very much, Ms. Stoddart, for all your great work.

● (1715)

**Ms. Jennifer Stoddart:** Thank you very much, honourable members and Mr. Chairman. This is a great day. I think if the next part will go as well, we can move towards real anti-spam action.

Thank you. *Merci*.

**The Chair:** The next item on the committee's agenda is the approval of the steering committee. That meeting was held earlier today and those minutes have been circulated.

The main part that's subject to approval by this committee is that the steering committee agreed in principle to proceed with the e-consultation and online outreach. The committee staff were instructed to develop a plan, and that plan would be presented to the committee no later than December 16, 2010.

Again, this is just the first step. This is approval in principle. There are a number of hoops to go through. I should point out that this is not actually done by the Library of Parliament. We would need outside help. Of course, you need budgets for that, which would have to be approved by the House of Commons Liaison Committee.

There you have the minutes of the steering committee. Approval has been moved by Mr. Siksay. Is there any discussion?

(Motion agreed to)

**The Chair:** The last item on the agenda, colleagues, is the motion by Mr. Calandra that was introduced on notice at the last meeting. I will read it for the record:

That the Committee call on Serge Ménard, Bloc Québécois Member of Parliament for Marc-Aurèle-Fortin, to appear before the Committee to discuss his allegation that he was offered illegal cash while he was a provincial candidate.

I'm first of all going to ask Mr. Calandra if he has anything he wants to say on the motion. I understand from discussions that the motion does have the broad support of the committee, but I may be wrong on that.

Go ahead, Mr. Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** I'll be very brief, Mr. Chair.

I know we can't compel him to appear, but I wanted to offer an opportunity to hear what happened and see if there's anything we can gather from it or learn from it and go from there. I'm not looking at this as a court or anything like that. It's just an opportunity to hear what happened and to see if we can learn anything from it.

**The Chair:** Yes. Mr. Calandra made the point—and I was going to make that later—but Monsieur Ménard is not a compellable witness. Members of the House of Commons, Senate, or other legislative assemblies, the Governor General, and judges are not compellable before our committee. So he could exercise his discretion not to come if he so chose.

Mr. Easter.

**Hon. Wayne Easter:** Mr. Chair, I've talked to Mr. Ménard, and I know he wants to come before this committee of his own volition. I really can't support the motion at this time. I would rather not have a motion ordering him to come. If he's willing to come—and I pretty well can assure the committee he is—then I don't think we need the motion basically requesting that a member of Parliament come before the committee. I would suggest that if you as chair were to talk to him without the motion being passed, he would volunteer to come. I think that would be a better process. That's just where I stand on the issue.

I would say if we could move the motion aside until the next meeting and give you the opportunity to talk to Mr. Ménard, rather than having a parliamentary committee take the step of requesting him to come, I think it would be better with regard to honourable members of Parliament. I think he would do that.

**The Chair:** Ms. Bennett.

**Hon. Carolyn Bennett:** I agree, because he's not compellable anyway. The way we deal with colleagues is usually to give them the benefit of the doubt. I think it would be way better to have you, Mr. Chair, invite him to come. We believe, from what we hear, that he would like to come and explain it, and it would be way more collegial in dealing with honourable members to not have that motion and to ask Mr. Calandra to withdraw it or at least table it until next week to see if you've been able to sort it out.

• (1720)

**The Chair:** Mr. Calandra.

**Mr. Paul Calandra:** Again, Mr. Chair, I understand that these people have just talked to him about it and that he's willing to broach it. I'm not approaching the motion in any way or shape as something that is accusing him of anything. It's just an opportunity to hear what happened, to see if we can learn something from it. I've been here only a couple of years. Maybe we could learn something from what his experiences were.

I'm not asking the committee to order him. I know we can't do that. Perhaps I'll defer to my colleagues who have actually talked to Mr. Ménard to see if he is willing to come. My understanding is that he was willing to come and share some of his thoughts with us, and that's it. I know sometimes in the past others have tried to push certain agendas, but that's not what this is about. It's just to get some information from him.

**The Chair:** Monsieur Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Mr. Chair, I think Mr. Ménard has been quite public about the focus of this motion. He intends to be transparent by appearing before all the appropriate authorities. Is a motion really necessary? If it is put to a vote, we will support it, but I still think it would be preferable for you, the chair, to deal with the request, especially since there is no obligation. You could easily speak with Mr. Ménard, and he could confirm his attendance.

If I understand correctly, you find the motion to be in order. Is that correct?

[*English*]

**The Chair:** Yes, I thought of it, but I haven't researched it extensively. I take some solace that the gentleman wants to appear. That's what I'm picking up.

You have the floor.

[*Translation*]

**Mr. Bernard Bigras:** That was not what I was asking. I did not finish. My question was clear: is the motion in order? I am telling you that if you find it admissible, we will vote in favour of it. Regardless, rest assured that Mr. Ménard will appear if that is the wish of the committee.

[*English*]

**The Chair:** Yes, it's the chair's ruling that it is admissible.

We do have a number of people now. Colleagues, we could handle this one way or the other way. Someone can make a motion to table, I can ask him, or we can vote on the motion. We will do whatever is the wish of the committee, but I think we are splitting hairs.

Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Yes, I think we are. I think more or less everyone is on the same page here. If it's just a matter of having the committee invite Mr. Ménard to appear and of having a procedural step to make a sitting day in this committee available for his appearance, we can do that. I don't think it matters to anybody over here whether the motion says that it calls on him to appear or invites him or whatever.

**The Chair:** The chair would recommend that someone make a motion to table. We'll vote on that, and then we'll—

**Mr. Pierre Poilievre:** Just so I'm clear, Chair, it would be to table the motion, and then do what?

**The Chair:** I would then go ahead and invite Mr. Ménard to appear before the committee. I would report back to the committee at the next meeting. Then we would bring the motion back at the next meeting, which would be this Thursday, for further debate.

**Mr. Pierre Poilievre:** That's fair enough. I would so move.

**The Chair:** Okay. It's moved by Mr. Poilievre that the motion be tabled and be brought back to the meeting on Thursday of this week. I don't think it requires any discussion, unless someone insists.

(Motion allowed to stand)

**The Chair:** I think that concludes the agenda of the—go ahead, Mr. Blaney.

[*Translation*]

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** There is a translation problem, Mr. Chair.

The French version should say the same thing as the English version. The English motion talks about “illegal cash”. So I would think the French version should say “*argent illégal*”, as well.

I just wanted to bring that to your attention. We need to make sure that both versions are consistent.

Thank you.

[*English*]

**The Chair:** Did you pick that up, Mr. Clerk?

**A voice:** Yes.

**The Chair:** Since there's nothing to come before the meeting and it is close to 5:30, the meeting is adjourned.

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