



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 046 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Monday, February 28, 2011

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Chair

The Honourable Shawn Murphy

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• (1530)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I will now call the meeting to order.

Welcome, everyone. *Bienvenue à tous.*

This meeting is a continuation of the committee's ongoing study on open government. We're very pleased to have before us today a number of witnesses.

First of all, appearing as an individual, we have Madame Diane Mercier, who works with information services with the City of Montreal.

As well we have Monsieur Daniel Caron, librarian and archivist, from Library and Archives Canada. He is accompanied by Jean-Stéphane Piché, the acting assistant deputy minister, acquisitions sector.

From Public Works and Government Services Canada we have Mr. Mark Perlman, acting assistant deputy minister for the consulting, information and shared services branch. He is accompanied by Madame Christine Leduc, director of publishing and depository services with the consulting, information and shared services branch.

On behalf of all members of the committee, I want to welcome everyone.

We will start with you, Madame Mercier.

I should notify everyone that we have some other business to transact, so this part of the meeting will go to five o'clock.

That said, please go ahead, Madame Mercier.

[Translation]

Mrs. Diane Mercier (Doctor, Information Sciences, As an Individual): Thank you, Mr. Chair.

Good afternoon, ladies and gentlemen. My name is Diane Mercier and I am a practitioner, researcher and consultant in knowledge transfer. For over 20 years, I have been working as an information professional for the City of Montreal. I am currently in charge of open data. I have multidisciplinary training, which goes to the heart of your concerns. I have a Master's in computer science and a PhD in information sciences. I am involved in many training and research activities at a number of Quebec universities and public organizations. My testimony, as an individual, will focus on the benefits of open data from the perspective of knowledge transfer.

Public data are part of the common good that we need to be able to use and that allows us to transfer a considerable amount of knowledge. Public organizations are the keepers of this knowledge. When these data become open, they contribute to the transparency and accountability of our public organizations and to the promotion of ethical behaviour.

In Quebec, data are documents, digital or otherwise. They include information and knowledge management systems, which are the embodiment of expertise. In Quebec and in our major cities, it is the young people who are challenging public organizations. Just like the rest of the world, they are calling loudly and clearly for free access to data in order to use it, to add value to it, to better understand the world and get involved in making it a better place according to their own values. They want to be able to use what belongs to them, since public data, we must remember, essentially belongs to the public, not to public organizations.

For example, it was these young people who contributed to the public consultation that was organized jointly by the Commission permanente du conseil municipal sur les services aux citoyens and the Conseil jeunesse de Montréal. The commission recommended that the City of Montreal explore the possibility of circulating open data. These same young people also participated in the five-year review of the Charte montréalaise des droits et responsabilités.

Yes, intergenerational transfer of knowledge does take place, but it needs to be extended promptly to all citizens and communities, and especially within public organizations. Knowledge transfer through open public data is also very beneficial for enhancing the quality of management in our public organizations. It helps to break down organizational silos and to promote understanding, solidarity and consistency among staff members, making them aware of what is happening in their organization. In addition, this all has an economic impact on efficiency. The internal transfer of public information also helps to ensure the protection and sustainability of public intellectual capital.

Where are we now and where are we heading?

Making public data completely open does not happen overnight. The proof lies in the first annual review of the cities and governments that wanted to demonstrate this concept. Achieving open data fully will take time. We will need everyone's continued efforts, we will need the efforts of politicians, governments and citizens in order to bring the intellectual capital up to date. The LiberTIC group has clarified the process for completing the initial implementation phase: advocating, showing the relevance, bringing players together, and convincing leaders. In Quebec, some organizations are already there and should soon be able to move on to the next phase, which is planning initiatives. First, elected officials have to examine the issue. Then they will vote on legislation and adopt policies.

• (1535)

Leaders have to approve directives, standards and action plans.

The public will have access to catalogues of sets of open data based on conditions tailored to their use.

Public organizations are creating interfaces for direct access to public databases, and the public will be able to contribute.

Finally, accessibility standards will be applied to webcasting first, and then to the whole document production chain.

But that's not the end of it. After doing the planning, adjustments will constantly need to be made. The risks of going backwards will be significant. Privileges, exclusive agreements and information behaviours, such as procrastination and information overload, could put a lot of pressure on reverting to closed data.

In addition, the online community is likely to want to take centre stage in open data and define the challenges as being essentially technological. However, open data is only in part related to computing. It is important not to fall into this trap.

Above all, open data is a human and political issue, and that is what our approach should be if we want it to work. It is up to the highest authority in the organization to provide leadership and to assign this task to the data-production units within the organization. Open data cannot be achieved elsewhere, such as by computer services, public relations or consultants.

The following are some suggestions to facilitate and support the adjustment phase and the task given to the highest authority in the organization: first, get appropriate support by hiring information professionals, integrating them with the teams in the data-production units and placing them in strategic roles; second, provide managers with support in the classification of public documents; third, develop and hone the information and social skills of managers and employees in all areas.

Other considerations are: adding value to data through metadata; digitizing downloadable documents and multimedia items into an accessible format; and getting rid of proprietary technologies and software applications, since accessibility is not compatible with closed-source software. Finally, employees and the public should be both encouraged to be involved in the development of applications.

As a result, the organization will acquire the social skills and learn to adjust and refocus its strengths, by using the data, the metadata, understanding how they operate and how to use them.

Those are some of my observations, and I hope you will find them useful.

Thank you.

• (1540)

The Chair: Thank you, Mrs. Mercier.

[*English*]

We are now going to Mr. Caron.

[*Translation*]

Mr. Daniel J. Caron (Librarian and Archivist, Library and Archives Canada): Thank you for the opportunity to appear before you today. I am here in my capacity as Librarian and Archivist of Canada, to share with you my observations and comments about your study on open government. I am accompanied this afternoon by Mr. Jean-Stéphane Piché, the Assistant Deputy Minister responsible for our acquisition sector.

Library and Archives Canada combines the holdings, services and staff of the former National Library of Canada and the former National Archives of Canada. Our mandate, as defined in the Library and Archives of Canada Act is to preserve the documentary heritage of Canada, to be a source of enduring knowledge accessible to all, to facilitate co-operation among communities, and to serve as the continuing memory of the Government of Canada and its institutions.

The digital age instilled profound shifts in how societies access their documentary heritage, and open government is just one factor among many in this transformation. In particular, the increasing use of information technology by governments and citizens makes it possible to distribute information immediately and at a lower cost. This use of technology allows us to better understand how governments work. It increases the expectations of Canadians, both with respect to government accountability through increasing transparency, and with respect to civic participation in socio-economic debates.

[*English*]

I should point out that this important paradigm shift has not led to a change in the order of business for Library and Archives Canada, nor to a change in our institution's reason for being. We are continuing to collect our country's documentary heritage in its varied forms and we are trying to make it as accessible as possible within our legal, regulatory, and administrative environment.

For Library and Archives Canada, as for all member institutions, society's greater access to its documentary heritage raises multi-dimensional issues in view of the volume of collections, the diversity of the origin and nature of records, and the different vehicles by which we acquire them. These three different factors have ethical and legal repercussions on our ability to make documentary heritage accessible to Canadians.

The issue of the volume of collections will be resolved gradually through the digitization of holdings. The diversity of the origin and nature of records and the way in which they are acquired raise questions about the system of access governing the various components of our documentary heritage. For example, the records of the Queen's Privy Council have their own system of access; books that are published in this country, which are kept under the legal deposit program, have another system; records subject to solicitor-client privilege have a different system; records from ministers' offices have yet another one, and so on. Finally, when Canadians decide to entrust documents of high value to Library and Archives Canada, it is important that they feel they can do so with confidence, knowing that the access given to them is in accordance with their wishes.

The few rules I have just mentioned are part of society's access management framework in which Library and Archives Canada operates. This framework is composed of several statutes, such as the Access to Information Act, the Privacy Act, the Copyright Act, the provisions in the Quebec civil code that relate to property, and the equivalent common law principles. In addition to these statutes, there are internal government regulations and policies and a series of special rules that apply to Library and Archives Canada covering specific situations or contractual agreements between the institution and its donors.

• (1545)

[*Translation*]

At present, one of my priorities is to clarify the rules that make up the access management framework, to resolve any inconsistencies, fill any gaps, and make this management framework as widely available as possible. This will be our contribution to the evolution of the framework. I believe that the more clearly the framework's elements are articulated, the more effectively Library and Archives Canada will be able to play its role. In turn, this will contribute to a healthy, sustainable and trusted environment between the various creators of information—government institutions, donors, artists, and so on—and all Canadians who wish to have access to their documentary heritage.

[*English*]

The importance of the trusted environment I'm referring to must not be underestimated, because the access framework is the culmination and reflection under the rule of law of how citizens wish to use their documentary heritage. It is the connection between people and their collective memory.

All these efforts will allow us to increase our effectiveness in processing access requests. These efforts are parallel to the work of this committee on open government. Your proceedings and reports will inform the different components of the access management framework that govern the activities of Library and Archives Canada.

Mr. Chairman, I would now like to underscore a number of initiatives that Library and Archives Canada is currently engaged in, initiatives that increase support of the concept of government openness, in my view.

[*Translation*]

First, in partnership with the Canadian Urban Libraries Council and the War Museum, Library and Archives Canada has started to digitize military records from the past world wars to support a pan-Canadian Lest We Forget program. In addition, about 4,000 items from the old map card catalogue, now in the public domain, have been digitized and may be consulted online. Furthermore, the records of the Canadian Expeditionary Force from the First World War have been digitized and loaded into a web portal.

Second, in collaboration with the Treasury Board Secretariat, Library and Archives Canada leads the first phase of the digital office initiative. The goal of this initiative is to create an environment where borne-digital documents will remain digital from creation to access.

[*English*]

Third, over the past five years Library and Archives Canada has led a record-keeping initiative that has culminated in a record-keeping directive that applies to 250 federal institutions and ensures that records of business and archival value are kept within the memory of the Government of Canada.

Fourth, over the next year, Library and Archives Canada will double the volume of its online content, adding millions of genealogy images to its website in partnership with Ancestry.ca.

Lastly, Library and Archives Canada will gradually offer its access to information service online by responding to requests with digitized documents. This initiative will yield two important advantages: it will accelerate our response time, and digitized documents will be infinitely reusable for repeat requests.

[*Translation*]

Mr. Chair, I would like to conclude my remarks by summarizing the presentation I made to the International Council of Archives last September. To better serve Canadian society, Library and Archives Canada must be selective in what it acquires, more robust in how it preserves the documentary heritage of Canadians to ensure the authenticity and integrity of information, and more porous to provide better access to its holdings.

Thank you, Mr. Chair, I would be happy to respond to any questions.

[*English*]

The Chair: Merci, Monsieur Caron.

We will now go to Mr. Mark Perlman from Public Works and Government Services Canada.

Mr. Perlman, the floor is yours.

Mr. Mark Perlman (Acting Assistant Deputy Minister, Consulting, Information and Shared Services Branch, Public Works and Government Services Canada): Mr. Chairman and members of the committee, thank you for your invitation to address this committee concerning the administration of crown copyright within the federal government and our role in support of open government.

My name is Mark Perlman and I'm the acting assistant deputy minister of the consulting, information and shared services branch of Public Works and Government Services Canada. I'm accompanied today by Madame Christine Leduc, director of the publishing and depository services program, which includes crown copyright and licensing.

I'd like to begin by positioning the role and responsibilities of our organization within the broader context of copyright in the government.

• (1550)

[Translation]

Industry Canada and Canadian Heritage are the two departments that are jointly responsible for the Copyright Act. Section 12, chapter 42 of the Copyright Act is generally referred to as Crown copyright and is the only section that is relevant to works belonging to the government. Treasury Board of Canada Secretariat is responsible for the communications policy which includes requirement 28 on copyright and licensing. Government of Canada symbols such as the Government of Canada signature, the Canada word mark, and the arms of Canada are protected under the Trade Marks Act. Individuals or institutions external to the Government of Canada cannot use these marks without prior authorization of Treasury Board of Canada Secretariat.

[English]

The crown copyright and licensing unit, or CCL unit, within Public Works and Government Services Canada has been given the mandate under requirement 28 of the communications policy to administer and protect copyright in works produced by federal government departments and agencies. This policy applies to all federal government departments and agencies specified in schedules I, I.1, and II of the Financial Administration Act.

It is important to note that under this policy, departments and agencies are solely responsible and fully accountable for approving or denying requests for the reproduction, adaptation, or translation of information produced under their respective institutions. CCL does not have the authority to approve or deny any requests. Our role is to provide a centralized administrative service through which applications can be submitted via a single point of contact for approval to reproduce, adapt, and translate Government of Canada information.

CCL facilitates the administration of crown copyright by first receiving, reviewing, and evaluating the intended use of the information; second, verifying that the information belongs to the Government of Canada; third, determining the author, department, or agency responsible for the content to be used and forwarding the request for approval or denial to them; and, finally, responding to the requester once the decision has been reached. If an intended use is commercial, a requester will be required to enter into a licensing agreement for a specified period of time. Management of such licences is also carried out by CCL in coordination with author departments. Any rights granted are non-exclusive, which means that any other party can also apply for a licence to the same material.

I would like to emphasize that the administration of crown copyright is not meant to restrict access but to ensure that the

Government of Canada information is not misused when it is modified, adapted, translated, or republished.

[Translation]

The Crown copyright office is administered by a small group of four people. It receives over 1,000 enquiries a year by email, telephone and mail from Canadians seeking general copyright information. Approximately 4,000 applications for copyright clearance are received and processed each year. Ninety-five percent of requests are granted. Permission is never denied except for valid, transparent and common-sense reasons.

[English]

Permission would be denied if the information was intended for inappropriate advertising purposes, such as photos of National Defence personnel being used to promote the sales of firearms, as an example. In addition, no permission will be granted that would lead to a suggestion of an official endorsement by the crown when none existed, such as the use of Health Canada information with an indication of cooperation with the department when in fact none existed.

[Translation]

Given the significant number of requests received annually, and recognizing the increasing demand for easier and better access to Government of Canada information, CCL undertook an initiative in 2009-2010 to streamline the procedures and processes required under the administration of Crown copyright.

• (1555)

[English]

As a result of the work that was conducted with the legal services of our department, Treasury Board of Canada Secretariat, Industry Canada, and Canadian Heritage, and following consultation with 57 government representatives, we're pleased to report that the requirement to request permission to reproduce Government of Canada information for personal or public non-commercial use was eliminated unless otherwise specified in the work itself.

An example of this would be publications that contain third party material or photographs that do not belong to the crown. These would be identified with the copyright logo and would mention that all rights are reserved.

This change is now reflected in the common look and feel standards for the Internet under the Important Notices page on all government websites. It has also begun to appear in print publications.

[Translation]

As a result of this initiative, the executive director of the Canadian Association of Research Libraries sent a letter of commendation to various ministers, including the president of the Treasury Board, praising the government.

Mr. Chair, I would now like to take a few minutes to highlight the unique role our organization plays in making published information available to the public.

[English]

As the Queen's Printer for the Government of Canada since 1886, we have a long history of making government information easily accessible to Canadians through published material. Through the depository services program, which was created by order in council in 1927, we acquire, catalogue, and distribute Government of Canada publications at no cost to a network of more than 700 academic, legislative, federal, provincial, and public libraries in Canada and abroad, including the Library of Parliament, Library and Archives Canada, and the Library of Congress. Senators, members of Parliament, and political parties are also members of this program and can order publications from it.

With the advent of the digital age, there was an important shift to electronic formats. As part of the government online initiative, we instituted the Government of Canada publications website and database. Publications.gc.ca is a one-stop shop for government publications. It provides access to more than 180,000 publication records, and more than 80,000 electronic publications can be accessed and downloaded at no cost.

The collection continues to grow, and more than 16,000 records are added annually on average. Last year there were more than 9.2 million downloads, and we expect there will be more than 10 million during the 2010-11 fiscal year. We also provide Canadians and the library community with valuable information about what is being published in the government through the weekly checklist of government publications, which we produce in both electronic and print formats.

Our long-standing relationship with the library community also helps to support open government. We respect and value the important role libraries play within their communities by helping Canadians acquire and understand government information.

[Translation]

Since 1981, we have chaired the Library Advisory Committee, which is made up of senior representatives from the major library associations in Canada, as well as representatives from the various types of libraries that we serve and key government departments such as Library and Archives Canada, the Library of Parliament, Statistics Canada and Treasury Board Secretariat.

Mr. Chair, I would like to conclude by saying that our organization is constantly striving to improve public access to Government of Canada publications and information, and to maximize the use of the latest technologies to better serve Canadians.

[English]

Thank you for providing us with the opportunity to talk about our programs.

I look forward to your questions.

The Chair: Thank you very much, Mr. Perlman.

That concludes the opening remarks, and we are now going to the first round of members' questions.

We're going to start with the Liberals. Dr. Bennett, you have seven minutes.

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

I'd like to follow up on crown copyright, Mr. Perlman. To actually go to full open government, open data, would there have to be changes made to the way that crown copyright is administered now in Canada?

Mr. Mark Perlman: As I said in my opening comments, we do administer the policy of the Government of Canada. In the way it's administered currently, federal departments have the freedom to make public any of the information they choose, and the rights remain with those departments.

In answer to your question, I believe that the information is available. On February 9 Environment Canada and, I believe, NRCan were here, and they talked about their portals. Departments are free to make the information at their disposal available to the public. That is available under the current system.

Hon. Carolyn Bennett: So people put crown copyright as a hurdle in moving to open government, but it doesn't sound as if it's a hurdle. Maybe Mr. Piché was also nodding there. The government could put all of the data sets up right now and not have to worry about crown copyright.

• (1600)

Ms. Christine Leduc (Director, Publishing and Depository Services, Consulting, Information and Shared Services Branch, Public Works and Government Services Canada): On the crown copyright administration, the rights are made available to Canadians to reuse unless otherwise stated, but a lot of the government information right now contains third party information, or information that's not necessarily negotiated to make public, so there are still constraints. Data sets and databases are probably the ones that contain a lot of information that cannot be made readily available to the public at the present time.

Hon. Carolyn Bennett: The other hurdle that the committee has been struggling with is the issue of official languages. Does anyone have advice on what would be in keeping with the Official Languages Act? Is it to make things public in the original language, or is there a view that everything needs to be translated?

Ms. Christine Leduc: I'm not a specialist in the official languages, but I know the Government of Canada has a policy that all information we publish and make available publicly must be in both official languages.

A lot of the data sets and information contained in databases is not translated. It's unilingual for the most part. It also contains a lot of characters and information currently not available in both official languages, so having information in both official languages is an ongoing issue for government.

Hon. Carolyn Bennett: Obviously open government is about the public. At Library and Archives Canada or in Montreal, how do you determine what the public would view as high-value data? You can't do everything at once. How do you suggest that the government move forward? Do you think an e-consultation with the citizens of Canada would be a good way to hear what they would want first?

Mr. Daniel J. Caron: With regard to how Library and Archives Canada determines what is of interest, we first answer the requests of our users. On our latest initiative, instead of photocopying the requests, we are digitizing them; over time, they will become available to all Canadians. We believe that repeated requests will be better served that way. Then we'll increase the amount of information that will be available over time.

On another important point, now that all the information is being created digitally we're trying to work on the various fronts—publishers and departments—so that by 2017, the time between when we acquire the documents and when they are made available to all Canadians will be close to zero, according to the access framework that exists. We're obviously going to respect the legal framework, but our objective is to ingest digitally so that it becomes available as it is being sent to us.

Hon. Carolyn Bennett: Madame Mercier, public consultation is part and parcel of developing an open government piece. Do you have any experience in what has worked in other jurisdictions?

[Translation]

Mrs. Diane Mercier: The City of Montreal has made progress with public consultation. As I said earlier, there are various standing committees on public consultation. The last two I have heard talked about open data.

But I would like to come back to the language problem. Quebec municipalities are probably not as affected by the language problem because Quebec's public language is French. The municipalities write their documents in French. Of course, we also distribute some documents in both languages, and even in other languages. That is why translating data to make it open to the public does not apply to us. It's different in Quebec.

We need to really understand that, when it comes to open data, a distinction has to be made between an interface for distributing data and the data themselves. Numbers and even interviews can still be shown and made public even if they are not translated. There are also tools for automatic translation if there is an urgent need for access. It is a matter of quality, and quality is never perfect.

I was telling you earlier about information overload. That is something that public administrations are coming up against. They are afraid to act and find a variety of excuses not to go forward.

It is important to give the public accurate and timely information. If it takes five months to translate a document, it is no longer timely.

That's what I had to say.

•(1605)

[English]

The Chair: Thank you, Dr. Bennett.

Madame Freeman, you have seven minutes.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): First of all, thank you to each and every one of you for your very interesting presentations. My first question is for Mr. Perlman and Mr. Caron.

Just recently, Corinne Charette, the chief information officer of the Treasury Board Secretariat, told us that she was about to launch a single portal that would coordinate all the data from the various departments and organizations. The Treasury Board Secretariat is actually responsible for releasing information.

Have you been consulted and are you working together with Ms. Charette? If so, what steps have you taken with the chief information officer of the Treasury Board Secretariat? How do you work together?

Mr. Caron, go ahead.

Mr. Daniel J. Caron: We are working closely with the chief information officer, Ms. Charette. We have worked together with the Treasury Board Secretariat to develop the record-keeping directive. This will bring more rigour into an electronic world that is quite out of control.

To come back to your question specifically, we do work with them. But the data that interest us are historical and archival data. The data you and Ms. Charette are referring to are data on the current operations of the various departments they are working with.

The Treasury Board Secretariat has our full support for that. But that is going to depend more on the departments and how they will create and manage their information. We have a supporting role because what we are interested in is actually part of that information. We want it to be created, preserved and transferred to us.

We are interested in historical data, so longer-term data.

Mrs. Carole Freeman: Mr. Perlman, what is your opinion?

[English]

Mr. Mark Perlman: Madame Charette didn't work with us on this, because when it comes to crown copyright, that's not the issue. We work with the communications policy people at Treasury Board to establish the policy; then we administer the policy as set out.

In line with what Mr. Caron has just stated, she would be working more closely with the departments that are accountable for that information. As I mentioned earlier in my answer, if departments choose to put their information out, it has no impact on crown copyright licensing.

•(1610)

[Translation]

Mrs. Carole Freeman: Mr. Perlman, as Acting Assistant Deputy Minister for Public Works and Government Services Canada, are you aware of the developments between your department and the Treasury Board Secretariat in terms of open data and more specific information, such as contracts?

[English]

Mr. Mark Perlman: Public works is a large department with many ADMs who are responsible for various elements. Yes, I do hear about various elements at the management table, and I know that Corinne Charette works very closely with Maurice Chénier and with John Rath-Wilson, the assistant deputy ministers responsible for our information technology area. There's also our corporate group, which will be working with her on various elements dealing with our department, but on the government-wide basis of work, they are the policy centre for the government. They liaise directly with the various parts of various departments. On the government-wide basis, that's not the role that we play with them.

[Translation]

Mrs. Carole Freeman: If I understand correctly, in both cases, you are not really aware of the single portal that Ms. Charette from the Treasury Board Secretariat would like to set up, since you are dealing with copyright, documentation and archives.

Mr. Daniel J. Caron: I would actually like to add that we are aware and we are working closely with Ms. Charette. But our contribution is limited. We have data, but she has to work with every department because we don't have the data from all the departments.

Mrs. Carole Freeman: I just wanted to know what your relation was with Ms. Charette, whether you were working closely with her and how.

Mr. Daniel J. Caron: We contribute with some data.

Mrs. Carole Freeman: Have you received specific instructions from the Treasury Board Secretariat on releasing information?

Mr. Daniel J. Caron: No.

Mrs. Carole Freeman: That's what I would like to know because it is the Treasury Board Secretariat that oversees the disclosure of information across the government.

I don't want to get into the details of documentation or archives. What I want to know is whether you have received specific instructions from those in charge of releasing information, meaning the people from the Treasury Board Secretariat, to implement the regulations across all departments.

Do you know anything about that?

Mr. Daniel J. Caron: No, not in terms of the portal, not to my knowledge.

Mrs. Carole Freeman: And you?

[English]

Mr. Mark Perlman: I don't know.

[Translation]

Mrs. Carole Freeman: Thank you. You did a good job answering my question. You are not aware of any directives or a comprehensive policy from the Treasury Board Secretariat.

Mrs. Mercier, thank you for your testimony. You said that it was especially the young people who were calling loudly and clearly for access since they want to know more about what is going on, and we should give them credit for that. You also said that public data belongs to the public, not to public organizations. I really liked that.

But, somewhere in your presentation, you pointed out that there was a trap in terms of information and data processing. Could you tell us a bit about that, but not too much since I have two other questions for your colleagues?

Mrs. Diane Mercier: The trap is in the pervasiveness of technology in accessing information. At the moment, as Mr. Caron said, information is no longer printed, it is diffuse and intangible. As a result, we tend to think that it is a technology issue. So then we deal with the people working in technological systems and computers because we think it is about machines and software.

But information also has to do with organization, the creation of information, and dissemination. It has a lot more to do with people from other disciplines and with information professionals.

In our organizations, and I'm thinking of municipalities, we have very few information professionals. We have a lot of computer experts, some archivists to take care of historical and archival documents, but that's all. Staff members are not trained to manage their information.

Mrs. Carole Freeman: Thank you, Mrs. Mercier.

[English]

The Chair: Madame Freeman, you're out of time. *Merci*, Madame Freeman.

Mr. Siksay, you have seven minutes.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair, and thank you to all the witnesses for your very helpful testimony this afternoon.

Monsieur Caron, I wanted to ask you a couple of questions.

At the end of your presentation you mentioned some initiatives you've been undertaking that you think are related to open government. The third one was around the record-keeping initiative. Is that something that we might, in other places, hear around the "duty to document"? Is it linked to that concept?

•(1615)

Mr. Daniel J. Caron: I would say it is linked to that concept. It is in fact a way to ensure that the proper documentation is being created so that we can track it and ingest it at Library and Archives Canada for long-term use.

Mr. Bill Siksay: In your assessment, does Canada need better legal requirements around the duty to document and around basic record-keeping, given the change in technology that we've seen, in that a lot of these records may disappear or be erased?

Mr. Daniel J. Caron: Mr. Chairman, my personal view is that it's a cultural thing, so it will come with generations. It will come with people being able to behave in a way that is totally different from what we're used to. The record-keeping directive is quite a good administrative document, and we are training people. We're socializing the directive and developing methodologies, so I think that over time we're going to see that happen.

Mr. Bill Siksay: Is it a voluntary initiative? Are you looking for a cultural change in government?

Mr. Daniel J. Caron: When I started this thing in 2005, the idea was to replicate what we have in Finance to some extent. It's something you can control to some extent. You can have a legal requirement at some point. If someone decides to go around the rules, so be it.

I think that in terms of progress in Canada, we have been able to develop this structure and methodology that will support departments and people to better manage their information.

Mr. Bill Siksay: Is there a document related to that, something you could share with the committee?

Mr. Daniel J. Caron: Well, there's the directive, yes. Absolutely.

Mr. Bill Siksay: That would be great. Thank you.

You also mentioned the initiative of the partnership with Ancestry.ca. One of the things we keep hearing about is the importance of having government information available free of charge. I think Ancestry.ca charges people. You have to sign in, and when I poked around on it, I think that's what was required. Have you considered that aspect of your partnership with Ancestry.ca?

Mr. Daniel J. Caron: Yes; in fact, if you come to our office, it's going to be free of charge. If you go to Ancestry.ca for some time, you're going to have to pay. It's mixed....

Maybe Jean-Stéphen can help me on the details, but to make this thing largely available to the public, if you come to us, as you would have to if you don't use Ancestry.ca, it's free. However, if you do it from your own computer....

Mr. Jean-Stéphen Piché (Acting Assistant Deputy Minister, Acquisitions Sector, Library and Archives Canada): In fact, the information that was digitized by Ancestry.ca has a fee when it's with the Ancestry.ca website, but on our website it's free. The information will be released for free. We have already undertaken the digitization of several million documents that were done by Ancestry.ca; that information is available on our website for free, and also available for a fee on the Ancestry.ca site. It's a non-exclusive arrangement.

Mr. Bill Siksay: Is it the same information, or does Ancestry.ca provide something different from what you would provide?

Mr. Jean-Stéphen Piché: No, it's the same thing.

Mr. Bill Siksay: It's the same thing, so folks....

Mr. Jean-Stéphen Piché: It will provide value-added metadata that it does itself based on the documents, but we will provide basic metadata on that information, as well as the digitized documents.

Mr. Bill Siksay: Were concerns raised about the fact that folks are going to be charged for information that you folks provide for free? Is that a concern in developing this partnership?

Mr. Jean-Stéphen Piché: We have received very few complaints about this. There's an advantage from a public good perspective to have a third party partner that digitizes the asset for free, and then it's available on our websites for free as well.

Ancestry.ca has other means of making money, because they agglomerate several data sets in other countries, etc. That's where their value-added aspect comes from, but in terms of the national interest that we have on our website, it's completely secure, because this material is made available for free. In fact, in the last couple of months between September and December, we have actually already doubled our digital content because of that agreement with Ancestry.ca. That information is currently on our website for free.

Mr. Bill Siksay: Maybe this is veering off our specific topic a little bit, but is there any concern about the increasing digitization of documents and how that information is preserved for the long term? I think we know or have ideas about how to preserve hard copies of sheets of paper and that kind of thing, but what about information that is put in digital format?

● (1620)

Mr. Daniel J. Caron: Developing a trusted digital repository is one of my three priorities. It is a concern around the world. We are progressing well, and we want to do it because the world is totally different on that. We want to do it in collaboration across the country, so we're talking more about a network of trusted digital repositories than just having this in one place. Yes, it's a major concern, but we're making good progress. We are also looking at the practices in the private sector, because they have to do it, so they do it.

Our objective is that by 2017 we're going to be there, fully secure.

Mr. Bill Siksay: Mr. Perlman, I wanted to ask you a couple of questions.

It brought back memories for me to hear about the checklist of government publications. Is that the pink catalogue? I have spent many happy hours with the pink catalogue over my career as a staff person to an MP, trying to find information for community agencies and others. That was part of my job description for many years, so I'm very familiar with that and what's in it. It was fun to hear you talk about it this afternoon.

You talked about the change that's been made in policy in the department recently. I'm not finding the right language here for it, but it's changed accessibility to documentation. You talk about how that's an opening of what's available. What's different between what you do now and the concept of Creative Commons licences? Are we approaching a Creative Commons licence by the kind of changes you've made recently, or are we still some distance away? Is that something you're familiar with or that you and your colleagues would discuss?

Mr. Mark Perlman: I'll start and then I'll pass it on to my expert over here.

The first part is, yes, we do create the pink catalogue. That is us. I know a lot of people are very familiar with it.

The big change we were talking about was for non-commercial use. In working with other government departments and the Treasury Board, we're ensuring that if it's a private non-commercial use or a cost recovery use, there's no need whatsoever to seek crown copyright. Right now our main restrictions, the elements we still need to work on, are items for commercial use.

In terms of the Creative Commons, I'll turn to Madame Leduc.

Ms. Christine Leduc: In terms of the Creative Commons licence, this would be a government-wide project. Each department is responsible and knows what information holdings they have within their own databases or data sets, so in order to offer a Creative Commons type of licence, there would have to be a get-together of the minds of all the various departments to agree on the wording. The Creative Commons licence can involve full universal access for just about everything that anybody can think about, including adaptation, reproduction, translation, and so on. If we're going to the Creative Commons route, we would have to define what that licence would mean for us in the Government of Canada. We're not the policy-makers, so this would have to be discussed with Treasury Board.

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

We're now going to go to Ms. Davidson. You have seven minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks very much, Mr. Chair, and thank you to each of our presenters here this afternoon. Certainly it's been interesting to hear your perspective on open government and open data.

I have a question for Mr. Perlman to start with. I'm a little confused about the crown copyright issue. Some of our previous witnesses stated that to go into open data and open government, we needed to totally get rid of crown copyright, that other countries did not have a system like ours, and that open data worked far more easily and far better in those countries. Do you have any comments on that, or do you know what other countries are doing when it comes to crown copyright?

Ms. Christine Leduc: Having worked with our counterparts in the U.S. government, the GPO, I know that the U.S. government does not have crown copyright on any of the government material it produces. The rights are universal. Anybody can use and reuse U.S. government information without a request.

In Canada, we have a crown copyright. The crown copyright is specifically dealt with in section 12 of the Copyright Act. I think—this is information shared with us by some officials in the U.S.—that Canada should retain copyright in terms of crown copyright. By doing so, we are identifying information that is being produced by the government. We are recognizing that the documents are official. A lot of work has gone into producing those documents and that information, so having a copyright notice is a blessing and an official sort of recognition.

I think the debate is more about permission or about how we administer the copyright. That is, it is about how far we go between giving very limited permission—being very restrictive—and being very open about the permissions we allow. There are cases in which

the government does not own copyright on some of the material we publish, and that information is normally stated. A lot of the permissions will say, "unless otherwise stated". That could be the case of photography in a work for which the rights belong to the photographer and never belong to the crown. There are other instances of that.

We are working towards opening up government information, and I think we've made great strides in that direction, but we have to be careful that we don't attempt to cede rights we do not have. It will require a lot more reflection on our part on what we hold in terms of information and whether we hold the full rights.

•(1625)

Mrs. Patricia Davidson: Are you saying that you're working on becoming more permissive with crown copyright? Does that mean that more things would be available at no cost, or does cost enter into it at all?

One of the things Mr. Perlman talked about in his opening remarks was permission for the uses of information, such as photos of National Defence personnel being used to promote the sale of firearms. If you don't have crown copyright, how do you prevent that? What happens in other countries that don't have crown copyright? Can they use that?

Ms. Christine Leduc: I cannot speak to what other governments that do not have crown copyright do in that instance. I think they absolutely have no protection whatsoever. The information can be used by any requester as the person sees fit. Part of our role—this is the policy—has been the administrative processes we undertake with departments for some validation of why the information is being requested. Is the information going to be used in an abusive way? Is the information misleading? How is the information going to be promoted or adapted?

Only 5% of the requests for crown copyright are denied, so 95% are freely granted. There's also what we call "fair dealing". Any citizen, any person, can take information from a government publication and use it in a citation, provided the person indicates the source. There is no requirement for anyone to request copyright to use that information.

Mrs. Patricia Davidson: Thank you.

Can you address the issue of the cost to the public?

Ms. Christine Leduc: In terms of the costs we recover, the cost is very minimal. The costs go back to the Receiver General of Canada.

I'll give you an example. In 2009-10, we recovered \$52,000. For the last 18 months, there have been no fees whatsoever attached to the licences we have issued.

A lot of departments now will waive the royalties or the licensing fees with either a full waiver or a waiver in lieu of services. That does not cover what the departments themselves negotiate in terms of licensing agreements. The departments can enter into licensing agreements and set their own fees to access information they own and for which they have the copyright. Not all of those licensing arrangements come through the licensing office. We have no say in the matter of the costs or fee structures other departments impose.

•(1630)

Mrs. Patricia Davidson: Thank you.

The Chair: Thank you, Ms. Davidson.

That concludes the first round of seven minutes each. We're going to go the second round.

You have five minutes, Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair, and thank you, folks, for your information.

One of the concerns I have is that “open government” has become somewhat of an oxymoron. We talk about it, and it's been talked about a lot around here. Transparency and accountability are talked about, and the Accountability Act, but we have never seen such a closed shop in terms of information conveyed to us as legislators.

These are simple things, such as debate today or questions in the House today. Why can we not get information from the government on the costs of their crime bills? Why can we not get information on the costs of building new jails, etc.? We're talking about these things, but in practice we find a government of secrecy.

I've listened to folks who are in the bureaucracy and I've listened to others, and there seems to be a culture change. A number of you have talked about it, and Mr. Caron, I think you're right: it will happen over time.

There seems to be a culture change towards more open government happening within the federal bureaucracy, but we're not seeing it happening on the ground. Why is that?

With regard to documents from yesterday, that's great, but as a legislator I need information today to make decisions. This government is not providing that information. What's the problem? Why are we not getting that information in a transparent, accountable, and open government way?

Do you have any ideas?

Mr. Daniel J. Caron: I'm not competent to answer the question.

The Chair: Maybe that's a little outside the scope of what we're doing.

Hon. Wayne Easter: Well, not really, Mr. Chair. We are talking about open government. That's the reality of the world, Mr. Chair. We're having difficulty making decisions. We're seeing lots of discussion, and I hear about the Accountability Act every day, but I don't see any accountability on the part of the government.

Ms. Leduc, you made the comment that information is made available for reuse unless otherwise stated, meaning that there are still constraints. What would those constraints be?

Ms. Christine Leduc: An example I've used previously is a photograph that's used in a work for which the rights to reproduce have not been granted to us. It retains copyright by the original author or creator, who is not necessarily a government employee. In some cases it could be information that may not be publicly available, where all the rights are reserved for a specific reason. Again, the call not to give permission to reproduce could be made by the authoring agency, but those cases are very rare.

It's been our experience—and we've been working in the crown copyright administration—that as more and more information becomes available on the Internet and as more and more people can review or see information, there's been an opening in providing access. As I said, only 5% of requests are denied, and when they are denied, it's for very specific reasons.

Hon. Wayne Easter: Thank you.

Mr. Perlman, in your remarks you state that this cultural change “is now reflected in the Common Look and Feel standards for the Internet under the Important Notices page on all government websites. It has also begun to appear in print publications”.

Can you expand on that or provide a little further information?

I see all kinds of ads on TV, and I see them designed to look like a political party rather than to provide information. I'm increasingly concerned about that. I've been a little political here today, but I'm concerned over where we see the propaganda—propaganda rather than information—coming from. I think there's abuse of the government bureaucracy in the way the government is using those departments, in terms of their ads, for political purposes, especially at a time when we're seeing less open government than we've ever seen before.

Can you expand on what the common look and feel standards for the Internet are?

•(1635)

Mr. Mark Perlman: I can't speak to the political side of things, but a section has been added under the Important Notices area of all government websites. It says, “Information...has been posted with the intent that it be readily available for personal or public non-commercial use and may be reproduced, in part or in whole, and by any means, without charge or further permission, unless otherwise specified”.

I think that's what Madame Leduc was speaking to in discussing when we're not the copyright holder and when there are various elements there.

The users must exercise due diligence in ensuring that the information is accurate, that the complete title is there when they quote it, and that it's a reproduction of official work. What's nice is the other line that was added. It says, “Unless otherwise specified, this authorization is also applicable to all published information regardless of its format”. I think that's really good.

We are keeping the current copyright on commercial uses or where there are areas that are on the exclusions list.

The Chair: Thanks.

Go ahead, Mr. Abbott.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Again, I reflect on all of us appreciating the input you're giving us today.

Dr. Mercier, I want to pursue your discussion about French-English translation. In committee, the easiest way to describe the issue of translation is that if a document is going to be presented at committee, it will have to be translated prior to its being presented. That is the broad-brush rule.

I wonder if you can help us understand something. Documents under the control of the government, documents that are reports of the government, will naturally be in both official languages. What other documents are you thinking of that would require translation, other than the documents and reports that have been prepared by the government, which are already in both official languages?

[*Translation*]

Mrs. Diane Mercier: I don't think I have the expertise to give you that information. I can give you my professional opinion on the Quebec context.

Our language in Quebec is French. Some documents are obviously translated because of public safety and other considerations, but that does not apply to us.

I think we really have to model this information. There are layers of information, consisting of analyses and summaries of other information that is much more extensive. Those summaries and comments are translated. I personally think of them as metadata.

There is perhaps a way to speed things up. For example, in a federal department, documents are systematically being translated. Sometimes, consultants provide the document to be translated, whether in French, English or another language. The document is then sent to a translation agency. There, the document has to be fully redone so that it can be processed electronically. There are no governmental standards that require consultants or other units of the department to communicate and exchange information in a given format to speed up translation. When I talk about enhancing employees' information skills, this is part of it too. There is a lot of delay at the translation stage because of methodology or other problems.

• (1640)

[*English*]

Hon. Jim Abbott: What I'm driving at is a question that I would like your opinion on. For example, take the Afghan detainee documents that were swirling around a year ago and that we're still looking into; many of them were only in English, and some of them were in French.

If there is a big raft of similar documents that you would like to see in the public domain, should it be an almost irrevocable standard that they be translated before they are released, or do you see them being released in just one language?

This is an important issue within the context of how we proceed in Parliament.

[*Translation*]

Mrs. Diane Mercier: If we look at the principles behind open data, we see that the idea is to get complete primary information as soon as possible. We understand that it is urgent to have access to this information, but, for documents like that, a delay in translation could hinder access, openness of data, freedom, transparency, and so on. That's just a personal opinion. And it shouldn't be used as an excuse to stop translating documents altogether. Access to information and translation are not mandatory. Do you see that? When we talk about open data, what is important is to have access to this information.

Let's use me as an example. I did my PhD in French in Montreal, but to do that, I had to read texts in English. Americans and students from Toronto were asking me how I was managing to do my PhD in French. I told them that I was able to do it, but that I was reading in English, French, German and Spanish. They only read in English. So they had a problem. I probably am a little more open-minded, but regardless of that, I would not wait for the documents to be translated into French to access them. Yet I know that a document that is considered to be very important is eventually going to be translated. People take time to translate it. As to denying access to the document, that really must be on a case-by-case basis. It's a judgment call.

[*English*]

The Chair: Thank you, Mr. Abbott.

[*Translation*]

Mrs. Thāi Thi Lac, you have five minutes.

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Mrs. Mercier, my first question is about the topic we are currently discussing.

Canada calls itself bilingual. There are two official languages. We are talking about a transparent government and opening data to as many people as possible so that they can use it. But, if I understand correctly, from your answer to my colleague, Mr. Abbott, we are about to tell an entire group of people, whose only language is French, that they won't be able get data from the government because they will be available in English only, and it is not necessary to translate them.

Is that right?

Mrs. Diane Mercier: No, I did not say that it wasn't necessary. Let's use the example of information on detainees in Afghanistan. It's safe to assume that there is a sense of urgency in accessing that information. A delay in translation could have major consequences. The translation of a document like that could in fact take months. Perhaps access to information is not required right away. We mustn't wait until it is. But the translation has to get done.

• (1645)

Mrs. Ève-Mary Thāi Thi Lac: Don't you think we are opening a can of worms by saying that the delay is a good reason for the government not to translate a document? If we decide that, in order to make documents accessible faster, the federal government can contravene the legislation on bilingualism, don't you think that's a slippery slope?

Mrs. Diane Mercier: Let's just say that my political position on language and bilingualism is perhaps different from that of the Canadian government. My language of use is French and I access any document around the world, whether in French, Spanish, German or English. If I need to have it translated, I get it translated. Of course, there are machines to do it and there are also translators.

Mrs. Ève-Mary Thāi Thi Lac: Yes, but Mrs. Mercier, you have a PhD. You are educated. I am talking about your average Joe here, people who don't have a PhD, but who have a right to this information just like educated people.

Isn't the government's responsibility to provide information in both official languages in Canada? Don't you think that your recommendations could make the government open a can of worms in terms of people's right to get information in both official languages?

Mrs. Diane Mercier: Mrs. Thāi Thi Lac, I am definitely not referring to something like my testimony from today. I know that it will be translated within 24 hours. But should we deny access to a document of 1,000 pages because translation will take five months?

The gentleman made his point earlier by telling us that the government refused access to some information because the system has all sorts of excuses for increasing the delay. I don't think bilingualism is a problem. It's just my personal opinion.

Mrs. Ève-Mary Thāi Thi Lac: Mr. Caron, you said that Library and Archives Canada played a vital role in developing the policy on a transparent government. In your view, what practices should all the departments take from your organization?

Mr. Daniel J. Caron: In fact, the role we have had—and continue to have, since this is just the beginning—has to do with implementing the record-keeping directive. We developed it together with the Treasury Board. In 2005-2006, when we first created it, our goal was to ensure that, in the end, our vaults will contain historical documents for Canadians. So we have to make sure at the outset that information is created based on what is important. We have developed the directive and we are now working closely with the Treasury Board and the departments on implementing it. We are providing training and developing methods and tools. A wide range of activities have been designed to keep the enthusiasm up within public administration and to develop those habits so that the directive can materialize. If I am not mistaken, all departments are supposed to have implemented all the tools by 2014. That's what we are working on.

Mrs. Ève-Mary Thāi Thi Lac: Thank you, Mr. Caron.

I would also like to thank all the witnesses.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Madam Thi Lac.

We'll now go to Mr. Albrecht for five minutes, please.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Madam Chair.

I want to let the rest of the committee know that I don't share Mr. Easter's negativity about accountability, because our government has actually increased the level of accountability by many factors when you consider the number of crown corporations that currently are subject to access to information.

I have a question for Mr. Perlman.

I apologize for not being here for your presentation, but I have read through it. On page 8 you mention the number of downloads that are done each year, 9.2 million, and next year you expect it to be 10 million. Back on page 5, in relation to the crown copyright part of it, a group of four people receive 1,000 inquiries per year and approximately 4,000 applications per year. Then, a couple of paragraphs later, you talk about "Permission would be denied if the

information was intended for..." I won't finish the sentence, because we have all talked about that before.

My question comes to the matter of intention.

If a person applied for a copyright licence for a particular purpose, stating a particular intention, is there anything stopping them from using that material for another purpose after they've been granted permission? For example, if a photo has been requested for an apparently appropriate reason, could it be used for an inappropriate purpose later and, if so, what kind of policing or follow-up would there be to ensure that it was not inappropriately used somewhere down the road?

I don't know if you follow my line of questioning—

• (1650)

Mr. Mark Perlman: I'm following what you're saying completely.

In answer to your question, as part of the application process, people have to identify what the purpose is, and when they're granted a crown copyright licence, the purpose is part of that licence. If we find out that they're doing something that's in violation of it—and that sometimes gets reported to us—we will issue a cease and desist. We will confer with the authoring department and confer with our legal services.

In the vast majority of cases, when people misuse it, it's inadvertent; as soon as we find out about it, we advise them, and they stop immediately. They apologize, and that's it. In the odd case it does happen that it escalates, and we deal with our legal services to be able to deal with that.

Mr. Harold Albrecht: As a follow-up to the material that the Library of Parliament researchers have presented to us, they talked about permission always being required when the work is being revised, adapted, translated, and so on. Then you made a statement earlier, or one of your people did, that we want to be sure it's not presented in a misleading or inappropriate way.

My concern comes back to the small group that's administrating this. I'm not denigrating your work at all, but I wonder how it's possible for a small group of four or five to possibly keep a handle on all of the applications out there and ensure that they are not being misused, either inadvertently or intentionally.

However, you're fairly confident that the number is extremely small and that it's not a big problem.

Mr. Mark Perlman: The number is extremely small. Our small group does the issuing of the licences and the coordination, but there is a large network out there, because the departments are the authoring organizations. When we find out about something being used inappropriately, it's usually from one of the departments. Someone will say, "Hey, this Health Canada piece of information was used on a cigarette ad; can you look into it?", and then we're able to look into it.

Mr. Harold Albrecht: Is it correct, then, that your primary responsibility would not be follow-up, but instead would be to respond to indications that there was possibly an inappropriate use?

Mr. Mark Perlman: That's correct.

Mr. Harold Albrecht: Thank you.

I think that's all I have, Mr. Chair.

The Chair: Thank you, Mr. Albrecht.

The last member we'll go to is Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

Mr. Perlman, you mentioned the number of publications that are a part of publications.gc.ca and the number of electronic publications that are available for download.

In a way, downloading is an offloading of publication costs to the consumer in some respects over time. In the last decades we've seen a big change from a system in which the government would often provide government publications free of charge to consumers; now you can download them for free, but you're the one who's taking on the cost of publishing.

Has anyone done any analysis of whether that has actually increased the participation of consumers in looking at government publications or if there's been any chill associated with the cost of having to publish it yourself on your own computer, with your own paper and your own ink? Do we know if that's affected the use of those documents? Are you confident that the usage is way up, given the millions of downloads you report in the last couple of years?

• (1655)

Ms. Christine Leduc: Perhaps I can answer that question. In terms of the free publications that the Government of Canada produces, we work with a network of libraries across Canada; we make print copies available at no cost to these libraries, which means that millions of Canadians can access those publications if they so wish. A number of libraries, especially academic and research libraries, prefer to use electronic formats of these publications. There are ongoing issues about shelf space, about no access, about what to keep and not to keep, about long-term preservation, and so on.

We know it has been reported that as the government moves more and more towards a digital environment, there is an offloading of those costs on citizens. People print. Very few people can read a 20-page or 50-page or 60-page document online, so people tend to print the document themselves, and sometimes they print a copy, bind the copy, and make it available for internal use.

Has there been an official study or do we have figures? No. It's more feedback we've collected through our different networks of users.

Mr. Bill Siksay: Another question I have is in terms of the copyright licensing process. Is there any ministerial involvement or political involvement? Are the decisions reported to political staff? Are they reported to ministers? What happens when those decisions are made?

Ms. Christine Leduc: There is no reporting to ministers or staff. It's an administrative process. We receive the information, and copyright is denied or approved. There were, to my knowledge, no instances in which it went up to a minister's office or required any kind of political intervention.

Mr. Bill Siksay: Thank you.

Ms. Leduc, you mentioned that some departments make their own decisions about licensing. You folks are making decisions about licensing. Is there any sense that decision-making across government is inconsistent in that regard? You mentioned that fees are being waived more regularly now, but is that an issue? Is there an inconsistency across government about these kinds of decisions?

Ms. Christine Leduc: I cannot speak on behalf of the other government departments or institutions. I think there's a long history of departments establishing their licensing fees and establishing their cost recovery mechanisms. What I reported on today is what we know and what we administer, and I think that's the extent of it.

Mr. Bill Siksay: Do people ever appeal to you because they feel they've been overcharged, or do they ever ask you to look at a decision? Do you have the ability to do that? If a department has made a decision, is your office able to look at that decision and review it?

Ms. Christine Leduc: We work very closely with requesters of information and the departments. We have many years of experience, so we provide advice and guidance to departments. The ultimate decision is theirs, but we certainly will work with them to find the best solution to their requester's—

Mr. Bill Siksay: But that's only if they ask you for that advice?

Ms. Christine Leduc: Yes, it's if we're consulted. However, when we transmit the information for the application clearance form, we try to gather as much information as possible so that the decision can be made in a speedier way and can be made with all the facts. There are times when we have to go back to the requester and demand some clarification of the request, but yes, our role is really to advise and counsel the departments.

Mr. Bill Siksay: Thank you.

Thank you, Chair.

The Chair: Thank you, Mr. Siksay.

That concludes the questions. The committee has other business before it, so this ends this part of the meeting, but before we go into the next part, I'm going to ask if the witnesses have any closing comments or remarks they want to leave with the committee.

Perhaps we'll start at this end of the table. Mr. Piché or Mr. Caron, do you have a comment?

Mr. Daniel J. Caron: I'll just say that we will continue to work to decrease the amount of time between the moment we acquire something and the time it's available to Canadians.

The Chair: Madame Mercier, would you like to comment?

[Translation]

Mrs. Diane Mercier: All I can say is that a long road is ahead of us. We must believe in the potential of public service employees and give them all the tools required to make public data open.

• (1700)

[English]

The Chair: Thank you.

Mr. Perlman, is there anything you want to add to that?

Mr. Mark Perlman: I'd just like to add that we continue to work to streamline our processes, streamline our work with other departments, and act as advocates to get the information out there and make it an easier process. We will continue to do that.

The Chair: On behalf of every member of the committee, I want to thank you very much for your attendance here today. Your testimony is very helpful. As Madame Mercier said, we're on a long path; I hope it's a path with no turns or bends in it and that we can get to the end of it.

Thank you very much.

We'll suspend for a minute.

• (1700) _____ (Pause) _____

• (1700)

The Chair: I call the meeting back to order.

The first item I'd like to deal with is the issue of the e-consultation budget. As you will recall, the committee made a decision previously that we would carry out a process of e-consultation to engage the citizens of Canada on this issue of open government and open data. Neither the Library of Parliament nor Parliament as a whole was really ready to deal with it, so we had to go to a third party consultant, but when we initially sought proposals, there were no bids. Perhaps they didn't have sufficient time. In any event, the committee elected to go back and have a conference with several of the prospective bidders.

I'm now going to ask the clerk to give the committee a little background on what has transpired over the last three weeks. A recommendation is coming from the Library of Parliament, but I'm going to ask the clerk to address that issue.

The Clerk of the Committee (Mr. Chad Mariage): Thank you, Mr. Chair.

As members were made aware, members of the subcommittee and subsequently the main committee agreed to hold a bidders conference so that we could assess the problems or questions the potential bidders might have. That conference was held. There were two bidders. We received bids from both of them, who both qualified. Subsequently, House administration evaluated those bids, and we came forward to the subcommittee this morning with the name of the winning bid, which we're forwarding to you today.

I should note, or maybe the chair would want to note, that the winning bidder has not been contacted yet; therefore, as we are in a public setting, we'll have to perhaps tread lightly.

• (1705)

The Chair: I want to point out that this is a two-step process. The way it works is that we first approve it at this committee, meaning that we decide as to whether we go forward with the budget and the scope of the work that was negotiated between the Library of Parliament and this third-party consultant. In the next step, it has to go to the Liaison Committee. It gets approved by this committee and then it goes to the liaison committee, which is a supervisory committee made up of the chairs of all 22 parliamentary committees.

The proposal before this committee is that the committee adopt the proposed budget for the e-consultation in relation to a study on open

government. The budget is in the amount of \$105,213. That will take it to the next step.

Is there anything else you want to add, Chad, before we...?

Mr. Abbott, do you have a comment now?

Hon. Jim Abbott: Thank you, Mr. Chair.

I would like to ask fellow committee members what value they believe they or the people of Canada are going to receive for \$105,213.

I'm sure the idea forum, as it has been proposed, will attract all the Michael Geists and others of the world, and probably a major number of the people who have already given testimony to the committee. Those who are interested in the work of the committee on this topic have the opportunity to watch this on television or follow it in Hansard or on the Internet, and without a doubt they will be energized to present information to us anyway. At the risk of being provocative—and I don't intend to be—I don't think the average person walking down Sparks Street or Granville Street or Yonge Street in our major centres is even going to be aware of this idea forum. As I say, my submission is that the vast majority of people who would take time to be involved in this idea forum are people who are currently going to be involved in any event.

I'm suggesting that it is not a good use of \$105,213. I think that if we're trying to be prudent, we would do well not to accept this proposal.

The Chair: Thank you, Mr. Abbott.

Ms. Davidson, do you have a comment?

Mrs. Patricia Davidson: Yes. Thanks very much, Mr. Chair.

I've made these comments before; I just want to make them once again.

I fully understand the lack of in-house capacity, and I realize that this will be addressing a capacity issue pertaining to our study, but I still am not able to support the \$105,000. I just find that too much to support.

The Chair: Thank you, Ms. Davidson.

Go ahead, Dr. Bennett.

Hon. Carolyn Bennett: Thank you.

I was part of an e-consultation in 2002-2003 when I chaired the subcommittee on persons with disabilities. It was quite extraordinary to see the response of regular Canadians, particularly those affected in terms of the future of CPP disability. The future of CPP disability seemed somewhat arcane to some people, but we were astounded by the response we got, and astounded that well over 95% of the participants said they would do it again when that e-consultation was evaluated.

We cannot do a proper job in a study on open government without talking to the public about the kinds of things that are in our notes today. What federal information is of high value to Canadians, not to just the usual suspects that come to committee? What will Canadians do with the data? What are the possibilities? It is really important to ask Canadians these questions sitting here in our Library of Parliament questions.

There is no question that in the work we're doing at the Library of Parliament committee on Parliament 2020 visioning and the way Parliament will have to act in the future in terms of Government 2.0—an interactive approach to developing public policy and influencing Parliament between elections—what we are proposing will be the minimum specifications for parliamentary committees of the future. We have to be more responsive and relevant to regular Canadians. Having an interactive website and these kinds of processes will set a real example to other parliamentary committees and be an advantage in building some of this capacity inside.

If we compare it to travelling across this country, we would be obligated to go into rural Canada, which doesn't have Library and Archives Canada down the street. We would have to go to hear from Canadians who can't access lots of things right now, particularly the data sets. It would be a very expensive committee activity if done properly.

I think this is expensive because there has been an unfortunate hiatus in doing this over the last five years in Parliament. We need to be able to raise our game. It is exactly the issue we're dealing with at the Library of Parliament committee in terms of open Parliament. It's where open government meets open Parliament. It's where we set an example to show Canadians that we actually care about their input and that it is no longer this closed “we-know-best” approach that just doesn't wash with Canadians any more.

• (1710)

The Chair: Okay.

I'll ask all members to keep their interventions fairly short.

Mr. Siksay, you're next.

Mr. Bill Siksay: Thank you.

I think this is the fundamental issue of how we do our business in Parliament and as a parliamentary committee. We can't leave the 21st century behind. We can't say that the tools of the 20th century, as interesting and exciting as they might have been at the time, are sufficient for doing our work today. We need to do something more than broadcast on television some of these committee meetings. We need to do more than invite experts to testify before us. We need to do more than travel to a select, small group of communities across the country—as committees usually do—to make those kinds of decisions.

Especially when we're dealing with the topic of open government and how Canadians interact with their government and use its services and resources, I think it's absolutely crucial that we go down this road. It is a major failing of our Parliament that we don't have the capacity inside our institution now to do this as a matter of course, and that we have to go to an outside consultant to put together this kind of program.

This capacity should exist inside Parliament. Until parliamentary committees make these kinds of requests of the people who are the decision-makers—the Liaison Committee and others—we're not going to move this issue.

It's absolutely crucial on two levels: it's crucial to the work we're doing on open government, and it's crucial to how we function as members of Parliament doing work on behalf of Canadians. That's why I strongly support this proposal.

The Chair: Go ahead, Madame Freeman.

[*Translation*]

Mrs. Carole Freeman: Mr. Chair, I think that it is extremely important that we let the public speak out so that we have some sort of interaction and we can understand their needs better. I think this method is really not expensive compared to the results it could give us. In my opinion, it is an indispensable tool.

I am wondering why we are bringing up the \$100,000 that we will have to spend to consult all our fellow citizens in order to find out what they are expecting from a transparent government. It just doesn't make any. How can we want a transparent government if we are not willing to use an inexpensive tool that would enable us to communicate with the public in order to become more transparent?

The fact that my Conservative colleagues are opposed to this idea is simply an unbelievable contradiction. I get the impression that you don't want a transparent government. You don't want to get in touch with the people in order to understand them, to find out what they want and what we need to provide them with. You seem to be putting up quite some resistance to this topic. I am personally in favour of having an open consultation. I think that having a transparent government is very important. We are talking about a very inexpensive tool. So I am in favour of this recommendation.

• (1715)

[*English*]

The Chair: Perhaps I'll put the question. I'll read it:

That the committee adopt the proposed budget for the e-consultation in relation to its study on open government in the amount of \$105,213.

All in favour, please raise your hands.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Can we have a recorded vote?

The Chair: A recorded vote is requested. I'll turn that matter over to the clerk.

I'm going to vote in favour of the motion. I'll briefly give the reasons.

I think we have to look behind this individual situation. We can't look at this issue in isolation. I was taken aback and a little bit disappointed that Parliament and the Library of Parliament did not have the capacity. I view this as much larger than this particular contract: I view it as a capacity-building exercise. Parliament is governed by the Board of Internal Economy and is served—quite ably, I might add—by the Library of Parliament and the excellent people who work there, but hopefully this will build capacity for this type of consultation. As Mr. Siksay mentioned quite correctly, this is a tool of the 21st century. This is going to become commonplace in all parliamentary committees, and it should be. It's my view that we should proceed with it. I'm looking forward to the comments we get from Canadians and I think it will help us immensely in our work, so I will vote in favour of the motion.

(Motion agreed to: yeas 6; nays 5)

The Chair: The last item is the proposed agenda that has been circulated. I can go over this briefly.

You can see that we have three additional meetings dedicated to the ongoing study on open government. The lists of witnesses are there. On March 9, next Wednesday, there are a few witnesses to be confirmed. I should point that out we have a very strong panel this Wednesday, with three people who were very much involved in the Obama initiative in the United States. They are appearing via video conference before the committee. That takes us to the end of next week, and then we pick it up again.

On March 21 we have the CBC and the Information Commissioner both before us. Then on March 23 the minister is going to appear before us on the open government issue for one hour.

Then we have three and a half meetings devoted to the review of the Lobbying Act. These witnesses that you have listed in front of you have not been confirmed. They have not been contacted. This is just the first thrust of the discussion. We plan to have about 10 or 11 witnesses come before the committee on the review of the Lobbying Act. Of course, that takes us until April 6.

Mr. Poilievre, did you have a comment on this?

Mr. Pierre Poilievre: Yes. With regard to witnesses for the open government study, if it's still possible—I know we're getting quite late in the testimony list—I would like to have a witness who could illustrate, through a demonstration for us, what open data means. We certainly have the technology to do this. I would like to see these data sets on a screen and how they can be manipulated and used by the end user in a way that isn't available under the status quo. I think it would help us to have a very tangible understanding of the advantages of their proposed system of open data over what is accessible under our present situation.

It could potentially be a witness we've already heard from who has experience working with these open data sets. Perhaps it could be a demonstration of how the British system works. That system has been widely lauded by witnesses. It doesn't have to be exhaustive, but I think it would be helpful to have some sort of a demonstration for the committee.

• (1720)

The Chair: Okay, Mr. Poilievre, we can take that back to the steering committee.

The best example I can think of is the one that Michael Mulley has going, the open government website. If you press in “Pierre Poilievre”, he'll give you everything you did today, what you did yesterday, and what you did last week. It's quite interesting, and that wasn't available six months ago.

Mr. Pierre Poilievre: Is it now?

The Chair: It is now, yes.

I'm sorry; the website is actually called “open Parliament”.

Hon. Wayne Easter: It's openparliament.ca. We know it's not open government.

Mr. Pierre Poilievre: I'm not sure how much fascination there would be with my daily routine; in fact, I don't seem to have aroused any interest among committee members in reviewing it.

You're not supposed to laugh at that, Chairman.

The Chair: I'm sure your staff has checked it every day.

Mr. Pierre Poilievre: Yes, and maybe my mother has as well.

I'm thinking more about some of the data sets we keep hearing so much about. I think it would be interesting to find out how user-friendly these things are and what it will mean for the end user.

The Chair: We can follow that up.

Hon. Wayne Easter: Chair, if you could follow up on that and find a source, I don't think there's anything like hands-on experience to really understand the system. I for one would agree, if it's possible.

The Chair: Okay.

Hon. Jim Abbott: There's something wrong going on here. He agrees with you.

Mr. Pierre Poilievre: Two of the most non-partisan members have—

The Chair: Okay. Is the draft calendar carried, even though we know full well that there are going to be changes made?

Some hon. members: Agreed.

The Chair: What I was planning on doing in the time left was to present the report with amendments. I don't know if we have time to do it. It is 5:25, so I think we probably don't. It probably won't take us a long time. I'll slot in 15 minutes in one of the meetings next week, and we will conclude that report, which we have already studied; there are just some amendments.

Go ahead, Mr. Siksay.

Mr. Bill Siksay: Chair, could you canvass to see if anybody has any changes? We did go through it line by line at the last meeting. Maybe we can complete it.

We'll suspend for 30 seconds and go in camera. It may be possible to do it in five minutes.

The Chair: If we want to deal with it, we have to deal with it in camera.

[Proceedings continue in camera]

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