



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 125 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, November 1, 2018

—
Chair

Mr. Bob Zimmer

Standing Committee on Access to Information, Privacy and Ethics

Thursday, November 1, 2018

•(1310)

[English]

The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)): I call the meeting to order. This is the Standing Committee on Access to Information, Privacy and Ethics, meeting 125.

Pursuant to Standing Order 106(4), this is a meeting requested by four members of the committee to discuss their request to undertake a study of communications between the President of the Treasury Board and the Irving Group of Companies.

Mr. Kent.

Hon. Peter Kent (Thornhill, CPC): Thank you very much, Chair.

Just as a matter of clarification, it is, as you said, a motion signed by all four opposition members of the committee. It was a letter that I drafted and that Mr. Angus very graciously agreed to and signed. As he is wont to do, he submitted it before we accumulated the signatures on the other three letters. While it's in his name before us today, I just want to let you know that it was an all-party agreed letter.

I will read the motion:

That the Standing Committee on Access to Information, Privacy and Ethics invite the Clerk of the Privy Council of Canada to appear before the Standing Committee on Access to Information, Privacy and Ethics, to ensure that all briefing notes, reports, and emails related to the 16 communications between the President of the Treasury Board and the Irving Group of Companies since February 17, 2016; and all briefing notes, reports, and emails produced within the Treasury Board Secretariat related to Project RESOLVE since October 19, 2015, have not been destroyed.

The opposition, as we've made clear in recent weeks, is not at all interested in what the contents of any of those cabinet documents might be, but we are, with regard to the fair and equal judicial process that every defendant should be allowed, and we request that those documents be released by the Prime Minister and the Privy Council Office to ensure that Vice-Admiral Norman is properly, adequately and fairly prepared to defend himself against the charges, which we believe have more than a little political overtone to them.

I know there are those who have ridiculed the request in the past few days, but we are making this motion because we know that there are individuals within the Prime Minister's Office who have been associated with the criminal destruction of documents in the previous Liberal government of Ontario, so we have a very legitimate concern.

We would not, on the attendance of the Clerk of the Privy Council before us, be interested at all in asking any questions about the contents or the nature of those documents. It would be simply to ensure, as I believe we need to be assured—Canadians need to be assured, and certainly Admiral Norman needs to be assured—that those documents requested exist and have not been interfered with, and to make, of course, the continuing request, more to the Prime Minister, that he follow the sterling example of former prime minister Paul Martin in 2004 at the time of the developing advertising scandal when he voluntarily provided hundreds of cabinet documents to the defendants in that case.

Thank you.

The Chair: Thank you, Mr. Kent.

Is there any discussion?

Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): I'll just very briefly say, having reviewed the letter and then reviewed Treasury Board policies with respect to the preservation of documents, that there's no evidence that those policies haven't been followed. As a result, I certainly won't be supporting the motion, and I don't think anyone on this side will be.

The Chair: Is there any further discussion? Anybody else?

Hon. Peter Kent: I'd like a recorded vote.

The Chair: Okay.

The question is on the motion of Mr. Kent.

(Motion negated: nays 5; yeas 3)

The Chair: Yes, Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: Given that we have some time for discussing committee business and given that we have a few meetings in November that we need to fill since the analysts will be drafting the report if we give them recommendations on Tuesday, I'd like to move that pursuant to Standing Order 108(3)(h)(vii) the Standing Committee on Access to Information, Privacy and Ethics invite credit card companies to attend to investigate how statements and purchase history are shared with U.S. authorities and any potential prejudice to Canadian customers including of cannabis.

The Chair: Is there any discussion?

Hon. Peter Kent: We would agree to that request. Do we have an open date at the moment?

The Chair: What day are you looking for?

Mr. Nathaniel Erskine-Smith: It would be one of the days we have free in November.

The Chair: We have Mr. Kent and then Mr. Saini.

Hon. Peter Kent: This brings us to a point of consideration that we talked about briefly the other day, and that is whether we are still intending to deliver our final report on the Cambridge Analytica/Facebook/AggregateIQ scandal before we rise at Christmas or we are considering that it might be delayed until we return in January.

The Chair: Let me just remind members that we're getting into committee business and this is televised currently. I don't know if we still want to have that as part of our televised presentation or...

Mr. Nathaniel Erskine-Smith: I'm happy to.

The Chair: Okay.

Basically our schedule for next week is open. We're looking at discussing committee business on Tuesday. We're actually looking at a more fulsome...because of what Commissioner Therrien said today about his reports coming out in December.

Mr. Nathaniel Erskine-Smith: Why don't we have options and then discuss scheduling in the next meeting?

Hon. Peter Kent: Yes.

The Chair: Just hold on a second.

There was to be a discussion, and also about the London trip, too. That was all to be taken into account in our final report. I would advise that we do that.

We might want to do that in the spring, but that might be too late, but it should be at least by the end of this next month, after November's expired. Are there any thoughts on that?

Mr. Nathaniel Erskine-Smith: My colleague, Mr. Saini, made a good point to me, which is simply that in terms of scheduling, let's resolve that in camera on Tuesday, but in terms of adopting motions substantively, let's do so today. We have a little bit of time.

• (1315)

The Chair: Let's deal with the motion, then, on the table. Is there any further discussion on the motion of Mr. Erskine-Smith?

Hon. Peter Kent: Agreed.

The Chair: We're good?

Mr. Davies.

Mr. Don Davies (Vancouver Kingsway, NDP): I would just advise that I think it would be Mr. Angus's preference that the StatsCan study be of a more timely nature and it might be something that the committee would want to proceed with first.

The Chair: As chair, I will take the motions as they are presented on the table, unless Mr. Angus has a motion to that effect. I don't know if that's been done yet.

Mr. Don Davies: I'm not sure.

The Chair: I have to deal with the motions as they are presented before me.

Mr. Don Davies: Maybe I would move an amendment then, if I may amend the motion on the table, that we would proceed with the study of StatsCan.

The Chair: That would have to be up to the motion—

Mr. Nathaniel Erskine-Smith: Just wait, I have a second motion to adopt that will satisfy your concern once we adopt this one.

Mr. Don Davies: Okay, I will not table that motion pending Mr. Erskine-Smith's.

The Chair: Are we okay to vote on the current motion as it sits now?

All in favour of Mr. Erskine-Smith's motion?

(Motion agreed to)

The Chair: We have another motion by Mr. Erskine-Smith.

Sorry, Mr. Saini, you did have your hand up to speak.

Mr. Raj Saini (Kitchener Centre, Lib.): I have a motion also.

Mr. Nathaniel Erskine-Smith: I have a response; that's all.

The Chair: Okay, to be clear, you're going to go before Mr. Saini.

Mr. Raj Saini: Yes, this is a separate motion.

I move that the Standing Committee on Access to information, Privacy and Ethics investigate the relationship between ticket brokers such as Ticketmaster and StubHub and secondary vendors to determine the extent to which financial data, purchasing data history and other data are shared between them and that no less than one meeting be dedicated to this study.

The Chair: Again, we can probably have a more fulsome discussion of scheduling on Tuesday.

Mr. Raj Saini: That could be.

The Chair: Is there any further discussion about Mr. Saini's motion?

Mr. Kent.

Hon. Peter Kent: Thank you, Chair.

I think it's a good motion. I think it's a worthy study, absolutely. I'm not sure that I would put it ahead of either of the studies—

Mr. Nathaniel Erskine-Smith: Let's put a bunch on the table and—

Mr. Raj Saini: Yes. We're not going to—

Hon. Peter Kent: I agree.

Mr. Raj Saini: Scheduling can be determined at a later time. This is just to put the motion on the table.

The Chair: I'm conscious of the time, too. It's getting close to 1:20 and we should be heading over to QP in short order.

Is there any further discussion about Mr. Saini's motion?

(Motion agreed to)

The Chair: Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: I would also then move—and hopefully this satisfies Mr. Davies—that our committee invite the chief statistician at Statistics Canada to discuss any information or data requests of financial institutions and to ensure that the privacy interests of Canadians are adequately protected.

The Chair: Okay, could you just repeat that again for everybody around the table?

Mr. Nathaniel Erskine-Smith: It's extemporaneous speaking—

The Chair: I'm just saying Mr. Davies had an interest in a specific topic.

Does that meet your requirements?

Mr. Don Davies: It does, thank you.

The Chair: Okay, is there any further discussion about the motion?

(Motion agreed to [*See Minutes of Proceedings*])

The Chair: That is carried. Is that all for...?

Mr. Nathaniel Erskine-Smith: I have one other, but I'll leave it for later.

The Chair: Okay, we'll adjourn. We will have committee business on Tuesday.

Have a good day.

The meeting is adjourned.

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

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

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

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

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

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

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

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

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

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

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

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>