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Chair: The Honourable John McKay





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• (1100)

[English]

**The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)):** I call this meeting to order.

I see that it's 11 o'clock and we have quorum.

I'm particularly pleased to see the minister here today. I appreciate that the committee had to make some accommodations in the last week, but he's looking hale and hearty.

Welcome, Minister.

I also want to take note that our colleague Shelby Kramp-Neuman's father died in the last few days. I had the privilege of being with Daryl in years past, as I believe James and Cheryl did as well. He was a really stand-up guy and a really good member of Parliament. I will be circulating a card to everyone to remember our colleague in these difficult times.

With that, it looks like we're going to have another go at last Wednesday. As I said, I'm more than pleased to see the minister here, looking hale, hearty and healthy.

**Hon. Bill Blair (Minister of National Defence):** Thank you very much, Mr. Chair.

First of all, I'd like to thank this committee for its indulgence last week. Unfortunately, I was not able to attend last Wednesday, and I hope it was not too inconvenient for all to have to reschedule this for today.

Also, I would like to offer my condolences to Mrs. Shelby Kramp-Neuman on the passing of her father. Her father was a well-known and greatly respected former police officer, as well as a parliamentarian. Certainly she's in our thoughts.

I am joined this morning at the table by the deputy minister, Bill Matthews, and Major-General Erick Simoneau, chief of staff, professional conduct and culture, who can provide information on the CAF grievance system and the transformation process, which is currently under way. I'm also joined by Brigadier-General Rob Holman, who is our judge advocate general. He'll be able to provide information on the framework of the grievance process, as well as the legal relationships with various independent actors involved in the military system. Finally, I'm joined by Taylor Paxton, our corporate secretary, who is responsible for the coordination and administration of the Access to Information Act and the Privacy Act for National Defence as well as for providing advice and guidance on the application of the acts themselves.

Our military and civilian staff are guided by several core tenets: They must be politically impartial and must be transparent and accountable first and foremost to Canadians. These tenets are fundamental to our democracy, and we will always work to improve our processes to ensure that we meet our obligations. That includes how we manage access to information and the various complaint mechanisms in place for our civilian and uniformed people alike.

If I may, I will begin with access to information. During fiscal year 2022-23, National Defence received 2,241 new ATI requests. Over that same period, they closed 2,242, with 61.73% of requests closed within the legislated timelines. Last year's rates represent an increase from last year and are part of a general upward trend.

Let's be clear. The Department of National Defence needs to do better, and our team is hard at work to ensure that this, in fact, happens. Despite the fact that DND and the CAF are two large, intertwined organizations that deal with highly sensitive information and are challenged by size and complexity, there is never an excuse for failing to meet our legal requirements. I didn't come here today to offer excuses.

DND and CAF have introduced new programs and initiatives to ensure that the new rules are being met and that the departmental processes are improving overall. These include moving to a paperless process to manage ATIPs and acquiring new software to speed up the processing of ATIP requests; reinforcing the requirements for senior leaders to ensure they are committed to compliance; and improving training required for all members of the defence team on their obligations.

DND must and will improve how it responds to ATIP requests, building upon recommendations from the 2022 "Access to Information Review" report to Parliament and the Information Commissioner's 2020 special report to Parliament, which focused specifically on National Defence.

Of the 2,242 requests that I mentioned earlier, staff provided a “no records exist” response in 593 of cases, or 26%. There are several different reasons why the department may provide a nil response such as this. For example, the retention period for a document may have passed, or the information is not tracked by the department. We all recognize that access to information is a right for all Canadians, and at the introduction of Bill C-58, our ATIP processes changed further to accommodate regulations around proactive disclosure and to respect additional powers granted to the Information Commissioner.

With respect to internal complaints mechanisms, just as all Canadians have a right to obtain information about their government, our employees have the right to hold their leadership accountable through comprehensive complaint mechanisms. These include the National Defence and Canadian Armed Forces Ombudsman's office, the CAF grievance process and the Military Police Complaints Commission of Canada. Similarly, CAF members can choose to submit sexual misconduct complaints through their chain of command or independently. Depending on the circumstances, this may include through the police of jurisdiction or the Canadian Human Rights Commission.

No matter which mechanism members are engaged with, they must know that their complaints will be taken seriously, that investigations will take place free of political influence and that their privacy rights will be respected at all times. For most matters, CAF members can personally make grievances to a commanding officer or designate, which is the initial authority. If they are not satisfied with the decision of the initial authority, they can then ask the chief of the defence staff or a delegate to reconsider their grievance as the final authority. At this point, the Military Grievances External Review Committee will often provide recommendations to assist the CDS in making the final decision.

- (1105)

Members of the defence team can also contact the National Defence and Canadian Armed Forces Ombudsman if they feel they have been treated unfairly and if they are looking for information or are uncertain about how to deal with an issue. The ombudsman's office forwards their findings to the appropriate DND or CAF authority.

The Military Police Complaints Commission of Canada is another oversight agency that operates at arm's length from the Government of Canada. The commission reviews and investigates complaints concerning military police conduct and investigates allegations of interference in military police investigations.

Each of these organizations comprises dedicated, hard-working officials committed to keeping our institutions accountable. It's critical that no interference from the government or senior leadership occur in these investigations.

Mr. Chair and committee members, we are working hard to improve our processes, while ensuring that these organizations remain at arm's length from senior leadership, including the implementation of CAF-wide grievance transformation efforts. We know we have work to do. We welcome any insights into this work and any proposed recommendations that may come from your review.

Thank you very much. I'll now happily answer your questions.

**The Chair:** Thank you, Minister.

Before I open the six-minute round, starting with Mr. Bezan, I'll just remind committee members that we undertook a study on transparency of the Department of National Defence and the Canadian Armed Forces that includes but is not limited to the access to information and privacy system, the independence of the office of the Department of National Defence and Canadian Armed Forces Ombudsman, the declassification system for historic documents, whistle-blower protections, the independence of the grievance process, and information management systems.

I have observed in the past a certain enthusiasm from members to ask questions not entirely related to the study. I would rather hope that members will humour the chair and tie their questions to this study.

Mr. Bezan, you have six minutes, please.

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** Thank you, Mr. Chair.

I also want to extend my condolences to Shelby Kramp-Neuman and the entire Kramp family. Daryl was a close personal friend, and I'm hoping to be at his funeral on Thursday.

Minister, thank you for coming, especially on this study, because National Defence does not have a great reputation when it comes to transparency. The Information Commissioner, in the past, has criticized National Defence as being one of the worst offenders of leaving things outstanding.

There were the stories around Vice-Admiral Mark Norman. Code names were used instead of his name by National Defence to hide all memos and correspondence relating to the Mark Norman affair. That was critiqued and criticized.

We know that with former chief of the defence staff Jon Vance, there were questions around transparency and the cover-up that happened for a few years, with the department and the minister knowing at that time that there were complaints against the former general.

I'm looking at the report on the administration of the Privacy Act by National Defence. I'm looking at page 9, figure 7. One year is completely missing—2019-20. Was there nothing in that year? If that was a typo or an error, what's the number that should be there?

**Hon. Bill Blair:** Thank you very much for the question.

If I may, I'm going to turn to officials. I don't have that report in front of me.

**Mr. James Bezan:** It's the most recent report, Mr. Matthews.

**Mr. Bill Matthews (Deputy Minister, Department of National Defence):** I will come back and confirm the numbers. My recollection is that service standards for ATIP responses during the COVID period deteriorated, let's just say. I know that during COVID—

• (1110)

**Mr. James Bezan:** When I look at figure 7 and at 2018-19 or earlier, I see there are three outstanding requests as of March 2023. Is that number accurate, Minister or Deputy Minister?

**Mr. Bill Matthews:** I'm tracking five now, date- and time-stamped, that are late. I cannot speak to the accuracy at the time, but I'm now tracking five.

**Mr. James Bezan:** This is a report from the department, Minister. I know for a fact that I have four outstanding ATIPs from before that time. I have one filed back on October 13, 2017, and one on October 4, 2018. There's another one on January 24, 2019, and another on March 6, 2019. There are four right there that your department is aware of, and it finally got back to me with "We're still working on it".

Why have these ATIPs been allowed to go this long when the act says 30 days? Is this political obstruction because it comes from the shadow minister of defence?

**Mr. Bill Matthews:** Shall I take that?

**Mr. James Bezan:** Minister, I put it to you; it's your department. When you were the Minister of Public Safety, the RCMP and CB-SA didn't have a great track record on transparency either. What are you doing to rectify this?

**Hon. Bill Blair:** We worked hard when I was in Public Safety to improve that record and improve transparency. As I've acknowledged in my opening remarks, I think there remains work to do. I've talked a bit about the processes that are under way.

Unfortunately, I don't have available to me while sitting here in front of you information about those ATIPs. I will happily look into the status of yours in particular. I believe, first of all, that every Canadian has a right to timely access to that information if it's available to be provided.

**Mr. James Bezan:** It speaks to our democracy when any of us as parliamentarians ask the ministry for this information. I'm talking about correspondence around the national shipbuilding strategy. We're talking about some hospitality records and correspondence around Canada's fighter force and the future of the F-18s. We're talking about Cyclones.

These are all things that we parliamentarians need for doing our jobs here at committee and in the House and when working with our constituents and stakeholders. Why would this be blocked, with no response ever provided?

**Hon. Bill Blair:** Again, I don't believe it should be blocked. That information, if it's available, should be made available to you as quickly as possible and certainly within the timelines that are required under statute. Frankly, I don't disagree that in your responsibilities as a parliamentarian, access to that information.... I know that my office deals with a number of OPQs that we receive from you, and we work very hard to make sure that we respond to those in a timely way.

If you've made those applications through the ATIP process, I'll happily go back and review each one if you provide me with that information, and we'll get you answers as quickly as possible.

**Mr. James Bezan:** We have all the file numbers and the correspondence and—

**Hon. Bill Blair:** That would be very helpful. I'd appreciate it if you would provide it to me, and we'll look into all those.

**Mr. James Bezan:** Well, do that, because it doesn't smell good when parliamentarians are asking the ministry for information and are not getting that information. It's not allowing us to do the work that we do up here to make sure that policies, programs and legislation are being properly implemented.

We talk about obstruction of justice and information. We talk about obstruction of officers up here like the Information Commissioner, which has criminality tied to it. If I took these complaints directly to the office of the commissioner, would she be able to get these results? The department has failed.

**Hon. Bill Blair:** You've made reference to the ministry. Those don't come to my office. They go to both DND and the CAF. At the same time, if you have queries, I'll happily assist your office in determining their status, and we'll get you the information you require, James, as quickly as possible.

**The Chair:** Mr. Bezan, I interpret that as an undertaking on the part of the minister. Hopefully this undertaking will be completed before we finish this study. That should be dealt with as expeditiously as possible, sooner rather than later.

Mr. Fisher, you have six minutes, please.

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** Thank you very much, Mr. Chair.

Thank you, folks, for being here. I appreciate your team being here again after last week when you couldn't make it, Minister. I'm glad to hear that you're feeling better, and I certainly send my sympathies to Shelby and her family as well.

Minister, my question is about National Defence being a chronic offender for ATIP requests, much like Mr. Bezan's question. You touched on that in your opening comments. It does sound like there is work being done to seek improvement, so that makes me feel much better, but you also acknowledged that DND needs to do better.

You touched on some of the programs. You talked about going paperless. Could you give us some specific initiatives that are in place to continue improving this project? Again, if you are seen as a chronic offender, how do we get to where we need to get?

I know that as a parliamentarian, I can pull you aside in the House of Commons. You've been absolutely incredible, in all of your roles in previous ministries, at getting the information that parliamentarians ask of you.

What specifically are you and your department doing to make those improvements?

• (1115)

**Hon. Bill Blair:** As I mentioned in my opening remarks, part of the challenge is that so many of the processes and reports of DND are paper-based. Because of the size and geographic spread right around the globe of many of our departments and operations, that can be significantly challenging in meeting the timelines of an ATIP request. Digitizing those processes along with many other processes in the administration of the Canadian Armed Forces is a significant undertaking and a necessary undertaking to make sure that information is more readily available.

Quite often, when the ATIP requests come in, we want to make sure that our response is comprehensive and thorough, but there are many different files and documents that need to be searched, and that can be time-consuming. There are also staffing pressures when dealing with that that we are working hard to meet. That's a responsibility, primarily, of the officials I have before me today. We're also making sure that we continue to advance our work in digitizing those processes. It's going to be a significant improvement in our ability to access that information in a more timely way.

By the way, very similar challenges were faced in my Public Safety portfolio and with a number of our other federal departments as well. These are important investments that we are making in order to be more responsive and more quickly responsive to Canadians' concerns about access to information.

**Mr. Darren Fisher:** I think of the number you started with—2,241 ATIP requests. I presume the bulk of those are political, but transparency isn't just about ATIPs; it could also be about the declassification of historical records.

You stated in your answer to one of the questions that every Canadian has a right to this information. History was one of my favourite subjects in high school, so I'm thinking about how some of this information that Canadians are seeking could be invaluable to researchers.

What is being done to ensure access to documents that may fit in that category?

**Hon. Bill Blair:** I would actually disagree. You said the majority of those would be political. I don't believe so. I think there's a very strong interest in academia, and even among Canadians, about the operations of the Canadian Armed Forces. National defence, I think, is quite appropriately an interest and a preoccupation for many Canadians, particularly as the world becomes an increasingly dangerous place.

I would also point out that in supporting national defence, we're spending public dollars. Therefore, the public has every interest in how we're spending those dollars. Even when the questions come from a political source, I don't question their legitimacy.

One of the challenges we face, because of the nature of the work we do, is some of that information doesn't necessarily reside only with us. For example, I can think of one request that happened fairly recently with respect to the national shipbuilding strategy. To respond to that request, we also required information from a number of private contractors we are working with in the building of those ships, and their legal requirements for the disclosure of that information are different from ours. Finding the ability to respond appropriately.... We make every effort to try to get as much accurate information as possible, but working with contractors and private entities presents a particular challenge.

Additionally, some of the work we do is sensitive by its very nature, as well as complex, and the disclosure of that information publicly could have the effect of compromising the CAF's ability to do its very important job of keeping the country safe and defending our national interests. There also has to be work done—it's just the nature of many of the requests for information that we receive—to make sure the information disclosed is disclosed publicly.

There are certain circumstances when information may be deleted from ATIP responses and blacked out, as it were, but we try very hard to err on the side of transparency whenever possible.

• (1120)

**Mr. Darren Fisher:** Thanks, Minister.

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

[*Translation*]

Ms. Normandin, go ahead for six minutes.

**Ms. Christine Normandin (Saint-Jean, BQ):** Thank you very much, Mr. Chair.

I would also like to express my condolences to Shelby Kramp-Neuman.

Thank you for being here, Minister. It's good to see you doing well.

I would like to start with questions about a newspaper article published in September. The article was about a report by the Public Sector Integrity Commissioner in which he mentioned that the Department of National Defence had violated the Public Servants Disclosure Protection Act. The report found that, contrary to the requirements of the act, the Department of National Defence, in a number of cases, did not inform whistle-blowers of the outcome of their requests or publish on its website the result of those requests when they led to a finding of wrongdoing. These were whistle-blowers who had filed complaints in 2015, and it took a slap on the wrist for Commissioner Joe Friday in 2020-21 for that to finally be published.

Do you think this is a result of an internal management problem at the Department of National Defence or a cultural problem?

To solve the problem, we must be able to identify it clearly.

[English]

**Hon. Bill Blair:** I have officials here with me today who are very much involved in cultural change within the Canadian military, but as to the circumstances of the case to which you just referred, I really don't have any insight. I apologize for not having an insight into what took place between 2015 and 2021.

With respect to that information and how it was dealt with, if I may—because I would like to be able to answer it—I'll turn to the deputy minister, who can provide some insight.

[Translation]

**Mr. Bill Matthews:** Thank you for the question, Ms. Normandin.

First of all, the case in question concerned public servants, not military members. At that time, there was a lack of information on how many cases were open and how frequent they were. We have a number of new managers now, and one of their tasks is to compile a list of all the cases and all the questions.

[English]

We now have a better handle on the number of cases that were being investigated. I will say that because of the sensitivity of these cases, the people who look at them are very much sensitive to sharing information, because you do want to protect the people who raised the information.

I would say there was a lack of centralization and digitization of the cases, so we are now actively tracking those numbers and cases. They were really the key recommendations of Mr. Friday in his report.

[Translation]

**Ms. Christine Normandin:** Thank you, Mr. Matthews.

That still led Mr. Friday to adopt the position that the department had not complied with the act.

I would like to come back to the work of public servants.

The Standing Committee on Access to Information, Privacy and Ethics recently mentioned that there was likely too much closeness between public servants and the minister's office, as a result of which public servants rely more on the chain of command and compliance rather than being neutral in providing advice to the minister. For example, the ombudsman reports directly to the minister's office rather than to Parliament.

Is the closeness of public servants and ministers' offices a problem, given that more transparency is desired? We also want public servants to disclose wrongdoing, to voice their grievances, and to talk about problems that could undermine the department's reputation.

[English]

**Hon. Bill Blair:** First of all, let me provide you with some reassurance. I've been a minister in a number of different governments. I think I understand my responsibility as a minister of this government, my responsibility to Canadians and Parliament, and in my role, I do—and my officials do—work closely with both the Department of National Defence and the Canadian Armed Forces.

However, I also understand my responsibility for holding them to account and for working very closely with a number of different officials—for example, our public complaints commissioner, the ombudsman and others—to ensure there is truly effective oversight representing the best interests of Canadians generally and certainly members of both the Department of National Defence and the Canadian Armed Forces.

There is, I think, a question. It's a question of Parliament. We have an ombudsman for the military. I've met with him. I've also met most recently with the commissioner of complaints. We've talked about the importance of her work, and we have very good lines of communication.

I believe that our operations require independent oversight, governance and accountability, and that includes transparency. I believe very much in those principles. I've talked to officials who have those responsibilities within the Department of National Defence and the Canadian Armed Forces to reinforce to them the importance of their work and my support for their work.

On the decision as to whether or not an ombudsman should report to the minister or to Parliament, that's a decision of Parliament. Quite frankly, I would respect the decision of Parliament, but my undertaking as the minister responsible for National Defence is to work as effectively as possible with the ombudsman to make sure that we fulfill our obligations, particularly to the men and women of the Canadian Armed Forces but also to Canadians, and make sure we are as transparent as possible in doing that work.

● (1125)

[Translation]

**The Chair:** Ms. Normandin, you have 15 seconds left.

**Ms. Christine Normandin:** I won't have time to ask my question, but I would like to invite the minister to look at what is happening at the Standing Committee on Access to Information, Privacy and Ethics. Serious allegations have been made about the lack of independence of certain public servants from various ministers, in general, which prevents them from speaking openly about situations involving harassment or racism, among other things, that are taking place in various offices.

[English]

**The Chair:** Thank you, Madam Normandin. Well done.

You have six minutes, Ms. Mathysen.

**Ms. Lindsay Mathysen (London—Fanshawe, NDP):** Thank you to the minister for appearing today.

I too would like to send my condolences to Mrs. Kramp-Neuman and her family. With a parliamentarian in the family, I understand what that can do in terms of being a public face.

Minister, just to pick up from where Madam Normandin was speaking, I'm very excited to hear that you believe in the independence of the ombudsman. In fact, I'm sure you know that I tabled a bill just last fall, Bill C-362, to establish the office of the ombudsman for defence and to have him or her, whoever it may be in the future, report directly to Parliament.

On your statement saying that you would like to take that to Parliament, you could, absolutely. I, sadly, am not very early on the list of precedence for private members' bills, but certainly the government could introduce that at any time. To adopt that bill would give the ombudsman the truly independent view that he himself has asked for and that his predecessor asked for.

**Hon. Bill Blair:** To be clear, and as I said, this is a decision of Parliament and I respect the decisions of Parliament. My responsibility is to work with the ombudsman under the current legislative framework. We are doing just that. I think that's important, but—

**Ms. Lindsay Mathysen:** You can introduce legislation. You've talked about it, actually.

In terms of that larger bill you were talking about, could the independent ombudsman in my legislation be made a part of yours?

**Hon. Bill Blair:** To be quite frank, that is not currently contemplated in the legislation that I hope to bring forward in the next couple of weeks.

**Ms. Lindsay Mathysen:** That is too bad.

**Hon. Bill Blair:** However, there are some very important recommendations we have been responding to. These speak to the independence of our actors. They flow from recommendations in Morris Fish's report with respect to independence, particularly of certain judicial actors. It's something I'm hoping to address in legislation as an appropriate response to that. I believe it's important for credibility, particularly for the judicial and enforcement actors, in order to ensure they are not only independent but also seen to be independent of the chain of command and the minister's office.

**Ms. Lindsay Mathysen:** It's disappointing, though, because ultimately the independence of the ombudsman could, in fact, be elevated. It could help with that transparency we were talking about.

There have been stories about this. We hear in the media about those nil responses and lack of transparency. I'm thinking about the specific story David Pugliese brought forward in *The Ottawa Citizen* when he got a nil response for an ATIP. He then received the information separately. It wasn't that there weren't documents available. They were, in fact, available.

The option on that transparency, from what I hear, isn't necessarily from journalists. It's from those within the CAF and DND themselves who are looking for answers. A lot of that is because of those who have suffered sexual misconduct. They're looking into their own cases. They're desperately trying to get information about themselves that hasn't been released. One of the ways they can do that, if they are faced with that lack of information, is go back to the ombudsman for support.

Again, we come back to the importance of the ombudsman.

• (1130)

**Hon. Bill Blair:** Well, first of all, I would go back and acknowledge completely the importance of ensuring we provide all the supports appropriate and necessary to victims of sexual harassment and sexual assault within the Canadian Armed Forces.

We have also been working very hard to give them other opportunities to pursue their complaints and find a resolution. We're making significant investments in the supports they require as victims.

For example, instead of having to exhaust all grievance procedures, they can go now directly to the Canadian Human Rights Commission to have those matters investigated. We've been working very hard to ensure those processes work more appropriately and in a speedier way.

As to giving them access to those files and that information, I think under the current system some of them have faced challenges, but we are seeing fairly significant improvements as we respond to the recommendations of Justice Arbour and Justice Fish. We've made it a very significant priority to deal more appropriately with men and women who experience sex-related offences within the Canadian Armed Forces to ensure we can resolve those matters more appropriately, more speedily and, frankly, more caringly.

**The Chair:** You have about 40 seconds.

**Ms. Lindsay Mathysen:** We all know significant budget cuts are coming. We've talked about that here in the committee. It's about a billion dollars. In all of those initiatives you're putting forward to improve transparency and independence—the programs, software and so on—how are you ensuring those budget cuts don't impact the level of transparency coming out of your ministry?

**Hon. Bill Blair:** I've made it crystal clear to the officials at both DND and the CAF that the spending controls we're putting in place are not in any way to impact either the capability of the Canadian Armed Forces or the supports we provide to the men and women who serve.

There are a number of recommendations coming forward from the department. We're looking at various professional services, but there are certain professional services our members rely on, so we're not looking at cuts there. It's other types of expenditures for consultants and executive travel. There are a number of different ways in which we're trying to find spending reductions.

**The Chair:** Thank you, Minister.

**Hon. Bill Blair:** At the same time, there's also a significant increase in the CAF budget taking place over the next few years. We're increasing almost 70% of our defence spending, so we'll continue investing in what's important.

**The Chair:** Thank you, Minister. We've exhausted Ms. Mathysen's time many seconds over.

**Hon. Bill Blair:** I indulged myself in a few extra seconds, Mr. Chair. I apologize.

**The Chair:** I see that your health break has not impacted your ability to respond.

Mr. Kelly, you have five minutes, please.

**Mr. Pat Kelly (Calgary Rocky Ridge, CPC):** Thank you.



In your opening statement, Minister, you said that 40% of ATIP requests are not completed within the legally required time. I appreciate that you said you wouldn't make excuses, so I'll ask you a different question. What percentage of unlawful delay would you consider acceptable?

**Hon. Bill Blair:** I think the standard is well set, and we work very hard to achieve it. I've acknowledged that 38.27% of those not meeting that standard is unacceptable, and improvements must be made. I think we aim towards 100%. That's what the law requires.

**Mr. Pat Kelly:** Okay. Thank you.

Of course, your government, and you, campaigned on a promise in 2015 to be the most open and transparent government in Canadian history. Eight years later, almost 40% of your ATIP requests are unlawfully delayed.

**Hon. Bill Blair:** They're not meeting the standard required, and I've talked about the steps we are taking to work towards meeting that standard.

**Mr. Pat Kelly:** Some alarming information came out in Mr. Bezan's questions. Your report says that only three ATIP requests that are more than five years old are still outstanding. Mr. Matthews thought that maybe the number was five, yet Mr. Bezan has four himself. We're left to wonder how accurate the report is that you are publicly providing to Canadians about ATIP requests.

Are there, in fact, many more than just the three to five that may be outstanding, or has Mr. Bezan been singled out for non-response to his ATIPs?

• (1135)

**Hon. Bill Blair:** I'm not sure that we have the time or resources to single out Mr. Bezan. However, as I've already offered to him, if he provides me with the information on his requests, we will first of all determine their status and then compare that against the existing data.

**Mr. Pat Kelly:** The information is public. These are ATIP requests. This is not something that should require a televised committee hearing with the minister to sort out. These are old requests for access to information, just like any member of the public should be able to file.

**Hon. Bill Blair:** I'm grateful that Mr. Bezan brought it to my attention this morning because it's the first time I've learned that he has four outstanding ATIP requests. I have undertaken, as I said to him and this committee, that I'll look at those to see their status.

**Mr. Pat Kelly:** When we say "outstanding", we're just talking about the ones that have been outstanding since 2019 or earlier. There are a lot more than just four, but these are the ones in an almost hopelessly delayed situation.

Are you able to assure this committee and Canadians that these four ATIP requests of Mr. Bezan's really are the only ATIP requests from 2019 or earlier that your department has failed to process?

**Hon. Bill Blair:** Again, as I've undertaken, when Mr. Bezan presents me with that information, I'll compare it against our records and speak to the deputy minister. He's indicated that he's aware of five. I haven't seen that data, but I'd like to see Mr. Bezan's reports, and we'll compare those against the data that exists.

**Mr. Pat Kelly:** You're certain that there are no journalists, no academics, no researchers, no members of the public, no victims of sexual assault or no other members of the public who may also have outstanding ATIP requests.

**Hon. Bill Blair:** I've actually read, as Ms. Mathysen shared with us, that there are a number of journalists complaining about outstanding records requests as well. It's one of the reasons, as I said in my opening remarks, that I acknowledge that more work needs to be done. We are working through the processes to improve our response to ATIP requests.

**Mr. Pat Kelly:** How else would you explain that out of all the thousands and thousand of people who file ATIP requests, an opposition member of Parliament seems to be the only one who has outstanding ATIP requests that old?

**Hon. Bill Blair:** I wouldn't want to speculate on what may have happened. It's one of the reasons I've invited Mr. Bezan to share that information with us. We'll get to the bottom of it.

**Mr. Pat Kelly:** All right.

I don't have very much time left. There's so much I could get to, but you mentioned Bill C-58 in your opening remarks. The Information Commissioner of the day called it a step backward. She said it actually took away some of the access to information that existed before Bill C-58. It was more than a broken promise; it was a reverse promise of the 2015 election.

You mentioned the order-making powers. Your government is presently refusing to comply with an order of the Information Commissioner and is taking the Information Commissioner to court. Is that openness and transparency at work?

**The Chair:** I'm sure the minister would love to answer that question. If he can do it in 15 seconds, we're happy to entertain it. Otherwise, I'll move on.

**Hon. Bill Blair:** I don't believe that matter arises from my department. I don't have the information on it, Mr. Kelly.

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

Go ahead, Mr. Fillmore.

**Mr. Andy Fillmore (Halifax, Lib.):** Thank you, Mr. Chair.

Minister, Generals, Deputy and Secretary, thank you very much for being with us today.

Minister, as you know, I represent Halifax. Halifax is home to the east coast navy and home to the 5th Canadian Division of the Canadian Army. Across the harbour, Mr. Fisher represents the 12 Wing Shearwater. Between us, there are 10,000 CAF employees, 7,500 of whom wear uniforms, in Halifax.

Bringing their voices to the House of Commons and to this committee room is a responsibility we take very seriously. On their behalf, I want to say thank you for your service—all of you—and for being here with us today.

Minister Blair, in your opening remarks, you touched on the importance of not allowing any room for political interference. I wonder if you would like to share your thoughts with the committee on any such allegations. How are the CAF and your office ensuring that there is no political interference at any time, anywhere?

**Hon. Bill Blair:** Thanks very much, Mr. Fillmore.

Let me give you an example. Although I have not seen evidence that there is interference in, for example, the decisions made by certain officers and members who are responsible within our justice system.... Because they are, in fact, appointed either by the chief of defence or by the minister, there have been recommendations made to us by Justice Morris Fish with respect to the appearance of potential interference and influence by either the chain of command or the minister in decisions that should be independent.

A number of recommendations have been made. I'm hoping, quite sincerely, to bring before Parliament, and thereafter to this committee, legislation that will make changes that enable us to create not only true independence of justice actors within the military justice system, but also the appearance of independence as well. I believe that's necessary to do through legislative change. I'll be coming back before Parliament shortly in an effort to deal with that.

• (1140)

**Mr. Andy Fillmore:** Okay, thank you.

I want to switch gears to procurement, if I could.

Because of the density of CAF operations in Halifax, we have a high number of procurement operations under way at any given time, so we see a lot of it there. I want to touch on the notion of intergenerational or multi-generational procurement.

As we know, staff move—they retire or percolate out to other parts of the country. I wonder if you, the deputy or whoever could talk to us about how we're managing these multi-generational procurements in an effective way.

**The Chair:** If we could tie it into the study, that would be helpful.

**Hon. Bill Blair:** I'll happily turn that over to the deputy minister to comment.

Perhaps the most obvious thing for the city of Halifax and multi-generational procurement is the national shipbuilding strategy. We have undertaken to make a very significant investment, first of all in the building of six new Arctic and offshore patrol vessels, followed by up to 16 of our new surface combatant ships, all of which will be built in the Halifax region.

We know that this work takes a significant amount of time and a retooling of the shipbuilding yard there. At the same time, it also requires that we maintain the existing fleet, so we have contracts that impact Halifax and other parts of Canada for the maintenance of, for example, the Halifax fleet.

These are multi-generational investments. They require creating and sustaining an effective workforce in municipalities and communities where that work needs to take place.

I think there is a very significant benefit to Canadians through those investments. They're ultimately going to deliver for us a new

capability for the Royal Canadian Navy, which I think is going to be nothing short of extraordinary, but it takes a very long time to complete. It really takes more than just a decision to purchase. It's an investment in industry, in workers and in community that makes all those things possible.

**Mr. Bill Matthews:** Mr. Chair, I'll comment on the multi-generational aspect of procurement. I will tie it to this study because it's already been flagged for this group that there was a large ATIP related to the surface combatant.

When you're dealing with one of these multi-generational procurements, the records we have and the people who are involved in the procurements change over time. The minister mentioned digitization in his opening remarks. Think about that in the context of someone who has moved on from their job when the ATIP comes in. They may have filed their emails properly and there may be paper records. Someone who was not here at that time is now basically wading their way through those records to pull together some information.

That's the challenge on some of these long-standing procurements. Surface combatants are a great example. I'll underscore the minister's comments on digitization. That will help us with that.

**The Chair:** Thank you, Deputy Minister Mathews, for tying that into the study. I appreciate it.

Ms. Normandin, you have two and a half minutes.

[*Translation*]

**Ms. Christine Normandin:** Thank you very much, Mr. Chair.

I would like to ask questions about aspects that do not fall under national security, but that, in some cases, may have an impact on the responsibility of the Department of National Defence.

I am thinking mainly of the issue of per- and polyfluoroalkyl substances, or PFAS, at the Bagotville military base. Many requests have been made for the department to make public the various studies it has conducted over time on PFAS contamination.

However, it is still very difficult for municipalities to have access not only to that information, but also to information on how this file was managed on other military bases. We can think of Trenton or North Bay. We don't know what the department has done, and yet it's not a matter of national security.

Why is there a reluctance to make this information public so that municipalities and Canadians can see it?

• (1145)

[English]

**Hon. Bill Blair:** Thank you very much. That's an important question.

I'm actually very pleased with the work we have been able to do with Saguenay and the communities adjacent to Bagotville. We work very closely with their mayor. We work very closely with the local members of both provincial and federal legislatures in order to address the concern.

It is not completely unrelated to the Canadian Armed Forces and DND, but there are other areas of responsibility as well, including with our environment minister. We've been able to work very collaboratively, particularly in Bagotville, in responding to the communities' concerns. We've made significant investment in those communities to help the municipality ensure the safety of the water, where there was PFAS contamination.

I've also met with the mayor of North Bay, for example, which has a similar problem. We've been able to provide some resources to the municipality, and we're working with the environment minister to address that. This is one of those situations where various departments of government need to come together and work collaboratively in order to respond, because we have a responsibility to the safety of our members there but also to other Canadians who live in adjacent communities.

[Translation]

**Ms. Christine Normandin:** Regardless of the fact that the Department of National Defence has worked with the municipalities and give them some money, shouldn't access to this type of information be facilitated so that the public would feel that nothing is being concealed from them?

Shouldn't a more generalized system be put in place that promotes transparency when similar situations arise?

[English]

**Hon. Bill Blair:** I believe my parliamentary secretary travelled to Saguenay and made a very public announcement about the financial supports we were providing. I believe the mayor of Saguenay was present for it as well.

We are not in any way trying to have a lack of transparency on this. We believe that Canadians need reassurances that their governments are going to step forward and do what is required to keep them safe.

[Translation]

**The Chair:** Thank you, Ms. Normandin.

[English]

Ms. Mathysen, you have two and a half minutes.

**Ms. Lindsay Mathysen:** The National Security and Intelligence Review Agency has published warnings through the media that the culture of resisting and impeding the efficient progress of review activities is preventing them from running their important work as our watchdog on this.

I think about the need for that watchdog-type system for what Muslim Canadian organizations had to go through when their charitable organizations were wrongfully targeted as terrorist organizations in the past. NSIRA does work to ensure that those privacy concerns and transparency concerns are addressed.

As part of that and as part of your mandate, the Communications Security Establishment appeared before this committee. I asked them about their collection of data on Canadians. They used very specific language, almost like a loophole, to say they don't do that. However, NSIRA reported recently that they had major concerns with CSE sharing data about Canadians with CSIS and then not meeting Canadians' civil rights protections as required by legislation.

Can you talk about how CSE and other intelligence agencies are clearly collecting data and intelligence and how they are seemingly using loopholes to get around that? What changes are you making within your department to ensure that they are held to the highest standards of privacy and transparency, which NSIRA itself has said are issues?

**Hon. Bill Blair:** First of all, I work very closely with CSE and have in other portfolios as well. Their legal mandate and their authorities do not allow them to intercept the communications of Canadians here in Canada. There may be some circumstances—because people are quite mobile—in which their communications may be subject to signals interception outside of Canada.

We are very fortunate that the structure currently in place through NSIRA performs a very important review function, as does NSICOP. We've recently established another oversight body within the government, the National Security Council. Also, I'm very regularly updated on the actions of CSIS and the work they do. I can only share with you that it's very clear to me when I speak to the chief and all of her staff that they're very mindful of the legal constraints on their operations. My experience has been that they're very rigorous in their adherence to those legal requirements.

If NSIRA had concerns, I would happily look at them, but such has not been consistent with my experience.

• (1150)

**The Chair:** Thank you, Ms. Mathysen.

That's an extraordinarily difficult question to answer in two and a half minutes.

**Ms. Lindsay Mathysen:** Then give me more time.

**The Chair:** Get more votes.

**Voices:** Oh, oh!

**The Chair:** Mrs. Gallant, you have five minutes, please.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Minister, have protocols been put in place to ensure that all evidence is transferred to the investigating police force, without exception or redactions, when a sexual assault case is referred to the civilian courts?

**Hon. Bill Blair:** What I have made clear, first of all, is that all these cases are to be transferred to the police of jurisdiction. I will also tell you that in order to give that effect, I've been working very closely with the solicitors general right across the country, but particularly here in Ontario, to make sure that the police are able to conduct these investigations and receive that information very quickly.

There is a real challenge as we move through the legislation, which I believe is required in order to change the way those investigations are to be conducted so they're exclusively done by the police of jurisdiction and the civilian policing system in our provinces, as well as prosecuted within the civilian justice system. That is going to require legislative changes. I hope to bring that forward, but—

**Mrs. Cheryl Gallant:** Would you please provide the committee with a written outline of the protocol that will happen? There are existing cases being transferred to the civilian court and they aren't getting the information they know was put into evidence.

Next, it's not just ATIPs but grievances that are not being responded to. We had a situation where a whole pod of women had a senior officer come into their pod at night—that's what it's called in Saint-Jean for basic training—and grope them from time to time. A complaint was put forward by more than one woman, yet when one of the complainants went to the commanding officer, who was a female, and said, "We haven't received any reports. What's being done about this?" the commanding officer said, "There have been no reports made."

They grieved the process and there was still no response. Eventually, the chief griever was thrown out of the military—no, she wasn't thrown out. She kept being failed in her nursing course and then saw the writing on the wall that she was never going to get through this endless loop. She left the military, but worst of all, all she wants after serving on and off for 10 years as a nurse is her veterans card.

That being said, why is it that grievances aren't going forth and being acted upon?

**Hon. Bill Blair:** First of all, I don't know the particulars of that case. However, the circumstances you described are completely unacceptable. That's not merely a work-related grievance, although it could form a grievance. That's one of the options that might be available to a member.

What you've described is a crime. It needs to be dealt with more appropriately. It's one of the reasons we have undertaken to implement all of the recommendations of Madam Justice Arbour. It's one of the reasons that in the coming few weeks, I'll be bringing forward legislation and coming back to this committee.

Those circumstances you described should never be dealt with in that way, and no one should be left that unsupported.

**Mrs. Cheryl Gallant:** Thank you.

On the part about transparency, a number of soldiers who were training Iraqis in theatre reported up the chain of command that they were being shown videos. These weren't something they got off YouTube. These were given to the soldiers and shown as trophies, and they were required to train the perpetrators.

According to the laws of armed conflict, they're not supposed to be training terrorists or rapists on how to be more effective at their jobs, so they put a report in and sent it up the chain of command, but didn't receive any word back for years. Now we know that some of this is still going on, because subsequent rotations are experiencing the same thing.

What are the processes and reporting procedure? At what point does it get up to the Prime Minister's Office? It goes from the commanding officer in theatre from where to where to where until it gets to you.

**Hon. Bill Blair:** The matter you're referring to began, I believe, in 2017. I don't believe that information was entirely dealt with in an appropriate way in 2017.

The matter was brought forward again for review in 2021. At that time, the then chief of the defence staff took a number of important actions to have the matter reviewed. There were also some orders issued both by the minister in a ministerial directive and by the then chief of the defence staff to ensure that it would be dealt with more appropriately in the future.

• (1155)

**Mrs. Cheryl Gallant:** We were investigating the sexual misconduct of generals. It's very difficult to find, especially when it reaches the highest general in the land. The time came for the renewal of his term—not General Eyre, but one of his predecessors—and at some point, the Prime Minister had to have been officially told.

At what point would you find out, as minister, of an allegation at this level? What would you do about it if and when you had such a report?

**The Chair:** Be very brief, please.

**Hon. Bill Blair:** Again, you're dealing with a hypothetical. I do not have any information on what transpired previously.

**Mrs. Cheryl Gallant:** But you would.

**Hon. Bill Blair:** Information of misconduct needs to be dealt with, and it needs to be dealt with in a thorough way.

**The Chair:** Thank you, Ms. Gallant.

**Mrs. Cheryl Gallant:** On a point of order, Mr. Chair, if I'm not here when this report is titled, would you please call it "Not Their First Rodeo"?

**The Chair:** That's quite a point of order. You don't get those every day. Are you going to promise not to be here?

Going back to something a little more serious than the title of a report that has yet to be written, Ms. Gallant talked about a protocol in her first question. Was it clear to you what she was asking for? Frankly, I wasn't clear what she was asking for.

**Hon. Bill Blair:** With respect to the allegation of sexual misconduct against a senior member of the service, or with respect to the matter of the—

**The Chair:** No, the initial question. Can we clarify that?

**Mrs. Cheryl Gallant:** We learned over the weekend that sexual assault cases aren't automatically going to civilian court as Justice Arbour recommended, and the government accepted all her recommendations. When the evidence is transferred from the military to the civilian courts, how are you going to ensure...? What are the checks in the boxes you'll have to go through to make sure that every aspect of the evidence required for a hearing or trial is transferred to civilians?

**The Chair:** Thank you for that clarification.

I think that question is of relevance to the committee. I hope that between you and Mr. Matthews, the leadership can respond to the protocol she is asking for.

Is that clear? Is that a reasonable request?

**Hon. Bill Blair:** There is a responsibility for law enforcement if they have evidence to disclose it. That information should be going to the police that will be responsible for the investigation, and it therefore must also be disclosed in a fulsome way at any subsequent trial. Again, clarity is required here. I believe that clarity is best achieved through legislative change to the National Defence Act. We'll be talking more about that in the weeks to come.

**Mrs. Cheryl Gallant:** Let's get the steps, Mr. Chair.

**The Chair:** Well, I'm rather hoping that we get, in the current situation, how the reference to civil authorities goes and what information is included in the transfer of the file. That seems to be a reasonable request, given that this is a transparency exercise and this was one of the most significant recommendations of the Fish commission.

**Hon. Bill Blair:** Mr. Chair, all relevant information must be disclosed to the police that are conducting the investigation.

**The Chair:** That seems to be the only way, actually, it should go.

**Hon. Bill Blair:** Of course. Anything else would be an obstruction.

**The Chair:** Right.

The final five minutes go to Madam Lambropoulos.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you, Chair.

Thank you, Minister, for being with us today to answer some of our questions.

The first question I have is asking for clarification on something you said earlier, because during your remarks, I found that it was quite quick. You said that in 26% of cases, there was a nil response to a request, and I'm asking what the reason was specifically. You had given a couple of reasons why that would be the case.

**Hon. Bill Blair:** There are several different reasons why they may provide a nil response. The retention period for a document may have passed and the document may no longer exist. It may also be a circumstance where the information being sought by an applicant is not tracked by the department, so that information may not be kept. Under those circumstances, if somebody asked for information that does not exist or that no longer is retained by the department, because of either the passage of time.... A retention record exists for various records, and if that period of time is exceeded, it may no longer be available.

• (1200)

**Ms. Emmanuella Lambropoulos:** Is it possible that there are cases that don't fall into either of those categories and that get a nil response?

**Hon. Bill Blair:** Is your question whether there might be circumstances other than the two circumstances?

**Ms. Emmanuella Lambropoulos:** Yes.

**Hon. Bill Blair:** Of course. It's always a possibility, but I can't cite them right now as a hypothetical.

**Ms. Emmanuella Lambropoulos:** Okay. How are we addressing the situation?

**Hon. Bill Blair:** Again, the digitization of records will enable us to have better and quicker access to and better retention of this information. At the same time, if the information did not exist in the first place.... If someone makes an application for it and says they want to know it but we don't have that information, that will still be the response.

**Ms. Emmanuella Lambropoulos:** You also mentioned that you are cracking down on senior leader compliance. Currently, the act states that there are consequences for non-compliance. I'm wondering what the current consequences are that someone may face if they are not compliant. What changes are you thinking of implementing to make it even more strict?

**Hon. Bill Blair:** I'll turn to the deputy minister, because the staff who receive many of these requests are his.

**Mr. Bill Matthews:** There are a few things. Number one, General Eyre and I have both written to our assistant deputy ministers, three-star officers, etc., to remind them of obligations and importance. We've talked about mandatory training. We've also started raising this regularly during meetings. We talk performance with our staff and ask about their plan to improve things.

There are two things I would say here. Some of the challenges come because of the volume in certain groups, but we have also learned there is no standard approach throughout the department on how the request gets treated once it leaves the corporate secretary.

The request comes in. The corporate secretary assigns it out to multiple places. In addition to the tools the minister mentioned, we're looking to standardize the process there so we can use the best of the best and have digitization. If we don't see progress, that will be factored into discussions on an ongoing basis, but the first ask is to talk to me about the plan for a group. We also have the corporate secretary and friends working on a broader digitization-automation-paperless process.

**Ms. Emmanuella Lambropoulos:** Thank you very much.

I'm wondering if in a general sense you can tell us about how the recommendations and rulings from the Information Commissioner are going to be applied to DND. Obviously, the Information Commissioner tries to improve access to information. I'm wondering what specifically your main takeaways have been from that. What is the plan moving forward?

**Hon. Bill Blair:** I appreciate the recommendations from the Information Commissioner. The recommendations are being discussed within our management team to see how we can make improvements to our processes. At the same time, there also needs to be a significant effort and emphasis, as the deputy minister has already indicated, on the scrutiny of compliance with our requirements to get this done.

There are also issues, in my experience, with respect to having adequate personnel to respond to these matters in a timely way. That still represents a fairly significant concern for us, because we don't have the ability to add more people. It's a matter of moving people into those areas, which is a great priority.

**Ms. Emmanuella Lambropoulos:** Thank you.

**The Chair:** Thank you, Ms. Lambropoulos.

**Mr. James Bezan:** I have a point of order, Mr. Chair.

**The Chair:** I was rather hoping to get through this hour without a point of order.

**Mr. James Bezan:** Mr. Chair, the minister asked me to submit documentation on outstanding ATIPs. I want to make sure he knows that I have sent those ATIP requests—six of them dated between October 13, 2017, and April 10, 2019—to his office. His director of parliamentary affairs has already acknowledged receipt. We've also sent a copy to the clerk.

I'd encourage any parliamentarians out there, or journalists in particular, if they have any outstanding ATIPs, to bring those to our attention so we can properly do our study on what's not getting done.

**Hon. Bill Blair:** Thanks very much for your timely response.

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

That was actually a point of order. That was remarkable.

That brings our first hour to a conclusion. We thank the minister for his appearance. We're pleased to see him in healthy fighting form, and we hope that continues.

With that, we're suspended for a few minutes while we re-empanel.

• (1205) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1205)

**The Chair:** I bring this meeting back to order for the second hour.

I'm assuming, Mr. Matthews, that you have no other statement. If you do, you're more than welcome to give it.

• (1210)

**Mr. Bill Matthews:** I wouldn't call it an opening statement, Chair.

Given that there were questions about 2019-20 and why it was not in the annual reports, I'll note that's a standard format for ATIP reports for that period. I had indicated for a question that I believe there was a degradation of response time during that period and I am indeed correct. During 2019-20, 1900 ATIPs were received and 1300 closed, so a gap of about 600. The backlog went the wrong way during that year.

**The Chair:** With that, we'll start our six-minute round with Mrs. Gallant.

**Mrs. Cheryl Gallant:** This was reported in the Ottawa Citizen:

National Defence has changed the process of responding to access to information requests and is now ignoring legal requirements to notify applicants if and when records will be released, according to documents and complaints from the public.

Who gave the order to disregard legal requirements to notify applicants if and when records will be released, according to the documents and complaints from the public?

**Mr. Bill Matthews:** I'm not aware of any order to disregard legal obligations. That sounds like a dangerous thing to do.

We are changing the ATIP process. The minister touched on how we digitize and manage them, so there is a change to process, but no order was given around not respecting legal obligations.

**Mrs. Cheryl Gallant:** Since you have acquired a new minister, what steps has he taken to ensure that material requested is provided within 30 working days?

**Mr. Bill Matthews:** Managing the response backlog to ATIPs is, frankly, my responsibility. I have engaged the minister on the process changes we have under way. His direction to me was that we need to do more, so we have talked about making additional changes. He highlighted those for the committee earlier during his testimony.

**Mrs. Cheryl Gallant:** What steps have you taken on the minister's behalf to ensure that those submitting ATIs are provided with valid reasons for why more time is needed?

**Mr. Bill Matthews:** There are a couple of steps. It's a bit of a long answer. I apologize, Mr. Chair.

It starts with training and people understanding their obligations, but also proper record-keeping. If we were in a world where everything was digital and people dealt with information as it came in, that would allow the recipients of the ATIP requests, once they leave the corporate secretary's office, to provide information more quickly for review.

We are in a world of chasing down manual records and of new people in jobs. Sometimes cleaning up someone else's work takes longer than it does to go through your own work, and that's why we need to digitize.

**Mrs. Cheryl Gallant:** Would you please walk me through the steps that are taken on your department's behalf from the time an ATIP is received? What happens? Where does it go?

**Mr. Bill Matthews:** I will start, but my colleague Ms. Paxton will have to help me out.

Number one, when an ATIP request is received, there is a quick look for clarity. If the request is not clear, sometimes there is a back-and-forth with the requester to see if we can get a clearer request. If it's clear, it will then get assigned to the responsible ADM groups. They would be finance, procurement or HR, and on the military side, they would be the air force, the navy, etc.

There will be an ongoing dialogue if there are anticipated problems with the request—that is, the volume is so big that we might require an extension. That will come back through Taylor's team, and she will work to help try to find a solution, acknowledging the challenge we face.

Taylor, is there anything you wish to add?

**Ms. Taylor Paxton (Corporate Secretary, Department of National Defence):** Our team works really diligently to collate all of the information we receive, and that is a lot of information from time to time depending on the request we have in our hands. We work really hard to ensure that we can get that done in a timely manner. Sometimes it takes longer than the 30 days.

**Mr. Bill Matthews:** A final point for me here is that when the information comes in from the various organizations—and it's often multiple—they may have done their own redacting based on what is confidential, secret, etc. The corporate secretary's team will also look at it both ways. Is it an appropriate redaction or are there things they have missed that need to be redacted according to the act? There is a review led by Ms. Paxton's team once the information comes back into her office.

**Mrs. Cheryl Gallant:** How is it decided what needs to be redacted for security reasons versus what is redacted for political reasons to cover for ministers—

• (1215)

**Mr. Bill Matthews:** If you look—

**Mrs. Cheryl Gallant:** —or generals, for that matter, somebody in the chain of command?

**Mr. Bill Matthews:** The legislation is our guide here. The criteria for exemptions are pretty clear. Personal information, damage to Canada's reputation from an international affairs perspective, advice to ministers, proprietary third party information—which is the most interesting one and we should talk about—and cabinet confidence are the guidelines we use. There is nothing to do with embarrassment or awkwardness to an individual. That is not a criteria used.

The proprietary third party information is interesting because we will consult with our industry partners on that. They, by default, will want to protect their information as much as possible. We will try to move them along, if we can, but that is a really interesting dialogue with industry when the information that will be released is, in their mind, proprietary.

**Mrs. Cheryl Gallant:** This is for the JAG.

What protocols do you have in place to ensure that when a sexual assault case goes from the military to the civilian courts, all the evidence is transferred?

**Brigadier-General Rob Holman (Judge Advocate General, Canadian Armed Forces, Department of National Defence):** As the superintendent, my job is to ensure independent actors have the space and resources they need to carry out their roles in that space. I have not given any direction with respect to the transfer of evidence or case files. That's within the independent authority of the Canadian Forces provost marshal.

I have taken note of the question you asked the minister. I think there is some information we can share with you in that respect. We'll take that on notice.

**Mrs. Cheryl Gallant:** Okay.

We have the law of armed conflict, and we have the situation in Iraq. How would you intervene and ensure the issue is being addressed from your standpoint?

**The Chair:** That's an exceedingly difficult question for which she's given you no time to answer. However, take 15 seconds, please.

**BGen Rob Holman:** I am responsible for a training package called the Code of Conduct for Canadian Forces Personnel, which sets out 11 rules in a code of conduct and an instruction package. All of that is delivered to every person before they are deployed. Those rules, I understand, continue to be issued by commanders as part of the soldier card and the rules of engagement given to Canadian Forces members.

**The Chair:** Thank you, Mrs. Gallant.

Mr. Collins, you have six minutes.

**Mr. Chad Collins (Hamilton East—Stoney Creek, Lib.):** Thanks, Mr. Chair.

I'd like to pick up on the disruption COVID-19 played in the provision of government services.

Obviously, some of that interruption was in our compliance to the rules and regulations related to access to information. The pandemic created many challenges for us. I was a municipal councillor at the time and working from home, oftentimes even using my personal telephone and computer to do work. We were trying to make the best of a bad situation. It certainly disrupted not just our daily lives but also our work lives.

Mr. Matthews, many employees go home to work under different circumstances. Can you relay to us the challenges that the work-from-home environment plays as it relates to complying with some of the regulations you've been asked about today?

**Mr. Bill Matthews:** Certainly. I have a couple of points.

I should start by acknowledging that I was not at National Defence during the peak of COVID-19, though I was certainly in close contact.

National Defence was very much two worlds during COVID-19. You had people who, due to the nature of their job, were in the traditional workplace most of the time because they handled information that was not allowed to be home. You had others who were able to work remotely. That would have included members of the corporate secretary team. That dynamic certainly led to some delays when it came to ATIPs. However, to be fair, National Defence was challenged on ATIPs before COVID-19. It made a challenging problem worse. The backlog grew because of that dynamic.

As we discussed earlier today, we're back at it now, trying to streamline the process and use tools. Last year was, frankly, a break-even year for us in terms of the number of requests closed and the number of requests that came in. It's a growing business and we will not be able to improve our performance unless we find automated technology tools and a better process. Throwing people at it will not serve us well in the long run. However, COVID-19 made a challenging problem worse.

• (1220)

**Mr. Chad Collins:** Thank you for your answer.

I want to pick up on the minister's comments. My friend and colleague also referenced this.

He talked about reinforcing the importance of our policies with senior leaders. Those were his exact words. As someone who's been in government for quite some time, I've found that it's sometimes related to a need for more training. Sometimes it's a culture issue. I found, municipally, in all my years there, that some departments were certainly better than others at gaining compliance when we dealt with access to information. For the traditional delinquents—we'll call them that to be polite—I found the culture was one of denying and deflecting and almost trying to retain as much information as possible.

Can I ask you about culture? You can throw all the training resources you want sometimes at something—in this instance it's access to information—but if the culture and leadership don't relay the importance of complying with legislation to the people in the department, things aren't going to change. Can you speak about that issue?

**Mr. Bill Matthews:** I think the member has nailed it from two perspectives. You have to raise awareness with tools, techniques and obligations. That's training. Making sure that people understand that this is an important part of their job is culture and leadership.

I think in the heat of the moment, when people are very busy procuring something or testing something or doing whatever their day job is, things like an ATIP—the discipline and hygiene of good information management—can often feel like a secondary task that you'll do when you have a few spare hours. I think we're all learning that it's time well spent and that it's more efficient to do it in the moment. Hopefully, some of the tools we put in place will help us with that.

The message to staff from General Eyre and me, and in our raising it proactively with all our direct reports, is hopefully putting additional heat and light on this issue.

**Mr. Chad Collins:** Thank you.

One of the critiques that municipalities had of our provincial government was that the legislation that governed us, MFIPPA, the municipal freedom of information process, hadn't been updated in 30 years. As referenced here today, our government worked on Bill C-58, which passed and updated the legislation. Up until that time, consecutive federal governments were seen as dinosaurs as it relates to access to information, whether it was from journalists, citizens or people in the workplace.

Can I get your thoughts on Bill C-58? How long does it take for a department to nail it down? You would have had to retrain. You had an old system that was in effect for decades. New legislation comes in and we're now changing the rules. How long does it take to right the ship in that regard as it relates to, in this instance, Bill C-58?

**The Chair:** You have 30 seconds or less.

**Mr. Bill Matthews:** Maybe we'll have to come back to that.

I think I will avoid Bill C-58 specifically. One of our best friends on this is making data and information more open by default. In theory, you'll start publishing datasets, which we've been doing, just to make information more accessible to Canadians who are curious. Defence will always be challenged by what needs to be protected and what doesn't. It's a sensitive space.

Maybe in the next round we can turn to Taylor on Bill C-58 specifically.

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

[*Translation*]

Ms. Normandin, you have the floor for six minutes.

**Ms. Christine Normandin:** Thank you very much.

Last June, the Standing Committee on Access to Information, Privacy and Ethics conducted a study on access to information in Canada. Among the recommendations that were made, there was mention of two departments with problems with access to information—Immigration, Refugees and Citizenship Canada and National Defence. One of the recommendations was to create an expedited system for access to information requests related to sexual misconduct, among other things.

That recommendation was not accepted by the minister. It was argued that requests should not be given different status based on the identity of requesters.

However, given that these are two particularly problematic departments, would it not be a good idea to have an expedited processing channel based not on the identity of the requester, but on the subject?

People's confidence in the system must be restored, especially when it comes to National Defence, since that is often where things go wrong, unfortunately.



**Mr. Bill Matthews:** That's an important question.

Given that the department faces a lot of challenges in complying with the act, it would be difficult to set up a system to set priorities for certain issues or files.

• (1225)

[English]

My view is that we have to respect the law, which is 30 days, and we are struggling. If we can do things in general to improve access and the response rate to the 30 days, that's good for the whole system. I think we also have the challenge that many people are putting in access to information requests related to personnel files because they have been unable to get the information they request on release and other methods. I'm thinking here of medical records. If we could improve on that process and answer their questions properly in the first place, that might reduce the need for these other ATIP requests that come in.

It's an interesting idea. Given the challenge we face on timeliness, I'm more focused on tackling the system as a whole as opposed to prioritizing some requests over others.

[Translation]

**Ms. Christine Normandin:** Thank you very much.

At the Foreign Interference Commission, a number of experts said that Canada was probably one of the least transparent countries when it comes to national security. We know that the Communications Security Establishment, or CSE, reports to National Defence.

The Standing Committee on National Defence has already made recommendations to the effect that the CSE should be a little more transparent and that it should provide people with more information when there are cyber attacks, for example.

The Standing Committee on Public Safety and National Security is currently studying Bill C-26, and there are expectations of the private sector. Don't you think that National Defence should set an example and be a little more transparent and proactive when it comes to whistleblowing when there are attacks or computer computer-related issues, instead of that information being somewhat concealed, in a way?

**Mr. Bill Matthews:** At National Defence, the security of information and intelligence is really important. In my opinion, the problem starts when we have to establish the security classification of a document for the first time.

[English]

This is why training is so important. We have a bias in the department of trying to classify everything as secret and protected right from the get-go. Once something is classified that way, any ATIP request that comes in requires more care and attention to process.

If you train people properly on what truly is secret and what's protected and if you classify things the right way the first time, that leads to greater efficiencies. However, without proper training, I think the bias in a place like the Department of National Defence—because security is paramount—is going to be to overclassify documents from the start. I think we could do more when a document is

first created to say that it shouldn't be classified. That would alleviate part of the problem.

The other piece is that now, under open government, we are going through and trying to declassify a bunch of documents and release our datasets.

[Translation]

The work is ongoing, but once the classification level is established for those documents, a lot of paperwork has to be done before information can be published.

**Ms. Christine Normandin:** I was talking more about real-time transparency when there are cyber attacks. However, your answer does lead me to another question.

In some cases, there seems to be a duplication of work when a declassification request is processed. One department will declassify the document, and another department will not. So energy and time seem to be wasted.

Would it not be a good idea to create a declassification centre, rather than just having broad guidelines that do not seem to be applied in the same way from one department to another?

**Mr. Bill Matthews:** Maybe it would be, but in general, it is difficult to centralize systems in the federal government, since it is quite large.

However, it would certainly be worthwhile to clarify the guidelines so that the assessment of the security classification of information is more consistent.

Ms. Paxton works with her counterparts in other departments to ensure that the interpretation of information is consistent when it comes to security classification, but, as you already mentioned, that is not always the case.

[English]

**The Chair:** Thank you.

Ms. Mathyssen, you have six minutes, please.

**Ms. Lindsay Mathyssen:** I feel like we're consistently in a bit of a loop when we're discussing a lot of these access to information, transparency and privacy issues.

There was some question about ensuring that we both protect transparency and the information stream itself from political interference and from, of course, senior leadership interference. When I was on the status of women committee and we were trying to get into a lot of what had happened under General Vance and in terms of sexual misconduct, I spoke to the provost marshal, whom you mentioned, General Holman. We consistently questioned whether the provost marshal was able to investigate senior leadership above him at the highest ranks through the chain of command. There was an insistence that he absolutely could. Then it came back later that, in fact, there had been a huge failure with that, that an investigation was not able to happen at those highest senior levels.

When people are filing access to information requests, the scope of... It's based a lot on an honour system, and within that system, there is time and the ability to limit information. There are instances where there is nil information when it comes to sexual misconduct cases, and therein lies that window of the problem.

That's why I put a bill forward. It's to provide the only truly independent office within that system, which is the ombudsman. However, we heard earlier from the minister himself that he has absolutely no intention of moving the ombudsman away from the system now, where it finds itself caught up in the chain of command because it is reporting directly to the minister, and putting it into the purview of Parliament.

I'll ask this again: Why can't there be moves to recognize the independence of the office of the ombudsman and move it away from the minister's office so it reports directly to Parliament?

• (1230)

**Mr. Bill Matthews:** It's an interesting issue. On the independence of ombuds and reporting directly to Parliament or through the minister, there are pros and cons. You've heard from the ombudsperson, Mr. Lick, about his views. From my perspective, what's important for the ombud is that he is free from the chain of command that is directly involved in any issues so people are free to raise issues with him and we work within the system we have.

I should share with you that when Mr. Lick first took office, there were some financial controls, I'll call them, put in place on his organization, basically such that he required approval to do certain things through my office. We have worked with him to loosen up those controls again so he can have more independence. That's different from the independence you're speaking about.

I'm not sure if one of my colleagues has a view, but the minister said it: We will work within the system we have. Currently, he is part of the structure that reports to the minister. If that changes, we'll obviously adjust.

**Ms. Lindsay Mathysen:** As we heard from the ethics committee, there are timelines within the grievance process and the ATIP system. Members have a limit of 90 days to submit a grievance if it occurs to them, but ATIPs often take longer to receive within that 90 days. What considerations have been made around the leniency for members to come forward with a grievance if they're waiting for an ATIP for the information regarding their case?

**Mr. Bill Matthews:** I'm going to turn to my colleague to talk about the grievance process.

**Major-General Erick Simoneau (Chief of Staff, Chief Professional Conduct and Culture, Canadian Armed Forces, Department of National Defence):** I can take this one, Mr. Chair. Thank you.

We're very flexible on the application of the 30 days. When the griever doesn't have a proper resolution with the initial authority, they always have the opportunity, the right, to elevate it to the next level, which we call the "final authority". At that point, based on exceptional circumstances, which this one could certainly be—because I'm chairing a board that sees grievances like those and we allow for this—we grant beyond 30 days. We just need to be aware of them—

**Ms. Lindsay Mathysen:** How often do you see that happen?

**MGen Erick Simoneau:** I've seen it happen quite a few times.

**Ms. Lindsay Mathysen:** Do members know they can ask for that leniency openly?

**MGen Erick Simoneau:** That's part of the system we're in right now. You may have noticed that last week we put online a digitalized form, which is step one of digitalizing the whole system.

We're having a hard time understanding how many grievances there are in the system at any given time, simply because they were paper-based. They were done at every level, and they're very difficult to track. Having a digitalized system will allow us to achieve what you're saying right now.

It's very difficult at this time unless it's flagged to us, but it's changing, and it's changing in the right direction.

• (1235)

**Mr. Bill Matthews:** Mr. Chair, if I could, maybe I'll direct my colleague. I didn't give Madam Normandin a great answer to her question on the prioritization of complaints related to sexual harassment.

[*Translation*]

Do you want to add anything, Mr. Simoneau?

[*English*]

**Ms. Christine Normandin:** That's fine.

**MGen Erick Simoneau:** On sexual misconduct-related grievances, we have prioritized them a hundred per cent, per Madam Arbour's report, and we've dealt with them. There are 21 in the system, of which three have been adjudicated, and 18 are awaiting more information but are at the top of the pile for sure.

Not necessarily for grievances, but affected people—victims—can always opt now to go directly to the CHRC as well, the Canadian Human Rights Commission, without exhausting all the internal processes within the department, which is another positive step, in my opinion.

**The Chair:** Thank you, Ms. Mathysen.

Colleagues, if we run a tight ship—

**Ms. Lindsay Mathysen:** Mr. Chair, on a point of order, that response was given to Ms. Normandin's question and not mine. I had more, so will you at least give me more time at the end?

**Mr. Bill Matthews:** I apologize, Mr. Chair. I shouldn't have done it.

**The Chair:** I thought it was germane to both your questions. I thought that's what the point of his—

**Mr. Bill Matthews:** I thought so as well, Mr. Chair, but I believe the member may not agree with me, and I apologize.

**The Chair:** Okay. We'll give Ms. Mathysen another minute when she gets her next round.

**Ms. Lindsay Mathysen:** Fantastic.

**The Chair:** It just shows you complaining works.

**Ms. Lindsay Mathysen:** Or democracy....

**The Chair:** Yes, democracy.

I always get so much help chairing this committee from so many sources.

**Voices:** Oh, oh!

**The Chair:** If we run a tight ship, we'll run about five minutes or maybe 10 minutes over. I'm sure Mr. Kelly will hit the five-minute button right on the head.

You have five minutes, Mr. Kelly.

**Mr. Pat Kelly:** Thank you.

Mr. Matthews, I'm going to take you back to the chart contained in the department's report to Parliament on access to information. In response to, I think, Mrs. Gallant's question, you said that you omitted the 2019-20 year because of COVID and you gave us the stats.

You're shaking your head. Why did you omit that year then?

**Mr. Bill Matthews:** I gave you the stats for that year. The report covers, I believe, a three-year period, so that year dropped off. That is my recollection, but I can check. If we've omitted something that should be there, we will—

**Mr. Pat Kelly:** Well, there's a blank. There's nothing in between. It gives 2018-19, and then it goes to 2021-22 and 2022-23, so it's—

**Mr. Bill Matthews:** We'll check and see if we need an update there.

**Mr. Pat Kelly:** It doesn't look very open and transparent if you just skip a year. We shouldn't have to ask the question at a parliamentary committee to get the numbers.

Perhaps it was, for some reason, a choice to skip that year in the chart, but the year that you skipped was the one year that you got significantly behind. You said there was a gap of hundreds of ATIPs that were not responded to. Is that correct?

**Mr. Bill Matthews:** For the year in question, there were more requests that came in than files closed, so the simple math is that the backlog grew; it didn't shrink.

**Mr. Pat Kelly:** That year wouldn't actually be covered by COVID because the pandemic was only declared a couple of weeks before year-end in 2020.

**Mr. Bill Matthews:** Let me take a look at the report and we'll come back. If we have omitted something that should be there, we will look to amend it.

**Mr. Pat Kelly:** Thank you.

This is just a comment. We've had some talk in this round on Bill C-58, which this government brought in 2017, I think it was. The then commissioner described that law as a step backward, saying, "Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights." She also said:

The government promised the bill would ensure the Act applies to the Prime Minister's and Ministers' Offices appropriately. It does not.

The government promised the bill would apply appropriately to administrative institutions that support Parliament and the courts. It does not.

The government promised the bill would empower the Information Commissioner to order the release of government information. It does not.

Those are the comments of the then commissioner, that Bill C-58 was actually a step backward.

On that third point about order-making power, the government you serve is presently refusing to comply with an order of the Information Commissioner and is taking the Information Commissioner to court. What is the rationale for that? How does that address openness and transparency?

• (1240)

**Mr. Bill Matthews:** I'm sorry. Can I get a little more clarification on the link here to National Defence?

**Mr. Pat Kelly:** I'm sorry?

**Mr. Bill Matthews:** What's the link here to National Defence in terms of the court case? Are you talking about the Information Commissioner—

**Mr. Pat Kelly:** It's National Defence that is—

**Mr. Bill Matthews:** The Information Commissioner is pursuing legal action against the department, not the other way around, just so we're clear.

**Mr. Pat Kelly:** It's over the department's refusal to....

**Mr. Bill Matthews:** Right. Our struggles and.... Yes.

We are trying to work through that backlog, but as we've discussed, we have some files that are indeed late. The Information Commissioner feels that this is the best way for these files to get attention. That's certainly something the Information Commissioner is able to do.

Taylor, I don't know if you want to add more there.

**Mr. Pat Kelly:** Why not just comply with the Information Commissioner's orders?

**Mr. Bill Matthews:** Some of these files, as we mentioned, are really big and really dated. The information is just so big, it's a challenge to get through.

We have frequent dialogue with the Information Commissioner. On the one hand, I think the Information Commissioner is sympathetic in some ways, but we have a compliance issue and that's a fact.

**Mr. Pat Kelly:** It sounded like Ms. Paxton wanted to get in on that.

Go ahead, if you'd like.

**Ms. Taylor Paxton:** Thank you for the question.

We are working with the Office of the Information Commissioner daily to ensure that we meet our obligations. Obviously, our obligations are to adhere to the act. We understand that we need to do more, which is what we've been explaining here today.

**Mr. Pat Kelly:** Is litigation with the Information Commissioner not an admission of failure of openness and transparency?

**Mr. Bill Matthews:** I would hope that we don't see these again in the future, but until we put some of the process change that we've talked about today in place, this department will continue to struggle on some of the bigger requests.

We will do our best, but I can't speak to the future.

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

Mr. Fisher, you have five minutes.

**Mr. Darren Fisher:** Thank you very much, Mr. Chair.

I'll go back to grievances, which Ms. Mathysen touched on.

Can you break down for us the types of grievances you get? If you have the information, could you break down the percentages of each grievance?

**Mr. Bill Matthews:** Just to be clear, can I assume the member's question relates to grievances submitted on the military side? I ask because the public servants would go through the public servants' disclosure process.

**Mr. Darren Fisher:** Yes.

**Mr. Bill Matthews:** I will turn to my colleagues. Actually, maybe I'll try some numbers and General Simoneau can tell me if I have them right.

My understanding is that roughly 35% relate to career management-type issues, around 28% to 29% relate to compensation of benefits and 13% relate to conduct and performance.

Now we'll have the expert correct me and see if I've misled the committee.

**MGen Erick Simoneau:** Mr. Chair, the DM, as usual, is right on. I have nothing to add.

**Mr. Darren Fisher:** That's 48% then.

**Mr. Bill Matthews:** Sorry, 35% of grievances are for career management, another 28% are for compensation of benefits and another 13% are for conduct and performance.

**Mr. Darren Fisher:** Okay, thank you.

I assume they would take different lengths of time to get a resolution depending on which type of grievance it is.

**MGen Erick Simoneau:** All grievances are equal except the sexual misconduct-related grievances that have been prioritized. We're talking 21 in the system.

For all the other ones, as they come in, they enter the system and we treat them per the timeline of the system. The initial authority has four months to see what they can do for a grievance, at which point they can ask the griever if they would allow more time than the four months. It rests with the griever to decide whether they allow the initial authority more time or not, or they can go to the final authority directly, at which point we're not time-bound but are trying hard to adjudicate grievances and solve them for our members.

**Mr. Darren Fisher:** Thank you.

We hear often that the federal government has outdated information systems. Is the information management system at National Defence contributing to a delay in ATIP responses?

**Mr. Bill Matthews:** It is, and it is multiple systems across the department.

When we receive an ATIP request, it will get farmed out to the various entities that might have information. We have systems that are not integrated. Many times manual records are still being sought. When the minister spoke earlier about digitizing, there are really two flavours to that. One is digitizing and automating the ATIP process. The other piece of it is automating and modernizing some of our basic information systems across the department. This is everything from finance to human resources to procurements to human resources on the armed forces side.

If you look forward, once these changes are done—and it will be a long road—you'll see a world with more automated information and easier access. Hopefully it should streamline process, but that broader digitization is a long way away.

• (1245)

**Mr. Darren Fisher:** Just to clarify, then, are those information management systems upgrades in the process of happening at all departments or multiple departments?

**Mr. Bill Matthews:** It's not all, but multiple. There are plans under way. There are already some tools in place for ATIPs through the corporate secretary's team, but we plan on rolling out additional automated tools. As to the modernization of some of the other corporate systems that I referred to, some are in the works and have started; others are being planned but I wouldn't say are officially projects yet.

**Mr. Darren Fisher:** Okay, so you have some in the works; you have some planned. Can you give a rough estimate to the committee of when some of that stuff beyond digitizing will be implemented?

**Mr. Bill Matthews:** If we look at the ATIP process itself, we are hoping that if we standardize the process and then roll out the software, you'll see improvements within the next three to six months, in advance of new tools being added. This is just process standardization. For the actual automated software, it will probably a year or so away before it's rolled out in any detail.

In the broader corporate systems, like our finance system, you might hear the term "DEFENCEX", which is one of our projects. It is a multi-year project that is still in the planning phases.

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

Madam Normandin, you have two and a half minutes.

[Translation]

**Ms. Christine Normandin:** Thank you very much.

Since the beginning of the meeting, we have been told that transparency seems to be lacking at National Defence, to say the least. The corollary of transparency is sometimes the protection of privacy and personal information.

Last November, there was a report according to which National Defence and other departments had used Cellebrite, a tool that extracts personal data. They were doing so without having complied with the obligation to conduct a privacy impact assessment, an obligation set out in the Privacy Act. In terms of transparency and privacy, it seems that the rules are quite elastic.

Has this situation been brought to your attention? If so, what does the department intend to do to ensure that privacy is respected?

**Mr. Bill Matthews:** Thank you for the question.

First, we need to do an impact study on the software we use.

[*English*]

The way it should work—this is the theory—is that when the chief information officer's branch becomes aware of a new software product, they look at it from a security perspective—the first tension point—and then from a privacy perspective. If they believe that a privacy impact assessment is warranted, it would then come over to the corporate secretary's team to action.

The reason a privacy impact assessment might not be warranted is it is possible that, in some cases, the assessment would have been done by another government department. Shared Services Canada, for example, might do something on behalf of the whole government, so it's possible there is already one in place from a government-wide perspective.

With the testimony that I've seen in the last couple of weeks on some of these issues, we are going to check and make sure that people are indeed respecting the need to do a privacy impact assessment. Sometimes it takes longer than we would like, but the question of.... Do the security assessment and the impact assessment at the same time. That's the way the process should work.

[*Translation*]

**Ms. Christine Normandin:** What I understand is that you currently cannot guarantee that an impact study is done every time this tool is used.

Is that correct?

**Mr. Bill Matthews:** That's correct. I can't say with certainty today that it's done all the time. However, I will check our process to confirm that everything is going well and that all the measures we have put in place comply with that process.

• (1250)

[*English*]

**The Chair:** Thank you.

Madam Mathysen, you have three and a half minutes.

**Ms. Lindsay Mathysen:** My gosh, it's like my birthday.

As you may know, my NDP colleague, MP Blaney, has initiated a study at the veterans committee. It's the first that has ever hap-

pened on the experience of women veterans, and I know it has certainly meant a lot to those women. I certainly hope we don't allow for what often happens, that siloing of information, in terms of when the Department of National Defence can look at those recommendations and really act upon them.

The veterans committee heard from Stephanie Hayward. She's a veteran. She suffered severe complications because of the sexual assault she experienced while in the military. She has had to fight for over a decade to get access to benefits and coverage for her treatment of injuries and has faced major barriers in accessing the evidence she needs, which was from her medical files. Those medical files were sealed in an area of her basic training centre, and they were never attached to her VAC documentation.

Of course, Stephanie is not the first incident I have heard of where sexual misconduct trauma survivors have had to fight for access to their own medical files from the department in order to prove their claims for trauma, which they need for Veterans Affairs Canada.

Can you explain why you don't provide all CAF members with a copy of their medical and personnel files upon their release and why they wouldn't be attached to their Veterans Affairs files?

**Mr. Bill Matthews:** I will start, but I will need some help from my colleagues to my right.

Number one, on the transfer of medical information from the Canadian Armed Forces over to Veterans Affairs on release, we have been working to improve the flow of that information. Privacy considerations have been a barrier and making sure that we respect that law is.... I think we've made some good progress; it's better than it was.

As to why a military member cannot get their records on release, I'm going to turn to my colleagues.

**BGen Rob Holman:** I don't think General Simoneau or I have the answer to that question either, but we'll take it on notice and make sure we get back to you.

**Ms. Lindsay Mathysen:** Okay. I would certainly appreciate that.

Finally, because of my extra whole minute—it's amazing—I'll say that all of these changes you're talking about.... Oftentimes, when we talk about culture change, that takes a lot. Are you receiving any push-back or any problems with those changes you see?

**Mr. Bill Matthews:** Are you talking about changes related to ATIP or culture change in general?

**Ms. Lindsay Mathysen:** Well, I mean the access to information.

**Mr. Bill Matthews:** No, not yet. You basically have a discussion. People are busy. You remind them of their obligation. From the discussions I have had with my leadership team, I know they're all keen to standardize the process and to improve. Some are going to reprioritize resources to help cut through the backlog.

Nobody is resisting this at all. It's an obligation under the law, and it is not new.

**Ms. Lindsay Mathysen:** Thank you.

**The Chair:** Thank you.

Mr. Bezan, you have five minutes.

**Mr. James Bezan:** Thank you, Mr. Chair.

I'm just following up on Mr. Kelly's questioning around the litigation from the Information Commissioner against National Defence in court.

You are aware of subsection 67(1) of the Access to Information Act. It says:

No person shall obstruct the Information Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Part.

Subsection 67(2) goes on to say:

Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Why continue to obstruct by going to court? How many people within National Defence are going to be paying the fine?

**Mr. Bill Matthews:** There's a difference between obstructing, which is willfully blocking, and dealing with too many files and too much information and needing more time. I don't—

**Mr. James Bezan:** On that point, you say it's too much information and not enough time. I'm looking at salaries and the number of person years. You have over 71 people assigned to access to information, and over \$5 million dedicated to dealing with it. National Defence is one of the biggest departments in the Canadian government.

How can you not deal with this information with that many dollars and that much manpower dedicated to dealing with access to information requests? Why does the Information Commissioner have to resort to litigation?

**Mr. Bill Matthews:** There are a couple of points here.

Number one, it's the volume and complexity of requests, and in terms of the documents that have to be found, it's often multi-year.

In terms of the staff we have working on ATIP right now, there is a very competitive environment to hire ATIP folks, so there are openings, but finding the people and getting them trained is taking time. It is not just the ATIP team that does this. I know we would all like to picture Taylor or one of her friends having access to all the information, sorting through it and figuring out what can be released. The bigger volume of work sits with the actual information holders themselves.

• (1255)

**Mr. James Bezan:** You have obligations under the act. If you have more volume, why aren't you just assigning more staff to it?

To change gears here a bit, I want to go back to the Mark Norman scandal. CBC reported in 2019 about a military member who spoke on background. He said:

...he approached his commander in July 2017 asking for help with an access-to-information request for internal documents about Norman. His commander, he said, smiled and said there were no records because officials were being careful to avoid using the vice-admiral's name in memos, email and briefings. That would mean any search for records about Norman would come up empty.

That's where the term "this isn't our first rodeo" is from.

Has this nefarious practice ended? You guys used code names like "Kracken". Who else have you used code names for, like Jon Vance?

**Mr. Bill Matthews:** I will not speak to the specifics here.

When you get an ATIP request, it's your duty to provide the information you have. I have talked already this morning—

**Mr. James Bezan:** This is willful obstruction. Who gave the order?

**Mr. Bill Matthews:** I think my point here is that's not the process that should be followed. If that's what happened, that is wrong. There is no direction to do that. Does that happen? Could it happen? I can't speak to the specifics, but it's not direction that ever should have been given.

**Mr. James Bezan:** As the deputy minister, you are aware of this. Were there reprimands? Did people get fired? This is unlawful behaviour.

**Mr. Bill Matthews:** Military members do not report up to me, so if someone is deliberately avoiding providing information that should be provided in an ATIP, there should be consequences.

**Mr. James Bezan:** Major-General Simoneau, did anybody lose their job over this?

**MGen Erick Simoneau:** I'm not aware of this in particular. What the deputy minister just said is really important. To my knowledge, I'm not tracking any of this in the system. We can certainly take this under advisement, but there would be consequences for someone passing such an order, absolutely.

**Mr. James Bezan:** That's deflection and obfuscation.

When you look at the ATIPs that I still have outstanding, there wasn't a 30-day reply and there wasn't a 60-day notice that they needed more time. Nothing happened. You could have just sent me a bunch of redacted documents and that didn't happen. Why is there no action when it comes to requests coming from the official opposition's shadow minister of defence?

**Mr. Bill Matthews:** On the first point, when we receive a request and it's disseminated, the requesters is not acknowledged. It's agnostic. We do not know who the requester is. Truthfully, it shouldn't matter who the requester is. It should all just get processed.

On the second point, we will use the information you shared with the minister this morning to do some testing to see where the delays might be. Earlier on, at the start of the committee, we were talking about some statistics. I believe we were adding in privacy requests versus ATIPs, so I think we have some clarification to do there, but as the minister said, he will take your requests and we'll see where they are in the system. However, when a request gets disseminated, it does not say "from James Bezan". It's blank.

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

A final five minutes goes to Mrs. Lalonde.

**Mrs. Marie-France Lalonde (Orléans, Lib.):** Thank you very much.

[*Translation*]

Thank you all for being here.

I would also like to acknowledge and thank the people of the Canadian Armed Forces for their service to our country.

[*English*]

We've heard much about the modernization and streamlining of the ATIP process. There is one thing that I think we would like to know. In the spirit of looking forward to where we can go, can you point to some of the specific things you will be implementing and the metrics you will assess them by?

**Mr. Bill Matthews:** We've talked about the various initiatives. It's probably not as exciting for members of this committee as it is important, but on process standardization, once we assign an ATIP to the relevant assistant deputy ministers and three-star officers, that is critical.

We've talked about the training that's already done. On process automation and the additional tools, those will come, but really the only metric here is percentage compliance. That is the metric. We can talk about cases closed and we can talk about pages reviewed, but from a legislation perspective, the percentage of compliance is the critical metric and that's what we'll use. We are hoping to see improvement within the next three months based on some of that process standardization. I look forward to taking your questions three months from now.

• (1300)

**Mrs. Marie-France Lalonde:** That would be my next question. Three months from now, what will the metrics be that will have you saying there is better success?

**Mr. Bill Matthews:** There will not be an overnight change in numbers, but as the minister shared in his opening testimony, there was 61.7% compliance last year. We'll be looking for that number to go higher. I would like to see it go up 5% to 10% in the next three to six months, but we shall see.

**Mrs. Marie-France Lalonde:** On that 5% to 10% that you hope to see improve, what is the barrier to that improvement? Do we find excuses? How are we truthfully tracking that 5% to 10% improvement?

**Mr. Bill Matthews:** The barrier, if there is any, would be around failure to change the internal process to reflect the best practice that gets identified. Some pockets of the organization do better than oth-

ers. We want to take advantage of how they do it and apply that to others. There are three or four pockets of the organization that really struggle because of volume, so we're looking to focus on those to streamline their process and change it. If we're not getting changes in process, you won't see better results, because the volume is just going to keep coming up.

**Mrs. Marie-France Lalonde:** Thank you very much.

Last, we talked very briefly about Bill C-58 Ms. Paxton, earlier we were making reference to your maybe wanting to clarify a few things for this committee.

**Ms. Taylor Paxton:** We have taken Bill C-58 and really implemented it within our department in the sense that we understand what we're being asked to do. Proactive disclosure is very important. We are working very hard to improve our compliance on proactive disclosure. There have been some instances where we have had to redirect ourselves on proactive disclosure, and we have done so quickly. We'll continue to do that work.

**Mrs. Marie-France Lalonde:** Do I still have time?

**The Chair:** You still have a minute.

**Mrs. Marie-France Lalonde:** Okay. That's good.

Maybe I can hear from our brigadier-general and major-general. Looking forward, what are the key areas where you believe you need to make changes or where you've made the changes and are still waiting for those metrics to come into play to see improvement?

**Mr. Bill Matthews:** Maybe, General Simoneau, it's worth talking about some of the changes to get through the grievance backlog and the boards that have taken place.

**The Chair:** He doesn't have that much time, but go ahead.

**MGen Erick Simoneau:** In a nutshell, General Carignan, our chief of professional conduct and culture, conducted many stakeholder engagements. She consulted 16,000 people, a lot of them CAF members. The number one grievance that we observe among our members is that our complaint system is not responsive or timely enough.

To your question, I would say the ongoing complaint process transformation is key. It starts with a grievance system, but the harassment system and all the other systems will follow. We hope that by fall of this year we will have the full system digitized. The digital form from last week was step one of this.

[*Translation*]

**Mrs. Marie-France Lalonde:** Thank you very much.

[*English*]

**The Chair:** Thank you, Mrs. Lalonde.

That brings our time with you to a close. I want to thank you for your patience last week and your patience this week as well. Sitting in this chair, I don't know whether this is a multi-mission failure or a mission impossible, but thank you for helping the committee understand the need for compliance and the complexity of compli-

ance. I hope that in three months something material will have been generated.

With that, and hopefully with goodwill all the way around, the meeting is adjourned.

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