



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

OFFICE OF THE
LAW CLERK AND
PARLIAMENTARY
COUNSEL

BUREAU DU
LÉGISTE ET
CONSEILLER
PARLEMENTAIRE

BY EMAIL

December 10, 2020

Mr. Jean-François Pagé
Clerk of the Committee
Standing Committee on Health
House of Commons
6th Floor, 131 Queen Street
Ottawa, ON K1A 0A6

Dear Mr. Pagé:

RE: House of Commons' Order of October 26th, 2020

I am writing to you further to the order of the House of Commons of [October 26th, 2020](#) (the "Order"), which instructed the Standing Committee on Health (the "Committee") to undertake a study on the emergency situation facing Canadians in light of the second wave of the COVID-19 pandemic, and ordered the production of documents from various government departments and ministerial offices relating to this study.

The Order further required that all documents provided, before their tabling in the House and distribution to the Committee, be vetted by my Office for matters of personal privacy information and national security, and for the category of documents relating to the COVID-19 Vaccine Task Force and its subcommittees, that they be also vetted for information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations between the government and a third party.

On December 7th, 2020, my Office was provided with documents from the Clerk of the Privy Council Office (PCO), the Office of the Minister of Health, the Office of the Minister of Public Services and Procurement Canada and the Prime Minister's Office. The documents were accompanied by letters from the Clerk of the Privy Council and the ministerial offices, which are attached for your information.

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My Office received approximately 5,000 documents (totalling almost 27,000 pages), which we are in the process of reviewing and vetting. At this stage, we believe that we will be able to complete the review and redaction within seven days of receipt of the documents. Should this change, we will advise the Committee and seek an extension as provided in the second report of this Committee, adopted by the House on [December 4th, 2020](#).

At this time, we want to advise the Committee of the following. First, the letters from the government indicate that the documents provided to my Office represent a “first batch” of documents produced in response to the Order. Therefore, my Office expects to receive subsequent “batches” of documents from the government.

Second, as indicated in the Clerk of the Privy Council’s letter of November 27th, 2020 to the Committee, and as confirmed by our current review of the documents, the majority of documents provided by the government are in one official language only. This represents a departure from the long-standing and expected practice of the government to provide documents to the House and its committees in both official languages consistent with [Standing Order 32\(4\)](#) which requires that any document distributed in or laid before the House be in both official languages. We note that the second report of this Committee also states that all documents circulated to the Committee must be in both official languages.

As a result, while we anticipate that my Office will be able to complete the vetting of the documents that have been provided to us within the timeline provided by the Order, only the documents in both official languages will be eligible for tabling in the House on December 16th, 2020, which is the earliest opportunity for tabling after the completion of my Office’s work. I have written to the Clerk of the Privy Council, Mr. Ian Shugart, asking that he confirm whether the government intends to provide us with translated versions of the unilingual documents, and if so, when we can expect to receive them. A copy of that letter is also attached for your information.

My Office will continue to keep the Committee informed, including once we receive confirmation of the government’s approach to the production and translation of documents, and remains at the Committee’s disposal should it require further information or assistance in this matter.

Yours truly,



Philippe Dufresne
Law Clerk and Parliamentary Counsel

APPENDICES

Letter from the Privy Council Office

Clerk of the Privy Council and
Secretary to the Cabinet



Greffier du Conseil privé et
Secrétaire du Cabinet

Ottawa, Canada
K1A 0A3

DEC 07 2020

Mr. Philippe Dufresne
Law Clerk and Parliamentary Counsel
131 Queen Street, Floor 6
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. Dufresne:

I write to provide an update on Public Service efforts to respond to the motion adopted by the House of Commons on October 26, 2020, for the production of documents related to the Government of Canada's response to the COVID-19 Pandemic.

Further to my letter of November 27, 2020, a first batch of documents is being provided to you. As indicated, the work involved in response to the motion has been on a scale that has made fully meeting the deadline impossible. Departments continue to work actively to respond to the motion. I have asked that Privy Council Office and Department of Justice Canada officials provide you with an ongoing assessment of when you will receive the next and subsequent collections of documents.

Please be assured that we are committed to making best efforts to complete the work as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Shugart'.

Ian Shugart

Canada

Letter from the Office of the Prime Minister

Office of the
Prime Minister



Cabinet du
Premier ministre

Ottawa, Canada K1A 0A2

December 7, 2020

Mr. Philippe Dufresne
Law Clerk and Parliamentary Counsel
131 Queen Street, Floor 7
Ottawa, Ontario, K1A 0A6

Dear Mr. Dufresne,

Please find enclosed records consisting of approximately 3000 pages for your review and vetting pursuant to the October 26th motion.

To provide the Committee with relevant information, efforts were made to reduce duplication of material, though there are some instances of duplication due to the large volume of records combined with the short timeline stipulated in the motion. Further, efforts were made to reduce the number of items that are intended for a public audience. This includes news releases, press conference remarks, press conference transcripts and summaries, media relations responses, and key messages for the public.

The package does not include confidential caucus and MP matters (such as matters related to constituents or internal caucus deliberations), personal information regarding the appointment of individuals, or documents containing only a passing mention of a relevant item that otherwise is entirely non-responsive. As an example, a document regarding the extension of the *Public Health Events of National Concern Payments Act* (PHENCPA), which simply mentions PPE in passing.

In addition to the approximately 3000 pages provided today, additional relevant records will be provided to you as soon as possible, following a review by the non-partisan public servants in the Office of Privy Council. These additional documents will be reviewed and assessed in a manner consistent with the public service's review of its own documents, and will be provided to you at the earliest opportunity.

Please note that, in order to provide documents as quickly as possible, these documents were provided in the language in which they were available within our system.

Please feel free to contact our office should you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'Melissa George', with a long horizontal stroke extending to the right.

Melissa George
Human Resources Advisor
Office of the Prime Minister of Canada

Canada

Letter from the Office of the Minister of Public Services and Procurement Canada

Ministre des Services publics
et de l'Approvisionnement
Receveur général du Canada



Minister of Public Services
and Procurement
Receiver General of Canada

Ottawa, Canada K1A 0S5

Mr. Philippe Dufresne
Law Clerk and Parliamentary Counsel
Sixth floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Dufresne,

I write to provide an update on efforts within the office of the Minister of Public Services and Procurement to respond to the motion adopted by the House of Commons on October 26, 2020 for the production of documents related to the Government of Canada's response to the COVID-19 pandemic.

We are providing today a first batch of documents as the office continues to work actively to respond to the motion.

In addition to the documents provided today, additional relevant records will be provided as soon as possible, following a review by the non-partisan public service.

Please be assured that we are committed to making best efforts to complete the work as soon as possible.

Sincerely,

Stevie O'Brien

Stevie O'Brien
Chief of Staff
Office of the Minister of Public Services and Procurement

Canada

Letter from the Office of the Minister of Health

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

Mr. Philippe Dufresne
Law Clerk and Parliamentary Counsel
Seventh Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Dufresne,

I write to provide an update on efforts within the office of the Minister of Health to respond to the motion adopted by the House of Commons on October 26, 2020 for the production of documents related to the Government of Canada's response to the COVID-19 Pandemic.

We are providing today a first batch of documents as the office continues to work actively to respond to the motion.

In addition to the documents provided today, additional relevant records will be provided as soon as possible, following a review by non-partisan public servants.

Please be assured that we are committed to making best efforts to complete the work as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sabina Saini'.

Sabina Saini
Chief of Staff
Office of the Minister of Health

Canada

Letter from the Law Clerk and Parliamentary Counsel to the Clerk of the Privy Council



OFFICE OF THE
LAW CLERK AND
PARLIAMENTARY
COUNSEL
BUREAU DU
LÉGISTE ET
CONSEILLER
PARLEMENTAIRE

BY EMAIL

December 9, 2020

Mr. Ian Shugart
Clerk of the Privy Council and Secretary to the Cabinet
Privy Council Office
80 Wellington Street
Ottawa, ON K1A 0A3

Dear Mr. Shugart:

RE: House of Commons' Motion of October 26th, 2020

I am writing further to the letters of December 7th, 2020 that I received from you, the Office of the Minister of Health, the Office of the Minister of Public Services and Procurement Canada and the Prime Minister's Office, providing documents to my Office in response to the motion adopted by the House of Commons on October 26th, 2020.

My Office has received the documents and notes that, as you had indicated in your November 27, 2020 letter to the Standing Committee on Health, most were provided in only one official language. Therefore, I am writing to confirm whether, consistent with the long-standing expectations and practices when the government provides documents for tabling in the House of Commons or its Committees, you will also be providing us with translated copies of the documents in the other official language. If so, can you please advise when we can expect to receive them?

In the circumstances, I would appreciate hearing from you as soon as possible.

Yours truly,

A handwritten signature in blue ink, appearing to read "Philippe Dufresne".

Philippe Dufresne
Law Clerk and Parliamentary Counsel

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7-02 – 131 Queen Street, Ottawa, ON K1A 0A6
Tel: 613-996-6063 Fax: 613-992-4317 Email: lc-bl@parl.gc.ca

c.c.

Ms. Sabina Saini
Chief of Staff
Office of the Minister of Health
70 Columbine Driveway
Ottawa, ON K1A 0K9

Ms. Stevie O'Brien
Chief of Staff
Office of the Minister of Public Services and Procurement Canada
11 Laurier Street
Gatineau, QC K1A 0S5

Ms. Melissa George
Human Resources Advisor
Prime Minister's Office
80 Wellington Street
Ottawa, ON K1A 0A3