



HOUSE OF COMMONS  
CANADA

**MATTERS RELATING TO THE  
OFFICE OF THE PRIVACY COMMISSIONER**

**REPORT OF THE STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND ESTIMATES**

**Reg Alcock, M.P  
Chair**

**June 2003**

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# **THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS AND ESTIMATES**

has the honour to present its

## **FIFTH REPORT**

In accordance with its permanent mandate under Standing Orders 108(2) and 108(3)(c), your committee has conducted a study of matters relating to the Office of the Privacy Commissioner and reports its findings and recommendations.



## CHAIRMAN'S FOREWORD

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It is with mixed feelings that I write this foreword. On the one hand, I find no joy in what we had to do. However, I am personally satisfied that it was necessary. My colleagues on the Committee, representing all parties in the House of Commons and drawn from all regions of Canada, have demonstrated what a standing committee of the House of Commons can accomplish when we set aside our ideological differences and focus on our responsibilities as parliamentarians.

The Committee began its work with a real sense of uncertainty, not wanting to believe that someone in such an important position could act in such a capricious manner. The motion to begin the process was not unanimous and, while it passed, both government and opposition members expressed concern that we not rush to judgment.

Slowly, carefully, each member made up his or her mind based on the evidence and as it became clear that there was substance to the concerns, they individually demonstrated the skills that they possess. The lawyers worked on the process and investigative items, the chartered accountants focussed on the financial aspects and the public managers joined with the labour negotiators to seek a proper balance between the interests of all concerned. The educators, business people and our resident physician constantly pushed us to go further, to think harder, to challenge ourselves more.

All members knew they were contributing to restoring public confidence in the House of Commons. At the same time, members realized that one result of our work is that an individual has been disgraced, an important public office has been damaged, and trust in public office holders has been further eroded. These are deeply troubling events, but we believe that if committees work hard to raise standards and demand excellence, public confidence in the House of Commons will increase.

While the Committee has a permanent membership, we began our work on this issue with a mix of permanent members and some who were asked to sit on the committee because they had specific expertise to offer. Once seized of the issue I asked that they remain on the Committee for the purpose of this study.

Those who participated in the investigation were: Vice-Chairs, Paul Forseth and Tony Valeri and members, Carolyn Bennett, John Bryden, Roy Cullen, Ken Epp, Raymonde Folco, Gerald Keddy, Robert Lanctôt, Derek Lee, Pat Martin, Alex Shepherd, Judy Sgro, Paul Szabo and Tony Tirabassi.

There were several others who helped out at crucial moments and I wish to thank them all.

A parliamentary committee could not function without a very large number of people who work to ensure that we are able to do our jobs. From the security guards who make sure we are not disturbed, to the messengers and assistants who run errands, the

translators, interpreters, proceedings monitors, all of whom work quietly, often unnoticed, ensuring that we are able to keep going. It is a mark of the tremendous capabilities of the staff of the House that we are able to decide to work 15.5 hours straight and never experience any interruptions in the support services. Staff worked throughout the night, ensuring that the tools we needed were there when we needed them.

Sitting with us throughout this entire process were our legal advisors from the House, Law Clerk and Parliamentary Counsel, Robert Walsh; Senior Legal Counsel, Greg Tardi, and articling student, Lucia Shatat. Their advice was invaluable and kept us focussed on our goal. Our researcher, Jack Stilborn, sat through all of the proceedings and while we rested, he had to make sense of all the testimony and the opinions of the 16 M.P.s and capture it in a document that we could review the next morning. All of this comes together under the direction of our clerk, Miriam Burke. Miriam takes multitasking to new heights. She has an amazing ability to keep all of the support services coordinated, while constantly anticipating our needs, offering procedural advice, and generally keeping things moving so seamlessly that we are able to concentrate all of our energies on the task at hand.

I am deeply indebted to all of you.

The Standing Committee on Government Operations and Estimates is only a year old. We have learned much in this first year. We have so much more to do.

It is an honour to be your Chair.

Reg Alcock



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# **MATTERS RELATING TO THE OFFICE OF THE PRIVACY COMMISSIONER**

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## **PREFACE**

Confidence lies at the heart of the relationship between an Officer of Parliament and Parliament. When trust is violated confidence is destroyed. This report reflects the finding of the members of the Standing Committee on Government Operations and Estimates, that the conduct of Mr. George Radwanski as Privacy Commissioner, did not meet the necessary standard of honesty.

## **INTRODUCTION**

On June 13, 2003, the Standing Committee on Government Operations and Estimates tabled its Fourth Report in the House of Commons, a report stating findings and conclusions relating to the Privacy Commissioner and his Office (see Appendix 1).

The central conclusion of that report was that the Committee had ceased to believe that information provided to the Committee by the Privacy Commissioner about his activities was accurate and complete. Consequently, members of the Committee were in unanimous agreement that they had lost confidence in the Commissioner.

In addition, the Committee concluded that there was sufficient reason for concern about the financial and human resources practices of the Commissioner to refer these matters to the Auditor General and the Public Service Commission for detailed audits. As well, it was requested that the Public Service Commission use its powers to ensure that staff of the Office of the Privacy Commissioner (referred to throughout this report as the OPC) are not subject to interference or other negative consequences as a result of their appearances before this committee.

This report provides the House with a statement of the facts obtained by the Committee, as well as an exposition of the reasoning that led the Committee to the findings and conclusions set out in the Fourth Report, in particular the four findings stated in the report as follows:

Committee Members believe the Commissioner has misled the Committee with respect to: (a) the circumstances under which the Office provided a copy of a letter from which one of the original paragraphs had been deleted; (b) a set of expense reports whose incompleteness was not acknowledged in the cover letter; (c) travel expense forms on which there had been an attempt to conceal, by the application of white-out material, certain information; and (d) the reasons for his failure to appear in person at a hearing on the Commission's main estimates. When these concerns were brought to the attention of the Commissioner or Office officials, some additional documents were provided but the Commissioner has continued

to mislead the Committee with respect to these matters in subsequent letters and testimony before the Committee.

This report also reflects additional information that has been provided to the Committee since June 13, 2003. Information received since that date provides further support for the conclusions set out in the Fourth Report, and provides no grounds for amending or qualifying any of the findings or conclusions stated in that report. The Committee remains united in its conviction that Mr. Radwanski acted improperly in his attempts to deceive the Committee, abused his privileges as the head of the Office, and created a culture of intimidation within the Office.

## **BACKGROUND**

The conduct of the Privacy Commissioner needs to be considered in light of the distinctive characteristics imparted to the Commissioner's position by virtue of his being an Officer of Parliament.

### **Officers of Parliament**

The Auditor General, the Chief Electoral Officer, the Commissioner of Official Languages and the Information and Privacy Commissioners are Canada's Officers of Parliament.<sup>1</sup> They are creations of Parliament, established to provide Parliament with information, advice and other services needed in holding governments accountable. Officers of Parliament make specific contributions through their investigative and auditing functions and frequently perform an ombudsman function relating to their areas of responsibility.

A central requirement for the effectiveness of Officers of Parliament is their independence from the Government of the day. The role of Officers of Parliament as servants of Parliament, reporting directly to Parliament through the Speaker of the House of Commons (and in the case of the three commissioners, through the Speaker of the Senate as well) reflects this independent status. Their independence is safeguarded by reporting and removal procedures, the guarantee of financial independence, fixed terms of appointment, and the Officer's general control over the operations of the office.

At the same time, the degree of independence granted to Officers of Parliament remains controversial, and creates a need for Parliament to possess a remedy in case the independence of these positions is compromised. Since these Officers are accountable to Parliament, this remedy typically takes the form of legislative provisions that ensure that neither Parliament nor the Government can unilaterally remove an Officer, but rather that joint action is required. An additional

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1 These Officers of Parliament should not be confused with other positions within the House of Commons such as the Clerk and the Speaker. These Officers of the House serve a very different role than the Auditor General, Chief Electoral Officer and the Commissioners of Official Languages, Information and Privacy, in that the Speaker and the Clerk do not perform the same kind of "check" on government as the other officers.

safeguard is provided by the common requirement for agreement by both the Senate and the House of Commons.

### **The Privacy Commissioner**

The Privacy Commissioner is responsible for the administration of the *Privacy Act*, which came into force along with the *Access to Information Act* on July 1, 1983. The Act is a data protection law, once described as an “information handler’s code of ethics.” The law:

- grants individuals the legal right of access to personal information held about them by the federal government;
- imposes fair information obligations on the federal government in terms of how it collects, maintains, uses and discloses personal information under its control; and
- puts in place an independent ombudsman, the Privacy Commissioner, to resolve problems and oversee compliance with the legislation.

The Commissioner is also responsible for the more recent *Personal Information Protection and Electronic Documents Act*, which governs the collection, use and disclosure of personal information in the private sector, but only in the course of commercial activities. On January 1, 2004, the Act will cover provincially regulated organizations and/or activities except where a province has enacted legislation that is substantially similar to the federal law. So far, Quebec is the only province in this category.

In addition to investigating complaints under privacy legislation, the Commissioner can conduct audits of the fair information practices of government institutions, and audit private sector organizations where it can demonstrate reasonable grounds for doing so.

The *Privacy Act* distances the Commissioner from the Government of the day by establishing roles for both the Government and Parliament in the appointment and, where necessary, removal of the Commissioner. The relevant provisions of the Act read as follows:

**53.** (1) The Governor in Council shall, by commission under the Great Seal, appoint a Privacy Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

(2) Subject to this section, the Privacy Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

(3) The Privacy Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.

(4) In the event of the absence or incapacity of the Privacy Commissioner, or if the office of the Privacy Commissioner is vacant, the Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Privacy Commissioner under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

## **The Committee Mandate**

The Standing Committee on Government Operations and Estimates was created in May of 2002 in response to two concerns. The first was the widely held view of Members of Parliament that the House of Commons should strengthen its oversight of departments and the annual review of estimates. These concerns were expressed in the passage of an Opposition motion calling on the Government to implement the recommendations of the Catterall/Williams Report — *The Business of Supply: Completing the Circle of Control* and in the passage of a motion calling for the free election of committee chairs

The second concern was the need for the House of Commons to become more involved and more knowledgeable about the issues surrounding the introduction of the new Information and Communication Technologies (ICTs) into public management. It is widely believed that these "tools" will have a profound impact on public management and on the functioning of a healthy democracy.

In response, the House decided to create the Standing Committee on Government Operations and Estimates and to give it a mandate to oversee the central departments and agencies of government, the Parliamentary Officers who have information management responsibilities and the range of other organizations who receive public money and who are not assigned to a specific committee.

Standing Order 108(3)(c), which sets out the specific responsibilities of the Committee, includes the following (see Appendix 2 for complete mandate):

(vi) the review of and report on reports of the Privacy Commissioner, the Access to Information Commissioner, the Public Service Commission and the Ethics Counsellor with respect to his or her responsibilities under the *Lobbyists Registration Act*, which shall be severally deemed permanently referred to the Committee immediately after they are laid upon the Table.

## **OPC Estimates and Annual Report**

In accordance with this mandate, the Supplementary Estimates B relating to the Office of the Privacy Commissioner for fiscal 2002-2003 and the Main Estimates for 2003-2004 were referred to the Committee by the House of Commons (See Appendix 3).

The Committee held meetings with the Commissioner and officials of the Office during March of 2003 on both the Commissioner's annual report and

Supplementary Estimates. The Main Estimates of the OPC were examined by the Committee on May 27, 2003. As detailed elsewhere in this report, these meetings began the process that resulted in the findings released in the Committee's Fourth Report.

## **THE PROCESS FOLLOWED BY THE COMMITTEE**

This section of the report outlines the events that led to the initial concerns of Committee members relating to the Privacy Commissioner, and the process employed by the Committee in responding to those concerns.

### **Chronology of Events**

On March 18, 2003, the Standing Committee on Government Operations and Estimates held a meeting with the Commissioner on his recently released annual report. At that meeting, Mr. John Bryden, M.P., requested a range of information from the Commissioner, including:

- a written explanation of why the Office of the Privacy Commissioner should not be subject to the *Access to Information Act* (which had been a matter of discussion during the meeting);
- an organization chart for the Office, and set of job descriptions for the individual positions;
- expense account data for the last two fiscal years relating to the Commissioner and officials of the Office; and
- a list of routine recipients of press releases issued by the Office.

Following an expression of concern from the Commissioner about disclosure of OPC position and expense account information, Mr. Bryden served notice that he would place a motion before the Committee relating to the formal request for the information he sought.

On March 21, 2003, the Clerk of the Committee received a letter over the signature of the Executive Director of the Office (see Appendix 4). The letter indicates that the Executive Director had been instructed by the Commissioner to provide:

- (1) *Copy of a letter of August 2, 2002 (Rosenberg-Radwanski) concerning the Report of the Access to Information Review Task Force, (see Appendix 4)*
- (2) *Copies of his Expenses Claim Forms from April 1, 2001 to March 18, 2003,*
- (3) *Copy of the formal Organizational Chart and descriptive breakdown of the Office as of March 18, 2003.*

A second letter dated March 24, 2003, provided additional information, including job descriptions and a general statement of the routing of the Commissioner's news releases (see Appendix 5).

Shortly after the documents arrived, the Chair received a phone call from an individual who purported to be an employee of the OPC and who claimed that the copy of the letter provided to the Committee had been falsified. Rather than respond to anonymous information, the Chair informed Mr. Bryden of the phone call and they decided that Mr. Bryden would request a copy of the original letter from the Deputy Minister of Justice, which he did. According to testimony received by the Committee, discussions then occurred between the OPC and the Office of the Deputy Minister of Justice. Mr. Radwanski refused to authorize release of the letter until he was informed that it was the Department of Justice's view that the *Access to Information Act* provided no grounds for withholding the letter, and that the Deputy Minister of Justice intended to release it.

The letter was subsequently provided by Morris Rosenberg, Deputy Minister of Justice, to Mr. Bryden on May 29, 2003 (see Appendix 6). A comparison of the copy provided by the Deputy Minister of Justice and the copy that had been provided to the Committee indicated that the copy provided to the Committee consisted of a falsified version of page 1 of the letter prepared by deleting the bottom paragraph and stamping the date as August 2, 2002, the date of the original. The remaining pages of the letter, including the final page bearing Mr. Radwanski's signature, were photocopies of the original.

A letter from the Privacy Commissioner to Mr. Bryden and copied to the Committee, also dated May 29, 2003, indicated that he had become aware that the original copy of the letter to Mr. Rosenberg was being provided to Mr. Bryden with the Privacy Commissioner's "consent," although, as seen above, consent would not have been required. (Appendix 7). This letter went on to provide the Commissioner's explanation for the deletion of the paragraph (this will be examined in detail in a following section of this report).

### **An Opportunity for the Privacy Commissioner to Respond**

On June 3, 2003, the Committee Members adopted a motion to call the Privacy Commissioner before the Committee in order to discuss the issue of the altered letter and related matters. This meeting occurred on June 9, 2003, and although the Privacy Commissioner was provided with several hours in which to amplify on the explanation given in the May 29, 2003 letter, at the conclusion of the meeting the concerns of members remained. By this time, some Committee members were being contacted directly by various employees at the Office of the Privacy Commissioner, past and present, and other individuals who expressed a range of concerns about the administrative and financial practices of the Commissioner.



Following the meeting on June 9, 2003, the Chair contacted Mr. Robert Walsh, House of Commons Law Clerk and Parliamentary Counsel, to seek his advice on how the Committee should proceed, given the very serious nature of the allegations. As much of the information had been received from "whistleblowers," it was decided that Mr. Walsh would meet with one of them to ascertain the credibility of the individual.

### **Whistleblowers**

On June 10, 2003, Mr. Walsh was contacted by the individual who had initially telephoned the Chair, and the following day he advised the Committee that he had been contacted by an individual in the Office of the Privacy Commissioner who indicated knowledge of the circumstances surrounding the altered letter, and also indicated knowledge of additional matters relating to information supplied by the Commissioner in the documents provided in March. Following discussions with the Chair, Mr. Walsh interviewed the individual in order to be able to satisfy the Committee that the individual was a credible source of information, and had no personal biases or interests that would cast doubt on the veracity of the information being volunteered. In the course of these discussions, the names of possible corroborating witnesses, and others whose positions in the OPC would place them in a position to have knowledge relevant to the work of the Committee were communicated to the Law Clerk.

### **The Decision to Hold *In Camera* Hearings**

Given the potential seriousness of issues relating to the altered letter, and of other information that was being communicated to members at this time, the Committee decided to hold a series of *in camera* meetings with the Commissioner and employees of the OPC, including both the individual who had come forward with information about the letter, other individuals who had indicated their willingness to provide information, and additional individuals whose positions in the Office made their testimony relevant.

In considering its approach to these hearings, Committee members recognized that a speedy resolution of all matters that had come to be of concern was essential. Protracted hearings could have a damaging effect on the credibility of the Privacy Commissioner, and his capacity to perform his duties. If the concerns that had arisen were unimportant, or based on misinformation or misunderstanding, they needed to be addressed as quickly as possible.

In addition, Committee members were extremely concerned about the predicament of employees of the OPC, both those who had volunteered to come forward with information and others. These were people who, in some cases, had legitimate reasons to believe that their jobs, or future in the OPC, might be at stake. Indeed, testimony subsequently received by the Committee indicated that, at a management meeting during the week of intensive committee hearings, the Privacy Commissioner had made a statement, in what was seen by employees as a

menacing and intimidating manner, that if the “rat” were ever discovered, this person would have no future in the public service.

On June 12, 2003, the Committee undertook a day (and evening) of intensive hearings involving a number of people. All who appeared before the Committee were advised of the *in camera* status of the meetings, which meant that the record or identity of witnesses would not be made public.

The central reason for the *in camera* approach was the need to avoid disclosing information that could make employees vulnerable to reprisals, interference or other negative consequences. Witnesses were also advised of their own obligation to respect the *in camera* status of proceedings, and to not disclose testimony or questions from Committee members. It is noteworthy, however, that this restriction is not a “gag order,” and cannot justifiably be invoked by Mr. Radwanski as an inclusive pretext for refusing to answer questions from the media about expense forms, contracting, and other practices that have come to be widely discussed in recent weeks. It also does not apply to the public meetings that this committee has held with Mr. Radwanski and OPC officials, or documents provided during these meetings.

The decision to rely on *in camera* hearings has had a significant impact on the structure and content of this report, as well as the fact-finding process itself. The need to protect the identity of witnesses has required us to refrain from using attributed quotations and unattributed quotations whose source could be readily identified based on what was said. As well, in describing the sources of information, we have taken care to avoid circumstantial details that could reveal identities. The main exception to this rule concerns the testimony of Mr. Radwanski himself, whose identity cannot be concealed in this report for obvious reasons.

Our process provides an important source of credibility that other kinds of proceedings do not have, and that may not be possessed by other *in camera* processes. This is the agreement of members representing all political parties in the House of Commons on both the conclusions of this report, and the substance of the evidence upon which they are based. Given that the role of opposition parties within our Westminster model of Parliament involves frequent opposition to the Government, the only reason for members of all political parties to affirm the description of the evidence provided in this report is that it accurately represents the evidence provided to the Committee, and reflected in its conclusions.

As well, all who provided evidence were advised, and accepted, that their testimony before the Committee had the same status as testimony under oath, acknowledged that they were testifying under oath and acknowledged that they had a duty to speak the truth.

We highlight that all witnesses who testify at a parliamentary committee are required to tell the truth whether or not sworn to do so under oath. Federal public employees have an additional professional burden for truthfulness, because their

oath of employment requires that they "... will faithfully and honestly fulfil the duties that devolve..." An even higher level of duty and foreknowledge for honesty during testimony is expected from ministers of the Crown and independent Officers of Parliament. As an Officer of Parliament, Mr. Radwanski had particular reason to be aware of the absolute requirement to be fully honest and transparent in his reporting relationship to Parliament through the Standing Committee.

## **The Hearings**

The hearings specifically on the matters addressed in this report began with the public meeting between the Committee and Mr. Radwanski on June 9, 2003. This was followed by a full day and evening of *in camera* hearings on June 12, 2003, which led to a second meeting with Mr. Radwanski on the morning of June 13. Mr. Radwanski was invited back before the Committee specifically to give him an opportunity to hear our major concerns and reconsider his earlier positions.

The Privacy Commissioner has claimed that he has not been made aware of the allegations against him and thus has not been able to defend himself. However, the Commissioner's letter to the Committee of June 11, 2003 (see Appendix 8) provides a detailed follow-up response to concerns that had been raised at the June 9 meeting, and leaves us with no doubt that the Commissioner was fully aware of our major concerns, even before his participation in the June 12 and 13 *in camera* hearing process. It is our belief that the Commissioner has been provided with specific information identifying the Committee's concerns and their basis, as well as an ample opportunity to respond to these concerns both before the *in camera* hearings commenced, and at their conclusion (on the morning of June 13, 2003).

Finally, on June 17, one of the witnesses returned before the Committee, following a written request to appear for the purpose of providing additional testimony.

## THE FALSIFIED LETTER

As outlined earlier in this report, the receipt of a copy of a letter from the Privacy Commissioner to the Deputy Minister of Justice, from which a paragraph had been removed, was a pivotal event among those leading to this report. Our firm belief, based on testimony received as well as physical evidence, is that the Privacy Commissioner has persistently misled the Committee about the circumstances under which this alteration occurred, and the extent of his own direct involvement in the alteration.

The cover letter that accompanied the documentation, dated March 21, 2003, and signed by the Executive Director of the Office of the Privacy Commissioner, refers to “the following documents, which were requested at his (the Commissioner’s) recent appearance at the ... Committee.” (See Appendix 2). Among the documents then listed is one described as a “Copy of a letter of August 2, 2002 (Radwanski-Rosenberg) concerning the report of the Access to Information Review Task Force.” It is noteworthy that no mention is made of any alteration to the letter, or the removal of the paragraph noted earlier in this report. It is described simply as a “copy.”

In his May 29, 2003 letter to Mr. Bryden (Appendix 7), the Privacy Commissioner undertook to explain the removal of the paragraph. He indicated that he had to provide direction regarding the assembly of the documentation by telephone, due to travel commitments, and that his intention that the letter be used as the source of content for a briefing note was not understood by officials in his Office. According to him, he agreed with their suggestion that the paragraph be deleted because it was not relevant to the interests expressed by Mr. Bryden, and this was interpreted by OPC staff as an instruction to alter the letter. Mr. Radwanski indicates, however, that what was intended was an instruction to omit that paragraph from a briefing note that was to be prepared for the Committee.

The Privacy Commissioner has maintained this explanation in subsequent letters, as well as in his testimony before the Committee on both June 9 and June 13, 2003. However, this testimony, as well as the June 11 letter (see Appendix 8) has added certain details, notably that the discussion with officials and the falsification of the letter took place on March 21, a Friday, when Mr. Radwanski was in Vancouver. As well, the June 11, letter indicates that the falsified letter was produced by reprinting the first page from a computer file, and then date-stamping the printout with the same date as the original.

During our June 12, 2003 day of hearings, one OPC employee supported the main points of the Privacy Commissioner’s account of events. A second employee supported the claim that the changes were made while Mr. Radwanski was absent, but differed from the first employee on details such as the name of the individual who requested a copy of the letter with the paragraph deleted from support staff.

The Committee has also received, from two other OPC employees, testimony that conflicts directly with central aspects of the account provided by the Privacy Commissioner. We were told by each of these employees that they saw Mr. Radwanski in the Office when the changes were being made, and that he was present and directly involved in directing the changes — providing direction in the form of a copy of the original letter with the offending paragraph stroked through with his distinctive black pen. We have also been told that the Commissioner was advised by at least one senior official in his Office against sending a modified letter to the Committee, and chose to ignore the advice.

During his testimony, Mr. Radwanski has repeatedly stressed the importance of miscommunication as the reason for the sending of the falsified letter by OPC staff. However, the witness who indicated that the Privacy Commissioner had been advised to the contrary also told us that the possibility of creating a memorandum based on the letter had been presented to Mr. Radwanski by his staff. This advice was ignored as well.

Furthermore, we have been provided with physical evidence that supports the second of the two scenarios. We have obtained printouts of date/time/access data that is automatically stored within the computer system of the Commission, and it clearly indicates that the letter was accessed and modified from the terminal of an assistant to the Commissioner, on Wednesday March 19, 2003, when by his own account Mr. Radwanski would still have been in Ottawa, and at the office.

The fact that the Committee has received conflicting oral testimony from witnesses before Parliament raises questions that are deeply troubling, and will require future attention. For the purposes of this report, however, the central issue concerns the veracity of the Privacy Commissioner's account of his involvement in the alteration of the letter, as it may relate to the continuing confidence of Members of Parliament in his performance of his duties.

With respect to the testimony of individuals, members of the Committee are unanimous in their belief that the more credible version of events is that provided by the individuals who came forward, voluntarily, despite their perception of some personal risk and to no conceivable personal benefit, to inform it that the letter had been altered, and that Mr. Radwanski was directly responsible. Perhaps most significantly, this version of events is consistent with the physical evidence, which indicates that the letter was accessed and altered two days before Mr. Radwanski claims he recalled the existence of the letter, and requested the inclusion of its contents (except for the paragraph to be deleted) in the package destined for the Committee. Mr. Radwanski was unable or unwilling to explain this evidence, when he was advised of its existence on June 13, 2003, and given the opportunity to explain it during his appearance before the Committee on that date.

Mr. Radwanski has repeatedly stated that the deleted paragraph was an innocuous one, omitted only because it did not provide information relevant to the interests of the Committee, and that its omission does not reflect any attempt to

deny the Committee information. We find the omitted paragraph confusing, since it seems to both deny and affirm that the Privacy Commissioner should be accountable to the public and Parliament (like a minister), and we are not convinced that its omission was merely because of its perceived irrelevance. In any case, Mr. Radwanski's motive does not detract from the damage to the future credibility of the Privacy Commissioner inflicted by the fact that a document was deliberately falsified and submitted to the Committee, nor does it diminish our concerns about the apparent complicity of some OPC employees in the falsification. Having explored the matter with a great deal of care, we are unable to accept Mr. Radwanski's account of his personal involvement in these actions.

## **INCOMPLETE AND CONCEALED INFORMATION**

### **Incompleteness**

The March 21, 2003, letter that accompanied the initial documentation provided to the Committee indicated that "copies of his Expenses Claim Forms from April 1, 2001 to March 18, 2003" were being provided, in addition to the letter discussed immediately above. This responded to a specific request for information on expenses during this time period that Mr. Bryden had made at the March 18, 2003, meeting with the Privacy Commissioner.

On April 8, 2003, Mr. Paul Szabo formally moved Mr. Bryden's motion calling for expenses and related information for the full two-year 2001-2003 period and, for comparison purposes, the same information from the Information Commissioner (see Appendix 9). In the June 9, 2003 meeting with Mr. Radwanski, testimony revealed that the original package of expense claim forms had not been signed off by the OPC official responsible for finance, and Mr. Radwanski was asked to resubmit the package with a statement from this official attesting to its completeness. On June 11, a package of expense claim information was provided by the OPC consisting of the March 21 forms, and eight additional hospitality claims for the period covered in the March 21 package, but which had not been included in that package. They brought the total for hospitality and travel claims to \$197,287.78.

The fact that the package of expense information provided on March 21 was represented as a complete answer to Mr. Bryden's original request for information covering this period, with no qualification alerting Committee members to the possibility of subsequent additions, remains troubling. At the time the package was sent, efforts to retrieve claims (or ensure that all claims had been retrieved) must have been continuing. Otherwise the additional claims provided to the Committee would not have been found. A statement advising the Committee that the original package of claims might not be complete should have been included in the letter that covered the original package.

Our concerns about the incompleteness of the expense information provided by the Privacy Commissioner, and the credibility of statements concerning it, have

not diminished since June 11, 2003. The Committee has obtained a printout directly from the Financial Management System of the OPC, that provides an itemized list of travel expenses during 2001-2002 and 2002-2003 for both Mr. Radwanski and his Senior Director General, Communications and Strategic Policy, who usually accompanied him on international travel. This document indicates that Mr. Radwanski's travel expenses for the two years were on the order of \$285,000 (subject to various notes relating to minor items). Allowances must be made for a time period that is longer by several weeks than that applying to the information originally provided by the OPC, in response to the formal motion demanding complete data, but this difference does not explain the gap between the total on the printout and the total expenses the Privacy Commissioner directly reported to the Committee. It is clear that the expense information originally provided to the Committee was incomplete, and understated the true total by in excess of \$90,000, or more than 30% of the amount originally reported.

### **Concealment**

Our review of the hospitality expense claim forms provided by the OPC has raised the issue of deliberate concealment. An initial basis for this concern arose with the reception of the original hospitality claim forms from the Privacy Commissioner. It was evident that the names of individuals who had shared in the Commissioner's hospitality had been blacked out. In his recent appearance before the Committee, the Commissioner indicated that this had been done in order to protect the privacy of the individuals involved, and in so doing to avoid compromising his own effectiveness in meeting with people as required for his work.

Important mitigating factors, with respect to the black-outs, are that there was no attempt to conceal the fact that information on the forms had been made inaccessible. However, we have been advised by officials of the Office of the Information Commissioner that it is now settled law that the names of persons who receive hospitality (i.e. discretionary benefits of a financial nature) and the names of government employees as they relate to functions of the individual are not subject to protection. So it appears that their concealment reflects a personal conviction of Mr. Radwanski, rather than a legal obligation.

The Committee has obtained copies of the original expense claim forms (without blacked out names) and notes the frequency with which Mr. Radwanski provided hospitality to his Senior Director General, Communications and Strategic Policy (and with which she provided hospitality to him). Even if his views about the need for private meetings as a function of his responsibilities were accepted, we do not see why they would apply to meetings with a senior official of his own office, with whom the existence of a working relationship can be taken for granted. In the view of Committee members, the blacking out of all names on these forms suggests a tendency towards concealment which is unacceptable, when the relationship of an Officer of Parliament to a parliamentary committee should involve an open and complete provision of information.

Our concerns about the completeness and accuracy of expense account information coming from the Privacy Commissioner have deepened considerably as a result of testimony provided by employees of the OPC during our June 12, 2003 hearings. We were told that expense claims underwent a process of apparent vetting before being included in the information packages provided to the Committee, and that information on four claim forms had been concealed with white-out material. The Committee has obtained copies of the originals of a number of these claim forms, and the physical evidence confirms that information on the forms has been concealed. The concealment of the information, we were told, was done in response to Mr. Radwanski's direct instructions.

While the significance of the white-outs, from a financial and administrative standpoint, needs to await examination by the Auditor General, their significance from a reporting to Parliament standpoint is self-evident. The practice of whitening out information on materials going to Parliament without indicating that the information has been whited out is completely unacceptable. When there is a valid reason to keep information private, the established practice is to indicate that material has been excluded and cite the reason for doing so.

## **MATTERS REQUIRING ATTENTION BY THE AUDITOR GENERAL AND THE PUBLIC SERVICE COMMISSION**

The purpose of this section is not to prejudge technical issues that require the specific expertise of the Auditor General and the Public Service Commission. Rather, it is to enumerate the key issues that emerge from testimony provided to us by witnesses, and which we believe require further attention. Following the release of our June 13, 2003 report, letters requesting this attention were sent to Mrs. Sheila Fraser, Auditor General and Mr. Scott Serson, President of the Public Service Commission (see Appendix 10 for copies of these letters, and the Auditor General's response indicating her agreement to undertake an audit, and report to Parliament in the fall).

### **Auditor General Issues**

The substantial agenda of international travel undertaken by Mr. Radwanski and his Senior Director General, Communications and Strategic Policy, since April 1, 2001, is documented in the OPC travel claim printout. This printout also indicates the costs to the taxpayer; some \$285,000 for Mr. Radwanski and \$208,000 for his colleague. While decisions about travel are essentially within the discretionary authority of an organizational head, we think the Auditor General needs to look closely at whether or not the taxpayer has received good value as a result of Mr. Radwanski's exercise of this authority. Several of our witnesses alluded to brief appearances, short speeches and no efforts at networking at some of the international events attended. There was also a claim that the Privacy Commissioner has made diligent efforts to obtain invitations to international events in order to have a rationale for attendance, and that a consultant was at one time specifically engaged for this purpose. These claims, and the value for money



obtained for Canadians as a result of Mr. Radwanski's journeys can only be established through an audit that includes these activities.

Similarly, with respect to Mr. Radwanski's hospitality expenses, an audit appears to be warranted. We await the findings of the Auditor General, on whether the practice of extensive shared lunches and alternating hospitality expense claims in which Mr. Radwanski and his Senior Director General, Communications and Strategic Policy, appear to have engaged is acceptable. We also look forward to an opinion on whether bills in the hundreds of dollars for lunches are acceptable, from a value-for-money point of view, and using as a reference point the modest hospitality limits established by Treasury Board for public servants (in the range of \$22 per person, average cost of lunches).<sup>2</sup>

An audit of the financial and administrative practices of the OPC might also devote attention to a range of additional issues suggested to us by witnesses, or arising from physical evidence that we have inspected. Among these are the Privacy Commissioner's approving his own expense claims; an instance in which the Privacy Commissioner and his Senior Director General, Communications and Strategic Policy, appear to have each submitted hospitality expense claims for the same expenditure; suggestions that a questionable \$15,000 travel advance was not repaid until the end of the fiscal year, to avoid requirements that it be included in the Public Accounts, and was then reissued at the beginning of the next fiscal year; and practices such as contracting with individuals having personal ties to Mr. Radwanski and the initiation of a large end-of-fiscal-year advertising contract, alleged to have been for the purpose of disposing of a budgetary surplus. There was also concerns that the Privacy Commissioner may have claimed to be on "travel status" in both Ottawa and Toronto.

### **Public Service Commission Issues**

In our June 13, 2003 report, we expressed special concern about the situation that employees of the Office of the Privacy Commissioner may find themselves in, as a result of the developments that have led to this report. The resignation of Mr. Radwanski as Privacy Commissioner and the announcement of the appointment of an acting commissioner substantially reduce our immediate concerns about the possibility that employees who have participated in our hearings may find themselves subject to interference or negative consequences as a result. However, we continue to believe that the investigation requested in our letter to Mr. Serson is warranted.

Our request that the Public Service Commission use its full authority to protect the interests of employees of the Office of the Privacy Commissioner was based on testimony received by the Committee indicating the immediate need for such protection. As noted earlier in this report, Mr. Radwanski made remarks at an executive meeting during the week of June 8, 2003 that might reasonably be

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<sup>2</sup> See Treasury Board of Canada, Secretariat, Hospitality Policy, s.3 and related.

interpreted by employees as a threat. The plausibility of this interpretation was supported by information we received from several employees, indicating longstanding patterns of authoritarian behaviour on the part of the Privacy Commissioner that employees have experienced as bullying and intimidation. What remains needed is assurance that employees were not subjected to pressure or intimidation in recent days, and that the behaviour of those closely associated with Mr. Radwanski has been, and continues to be, appropriate.

The Committee also urges the Public Service Commission to include within the scope of the human resources audit we have requested, attention to specific allegations made by our witnesses. The Committee has heard allegations relating to the manipulation of hiring, promotion and contracting processes in order to benefit individuals personally connected to Mr. Radwanski; the reclassification of certain positions in order to provide salary increases and other benefits to favoured incumbents; and the overruling or bypassing of immediately responsible officials in order to provide contracts to individuals known to the Privacy Commissioner. These claims are all potentially serious, and need to be investigated.

In addition to examining specific human resources practices, we also expect the Public Service Commission to take account of the importance of corporate culture in the course of its audit, and explore broader impacts of any inappropriate practices that are identified. Practices of the kind that have been alleged have a detrimental impact on the effectiveness of organizations, and individual employees. We remain troubled by the possibility that the issues of honesty upon which this report has focussed may go beyond the conduct of the Privacy Commissioner himself. They also appear to point to the existence of a group of employees who may, in some cases, have been too dispirited to challenge effectively the conduct of the Privacy Commissioner, even when it was their duty to do so. If the Public Service Commission was to raise a possibility of conflict of interest in the EX positions, we would specifically ask the Auditor General to examine these cases.

## **THE DECISION RELATING TO CONFIDENCE**

This report reaffirms the unanimous conclusion of the June 13, 2003 report tabled by this committee, namely that members of the Committee have lost confidence in the Privacy Commissioner. We believe the Commissioner has deliberately misled the Committee on several recent occasions, and we have therefore ceased to be confident in the completeness and accuracy of information communicated by the Privacy Commissioner to Parliament, and the Committee.

In considering this conclusion, it is important to assess not only the evidence provided in this report but also the nature of the judgment that is involved in confidence. The judgment relating to confidence may focus on operational performance or perceptions of capacity, accountability practices, or personal suitability, to name only a few of the most obvious factors. As such, the judgment relating to confidence can best be understood as similar to the comprehensive judgment that a corporate board of directors is entitled to make with respect to the

hiring and firing of senior executives. And senior executives, in both the private and public sectors, recognize that just as they owe their positions to a favourable judgment of confidence, they may be obliged as honourable people to renounce their positions should they cease to inspire the confidence of those who are responsible for their continuation.

As this report makes clear, the central issue that has led the Committee to lose confidence in the Commissioner relates to information he has provided to the Committee that we believe has been deliberately misleading. However, our account of our deliberations would be incomplete if we did not add that the testimony we have received during the past several weeks has also left us, in addition, with growing concerns about the financial and administrative practices of the Commissioner, and his Office. That is why we have referred the matters detailed in a preceding section of this report to the Auditor General and Public Service Commission respectively.

More broadly, testimony received from several employees relating to a personal style that appears to rely heavily on intimidation and bullying has deepened these concerns. Also, in view of the critical importance attached to the independence of the Commissioner from the Government, by both ourselves and the Commissioner in testimony provided to the Committee, we were concerned to learn of an arrangement negotiated with the Privy Council Office, involving a housing allowance of some \$1,600 per month (\$1,200 net of taxes) over and above the Commissioner's salary. We raise for consideration the question whether such an allowance, renewable periodically at the discretion of the Government, is compatible with the Commissioner's central role as an independent protector of privacy rights.

In short, as a consequence of the evidence accumulated by the Committee, we came to lack confidence in the Privacy Commissioner and his capacity to perform his duties to Parliament and the people of Canada.

## **CONCLUSIONS AND RECOMMENDATIONS**

The June 23, 2003, resignation of Mr. Radwanski as Privacy Commissioner changes the focus of the recommendations provided in this report. We have decided, however, to include the major recommendation that we would have made, had Mr. Radwanski not resigned. This recommendation and its supporting rationale is an element in our accountability for developments in which the Committee has played an important role. It should also be part of the historical record, since the action taken by the Committee concerning an Officer of Parliament is without precedent.

Having reflected upon the information set out in this report, members of the Committee unanimously agreed to the conclusion stated in our June 13, 2003 Fourth Report. We believed that the Privacy Commissioner deliberately misled the Committee on several recent occasions. As a result, we had lost confidence in the

Privacy Commissioner, in particular because we were unable to believe, unconditionally, that information he may have provided to Parliament, had he continued in his position, would have been accurate, complete and intact, with no exceptions.

We therefore would have recommended:

**That the House of Commons adopt a motion for an Address to her Excellency requesting the removal of Mr. Radwanski from the position of Privacy Commissioner, and that a message be sent to the Senate of Canada informing Senators of the decision of the House and requesting that the Senate unite with the House in that Address.**

## **Recommendations**

While, the investigation that has led to this report has focussed on the conduct of Mr. Radwanski as Privacy Commissioner, it also raises broader issues.

First, we believe that a full response to the concerns raised in this report requires attention to the possibility that existing institutional arrangements may have contributed to the problem, or impeded its early discovery and resolution. The appointment processes that currently apply to privacy commissioners and other Officers of Parliament may be deficient. The imbalance, in practice, between the respective roles of the Governor in Council and Parliament in such appointments warrants examination. The apparent lack of due diligence concerning Mr. Radwanski's relationship with the Canada Customs and Revenue Agency, suggested by recent reports in the media, may point to issues that require follow-up attention. The appointment process can only be considered adequately in the context of a comprehensive review of the structure and functions of Officer of Parliament positions, including the accountability regime that governs their relationships with both the Government and Parliament. This Committee therefore recommends:

- 1. That the House instruct a standing committee, or a special committee, to study and report back on the role and functions of Officers of Parliament, including but not limited to:**
  - the process by which Officers of Parliament are appointed;**
  - the independence and authorities required by Officers of Parliament and related practical proposals;**
  - applicable salary and benefits, and how these should be determined;**

- **the annual estimates process in respect of the Offices of Officers of Parliament, and other elements in their accountability to Parliament; and**
- **appropriate provisions for their removal.**

Recent revelations about the special housing and travel allowances approved annually by the Privy Council Office for Mr. Radwanski have been considered by the Committee. In the opinion of members of the Committee, this practice was unacceptable. It should be noted that no other Officer of Parliament receives such additional benefits, and the Committee recommends that:

- 2. Until the study proposed in recommendation number 1 is completed and its recommendations implemented, no personal financial arrangements should be entered into between any Officer of Parliament and any government department or agency.**

### **Next Steps for the Committee**

In addition to the recommendations set out above, the findings of the Committee in this matter have left us with three other matters. These are:

- Regarding the appointment of a permanent successor to Mr. Radwanski: we intend to scrutinize any prospective candidate prior to any vote by Parliament on the matter.
- Regarding whistleblowers: The Committee was informed that several OPC staff members raised concerns internally, with no result. The Committee intends to undertake a review of the effectiveness of existing protections for whistleblowers within the federal public service, as well as a comprehensive assessment of options. The Committee will pursue this matter in the fall, and report back to the House with recommendations.
- Regarding possible contempts of Parliament: the Committee remains extremely concerned about the possibility that Mr. Radwanski and certain employees in the OPC are in contempt of Parliament as a result of their provision of deliberately misleading testimony during our hearings. This is an extremely serious matter, and will be pursued by the Committee in the fall, in a study that will include a review of the adequacy of processes relating to testimony before parliamentary committees and of all restrictions and obligations applying to public servants in relation to

Parliament.

The Standing Committee on Government Operations and Estimates will address these matters, in order to ensure that existing arrangements and practices do not leave the door open to future incidents of the kind that has necessitated this report.

## **APPENDICES**





# APPENDIX 1

STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND  
ESTIMATES



COMITÉ PERMANENT DES  
OPÉRATIONS GOUVERNEMENTALES  
ET DES PRÉVISIONS BUDGÉTAIRES

The Standing Committee on Government Operations and Estimates has the honour to present its

## FOURTH REPORT

This report provides the House with a statement of the central findings of the Standing Committee on Government Operations and Estimates relating to matters that have arisen concerning the Privacy Commissioner.

Officials of the offices of both the Privacy Commissioner and the Information Commissioner, having acknowledged that they were testifying under oath and had a duty to speak the truth, have given the Committee information during a series of *in camera* hearings that has compelled Members to conclude, unanimously, that the Privacy Commissioner has deliberately misled the Committee on several recent occasions.

Committee Members believe the Commissioner has misled the Committee with respect to: (a) the circumstances under which the Office provided a copy of a letter from which one of the original paragraphs had been deleted; (b) a set of expense reports whose incompleteness was not acknowledged in the cover letter; (c) travel expense forms on which there had been an attempt to conceal, by the application of white-out material, certain information; and (d) the reasons for his failure to appear in person at a hearing on the Commission's main estimates. When these concerns were brought to the attention of the Commissioner or Office officials, some additional documents were provided but the Commissioner has continued to mislead the Committee with respect to these matters in subsequent letters and testimony before the Committee.

Absolute honesty, in reporting to Parliament and its committees, is a central requirement for all officers of Parliament. Unconditional confidence in that honesty, on the part of parliamentarians, is essential if Parliament is to support its officers in their important duties.

Having deliberated upon the findings set out above, Members of the Committee are in unanimous agreement that they have lost confidence in the Commissioner. We are no longer able to believe that information provided by the Privacy Commissioner about his activities can be assumed to be accurate and complete.

Furthermore, evidence provided to the Committee raises concerns about financial practices in the Office of the Privacy Commissioner, and the Committee has requested by letter that the Auditor General conduct a comprehensive audit of financial practices at the Commission.

The Committee wishes to commend the public servants who came forward with information despite, in some cases, their belief that they had been directly or indirectly threatened for undertaking to do so. The Committee has requested by letter that the Public Service Commission investigate hiring and promotion practices at the Privacy Commission, and use its authority to ensure that staff are not subject to interference or other negative consequences as a result of their appearances before this Committee.

This interim Report has been prepared to provide central findings to the House at the earliest possible instant, because of the gravity of the issues involved. It will be followed by a more detailed final report elaborating on the evidence that has led the Committee to the conclusions stated above.

A copy of the relevant Minutes of Proceedings (meetings no 48, 52 and 53) are tabled.

Respectfully submitted,



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES

CANADA

STANDING ORDERS

OF THE HOUSE OF COMMONS

*(Consolidated version as of March 17, 2003)*

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RÈGLEMENT

DE LA CHAMBRE DES COMMUNES

*(Version codifiée au 17 mars 2003)*

(c) Government Operations and Estimates shall include, among other matters:

c) celui du Comité des opérations gouvernementales et des prévisions budgétaires comprend notamment :

Opérations gouvernementales et prévisions budgétaires.

(i) the review of and report on the effectiveness, management and operation, together with operational and expenditure plans of the central departments and agencies;

(i) l'étude de l'efficacité, de l'administration et du fonctionnement des ministères et agences gouvernementales centraux ainsi que de leurs plans opérationnels et de dépenses, et la présentation de rapports à ce sujet;

(ii) the review of and report on the effectiveness, management and operation, together with operational and expenditure plans relating to the use of new and emerging information and communications technologies by the government;

(iii) the review of and report on the effectiveness, management and operation of specific operational and expenditure items across all departments and agencies;

(iv) the review of and report on the Estimates of programs delivered by more than one department or agency;

(v) with regard to items under consideration as a result of Standing Orders 108(3)(g)(i), (ii) or (iii), in coordination with any affected standing committee and in accordance with Standing Order 79, the committee shall be empowered to amend Votes that have been referred to other standing committees;

(vi) the review of and report on reports of the Privacy Commissioner, the Information Commissioner, the Public Service Commission and the Ethics Counsellor with respect to his or her responsibilities under the Lobbyists Registration Act, which shall be severally deemed permanently referred to the Committee immediately after they are laid upon the Table;

(vii) the review of and report on the process for considering the estimates and supply, including the format and content of all estimates documents;

(ii) l'étude de l'efficacité, de l'administration et des activités afférentes à l'utilisation par le gouvernement des technologies naissantes en matière d'information et de communications ainsi que des plans opérationnels et de dépenses s'y rapportant, et la présentation de rapports à ce sujet;

(iii) l'étude de l'efficacité, de l'administration et des activités afférentes à certains postes opérationnels et de dépense dans tous les ministères et agences et la présentation de rapports à ce sujet;

(iv) l'étude des budgets des programmes dont la prestation est assurée par plus d'un ministère ou agence et la présentation de rapports à ce sujet;

(v) en ce qui concerne les postes budgétaires étudiés en vertu des sous-alinéas 108(3)g(i),(ii) ou (iii), en coordination avec le(s) comité(s) qui en est (sont) chargé(s) et conformément à l'article 79 du *Règlement*, le Comité est habilité à modifier les crédits budgétaires renvoyés à d'autres comités permanents;

(vi) l'étude des rapports du Commissaire à la protection de la vie privée, du Commissaire à l'information, de la Commission de la fonction publique et du Conseiller en éthique sur les responsabilités qui lui incombent aux termes de la Loi sur l'enregistrement des lobbyistes, rapports tous réputés être renvoyés en permanence au Comité dès leur dépôt sur le Bureau de la Chambre, et la présentation de rapports à ce sujet;

(vii) l'étude du processus d'examen des prévisions budgétaires et des crédits, y compris la forme et la teneur de tous les documents budgétaires, et la présentation de rapports à ce sujet;

(viii) the review of and report on the effectiveness, management and operation, together with operational and expenditure plans arising from supplementary estimates;

(ix) the review of and report on the effectiveness, management and operation, together with operational and expenditure plans of Crown Corporations and agencies that have not been specifically referred to another standing committee; and

(x) in cooperation with other committees, the review of and report on the effectiveness, management and operation, together with operational and expenditure plans of statutory programs, tax expenditures, loan guarantees, contingency funds and private foundations that derive the majority of their funding from the Government of Canada.

and any other matter which the House shall, from time to time, refer to the Standing Committee.

(viii) l'étude de l'efficacité, de l'administration et des activités, ainsi que des plans opérationnels et de dépenses, se rapportant au budget supplémentaire des dépenses et la présentation de rapports à ce sujet;

(ix) l'étude de l'efficacité, de l'administration et du fonctionnement, ainsi que des plans opérationnels et de dépenses, des sociétés d'État et agences gouvernementales dont l'examen n'a pas été spécifiquement renvoyé à un autre comité permanent et la présentation de rapports à ce sujet;

(x) de concert avec d'autres comités, l'étude de l'efficacité, de l'administration et des activités relatives aux programmes législatifs, aux dépenses fiscales, aux garanties d'emprunt, aux fonds de prévoyance et aux fondations privées dont la majeure partie du financement provient du gouvernement du Canada, ainsi que des plans opérationnels et de dépenses s'y rapportant, et la présentation de rapports à ce sujet.

et ils comprennent aussi toute autre question que la Chambre renvoie de temps à autre au Comité permanent.



## APPENDIX 3



House of Commons /  
Chambre des communes

### *Committees and Parliamentary Associations Directorate*

*2<sup>nd</sup> Session - 37<sup>th</sup> Parliament*

#### *ORDER OF REFERENCE*

*Extract from the Journals of the House of Commons of Wednesday, February 26, 2003*

Pursuant to Standing Order 81(5), the Supplementary Estimates (B) for the fiscal year ending March 31, 2003, were deemed referred to the several standing committees of the House as follows:

- (1) to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources

Indian Affairs and Northern Development, Votes 1b, 5b, 6b, 7b, 15b, 35b and 40b

Natural Resources, 5b and 10b

- (2) to the Standing Committee on Agriculture and Agri-Food

Agriculture and Agri-Food, Votes 1b, 10b, 30b and 40b

- (3) to the Standing Committee on Canadian Heritage

Canadian Heritage, Votes 1b, 15b, 20b, 30b, 35b, 40b, 50b, 55b, 70b, 85b, 100b, 110b and 115b

- (4) to the Standing Committee on Citizenship and Immigration

Citizenship and Immigration, Votes 2b, 5b and 10b

- (5) to the Standing Committee on Environment and Sustainable Development

Environment, Vote 10b

*ATTEST*

### *Direction des comités et des associations parlementaires*

*2<sup>e</sup> Session - 37<sup>e</sup> législature*

#### *ORDRE DE RENVOI*

*Extrait des Journaux de la Chambre des communes du mercredi le 26 février 2003*

Conformément à l'article 81(5) du Règlement, le Budget supplémentaire des dépenses (B) pour l'exercice se terminant le 31 mars 2003 est réputé renvoyé aux différents comités permanents de la Chambre, comme suit :

- (1) au Comité permanent des affaires autochtones, du développement du Grand Nord et des ressources naturelles

Affaires indiennes et du Nord canadien, crédits 1b, 5b, 6b, 7b, 15b, 35b et 40b

Ressources naturelles, crédits 5b et 10b

- (2) au Comité permanent de l'agriculture et de l'agroalimentaire

Agriculture et Agroalimentaire, crédits 1b, 10b, 30b et 40b

- (3) au Comité permanent du patrimoine canadien

Patrimoine canadien, crédits 1b, 15b, 20b, 30b, 35b, 40b, 50b, 55b, 70b, 85b, 100b, 110b et 115b

- (4) au Comité permanent de la citoyenneté et de l'immigration

Citoyenneté et Immigration, crédits 2b, 5b et 10b

- (5) au Comité permanent de l'environnement et du développement durable

Environnement, crédit 10b

*ATTESTÉ*

*Le Greffier de la Chambre des communes  
WILLIAM C. CORBETT  
Clerk of the House*



(6) to the Standing Committee on Finance Canada Customs and Revenue Agency, Vote 1b Finance, Votes 5b, 16b and 25b	(6) au Comité permanent des finances Agence des douanes et du revenu du Canada, crédit 1b Finances, crédits 5b, 16b et 25b
(7) to the Standing Committee on Fisheries and Oceans Fisheries and Oceans, Votes 1b and 10b	(7) au Comité permanent des pêches et des océans Pêches et Océans, crédits 1b et 10b
(8) to the Standing Committee on Foreign Affairs and International Trade Foreign Affairs, Votes 1b, 10b, 20b, 25b and L30b	(8) au Comité permanent des affaires étrangères et du commerce international Affaires étrangères, crédits 1b, 10b, 20b, 25b et L30b
(9) to the Standing Committee on Health Health, Votes 1b, 5b, 15b and 20b	(9) au Comité permanent de la santé Santé, crédits 1b, 5b, 15b et 20b
(10) to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities Human Resources Development, Votes 1b, 5b and 20b	(10) au Comité permanent du développement des ressources humaines et de la condition des personnes handicapées Développement des ressources humaines, crédits 1b, 5b et 20b
(11) to the Standing Committee on Industry, Science and Technology Industry, Votes 1b, 2b, 20b, 75b, 80b, 85b, 97b, 100b, 105b and 115b	(11) au Comité permanent de l'industrie, des sciences et de la technologie Industrie, crédits 1b, 2b, 20b, 75b, 80b, 85b, 97b, 100b, 105b et 115b
(12) to the Standing Committee on Justice and Human Rights Justice, Votes 1b, 5b, 10b, 20b, 25b, 35b and 50b Solicitor General, Votes 1b, 15b, 20b, 25b and 35b	(12) au Comité permanent de la justice et des droits de la personne Justice, crédits 1b, 5b, 10b, 20b, 25b, 35b et 50b Solliciteur général, crédits 1b, 15b, 20b, 25b et 35b
(13) to the Standing Committee on National Defence and Veterans Affairs National Defence, Votes 1b and 10b Veterans Affairs, Votes 1b and 10b	(13) au Comité permanent de la défense nationale et des anciens combattants Défense nationale, crédits 1b et 10b Anciens combattants, crédits 1b et 10b
(14) to the Standing Committee on Procedure and House Affairs Parliament, Vote 5b	(14) au Comité permanent de la procédure et des affaires de la Chambre Parlement, crédit 5b

*ATTEST*

*ATTESTÉ*

*Le Greffier de la Chambre des communes  
WILLIAM C. CORBETT  
Clerk of the House*



(15) to the Standing Committee on Public Accounts Finance, Vote 20b	(15) au Comité permanent des comptes publics Finances, crédit 20b
(16) to the Standing Committee on Transport Transport, Votes 1b and 20b	(16) au Comité permanent des transports Transports, crédits 1b et 20b
(17) to the Standing Committee on Government Operations and Estimates Justice, Votes 40b and 45b Parliament, Vote 1b Privy Council, Votes 1b, 20b, 25b, 40b and 65b Public Works and Government Services, Votes 1b, 5b and 20b Treasury Board, Votes 2b and 15b	(17) au Comité permanent des opérations gouvernementales et des dépenses Justice, crédits 40b et 45b Parlement, crédit 1b Conseil privé, crédits 1b, 20b, 25b, 40b et 65b Travaux publics et Services gouvernementaux, crédits 1b, 5b et 20b Conseil du Trésor, crédits 2b et 15b
(18) to the Standing Joint Committee on Library of Parliament Parliament, Vote 10b	18) au Comité mixte permanent de la Bibliothèque du Parlement Parlement, crédit 10b

*ATTEST*

*ATTESTÉ*

*Le Greffier de la Chambre des communes  
WILLIAM C. CORBETT  
Clerk of the House*



House of Commons /  
Chambre des communes

*Committees and Parliamentary Associations Directorate*

*2<sup>nd</sup> Session - 37<sup>th</sup> Parliament*

*ORDER OF REFERENCE*

*Extract from the Journals of the House of Commons of  
Wednesday, February 26, 2003*

Pursuant to Standing Order 81(5), the Main Estimates for the fiscal year ending March 31, 2004, were deemed referred to the several standing committees of the House as follows:

- (1) to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources

Indian Affairs and Northern Development, Votes 1, 5, 10, 15, L20, L25, 30, 35, 40 and 45

Natural Resources, Votes 1, 5, 10, 15, 20, 25 and 30

Public Works and Government Services, Vote 25

- (2) to the Standing Committee on Agriculture and Agri-Food

Agriculture and Agri-Food, Votes 1, 5, 10, 15, 20, 25, 30, 35 and 40

- (3) to the Standing Committee on Canadian Heritage

Canadian Heritage, Votes 1, 5, L10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 115, 120 and 125

- (4) to the Standing Committee on Citizenship and Immigration

Citizenship and Immigration, Votes 1, 5 and 10

- (5) to the Standing Committee on Environment and Sustainable Development

Privy Council Office, Vote 30

Environment, Votes 1, 5, 10 and 15

- (6) to the Standing Committee on Finance

*Direction des comités et des associations parlementaires*

*2<sup>e</sup> Session - 37<sup>e</sup> législature*

*ORDRE DE RENVOI*

*Extrait des Journaux de la Chambre des communes du  
mercredi le 26 février 2003*

Conformément à l'article 81(5) du Règlement, le Budget principal des dépenses pour l'exercice se terminant le 31 mars 2004 est réputé renvoyé aux différents comités permanents de la Chambre, comme suit :

- (1) au Comité permanent des affaires autochtones, du développement du Grand Nord et des ressources naturelles

Affaires indiennes et du Nord canadien, crédits 1, 5, 10, 15, L20, L25, 30, 35, 40 et 45

Ressources naturelles, crédits 1, 5, 10, 15, 20, 25 et 30

Travaux publics et Services gouvernementaux, crédit 25

- (2) au Comité permanent de l'agriculture et de l'agroalimentaire

Agriculture et Agroalimentaire, crédits 1, 5, 10, 15, 20, 25, 30, 35 et 40

- (3) au Comité permanent du patrimoine canadien

Patrimoine canadien, crédits 1, 5, L10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 115, 120 et 125

- (4) au Comité permanent de la citoyenneté et de l'immigration

Citoyenneté et Immigration, crédits 1, 5 et 10

- (5) au Comité permanent de l'environnement et du développement durable

Conseil privé, crédit 30

Environnement, crédits 1, 5, 10 et 15

- (6) au Comité permanent des finances

*ATTEST*

*ATTESTÉ*

*Le Greffier de la Chambre des communes  
WILLIAM C. CORBETT  
Clerk of the House*

Canada Customs and Revenue Agency, Votes 1, 5 and 10	Agence des douanes et du revenu du Canada, crédits 1, 5 et 10
Finance, Votes 1, 5, L10, 15, 25, 30 and 35	Finances, crédits 1, 5, L10, 15, 25, 30 et 35
(7) to the Standing Committee on Fisheries and Oceans Fisheries and Oceans, Votes 1, 5 and 10	(7) au Comité permanent des pêches et des océans Pêches et Océans, crédits 1, 5 et 10
(8) to the Standing Committee on Foreign Affairs and International Trade Foreign Affairs, Votes 1, 5, 10, 15, 20, 25, L30, L35, 40, 45, 50 and 55	(8) au Comité permanent des affaires étrangères et du commerce international Affaires étrangères, crédits 1, 5, 10, 15, 20, 25, L30, L35, 40, 45, 50 et 55
(9) to the Standing Committee on Health Health, Votes 1, 5, 10, 15, 20 and 25	(9) au Comité permanent de la santé Santé, crédits 1, 5, 10, 15, 20 et 25
(10) to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities Human Resources Development, Votes 1, 5, 10, 15 and 20	(10) au Comité permanent du développement des ressources humaines et de la condition des personnes handicapées Développement des ressources humaines, crédits 1, 5, 10, 15 et 20
(11) to the Standing Committee on Industry, Science and Technology Industry, Votes 1, 5, L10, L15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130 and 135	(11) au Comité permanent de l'industrie, des sciences et de la technologie Industrie, crédits 1, 5, L10, L15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130 et 135
(12) to the Standing Committee on Justice and Human Rights Privy Council, Vote 40 Solicitor General, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55 Justice, Votes 1, 5, 10, 15, 20, 25, 30, 35, 50 and 55	(12) au Comité permanent de la justice et des droits de la personne Conseil privé, crédit 40 Solliciteur général, crédits 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 et 55 Justice, crédits 1, 5, 10, 15, 20, 25, 30, 35, 50 et 55
(13) to the Standing Committee on National Defence and Veterans Affairs National Defence, Votes 1, 5, 10, 15 et 20 Veterans Affairs, Votes 1, 5 et 10	(13) au Comité permanent de la défense nationale et des anciens combattants Défense nationale, crédits 1, 5, 10, 15 et 20 Anciens combattants, crédits 1, 5 et 10

ATTEST

ATTESTÉ

*Le Greffier de la Chambre des communes*  
*WILLIAM C. CORBETT*  
*Clerk of the House*

(14) to the Standing Committee on Official Languages Privy Council, Vote 25	Au Comité permanent des langues officielles Conseil privé, crédit 25
(15) to the Standing Committee on Procedure and House Affairs Privy Council, Vote 20 Parliament, Vote 5	(15) au Comité permanent de la procédure et des affaires de la Chambre Conseil privé, crédit 20 Parlement, crédit 5
(16) to the Standing Committee on Public Accounts Finance, Vote 20	(16) au Comité permanent des comptes publics Finances, crédit 20
(17) to the Standing Committee on Transport Transport, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55 and 60	(17) au Comité permanent des transports Transports, crédits 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55 et 60
(18) to the Standing Committee on Government Operations and Estimates Treasury Board, Votes 1, 2, 5, 10 and 20 Privy Council, Votes 1, 5, 10, 15 and 35 Governor General, Vote 1 Justice, Votes 40 and 45 Parliament, Vote 1 Canadian Heritage, Vote 110 Public Works and Government Services, Votes 1, 5, 10, 15 and 20	(18) au Comité permanent des opérations gouvernementales et des prévisions budgétaires Conseil du Trésor, crédits 1, 2, 5, 10 et 20 Conseil privé, crédits 1, 5, 10, 15 et 35 Gouverneur général, crédit 1 Justice, crédits 40 et 45 Parlement, crédit 1 Patrimoine canadien, crédit 110 Travaux publics et Services gouvernementaux, crédits 1, 5, 10, 15 et 20
(19) to the Standing Joint Committee on the Library of Parliament Parliament, Vote 10	(19) au Comité mixte permanent de la Bibliothèque du Parlement Parlement, crédit 10

ATTEST

ATTESTÉ

*Le Greffier de la Chambre des communes*  
*WILLIAM C. CORBETT*  
*Clerk of the House*

## APPENDIX 4

**Office of the  
Privacy Commissioner  
of Canada**

112 Kent Street  
Ottawa, Ontario  
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Tel: (613) 995-8210  
Fax: (613) 947-6850  
1-800-282-1376  
www.privcom.gc.ca

**Commissariat  
à la protection de  
la vie privée du Canada**

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**MAR 21 2003**

Ms Miriam Burke  
Clerk  
Standing Committee on  
Government Operations & Estimates  
House of Commons  
180 Wellington St.  
Ottawa, ON K1A 0A6

Dear Ms Burke:

The Privacy Commissioner, Mr. Radwanski, is currently away from the Office on business and has instructed me to provide you with the following documents, which were requested at his recent appearance at the Standing Committee on Government Operations and Estimates of March 18, 2003:

- 1) Copy of a letter of August 2, 2002 (Rosenberg-Radwanski) concerning the report of the Access to Information Review Task Force,
- 2) Copies of his Expenses Claim Forms from April 1, 2001 to March 18, 2003,
- 3) Copy of the formal Organizational Chart and descriptive breakdown of the Office as of March 18, 2003.

Please note that we are currently photocopying all Job Descriptions and once done we will forward them to you.

Yours Sincerely,

Julien Delisle  
Executive Director



**Privacy Commissioner  
of Canada**

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**AUG - 2 2002**

Mr. Morris A. Rosenberg  
Deputy Minister of Justice  
and Deputy Attorney General Of Canada  
East Memorial Building  
4<sup>th</sup> Floor, Room 4121  
284 Wellington Street  
Ottawa, Ontario  
K1A 0H8

Dear Mr. Rosenberg:

I am writing concerning the Report of the Access to Information Review Task Force. The Report recommends that the *Access to Information Act* apply to the Office of the Privacy Commissioner as well as the Offices of the Auditor General, the Commissioner of Official Languages and the Information Commissioner.

I cannot speak for my fellow Officers of Parliament. Indeed, our respective roles and responsibilities differ so greatly that the situation of each Officer deserves consideration individually and on its own merits. But I am very concerned about the implications of making the Office of the Privacy Commissioner subject to the *Access to Information Act*.

I would have to object most strongly to such a course of action, as I believe that it would seriously undermine the independence and effectiveness of this Office without meeting any demonstrated need or bringing any readily apparent benefits.

The Task Force does not explain how it arrived at this recommendation, so I cannot directly respond to the Task Force's rationale. The Report simply notes that many institutions delivering government services are not subject to the Act and that there is "apparently no logical, consistent rationale as to why some institutions are listed in Schedule I, and others are not."



There are a number of very important reasons why making this Office subject to the *Access to Information Act* would, in my view, be a grave mistake.

I am aware, of course, that the Task Force Report recommends that "the Act exclude records relating to the exercise of a parliamentary officer's audit or investigation functions or other government institution's records under the custody of a parliamentary officer strictly for the purposes of an audit or investigation." But this recommendation does not satisfactorily address my concerns, both because much of the sensitive work of my Office does not involve either audits or investigations, and because the audit and investigation functions could indirectly be adversely affected.

The Office of the Privacy Commissioner was specifically created to act as a watchdog with respect to privacy matters. This requires independence. The Office differs from other government institutions in that, on occasion, it directly challenges government initiatives. My positions on Bill C-55, and on the RCMP's use of a video surveillance camera in Kelowna, are cases in point.

Preparing and carrying out such challenges can involve seeking the advice of external experts or conducting surveys or focus groups that are explicitly intended to question a government initiative. A typical government department does not collect or hold information that is designed to question or challenge a government initiative. Making the Office of the Privacy Commissioner subject to the *Access to Information Act* could easily result in situations in which a government department or agency would have an employee file an access request to obtain information about our activities and/or plans.

As an ombudsman, I frequently work informally behind the scenes. Since I do not have the power to issue orders, I have to rely on persuasion to convince government institutions and private sector organizations to change their practices or rethink proposed initiatives.

This frequently involves meeting informally over lunch or dinner with senior officials, including Cabinet Ministers, Deputy Ministers and business leaders. Making this Office subject to the *Access to Information Act* could potentially reveal information that would compromise my efforts to resolve complex issues, by making such individuals more reluctant to meet with me. For example, there could be instances where a Minister wants to have dinner with me to discuss an issue without having his Deputy Minister or other officials aware of the meeting, or vice versa. Likewise, a business executive might wish to informally share thoughts or concerns with me without having others aware of the discussion. Having the Privacy Commissioner's hospitality activities or agendas subject to access to information could therefore seriously impede the ombudsman function. The same could be true, in some instances, of travel information.



Much of our work involves analyzing government or business privacy policies, being briefed on contemplated initiatives so that we can provide input or advice, or meeting with organizations. This is not necessarily done in the course of an investigation or audit, nor would the information disclosed to us necessarily be protected as confidential commercial information. Nonetheless, the release of our comments or views on these matters - or even the fact of a meeting and the subject matter discussed - could potentially damage or harm the organization, perhaps by generating a controversy before the government had decided on a course of action or by providing a business competitor with advantageous information. If there was even a possibility that information might come to light under Access to Information, both government and businesses would have cause to be reluctant to provide us with information about their practices or proposed initiatives. This would seriously hamper the effectiveness of the Privacy Commissioner and this Office.

Despite the proposed exemptions for audits and investigations, those crucial activities would also be adversely affected, at least indirectly, if this Office were subject to the *Access to Information Act*.

First of all, without necessarily being part of a specific investigation at the time it is carried out, the research and analysis work of this Office often assists and supports the Privacy Commissioner in understanding complex issues that must be addressed in adjudicating complaints. Allowing such research and analysis work to be subject to access would be highly problematic, while seeking to exempt it as part of a specific investigation or audit might often be contentious.

Second, even if investigations and audits were exempt from access, many private sector businesses do not have a full understanding of federal laws such as the *Access to Information Act*. Such business organizations would not necessarily trust the assurances of my investigators that their information could under no circumstances be subject to access, and our investigative processes would risk being complicated, prolonged and made more adversarial by the resulting increase in the reluctance of business organizations to cooperate.

Even at present, virtually every time my investigators seek information from a private sector company in the course of dealing with a *PIPED Act* complaint, they are asked, "What if you get an Access to Information request for this information?" Being able to state categorically that this Office is not subject to the *Access to Information Act* disposes simply and definitively of this concern. Having to explain the nuances of exemptions under the Act would not.





4

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Making this Office subject to the *Access to Information Act* would also complicate our relationship with the Information Commissioner. On numerous occasions, my Office and the Information Commissioner have taken diametrically opposed positions on issues, for example, the Prime Minister's agendas. Given the various natural and longstanding tensions that exist between this Office and that of the Information Commissioner, and the aggressive and often litigious approach of the Office of the Information Commissioner, making this Office subject to the access legislation would be likely to create a situation that would be distracting, unproductive and costly for both Offices.

Another important consideration is that it is part of the duties of the Privacy Commissioner to adjudicate, from the perspective of his responsibilities, where the appropriate balance lies between privacy rights and access to information in various circumstances. If the Office of the Privacy Commissioner were subject to access legislation, the Privacy Commissioner could be subject to accusations of conflict of interest in making privacy-versus-access determinations that could have future implications for his own Office.

In this regard, I would draw to your attention what the Report of the Access to Information Review Task Force itself states, I believe analogously, on page 29:

"The 1986 Parliamentary Committee recommended that the Act not be extended to the three federally-constituted courts. In his latest annual report, the Information Commissioner has taken the same position, noting that the courts, which must adjudicate complaints under the Act, should not themselves be subject to investigation by his Office...The Task Force agrees with this assessment."

On the same page, the Report also quotes from its Research Report 12:

"However, the study urges caution in including the judiciary at all, particularly since it is not clear where a line can be drawn between the judicial function and administrative matters."

I believe that the situation of myself as Privacy Commissioner and of my Office is analogous, in that I too am required to adjudicate complaints that sometimes touch on the balance between the *Access to Information Act* and the *Privacy Act*. And also, as is the case with the courts, for the reasons I have outlined above it is not easy to draw a line



— between this function and other functions of my Office, including administrative matters. Therefore, the reasoning that the Access to Information Review Task Force applied in recommending the continued exclusion of the courts from access legislation should also be applied to this Office.

I am aware that the *Access to Information Act* contains several provisions that allow the head of an institution to withhold information. For example, section 21 allows the head of an institution to exempt records containing "advice or recommendations developed by or for a government institution or a Minister." However, we have reviewed these provisions and I am not confident that they would address the concerns I have raised.

Based on all these considerations, I would have no choice but to regard any initiative to place the Office of the Privacy Commissioner under the purview of the *Access to Information Act* as an unnecessary, unjustified and damaging threat to the independence and effectiveness of the Privacy Commissioner.

It is my sense, however, that this particular recommendation was not one of the core thrusts of the Report.

I therefore respectfully request that you and the government not accept this recommendation with regard to my Office.

Yours sincerely,

George Radwanski  
Privacy Commissioner of Canada

## APPENDIX 5

**Office of the  
Privacy Commissioner  
of Canada**

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March 24, 2003

Ms Miriam Burke  
Clerk  
Standing Committee on  
Government Operations & Estimates  
House of Commons  
180 Wellington Street  
Ottawa, ON K1A 0A6

Dear Ms Burke:

Further to my letter dated March 21, 2003 please find attached copies of:

1. The formal organizational chart and descriptive breakdown of the Office as of March 18, 2003; and
2. All encumbered job descriptions grouped according to occupational group.

In order to address Mr. Bryden's final request, please note the Commissioner's news releases are issued to the media via Canada NewsWire to all daily newspapers, television stations and radio stations across the country, in both official languages. The news releases are also distributed, in English and French, to all news agencies accredited with the Parliamentary Press Gallery. The Commissioner's news releases are also immediately posted to the Commissioner's Web site, in the Media Centre/Centre des médias. At times and upon request, news releases may also be faxed directly to certain reporters. Occasionally, news releases may also be distributed to MPs, Senators and the Library of Parliament via the postal distribution office of the House of Commons.

Please do not hesitate to contact Mr. Art Lamarche at 996-5336, should you require any additional information.

Yours sincerely,

  
Julien Delisle  
Executive Director



## APPENDIX 6

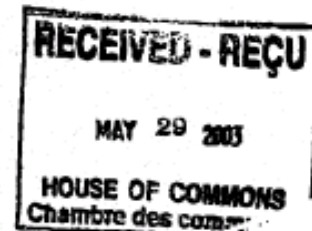


Deputy Minister of Justice and  
Deputy Attorney General of Canada

Sous-ministre de la Justice et  
sous-procureur général du Canada

Ottawa, Canada  
K1A 0H6

MAY 29 2003



Mr. John Bryden, M.P.  
Confederation Building  
Room 163  
Ottawa, Ontario K1A 0A6

Dear Mr. Bryden:

As requested, I am providing you with a copy of the letter I received from the Privacy Commissioner last August outlining his reasons why his office should not come under the *Access to Information Act*. I am providing the letter with the consent of the Privacy Commissioner.

Yours sincerely,

Morris Rosenberg

Att.  
c.c. Mr. George Radwanski

Canada



**Privacy Commissioner  
of Canada**

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**AUG - 2 2002**

Mr. Morris A. Rosenberg  
Deputy Minister of Justice  
and Deputy Attorney General Of Canada  
East Memorial Building  
4<sup>th</sup> Floor, Room 4121  
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K1A 0H8

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I am writing concerning the Report of the Access to Information Review Task Force. The Report recommends that the *Access to Information Act* apply to the Office of the Privacy Commissioner as well as the Offices of the Auditor General, the Commissioner of Official Languages and the Information Commissioner.

I cannot speak for my fellow Officers of Parliament. Indeed, our respective roles and responsibilities differ so greatly that the situation of each Officer deserves consideration individually and on its own merits. But I am very concerned about the implications of making the Office of the Privacy Commissioner subject to the *Access to Information Act*.

I would have to object most strongly to such a course of action, as I believe that it would seriously undermine the independence and effectiveness of this Office without meeting any demonstrated need or bringing any readily apparent benefits.

The Task Force does not explain how it arrived at this recommendation, so I cannot directly respond to the Task Force's rationale. The Report simply notes that many institutions delivering government services are not subject to the Act and that there is "apparently no logical, consistent rationale as to why some institutions are listed in Schedule I, and others are not."

Nevertheless, one of the underlying rationales for access to information laws is to allow the public to obtain information to hold government institutions accountable. But as an Officer of Parliament, the Privacy Commissioner falls outside the Westminster model of accountability. He is not part of government. He does not report to a specific Minister, but to Parliament. He is specifically appointed to be independent of the government of the day. In this capacity, I am accountable to Parliament with regard to the exercise of my duties, and I and my Office are accountable to the Auditor-General with regard to financial administration.



There are a number of very important reasons why making this Office subject to the *Access to Information Act* would, in my view, be a grave mistake.

I am aware, of course, that the Task Force Report recommends that "the Act exclude records relating to the exercise of a parliamentary officer's audit or investigation functions or other government institution's records under the custody of a parliamentary officer strictly for the purposes of an audit or investigation." But this recommendation does not satisfactorily address my concerns, both because much of the sensitive work of my Office does not involve either audits or investigations, and because the audit and investigation functions could indirectly be adversely affected.

The Office of the Privacy Commissioner was specifically created to act as a watchdog with respect to privacy matters. This requires independence. The Office differs from other government institutions in that, on occasion, it directly challenges government initiatives. My positions on Bill C-55, and on the RCMP's use of a video surveillance camera in Kelowna, are cases in point.

Preparing and carrying out such challenges can involve seeking the advice of external experts or conducting surveys or focus groups that are explicitly intended to question a government initiative. A typical government department does not collect or hold information that is designed to question or challenge a government initiative. Making the Office of the Privacy Commissioner subject to the *Access to Information Act* could easily result in situations in which a government department or agency would have an employee file an access request to obtain information about our activities and/or plans.

As an ombudsman, I frequently work informally behind the scenes. Since I do not have the power to issue orders, I have to rely on persuasion to convince government institutions and private sector organizations to change their practices or rethink proposed initiatives.

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Much of our work involves analyzing government or business privacy policies, being briefed on contemplated initiatives so that we can provide input or advice, or meeting with organizations. This is not necessarily done in the course of an investigation or audit, nor would the information disclosed to us necessarily be protected as confidential commercial information. Nonetheless, the release of our comments or views on these matters - or even the fact of a meeting and the subject matter discussed - could potentially damage or harm the organization, perhaps by generating a controversy before the government had decided on a course of action or by providing a business competitor with advantageous information. If there was even a possibility that information might come to light under Access to Information, both government and businesses would have cause to be reluctant to provide us with information about their practices or proposed initiatives. This would seriously hamper the effectiveness of the Privacy Commissioner and this Office.

Despite the proposed exemptions for audits and investigations, those crucial activities would also be adversely affected, at least indirectly, if this Office were subject to the *Access to Information Act*.

First of all, without necessarily being part of a specific investigation at the time it is carried out, the research and analysis work of this Office often assists and supports the Privacy Commissioner in understanding complex issues that must be addressed in adjudicating complaints. Allowing such research and analysis work to be subject to access would be highly problematic, while seeking to exempt it as part of a specific investigation or audit might often be contentious.

Second, even if investigations and audits were exempt from access, many private sector businesses do not have a full understanding of federal laws such as the *Access to Information Act*. Such business organizations would not necessarily trust the assurances of my investigators that their information could under no circumstances be subject to access, and our investigative processes would risk being complicated, prolonged and made more adversarial by the resulting increase in the reluctance of business organizations to cooperate.

Even at present, virtually every time my investigators seek information from a private sector company in the course of dealing with a *PIPED Act* complaint, they are asked, "What if you get an Access to Information request for this information?" Being able to state categorically that this Office is not subject to the *Access to Information Act* disposes simply and definitively of this concern. Having to explain the nuances of exemptions under the Act would not.





Making this Office subject to the *Access to Information Act* would also complicate our relationship with the Information Commissioner. On numerous occasions, my Office and the Information Commissioner have taken diametrically opposed positions on issues, for example, the Prime Minister's agendas. Given the various natural and longstanding tensions that exist between this Office and that of the Information Commissioner, and the aggressive and often litigious approach of the Office of the Information Commissioner, making this Office subject to the access legislation would be likely to create a situation that would be distracting, unproductive and costly for both Offices.

Another important consideration is that it is part of the duties of the Privacy Commissioner to adjudicate, from the perspective of his responsibilities, where the appropriate balance lies between privacy rights and access to information in various circumstances. If the Office of the Privacy Commissioner were subject to access legislation, the Privacy Commissioner could be subject to accusations of conflict of interest in making privacy-versus-access determinations that could have future implications for his own Office.

In this regard, I would draw to your attention what the Report of the Access to Information Review Task Force itself states, I believe analogously, on page 29:

"The 1986 Parliamentary Committee recommended that the Act not be extended to the three federally-constituted courts. In his latest annual report, the Information Commissioner has taken the same position, noting that the courts, which must adjudicate complaints under the Act, should not themselves be subject to investigation by his Office...The Task Force agrees with this assessment."

On the same page, the Report also quotes from its Research Report 12:

"However, the study urges caution in including the judiciary at all, particularly since it is not clear where a line can be drawn between the judicial function and administrative matters."

I believe that the situation of myself as Privacy Commissioner and of my Office is analogous, in that I too am required to adjudicate complaints that sometimes touch on the balance between the *Access to Information Act* and the *Privacy Act*. And also, as is the case with the courts, for the reasons I have outlined above it is not easy to draw a line



between this function and other functions of my Office, including administrative matters. Therefore, the reasoning that the Access to Information Review Task Force applied in recommending the continued exclusion of the courts from access legislation should also be applied to this Office.

I am aware that the *Access to Information Act* contains several provisions that allow the head of an institution to withhold information. For example, section 21 allows the head of an institution to exempt records containing "advice or recommendations developed by or for a government institution or a Minister." However, we have reviewed these provisions and I am not confident that they would address the concerns I have raised.

Based on all these considerations, I would have no choice but to regard any initiative to place the Office of the Privacy Commissioner under the purview of the *Access to Information Act* as an unnecessary, unjustified and damaging threat to the independence and effectiveness of the Privacy Commissioner.

It is my sense, however, that this particular recommendation was not one of the core thrusts of the Report.

I therefore respectfully request that you and the government not accept this recommendation with regard to my Office.

Yours sincerely,

A handwritten signature in black ink, appearing to read "George Radwanski".

George Radwanski  
Privacy Commissioner of Canada

## APPENDIX 7

### Privacy Commissioner of Canada

112 Kent Street  
Ottawa, Ontario  
K1A 1H3  
Tel: (613) 995-8210  
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### Commissaire à la protection de la vie privée du Canada

112, rue Kent  
Ottawa (Ontario)  
K1A 1H3  
Tél.: (613) 995-8210  
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1-800-282-1376  
www.privcom.gc.ca



May 29, 2003

Mr. John Bryden, M.P.  
Confederation Building  
Room 163  
Ottawa, Ontario K1A 0A6

Dear Mr. Bryden:

I understand that, with my consent, Mr. Morris Rosenberg will shortly be providing you with a copy you requested of my letter to him of August 2, 2002, regarding the Access to Information Task Force.

In reviewing this matter, it has come to my attention that my Office previously provided you and the other members of the Standing Committee on Government Operations and Estimates with a version of this letter on March 21, 2003. I have also learned, however, that as the result of a miscommunication, the version of the letter provided at that time lacks the following paragraph at the end of Page 1:

"Nevertheless, one of the underlying rationales for access to information laws is to allow the public to obtain information to hold government institutions accountable. But as an Officer of Parliament, the Privacy Commissioner falls outside the Westminster model of accountability. He is not part of government. He does not report to a specific Minister, but to Parliament. He is specifically appointed to be independent of the government of the day. In this capacity, I am accountable to Parliament with regard to the exercise of my duties, and I and my Office are accountable to the Auditor-General with regard to financial administration."

I wish to explain how this occurred.

At the Committee meeting of March 18, 2003 to discuss my Annual Report, you asked me to subsequently provide a number of items, one of which was a written explanation to the Committee as to why my Office should not be subject to the Access to Information Act.



Travel commitments on official business made it necessary for me to deal with members of my staff by telephone, on the fly, regarding putting together these additional materials for the Committee as promptly as possible. With regard to the written explanation about access to information, I indicated that all the key points to be made were in the letter to Mr. Rosenberg and we should use that. I believed I was conveying that bullet-point paragraphs should be drawn from this letter and edited into an explanatory note.

In a subsequent telephone conversation, members of my staff suggested to me that the point of the above-mentioned paragraph was obscure and an apparent statement of the obvious, namely that the Privacy Commissioner reports directly to Parliament and is accountable to the Auditor General. I agreed that it wasn't a pertinent part of the explanation I wished to provide and should be dropped.

I have now learned that my officials understood me to wish that the letter itself be provided to the Committee, rather than excerpts as I had intended. And since the letter was being provided not for reasons of being a past communication to Mr. Rosenberg, but simply as an explanation in writing of my position, they understood that I wanted the paragraph in question to be omitted in the copying process.

I accept full responsibility for this miscommunication. However, since the omitted paragraph was not pertinent to the explanation I wished to provide to the Committee and contained no new or useful information, I trust that you and other members of the Committee were not unduly inconvenienced.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. Radwanski'.

George Radwanski  
Privacy Commissioner of Canada

c.c. Mr. Reg Alcock, M.P.,  
Chair of the Standing Committee on Government Operations and Estimates

Ms Miriam Burke,  
Clerk of the Committee - for distribution to all Committee members



## APPENDIX 8

### Privacy Commissioner of Canada

112 Kent Street  
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### Commissaire à la protection de la vie privée du Canada

112, rue Kent  
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JUN 11 2003

Mr. Reg Alcock, M.P.  
Chair of the Committee  
Standing Committee on Government  
Operations and Estimates  
649-D Centre Block  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Alcock:

I would like to take this opportunity to clarify several points that were raised at yesterday's meeting with your Committee. As well, I would like to assure you and your Committee that there has never been any wish, let alone deliberate attempt, on my part to be less than fully transparent with you regarding financial matters. And I would like to emphasize that I am entirely open to working with you and your Committee to address any outstanding concerns with regard to the expenditure decisions of myself and my Office.

First of all, questions were raised at the meeting regarding apparent changes in the layout of the version of the letter to Morris Rosenberg that had been provided to the Committee. I had assumed, quite frankly, that due to the miscommunication I have explained, the last paragraph on the first page had simply been blocked out in photocopying the letter. Following up on these questions as I undertook to do, I have learned that dropping the paragraph was achieved by a different method.

The member of my staff with whom I had dealt by telephone simply asked an administrative assistant to give him a version of the letter without the last paragraph on the first page. Rather than blocking out and photocopying, she did this by accessing the letter in our hard-drive system and printing out the first page with that paragraph deleted. She then date-stamped it with the same date as the original; that stamp is positioned differently than on the original.

In comparing the first pages of the two letters and even holding them up to a light together, as I have done, I can see no other significant changes in the format. There was no moving of paragraphs to conceal the deletion, as someone suggested. The distance between the end of the paragraph preceding the deleted one and the bottom of the page appears to me to be the same in both versions. Any difference in the appearance of the type, if there is one, must presumably be due only to the use of different printers.



None of these changes in any way my explanation of the unfortunate but innocent miscommunication that caused the paragraph in question to be deleted. I wanted to ensure, however, that no questions remained unanswered.

I have also carefully reviewed again the transcript of my March 18 appearance before the Committee, and I have re-confirmed that at no time did I in any way question or dispute that I report directly to Parliament. I only expressed uncertainty whether, within that undeniable and undeniable reporting relationship, it would be appropriate to provide certain types of information that no previous Parliamentary Committee had ever requested from my Office. This is an important point, in my view, because there has been some suggestion that I had denied that I report directly to Parliament, making the deleted paragraph an embarrassment to me that provided a motive for seeking to mislead the Committee. That is clearly not the case.

I wish to respectfully emphasize again that there was absolutely no attempt to mislead or deceive the Committee or Parliament, and there was no possible effect of misleading or deceiving the Committee, since the paragraph in question stated only what is well-known and obvious. Nevertheless, it was a regrettable error that should not have happened and, as I yesterday assured the Committee, I will ensure that such a miscommunication never happens again.

Likewise, with regard to financial information that had been requested, I would like to assure you and the Committee that there was absolutely no wish on my part to be anything but fully transparent and cooperative. I apologize if it has seemed otherwise, and assure you that this was not intentional.

In fact, I wanted to provide all the information requested at the March 18 meeting with the greatest speed humanly possible, to make clear to the Committee that I wished to have a fully cooperative relationship. To that end, my Office provided the Committee within a few days, while I was still travelling on business, with my expense accounts in raw form, in haste and without careful review.

While it understandably does not seem that way to you in retrospect, this was done out of a desire to be helpful, not unhelpful. In reviewing the material again today in compliance with your request, we have found a few unintentional omissions that we have now remedied. Again, we are operating in haste, this time to comply with your deadline, but we are making every possible effort to be accurate and complete.



If it has appeared that I and my Office did not show the care and respect that Committee members rightly pointed out this week is due to evidence being provided to a Parliamentary Committee, I assure you that this did not result from any intentional disrespect or lack of commitment to transparency. Rather, it was due to a complete lack of experience in providing formal evidence of this sort to any Committee, as it has not previously been requested. There was a learning curve, and I apologize for it.

With regard to several specific matters, I would again like to emphasize that there was absolutely no intentional lack of transparency.

I was asked at the Committee meeting about a trip to Hawaii. There was no trip to Hawaii as such, nor was there a "10-day stopover in Hawaii," as the Ottawa Citizen bizarrely reported yesterday.

There was a stopover in Hawaii on the way to New Zealand, where I was to deliver major speeches and participate in two major privacy conferences in two cities, as well as have a number of important meetings. I have never travelled across the Pacific before, and was advised by people who had made the trip that my work in New Zealand would be severely hampered by jet lag unless I broke the flight in Hawaii, as that is the logical half-way point.

I and the senior official of my Office who travelled to New Zealand with me arrived in Hawaii well after midnight one night, stayed the next day and night (to avoid two consecutive sleepless nights), and left at midnight the following day. The identification of the trip at the top of my expense account form did not specify Hawaii only because it was not a destination or object of the trip, but all expenses incurred from start to finish of this trip were included in this account. As we provided the expense accounts to the Committee in their original form, no one thought to add a specific mention of Hawaii, but there was certainly no deliberate wish to conceal anything from the Committee. In fact, I believe this sort of de-lagging stop-over is reasonable and appropriate.

Likewise, there was no wish to be lacking in transparency about the fact that it is the usual practice of my Office to have a senior member of the staff – most often the Senior Director-General, Communications and Policy – travel with me when I travel within Canada or abroad for speeches, conferences and meetings. The role of this official is to participate in conferences and meetings, take notes, establish contacts and liaison arrangements, handle administrative matters with the Office and serve as a witness when I give media interviews, answer audience questions and have potentially sensitive meetings. I consider this appropriate and necessary.





At the March 18 meeting, I was asked only for my own expense accounts and believed I was cooperating fully in providing them. When officials of my office travel on business, whether alone or with me, they normally pay their own bills and file their own expenses. I was told this week that when Ministers travel, they usually include the expenses of anyone travelling with them in their own expenses. I am not a Minister, of course, and I was not even aware of this practice, which has never been the practice of my Office. Again, there was absolutely no wish to hide anything or be less than transparent.

With regard to my second-residence allowance, it was the view, which I understand to be correct, of my professional staff that expenditures related to my second residence allowance and Toronto travel package that was established by Order-in-Council are not expense account matters but rather terms of employment that are personal information. They were not included solely for that reason, not out of any intended lack of transparency. Indeed, I believe that such arrangements are not unusual or improper – the previous Commissioner of Official Languages had one for his entire term in Office – and I could have had no reason to hide it. Those second-residence payments and travel reimbursements are what accounts for the “discrepancy” mentioned at the Committee meeting.

Finally, I would like to address the broader concerns that have been expressed at recent Committee meetings regarding the spending activities of myself and my Office. I have done my best to ensure that those expenditures are appropriate, reasonable and within the applicable rules, taking into account the operational requirements and challenges we face.

But my Office is in a period of very rapid growth due to the coming into effect of the Personal Information Protection and Electronic Documents (PIPED) Act, which extends the jurisdiction of the Privacy Commissioner to the private sector. As well, there are enormous new pressures, requirements and challenges arising from the greatly changed environment, both domestically and internationally, since September 11.

I am meeting these challenges to the very best of my ability, and I assure you that I am working as hard as humanly possible, with every ounce of energy available to me, to serve Canadians in the vitally important responsibilities entrusted to me by Parliament. It there are always new things that can be learned, and improvements that can be made.





I therefore want to assure you that I am fully open to working with you and your Committee to address any financial concerns you may have, whether by asking the Auditor-General to review the financial operations and decisions of my Office or by any other approach you may think more appropriate.

Let me conclude by saying that I am appalled by suggestions that I have in any way intentionally misled this Committee, let alone shown contempt for Parliament. I believe any fair-minded person will recognize that I have committed not a single impropriety.

I have taken an activist approach to my role, but make no apology for that; I believe the times require it. You may disagree with how I do my job, and that is entirely legitimate and appropriate in your role as Members of Parliament. But I believe that should be a basis for dialogue, not for reprisals—let alone putting into question my tenure in a position where I have done nothing but tirelessly seek to serve the interests of Canadians as I honestly perceive them.

Yours sincerely,

George Radwanski  
Privacy Commissioner of Canada

c.c.: Ms Miriam Burke,  
Clerk of the Committee - for urgent distribution to all Committee members



## APPENDIX 9

STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND  
ESTIMATES



COMITÉ PERMANENT DES  
OPÉRATIONS GOUVERNEMENTALES  
ET DES PRÉVISIONS BUDGÉTAIRES

### EXTRACT

#### Minutes of Proceedings of the

#### STANDING COMMITTEE ON GOVERNMENT OPERATIONS AND ESTIMATES

Tuesday, April 8, 2003

On motion of Paul Szabo it was agreed, --

That the Information Commissioner, John Reid be asked to provide this Committee with a descriptive breakdown of the Office of the Information Commissioner that will include job descriptions of each person. This information is to be presented to the Committee within one month.

That the Information Commissioner, John Reid, be asked to provide this Committee with his personal expense accounts for the period of two years as prepared according to Treasury Board guidelines. This information is to be presented to the Committee within one month.

That the Information Commissioner, John Reid be asked to provide this Committee with the list of organizations and persons who are to receive the press releases issued from his office.

That the Privacy Commissioner, George Radwanski be asked to provide this Committee with a descriptive breakdown of the Office of the Privacy Commissioner that will include job descriptions of each person. This information is to be presented to the Committee within one month.

That the Privacy Commissioner, George Radwanski, be asked to provide this Committee with his personal expense accounts for the period of two years as prepared according to Treasury Board guidelines. This information is to be presented to the Committee within one month.

That the Privacy Commissioner, George Radwanski, be asked to provide this Committee with the list of organizations and persons who are to receive the press releases issued from his office.

**ATTEST**

Miriam Burke

Clerk of the Committee

## APPENDIX 10

STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND  
ESTIMATES



COMITÉ PERMANENT DES  
OPÉRATIONS GOUVERNEMENTALES  
ET DES PRÉVISIONS BUDGÉTAIRES

June 20, 2003

Mr. Scott Serson, President  
Public Service Commission of Canada  
Esplanade Laurier Building  
300 Laurier Ave. West, West Tower  
Ottawa, Ontario  
K1A 0M7

Dear Mr. Serson:

At its meetings of June 9 and 13, 2003, the House of Commons Standing Committee on Government Operations and Estimates heard testimony from the Privacy Commissioner of Canada, Mr. George Radwanski. On June 12, 2003, the Committee also took testimony from other individuals, relating to the operations of the Office of the Privacy Commissioner. Part of the testimony related to the human resources management practices in the Office during the tenure of the current Commissioner.

The Committee is concerned that the Commissioner and/or other officials in the Office may not have observed the duties and responsibilities incumbent upon them by virtue of the *Public Service Employment Act*, R.S.C. 1985, c. P-33, (PSEA) as amended. In particular, it would like to determine whether the staffing, appointment and promotion processes in the Office are in accordance with the law particularly in respect of positions in the EX category. This may include recruitment to the Office, as well as lateral and upward movement within the Office.

.../2

In order to assist the Committee in better understanding whether the human resources management of the Office has been conducted in the public interest, the Committee requests that the Public Service Commission (PSC) investigate whether the management of staffing has been conducted in accordance with the PSEA, and whether the values underlying this legislation, in particular the merit principle, have been respected, and report its findings, conclusions and recommendations.

Mindful of the Treasury Board Secretariat's November 2001 *Policy on the Internal Disclosure of Information Concerning Wrongdoing*, the Committee is intent on being informed whether public servants or other employees who may have testified to the Committee are treated fairly and are protected from reprisal. The PSC's report should therefore also include the Privacy Commissioner's application of and strict adherence to, the said policy, with respect to appointment processes.

We look forward to your response to this request and when the PSC might be able to report to the Committee.

Yours sincerely,



Reg Alcock, M.P.  
Chair

c.c. G. Radwanski, Privacy Commissioner of Canada  
M. Burke, Committee Clerk, for distribution to Committee Members  
S. Fraser, Auditor General of Canada

STANDING COMMITTEE ON  
GOVERNMENT OPERATIONS AND  
ESTIMATES



COMITÉ PERMANENT DES  
OPÉRATIONS  
GOUVERNEMENTALES ET DES  
PRÉVISIONS BUDGÉTAIRES

June 13, 2003

Ms. Sheila Fraser  
Auditor General of Canada  
240 Sparks Street  
Ottawa, Ont.  
K1A 0G6

Dear Ms. Fraser,

At its meetings last week, the House of Commons Standing Committee on Government Operations and Estimates heard testimony from the Privacy Commissioner of Canada, Mr. George Radwanski and officials of the Office of the Privacy Commissioner. Part of that testimony related to the financial management of the Office.

The testimony left the Committee with a number of questions regarding the accounting practices, as well as the expenditures incurred, by the Office of the Privacy Commissioner.

The Committee requests that an Audit of the Office of the Privacy Commissioner be undertaken by the Auditor General in order to determine if all financial accounts have been faithfully and properly maintained and that public money has been fully accounted for, in accordance with the Auditor General Act, R.S.C. 1985, c. A-17.

Yours sincerely,



Reg Alcock, Chair





Auditor General of Canada  
Vérificatrice générale du Canada

June 20, 2003

Mr. Reg Alcock, M.P.  
Chair  
Committee on Government Operations and Estimates  
House of Commons  
Room 649-D, Centre Block  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Alcock:

In your letter of June 13, 2003 on behalf of the Committee, you asked me to conduct an audit of the financial management and administration of the Office of the Privacy Commissioner of Canada. I am pleased to confirm that I have instructed my staff, Mr. Hugh McRoberts, Assistant Auditor General, and Mr. Bruce Sloan, Principal, to begin work on this audit.

I normally report to Parliament four times a year. However, section 8.(1) of the *Auditor General Act* provides for the submission of special reports to the House of Commons on any matter of pressing importance or urgency that, in the opinion of the Auditor General, should not be deferred until my next regular report.

Accordingly, I hope to present a special report to the House of Commons by the end of September 2003. At that time, I will report any significant information from this audit that may be of interest to Parliament.

I appreciate the confidence that you have shown in the Office of the Auditor General of Canada.

Yours sincerely,

Sheila Fraser, FCA  
Auditor General of Canada

Cc: Mr. Paul Forseth, MP, Vice-Chair  
Mr. Tony Valeri, MP, Vice-Chair  
Mr. George Radwanski, Privacy Commissioner of Canada  
Ms. Miriam Burke, Clerk ✓