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Thursday, March 18, 2010

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Chair

Mr. Paul Szabo

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•(1115)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): This is the second meeting of the Standing Committee on Access to Information, Privacy and Ethics.

Our orders of the day include two items. The first is committee business, with a report from the subcommittee on agenda and procedure. The second is to address a couple of matters on supplementary estimates (C).

Our witnesses are already here. I've had some discussions and there is an agreement that we will deal with supplementary estimates (C) first. We should be able to dispose of that within a reasonable time.

I would like to welcome Elizabeth Denham, who is the assistant privacy commissioner, and Tom Pulcine, who is director general and chief financial officer, corporate services branch.

I wonder if you would please outline for the committee the nature of the supplementary estimates (C) for privacy, and any other statements you care to make at this time. Then we'll see if the committee has some questions. So please proceed.

Mrs. Elizabeth Denham (Assistant Privacy Commissioner, Office of the Privacy Commissioner of Canada): Merci.

Good morning, Chair, and members of the committee.

[Translation]

Good morning, Mr. Chair and members of the committee.

[English]

It's very nice to be here again and see some familiar faces. As you've just said, I am accompanied by Tom Pulcine, our director general, corporate services, as well as Steven Johnston, our senior security and technology advisor. Steven is available in case we get into some IT technicalities that are well beyond my knowledge.

I understand that we're here to discuss supplementary estimates (C) relating to the OPC's oversight role in relation to anti-spam legislation, referred to in the last session as Bill C-27, and more commonly as the Electronic Commerce Protection Act or ECPA.

I thought it might be worthwhile to take a couple of minutes to put our role regarding that legislation in context. Would that be helpful, Mr. Chair?

I'm afraid that with the somewhat short notice our office didn't have time to write and translate a statement, and I confess that I was

much more up to speed on the content of this legislation when I appeared before the House industry committee in June. As of this morning, this legislation has not been reintroduced in either House, but I am speaking now as though the legislation will be the same as that passed by the House last November.

As many of you know, the overarching purpose of ECPA is to combat spam in order to provide for a safer Internet. Spam is a serious problem that has a significant impact on the economy. I should point out that Canada is currently the only G7 country without such legislation. Once passed, the legislation would involve a triad of federal agencies in oversight: the CRTC, the Competition Bureau, and the Office of the Privacy Commissioner.

Our role will be to investigate the unauthorized collection and use of personal information from e-mail addresses through a variety of different techniques: harvesting, dictionary attacks, and malware or spyware. I'll be happy to talk about these later if there is interest.

The legislation doesn't change our existing enforcement powers, and we don't expect a significant increase in new complaints to our office under this law. However, we need to gear up incrementally. We need to explain this new law to our stakeholders and the public, and undertake compliance education. The investigations themselves are likely to involve increased technical complexity, as well as collaboration with domestic and international enforcement bodies, and a need for legal enforcement action in some cases.

The legislation also imported some amendments to PIPEDA that are familiar to many members of this committee. Number one is to give the commissioner discretion to decline to investigate a complaint, discontinue a complaint or refer it elsewhere, and allow for collaboration with and the exchange of information with provincial and foreign counterparts who oversee and enforce laws that are similar to PIPEDA. These are general amendments to PIPEDA and would therefore apply to all of our activities, not just those activities related to spam.

In this fiscal year of 2009-10 we have estimated \$100,000 in operating costs, anticipating that this bill will receive royal assent in this fiscal year. That amount relates to communication, education, and awareness activities.

Canadians need to be aware that our office will take complaints related to spam through dictionary attacks, spyware, or other methods. We need to prepare for public inquiries and inquiries from business and other government agencies. So we've been busy drafting materials and have developed internal training materials for our own staff. We've also really ramped up our technical expertise that will be needed for investigations dealing with spyware and malware under ECPA. And we've invested in software for these online investigations.

Perhaps that's enough to give you some context for our request. I'm happy to answer any questions.

Merci.

The Chair: Thank you kindly, Ms. Denham.

We'll take questions from members.

Mr. Easter, please.

Hon. Wayne Easter (Malpeque, Lib.): Thank you. Thank you, folks, for coming.

On the Electronic Commerce Protection Act, virtually no legislation has been introduced yet. We've been back pretty near two weeks. The government took months to recalibrate, and all we seem to be doing is having opposition days and very little else.

How important is it that it be reintroduced? Are you expecting any changes in terms of its being reintroduced, compared to what it was? Then I have a couple of other questions.

• (1120)

Mrs. Elizabeth Denham: We think that spam is a very serious issue. It's much more than a nuisance. Many of you are probably familiar with the kind of spam that lands in your inbox. What spam does is it actually undermines confidence in electronic commerce. On the really insidious side of spam, it's a method of delivery of spyware, which can actually compromise computer systems and of course personal information.

We think it's very important legislation, and the commissioner has been supportive of the passage of this legislation for some time.

Hon. Wayne Easter: I actually can attest to the problem of spyware on my portable computer. When it's on the security system here, there's no problem. But I came back one time and they had to completely wipe everything and start over—and it was just on our own system at home.

You said that we are the only G7 country without legislation. How many years behind other countries are we in terms of not getting our act together?

Mrs. Elizabeth Denham: I know this government has been looking at spam since as long ago I believe as three or four years, when the anti-spam task force worked on some pretty significant reports. As I say, I think there's some concern about Canada's becoming a haven for spam. We are behind, and our commissioner is very supportive of this legislation. It's critical.

Our director general of corporate services told me this morning that 97% of the e-mail that actually hits our network at the Office of the Privacy Commissioner is spam, so it's a significant issue for resources in our economy.

Hon. Wayne Easter: I understand that, and I understand the implications and the need. You're saying the government is looking at it. They've been looking at crime bills now for about four years as well, but very few of them got through because we've been prorogued twice.

They look at a lot of things. They've been looking at a lot of things. We hear the same thing in another committee—I'm on the agriculture committee. They're going to do something, but they never get it done. They're good at propaganda.

So my question is, how many years are we behind other countries in terms of getting this done?

Mrs. Elizabeth Denham: I don't have that information. I can certainly go back and provide it to the committee.

Hon. Wayne Easter: Okay.

You're saying it undermines confidence in electronic commerce, being banking and so on. Are people afraid of people being able to tap into their bank accounts? Is that what you're saying, basically? Is any of that happening? Is there any reason to be really concerned on the electronic commerce side? I think most of us now do banking by the Internet, pay bills by the Internet, etc. How do you deal with concerns in that area now without the legislation? Would the legislation make a difference in that area, or really, is there any need to be greatly concerned? Have many problems gone astray in that area?

Mrs. Elizabeth Denham: I can tell you that a target for spam and malware are the log-in details for someone's financial account.

• (1125)

Hon. Wayne Easter: Okay.

I want to come back to the fact that the commissioner feels strongly that this legislation has to be reintroduced. I think you indicated that you expected that the costs in the initial year would be around \$100,000. That's not a whole lot of money. Is there anything in the budget to accommodate that? Do you see that the freezing of salaries and operations within budgets are going to have any impact in terms of your ability to do your job?

Mr. Tom Pulcine (Director General and Chief Financial Officer, Corporate Services Branch, Office of the Privacy Commissioner of Canada): We don't expect that the freeze in the operating budget will have an impact on the resources of this legislation. Our understanding, as it relates to the freeze in the operating budget, is that it does not affect any new initiatives. If this legislation was to pass and resources were to be allocated through the estimates process, whether it be these supplementary estimates or next year's main estimates or supplementary estimates within the next fiscal year, then we would expect that would happen.

Hon. Wayne Easter: Thank you.

The Chair: Thank you.

Madam Freeman, *s'il vous plaît. Tu as la parole.*

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): I am sorry, but I was late for Mrs. Denham's presentation. Welcome to you two, and thank you for being with us this morning.

I would like to follow up with Mr. Easter's question about the \$100,000 you are requesting. Your budget for the current year ending on March 31 stands at \$34,000,000. In this supplementary budget, you are requesting \$100,000. Is that right?

Mr. Tom Pulcine: No, it is \$20,000.

Mrs. Carole Freeman: Would it not be \$20 million?

Mr. Tom Pulcine: Right. It is \$20 million.

Mrs. Carole Freeman: As a matter of fact, we have here both the information and the privacy commissioners. You are getting \$20 million, if we break down the figure, and you are requesting \$100,000 more to implement this legislation on commercial e-mails. Is that right?

So, explain this to me. Has this \$100,000 already been spent or do you really need it between now and the end of the current fiscal year?

[English]

Mrs. Elizabeth Denham: We feel that we've already spent \$100,000 in this fiscal year in preparing for the Electronic Commerce Protection Act. It's been spent in diverting some internal resources away from other projects to prepare public education materials to turn our minds to the kinds of technical investigations that we might be doing, etc. So we have diverted resources and spent about that amount of money in preparation, believing that the bill was going to go ahead.

[Translation]

Mrs. Carole Freeman: If I get it right, the \$100,000 you are requesting has already been spent for activities against commercial e-mails. In which area did you cut in order to spend this \$100,000 somewhere else?

[English]

Mrs. Elizabeth Denham: I could tell you that the \$100,000 has mostly been spent in our communications branch and our research and education budget, which is where our technical analysts reside.

[Translation]

Mrs. Carole Freeman: Is that where the \$100,000 is coming from? You said earlier that you made cuts in some areas. So, you made cuts in training in order to be able to invest \$100,000 in the fight against spam. Am I right?

[English]

Mrs. Elizabeth Denham: We've diverted some internal resources from other projects, some of our policy work, in order to prepare the materials and to prepare our inquiry staff for the kinds of questions that we expect to receive from the public.

[Translation]

Mrs. Carole Freeman: My question does not seem to be clear. I do not know whether there is something wrong with simultaneous interpretation, but I will try a third time. I will rephrase it again. The \$100,000 you are requesting in the supplementary estimates, and which you have taken from your \$20 million budget for anti-spam activities has already been spent. You took it from other areas. So you have a \$20 million budget, and you have already used this \$100,000. You have cut services somewhere. I would like to know what it is you have eliminated.

• (1130)

Mr. Tom Pulcine: I am not sure it is possible to know exactly where this money is coming from...

Mrs. Carole Freeman: That is what I am asking you. Where did you take this money?

Mr. Tom Pulcine: It is in our budget. You would like to know precisely from which area or project we have taken—

Mrs. Carole Freeman: We would like to know. You are requesting supplementary estimates, but you have already spent this money. It does not look like it is so important to get your request.

[English]

Mr. Tom Pulcine: As it relates to this, it's a bit of a catch-22. Our input into the supplementary estimates is presented well in advance of the evolution of the legislation. We've been working in putting out these numbers for quite some time. As Commissioner Denham identified, the initial activities that we would undertake in year one, as they relate to this legislation, were around informing Canadians and others with respect to the impact of this new legislation. When we were asked to identify what would be our costs, recognizing that we're one of three government organizations or entities that are working on this legislation, our costs were identified to be \$100,000.

When we are faced with a situation where the legislation is expected to go through, it is a risk we have to take with respect to whether we undertake the activities and the preparation necessary so that when the legislation does pass—

[Translation]

Mrs. Carole Freeman: You are still not answering my question, Mr. Pulcine. Which envelope does this \$100,000 come from?

[English]

Mr. Tom Pulcine: Our envelope is basically one envelope for the Office of the Privacy Commissioner. The \$20 million is divided between the salary and the non-salary...perhaps I'm not quite understanding the whole aspect—

[Translation]

Mrs. Carole Freeman: Listen, I will not let you go before I get the answer I am looking for.

Mr. Tom Pulcine: That is correct.

Mrs. Carole Freeman: There is an envelope—

[English]

The Chair: It's an important question. We're dealing with the year 2009-10, which has a couple of weeks to go. You indicated ostensibly that this amount of money has been dedicated towards supporting the legislation, which was on the table during this past year but has not come forward. The member, and I think all the members, would just like an indication that should this be approved by the committee, there's not another \$100,000 that is going to be actually spent on the legislation in the current fiscal year, which has not been retabulated.

Is that the case?

Mr. Tom Pulcine: The simple answer to your question is yes.

We're at a point in the fiscal year where it's very difficult. It's March 18. The fiscal year ends on March 31, and it's very difficult to spend any money at this time of year that hasn't already been initiated in terms of an activity. The simple answer to your question is no, there will not be any additional resources initiated at this point for this legislation.

It's really important as well to recognize that if the committee recommends the approval of the supplementary estimates, our understanding is if the legislation does not pass, that \$100,000 will be frozen. Our office will not get any financial benefit of that \$100,000. So I'm not sure if there's a—

[*Translation*]

Mrs. Carole Freeman: From what I understand, you do not need this \$100,000.

Mr. Tom Pulcine: — to be able to carry on with your work or activities? No, I think you are right.

Mrs. Carole Freeman: You just said you do not need this additional money. You are telling me I am right. So, you do not need this \$100,000.

Mr. Tom Pulcine: You are right.

Mrs. Carole Freeman: This committee is here to try to see whether this \$100,000 in supplementary estimates is required. You are telling me you do not need it. Thank you. No more questions,

[*English*]

The Chair: I think the point is, and I stand to be corrected, that in approving the supplementary estimates (C) appropriation for the \$100,000, it would then make the total appropriations for the current fiscal year reflective of the work that was done during that year.

Mrs. Elizabeth Denham: That is correct.

I think it would have been irresponsible of us, given the complexity of this legislation, not to turn our minds and start preparing the public education materials and training our staff, because it wouldn't be something that we could just do instantly. As I said, it was an important initiative that we ready ourselves to speak to Canadians and to speak to businesses about this important legislation.

• (1135)

The Chair: Of course, the work already done will be relevant for the legislation that we anticipate will be introduced sometime during this current session.

Mrs. Elizabeth Denham: That's right. It's also relevant to other technology investigations that are under way at this time.

The Chair: Good. I'm sure we'll have some more questions.

We'll go now to Mr. Atamanenko, please.

Welcome.

[*Translation*]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Good morning. Thank you for being here with us.

Let me tell you first that my party and I are supporting your request for an additional \$100,000.

[*English*]

Having said that, I've been asked by my colleague, who normally sits here, to ask a couple of other questions and to get your comments.

One of them deals with the Olympic security cameras in Vancouver. We understand that the cameras are going to be removed from the Vancouver streets. I guess the concern of my colleague from Burnaby—Douglas is that in fact all cameras be removed. We were wondering if you have any comments on that, from the point of view of privacy.

The other question is in regard to the UN report that states that “airport body scans breach rights”:

Martin Scheinin, the UN special rapporteur on the protection of human rights, said while countering extremism scanners were both an ineffective means of prevention and an excessive intrusion into individual privacy.

Scheinin, who was “appointed to monitor the impact of anti-terror measures on individual freedoms five years ago, told the UN Human Rights Council better detection technology could be better for human rights.” So he's saying that “full body scanners are a disproportionate intrusion into privacy when measures are not taken to minimize the negative impact on privacy.”

My colleague would just like to see if you have any comments on that, given the fact that we've approved body scanners in Canada.

Mrs. Elizabeth Denham: I'm the assistant privacy commissioner responsible for the private sector side of the office, so I can just answer very briefly that my colleague Chantal Bernier or the commissioner will follow up with a more complete answer. It is also my understanding that the cameras will be removed from the streets of Vancouver. Our office is continuing to follow that file. We are troubled by ongoing video surveillance, of course, so I understand your comment.

When it comes to airport body scanners, just to clarify, the commissioner did not approve the use of body scanners in our airports. We make recommendations to government departments on privacy interests and privacy rights and on how to balance the security needs with privacy and dignity interests.

When we looked at this file through a privacy impact assessment, our office felt that there was a fair balance between both of those interests. But we continue to monitor what CATSA and the government are doing in their implementation of body scanners.

I can follow up with more detail.

Mr. Alex Atamanenko: Thank you. If you could, that would be great.

Those are the only questions I have, Chair.

The Chair: Thank you, Mr. Atamanenko.

We will be having the commissioner and other officials here to deal with a broad range of issues, including those that you've just raised, so thank you.

Ms. Davidson, please.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks very much, Mr. Chair.

Thank you very much for being here with us this morning and for going through these supplementary estimates.

In your opening remarks, Ms. Denham, you said that the Privacy Commissioner is requesting \$100,000 to implement and enforce legislation concerning unsolicited commercial e-mail and related online threats. In the answers you've already given here this morning, we've certainly understood what legislation we're speaking of. Certainly, it was good to hear the parties' support for that legislation. I expect when it is introduced before too long there will definitely be all-party support for it, and it will be expedited through the process. So that's encouraging to hear.

Could you tell us how you came to the \$100,000 figure?

• (1140)

Mrs. Elizabeth Denham: Of the \$100,000 figure, approximately \$80,000 is for communication, outreach education, and staff time, and then I believe 20% is for corporate services.

It's an estimate of what we needed to undertake those initial activities, which are about advising Canadians of what this new statute means and what our mandate means to Canadians.

Mrs. Patricia Davidson: I think you also stated that Canada was the only G7 country without legislation in place at this time, and that we also had been looking at it as a government for three to four years and had the legislation before the House and on to the Senate. You had alluded to other countries and not knowing the dates of when they may have enacted it, but would it be within the last two to three years, or have they had legislation in place for much longer than that? Do you know?

Mrs. Elizabeth Denham: The CAN-SPAM legislation, which is the U.S. legislation, was introduced in 2003, if that's helpful. I can follow up with Australia, New Zealand, and some of the European countries.

Mrs. Patricia Davidson: That would be interesting to know, because, as I said, this government has been looking at it for three to four years, and I would be interested to know whether or not prior governments had even looked at the issue.

Can you elaborate on why the need is most urgent in this area? Why do you need that funding? I know you've talked about money that's already been appropriated or expended through existing budgets, but what's the urgency of this?

Mrs. Elizabeth Denham: Because of the technical nature of spam and spyware and dictionary attacks and e-mail harvesting, which are the areas our office will have to have the mandate to oversee, there's a lot of work to get ready for that: educating our inquiry staff, who are at the front end, as they take the calls from the public; getting our investigative staff up to speed on this legislation.

Our technical analysts, who reside within our research branch, are going to have to be ready to take on the front-end work and also advise our investigators who may be on the ground investigating our complaints about spyware, for example. So it's technical issues. We have to be ready for it. We have to be responsible and ready to hit the ground running when the act is in force.

Mrs. Patricia Davidson: Thank you.

Are any of those initiatives ranked higher than the others?

Mrs. Elizabeth Denham: We felt that the most important readiness activity was developing public education materials and internal fact sheets and training programs for our front-line staff, because they need to understand this area of the law and these kinds of risks and attacks on computer systems.

Mrs. Patricia Davidson: I stand to be corrected, but I believe you said the \$100,000 was to implement and enforce the legislation. How would you do that? How would you implement and enforce it? "Enforce" is a pretty strong word, so what would be the enforcement end of it?

Mrs. Elizabeth Denham: Under the legislation, under ECPA, our office doesn't get any new enforcement powers; it doesn't change the way we're structured or how we approach investigations, but individuals can file complaints with our office about unsolicited commercial e-mail, about the unauthorized use of personal information. Of course, an e-mail address is personal information under PIPEDA, so we would be investigating that.

As well, there is education for businesses, education for individuals. But unlike our federal partners, who are going to share enforcement of this legislation, we don't have order-making power; we don't have administrative monetary penalties, for example. So the CRTC and the Competition Bureau, who are going to assist in the enforcement of anti-spam, have stronger enforcement powers. All we can do is make recommendations. We have to turn to the Federal Court for enforcement.

• (1145)

Mrs. Patricia Davidson: What are the staffing implications of this? Are they huge?

Mrs. Elizabeth Denham: No. Again we have to see how this all plays out over the next few years, but we expect that within the first two to three years we'll need a handful of new staff. We don't expect to receive the majority of the complaints about spam and spyware. We expect those to go to our other triad partners.

We do expect we're going to need a couple of new investigators, another technology resource, and it's going to have implications for our policy branch and also our legal branch.

Mrs. Patricia Davidson: Thank you very much.

The Chair: Ms. Foote, please.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Thank you.

Thank you for joining us this morning.

In my questions, I want to pick up where Madam Freeman left off. I want to get some sense of what it will mean to your office if you don't get the \$100,000.

Mr. Tom Pulcine: The \$100,000, relatively speaking, is a very small number. To be very clear and honest, it probably would have no impact at this late stage of the fiscal year.

In essence, the authority we have right now is the \$20 million or thereabouts, and that's the amount we're living within, so this late in the year, even if the legislation were reintroduced and passed, it's highly unlikely they would actually spend that amount of money.

It's very much a case, as I said already, where there's a bit of a catch-22 in terms of where the supplementary estimates process is relative to where the legislation last left off. If this legislation had been passed sometime late in the calendar year, let's say, then it's highly likely that we would have been able to effectively spend the additional resources.

Ms. Judy Foote: So do you anticipate, then, that you will need additional money down the road to implement this legislation?

Mrs. Elizabeth Denham: We have a plan whereby we're going to build incrementally the kinds of resources we need. There will be a lag time between royal assent and the implementation of the legislation, when Canadians actually start filing their complaints with our office. We expect that there will be a lag time.

As I said, we expect a handful of new staff over the next couple of years. Then, depending on the level of business we get under anti-spam legislation, we may have to come back to Parliament for additional resources. But we need to actually have the experience on the ground. It's going to take a couple of years to figure that out.

Ms. Judy Foote: You say that other countries are ahead of us with respect to this type of legislation. Have you looked at what has happened in other countries in regard to the overall cost?

Mrs. Elizabeth Denham: We haven't looked at that because, again, our role in enforcing anti-spam legislation is really quite narrow. The Competition Bureau and the CRTC actually have a bigger role in this. Our role is very small and is related to the unauthorized collection and use of personal information such as e-mail addresses.

Ms. Judy Foote: It always raises a question with me when I hear that you're one of several entities involved in enforcing a particular piece of legislation. Are you working in isolation from each other? Do you not have the discussion? Do you not come together and find a way or have a discussion about what this cost may be down the road or about who has what responsibility for enforcing this legislation?

For me, when you say you're a small component of it, I have a question: do you not have the discussion of how you fit into the bigger picture?

Mrs. Elizabeth Denham: We have had that discussion. Those discussions have been led by Industry Canada, really, and plans are afoot to have a spam reporting centre, which is going to be a coordinating agency that takes in the complaints and refers those complaints to the appropriate agency to deal with the nature of the issue at hand.

So yes, there indeed will be coordination, and part of ECPA is to give these three agencies the authority and the ability to share information so they can collaborate and cooperate. It's a one-window approach, from the public's point of view, and there will be definitely collaboration and cooperation. That's one of the points of ECPA: to give us the ability to share information between these entities.

• (1150)

Ms. Judy Foote: Where would the spam reporting centre operate out of? Would it operate out of the Department of Industry or some other department?

Mrs. Elizabeth Denham: The industry department is spearheading it. The plans are under way. I'm not sure if Industry Canada is contracting it out or if it's actually going to be within their responsibility, but Industry Canada is coordinating that initiative. I can get you more information and follow up on that.

Ms. Judy Foote: I'd be interested in whatever information you could get to the committee on that in terms of staffing requirements and overall budget.

Thank you.

The Chair: Go ahead, Mrs. Block, please.

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Thank you very much, Mr. Chair.

I will echo my colleagues' welcome to you this morning for being here at the committee.

In the time that I've served on this committee, I have come to understand the value of the Federal Accountability Act, which was introduced in 2006. It was the Federal Accountability Act that amended the Privacy Act to extend its application to 15 institutions, including officers of Parliament and crown corporations and foundations.

Expanding the application of the Privacy Act has, I am sure, increased the workload of the Office of the Privacy Commissioner. For my understanding, could you expand on this statement and tell the committee about the increased workload that you may have and may now be experiencing as a result?

Mrs. Elizabeth Denham: I apologize; the Privacy Act is not my area, but I can certainly get that information to you within the week. The only observation I can make is that in terms of complaints, these new agencies haven't increased our workload to a huge extent, but I'll get you that information.

Mrs. Kelly Block: I have a follow-up question.

You stated that your communications research and education department absorbed most of the cost of the work that you've done in preparing for the enactment of the spam legislation. We heard quite a bit last year from the Privacy Commissioner and the access to information commissioner about the need to have their budgets increase to deal with education in regard to their departments.

I'm thinking that when an act like this comes into force, there is education that needs to take place. Do you foresee, when other acts are introduced and enacted, the kind of impact that might have on your department as well?

Mrs. Elizabeth Denham: I think whenever you have a significant legislative initiative, such as the ECPA legislation, it's going to have an impact on us, but on the horizon I don't see another statute like that. At this time I don't see one that is going to require us to have extensive additional resources.

Mrs. Kelly Block: Thank you.

[*Translation*]

The Chair: Mrs. Thi Lac, you have the floor.

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): You explained clearly that this \$100,000 has already been spent and that this money was taken from other budgets. You mentioned a freeze and said that if you get this additional \$100,000, you would use it elsewhere. Would you spend it in the areas you took money from? Or are you going to invest this money in the anti-spam activities, so that it would add up to \$200,000 in that area?

[English]

Mr. Tom Pulcine: It is a very difficult question to answer in terms of the timing of the fiscal year. There are very few days left between now and the end of March, so I think it's fair to say that there is going to be very little additional activity with respect to the work to be undertaken as it relates to this legislation.

Once again, it's important to recognize that if the legislation does not pass and receive royal assent, this money will be frozen and will not be made available to the Office of the Privacy Commissioner, which I think is a very important point.

If the question is whether we are going to spend more, I suspect the answer is no. If the legislation is to be passed and receive royal assent, all that has to happen before March 31. If it is approved by Parliament, the resources are left with the office. The only financial impact it will have is the impact of how much money the organization, the Office of the Privacy Commissioner, has to carry forward from one fiscal year to another as relates to the operating budget concept.

• (1155)

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: I have another question. Mrs. Denham, you said earlier that you did not make any comparison with legislation in other countries. Do you not think you could have saved some money, had you check what was done and was working fine in other countries? We should not try to reinvent the wheel. You did not have consultations with the many countries which passed similar legislation several years ago. You said Canada is the only G7 country without such a legislation. The six other countries have one. Comparisons can be made with more than one country. Checking what is working or not in other countries is a good way to save money, is it not? You would like this legislation passed, but we have no benchmark to be able to tell what is working or not abroad. Would it not be a good idea to check what is working in other countries before we pass a somewhat defective bill that does not work well and with which we could hit a wall?

[English]

Mrs. Elizabeth Denham: I should clarify my statement. This work has been done by Industry Canada, which has been studying similar legislation and enforcement models in many other countries. I said our office has not done a detailed comparison because we are a small slice of the enforcement pie, but Industry Canada has led the study of our enforcement model and has a plan for the budget, etc. It's not that nobody has turned their mind to the experience of the other countries that have enacted legislation.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: This is an important distinction. That was not our understanding. I do not think I was the only one who did not understand the situation that way. I will let

Mrs. Freeman use the rest of my time, for I think she had more questions.

Mrs. Carole Freeman: I would just like to say that we are at the end of the fiscal year and that we will have to—

[English]

The Chair: Madame, are you going to take the last minute of Madame Thi Lac's time?

[Translation]

Mrs. Carole Freeman: No, I will leave it to my colleague.

The Chair: Is that what you will do?

Mrs. Carole Freeman: Yes.

The Chair: Yes.

[English]

Mr. Rickford, please.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair.

I have a couple of quick remarks. I'm very happy with the work, and I understand the importance of the Office of the Privacy Commissioner. I don't have any questions per se. I'm more interested in getting on with some of the other business. I appreciate the work you have done here today and in general. That's all.

The Chair: Fine.

Mr. Siksay, I know you were engaged in the House and were unable to take your slot. Is there anything you want to raise with these witnesses before we move on?

Mr. Bill Siksay (Burnaby—Douglas, NDP): I think the Office of the Privacy Commissioner has been very prudent in their planning for this legislation, and the expenditure we're discussing this morning was very appropriate. To have made provision for that in these estimates was very prudent.

We know that this is important legislation and it increases the role of the Privacy Commissioner in certain areas. Certainly the need to consult with other privacy commissioners in other states and organizations is one of the additions that ECPA makes to the role of the Privacy Commissioner. To do appropriate planning for that expansion of the work of the Office of the Privacy Commissioner was right on.

Unfortunately, I think we have another unfortunate consequence of the abrupt prorogation of the House. Legislation that had been worked on diligently in both the House and the Senate was abandoned by the government. It threw the whole planning process across the public service into some disarray and some question as a result. I think there are consequences to those kinds of decisions, and a further delay in this very important legislation is one.

I'll just finish with the comment that I think the Office of the Privacy Commissioner has done very prudent work in this regard.

• (1200)

The Chair: Thank you very much.

The chair has just one question for you to affirm. Treasury Board has reviewed this matter and concurs with the request for the supplementary estimates (C). Is that correct?

Mr. Tom Pulcine: Yes.

The Chair: Thank you.

There being no further matters, I want to thank the witnesses kindly for your appearance.

The committee will consider the request of this meeting and report to the House.

Thank you. You're excused.

Colleagues, there was one other item on the supplementary estimates (C), which had to do with the Senate Ethics Officer, a \$50,000 item.

We attempted to have the Senate Ethics Officer appear before us. There is a protocol between the Houses, and certain things have to happen for that person to be able to go to the green chamber, as it were, and that wasn't possible to do. But Mr. Jean Fournier, the Senate Ethics Officer, has sent a brief statement that I could read to you. It reads:

This is Vote 20c. It's for \$50,000. The funding is to conduct an inquiry regarding compliance with the Conflict of Interest Code for Senators. The increase is needed to cover the costs of an opinion or inquiry the Senate Ethics Officer was asked to undertake by a senator on October 20, 2009, pursuant to subsection 42(1) of the Conflict of Interest Code for Senators. Inquiries are a rare occurrence and the related costs are not included in the annual estimates of the expenses of the office.

So there was no provision in their budgets for any investigations or inquiry, but there is one, in fact, and the estimated amount was some \$50,000.

That is all the information I have, but I understand that is the amount included, I guess globally, in vote 45c and vote 20c.

Those are the two items.

Do we have further questions on those two items?

Ms. Davidson.

Mrs. Patricia Davidson: If I can go back to the explanation that you just read, this is for a broad study on conflict of interest, is it?

The Chair: No, it's an investigation of a specific complaint under the conflict of interest code for senators. They have a separate conflict of interest code.

I understand that this reporting, where this matter has been referred to our committee to address, has raised some questions in that it likely will no longer be reported to us once they get this sorted out. The Senate matters will probably be handled in the procedure and House affairs committee, because it's not a House issue.

This matter has been referred to us by the Speaker of the House, so we have to in fact report back on it.

On the reason that we're dealing with the supplementary estimates (C), and I don't think I explained it to members, they have to be reported back to the House by the 23rd, which is next Tuesday. Our next meeting isn't until 11 o'clock. Routine proceedings are at the beginning of the day, at 10 o'clock. So we either do this now and have the meeting, and decide to approve or deny the request now, so that it can be reported to the House on time...

Madam Block.

Mrs. Kelly Block: Mr. Chair, I'm wondering if you would circulate that statement to the whole committee.

The Chair: Here it is in both official languages.

Do you have copies of that, Mr. Clerk?

Yes. Okay.

Mrs. Kelly Block: Thank you.

The Chair: If there's no further discussion on the items, we have two motions. The committee can adopt, reduce, or negative each vote, but it cannot increase the amount of the vote.

We'll call each vote separately. Each vote forms a distinct motion that is debatable and amendable. As an example, a motion would be that vote X, Y, Z in the amount of x be reduced by y .

The circulation of the information to the members of the committee with the supplementaries included both these items.

I see there's confusion; our agenda only shows vote 45c on it.

Members can check the reference of the other vote, 20c, from the Speaker of the House to this committee. We actually discussed vote 20c about the Senate at steering committee on Tuesday, and the chair was directed to get the Senate Ethics Officer to appear and he was unable to appear. I don't think we're uninformed of the reference.

The members will be asked to dispose of both of these requests for votes under supplementary estimates (C). Of course the members will also know that if a committee does not report back on supplementary or main estimates, they're deemed to have been reported back without amendment. So this is our opportunity.

Mr. Siksay, you have a question?

• (1205)

Mr. Bill Siksay: Thank you, Chair.

Could you report on the resolution of the confusion about a budget request for the ethics officer for the Senate coming to this committee?

I think it is important to be clear about the relationship between the House and the Senate. I think it would be helpful to all of us to know that has been clarified for the future—although I have to say I would relish the opportunity to go after ethics concerns with regard to the unelected Senate, which I think is a huge concern for most Canadians. I find it appalling that we still have such a body in our democracy. If that isn't an ethical question, I don't know what is.

I hope you can report on how that's resolved.

The Chair: Well, certainly there is the relevance of it coming to our committee. But it always has been there. That vote has always been there for us; we've just never dealt with it. We're learning.

The question you raised has already been discussed, and we will get a resolution and any other information that would be helpful for the committee to understand the logistics of properly addressing appropriations, whether it be for this House or the other place. We will do that.

Shall vote 45c under Justice with regard to the privacy matter carry?

JUSTICE

Offices of the Information and Privacy Commissioners of Canada

Vote 45c—Office of the Privacy Commissioner of Canada—Program expenditures.....\$100,000

(Vote 45c agreed to)

PARLIAMENT

Senate Ethics Officer

Vote 20c—Program expenditures.....\$50,000

(Vote 20c agreed to)

The Chair: Shall I report the supplementary estimates to House?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

All right, we have a bit of time. We're definitely going to complete this meeting before 1 o'clock, but we'll carry on.

Do you have a question, Mr. Rickford?

Mr. Greg Rickford: [*Inaudible—Editor*]...for the benefit of the committee that we've been working on.

I had a great meeting with the senior legal counsel for Google, and we went over a number—

• (1210)

The Chair: Could I ask you to hold that for a second? The steering committee had a full meeting on Tuesday and that did come up. You may want to comment to the full committee, because Mr. Poilievre raised this as a matter that we could possibly do a report on.

Mr. Greg Rickford: I appreciate that, sure.

The Chair: We will deal with it.

Let me see if I can help the committee move forward and tell them where we are. In our first meeting the committee instructed the chair to retable the 10th and 11th reports from the last session to the House and indicate that we were not requesting a response from government since we have already received one. We are having ongoing discussions with the Minister of Justice about getting the responses to every recommendation, as well as making arrangements for him to come before us.

I want to confirm that this morning I did table the first and second reports of this session, the privacy quick fixes and the access to information quick fixes. That has been done.

I don't have a written report on the steering committee meeting because we had so many items and points that we thought it would be important to engage the full committee in making decisions. We also had the problem of trying to schedule things, because our commissioners are not available in the next couple of weeks.

What we do may require some stickhandling, but next Tuesday will be another steering committee meeting. It won't be a full meeting; it will be a steering committee meeting that will consider the input members give now. We will try by that time to lock in the four commissioners to appear before us to deal with the issues. To the extent that we don't need the commissioners, other business would be slotted in to make sure we make good use of our time.

The committee did agree that in addition to doing the supplementary estimates (C) today—which we either dealt with or they were deemed to be reported, and thank you for that—we are going to be dealing with the main estimates from Access, Privacy, and Justice. We will also have the Ethics Commissioner and the Commissioner of Lobbying. The access and privacy offices are under the Justice umbrella, and the Ethics Commissioner and Commissioner of Lobbying are stand-alone.

Now, the committee wanted to address the work we did on Google and Canpages. At the last meeting Mr. Poilievre asked whether the committee felt it might construct a report on the issue and whether we had any recommendations. I asked Mr. Poilievre if he could give more thought to that, and at this meeting we would have an opportunity to get the views of the committee as to whether there was something we could constructively contribute to a report to the House.

Is this what you would like to discuss, Mr. Rickford?

Mr. Greg Rickford: This might be a good segue. I had a great meeting with the senior legal counsel for Google, and he wrote a very thoughtful memo here on a couple of different subject matters that he thought the committee might benefit from discussing or looking at. I have that memo here. It is only in English. I would be happy to share it with the members of the committee, subject to any sort of technical requirements for its translation or what have you.

If I may, by way of introduction, the subject matters were “Privacy by Design”, so the committee might study how the private sector can develop and does develop pro-privacy products as a competitive edge in winning and keeping customers; open data, government, looking at the possibility of opening vast added resources of the Government of Canada to the public. A study of successes and challenges in other jurisdictions would provide the committee, in my view, with a solid base of knowledge to make a recommendation to the government on how best to implement a potential strategy.

Data portability was another subject—again, I'm just briefly going over some of the areas of potential study—whether data portability has a pro-privacy impact, and explore other market-driven pro-privacy solutions.

Then, of course, there is privacy in data security, which is further divided into two major subject areas. HTTPS, which of course is the hypertext transfer protocol secure, is used to encrypt data. The suggestion would be that we might explore the barriers to the greater adoption of HTTPS across a variety of websites, including the Government of Canada websites. As a second subsection of that, privacy and data security, would be anti-malware, which is actually quite an interesting area for us to perhaps look at. We would examine the integration of privacy and security, and the committee might consider how the government could further foster anti-malware collaboration through the creation of a registry or phishing or malware site.

So I have that document, Mr. Chair, and do I have to...?

Sorry, go ahead.

• (1215)

The Chair: If you could provide that to the clerk, we'll get it translated and properly circulated to the members—

Mr. Greg Rickford: Thank you. I apologize for not doing that.

The Chair: —in time for our steering committee meeting next Tuesday. Okay?

Mr. Greg Rickford: That would be great.

The Chair: That's a new study. It really isn't exactly Mr. Poilievre's Canpages Google street map. That was the work that we had already done. I think I will try to consult with Mr. Poilievre to see whether or not it says "recommendation to the steering committee", that he would like to do a report. If so, I don't think the committee would have any problem doing a brief report to be brought to this committee in draft form for consideration, if he so wishes. It's work done, unless he says there's more work to be done directly related to that, but we have done the work there.

Mr. Greg Rickford: I want to be clear. We do want to do the report. I'm just...

The Chair: What you talked about is not what we did, the Canpages and the Google street map, because that's with the camera going around the streets and photographing, and what they are doing with people's faces and licence numbers.

Mr. Greg Rickford: Some of it is related to it, but that's okay.

The Chair: Yes, this was a very specific matter. Again, I think maybe if I have a conversation with Mr. Poilievre, we'll get an indication of whether he would like to recommend to the committee a draft report be done on the work done and report it to the House.

Ms. Davidson.

Mrs. Patricia Davidson: Maybe I can just shed some light on that. I did speak with Mr. Poilievre after our steering committee, but I would certainly encourage you to speak with him as well. I believe that, and here again I want you to confirm this, his intent was to come back and review what we had done and put it in a report form. That's my understanding.

The Chair: Sure.

That would be a completed item, but the committee would deal with a draft report at some point. Fair enough.

Mr. Easter.

Hon. Wayne Easter: It's not on this subject, just when we—

The Chair: When we hit one, please indicate to the clerk if you'd like to comment.

Other than the mains, etc., the report cards are coming from the various commissioners. I think we just received one, did we not, from privacy...? It's the plans and priorities and the report cards. They're not coming until the 26th. We won't be in a position to deal with the mains until after we get that, which is at the end of the month. Our challenge is going to be to schedule business for us until we get those and have an opportunity to review it. We talked about the report cards.

Madam Freeman had raised an interest with regard to the process followed by the government in terms of order in council appointments. You will have received in your office from the clerk an e-mail that has the links to all of that information. I did print off most of it. It's quite comprehensive, but it's quite helpful because it goes through, step by step, all of the different checkpoints in terms of

considering someone for an appointment, including security checks, etc. Unless Madam Freeman brings forward any further matters, I think that's already been take care of.

She also asked for a list of appointees for our committee. We're working on that.

When the issue with the two reports that I tabled today... I have spoken with the minister, and he was under the impression from his staff that they had already responded and there was no further work to do. I gave him copies of all of the correspondence, including his letter to us saying he will respond to the recommendations, but he wanted an extension until February 15. The prorogation stopped all of that. He is going to come back to me to indicate when they would be able to get the comprehensive response to each of the recommendations and a date.

He also wanted to remind me that he has not agreed to appear before the committee. I assume the committee would like to see the minister after we have received the response to those two reports and had a chance to review them.

We will plan at some point to try to get dates. Certainly, that is going to happen before the summer. The minister is a busy person, but we will extend an invitation to him to come before us so we can discuss his comprehensive response to both our reports.

We are expecting an order in council appointment of the new Information Commissioner. As you all know, we have an acting commissioner right now. We don't know when that's coming. I'm hopeful that we have a full-time appointee. We will have a special, separate meeting dedicated to having the nominee of the government come before us, which is the traditional practice. We would then do a report to the House with the committee's recommendation, and propose a motion of an appointment, which the House will vote on.

In addition to the things Mr. Rickford raised in terms of the broader privacy issues related to emerging...there are lots of things. We have two matters before us, and this is where we want to get a little bit of input from the committee.

The first one has to do with the whole question of camera surveillance. There have been court cases in the past. We've had balloons carrying cameras around the border. Mr. Siksay put together a fairly extensive package on this matter, the whole emerging risks or problems related to camera surveillance in our society. It would take a little time to study. We have no idea right now as to the dimension, but we do hope to discuss it at our steering meeting next Tuesday.

● (1220)

The other item is something that was considered in the last session of Parliament, and in fact the researchers were asked to prepare for the committee a document related to proactive disclosure and access to information.

You may know, for instance, that in the United States, President Obama has his whole economic plan on the web—every project, how many jobs, and other things. They have partial proactive disclosure in terms of access to information. But there are other countries that have, in fact, full proactive disclosure. Virtually everything the government does that's accessible to the public is accessible on the web, other than those matters that are, for instance, cabinet confidences, national security and public interest concerns, and so on, which the government, in their opinion, would not release under access to information because of their nature.

It goes to the question of the possibility of eliminating a tremendous volume of work in terms of processing and delays. This is one the committee expressed an interest in. We will have a copy of a document in a week. For next Thursday's meeting you will have the research information they have available to date on the jurisdictions in which this is occurring.

I wanted to inform you of the two areas the steering committee considered.

Now we also have the matter Mr. Rickford has brought up on the Google sphere of things, which is not exactly camera surveillance. There may be some overlap in terms of the privacy issues, but we'll have to see. We're going to have to get a little bit more information, okay?

We'll consider any other item the members would like to recommend the steering committee consider.

We'll go to Mr. Easter, and then we're going to Madam Freeman and Mr. Rickford.

•(1225)

Hon. Wayne Easter: The steering committee, then, is not basically laying out a schedule at this point. You're going to meet again on Tuesday. Is that correct? I'm just trying to figure out what...

The Chair: The schedule will only be, in the short term, to keep our committee busy. It'll have to deal with things either to do with the mains or with the appearance of a commissioner.

Hon. Wayne Easter: Okay. The other area—and we haven't put a motion as yet, but we may—is in the area of access to information. I know there's a report in the House. On one hand, you want to wait until the minister responds. But on access to information, it's increasingly slow.

If reports in the media are anywhere close to accurate, there's influence from the PMO. I think we need to call some of those folks who are reported in the press as having influenced access requests. This committee may need to call some of those staffers before this committee and have a look at it and find out what's going on.

I know that the system has really slowed down, and information is difficult to get. The whole spirit of the Access to Information Act, in my view, has been undermined. So I think we need to look into that area.

The Chair: Okay.

I could indicate to you that the steering committee, in fact, did discuss that. I think we concur that this is a matter we would like to see reviewed and resolved, if necessary. But in view of the fact that

the acting commissioner already has commenced a study or a review or an examination of the matter, the steering committee did not feel that doing a parallel review... I don't want to preempt the steering committee's recommendation, but I suspect that we may very well say that once we have had the benefit of the findings of the acting Information Commissioner, we will consider whether further work is necessary by this committee. Okay?

Mr. Easter.

•(1230)

Hon. Wayne Easter: If I could follow up on that issue, I really don't know whether we should be waiting that long. I'm new on this committee so I'm not sure how long the acting commissioner has been...she's been reappointed as an acting commissioner once, was it, or twice?

The Chair: Twice.

Hon. Wayne Easter: Twice. I worry about that as well.

When an acting commissioner is acting commissioner, her independence and the ability to do her job without fear of losing her job are in fact compromised. That's why she either needs to be appointed permanently for a five-year term, so that she can do her job and challenge the government as necessary without thinking she'll be fired for having done her job because she's only an acting commissioner... And we've seen this. Even government members know we've seen lots of people lose their jobs around here.

So what I'm saying to you, Paul, as our chair, is that we don't want to dilly-dally on this. Members and the general public are trying to use the Access to Information Act, and it's being compromised, so we can't dilly-dally until June.

The Chair: I'm sure that members share the concerns.

Members should also know that the acting commissioner is also the deputy commissioner, and if she should not be appointed to be the new information commissioner, she still has her job. So I'm not concerned about firing, as I'm sure she's going to do the job well. I have full confidence in her.

But the full committee will be making a decision as to the work we do. The steering committee is going to have to really bring to this committee our recommendations only. We cannot bind the full committee as to what we're going to do and when. All we can do is recommend. So that certainly is one of the items there.

I have Madam Freeman, Mr. Rickford, Madam Block, and Mr. Siksay.

[*Translation*]

Mrs. Carole Freeman: Mr. Chair, I wanted to know whether you intended to keep this committee sitting till 1 o'clock. I have another meeting à 1 o'clock.

[*English*]

The Chair: We won't be making any more motions, and since you're on the steering committee, I don't think it—

[*Translation*]

Mrs. Carole Freeman: I know we are meeting on Tuesday.

[English]

The Chair: Yes, but I have to go until the members have had a chance to give their input for the steering committee.

[Translation]

Mrs. Carole Freeman: No, but usually, we provide lunch when we—

[English]

The Chair: Yes. I don't think the committee has instructed the chair or requested the chair on that matter, but I know our researchers have suggested it might be appropriate.

Do you want to do that quickly? Shall I arrange for lunch for our meetings in the future? Is that the will of the committee...something appropriate?

Some hon. members: Agreed.

[Translation]

Mrs. Carole Freeman: Right now, we have another priority, which is the question period.

[English]

The Chair: I'll take that as an instruction to the chair to make the necessary arrangements. Thank you.

Mr. Rickford.

Mr. Greg Rickford: Mr. Chair, I have just two comments.

First of all, I'd like, certainly from my part, to encourage the committee to wait for the report before we proceed with anything. I respect and understand where the member is coming from. I'm not sure his party has been in power since the Internet was created. But if we could wait for the report, I think it would be the right thing to do.

The other part, and I appreciate your raising this, is with respect to the access for proactive disclosure study or anything along those lines. I would be interested in understanding the committee's enthusiasm around a trip to Washington to look at some of the research and work that's being done in this area. I'm throwing that out there. We are in a period of fiscal restraint, as other members have raised here and certainly in the House in looking at our resources, but I think this would be a particularly useful trip. If managed properly, it would benefit us all and inform us in some very important ways as to what, as you pointed out in your earlier discussion, the United States of America is doing in this regard.

I'm interested in this. Of course, in the great Kenora riding I have a spreadsheet called the "get-er-done spreadsheet". It keeps track of all the projects we're doing since Canada's economic action plan has been implemented. Of course, it's quite a long list of all the things we're taking care of, now that we have an opportunity to do that.

There is important information on there that I've often felt my constituents should have access to. There is a process there, and there are certainly things we should think about that have to do with that information: How should it be accessible? Why should it be accessible? I think anything we can do to understand better would benefit this committee.

We all share an affection for the Obama administration, and if he is doing something that we can just build on, by golly, I think that might be a useful exercise.

So I put that out there for us to think about.

• (1235)

The Chair: Thank you.

Mrs. Block, please.

Mrs. Kelly Block: Thank you, Mr. Chair.

I'm just echoing Mr. Rickford's comments in terms of the report, just to have that process play out.

Once you have tabled the report, what is the length of time that the minister has to respond to it?

The Chair: At the last meeting of the committee, which was meeting number 1, the committee instructed the chair to retable those, but noting explicitly that we were not requesting a response. In one of the reports, it's page 30—page 31 is blank—the separate page pursuant to Standing Order 109, requesting a government response.

We have already received a response on both reports. This committee came to the conclusion that we wanted to get a more comprehensive response to each and every recommendation. Things were in process that we were going to have that by February 15, but the prorogation sort of threw all that off. I have now provided the minister with the various documents and documentation and correspondence so that he's up to speed. He's going to get back to me as to when we can expect to get his response addressing each of the recommendations in both reports. Once we get that and members have had an opportunity to review it, we will see if we can arrange to have him come before us, if there is a need to do that.

Mrs. Kelly Block: So the subcommittee then didn't define a time period in which they would like to hear back from the minister.

The Chair: We didn't give them a deadline.

Mrs. Kelly Block: Okay, thank you.

The Chair: We're handling it informally, in good faith.

Mrs. Kelly Block: Okay.

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

I have to say that you did a very eloquent job this morning of tabling those reports and pointing out the circumstances under which they were being retabled. I'd recommend to colleagues that they take a look at Hansard for that.

Mr. Chair, I want to say that I share Mr. Easter's concerns about the whole question of the slowness of access to information and the apparent interference by ministers or by the PMO in the process of the appropriate release of documents. I was one of the people who made a complaint to the Information Commissioner, and the Information Commissioner has acknowledged that she is indeed investigating that issue.

I just want to say that I have full confidence in the Information Commissioner. I see her as a person of integrity, and I believe we should allow her to do her job as someone appointed to follow up on those kinds of issues.

While I'm not prepared to wait forever for that, I also believe that the commissioner has shown that she is prepared to do the work expeditiously and appropriately. With that caveat, I believe we should wait to see what her report is and then follow it up as necessary.

The only other thing I would have mentioned, Chair, is that the agenda subcommittee looked at the issue of the review of the Lobbying Act that will be—

● (1240)

The Chair: I'm not there yet. I'm still working on my...

Mr. Bill Siksay: Oh, dear. You're taking a long time, Chair.

The Chair: Well, I know.

There were only two other things. We had “urgent, must do”; the second column was those items we want to get dealt with before the summer break; and then for after we get back after the summer, there were two items. One was a legislative review of the Lobbying Act. We have to do it; it's a five-year review. The other would be, if necessary, a review of the Oliphant report on the Mulroney-Schreiber matter, which is coming, I understand, in late May. So we could have time over the summer, and maybe some work could be done. But we don't anticipate that this would happen until after the summer. Those are all of the matters.

So thank you, Bill. I probably should have thrown it all on the table.

Is there anything more there?

Mr. Rickford again.

Mr. Greg Rickford: Here are some words of encouragement. You mentioned before Bill spoke that this prorogation thing was a factor in everything. I just want to encourage you, Mr. Chair, to draw on your experience with the previous government, who of course prorogued on a number of occasions. I have no doubt that it was a factor with committee business. I think we can rely on your

experience in those scenarios—back to back, I believe it was, under Prime Minister Chrétien—to give us a clear sense of what impact these 23 days of prorogation have had on the committee's business. I'm pretty sure you can handle that, but I think I take comfort in the fact that it was done often enough by previous governments—140 times or more, if I'm not mistaken, over the course of time—for us all to have a sense of how it impacts things.

The Chair: Thank you.

Do you have a point of order, Madame Freeman?

[*Translation*]

Mrs. Carole Freeman: I do not know. Are the remarks made right now tied with the business of this committee or our future business?

[*English*]

The Chair: I think they are on the fringes of legitimacy. I think it was a...

Let's just leave that one alone. I don't think the committee time should be squandered. We're going to be starting meetings late because of the bumping in with another committee before us, and people are going to have to leave here, if they have to do prep for question period or whatever. So let's all help to be most efficient.

Mr. Easter.

Hon. Wayne Easter: I don't want to get into this, Mr. Chair, but I think we want just to put on the record that we know those are the talking points in the PMO. There's not much substance to them. We'll leave it at that.

The Chair: That's not relevant.

All right, are there any further items?

The steering committee will be meeting next Tuesday, and you will be getting notice of what we've been able to plan for next Thursday's meeting that we would like you to be aware of and to prepare for in order to participate in the meeting.

Thank you kindly, all.

We're adjourned.

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