



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

OFFICE OF THE  
LAW CLERK AND  
PARLIAMENTARY  
COUNSEL

BUREAU DU  
LÉGISTE ET  
CONSEILLER  
PARLEMENTAIRE

**BY EMAIL**

December 22, 2020

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

Dear Mr. Pagé:

**RE: House of Commons' Order of October 26<sup>th</sup>, 2020**

I am writing to provide you with an update on my Office's vetting of the documents produced by the government in response to the order of the House of Commons of [October 26<sup>th</sup>, 2020](#) (the "Order").

As you know, my Office wrote to the Speaker of the House of Commons on December 15<sup>th</sup>, 2020, advising that in accordance with the Order, we had completed our review and vetting of the documents produced by the government on December 7<sup>th</sup>, 2020 within seven (7) days after having received them. We provided them to the Speaker so that they could be deposited with the Clerk at the earliest opportunity, in accordance with the Order. A copy of that letter is attached for your information.

In our letter to the Speaker, my Office noted that the majority of the documents provided are in one official language, and that only those in both official languages were eligible for tabling in the House pursuant to [Standing Order 32\(4\)](#). In total, of the almost 5,000 documents that we received from the government in the "first batch" produced in response to the Order, only 59 documents were in both official languages. I can confirm that those documents were tabled in the House on December 16<sup>th</sup>, 2020. The remaining unilingual documents are not eligible for tabling in the House and distribution to this Committee until such time as they are translated, or the House directs otherwise.

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With respect to the redactions that my Office applied in the course of its review of that first set of documents, I can confirm that we did not make any redactions to the 59 documents that were tabled in the House. My Office did, however, make redactions in accordance with the Order to the unilingual documents that were provided to the Speaker, but as explained above, these cannot yet be tabled in the House since they are not in both official languages. Specifically, we removed personal privacy information by applying redactions to information consistent with the definition of “personal information”, as defined in the [Privacy Act](#) and the [Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#), while excluding “business contact information” as defined in *PIPEDA*.

On December 15<sup>th</sup>, 2020, my Office received a second set of 769 documents from the government in response to the Order (totalling approximately 3,000 pages). My Office has completed its review and vetting of the documents in accordance with the Order, and will be providing them to the Speaker so that they can be tabled in the House on January 20<sup>th</sup>, 2021, which is the next adjournment tabling. Again, we note that the majority of documents produced are in one official language only, and are therefore not eligible for tabling in the House until they are translated. Approximately 137 of the 769 documents received are in both official languages. In this second set of documents, my Office made redactions to remove personal privacy information in accordance with the Order.

Finally, with respect to the translation of documents and as indicated in my previous report, I wrote to the Clerk of the Privy Council, Mr. Ian Shugart, on December 9<sup>th</sup>, 2020, asking whether and when the government intended to provide us with translated versions of the unilingual documents. On December 18<sup>th</sup>, 2020, I received a response which is attached for your information. In his letter, Mr. Shugart indicated his belief that following the second report of this Committee, which was adopted by the House on [December 4<sup>th</sup>, 2020](#), my Office is “best placed to determine the sequencing and content of translation” of the government’s documents.

On December 22<sup>nd</sup>, 2020, I responded to Mr. Shugart’s letter and indicated that the government has an obligation to produce documents in both official languages in accordance with section 8 of the [Official Languages Act](#) and consistent with Standing Order 32(4), and that the second report of this Committee neither diminished nor removed this obligation. I added that to avoid any additional delay in moving this matter forward, my Office would be taking the extraordinary step of providing the documents we have received to date to the Translation Bureau on behalf of the government, but that I expected that moving forward, the government would take the necessary steps to provide documents in both official languages.

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My Office will continue to keep the Committee informed, and remains at its disposal should it require further information or assistance in this matter.

Yours truly,

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

Philippe Dufresne  
Law Clerk and Parliamentary Counsel

## **APPENDICES**

### **Letter from the Law Clerk and Parliamentary Counsel to the Speaker**



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BY EMAIL

December 15, 2020

Hon. Anthony Rota  
Speaker of the House of Commons  
House of Commons  
Suite 339-S, West Block  
Ottawa, ON K1A 0A6

Dear Mr. Speaker:

**RE: House of Commons' Order of October 26<sup>th</sup>, 2020**

I am writing further to the order of the House of Commons of [October 26<sup>th</sup>, 2020](#) (the "Order"), which instructed the Standing Committee on Health (the "Committee") to undertake a study on the emergency situation facing Canadians in light of the second wave of the COVID-19 pandemic, and ordered the production of documents from various government departments and ministerial offices relating to this study. The Order also required that all documents produced be vetted by my Office in accordance with the grounds set out therein within seven (7) days after their receipt, before being provided to the Speaker of the House of Commons for tabling in the House at the next earliest opportunity and permanently referred to the Committee.

On December 7<sup>th</sup>, 2020, my Office was provided with documents in response to the Order from the Clerk of the Privy Council Office (PCO), the Office of the Minister of Health, the Office of the Minister of Public Services and Procurement Canada and the Prime Minister's Office. In total, my Office received almost 5,000 documents, totalling approximately 27,000 pages.

My Office completed its review and vetting of the documents on Monday, December 14<sup>th</sup>, 2020, and is providing them to you so that they can be deposited with the Clerk tomorrow, which is the earliest opportunity in accordance with the Order.

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

We note that the majority of documents provided are in one official language only. This represents a departure from the long-standing and expected practice of the government to provide documents to the House and its committees in both official languages consistent with [Standing Order 32\(4\)](#). Shortly after receiving the documents, on December 9<sup>th</sup>, 2020, I wrote to the Clerk of the Privy Council, Mr. Ian Shugart, asking that he confirm whether the government intends to provide us with translated versions of the unilingual documents, and if so, when we can expect to receive them. I have not yet received a response.

As a result, while we are providing you with all of the documents produced in accordance with the Order, only those in both official languages can be tabled in the House pursuant to Standing Order 32(4). This represents 59 of the almost 5,000 documents we received. The unilingual documents will not be eligible for tabling in the House and distribution to the Committee until such time as they are translated, or the House directs otherwise.

My Office is at your disposal should you require further information or assistance in this matter.

Yours truly,



Philippe Dufresne  
Law Clerk and Parliamentary Counsel

c.c.:

Mr. Ron McKinnon  
Chair of the Standing Committee on Health  
House of Commons  
Suite 525, 180 Wellington  
Ottawa, ON K1A 0A6

Letter from the Clerk of the Privy Council Office

Clerk of the Privy Council and  
Secretary to the Cabinet



Greffier du Conseil privé et  
Secrétaire du Cabinet

Ottawa, Canada  
K1A 0A3

DEC 18 2020

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

Dear Mr. Dufresne:

Thank you for your letter of December 9, 2020, regarding documents provided to you on December 7, 2020, related to the Government of Canada's response to the COVID-19 Pandemic. As communicated previously, in order to ensure you had the documents as quickly as possible, they were provided in the language in which they were available within our systems. In your letter, you enquire whether and when you can expect to receive the documents in both official languages.

With the House of Commons having concurred in the second report of the Standing Committee on Health, setting out a priority sequence for your vetting and distribution of documents, I believe that you are best placed to determine the sequencing and content of translation work on the basis of your plans. As you know, the Translation Bureau serves the House of Commons, as well as the government. As you identify the priorities, the Translation Bureau can work with you to facilitate this request.

Officials are available to meet with you or your office to discuss this matter further, at your convenience. This would provide an opportunity to discuss the significant incremental translation workload represented by the order of the House.

Canada

Our primary objective remains to be as responsive as possible to the motion, and to further the Standing Committee on Health's understanding of the government's response to the COVID-19 Pandemic.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian Shugart". The signature is fluid and cursive, with a prominent initial "I".

Ian Shugart

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



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BY EMAIL

December 22, 2020

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

Dear Mr. Shugart:

**RE: House of Commons' Order of October 26<sup>th</sup>, 2020**

I am writing further to your letter of December 18<sup>th</sup>, 2020, with respect to the government's approach to the translation of documents produced in response to the above-noted order of the House of Commons (the "Order"). In your letter, you indicate your belief that following the second report of the Standing Committee on Health (the "Committee"), which was adopted by the House on [December 4<sup>th</sup>, 2020](#), my Office is "best placed to determine the sequencing and content of translation" of the government's documents.

While the Committee's second report directed my Office to prioritize its vetting of the documents produced by the government, it neither diminished nor removed the government's obligation to produce documents to be tabled in the House and before its committees in both official languages in accordance with section 8 of the [Official Languages Act](#) and consistent with [Standing Order 32\(4\)](#).

I understand from your letter that so far no steps have been taken by the government to have the documents translated. In the circumstances, and to avoid any additional delay in moving this matter forward, my Office will take the extraordinary step of providing the documents received to date to the Translation Bureau on your behalf. We expect that the government will follow-up with the Translation Bureau in order to ensure that they are properly supported in their work, and my Office will await receipt of the translated documents so that they can be tabled in the House and referred to the Committee in accordance with the Order.

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Moving forward, I trust that the government will take steps to ensure translation of any further documents that it may produce in a timely manner so that they are provided to my Office in both official languages to be tabled in the House and referred to the Committee after the completion of our vetting process.

As requested by the Committee, I will be providing a status report on this ongoing process, and will share a copy of your most recent letter as well as my present reply for their information.

Yours truly,



Philippe Dufresne  
Law Clerk and Parliamentary Counsel

c.c.

Ms. Sabina Saini  
Chief of Staff  
Office of the Minister of Health

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

Ms. Melissa George  
Human Resources Advisor  
Prime Minister's Office