



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Access to Information, Privacy and Ethics**

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ETHI • NUMBER 013 • 1st SESSION • 42nd PARLIAMENT

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**EVIDENCE**

**Tuesday, May 10, 2016**

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**Chair**

**Mr. Blaine Calkins**



## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, May 10, 2016

•(0845)

[English]

**The Chair (Mr. Blaine Calkins (Red Deer—Lacombe, CPC)):**  
Good morning, colleagues. I call the meeting to order.

Welcome back. I hope everybody had a productive weekend. We're resuming our study of the Access to Information Act. This is meeting 13.

We are very pleased to have with us again, from the Treasury Board Secretariat, Ms. Jennifer Dawson, deputy chief information officer. From Public Services and Procurement Canada, we are pleased to have Sarah Paquet, the assistant deputy minister. Welcome. You have with you Mr. Simon Fradette—that's the best I can do *en anglais, monsieur*—director general of specialized services.

We'll go in the order in which I introduced you, and you'll have up to 10 minutes for your opening comments.

We have one hour, and then we'll proceed to the rounds of questioning, and we'll get as far as we can. I'll remind colleagues at the table that in the second hour we are going to return to the estimates. We'll have both the Information Commissioner and the Commissioner of Lobbying here, and then we'll have to proceed to the votes on those estimates.

Without any further ado, please go ahead, Ms. Dawson, for up to 10 minutes.

**Ms. Jennifer Dawson (Deputy Chief Information Officer, Treasury Board Secretariat):** I'd like to thank the committee for inviting me to talk about information management in the Government of Canada today.

[Translation]

Like financial and human resources, information represents a critical strategic asset to the Government of Canada.

[English]

Making high-quality, trustworthy information available to decision-makers helps to deliver effective programs and services. Departments can then be more responsive and accountable to Canadians.

[Translation]

The government also recognizes that information needs to be protected for such reasons as privacy, confidentiality and security. Deputy heads are responsible for the management and administration of information under the Financial Administration Act. Section 7 of

the act provides the Treasury Board of Canada Secretariat with the authority to issue management policy.

To help departments and agencies manage their information, the Treasury Board of Canada Secretariat issues information management policy, directives, standards and guideline documents.

[English]

The policy on information management applies to 93 departments and agencies identified in schedules I, I.1, and II of the Financial Administration Act. This policy doesn't apply to crown corporations.

To support the implementation of the policy, the secretariat provides advice and guidance to departments and agencies. The secretariat also supports policy compliance and the Government of Canada information management community through outreach and engagement activities.

[Translation]

The Secretariat is charged with monitoring how closely departments follow the information management policy.

[English]

Information management is a shared responsibility among all Government of Canada employees. In 2007 TBS issued its directive on information management roles and responsibilities, which provides direction on managing information to them.

[Translation]

Other key partners in information management include Library and Archives Canada, mandated to preserve the documentary heritage of Canada for the benefit of present and future generations, and the Canada School of Public Service, with a role in developing and delivering a core learning program, which includes information management, for all public servants.

[English]

Finally, Public Services and Procurement Canada is responsible for providing common government-wide IT solutions.

My colleague Sarah Paquet, assistant deputy minister, will provide more information about the role of PSPC.

As the Government of Canada moves forward strengthening our information management practices, our enterprise-wide content management solution, GCDOCS, being delivered by PSPC, is going to be a critical enabler.

[*Translation*]

I will now let Ms. Paquet speak to you on the status of the GCDOCS program government-wide.

**Ms. Sarah Paquet (Assistant Deputy Minister, Public Services and Procurement Canada):** Good day, Mr. Chair. My name is Sarah Paquet and I am the Assistant Deputy Minister of the Integrated Services Branch of Public Services and Procurement Canada. As my colleague from the Treasury Board Secretariat has just explained, the GCDOCS system is a major transformation with respect to information management in the federal public service.

I would first like to describe my department's role. Public Services and Procurement Canada is responsible for providing GCDOCS to Government of Canada departments and agencies. Our department fulfills that role in collaboration with its partners, including the Treasury Board Secretariat—in particular Ms. Dawson's team—Shared Services Canada and the Canada School of Public Service.

Teamwork and collaboration with all our partners and clients are key elements of our identity. GCDOCS, which is a tool based on the business platform of the OpenText company, helps organizations to manage their information more effectively. It is a central system that organizes all of the information generated in daily operations in accordance with the established security level, including files, emails, images, videos, and more.

Using a single system is a best practice in this field, yielding many advantages. The organization's information is contained within a single database, which facilitates access to and production of records. Information is continually updated. Records conservation and disposal management is streamlined. Using the system considerably reduces the size of emails because only links are exchanged rather than attachments. The system allows users to work always with the latest version of a record, until the final version, always with the same link, without losing previous versions.

The GCDOCS tool has evolved considerably since last year. Consultation and collaboration with our clients has helped us to establish a cost model ensuring total funding for the system by client departments and agencies. In other words, it is a full cost recovery model. Moreover, through collaboration with Shared Services Canada, we have implemented a platform that will be able to be used by all our clients.

In December 2015, employees in my department were the first to use that platform, through a Shared Services Canada enterprise data centre. There are now 11 departments and agencies on the platform, comprising some 25,000 users. There are also some 100,000 people using previous versions of the tool.

In the coming years, we will be rolling out GCDOCS in various Government of Canada departments and agencies. To achieve that goal, our department, in collaboration with the Treasury Board Secretariat, has set up a governance structure with all clients and partners.

Like any computer system, GCDOCS is continually improving and new functionalities will be added to the current offer. For example, within a year, users will be able to easily use GCDOCS on their BlackBerrys and tablets.

In closing, I am pleased to say that the rollout of GCDOCS is on track. This tool is part of the work to overhaul the Access to Information Act, as it facilitates access to and production of records, reliability and conservation of information. It also makes it possible to search quickly and comprehensively for available information.

Thank you. We will be happy to answer any questions you may have.

● (0850)

[*English*]

**The Chair:** Thank you very much. We're going to have some interesting questions, I'm sure.

We'll start with Mr. Lightbound for seven minutes, please.

[*Translation*]

**Mr. Joël Lightbound (Louis-Hébert, Lib.):** Thank you for joining us today. I have some questions about GCDOCS.

First, if I am not mistaken, the system was created in 2008. Is that correct?

**Ms. Sarah Paquet:** The first contract for an information management system was in 1998. Then, as the system evolved, GCDOCS is now on the OpenText platform. OpenText bought the first company that was providing the service to the government in 2008. So actually we have had an information management system since 1998, but, since 2008, with the purchase by OpenText, the development of the solution has made a lot of progress—

**Mr. Joël Lightbound:** OpenText came onto the scene in 2008. Why did we have to wait eight years to begin to see concrete results? Can you describe the process since 2008 specifically?

● (0855)

**Ms. Jennifer Dawson:** GCDOCS was adopted less quickly than expected because of a number of factors.

[*English*]

We shouldn't underestimate the significance of the change for departments moving from existing systems to a new system. It has taken a bit of time for some of them to rally to a new approach. At the same time, we've been introducing other modernization efforts across the Government of Canada. Some departments have been staging—whether they move to GCDOCS for records management first, or whether, for example, they adopt common systems for managing HR or managing finance—and onboarding for different systems at different times.

It was in 2010 that Treasury Board Secretariat introduced direction that all departments, when they were acquiring electronic documentation records management systems, should use the one procured by PWGSC, which was GCDOCS. What we're also seeing is an evolutionary process in that as departments move away from the existing systems, they move toward GCDOCS in a phased approach. What's happening at this point is that within the next three years we anticipate all of the departments that are served by Shared Services Canada will have moved to GCDOCS.

**Mr. Joël Lightbound:** That was my next question. We have—  
[*Translation*]

You say that 11 departments and agencies have joined GCDOCS up to now, but the objective is for all to join, is it not?

**Ms. Sarah Paquet:** Currently, 72 departments and agencies are using two solutions. Stage 1 was the records, document and information management system, RDIMS. Now there is GCDOCS, which is a more advanced solution. In all, 72 departments and agencies use one or other of those solutions.

When we say that 11 departments and agencies are using it, we are talking about Shared Services Canada's modern data centre. Others use it in their own data centres, which have been transferred to Shared Services Canada in the last three years. These are older data centres. Eleven departments and agencies are using the modern data centre, but, in all, there are 72 using an information management system, either stage one or stage two, which is GCDOCS.

**Mr. Joël Lightbound:** Is the objective to make it possible for the 72 departments and agencies to adopt the more modern solution?

**Ms. Sarah Paquet:** Yes. We want all departments to use the more modern solution and the same platform. At that point, it really becomes a solution managed as a whole for the entire government.

There are two transitions here: using their own solution and their own data centres managed by Shared Services Canada, and the transition to the platform designed for the entire Government of Canada.

**Mr. Joël Lightbound:** What is the advantage of GCDOCS, the modern system that you are describing? What is the advantage of that solution compared to the more internal document management solution?

**Ms. Sarah Paquet:** The more modern version really is easier to use. It has evolved with the technology in recent years. It is easier for the user.

**Mr. Joël Lightbound:** My other question is actually about the evolution of the technology. It is evolving very quickly. How are things with OpenText in terms of following that technological evolution? Does that pose a challenge?

**Ms. Sarah Paquet:** The solution is evolving well. Currently, we are not fully using all of the solution's functionalities. OpenText is continuing to develop the solution, which it provides to a number of partners around the world. We buy those functionalities as and when our client partners demonstrate the need for them.

Currently, the system can do more than we use it for. We really want to share the information with our partners in order to make sure that all departments can use the solution more and more and get the most out of it.

**Mr. Joël Lightbound:** How much time do I have left, Mr. Chair?

[*English*]

**The Chair:** A minute and a half or so.

[*Translation*]

**Mr. Joël Lightbound:** Okay.

I do not know whether you are familiar with information management models used by foreign governments. If so, how does GCDOCS compare to other models that our American neighbours or European countries have adopted?

**Ms. Jennifer Dawson:** I do not know exactly which systems other governments use, let alone other countries, but I can say that, according to Gartner Inc., a company that provides a lot of information on software programs and their performance, as well as on the companies, GCDOCS is one of the three most effective document management systems in the world. We chose a tool—

• (0900)

[*English*]

that is very highly ranked in terms of its capacity.

**Mr. Joël Lightbound:** Do we have an idea of the cost associated with using such technology?

[*Translation*]

**Ms. Sarah Paquet:** This year, we calculate the amount that will be spent to implement the solution by our partners at \$15 million. That includes the costs associated with the infrastructure, the maintenance and support costs related to the OpenText company, the costs associated with the operation and support of the programs.

The cost is divided up by user. At Public Services and Procurement Canada, we provide support services for the application and user support, in addition to the contract, the governance, the best practices and the support for preparation. That cost is \$125 per user and \$95 if an organization is not a partner in Shared Services Canada.

**Mr. Joël Lightbound:** Thank you very much.

[*English*]

**The Chair:** Thank you very much, Mr. Lightbound.

We now move to Mr. Kelly for seven minutes.

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

At our last meeting, we found out that the \$5 application fee for ATIP requests would be retained, while the research and printing fees would be eliminated. This policy was announced to us, rather than being the result of any conclusion or report that we might have drawn as a committee.

Nevertheless, given that we've heard from other witnesses that the \$5 fee likely costs more to collect than it recoups for the Treasury Board, why was the decision made to go in the direction of retaining the fee and eliminating the printing and research fee? In terms of discouraging vexatious or frivolous types of requests, I would think that passing on the cost of frivolous or vexatious requests might be a more effective deterrent than the five dollars.

**Ms. Jennifer Dawson:** Advancing the interim directive at this point is intended to help us move as quickly as we can in support of some of the government's commitments. There was a commitment made to eliminate all fees other than the initial \$5 fee, and the directive enables us to move forward on that quickly.

That said, though, we're very interested to hear from the committee and from other stakeholders as well in terms of the value of continuing to collect the initial \$5 fee. As you point out, there are costs associated with its collection. Another consideration on the initial \$5 fee is whether there a balance there: does paying a \$5 fee up front deter any of the frivolous and vexatious requests?

It is something we're thinking about. You'll have seen, perhaps, that live on our website we have a consultation section asking Canadians for feedback on whether we should still collect this \$5 fee or whether we should be considering other approaches to it.

**Mr. Pat Kelly:** With respect to forgoing the cost of the research and printing and continuing to have the revenue you're collecting with the five dollars, but forgoing the other revenue, is there any understanding of how it's going to impact the finances of the office?

**Ms. Jennifer Dawson:** Yes, I can dig into my big fat binder and find the exact amount of money we have been collecting through fees other than the initial application fee. It isn't an amount of money that would be anticipated to have any impact on the access to information services. The access to information services are currently not cost-recovery. We spend significantly more in processing access to questions than we collect in revenue.

• (0905)

**Mr. Pat Kelly:** While you're seeing if you have that at your fingertips, I could move on to another question.

The representatives from Citizenship and Immigration, when asked how they would be affected by allowing non-Canadians to file ATIP requests without having to go through a Canadian intermediary, said they estimated it would roughly double the number of requests they receive. The allocation in the budget for 2016, which I don't have at my fingertips right now, spread across all the other departments, would not appear to come even close to covering the additional requests that are anticipated.

How do you propose to provide for such an increase if non-Canadians are allowed to file requests?

**Ms. Jennifer Dawson:** On that question, we would be looking to the committee's advice in terms of the application of the law and extending it beyond Canadians. That isn't a decision that's been taken at this point, and we're certainly sensitive to the feedback from Immigration, Refugees and Citizenship Canada in terms of the potential impact to their operations. They do represent about 50% of the requests that come in.

**Mr. Pat Kelly:** Indeed, the budget allocation has already been made. As a committee, if we look at this and say there is nowhere near enough money to accommodate that request, is that off the table, or should it be considered off the table, since there is no money for it?

**Ms. Jennifer Dawson:** All of the recommendations that would come forward, either through our public consultations or from this committee, would have to be looked at in the light of what's possible and in terms of the timing of changes, as well as to ensure they're effectively applied. I know we're eager to have views and we are open to the feedback we receive to try to identify the best way forward.

It's the first time this act has been revisited for a long time, and there will be, we hope, new ways of looking at how we provide this service. We are going to have to adapt in a number of different ways.

**Mr. Pat Kelly:** The Prime Minister's document entitled "Open and Accountable Government" is a fairly lengthy, comprehensive document that covers a number of areas. How much does the Treasury Board anticipate it would cost to implement all the recommendations and enforce all the provisions of that document?

**Ms. Jennifer Dawson:** To some extent, the guidance that's provided in the open and transparent document in terms of information management is consistent with existing policies and guidance for ministers' offices. There is no anticipated cost associated with ensuring that information is being managed well and that records are retained appropriately and transferred to library archives when that's required, or that political records remain in the hands of politicians.

In terms of access to information and the potential to extend it appropriately to the Prime Minister's offices and ministers' offices, we don't have costing associated to that because we haven't arrived at a point where we have developed advice on how that would apply. We're still in the consultation mode.

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

That concludes that particular block of time.

We'll now move to Mr. Blaikie for seven minutes, please.

**Mr. Daniel Blaikie (Elmwood—Transcona, NDP):** Thank you very much.

I noted in your presentation that you said the policy on information management doesn't apply to crown corporations. I was wondering if there's a particular reason for that, other than that it simply doesn't, or if there is something that prevents it from being applied to crown corporations.

**Ms. Jennifer Dawson:** It's reflective of the fact that crown corporations operate at arm's length from ministers in terms of their day-to-day operations and report through ministers to Parliament.

That said, we do have good engagement by many crown corporations around the information management community. We are sharing best practices and information, and there are crown corporations that independently choose to adopt the government solution, GCDOCS.

The reason the policy doesn't apply is that arm's-length nature.

• (0910)

**Mr. Daniel Blaikie:** Is it possible, or is it already happening, that some crown corporations are able to use the GCDOCS program or software as information management technology, or are they outside of that as well?

**Ms. Jennifer Dawson:** They are able to use GCDOCS products independent of the project that Sarah and her team are leading. One example would be the museum of science and technology. It is a crown corporation that uses GCDOCS in its operations. There are probably others, but I'm not as familiar with them.

[Translation]

**Ms. Sarah Paquet:** We also provide the service to organizations outside what we call the core, but these are not partners of Shared Services Canada. We provide them with basic services. They can buy their license through us. We will share best practices. They can take part in the discussions on the development of the solution. But they have their own data centres.

[English]

**Mr. Daniel Blaikie:** In your presentation, you made reference to the Shared Services Canada enterprise data centre. Does that data centre have the capacity for the complete rollout of GCDOCS, or is there another major infrastructure investment somewhere in that program?

**Ms. Sarah Paquet:** No, the idea is to have one place where everybody will be located; a lot of efficiency is associated with managing just one. We would like to have all the organizations that are not on this single platform migrate and operate from only one platform in the future. That's what we're trying to do.

The answer to your question is yes. We are working in close collaboration with SSC to ensure that the platform has the capacity to receive people, and we are growing as users are coming on board as well. The platform that SSC was able to offer us this year was to receive the departments that we had on the onboarding plans, and we are working with them every week to ensure we are planning the onboarding together and that the capacity of the platform is growing at the same time.

**Mr. Daniel Blaikie:** Maybe it's a misunderstanding on my part, but does the data centre refer just to a platform or does it refer to a bricks and mortar server space where this information is being stored? I am asking because if you're sharing links, it means this information is being stored somewhere that you can access. Is there a need to build...?

I know there are a number of data centres being built across Canada right now for private enterprises. Does this include a Government of Canada data centre where that information is housed?

**Mr. Simon Fradette (Director General of Specialized Services, Public Services and Procurement Canada):** Maybe I can answer that one.

Part of SSC's migration plan with the end state data centre is to establish data centres across the country, as you just mentioned. In managing the program, we rely on them to provide us with the infrastructure we need to deploy GCDOCS across the country, across departments and agencies. SSC is choosing one of its data centres to provide the environment.

Yes, it's the servers, it's a building per se, that they provide to us to make sure they host our services moving forward.

**Mr. Daniel Blaikie:** If there's a need to expand that as part of the GCDOCS, then it falls under Shared Services to either build new or reallocate existing data capacity for GCDOCS.

**Mr. Simon Fradette:** Yes, you're correct.

**Mr. Daniel Blaikie:** When we had the minister here before, we heard there are existing policies on duty to document. Could you describe the difference with respect to enforcement of a policy versus having something legislated around duty to document? What is that policy and what happens when people fail to meet their duty?

**Ms. Jennifer Dawson:** The policy right now has been in place for some time. It requires public servants to document decisions and decision-making as well as activities. We provide guidance to employees to help them interpret what that means.

That could be any records that are associated with dealings with the contractor, whether it's a request for an order or the bill of lading, the slip that proves that the goods were delivered. It can be minutes of meetings, for example, or records of discussion. It can be anything that shows the progression of decision-making, substantive changes in documents, or documents that are seeking approval for decisions. There is a definite requirement to create records, and guidance is provided on what records must be created and retained.

With regard to the question on compliance, compliance under the guidelines refers to the existing access to information legislation, which makes it illegal to destroy information that's obstructing the work of the access to information commissioner, so although we are providing the direction and policy that you must document and we're providing guidance and other tools, ultimately it's the legislation that imposes a penalty should records be destroyed with the intent of obstructing access to information by Canadians.

• (0915)

**Mr. Daniel Blaikie:** So that policy currently wouldn't apply to ministers' offices?

**Ms. Jennifer Dawson:** No, it does not; it applies to public servants.

**The Chair:** You snuck that one in there on me, Daniel, and that's okay.

We'll go to Mr. Saini for up to seven minutes, please.

**Mr. Raj Saini (Kitchener Centre, Lib.):** Thank you very much for being here.

Madam Paquet, I have a question regarding your opening comments.

You said that the GCDOCS tool has evolved, and you said that it would be a full cost-recovery model. When I look at the Public Services and Procurement Canada's 2013-14 figures, 998 requests were made, and the total revenue generated was \$40,591.

Can you just explain to me how this will work in terms of full cost recovery? How do you expect to pay for the system?

[Translation]

**Ms. Sarah Paquet:** Thank you for your question.

When I talked about cost recovery, that was really for the system. As I said before, to maintain the system, we have to assume the costs of maintenance, technical support and service provision, which includes the ongoing development of the solution. We have to make sure that Shared Services Canada installs the solution in the data centre and stabilizes it. That is a constantly evolving job because the solution has to be improved, tested, developed, and so on.

During the 2015-2016 financial year, we reached an agreement with our partners to distribute these costs per user. Basically, the costs that I mentioned earlier for the 2016-2017 financial year, that is the \$125 per user for Shared Services Canada partners and \$95 for those who are not partners, are the real costs that our clients pay to the program to use the GCDOCS solution.

If I understood your question correctly, you were referring to the number of access to information requests. That is a completely separate budget. I hope that answers your question.

[English]

**Mr. Raj Saini:** Yes.

The second question I have is, in your opening comments you said there are now 11 departments and agencies on the platform. Can you give me some examples of which agencies are on the platform?

[Translation]

**Ms. Sarah Paquet:** The first department to join the platform was Public Services and Procurement Canada. Eleven other departments and agencies have also joined the platform.

**Mr. Simon Fradette:** Public Services and Procurement Canada was the first department to join the platform last December. Other departments and agencies followed, including Veterans Affairs Canada, Natural Resources Canada and Shared Services Canada. There is also the Public Service Commission of Canada, the Canada Revenue Agency, the Royal Canadian Mounted Police and National Defence. These are the largest organizations in our group of 11 clients.

**Ms. Sarah Paquet:** Let me clarify the information that Mr. Fradette has just given you.

You have to understand that some departments and organizations, such as the Royal Canadian Mounted Police and National Defence, have only signed up a small part of their workforce to our platform.

That is different from Public Services and Procurement Canada, which signed up all 13,000 of its employees. Correct me if I am wrong, Mr. Fradette, but I believe that the Department of National Defence and the RCMP took 500 places on the platform. Departments like that are getting used to using the tools and defining their future needs.

[English]

**Mr. Raj Saini:** That was part of the other question I had.

With different departments on the system, obviously there's going to be a different amount of information that can be shared on the system. If 11 departments are on the system, will you be able to normalize the time frame so that you will be able to answer an access to information request in a reasonable amount of time?

• (0920)

[Translation]

**Ms. Sarah Paquet:** You have to understand that each department has its own set-up on the platform. For example, if I am researching various documents requested of me under access to information, I will only be able to do that research inside my own department. In other words, even if we all use the same platform, the information will only be available for someone's own department. In that sense, this is not increasing the time required to process an access to information request.

[English]

**Ms. Jennifer Dawson:** If I might add, I think the value of GCDOCS and of having very solid information management is that we can find the information that we're looking for more readily because it's well structured and faster and because we have a better capacity to search. The information is in one place.

GCDOCS is not only a repository for documents; it's also used to store information such as emails that show progression on a file. It can have other digital information, such as diagrams. It's really one place to search for information using a well-functioning tool that helps us to better gather up the definitive records in response to a request. We can be more responsive. There are many steps in the access to information process, and gathering up the information is the first and important step, but there are other steps in the process as well.

**Mr. Raj Saini:** Each department will still have to answer its own requests, then. The time frame will not be normalized, so each department could potentially take a different amount of time to answer different ATIP requests.

**Ms. Jennifer Dawson:** We're currently all subject to the same 30-day limit. That might be a question that comes forward as well, but I would anticipate that we would expect a common standard of service and delivery from departments and organizations across the board so that Canadians can anticipate when they'll receive the information they're requesting.

**Mr. Raj Saini:** Just to follow up, do you think that a proactive publication regime would help the system in terms of speeding up requests for information?



**Ms. Jennifer Dawson:** Certainly we should be making every effort to look at how we can use proactive publication to better share information. For example, in my own department we recognize that we receive requests every month for the lists of briefing notes that have been provided to the deputy minister and to the minister. Recently we took the step of proactively publishing the titles of those briefing notes so that requesters now... Frankly, usually the first request is for the list of notes and the second request is for the notes of interest. Recognizing that we have a request of that nature every month, we're trying to be proactive to provide the list, which will facilitate a faster turnaround on the information that people are looking for.

If we can identify other types of information that we can share proactively, I think that will improve our ability to serve Canadians through ATI.

**The Chair:** Excellent.

Thank you very much, Mr. Saini.

We now move to the five-minute round.

We'll start with Mr. Jeneroux, please.

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Thank you, everybody, for being here today.

Thank you to Ms. Dawson for being back again, twice in a row.

Going back to Mr. Brison's comments at the beginning, he mentioned the change in the fee structure. You've also mentioned the change in the fee structure, but that it's also open if we, as a committee, decide to go back and say that it doesn't work based on all of the expertise that we've heard.

I guess I'm trying to get a sense of how this is being looked at within the department. Do those who work closely with you see this as a pilot project, or is it full steam ahead and this is what's going to happen?

I'm trying to get a better sense from your team.

**Ms. Jennifer Dawson:** In terms of the interim directive, we are applying it now.

Going back to your earlier question, I apologize that I didn't have the numbers at hand, but the amount of fees that we had been collecting were in the range of about \$57,000 annually, so given the costs associated with processing, we're anticipating that it is going to be helpful to the system to introduce these changes right now and we are moving forward with them.

That said, again this is captured in a directive, and it is possible to change course if there's something that proves to be wrong with this approach. What I would say is that the feedback that we've had from external stakeholders has been positive to date in the initial responses that we've had.

We're moving into new territory, and the feedback that we gather will grow, but in terms of the internal implications, we think they're manageable, and the external feedback so far has been positive, so that seems to be the track that we're on.

● (0925)

**Mr. Matt Jeneroux:** In terms of the feedback, are people reaching out to you and saying this is wonderful? You mentioned you have a survey on your website; how is that feedback being received to date?

**Ms. Jennifer Dawson:** In terms of feedback, some it was frankly my observation of public reaction through the media. The media are one of the clients of access to information service. It is an important staple to that group.

In terms of the feedback on the consultation website, we're in the early days of getting feedback, so I wouldn't want to mislead you by saying that we've received a very large number of comments. However, the comments that we have received have been very thoughtful, and they also lean towards the elimination of fees.

**Mr. Matt Jeneroux:** If we could talk about GCDOCS for a second, I'd like to ask about November 2015. I see you cringe a little at the November 2015 date. That's when GCDOCS was seriously affected by an equipment failure at the Aviation Parkway data centre. It affected a number of websites at the time.

Is that something that we have since mitigated? I haven't heard of anything since then. Is that something that we're confident is not going to happen again?

**Ms. Jennifer Dawson:** Sarah and I are looking at each other because that's an area where Shared Services Canada could probably better address your question.

We haven't experienced anything of that nature since that time, but neither Sarah nor I have details on how Shared Services Canada has responded.

**Mr. Matt Jeneroux:** Okay.

Also on the theme of GCDOCS, you talk about some of the new functionalities and how exciting those will be. I'm trying to get a sense of what the hurdle is for that. It has been a bit of a conversation with a number of my colleagues here.

Is it largely a financial hurdle to make these new functionalities available? You mentioned space on the platform at one point. I'm not an IT guy, so I don't really know what that means. Are these certain things that could be mitigated or be more helpful with more investment?

You have about 20 seconds for a quick review of that.

[Translation]

**Ms. Sarah Paquet:** Thank you for your question.

Departments have to be properly prepared. To that end, we are working with our partners so that they can develop their migration plan and their documentation plan. In that way, their migration to GCDOCS will be more successful and the access to their information will be easier. There has to be preparation, and that is what the program is doing with the various departments.

We are working in parallel with our infrastructure service provider, Shared Services Canada, so that they can support us and provide us with available space on the platform as and when our needs become clear.

This work is really being done with our clients and our partners through constantly evolving discussions. By considering the needs of the departments and our ability to respond to them as the solution evolves, we decide our priorities together, so that the money allocated is well spent.

Currently, we have to be fully prepared in order to provide the solution as it is intended and in order that departments can benefit from it and move forward. The fact that we have succeeded in having a program in a modern and successful data centre has been very well received in the community. We are seeing people wanting to invest in the system much more quickly.

● (0930)

[English]

**The Chair:** Okay. Thank you very much.

We now move to Mr. Long for up to five minutes, please.

**Mr. Wayne Long (Saint John—Rothesay, Lib.):** Thank you, Mr. Chair, and welcome back. I knew if I wore this shirt that I would probably be noticed and get to ask my questions earlier this time, so thank you.

I've been asked by my side to concentrate on times, timelines, timeliness, or lack of timeliness, an aspect we've certainly heard about in a lot of cases over the past few months. We've had witnesses who talked about the culture of delay and said that government departments are laggards.

I was just reading up last night on some information you certainly know from the Library of Parliament's submission, entitled "Review of the Access to Information Act". It says that during 2013–14, 998 requests were in progress. Of these, 828 were completed during the year. Of the completed requests, 73% were released in whole or in part. More than 255,000 pages were reviewed and 175,000 pages were released. It says that 55% of the requests required extensions.

To Ms. Paquet or Ms. Dawson, could you just tell me about the extensions, how long the extensions were, and what happened there?

**Ms. Jennifer Dawson:** I apologize. Does the information you have relate to the Treasury Board Secretariat's performance as a department with regard to access to information?

**Mr. Wayne Long:** Yes.

**Ms. Jennifer Dawson:** I am with the chief information officer branch, so I'm working on information management across the Government of Canada, but I'm not involved in the delivery of the access to information services for TBS as a department. I can only speak in general terms, in terms of what the trends might be across government, and I'm not as familiar with—

**Mr. Wayne Long:** Sure. You can speak in general terms. That's fine.

**Ms. Jennifer Dawson:** Really, when a department seeks an extension past 30 days, it should be able to demonstrate that there are a very large number of records or that the scale of the research involved is so significant that it's disruptive to operations.

Consultations with other institutions or third parties implicated in the records would be another significant contributor to requests for extensions.

In the case of TBS as a central agency, for example, I know that in my own work there is an awful lot that we do with third parties that are partners in many of our efforts, such as provinces and territories and other external bodies.

I don't know the specifics of TBS as a department, but I would anticipate that some of the extensions that are required are likely associated with third-party consultation.

**Mr. Wayne Long:** One of the comments I read last night was that commercial or government-sensitive information is a reason for the delays.

Proactive disclosure was mentioned by one of my colleagues. Can you give me your thoughts on how proactive disclosure is going to drop that number from down 55%?

**Ms. Jennifer Dawson:** One of the things we know through consultations around the open government action plan is that there is a high degree of interest in proactive disclosure of financial information in terms of government performance.

Currently, government provides proactive disclosure of any contracts that are over \$10,000. What we've been looking to do is centralize that information so that it's available in one place, through the open government portal, rather than having each department report on its own contracts and seekers of that information having to look in many different places.

If we can make it easier for people to self-serve on information that they're interested in, hopefully we can reduce requests at the front end so that they don't even come in that way.

Commercial sensitivity is important, though, because when companies are doing business with us, they need to know that the competitive rates they're offering aren't available to their competitors or that their unique approach in delivering a service isn't exposed either. When we're applying exemption under the act for commercial sensitivity, we're typically looking at removing just the part of the information that might reveal, for example, what their rate was, so that they're not in a position where their competitiveness is undercut by the information we're revealing.

● (0935)

**Mr. Wayne Long:** Thank you.

**The Chair:** That's pretty much it anyway. We have only about 10 seconds left. I appreciate the bright, but not too loud, questions you had there, Mr. Long.

We now move to Mr. Kelly for five minutes.

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

I will address this to either Ms. Dawson or Madam Paquet.

We heard from many witnesses before the committee that the concept of open-by-default government ought to diminish the number of ATIP requests you receive. If information is open, if there's proactive disclosure, then people wouldn't need to resort to an ATIP request to get the information you receive.

What's behind this? Is this just intuition? Is it possible that the additional posting or publishing of information may whet public appetite for more information? What is the thought behind this? What do you think the effect will be of proactive publication and the open-by-default initiatives?

**Ms. Jennifer Dawson:** I'll speak to that.

In terms of open by default, I think it's important to recognize that there will always be some information that isn't open, for example because we need to protect it for reasons of privacy, and there are other sensitivities, security being another obvious one. It's not that every document can always be open.

I see it very much as a service. There's information that government has created that was funded by Canadians and could be of use to them, but not everything we have is of use. Some of it is transitory and it's barely of use to us. Other information, though, has a real public value to it.

To the extent that we can be leaning towards openness and thinking about useful information that Canadians have funded and that can be shared, making that information available can have a positive benefit by reducing requests to the government for specific pieces of information.

What we need to do is be analytical in our approach. We need to look at what kind of information our individuals or businesses or others are requesting and how we can make the connection between that and our early efforts in sharing information. We can't share all of it all at once. We do need to be strategic in terms of making sure we're moving to greater openness, that we're leaning towards asking ourselves "Why can't it be shared?" instead of why it shouldn't be shared, and over time making more and more available, but doing it in a way that's responsive to what people are interested in.

**Mr. Pat Kelly:** The assertion that more open government will diminish the number of ATIP requests is more an instinctive guess than a—

**Ms. Jennifer Dawson:** There's a clear correlation in some areas, and not so much in others. It depends. Some access to information requests are from individuals who are seeking case files because they want to know how their case is being treated and where it is in the system. If we can, for example, improve service delivery—which is another topic as well—so that the clients we're serving have a better sense of how their file is processing, that's another way to reduce access to information requests.

There are many different ways to come at this. Again, as in the example I used earlier, if we know that we get a recurring type of request, we should plan to facilitate it. We should be anticipating in our design processes right at the beginning that this is the type of information that would be requested. We could flag this as not having any issues for sharing, so it could go right out the door informally.

● (0940)

**The Chair:** We'll move to our last questions, and that will take us pretty much right to the end.

Mr. Bratina.

**Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.):** Thank you.

We heard from Sweden, and they have one day to put the information out. Our number is 30.

What would it take if we told you that tomorrow you have to do it in a day? What would be the impact on the assets required to do that right now? Is that a fair question? Could you quantify that for us?

**Ms. Jennifer Dawson:** I think the evidence right now is that we're challenged to meet the 30-day deadline that we have. I believe about 61% of the requests are currently meeting the 30-day standard. It is difficult for me to imagine precisely how we would move to a one-day turnaround under our current processes.

**Mr. Bob Bratina:** It would be huge, though, wouldn't it?

**Ms. Jennifer Dawson:** Yes, it would.

We've talked a lot this morning about improving access to technology that helps us to be well organized to respond to requests. We've talked a little bit about planning to be open from the beginning of the creation of information so that we don't need to screen it as much at the end of a review process, which also can be quite time-consuming. We've also been talking about being proactive.

All of those things would get us closer, but I am personally challenged to imagine very quickly getting from where we are today to a one-day turnaround.

**Mr. Bob Bratina:** Right. It's like security cameras. You can have a million of them, but if nobody's monitoring them, then it doesn't help.

We'll have to use all of the information that we've been discussing, such as the proactive approach and even culture change, in terms of inspiring people to dig this stuff up.

What can you say about the integrity of the GCDOCS system in terms of back-up or emergencies? Is there much that you can tell the committee about the security and integrity of the system?

[*Translation*]

**Ms. Sarah Paquet:** As it was designed, the system is working well. We have tested it to make sure that it responds to the demand in the way we want. A number of procedures are in place for granting access permissions. This may involve public access for everyone or more confidential information. Our permission allocation structure is a good one and operates robustly within the system.

As for the infrastructure support we receive from Shared Services Canada, we want to add to it this year in order to provide a very quick system of information retrieval and availability. Currently, departments have different continuity plans and parallel systems for their information. In fact, if there were a short-term service interruption, that is how we would operate. However, in the event of a longer interruption, we would really have to use daily back-ups that we could recover the information.

In the next year, working in collaboration with our partner, Shared Services Canada, we really want to have an environment that would mirror the one we currently have in the event of an interruption. This is what we call enhanced readiness. We also want a system that would be able to gather information from another source, if ever a data centre cannot provide it.

[*English*]

**Mr. Bob Bratina:** Thanks very much.

**The Chair:** Thank you.

Colleagues, we have a few minutes left. If I may, I would just like to ask one question.

It goes back to the directives that were issued by the President of the Treasury Board. We can do one of two things. We can make recommendations in one of two ways. Either we can have a very robust piece of legislation that clearly is very prescriptive in how things should happen, or we can have very loosely defined legislation and then, through the regulatory process, allow ourselves to be more nimble.

The nature of my question comes from the discussions that we've had at this committee on recommendations about such things as possibly opening up access to information requests to foreign countries and to individuals from outside Canada and so on. The legislative process is not nimble. The regulatory process is more nimble, but even that is not nimble.

In your experiences as individuals who are working very hard on behalf of Canadians, what are your personal opinions on what would be a better approach? Should we have broader overarching legislation that is highly dependent upon a regulatory framework, or should we actually have a very prescriptive legislative framework?

• (0945)

**Ms. Jennifer Dawson:** I think a regulatory framework can provide a more nimble approach to adapting in a fast-moving area, but what's also important is ensuring that the regulations are reviewed and kept up to date. I speak of that because we have existing regulations that are not reflective of today's technology, particularly in terms of their fee structure. I think an aspect of what we do has to be ensuring that this is kept evergreen and evolving as we move forward.

**The Chair:** Good.

Thank you very much, Ms. Dawson, Ms. Paquet, and Mr. Fradette, for coming today, and thank you for the hard work you do on behalf of service to Canadians.

I'm going to ask colleagues to be very efficient and our witnesses to be very efficient. We have the commissioners coming in, and we

only have an hour left to go through some very serious business that we have to do insofar as estimates are concerned.

We thank you very much for your time today.

We'll suspend for a minute.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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• (0950)

**The Chair:** Colleagues, we have to proceed. We're running out of time this morning. We have very urgent business in regard to the main estimates pursuant to Standing Order 84(1), and we have to get to some votes.

We're very pleased to have with us this morning, from the Office of the Information Commissioner of Canada, Madame Suzanne Legault, who is the commissioner. She has with her Layla Michaud, acting assistant commissioner, and Nancy Bélanger, general counsel and director of legal services.

We also have with us, from the Office of the Commissioner of Lobbying, our commissioner, Karen Shepherd. With her is Mr. René Leblanc, deputy commissioner and chief financial officer.

Commissioners, I'll start in the order which I announced you, so I'll start with Madam Legault and move to Madam Shepherd. We'll have opening comments for up to 10 minutes and then proceed to questioning.

If we do it right, we should be able to get in two rounds of questions and then have enough time for the votes.

Please go ahead, Madame Legault.

**Ms. Suzanne Legault (Information Commissioner of Canada, Office of the Information Commissioner of Canada):** Thank you, Mr. Chair.

[*Translation*]

Mr. Chair, thank you for inviting me to discuss the main estimates of the Office of the Information Commissioner of Canada.

One of the fundamental components of the right of access is the independent review of the government's handling of access requests. The Access to Information Act established the Office of the Information Commissioner as the first level of independent review. Requesters who are not satisfied with how institutions handled their access request have the right to complain to my office. My office's primary responsibility is to conduct efficient, fair and confidential investigations into these complaints. I am required by law to investigate all complaints that fall within my jurisdiction. I have no discretion under the law to refuse to investigate any complaint.

The overall main estimates for my office is \$11.3 million, including employee benefit plans. Of that amount, 78% is spent on the program and 22% on internal services. I have 93 employees to assist me in carrying out my mandate.

[English]

My office, Mr. Chair, receives two types of complaints: simply said, administrative complaints, which relate to matters such as delays in responding to requests, and refusal complaints, which relate to matters such as the application of exemptions or exclusions that are used to withhold information.

The number of complaints the office has received has ranged in the last six or seven years from 1,689 to 2,047, with a high of 2,081 in 2013-2014. Over the same period, the number of complaints the office has closed has ranged from a high of 2,100 in 2009-2010 to a low of 1,281.

We always strive for efficiencies. In the last few years, for example, we updated and rolled out a comprehensive training suite for all new investigators, we developed a pilot project for mediation of complaints, and we trained all of our investigators in mediation. We took strategic approaches to closing complaints, including investigating large groups of complaints together.

These efforts have led to results. For example, the average number of files closed per investigator has gone from 39 in 2011-2012 to 52 last year. The overall median turnaround time for closing complaints in 2015-2016 from the date the file is assigned to an investigator was 84 days: 48 days for administrative complaints, which are generally simpler, and 166 days for refusal complaints.

Currently there is a delay before a file can be assigned to an investigator. The median delay was 127 days as of March 2016: 83 days for administrative complaints and 230 days for refusal complaints. As of March 2016, the inventory at the office stands at 3,000 files.

● (0955)

[Translation]

We are continuing to implement changes in 2016-2017 to improve our investigations. For example, we are implementing a simplified process for investigating administrative complaints, we are rolling out our mediation project to all investigators and we are developing a code of procedures, an investigator manual and an online complaint form. We are also continuing to take advantage of shared services opportunities.

At our current resource level, I expect that the inventory of complaints will continue to grow, but I am hopeful that ongoing discussions with the government on additional funding will be successful.

[English]

I have submitted the following information for the committee's consideration this morning: an organizational chart of my office, a breakdown of expenditures by program and internal services over the last several years, a summary of our caseload, and the status of our inventory.

In closing, Mr. Chair, I would like to say that I am extremely fortunate as Information Commissioner to have a very dedicated and high-performing team. Together we continue to strive for excellence and for the protection of Canadians' right to know.

Thank you. I am ready to answer your questions.

**The Chair:** We will move to Ms. Shepherd for up to ten minutes.

[Translation]

**Ms. Karen Shepherd (Commissioner of Lobbying, Office of the Commissioner of Lobbying):** Mr. Chair and members of the committee, I am pleased to be here today to discuss the main estimates and to outline my priorities for the coming year. I am joined by René Leblanc, the deputy commissioner and chief financial officer.

My mandate is threefold: to maintain a registry of lobbyists, to develop and implement educational programs to foster awareness of the Lobbying Act, and to ensure compliance with the act and the Lobbyists' Code of Conduct.

[English]

The 2016-17 main estimates for my office are about \$4.5 million, which is essentially the same amount as last year. I have a complement of 28 full-time employees, and salaries continue to represent about two-thirds of my expenditures.

I run a lean but effective organization. In past years, I was able to streamline operations without compromising the effectiveness of my office or my ability to deliver on my mandate.

Some of the accomplishments I would like to highlight for last year include the transfer of the registry of lobbyists and the OCL website to a more modern infrastructure and a new host. New tools were made available to lobbyists to facilitate the registration and the reporting of their activities.

While there were many significant accomplishments, the achievement I am most proud of in the last year is the new Lobbyists' Code of Conduct, which came into force on December 1.

The code outlines the high ethical standards expected of lobbyists when they interact with public office holders. I published guidance to help lobbyists comply with the code. I also used other methods to educate lobbyists about the code, such as information sessions, webinars, and one-on-one meetings.

In the last year, I was able to broaden our compliance verification approach to make it more effective. Following the election of the new government, I processed a higher-than-usual number of requests for exemptions to the five-year prohibition on lobbying that applies to former designated public office holders. We also started using a more robust case management system, which replaced the previous method that was used to track files.

[Translation]

The first program I would like to talk to you about is the registry of lobbyists. The registry is the primary source of information on who is lobbying federal public office holders and about which topics. A small team develops and maintains the online system behind the registry. It also provides guidance and advice to support registrants. I have allocated seven full-time employees and about \$1 million to this program.

[English]

Following the reduction of my budget in 2013-14, I put the system in maintenance mode. Enhancements to the system were deferred, and funds were allocated both to ensure that it remained reliable and to protect the integrity of the information.

However, given the importance of the registry, deferring system development and upgrades is not sustainable for long. One of my priorities this year is to implement cost-effective solutions to ensure that the registry is supported by a modern and reliable technological foundation. The recent move of the registry to a new host will allow us to take advantage of new technologies and provide us with more control over the system's development. I expect to see efficiencies in the long term. That said, I believe additional funding may be required to modify and upgrade the registry if the act is amended.

Reaching out to lobbyists, public office holders, and other stakeholders to educate them about the requirements of the Lobbying Act and the Lobbyists' Code of Conduct is a significant component of the work conducted by my office. I believe individuals are more apt to comply with the act and the code when they understand their obligations.

As public office holders are the targets of lobbying, the program also provides outreach to them to ensure that they are aware of the lobbying regime and their obligations.

• (1000)

[Translation]

A budget of about \$800,000, including salaries for seven full-time employees, has been allocated to the outreach and education program. My staff and I conduct a wide range of outreach and education activities. We regularly offer group presentations and individual meetings to educate lobbyists and other stakeholders about the act. In the last few years, we began organizing webinars for new registrants. These online presentations are a cost-effective method to reach people, particularly when you are located outside of Ottawa.

[English]

I continue to look for ways to make outreach and education activities more effective. For example, last year we began surveying participants in outreach sessions to gather feedback on our approach. This data will help in the evaluation of the program plan for 2016-17. It is expected that this evaluation will help identify opportunities to further enhance the effectiveness of our outreach and education activities.

I believe that the resources I invest in education and prevention are essential to compliance. Lobbyists must know and understand the act and the code before they can comply with their requirements.

Likewise, when public office holders understand the lobbying regime, they are able to contribute to compliance.

[Translation]

The third component of my mandate is to ensure compliance with the act and the code. I have a team who conduct administrative reviews and investigations into suspected or alleged breaches of the act and the code. Suspected breaches may be identified internally through the review of media reports and other public sources of information. Allegations may also come from complaints I receive from external sources.

[English]

I take all allegations seriously and will initiate an administrative review to find out more about suspected breaches. When an allegation is founded, I decide on the appropriate compliance measure, including whether a formal investigation is necessary. Since becoming commissioner, I have initiated 160 administrative reviews, tabled 10 reports on investigation of Parliament, and referred 14 cases to the RCMP. In July 2013, the first conviction was obtained for a breach under the Lobbying Act.

The act provides me with the authority to prohibit an individual from lobbying for up to two years if convicted of an offence under the act. I therefore decided to prohibit this individual from lobbying for a period of four months. Three other individuals are before the courts on various charges under the Lobbying Act.

My office also reviews requests for exemption from the five-year post-employment prohibition on lobbying. I grant exceptions when to do so would not be contrary to the purposes of the act. Last year, my office completed 15 exemption reviews, and I granted 11.

In 2016-17, my priority in enforcement is to take a more integrated and proactive approach to verify compliance. The performance agreements of my executives will thus include a focus on more strategic compliance efforts and better support for the integration of compliance activities across OCL programs.

A budget of about \$1.1 million, including salaries for eight full-time employees, has been allocated to manage the compliance and enforcement program.

[Translation]

Finally, a range of internal services support the programs I just discussed as well as my corporate obligations. A budget of about \$1.5 million has been allocated to internal services. This amount includes salaries for six full-time employees. It also covers the cost of agreements I have with other organizations to provide services such as staffing and other human resource services, financial management and support for the information technology infrastructure.

•(1005)

[English]

Approximately two-thirds of the budget allocated to internal services is spent to acquire services from other government institutions. This approach has been adopted by most small organizations because it provides access to a broad set of expertise in a cost-effective and timely manner. It also allows me to meet my accountabilities as deputy head under the Financial Administration Act.

My office collaborates effectively with its counterparts working for other agents of Parliament. This year I will continue to look into the possibility of expanding the agreement I have with the Privacy Commissioner with respect to hosting our IT services. This will provide us with a strong foundation to continue to streamline information management and business processes within the office.

At my last appearance before this committee, a member asked me if my funding was sufficient. My response was that I'm able to meet the demands of my mandate. I do this by allocating my resources and making the appropriate trade-offs to deliver on my mandate effectively and efficiently. However, additional funding would allow me to spend more on education, which would eventually pay off in greater compliance and reduced enforcement costs.

[Translation]

I want to conclude my remarks by saying that I am proud of the work my staff has done over the years. None of my accomplishments would have been possible without their dedication and professionalism.

Mr. Chair, I welcome any questions you or the committee members may have.

[English]

**The Chair:** Thank you very much, Ms. Shepherd.

We now proceed immediately to our questioning round, and I'll go to Mr. Long for seven minutes.

**Mr. Wayne Long:** Thank you, Mr. Chair.

Welcome back to some of you, and thank you very much for your presentations this morning.

I'm a business person. I'm in politics now, but my background is business. I want to ask questions of Mr. Leblanc, or any of the panellists, about the budgeting process. I asked the question last week of Commissioner Therrien about the process of budgeting.

In my experience, you start with departments that will submit budgets, and then there's budget challenge. I just wondered if you could comment on how the process evolves and unfolds, and who's involved with it, from your staff on up.

**Ms. Karen Shepherd:** I can start, and I'll ask René to join in.

Every December the executive group gets together, and we talk about what the priorities are going to be for the following year. That's what is used to determine the budget.

René works with the executives in terms of the process of coming forward with projects. It would then come to the executive

committee, which consists of me and my legal counsel. I would have a challenge function at that point.

I'm at the beginning of the process with the priorities and at the end in terms of the challenge functions for final decisions.

Did you want to elaborate?

**Mr. René Leblanc (Deputy Commissioner and Chief Financial Officer, Office of the Commissioner of Lobbying):** I think that explains the process.

Throughout the year we have a continuous review process to ensure progress is made against the priorities not only in terms of financial information but in terms of non-financial information as well: how is this project going, and how is it progressing against what we wanted?

Midyear we do a review of all the projects and all of the financial situations. We reassess if there are any funds that could be reallocated elsewhere or if some projects are lagging a little. It may allow us to use that funding for new and emerging priorities.

**Mr. Wayne Long:** Do you include all staff in the budgeting process?

**Mr. René Leblanc:** At some point, yes, because all staff are connected to their managers, and their managers are part of the process.

**Mr. Wayne Long:** Could you give me an example of an occasion when somebody came up with a great idea to save you money?

**Mr. René Leblanc:** A great idea to save us money. That's a good one.

When we were facing the problem of having to cut back, we had the challenge of finding where we would take out the money. It was decided we would find the money from the development of the system, so it wouldn't be as cutting edge as it was. That's not sustainable in the long run, so we needed to figure out a way to re-fund it in a manner that would allow us to continue with the development. We decided to find a new service provider that would be cheaper and would provide us with better value. That's when we decided to go with the Privacy Commissioner to fund the infrastructure of our system. Saving money and finding more value is what it's about.

It's always important to consider security in our business, because there's a lot of sensitive information. That was also part of the equation.

We've also developed a case management system to make the processing of files easier, faster, and more secure. We didn't save money per se, but we invested it in a way that would benefit the organization greatly.

We are moving to—I wouldn't say paperless, because it hasn't happened yet—a reduced paper environment. We streamline the processes on an ongoing basis. With our registration system, when some lobbyists register, they don't have to submit any papers anymore. By going that way, we avoid printing, and that saves money.

•(1010)

**Mr. Wayne Long:** Perfect.

How am I doing with time?

**The Chair:** You have three minutes.

**Mr. Wayne Long:** Do you see opportunities to share with other departments?

**Mr. René Leblanc:** We do that all the time.

**Mr. Wayne Long:** Do you constantly look at that?

**Mr. René Leblanc:** With my colleague Layla and the other CFOs in the group of seven agents of Parliament, I meet on a monthly basis, and more often if need be, to discuss opportunities to share. Our arrangement with the Privacy Commissioner's office to host our IT system is based on that type of arrangement.

We've also shared on the program evaluation contracts. We pool our resources to do that.

My colleagues can talk to you about coming together in the same building and sharing resources such as libraries.

**Ms. Layla Michaud (Acting Assistant Commissioner, Office of the Information Commissioner of Canada):** As an example, at 30 Victoria Street we're sharing the mailroom, the library, and the IT network room on the second floor. We're sharing that kind of infrastructure. We're also sharing the security services. There's a working group on security, and we're sharing best practices.

As René said, whenever there is an opportunity to share services, we do. Our HR services are outsourced to PWGSC in terms of shared services. We're also buying some IT security service from Shared Services Canada.

Whenever we can, if it's cost-efficient, we do it. Those are the marching orders we have from the commissioner, and we're doing as much as we can with the money that we have.

**The Chair:** That takes us past your seven minutes, Mr. Long. I appreciate that. I know there were some more comments, but I'm sure it will flesh itself out as we continue on.

Mr. Kelly, you have up to seven minutes, please.

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

We heard from a variety of witnesses, including four different provincial commissioners for information and privacy, whose offices handle both privacy and access to information under one roof. We also heard, both today and in reviewing the estimates for the Privacy Commissioner, about the amount of money that appears to be going into internal services. I see access to information at 22%. That seems to be a little bit lower than that of the other commissioners, but still quite high compared with that of private enterprises, for example.

I'm curious to know how much we could get out of internal services and into the core delivery of service to Canadians if we were to combine departments and have a single office for access to information and privacy, as has been recommended to us by other witnesses. Are there additional savings to be had? Does it make sense, given the connection between the two concepts of privacy and access to information, to have a single office to handle both?

● (1015)

**Ms. Suzanne Legault:** It's an option. There's no question about that. I think worldwide most offices are combined. Nationally, most offices are combined.

Would you get a lot of efficiencies in terms of internal services? I think you would get some. I think they would be minimal. In terms of the investigative cadre, in terms of service to Canadians on the core mandates of both institutions, I think both institutions are actually struggling to deal with their level of complaints. You would save a commissioner. You may gain some assistant commissioners in terms of handling the different portfolios.

It's certainly feasible. If the committee wants to have a study of the cost savings or the synergies, that's possible. Historically they were separated, then joined, and then separated again. The law allows for the Information Commissioner, however, to be the head of both institutions. That's already provided for in the law. The finances are already joined. In fact, it really does require a decision rather than any legislative changes or any changes to the financial administration, so it's definitely possible.

What you lose is the tension between the advocacy of my office and the position of my office in relation to what constitutes personal information and what the Privacy Commissioner would see as constituting personal information. You have to understand that personal information is the exemption that is most used at the federal level to deny disclosure to Canadians.

So there is a tension. It can be reconciled, but I think that's what you would lose the most in joining the two offices—having two strong advocates for very different portions of a system. You would lose a strong advocate for transparency and a strong advocate for privacy.

It's definitely something that is an option for the government and for this committee. It's not for me to decide. I'm just saying it's definitely a possibility. It's already provided for. It could actually be quite easily done.

**Mr. Pat Kelly:** Since we're discussing main estimates today, I was more focused on the cost savings, although, of course, the bigger picture and whether or not it's the correct system is also something we have to deal with.

I'm going to move to the lobbying commission and ask Commissioner Shepherd a question.

I have a copy of the Prime Minister's document entitled "Open and Accountable Government". In providing guidelines for ministers and parliamentary secretaries, it includes sections that address relations with lobbyists. Could you comment on these sections and comment on how much it would cost your office to enforce all of them if you were given the authority to do so?

**Ms. Karen Shepherd:** Is this in terms of the fundraising? I just want to make sure I have the right section.



**Mr. Pat Kelly:** Well, there's a lengthy section that talks about how important it is that ministers and parliamentary secretaries avoid the appearance of conflict of interest and ensure that their conduct could never be construed as having been part of inappropriate relations or conflicts of interest with lobbyists. I'd like you to comment on whether you have the tools at your disposal to ensure that compliance occurs, and if not, what additional resources you would need, either regulatory resources and tools or financial resources, to carry out the recommendations.

• (1020)

**Ms. Karen Shepherd:** As I've always said, I take all allegations seriously. I regulate the lobbyists, as opposed to the public office holders. One of the reasons for revising the Lobbyists' Code of Conduct was that there are now four specific rules on dealing with conflict of interest. I have provided guidance on those four particular rules. I've also met with 350 lobbyists to explain the code so they clearly understand the issues. A number of lobbyists have written in to ask what they can do.

I think enforcing that and being able to look into those particular issues would fit into our current caseload.

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

**The Chair:** Mr. Blaikie, go ahead, for up to seven minutes, please.

**Mr. Daniel Blaikie:** Thank you very much. I'll continue with some questions for the lobbying commissioner to start.

There has been some discussion at this table about potentially combining the offices of the Information Commissioner and the Privacy Commissioner, but there has also been chatter about the virtues of combining the offices of the lobbying commissioner and the Conflict of Interest Commissioner. I think you just mentioned that you do the one side and not the other. Do you think that there would be financial advantages to doing that, and do you think there would be policy implementation advantages to having that office look at both those who are doing the lobbying and those who are on the receiving end of it?

**Ms. Karen Shepherd:** Thank you.

First of all, the offices were together, and they were separated after a court case found institutional bias happening between the two offices because the same individual on charge was found to be responsible for both the Conflict of Interest Act and the code of conduct for lobbyists. As a result, they were separated.

I think the two acts deal with very different groups in terms of what they're looking at. On the Lobbying Act side, about 300 people, from public office holders to lobbyists, are actually subject to the act, but that said, there is overlap in some things. Where the two universes overlap—with members of Parliament, for example, or ministers—there could perhaps be some synergies in having MOUs in place that would allow for joint interpretation bulletins, for example, and possibly concurrent investigations, without joining the two offices. I could see synergies in that universe.

I think, as my colleague said with regard to joining access to information with privacy, that aside from that comment on institutional bias, you lose two very strong advocates for both sides of the legislation. When you're thinking about Canadians having

confidence in the integrity of government decision-making, the more advocates there are who are ensuring these things, the better.

**Mr. Daniel Blaikie:** Thank you very much.

I wanted to ask the Information Commissioner about the interim directive that has been issued by the President of the Treasury Board.

There are two aspects of it that I would think might have different kinds of effects for your office. One is expanding the number of institutions, expanding access provisions to ministers' offices, which may generate more complaints. The other aspect is giving you the power to order release of certain information.

In terms of that interim directive, do you have a sense of whether, on balance, it is going to create more work for your office—as this is applied to more things and is perhaps therefore likely to generate more complaints—versus the ability to maybe dispense with certain things more quickly with that power?

**Ms. Suzanne Legault:** If I am not mistaken, I think you are referring to the interim directive that Minister Brison discussed last week. That actually dealt with the elimination of fees aside from the \$5 fee, so that is great news—

**Mr. Daniel Blaikie:** Pardon me; I am talking about his commitment to bring in a kind of first-step legislation before having a more comprehensive legislative framework change in the future.

• (1025)

**Ms. Suzanne Legault:** My understanding is that the changes that are being put forward in terms of a first cut at legislative proposals are in the mandate letters. My understanding is also that Minister Brison has suggested there could be additional significant improvements as part of the first package. This committee is reviewing this matter and is going to make recommendations to the government. The government has also started consultations.

In terms of what the landscape of the proposed legislation would be, I am not privy to this information at this point. There are many actors who are going to have a voice in this, including Canadians. This is first.

Second, I would hope that if there is a proposal to amend the act, there would be consultation with my office in terms of the financial implications, and that it would be brought forward at the same time as proposed legislation makes its way through cabinet. That would be the regular process.

I am hoping that we would be involved in that process and that there would be consideration of the financial impact, not just on my office but also on institutions. If the administration of Parliament, for instance—as is one of the proposals—becomes subject to access to information requests, there has to be an analysis of the cost for the administration of Parliament as well. All of these things will have to be factored into the cabinet process.

**Mr. Daniel Blaikie:** The Treasury Board press release about the interim directive says:

the Government will table legislation to implement the rest of its commitments as outlined in the President of the Treasury Board's mandate letter. The Act will be extended to apply appropriately to the Prime Minister's and Minister's offices; it will give the Information Commissioner the power to order the release of documents...

That is the government's announced intention. There hasn't been any consultation with you, so far, in terms of what the cost implications of doing that would be.

**Ms. Suzanne Legault:** Not yet.

**Mr. Daniel Blaikie:** There is nothing in the current estimates that would indicate the government is preparing to better resource your office to deal with whatever change in workload might accrue from these changes in the legislation.

**Ms. Suzanne Legault:** Not at this time, because the legislative changes or legislative proposals are not fixed.

**Mr. Daniel Blaikie:** What would you say would make sense as a consultation timeline, if you are trying to appreciate what the cost implications will be for your office? Suppose legislation was going to be tabled in mid-fall, around September or October; should that consultation be starting now, or can it happen at the end of August? Is it just a matter of throwing some numbers together?

When would you expect to be contacted in order to be able to give a meaningful response on the cost implications?

**Ms. Suzanne Legault:** I would hope to be consulted as soon as a proposal for specific legislative changes to the act begins making its way through cabinet for approval. Until then, it is not possible for us to make any kind of estimate.

I can tell you that we have consulted with the Ontario office, which functions with an order-making model. They are similar size in terms of the workload that comes in. That is useful for us, because we have also looked at the way they are structured, what their adjudicative function looks like, and what the cost is for that office. If I remember correctly, their full budget is \$15 million, roughly speaking. That is what I remember.

Because a lot of the work in an adjudicative model gets done at the outset, which is very similar to what is going on now, a lot of it—in fact, most of it—actually gets resolved before adjudication, which is exactly where you want to be.

That is why we have been spending efforts on mediation. We had someone from the Ontario office do specific training for our office on interest-based mediation.

We are developing these tools, which are useful in our current context and will be useful if the government moves to an order-making model. At this point, assessing the cost is really not possible until we see...nor would it be possible for the institutions that would perhaps be governed by the act now and not before. It is the same—

**The Chair:** Okay. Thank you very much.

We turn now to Mr. Saini for seven minutes.

**Mr. Raj Saini:** Thank you very much for coming here. It's always a pleasure.

Ms. Shepherd, in your 2016-17 planning and priorities report, you note that, and I quote, "The integrity and accessibility of the Registry of Lobbyists has been identified as a corporate risk area."

Can you elaborate on what this means and what steps your office intends to put in place in order to deal with this risk?

• (1030)

**Ms. Karen Shepherd:** The registry is my prime tool for ensuring transparency of lobbying activities.

As I said, when my budget was cut in 2012, I took the 5% cut with the registry and put it into maintenance mode. This is not sustainable in the long term. I need to be investing in development of the registry.

As I mentioned in my opening remarks and as René was talking about as well in terms of finding efficiencies, we moved the registry to my colleagues, to a different infrastructure and a more modern software platform.

This will allow us to do essential maintenance in terms of doing a review of the source codes. What's needed now is to ensure that the technology that is in the registry can be supported. The source codes and so on, as I understand, that were in there... The same people are no longer supporting it. We need to update the system, and that's why this year, when I looked at the priorities we were talking about in December, money was specifically reallocated that we were going to be investing in the registry this year.

**Mr. Raj Saini:** What have been some of the consequences of not being able to invest?

**Ms. Karen Shepherd:** Well, when I made the decision, we had a very strong and robust system, so we've been able to continue. People have been able to register, and we've been able to make sure that the system is functioning. There haven't been major downtimes or anything.

The concern, though, is when you're trying to improve the user experience. We haven't been able to invest in some of those developments. For example, when the senior reporting officer of an organization or a corporation changes, the lobbyist is required to report to our office about any individual who has changed so the registry can be updated. This is something that they submit to us, and our office has to do it, but if we could invest in development to allow the lobbyist to actually go in and make that change themselves that is required by the act, my office would then verify the change as opposed to having to do it. Efficiencies would be gained and there would be an easier experience for the user that way.

**Mr. Raj Saini:** Madame Legault, coming back to the issue of order-making powers, do you think that order-making powers would have a financial impact on your department? How would that happen, and what are the recommendations that you feel would have a possible financial impact on your department?

**Ms. Suzanne Legault:** I think that it would have financial implications. I think we are starting from a situation in which we're already underfunded. We need to deal with the 3,000 complaints, to a certain extent. That reality remains, whatever model that we're going to be....

As I said, we need to see the actual specific recommendations in the legislation to see what it's going to mean. There have been discussions about the Newfoundland model, about the Quebec model, and about the Ontario and the B.C. models. All of these models are different.

There will be a necessity to do a financial analysis of the implications of any proposed legislative changes, but at this stage I don't know what's going to be proposed by parliamentarians, so it's very difficult for me to do any kind of an assessment.

I think there needs to be a shift within the organization in order to provide for an adjudicative function similar to the way it works in other provinces. Ontario and B.C. are mostly the models that I think are better models. You have some adjudicators, but it would be very similar to what we have now. There is an intake, mediation, quicker resolution on simpler cases, and then there is almost like a funnel that goes from most of the cases and then trickles down to the most serious and difficult and contentious cases that go to adjudication. It's very similar to what happens now. In terms of how much more money would be required, as opposed to reallocation, we don't know yet.

**Mr. Raj Saini:** Also, in your 2016-17 planning and priorities report, you note that OIC will introduce an online complaint form in 2016-17. This will make it easier for complainants to submit the material and save time at the beginning of the investigation process.

What kind of financial impact do you think this will have on the department?

•(1035)

**Ms. Suzanne Legault:** We're hoping it's going to have no financial impact, in the sense that we just hope it's going to facilitate the experience of our complainants when they interact with our office.

The main efficiency there for us is that an online complaint form could actually be integrated to our case management system, so we would actually gain efficiencies in inputting the data from the complaint form, such as the section of the act, complainant, addresses, department, file numbers, and so on, so that this tombstone data can be integrated as the online form comes in. That would be very helpful for us.

Over 2,000 complaints came in last year, but we also got about 600 inquiries, as well. The intake unit manages quite a bit of traffic coming into the office.

**Mr. Raj Saini:** I have one last quick question. If I look at your total inventory at year end and if you start from 2009-10, it's been pretty stable, give or take 5% or 10%. However, there was an almost 40% spike from 2014-15 to 2015-16. Why is that?

**Ms. Suzanne Legault:** There was a very significant increase in the total number of requests across the system during that period of time. In the last three years I think we've seen something like a 57% increase overall in the number of requests being made to the system. The complaints have gone up at the same time.

I've been asked this question many times. I have seen no specific reason for the increase. It could simply be people being more aware of their rights under the act. We've talked a lot about open government. It could be that there wasn't enough transparency.

People made more access requests because of that. It's not possible to know.

What we have seen is there was an increase in requests coming from the members of the public. Members of the public are about 47% of our complainants, as well, at this time. There is a correlation with what's going on in the system and what's going on in our complaints.

I was very pleased over the first few years of my mandate to see that we were actually making a dent in the inventory. We started at 2,500 and went down to 1,700. Since then we've had a double whammy. We had a cut in resources—we have 13 fewer people than we did at that time—and an increase in volume of 30% to 40% over that same period of time.

Unfortunately, we're really where I didn't want to go when I started my mandate, but at least we know that what we were doing was working, in terms of diminishing the inventory. That's good news. Hopefully we'll be able to make some dent in that 3,000 under our current resource level if we don't experience another spike in complaints.

**The Chair:** Thank you. That does it.

Colleagues, I just want to remind you that we have a few minutes left to get to one more question from Mr. Jeneroux for five minutes. It will take us about two minutes to get through the votes, as long as there are no issues with reductions of budgets or anything like that, which, I'm sure, is going to be of great comfort to the commissioners.

I have to advise you, colleagues, that there is a time allocation motion before the House, and we're expecting bells at about the time we would adjourn. I'm seeking requests from you that, if we need to, we could take a few more minutes. I don't think there's anybody here with any issues on getting to the House in 25 minutes instead of 30, so if it's okay with you, we'll just continue on through the bells, if we need to, to make sure we have the time.

Is that okay? Does everybody agree with that?

Okay. We'll go to Mr. Jeneroux, then, for up to five minutes.

**Mr. Matt Jeneroux:** Great. Thank you, Mr. Chair.

No pressure and fewer questions, whether or not your budget is approved.

I do again want to thank you guys for coming and your staff for preparing for today, as well.

Ms. Legault, you've been a popular name around the table here in the last few months, as you can imagine. We'll start with you.

Thank you for providing the organizational chart. That helps a lot.

I want to return to the line of questioning my colleague, Mr. Long, started in terms of the cost savings in certain aspects. It touched on some of the material savings in terms of the building, security, IT, and that sort of thing. My apologies if any communications people who are in the room are on the phones, but when I look at the chart, there are three communications people. There appear to be two and an assistant public affairs person, along with a director position.

Are these things that have been talked about in terms of cost savings and moving together with other agencies on some of these initiatives? A lot of the departments are now doing a number of the shared services model, and I was wondering if you guys have dived down a bit more into some of that.

•(1040)

**Ms. Suzanne Legault:** We use shared services quite a bit, as Madame Michaud has explained.

With respect to communications, should the will of Parliament be to join the two offices, I think there would be efficiencies gained in the communications of both the Privacy Commissioner and the Information Commissioner.

As it stands now—and I say this with a very firm conviction—I cannot cut these corporate services any more than I have cut them. People who work in internal services in my office work, seriously, umpteen times compared with what they would be experiencing in any other government institution. I am extremely thankful that they are staying with my office, because we are understaffed in all of those services.

We have an up-to-date Internet page for communications. Posting on the Internet has to be done in both official languages. It has to be verified. It also has to be managed for accessibility. We have to code it for accessibility. I think it's unrealistic not to have a Twitter account in this day and age, and not to follow what's going on in the media. This is in part what these communications officers do.

**Mr. Matt Jeneroux:** I'm not suggesting that we cut those people in those positions. The examples you've used aren't necessarily unique to your agency. Everybody needs accessibility, everyone needs a second language, everyone needs a Twitter feed in this day and age. It sounds like you're firm, that you need those positions, so I appreciate your answer.

Ms. Shepherd, in your annual report, people described as a “representative for a registered lobbyist” seem to account for most of your calls. These are inquiries into whether or not people can be lobbyists or if certain things are approved or not.

Could you highlight who these representatives might be? Is there an efficient public outreach to these groups? Just because they have a different lobbyist doesn't mean they need a run-through of the rules again. Is it because of a lack of public education that they don't know what the rules are?

**Ms. Karen Shepherd:** Some of the consulting firms have representatives who are doing the lobbying for them, so when rules change or they have a new client, they have to verify the information. There have been a number of calls because of the Lobbyists' Code of Conduct.

We've been doing a lot of outreach to those groups. For new registrants or new lobbyists who are registering, we do webinars. We've done an online video that we put on YouTube to help people decide whether they need to register. We're looking at developing more of these types of tools.

**Mr. Matt Jeneroux:** In a lot of cases, they're the same consulting firms, are they not? I wouldn't imagine they're different consulting firms just because a new lobbyist has come on board.

**Ms. Karen Shepherd:** It's not a static group, so people are coming in and out all the time. If you want, I can look a bit more into some of these questions, but we have 8,000 lobbyists going in and out at any one time.

**Mr. Matt Jeneroux:** I wish we had more time, but I guess we don't.

**The Chair:** I'm sorry, Mr. Jeneroux. That the five minutes is up and we have other pressing matters.

I want to thank the commissioners and your staff for coming today. I bid you continued good work on behalf of Parliament and on behalf of Canadians.

Colleagues, we're going to turn our attention immediately to the votes on the estimates, understanding that the process that we're doing right now is to approve the budget, from the committee's perspective, less the amount of money that's already been approved under interim supply. The money that we've already been operating under has already been approved.

I do not expect it, but if anybody wants to, let me know. Will there be anybody who's going to move a motion to reduce any of the budgets for the commissioners?

No. That makes this process a lot simpler, then.

Shall I just proceed?

**Some hon. members:** Agreed

OFFICE OF THE COMMISSIONER OF LOBBYING

Vote 1—Program expenditures.....\$4,026,414

(Vote 1 agreed to)

OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Vote 1—Program expenditures.....\$6,178,280

(Vote 1 agreed to)

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 1—Office of the Information Commissioner of Canada—Program expenditures.....\$9,927,361

Vote 5—Office of the Privacy Commissioner of Canada—Program expenditures.....\$22,036,920

(Votes 1 and 5 agreed to)

SENATE ETHICS OFFICER

Vote 1—Program expenditures.....\$1,059,500

(Vote 1 agreed to)

**The Chair:** Shall the chair report the main estimates 2015-16, less the amounts voted in interim supply, to the House?

**Some hon. members:** Agreed.

**The Chair:** That was excellent.

We'll see you Thursday morning.

Colleagues, I remind you we resume our study on Thursday with the access to information legislative review.

Thank you very much. This meeting's adjourned.

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