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Chair

Mr. Blaine Calkins

Standing Committee on Access to Information, Privacy and Ethics

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• (1100)

[English]

The Chair (Mr. Blaine Calkins (Red Deer—Lacombe, CPC)): Good morning, colleagues. I don't really want to start without our colleague from the NDP, but this meeting is likely going to be a very short one, so I figure the sooner we start, the sooner we can be done.

Just so you know, we're in a public meeting right now. Typically, when we do committee business, we start in camera, but we're in public right now. I just wanted to make you guys aware of that. If anybody wants to move...I don't have a problem with it being in public, but sometimes when we're discussing things like witness lists and so on, then we might want to be cognizant of that. I'll just make you aware of that.

First of all, I want to say thank you to Joël for covering for me at the last committee meeting. Regrettably, the witnesses that we had lined up for today fell through, and in discussions that I had with our clerk, I said that maybe we'll just use 15 or 20 minutes today and figure out where we're going to go, because I think the study and the witness list for our current study on the Privacy Act is winding down. We can start giving a bit of direction maybe to the analysts on what we would like to see, so we can consider that for today as well.

I know that Mr. Lightbound has a motion. I'm not sure if he's prepared to move it today, but it would give us some clarity and opportunity to discuss what we're going to do when the Privacy Act study is complete.

As it stands right now, for next Tuesday, we have three witnesses. Next Thursday, we have Mr. Gogolek who appeared before us on access to information. He's going to be back from the B.C. Freedom of Information meetings. We also have Adam Kardash who was before us, as well, and Michael Karanicolas from the Centre for Law and Democracy is going to be here on the Privacy Act.

Next Tuesday, we're hoping to get Immigration and Citizenship, CBSA, and RCMP as witnesses. I think they were the ones that we wanted to get today, but it didn't work out. Next Thursday, we have CSIS and potentially Karen Shepherd and a few other people appearing before the committee. That exhausts our list for this particular study, so we'd better have a plan going forward to do something else. Unless anybody else has any other witnesses that they want to bring forward for the Privacy Act at this time.... We're not hearing a whole lot of new information any more. People are coming in, and we're basically having the same discussions over and over.

If that proposed work schedule going forward is fine, then we're going to need something to do on Tuesday, November 1; Thursday, November 3; and Tuesday, November 15. We'll have the break week there and that's veteran's week. On Remembrance Day, we will be back in our ridings, and it looks like we might have Mary Dawson and Karen Shepherd coming as part of the discussion we had earlier about the extensions to their appointments.

We're going to try to fit those two in at some particular point in time; however, beyond Tuesday next week, we're very thin on things to do.

Mr. Matt Jeneroux (Edmonton Riverbend, CPC): I'm just curious. I was trying to listen as you were going through the witnesses we lined up, and I didn't hear the ministers' names. Do we have an update on that?

• (1105)

The Chair: Apparently, we don't.

Mr. Blaikie.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): I'll jump in on that theme.

We had submitted a name for someone from the European Union that has to do with implementing the new data protection framework that they brought in. I just spoke to the clerk, and I'm looking for some direction but I think that's worth pursuing just because they seem to be at the cutting edge of that.

The Chair: Mr. Blaikie, we do have room in the witness panel for next Thursday and potentially even next Tuesday if the various departments that didn't show up today can't come next week, as well. We'll definitely get that on the list. It sounds like a very good idea.

Mr. Daniel Blaikie: Thanks.

The Chair: Mr. Jeneroux.

Mr. Matt Jeneroux: Could we enlist our friends on the other side of the table to perhaps help with getting the ministers if that's the stumbling block of some sort? It's been a few weeks now.

The Chair: Can we?

Mr. Joël Lightbound (Louis-Hébert, Lib.): Can you repeat?

Mr. Matt Jeneroux: Yes. Can we enlist your help at all in getting some of those ministers in? I think we agreed to have them in, so whatever the stumbling block....

The Chair: I don't know.

Mr. Matt Jeneroux: They don't listen to me, I guess.

The Chair: Neither do I, Matt.

No, I'm kidding.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): To be fair, I don't think they listen to me.

Voices: Oh, oh!

The Chair: This is not a new revelation, but as the chair, I operate through the clerk. We make the request into the various offices. It's incumbent upon all of us. As members of Parliament, we can go over and ask one or both ministers if they could please find it in their schedule to make an appearance before the committee. It would be very much appreciated.

Mr. Joël Lightbound: I'll give it shot, as well.

The Chair: Thank you, Mr. Lightbound.

That being said, we need something else to do after Thursday next week. Does anyone have any ideas as to what we might do?

Mr. Joël Lightbound: Yes. There's a motion I've given notice of regarding a study of PIPEDA. I think you have all gotten that motion. PIPEDA has not been reviewed in a couple of years, and it's up for review. It's on the table, so I'd be curious.

The Chair: Are you moving your motion, Mr. Lightbound?

Mr. Joël Lightbound: Well, I think Mr. Erskine-Smith has—

The Chair: Yes is the answer I'm looking for.

Mr. Joël Lightbound: —another proposal.

I'll move it, but I just want to have a discussion. We've been working as a team very well since the beginning.

The Chair: I don't think you're going to have any trouble, Mr. Lightbound.

Mr. Joël Lightbound: No, I don't think we will, but I'm curious to see if other members of the committee—and I know Mr. Erskine-Smith has an idea—have other ideas with regard to what this committee could be working on.

The Chair: Okay, if that's the case.

I didn't hear you actually moving your motion, so it's still there.

Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: I had two suggestions. One would be more timely, and one we could do to fill space whenever.

First, we've heard from the Privacy Commissioner and we've heard from Michael Geist with respect to information sharing and the impact on the Privacy Act, but well beyond the Privacy Act, the Security of Canada Information Sharing Act, and the implication of that act, which formerly was part of Bill C-51, but no longer is. The Privacy Commissioner had spoken about how he's trying to get more information from departments. He didn't really have a full update as to the impact of SCISA.

I'm also on the national security committee. We are engaging in broad consultation right now. The minister is engaged in that same consultation, but it's fairly broad. This committee could be fairly specific, drill down specifically to the impact of information sharing, and SCISA in particular. That will be one proposal for now.

Down the road, just to fill a couple of days, I think it would be useful to review the Conflict of Interest Code for Members of the House of Commons, specifically section 15 and the practice of sponsored travel. I think it's ripe for change and it's something this committee should look into.

But that's to fill space. I don't think there's a particular timeline—

The Chair: I'm not sure the code is in the purview of this committee.

The Clerk of the Committee (Mr. Hugues La Rue): No, it's under PROC.

Mr. Nathaniel Erskine-Smith: Fair enough.

The Chair: It's under procedure and House affairs. I don't disagree with your intent. I just don't think—

Mr. Nathaniel Erskine-Smith: I would want to double-check that. I've spoken to the Ethics Commissioner staff specifically about this act and its implications, so I'd be surprised if we don't have something to say on it. But maybe that's right, in which case—

The Chair: The Conflict of Interest Act is definitely us. The code I think is procedure and House affairs.

We'll double-check.

Mr. Nathaniel Erskine-Smith: Yes, double-check.

Anyway, if we can review it, let's review it. If we can't, then I don't really care. Let's talk about other things.

• (1110)

The Chair: All right.

Mr. Lightbound.

Mr. Joël Lightbound: I like the idea regarding the sharing of information act. As there's this whole review going on with Bill C-51, this committee could perhaps have input to give government with regard to those specific provisions. I think it would be a fairly short study.

The Chair: If I understand this correctly, we would simply study a certain portion of the changes that legislation is going to—

Mr. Nathaniel Erskine-Smith: Specifically SCISA; it's a separate act.

The Chair: Right. We would study a very narrow focused bit of that and provide feedback. Is that the intent?

Mr. Nathaniel Erskine-Smith: Yes.

The Chair: Is there anybody else on that?

Do you guys have some specific wording for a study?

Mr. Nathaniel Erskine-Smith: We can say we'll review the Security of Canada Information Sharing Act, its impact on privacy since its implementation, and whether there are any changes that should be proposed in the course of the government's national security consultation and review.

The Chair: This is almost like a privacy impact assessment, as the witnesses were talking about, with the committee undertaking it.

Mr. Nathaniel Erskine-Smith: Absolutely.

Mr. Matt Jeneroux: Well done.

The Chair: I'll take that as a motion then, moved by Mr. Erskine-Smith, that this committee undertake a focused study on the impact of privacy under the proposed legislation.

How many committee meetings would you propose for that, Mr. Erskine-Smith, or does that really matter at this particular point?

Mr. Nathaniel Erskine-Smith: I don't think it matters, but I would say somewhere between four and eight. We can get into it and see how much time it would really take.

The Chair: I'm assuming, Mr. Erskine-Smith, that as the mover of the motion you have some proposed witnesses you would be interested in entertaining. Other parties would have to make some efforts to find some witnesses for that.

I don't see anybody opposed to it. Is there anybody who wants to speak in opposition or just make some comments on this particular motion?

Mr. Kelly.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Is it your intention to do this after PIPEDA or to do this instead of PIPEDA?

Mr. Joël Lightbound: I would suggest that we do this first and then PIPEDA afterwards. I would be willing, Mr. Chair, to move my motion but to amend it, because currently it's worded "directly following the end of the current study", so that we would move to PIPEDA after we've studied the....

The Chair: Colleagues, there's nothing wrong with the committee entertaining two different pieces of work at the same time.

One of the things that I'm finding as chair of this committee, and this is not a slight against the clerk or any of the analysts who are here, but sometimes our witness pool is pretty.... There's great depth in the pool but there's not great breadth in the pool. There's a very small list of people this committee generally calls to appear before it, and we sometimes run into scheduling conflicts.

I don't have a problem personally managing two different studies at once, and I don't think anybody at this end of the table has a problem with that. We may actually want to do both PIPEDA and this review at the same time, depending on witness availability. We might make the committee's time more effective that way. It's just a suggestion.

Mr. Joël Lightbound: That sounds like a reasonable proposition. If we just amend the motion to withdraw "directly following the end of the current study"....

The Chair: Okay, but right now we're dealing with Mr. Erskine-Smith's motion, Mr. Lightbound. I gave you every opportunity. What we'll do is get back to your motion as soon as we've dealt with this one.

All in favour of Mr. Erskine-Smith's motion?

(Motion agreed to)

The Chair: We will commence henceforth. I encourage all members of the committee to get us a list of witnesses for that particular study as soon as humanly possible.

Mr. Lightbound.

Mr. Joël Lightbound: I move that the committee start studying PIPEDA right after we are finished with the Privacy Act.

The Chair: I'll entertain the friendly amendment. Well, it stays true actually.

Mr. Joël Lightbound: It stays true, yes.

The Chair: We don't need to amend it. We'll just do it in conjunction with the other study as witness availability....

Mr. Joël Lightbound: Perhaps the clerk could prioritize, whenever possible, the study on the sharing of information act.

The Chair: Yes, that was the sense that I got. That's what we'll try to do.

I have a couple of comments. In the previous Parliament, the PIPEDA was examined, but only in the context of social media. Is that correct? There was a report done in the last Parliament that dealt with PIPEDA, but I believe it was only so far as the impact on social media.

At some point in time, I think the committee will have to decide whether or not we want to adopt the work of the previous Parliament. We don't need to have that discussion right now. I would just encourage colleagues to have a look at that. We can decide how we want to adopt it, whether we want to re-examine it, and whether the information in that report holds true today or not. I just bring that to your attention.

We'll start getting witnesses right away, but I think we can safely proceed on the examination of the entirety of PIPEDA. Social media is changing constantly. Everything is changing constantly in that particular world, so things that were done three years ago might already be a bit obsolete.

All in favour of the PIPEDA study?

(Motion agreed to)

The Chair: Now we have a work plan going forward. Excellent.

Mr. Jeneroux.

•(1115)

Mr. Matt Jeneroux: Could we also take a few minutes, perhaps not today because we just received it—I'm not really even sure if it's necessary—to go through the response to our report from Minister Brison. He sent that to us this morning, I believe.

The Chair: Okay. I haven't even looked at it yet.

Mr. Matt Jeneroux: I quickly looked at it. It seems like a standard response, but if there is time, maybe after a committee meeting, to do some committee business in the next one or two meetings, that would be great.

The Chair: Sometimes, when we have a witness list that might only have one or two witnesses for the study, we exhaust the questions that we have for that witness after the first hour and a bit. If it's okay with you, Mr. Jeneroux, and if it's okay with the rest of the committee, what I'll propose is that we then use a little bit of time in an upcoming meeting to discuss that.

Would that be satisfactory to the rest of the committee? Okay.

Mr. Matt Jeneroux: Okay, very good.

The Chair: We'll make sure that stays on the radar. If I forget, don't hesitate to remind me.

Is there anything else that we need to discuss today?

The Clerk: Do we have any travel plans for the new study?

The Chair: That's a good question. Does the committee see a need to do any travel with the upcoming study of PIPEDA? I think that will depend on the witness list, actually.

For PIPEDA, because it does broadly affect the general public, there is going to be a much different level of interest in that review than there is in the laws that pertain to how government does anything, because government is centred for the most part here in Ottawa.

I can assure you, through my experience with this, that once the broader public finds out that we're reviewing the Personal Information and Protection of Electronic Documents Act, people are going to be a lot more interested. It might be something that we want to entertain, just to make sure that we get out and talk to as many people across Canada as we can.

Mr. Nathaniel Erskine-Smith: Do you mean from a business point of view, or the Canadian public?

The Chair: I mean the Canadian public. Most people we've been dealing with so far have been academics, people who watch government, and government itself. That's the legislation that we've been reviewing. This legislation affects every single Canadian, so it has a different interest pool.

Mr. Joël Lightbound: I think it's an option that we have to keep on the table, but we'll see with the witness list.

The Chair: The reason we ask this question is that it takes a long time to go through the committee travel approval process. If we're going to study SCISA first, that does give us a little more prep time to decide whether or not we're going to travel or if we need to travel. Otherwise, we're bringing witnesses in here, or we're teleconferencing, video conferencing, or whatever the case may be. It is definitely a lot cheaper, but sometimes not nearly as effective. We'll want to make that determination.

What I'm hearing right now is that we have no immediate travel plans, but we're leaving it open depending on whether or not we see a need. Okay? All right.

Mr. Joël Lightbound: Mr. Chair, when you go for funding for committee travel, you need to have a specific plan in terms of which cities you want to visit, so I think it's premature right now to have that discussion, but it's something to think about.

The Chair: I would gladly prepare that on your directive. If you instructed me as your chair to do that, I would do that.

I can tell you, because I do sit on the subcommittee of the Liaison Committee—and I can't talk about what happens in camera at those meetings—that money is tight in the travel budget, so we need to be cognizant of that. If we want to travel in the fiscal year, we should be trying to secure that sooner rather than later.

•(1120)

Mr. Joël Lightbound: Yes, once we get the witness list or....

The Chair: Yes, that sounds good.

All right. Is there anything else, colleagues?

Mr. Dewing.

Mr. Michael Dewing (Committee Researcher): Do we have direction about when you would like to report on the Privacy Act?

The Chair: Sorry, there is one last thing we need to do, and this is an excellent opportunity to give our analysts a little bit of direction. We're winding down the study on the Privacy Act and we need to allocate some days to go through a report. We should probably give the analysts a little bit of direction on what we would like to see in the report.

I'm not sure if anybody's ready to do that today, because we haven't heard from all of the witnesses at this particular point in time. Does anybody have a deadline in mind for when they would like that report to be in front of the House?

Mr. Joël Lightbound: Could we perhaps first agree on a date when we would like to give the analysts some directions so that we can prepare in advance for that?

The Chair: Yes, we can do that. We can set aside some time for that. Right now, I'm wondering if there is a particular deadline for when this committee wants to have a report in front of the House. Do we want to have it in just before Christmas?

Mr. Nathaniel Erskine-Smith: I don't think there's any magic....

The Chair: There's no urgency? I'm not getting a sense of urgency.

Okay, so if that's the case, basically, our analysts would begin constructing a report.

Have you guys started any preliminary construction of the report at this point in time, or do you simply have the information from the witnesses?

Mr. Michael Dewing: We haven't really gotten very far.

The Clerk: The Privacy Commissioner would like to come back.

The Chair: So the Privacy Commissioner—

The Clerk: We could finish this week.

The Chair: What I propose is on the meeting of the 1st, the Privacy Commissioner should be given an opportunity to come back and have a discussion with the committee based on all the testimony that was heard.

I suggest we give the first hour and a half of that meeting to the Privacy Commissioner, and then we spend the last half hour giving instruction and direction to the analysts. After that point, we wouldn't hear any more witnesses on the Privacy Act. Then the analysts can have the rest of that week and all of the break week of November to do their work. When we come back, we don't have anything in the meeting of the 15th. We can use the week of the 15th and the 17th for the consideration of the draft report.

Would that be okay? Would you have enough time for that?

Mr. Michael Dewing: It takes about a week to translate it, so if we finish, say, on the 10th, getting it by the 15th would be pretty tight.

The Chair: Then we could start the consideration maybe on the 17th, and use the 15th as our first set of witnesses for SCISA. Does that work? All right. We're good to go.

Mr. Blaikie.

Mr. Daniel Blaikie: In going forward after the SCISA study and the PIPEDA study, one of the things that emerged in the Privacy Act study has been the complete lack of regulation of political parties when it comes to the protection of private information of Canadians.

The Chair: Yes.

Mr. Daniel Blaikie: I think it would be interesting to study that further and try to get a sense of whether in our opinion government should be coming forward with some kind of new legislation in this area, or making modifications to the Elections Act, the Privacy Act, or PIPEDA. I think it's an issue Canadians would be interested in, and it speaks directly to the protection of privacy of Canadians' information.

I think this would make for a timely and interesting study upon completion of either the SCISA study or the PIPEDA study. I would move that this be our third item of business after the completion of either of those others.

The Chair: All right. That's something to think about. It would be handier for us at some point in the future to have an actual formal notice of motion, and the wording of the study, but it's something that's there.

Mr. Daniel Blaikie: It's no less formal than the motion we just had on SCISA.

The Chair: Are you moving a motion right now, Mr. Blaikie?

Mr. Daniel Blaikie: Yes, I think so. At least that way we can have a conversation about whether we think this is something worth doing. I think it is, because if we don't do it, I don't see who is going to take the lead on getting a handle on what those various issues are and where the appropriate place is to have a more codified—

The Chair: Can you give me some more precise wording?

Mr. Daniel Blaikie: I would move that the committee study the question of the protection of Canadians' private information with respect to political parties.

• (1125)

The Chair: You mean federal political parties?

Mr. Daniel Blaikie: Yes. We would also want to look at how that might be regulated in law.

The Chair: And whether or not it needs to be regulated in law...

Mr. Daniel Blaikie: Indeed.

The Chair: Is that satisfactory wording? Okay.

Mr. Lightbound.

Mr. Joël Lightbound: I was thinking there are a number of witnesses who have stated that they are not sure whether political parties' personal information on Canadians should be included within PIPEDA. That might fall within the ambit of what we're going to study when it comes to the PIPEDA study. It could also be a section of our study.

Mr. Daniel Blaikie: It may. In my opinion, what has become clear is that there's a lack of clarity on where exactly that falls. In some of the research on this, some people say the Privacy Act might be the place to do some aspects of it, others say PIPEDA might be the place, and others say the Elections Act might be the place to do some aspects of it.

That's why I think having an independent study, or a study independent of any particular piece of legislation, makes sense. This would allow us to not be restricted by the scope of any particular existing act. We could therefore answer the questions as to whether, in the committee's judgment, regulation in this area is necessary; where it belongs, if it is necessary; and whether it should be in a new act or an existing act.

The Chair: We've heard the terms of another motion for a proposed study to happen after the study on PIPEDA and SCISA.

Is there anybody else who would like to speak to the motion?

Mr. Nathaniel Erskine-Smith: I'll just say it's a good idea based upon the testimony we've heard. Given that it's far enough away, I have no problem committing to it. However, if other timely matters arise, and we think we should deal with them, those should take precedence in the interim.

I think PIPEDA is another one where we could do it two years from now, and it would make no particular difference. This is the same thing. If issues arise and we want to deal with them, SCISA being an example, unless there's a legislative timeline where we have to review PIPEDA.... My point is that there are a lot of good ideas to study. This is one of them. I am happy to commit to it, but if there are timely things we want to deal with to have input on government decision-making, I think those should take precedence.

The Chair: What I'm hearing from Mr. Erskine-Smith is yes, but not necessarily on the specifics of the timeline.

Mr. Nathaniel Erskine-Smith: Yes.

Mr. Matt Jeneroux: To sum up, Mr. Erskine-Smith's answer was yes, but not necessarily yes. That's what he indicated. I think I'm in the same boat. I think we'll actually learn a fair bit through PIPEDA, and there may even be a recommendation through that.

In terms of committing in the long term to some of this, I agree with Mr. Erskine-Smith that there's a lot of information and interesting stuff to come out of PIPEDA that we should consider as well, so I support going down that road, but yes, it's a ways off. If it's flexible in the motion, I guess we'd support it.

The Chair: Mr. Bratina.

Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.): Would there be any value in seeing what comes out of PIPEDA and then taking...?

The Chair: I think that's what Mr. Erskine-Smith alluded to as well, which is that based on what we're going to study, it might be a recommendation in our review of PIPEDA. But Mr. Blaikie's point is that it is a unique enough item that it might still be worth studying in its own right after that.

Because we don't know what's going to happen during our PIPEDA review, we can't make the determination right now, but we do have a motion on the floor. That doesn't mean that if it's not dealt with through PIPEDA we couldn't change our minds later on and not do the study. We have that ability as a committee.

For the time being, I need some direction on whether or not to add the proposed study by Mr. Blaikie to our work plan.

Mr. Joël Lightbound: Could you repeat the motion, Mr. Blaikie, as far as you remember it?

Mr. Daniel Blaikie: I'll look to the clerk so that I don't create multiple versions.

The Clerk: Here's what I noted, and correct me if I'm wrong. The motion is that the committee undertake a study on privacy with regard to federal political parties and whether or not changes should be made to the law upon completion of the two other studies agreed to.

Mr. Daniel Blaikie: Does that work? I'm open to flexibility on the wording around what the exact nature is of what we'll be studying, but the idea really is to come up with a recommendation on whether

there should be a new law or whether an existing law should be changed in order to regulate the use of private information by federal political parties.

• (1130)

The Chair: That's encapsulated here, a change in the law or to put in a new law or an amended law or whatever.

Mr. Joël Lightbound: My only concern is one that Mr. Erskine-Smith has shared, which is that we might be enlightened through the study of PIPEDA in terms of what needs to be done, or whether it requires a formal study or not, or if we have enough information gathered. I just find that we're committing to the formal study, which could very well change after we've heard from our witnesses on PIPEDA.

Mr. Daniel Blaikie: It's very unlikely anything that comes out of the PIPEDA study is going to supersede the need to deal with the issue as its own issue.

In the testimony we've heard already, we've heard that it's an awkward fit within PIPEDA. It may be that there's a remedy within PIPEDA. That's not the only thing we're going to be considering during the PIPEDA study. I doubt that this issue is even going to come to dominate it, because there are a lot of other important issues within PIPEDA.

I don't share that concern to the same extent that somehow what's happening with the PIPEDA study is going to supersede the need to look at this as its own issue. I don't see any harm in committing to looking at it as its own issue. If it is the case that in PIPEDA we hear from witnesses we haven't already heard from who say that PIPEDA is the absolute best place to do it and here's how to do it, and if we're all agreed that it's the best way to do it and we have a recommendation that says, "Here's something we should be doing in PIPEDA with respect to the private information of Canadians and federal political parties", then so be it. At that point, I think the committee could change course and say that this motion has in fact been superseded by the PIPEDA study.

I don't think there is any concern now—and there certainly isn't on my part—that somehow this motion isn't warranted simply because we might come up with a solution from witnesses, some of whom we have already heard from. I'd be interested to go out and hear more witnesses on this topic, but from what we've heard, PIPEDA may well not be the place to do this.

The Chair: Mr. Blaikie, in my discussions when we get witness lists and the clerk comes to me or anybody else for direction on what witnesses to bring, if I know that we have a study on the books to look at and a witness comes forward who is going to testify primarily on private information with regard to political parties, I would probably defer that person to that study rather than include them in the PIPEDA study. Do you know what I'm saying?

Mr. Daniel Blaikie: Yes.

The Chair: It would be nice for me to know one way or the other if we're going to do both. It makes the management of witnesses a lot more predictable and easier to do.

Mr. Saini, did I see your hand up?

Mr. Raj Saini (Kitchener Centre, Lib.): I just think that right now maybe we should wait for the study to unfold, to see whether or not information is derived from that study that would be useful in answering this question. If it's not, then we can always look at the motion later, as opposed to trying to hypothetically guess what may or may not emerge. Something may emerge. Something may not emerge. At least this way, in regard to the witness list, if we feel that this is something that we want to study under PIPEDA, we can create a witness list that would answer some of those questions, because a lot of the witnesses, whether you call them within PIPEDA or outside PIPEDA, would still be there.

Mr. Matt Jeneroux: I agree with Mr. Saini.

Just looking through the stuff prepared by our analysts in terms of statutory reviews, the Lobbying Act is due to take place, 2015. Phase-ins were mentioned as part of the minister's response back to us on the previous study that we did, so I appreciate the spirit of where Mr. Blaikie is coming from, in terms of wanting to schedule our work so we know where we're going, but I think it's a little premature at this point in time to go down that road.

The Chair: What I'm hearing is yes but not yet, Mr. Blaikie.

As chair, I have a motion now in front of the committee. I need to adjudicate, either that or the motion has to be withdrawn.

The Clerk: Yes, by unanimous consent.

The Chair: You can ask for unanimous consent to withdraw the motion right now or I have to put it to a vote, Mr. Blaikie.

Mr. Daniel Blaikie: I don't have a problem with having it put to a vote. I think it's prejudicial, frankly, to think that an adequate response might come out of the PIPEDA study. One of the issues that's at issue, and we know this from witness testimony to the committee on other acts, is that we don't know if PIPEDA is the right place. To say let's wait on the PIPEDA study when one of the questions the study I'm proposing would have to answer is whether studying PIPEDA would be the appropriate way to go about studying this issue, prejudices where that question belongs.

Yes, I don't mind. It wouldn't be the first time I've voted against the majority, so I don't mind having it come to a vote. My feelings won't be hurt. I think that's probably the best way to decide this.

• (1135)

Mr. Joël Lightbound: I certainly wouldn't want to hurt your feelings, Mr. Blaikie, so maybe—

Mr. Daniel Blaikie: I have a pretty thick skin so you don't have to worry about it.

Mr. Joël Lightbound: —if you would agree, maybe if we just amend it to remove “upon completion of the two current studies” or “the two studies we are undertaking”. Would that be satisfactory to you? Thereby, there would be no more timeline that restricts us.

The Chair: Mr. Lightbound, are you asking for a friendly amendment, or are you moving an amendment?

Mr. Joël Lightbound: I'm asking first for a friendly amendment because I care about Mr. Blaikie's feelings.

Mr. Daniel Blaikie: As I said, I have a pretty thick skin. If you want to move that as an amendment, fine, but we just did have quite an open opportunity to be able to put forward committee business. I think we struggled a little bit to come up with two items, and having three, I don't think, would be unprecedented or overly cumbersome for our committee.

The Chair: We haven't even had a chat with the analysts about the statutory review items that we have as well.

Mr. Jeneroux, did you just say that there was a statutory...?

Mr. Matt Jeneroux: It's June, 2015, according to the bill itself.

The Chair: I might have missed that one.

Mr. Lightbound, are you satisfied with that?

Mr. Joël Lightbound: You're rejecting the amendment.

The Chair: He's rejecting the notion of a friendly amendment, but you're still entitled to move an amendment.

Mr. Joël Lightbound: I'll move the amendment.

The Chair: I have an amendment now and the amendment is to delete all the words after “law”, so the amendment would then read, “That the committee undertake a study on privacy with regard to federal political parties and whether or not changes should be made to the law.”

Does anybody want to speak to the amendment?

(Amendment agreed to)

The Chair: Now we're back to the original motion.

Is there anybody else who would like to speak?

Mr. Jeneroux.

Mr. Matt Jeneroux: Sorry, I looked away. What was the count on the vote?

The Chair: It was six to two.

Mr. Matt Jeneroux: Okay, thank you.

The Chair: We're back to the now amended motion, which reads, “That the committee undertake a study on privacy with regard to federal political parties and whether or not changes should be made to the law.”

Does anybody else wish to speak to the amended motion?

Mr. Bratina.

Mr. Bob Bratina: I'm just not quite getting it because there is a Privacy Act and political parties should theoretically have to follow the tenets of the Privacy Act, no?

The Chair: I think what we've heard from witnesses is that political parties are kind of in the Wild West. We are not under the guise of the Privacy Act, which deals with the government.

Mr. Bob Bratina: I know that, but if someone has a distinct complaint about something that got out, there is certainly—

The Chair: There is no legal mandate for the Privacy Commissioner to pursue something on behalf of a concerned citizen if they have a question about their own privacy being used by a political party.

Mr. Daniel Blaikie: It just doesn't exist.

The Chair: I don't know of any complaints. Mr. Blaikie used the word “remedy”. Remedy usually suggests that there is a problem. I don't know if there is a problem, but there are people suggesting that there might be a problem and there might need to be a remedy.

Mr. Blaikie has rightly pointed out that, whether that falls under the Privacy Act, PIPEDA, or the Elections Act, we could.... His study is proposing we take a look at whether there are concerns and how they should be dealt with.

Mr. Daniel Blaikie: For instance, if you are dealing with a government entity, you have a right to know what information they keep about you, and you have a right to request that incorrect

information be corrected. You have no such right with a political party. They have no legal obligation to furnish you with the information they keep about you, and you have no right to have incorrect information changed.

Mr. Bob Bratina: Can't we capture that in the studies we are doing?

The Chair: That's the debate we are having. It might well come up under PIPEDA, as well. It might be during our report. Because we did hear about it in the Privacy Act, it may come up as a recommendation even with the Privacy Act. We don't know how this is going to work out. We are simply entertaining the notion of having a study about this one particular issue at this particular point in time.

We are back to the main motion, as amended. Does anybody else wish to speak to it?

(Motion as amended agreed to)

The Chair: We now have a third study topic.

Mr. Jeneroux, go ahead.

● (1140)

Mr. Matt Jeneroux: Could we get a recorded vote on that? We can do that, can't we?

The Chair: Usually we need to be a little quicker off the hop on that.

Mr. Matt Jeneroux: I could tell you, if you want.

The Chair: It's already done.

We haven't done a recorded vote yet.

The Clerk: I'm not sure we can.

Mr. Matt Jeneroux: I withdraw my request to have a recorded vote.

In the future, what's the process? Do we request it before?

Mr. Daniel Blaikie: Request it before.

The Chair: Yes. As soon as I call “All those in favour”, just speak up and say, “I request a recorded vote.”

Mr. Matt Jeneroux: Fair enough.

The Chair: Should we do it just for fun?

Mr. Daniel Blaikie: Sure. It would be good practice.

The Chair: We've already dealt with it. In the future, we'll know. It's not fair to members to do that at this particular point in time.

Unless there are any other items, I think that concludes our business for today. I got you out of here in just about an hour. Enjoy the rest of the day. We'll see you here with our witnesses on Thursday.

Thank you very much.

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