



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Standing Committee
on
Alberta's Economic Future

Personal Information Protection Act Review

Thursday, October 6, 2016
9 a.m.

Transcript No. 29-2-10

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The 29th Legislature
Second Session**

Standing Committee on Alberta's Economic Future

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Connolly, Michael R.D., Calgary-Hawkwood (ND)
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Standing Committee on Alberta's Economic Future

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Silvia Russell, Access and Privacy Adviser, Corporate and Departmental FOIP Services

Melissa Sadownik, Access and Privacy Adviser, Corporate and Departmental FOIP Services

9 a.m.

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[Mr. Sucha in the chair]

The Chair: All right. I'd like to call the meeting to order. Welcome to members, staff, and guests in attendance for this meeting of the Standing Committee on Alberta's Economic Future.

My name is Graham Sucha. I'm the MLA for Calgary-Shaw and the chair of this committee. I would ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining us via teleconference. I will start with the member on my right.

Mr. Schneider: Good morning. Dave Schneider, MLA for Little Bow.

Mr. Hunter: Grant Hunter, Cardston-Taber-Warner.

Mr. Nixon: Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

Ms Kreutzer Work: Kim Kreutzer Work, office of the Information and Privacy Commissioner.

Ms Swanek: Amanda Swanek, office of the Information and Privacy Commissioner.

Ms Clayton: Jill Clayton, Information and Privacy Commissioner.

Ms Russell: Silvia Russell for Service Alberta.

Mr. Morrison: Doug Morrison, Service Alberta.

Ms Sadownik: Melissa Sadownik, Service Alberta.

Ms Fitzpatrick: Maria Fitzpatrick, MLA, Lethbridge-East. I'm hearing impaired, so if you'd speak a little louder, I'd appreciate it. Thank you.

Mr. Dach: Lorne Dach, MLA, Edmonton-McClung.

Mrs. Schreiner: Kim Schreiner, MLA, Red Deer-North.

Mr. Piquette: Colin Piquette, MLA for Athabasca-Sturgeon-Redwater.

Mr. S. Anderson: Shaye Anderson, MLA for Leduc-Beaumont.

Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Carson: Jon Carson, MLA for Edmonton-Meadowlark.

Mr. Koenig: Trafton Koenig, Parliamentary Counsel with the Legislative Assembly.

Dr. Amato: Good morning. Sarah Amato, research officer.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Mr. Roth: Good morning. Aaron Roth, committee clerk.

The Chair: And those on the phone?

Mr. Coolahan: Craig Coolahan, MLA, Calgary-Klein.

Mr. Gotfried: Richard Gotfried, MLA, Calgary-Fish Creek.

Mr. Panda: Prasad Panda, MLA, Calgary-Foothills.

The Chair: Excellent. Ms Jansen? No.

I'd like to note for the record the following substitution. Mr. Nixon is substituting for Mr. Taylor.

A few housekeeping items to address before we begin the business at hand. Microphone consoles are operated by *Hansard* staff, so there's no need for the members to touch them. Please keep cellphones, iPhones, BlackBerrys off the table as they may interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislature website.

Up next is the approval of the agenda. Would a member like to move a motion to approve the agenda for the October 6, 2016, meeting of the Standing Committee on Alberta's Economic Future? Actually, before I move there, are there any revisions that anyone would like to make to the agenda? Okay. Now moved by Mr. Hunter that the agenda be adopted as circulated. All those in favour, say aye. All those opposed? And on the phone? Thank you. That motion is carried.

Approval of the meeting minutes for September 7, 2016. We have the minutes for our last meeting. Are there any errors or omissions to note? If not, would a member like to move the adoption of the minutes, please? Moved by Ms Fitzpatrick that the minutes for the September 7, 2016, meeting of the Standing Committee on Alberta's Economic Future be adopted as circulated. All those in favour? Opposed? On the phone? That motion is carried.

Review of the Personal Information Protection Act. Hon. members, the committee is continuing its review of the Personal Information Protection Act. Just a reminder that the committee needs to report by January 2017.

As we get set to start our deliberations, I would like to thank the staff of the office of the Information and Privacy Commissioner and Service Alberta for joining us today and being available to share their expertise should we require it.

Our first item of business under item 4 on our agenda is the summary of issues identified through the consultation process. An issues document was provided to committee members, and it addresses the issues identified during our consultation process, through the written submissions received as well as the oral presentations we heard. This document organizes and summarizes the issues identified by stakeholders, individuals, organizations who provided input to the committee as well as any suggestions or recommendations put forward by these parties. I would note for members that the committee is not required to address all issues identified in the document, nor are we precluded from identifying issues of our own.

I would now ask that research services provide us with an overview of the summary of issues and proposals document. Dr. Massolin.

Dr. Massolin: Thank you very much, Mr. Chair. Before I turn it over to Dr. Amato just to give us an overview of the document, I would like to underline what you just mentioned to the committee, and that is that this document is a summary of the information the committee has received with respect to its PIPA review; that is, the information from the written submissions, the oral submissions, and so on. It is organized according to the issues set out in the discussion guide.

As you mentioned, Mr. Chair, the committee is under no obligation to deal with any or all of these recommendations. Of course, it's the committee's choice as to how it undergoes its deliberations at this stage. This document is merely a guide, and of course, again,

as you mentioned, you can also add additional issues if that is deemed necessary.

With that, I will pass it over to Dr. Amato. Thank you.

Dr. Amato: Good morning. I don't have much to add. I'll just reiterate that the document is a summation of proposals put forward by stakeholders and by members of the public in the written submissions as well as a summation of what we heard in the last meeting, proposals that were put forward by stakeholders in their oral submissions to the committee.

Just in terms of the organization of the document, it follows very closely on the discussion guide, and it's designed so that as the document is read through, it should be easy to reference the fuller submissions of stakeholders in order to gain some context for the particular proposals that you find in the document.

I'll also perhaps draw your attention to the 18 main subject headings that organize the document. They are detailed in the executive summary, and they are as follows: freedom of expression, exemptions to the application of PIPA, consent, exceptions to consent, disclosure without a warrant, transparency reports, access to and correction of records, fees for accessing records, exceptions to access, personal employee information, managing records, personal information outside of Canada, notification of a breach of privacy, the role of the commissioner, offences, professional regulatory organizations, nonprofit organizations, and then other issues for possible consideration.

That's a little summation of that document. Thank you very much.

The Chair: Excellent. Thank you. Our goal today is to identify and organize those issues the committee wishes to address in its report. If the committee decides to make a recommendation with respect to an issue, it will be put forward as a motion, discussed, and ultimately for a vote by the committee. Our LAO committee staff is here to assist us in this respect, including with any questions the committee may have with respect to the process as well as with the fine-tuning of motions that members bring forward. As always, Parliamentary Counsel is available to assist members in the crafting of a motion if they wish to introduce one.

As a starting point, I would ask members to identify the issues that they would like to bring forward now for deliberations. Before we begin, it might be a good place in the agenda to note that the committee can discuss a particular issue without having a motion on the floor. I would also encourage the committee, if they wish to discuss an idea or thoughts around a particular issue, to do so before introducing a motion. Of course, if members do have a particular defined course of action they would like the committee to consider recommending, moving a motion in that regard would be quite appropriate.

Would a member like to start off the list? MLA Dach.

Mr. Dach: Yes. I'd like the committee to consider nonprofits as a topic of discussion, and hopefully we can proceed on that framework whereby we name topics rather than go through a line-by-line procedure, which could be kind of onerous. I think it would be more productive to name topics and deal with them subject by subject. That would be my preference.

The Chair: Okay. Do any other members have any topics that they would like to discuss? Any members on the phone?

MLA Dach, would you like to proceed with the topic?

9:10

Mr. Dach: Certainly. Thank you, Chair. This is a topic that I think most committee members are quite interested in, and there are quite

a few expressions of concern by nonprofit organizations and charities who look after and work around the most vulnerable people in the province that they may be included under PIPA in a way that would be quite onerous to them.

These nonprofit organizations include everything from health to educational to housing programs and most strongly believe in looking after the most vulnerable in our province. They often, of course, follow professional codes of ethics, other pieces of privacy legislation such as HIPA, FOIP, et cetera. Nonprofits that are working very hard with limited capacities and are volunteer led might not be able to sustain the administrative burden which PIPA might require them to follow. This was expressed quite clearly in some of the submissions that we have available to us in the summary.

For example, Mr. Perry from the Calgary Urban Project Society said in his oral submission of September 7:

We have nurses, doctors, social workers, a plethora of different ones, and they all have their different rules and regulations that they need to follow, and then, of course, there's all the different privacy legislation that people have to act under. We also have to work across international boundaries. We have databases that are developed in the United States that we use that are stored in Canada, so we have international privacy legislation that we have to be concerned about. All this is with the backdrop of being focused on: what are the best needs of our participants?

So we are setting up a part of our organization that is removed from helping people in the sense that they have to devote some of our time, treasure, and talent to looking after these things, which we believe passionately are true and need to be done, but it takes away the resources from the people that we help. Our focus is on helping those vulnerable people, and it's always painful for us when we have to devote more time and resources to looking after legislation and things.

To me, Mr. Chair, this sums up why we should not amend PIPA to apply wholly across the board to nonprofits.

I'd further like to quote Ms Evans, executive director with the Federation of Calgary Communities. This organization works with 20,000 volunteers and works with 220 small, community-based nonprofits, and about 90 per cent of these organizations are run by volunteers. Ms Evans said in her oral presentation:

With all the nuances and complexities within PIPA and with limited human resources, high volunteer turnover, the need for affordable technology, and the lack of formal systems for data storage, we question: how will small to mid-size not-for-profits, that are volunteer-run implement and comply with the full legislation?

It's very important to note that volunteer directors and volunteers in nonprofits not only work hard to practise good governance, but many are tasked to build new assets and amenities, fix aged infrastructure, maintain operations, engage residents on community matters, deliver front-line services and programs while keeping abreast of the ever-changing community needs and demographics. For these reasons, it's worthy to note that the nonprofits are quite concerned that the burden of being included across the board under the full legislation would be harmful to them and in many cases difficult for them as an organization to comply with.

I'd invite members opposite as well as those on the phone to chime in on discussion of the topic.

The Chair: Any members wish to speak to the topic at hand?

Mr. Hunter: Well, I'm glad to hear Member Dach's statement on this, and I concur with his comments. One of the concerns that we had when talking about this issue was: how are the small and mid-sized organizations going to be able to deal with this extra burden? PIPA is already a difficult piece of legislation to deal with, and it can almost become a red-tape hindrance. So I'm very pleased to

hear that the member opposite is proposing that we don't change this legislation in terms of not-for-profit organizations. I fully concur with his analysis of this, and I would be very pleased to see this not be changed.

The Chair: Okay. Any members on the phone wishing to be added to the speakers list?

Any other comments?

Mr. Dach: I'd like to make one comment, and that's regarding the nature of many nonprofits and volunteer organizations. They have a high degree of turnover, volunteers, of course, and the membership change requires that new members constantly be informed of their obligations or not under PIPA. What I'm suggesting is that an ongoing education process available on an ongoing basis to these organizations would be, I think, a wise tool for them to have available to them in order that their individuals who are coming onto a new board and volunteering in a nonprofit organization will know what their responsibilities and obligations are.

What I'd like to do is move a motion that the Standing Committee on Alberta's Economic Future recommend that the Personal Information Protection Act . . .

The Chair: Just one second, Mr. Dach, for us to catch up here as well. We're typing that out for committee members here.

Mr. Dach: All right.

. . . be amended to address the needs of nonprofit organizations for education and increased access to information through the office of the Information and Privacy Commissioner.

The Chair: Is that the proper intent of your motion?

Mr. Dach: Yes. Thank you.

The Chair: Can you just reread that for the record as well, Mr. Dach?

Mr. Dach: Read it myself?

The Chair: Sorry. Mr. Roth can do it.

Mr. Roth: Moved by Mr. Dach that the Personal Information Protection Act be amended to address the needs of nonprofit organizations for education and increased access to information through the office of the Information and Privacy Commissioner.

Mr. Dach: Of course, this would be a recommendation of this committee.

The Chair: Yeah. Excellent.

I will open that up for discussion.

Mr. Hunter: I just want to have Mr. Dach, if he could, clarify for us, for the committee, the extent of the education. I know that in some situations education is mandated for some organizations, and then they have to pay for these educational programs. They start out relatively inexpensive, and then over time they become more expensive because it's a mandated educational program. What are you thinking in terms of this education? Where would it be funded from? Would it be funded from the individual organizations? How would that work? How would you see that working?

Mr. Dach: My thoughts on it are not going to be those that might limit what the legislation might eventually entail. Just a personal view is that the educational cost not be burdening the organizations,

the nonprofit organizations. One of the things we're hoping to do by this education process is relieve them of some of their burden and make their jobs easier, so I would suggest that it not be a cost that they have to bear and that they be able to access it, hopefully, in a relatively inexpensive way, perhaps online education and maybe ongoing access to a consultant who could advise, perhaps through the commissioner's office. I envision more of an online course with optional consult, which, hopefully, will be pretty cost-effective, but I'm certainly not going to try to detail the planning of that right now.

9:20

The Chair: Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chairman. To Mr. Dach: I agree; I think you've got a good opportunity here. Nonprofit organizations typically are less able to effect that education. I think we discussed earlier in the committee about education for all parties, how important that could be and to have that information available. I think your suggestion of an online learning tool could be a great one in terms of not only compliance but just in terms of people being conversant, I guess, with the most important or the priority levels of information. It sounds to me like this is an enhanced layer of encouragement for the nonprofit sector to be addressed within this. Would that be correct?

The Chair: Does anyone on the phone wish to speak? Mr. Hunter.

Mr. Hunter: Thank you, Mr. Chair. I would actually like to hear from the Information and Privacy Commissioner what she thinks about this idea.

Ms Clayton: Well, as you know, in my submission to this committee we talked about nonprofits and some of the challenges that nonprofits are facing. I'm certainly, you know, alive to the concerns that Mr. Dach has raised. We've heard those from nonprofits. It is a bit confusing right now for them. Some are already under the legislation, and some are not.

I appreciate a recommendation that talks about addressing the needs of nonprofit organizations because, of course, there are a lot of nonprofits that do not fall under the legislation as is. Any time we are asked to go out and speak to nonprofits about, "Do they fall under or do they not fall under, and what are best practices under privacy legislation?" we are very, very happy to do that. Certainly, those in the office have heard me say: "It's a nonprofit group. We have to get out there and talk to them." We also worked years ago with Service Alberta to produce a workbook for nonprofits and other resources for nonprofits to help them understand what it would look like and what the best practices are, basically how they could comply with the legislation.

With respect to online education, we've had some preliminary conversations with Volunteer Alberta about producing a video. Our challenge is that education and outreach for organizations that do fall under the legislation within our office is less than 1 per cent of our budget, so to do additional work, like putting some time and effort into even producing content for a video, you know, if we were to get to a place where we could work with Volunteer Alberta – that's a real challenge for us, to produce content for organizations that are not necessarily subject to the legislation.

I'm interested in the idea of a consultant. I know we're getting into a little bit of the weeds here. In our three-year business plan we've included an item to look at the idea of an advocate to help, say, not just nonprofits but others to navigate legislation under FOIP, HIA, and PIPA, but we're a long, long way from being anywhere near able to provide a service like that. Of course, it's a

challenge because we are a quasi-judicial administrative tribunal, so we don't advocate for parties that are before our office. We can't write out complaints for them. We can't tell them what to do because we're impartial and neutral.

You know, they're interesting ideas, and I think that we can go down the road on those sorts of things. As I said, we will continue to talk to nonprofit groups any time anybody asks us to talk about how the legislation applies and what they could do to comply. We're happy to do that. I'm not absolutely clear on how PIPA would be amended to address the needs of nonprofit organizations. I'm not sure what that would look like, and then I would really have to have a look at our resources.

Mr. Gotfried: Just, really, a follow-up to that question to the commissioner as well. I guess that probably the best question to ask you is: other than an amendment to PIPA, what would you need to achieve a higher level of resources in terms of education of not just the nonprofit sector but of other sectors in terms of content or online tools?

Ms Clayton: Well, frankly, more resources. We're strapped, you know, just to be blunt. We had a budget cut two years ago. We've maintained, essentially, at that same level, and we found those dollars by cutting back on education to some extent. We provide education. We find free spaces, and I think we've done an excellent job trying to deliver the same level of education at less cost.

It's never been much of the budget, but we have competing priorities in the office as well: new custodians that are coming under health information legislation, the potential for new breach legislation. All of this requires educating organizations, custodians, public bodies. I don't have people I can take away from front-line complaint resolution and mediation to put on developing content. I'd love to do that. I would love to do that. If something like this goes forward, then I'm going to have to build that into my budget, and then it's up to the standing committee whether or not that's something that will go forward.

Mr. Gotfried: This is just a quick follow-up. Really, a change in the legislation itself is not going to affect your budget. You need to have that done through Finance.

Ms Clayton: Exactly. Yeah.

Mr. Gotfried: Okay.

Mr. Hunter: You're already doing the education piece for the small and mid-size organizations as the ones that we're concerned about in this topic. Are they the ones who are receiving a majority of that education? How would you say it works in terms of large organizations versus small and medium-size organizations?

Ms Clayton: Specific to nonprofits or just generally within that?

Mr. Hunter: Specific to nonprofits.

Ms Clayton: Specific to nonprofits: that's hard for me to say. We have sort of a policy in the office that we can't be training individual organizations. There's just absolutely no way that we can do that. If we receive a request from an individual organization, we say: "See if you can get a number of like-minded organizations together. We'll come out and talk to a group of organizations." So I don't necessarily know who attends, what the makeup is, if it's large organizations or small organizations that would attend something that would be organized by, you know, Volunteer Alberta, for example. So it's hard for me to say.

We hear from nonprofits. We definitely hear from nonprofits, but I think there are all sorts of small nonprofits that we never hear from. If we were to target them, you know, that would take some doing.

The Chair: A follow-up.

Mr. Hunter: In order to facilitate, I guess, the increased education component for those small and mid-size organizations, do we need to actually amend PIPA? I think you alluded to that question. Do you have to amend it, or do you just need to have a little more robust budget in order to be able to do that?

Ms Clayton: I don't know that the legislation would need to be amended. I think part of that is because some nonprofits are already under; some are not. It's hard to amend the legislation to require us to do something for organizations that aren't subject to the legislation, if you know what I mean. Certainly, with a recommendation, we would do our utmost to follow through on any recommendation. We'd be working with Service Alberta, I would hope, as we have in the past.

I don't know if you have comments on that.

The Chair: Ms Russell, you had some follow-ups as well?

Ms Russell: Yes. Thank you. Service Alberta does provide policy interpretation and guidance via its help desks for both the FOIP Act and PIPA, and that is one way that we are able to reach out to the nonprofit community and to the clientele that they serve. That often looks like sort of one-on-one phone calls. I believe that, just like the OIPC help desk, we have resources on our website, and that lets us get into some more in-depth conversations with nonprofits, certainly, whether or not they voluntarily follow PIPA or they have to follow PIPA via their methods of incorporation. So that's something that we do. That is a service that we do provide. It's certainly an important part of what Service Alberta does.

My colleague points out that we do provide awareness sessions, so we have on occasion organized, for example through Skype or conference calls, with broad organizations to give a rundown of PIPA and then to try to work out some of their best-practice policies as well.

As Commissioner Clayton mentioned, Service Alberta and the OIPC have worked on resources before. We have a nonprofit workbook that we've done together. I actually have a copy, and I'd be happy to make that available to the committee.

9:30

The Chair: Mr. Dach.

Mr. Dach: Yeah. I just wanted to comment – and thanks for the input by the Information and Privacy Commissioner and Service Alberta to indicate what services are already available – that the intent of the recommendation that we're making here in this proposal is not to take away from any of that; it's to actually, hopefully, perhaps allow nonprofits to require those services less by having at their disposal, when new members join, a tool that can orient them as to their responsibilities. If you have perhaps an online access, it might incorporate the use of the video that you already have or other things you already have. It would certainly be able to outline other tools that you already have in place on top of letting them know in an orientation session for new members what their rights and responsibilities are and whether PIPA might apply to them or not.

It really is something like a sort of self-educating type of an orientation tool that I'm envisioning, which would be relatively

low-cost, online, which would invite them to further access your services if needed. But it might circumvent the need to do so and to incur costs upon your offices if they have this tool right off the bat as new members. That was the intent, in my view, and I would leave it to the writers of the actual legislation to decide how deep the scope would go. But it's not intended to be a complete reinvention of the wheel; that's for sure.

The Chair: Ms Fitzpatrick.

Ms Fitzpatrick: Actually, Mr. Dach covered what I was going to ask.

The Chair: Are there any speakers on the phone?

Mr. Hunter: At this point I'm just wondering: you know, hearing what the commissioner has said, again I question whether or not there needs to be an amendment made to PIPA versus a recommendation that there be enough budgeted so that in these organizations, like you said, Mr. Dach, the new people who come in have that ability to be able to go online, take the proper education program, and get up to speed. Again, I'm not sure if we need to actually have an amendment to PIPA in order to be able to achieve this. Perhaps we need to have more discussion on whether or not that needs to be amended, and if so, then perhaps a friendly amendment would be the proper way to go.

The Chair: Are you wanting to move an amendment?

Mr. Hunter: Not yet.

The Chair: Okay.

Mr. Hunter: If we finish with our discussions, then I guess we could do that. I guess I'm just trying to find out a little bit more about, again, the details of why it needs to be amended versus a recommendation that Service Alberta and the commissioner have the resources to be able to achieve what you're trying to achieve.

The Chair: Go ahead, Mr. Schneider.

Mr. Schneider: Yeah. Just a question for Service Alberta. I wondered if something to the effect of the Privacy Commissioner offering tools online or Service Alberta offering the same thing or consultation: is there a possibility that that can be done through that ministry without amending the legislation? It's just a question.

Ms Russell: We're always trying to develop better resources, resources that answer more specifically the questions that organizations have, and make it clearer, frankly. So that is something that we always have in mind to do as far as improving resources. We are, my colleagues and I, always going to be available. We pass out our phone numbers, our direct lines, fairly often so people can call us at any point, and we do our best to answer those questions, certainly.

Mr. Schneider: No offence to the mover. I'm just trying to get my head wrapped around it.

Mr. Gotfried: Mr. Chair, I think that the intent of the member's motion here is admirable, but I just wonder if it's going to achieve actually what we need to do, which is to put additional resources into the commissioner's hands. I just wonder if we would be allowed the latitude and, you know, whether a friendly amendment would be taken here to perhaps make a recommendation for additional resources through Service Alberta or for the Department of Finance to put additional resources into the budget of the Privacy

Commissioner to achieve these results as opposed to maybe doing something within the legislation which does not necessarily – I mean, this is a recommendation, but of course there'd be dollars attached to this. I don't think that we have the latitude to do that if I'm not mistaken. However, we may be able to make a recommendation to the two other groups which could affect the budget of the Privacy Commissioner to encourage them to do that. I just wonder if it's within our latitude to do that and whether it may be accepted as a friendly amendment.

The Chair: Dr. Massolin or Trafton.

Mr. Koenig: Yeah. I'm happy to provide a few general comments in terms of the motion that's on the floor right now and, you know, to just start by inviting someone from the office of the Information and Privacy Commissioner or Service Alberta if they have any more to add on this topic.

Amending PIPA: the recommendation on the floor now is a general one, so it's not recommending changes to a specific section. My understanding, though, is that under section 36 currently the commissioner has the power to "inform the public about this Act." While the changes to PIPA aren't specified exactly in the motion, I would imagine that what this would encompass would add in a specific requirement or authorization for the commissioner to have that education component, providing more emphasis. I would suggest that that's probably what this would look like if it was implemented.

In terms of making it more general, not focusing as much on amending the act but making a recommendation that was more generalized to provide more resources to the commissioner and her office to provide education or increased access to information, the committee, I think, would be able to do that, to make that recommendation. Obviously, it wouldn't be an explicit authorization of expenditure of funds. It would be calling on the government to do so. If that was how the committee wished to proceed, I think it would be in order.

Anything else?

The Chair: Mr. Morrison.

Mr. Morrison: Yeah. If the recommendation is that we do not change the legislation to compel all nonprofits to fall under PIPA, if you want to leave it the way it is, then I think this is just a training issue. I don't understand why there would be any need to make any changes to the legislation, unless I'm missing something.

Ms Fitzpatrick: Okay. I'm actually going to speak from several different hats that I wore in a previous life. I was a facilitator. I was the project manager with my previous department, and there were many times when we were tasked with providing education to user groups. We had no more budget to do it. I'm not saying that you will or will not need a budget, but to me this recommendation says: we just want to make sure that the education is there and it's available. We certainly made use of webinars and things like that. We utilized information we already had, resources we already had, and focused it in terms of a webinar so that people could access it at their own need.

So if you have new people in nonprofits, it doesn't mean that they have to come to you and say: I need a training session. They can go right online – it's already attached – and they go in, and they utilize it. It's kind of a one-time event that you can update if things change. But I see the recommendation as saying that we really think something needs to be there and, I guess, mandating that we want that to happen. Like I said, personally I don't think that it's going

to put a strain on your resources to do that based on my own experience in my previous roles.

It's going to lead me into what I'm going to say after we finish with this. Yeah. Okay.

Thank you.

9:40

Ms Clayton: May I respond to that?

The Chair: Yeah. Go ahead.

Ms Clayton: I completely understand what you're saying. As I said, we have made an effort to reach out to nonprofits, whether they're under the legislation or not, to encourage them to adopt best practices. There is the workbook that we worked on with Service Alberta. We've got other resources on the website. We have webinars. We have all sorts of resources on the website that we direct nonprofit groups to. We go out and speak to nonprofit groups frequently.

I think that my impression from this recommendation was that you wanted that to be increased, and if that's going to be increased with more resources and more time and effort devoted to that, it has to come from somewhere. If you're asking us just to continue to do what we're doing, we do all of those things now. If you're asking us to increase it, then I have to balance the resources in the office.

Ms Fitzpatrick: Okay. I guess my question to you is: do you have a webinar that provides best practices so anybody can just call in? It isn't a matter of you going to people and saying: you're a nonprofit, and I think you need to know this. But it's available, and when we're finished with our review, anybody in the public can go in and look at that.

Ms Clayton: There's no webinar directly for nonprofits, but there are resources that are for nonprofits that are PDFs, and there are links to the resources on Service Alberta's website. There are a number of resources on basic compliance with PIPA. If a nonprofit called us and was interested in – in fact, there's, you know, a one-page document. There's the workbook, which is a little bit more in-depth, and all sorts of resources in between. So there are PDFs that we would direct them to. Some of those are directly targeting nonprofits, and a lot of them are targeting small and medium-sized businesses. But the rules are the same if it's a nonprofit. There are resources but not specifically a webinar for nonprofits.

The Chair: Mr. Dach.

Mr. Dach: Yes. Given the conversations that we've been having here, I think one of the concerns that has been expressed is that the proposal, the motion, somehow might incur costs that would bite into the budget of the Privacy Commissioner. So I'd be open, if members of the committee are willing to consider it, to an amendment to the motion, something around ensuring that sufficient resources are dedicated to the proposed change. Other members might want to add something to the end of that saying: ensuring sufficient resources to accomplish that. I'd be open to that.

The Chair: Mr. Nixon, were you still wanting to be on the list?

Mr. Nixon: No.

The Chair: Okay.

Mr. Hunter: I'd like to actually have counsel again give us your impression on the issue of: if it's worded the way it is right now, the way that I see it is that it could be interpreted as being mandated

because it says just "to address the needs of nonprofit organizations." Well, that could be saying that all nonprofit organizations – small, medium, large – would have to be mandated to have that education component. The way it's presently written: could that be the interpretation?

Mr. Koenig: I suppose it could be. I mean, the motion is general in nature, so it could be interpreted in, you know, a number of different ways. Circling back to sort of the issue that seems to be on the floor right now, it's not within the committee's power to dedicate resources or require the expenditure of funds, so even if it makes this recommendation, that won't necessarily be the result because it's not within the authorization of the committee to do.

What this specifically is looking at is amending the act. It would be putting statutory or legal requirements on, you know, either the public or – in this case, I would suggest, the interpretation would be that the requirement would be put on the commissioner and her office to provide education. Right now the act does appear to require the commissioner to provide generalized information to the public.

However, how the government would choose to take this recommendation and put it into the legislation is difficult for me to say because it's general in nature, but probably what it would look like is something like a specific authorization or requirement for the commissioner and her office to provide that education component, to make that more explicit. The budgetary or the resource implications of that change: that's another question that then may require that discussion to happen down the road.

I'm not sure if that fully answers the question of the member.

The Chair: Do you have any follow-up, Mr. Hunter?

Mr. Hunter: No. Actually, that was great. I appreciate that.

The Chair: Excellent.

Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chairman. I understand this is a well-intended motion for us to consider here, but it seems to me that maybe we're getting a little bit ahead of ourselves on the issue of nonprofits here. As I understand it, we have really two issues to consider with respect to nonprofits. Do we let them remain the same, where it's primarily commercial activity that we address? We've had some discussions around whether we need to further clarify commercial activity and what that actually means to a nonprofit. That seemed to be where we had the disconnect or at least a grey area that was of some concern to the nonprofits.

The second consideration is: do we move them completely into PIPA with full consideration of all of the aspects of PIPA? Then, of course, the onus on further education beyond clarifying commercial activity would come into play. So with respect to this motion, although, again, I admire the intent of it here, it seems to me that we're actually getting ahead of ourselves on the key issues we need to address around nonprofits.

Mr. Dach: I've been very interested in the discussion we've had so far. There have been a lot of clarifications that have been given by the Information and Privacy Commissioner and Service Alberta members. It's been quite informative. I'm just wondering, if we've had sufficient discussion and clarity brought to bear on the issue, if members of the committee would be interested in simply having the motion withdrawn. I'd be open to that. Given the headshaking and nodding in the positive vein that I see, that would be my proposal. I move to withdraw.

The Chair: All right. We'll need unanimous consent of the committee. Mr. Dach wishes to withdraw the motion. All those in favour, say aye. All those opposed, say no. Those on the phone? That motion is withdrawn.

Ms Fitzpatrick.

Ms Fitzpatrick: Okay. Certainly, given the discussion that we've had, as a member of this committee I recognize that nonprofits – I think that PIPA is important for nonprofits, and I don't want to increase that burden on them because they do amazing work in and out of our communities, and I don't think we could do without them.

I think that there is one little tweak we could do that would really help. I think, certainly, in reviewing the information that we had in the committee, I would like to see plain language in terms of the definition of commercial activity. When I went through this, I went back and forth to the different acts, and it's like: okay; I read this part, and I read this part, and it isn't clear how the two jibe. So I would really like to see plain language in terms of that definition. We certainly heard from organizations and focus groups in terms of the definitions for key terms, so for nonprofits I think if we could clarify that, it would make a huge difference.

9:50

I don't know if I actually need to make a motion, but maybe I do. Let's see. How should I put this? That the act be amended in I think it's section 56 to clarify the circumstances in which a nonprofit organization engages in commercial activity. I can put that forward as a motion so that we can get that clarified.

The Chair: All right. Sorry. That PIPA be amended . . .

Ms Fitzpatrick: Be amended in section 56 to clarify the circumstances in which a nonprofit organization engages in commercial activity. That looks pretty good to me.

The Chair: Mr. Roth, can you read that off for the members on the phone?

Mr. Roth: Certainly, Mr. Chair. Moved by Ms Fitzpatrick that the Standing Committee on Alberta's Economic Future recommend that the Personal Information Protection Act be amended in section 56 to clarify the circumstances in which a nonprofit organization engages in commercial activity.

Ms Fitzpatrick: I think I need to put an "a" in front of "commercial activity." Yeah. Thank you.

The Chair: Excellent.

I'll open that up for discussion. Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chairman, and thank you to the member for what I think is a very positive amendment. I guess, maybe going back to some of the key issues we need to address here, really it seems to me that both what we heard from the nonprofit sector and what we're hearing from the Privacy Commissioner's office are two things. Number one, there is some lack of clarity around the commercial activity, so I think that this addresses that if that ultimately becomes the issue that we need to address for nonprofits. I consider myself a great friend of the nonprofit sector, and I'm always very cognizant of the costs and the administration and the burden we can put on them. They're struggling with resources. I mean, just to apply for grants and things like that is something which they have a real challenge to address.

However, we also have a responsibility to their clients and to the public with respect to what we were told on many occasions here: the possession of very sensitive information on the client base. I

think we have to take that into account in this decision even though that may put an additional burden on the nonprofit sector. We heard from organizations like the FCC that that was going to become a significant burden, but the FCC, for example, has an opportunity, I think, to become an umbrella organization to provide some resources to their members. What we did hear from the CCVO was that they were not versed to comply with the full aspects of PIPA but that they needed a transition period to achieve that.

I guess my concern, again, is that I would suggest that we need to address the elephant in the room here, which is: do nonprofits need to adhere to the full extent of this legislation first? If that occurs, then we don't need to address the clarification of what commercial activity is. They will be subject to it across the board.

Again, respectfully, I think we need to decide at this committee and discuss at this committee whether we need to move towards that protection of the information and data, which is very sensitive information held by nonprofit organizations, to the benefit of Albertans and the protection of Albertans first. If that is the case, this commercial activity clarification becomes a moot point. If we address that first and we decide that that's not the way we want to go, that the commercial activity clarification is required for us to ensure that they can comply where they need to comply, then I think we're in a better circumstance to do that.

Again, well-intended. I think this is maybe where we will need to go, but I think we need to address that first step, which is: are we going to recommend from this committee that nonprofits are going to need to be compliant across the board? So I'd maybe seek some input possibly from the Privacy Commissioner on some of the recommendations made and what we heard from some of our witnesses as well on whether this is the direction we need to take for better protection of data and information of the citizens of Alberta.

The Chair: Ms Clayton, do you wish to respond?

Ms Clayton: Well, I think that I would like to respond, but really I would be reiterating what is in the submission that we made to this committee and, certainly, presentations that I made to this committee. I think confusion around what is commercial activity is a huge problem with the legislation. Often, I mean, it says something like, "commercial activity is activity that is commercial in nature," something like that. Certainly, there are orders out of the office that have helped to clarify what that might mean. That's definitely one of the problems.

But I think there are a couple of other problems. Again, I am reiterating what I said before. Inconsistency is one of those issues. Nonprofits that meet a specific definition are excluded from the act with respect to noncommercial activities. There are lots of nonprofits that act on a nonprofit basis that don't meet that definition, so they are fully under the legislation. So it's that inconsistency which is also an issue.

And then certainly from a – you know, I'm an advocate for privacy rights. In my view, amending the definition and having a portion of certain types of organizations carved out means that certain individuals – donors, employees, volunteers – don't have rights under the legislation. Clients of nonprofit groups, sometimes very vulnerable populations, don't have a right to access their own information, don't have a right to seek correction, don't have a right to make a complaint to my office. There's no requirement to have that information safeguarded. If there's a massive breach, there's no requirement to report it to my office. In my view, there's a significant gap by carving out a portion of nonprofits from the act, but that is in front of you, and that's just me reiterating my concerns.

The Chair: Mr. Dach.

Mr. Dach: Yes. Notwithstanding the Privacy Commissioner's most recent comments, I think we do need to strike a balance, as always, between rights and obligations. I think we made it clear – at least I made it clear in my discussions on my earlier motion, that was withdrawn, that I don't think that PIPA should apply across the board to nonprofits, and therefore that's why I was talking about the education piece and why it was important that they understand and be given tools to understand initially, upon being named as a new member to a nonprofit organization, what and where the borderlines were with respect to application of PIPA.

I think we've noted duly that the application of PIPA across the board would be a pretty significant burden to many nonprofit organizations, and we understand that it may create a gap in certain organizations that one would probably like to avoid, but I guess it's a trade-off that we're making here. In order for these nonprofits to function, the burden of PIPA would be too onerous, and that's why we are going this way, to add the education piece and the exemption, so that we strike that balance in the best way possible.

The Chair: Anyone on the phone wish to speak to the motion on the table? Any other committee members wish to speak to this?

Mr. Hunter: I agree with the intent of this motion. I'm just wondering about the wording. In the recommendation the wording basically just says, "The Act should be amended to clarify the definition of 'commercial activity.'" So I wonder whether or not we should just stick with that recommendation in the verbiage. I'm not sure why we have to put in the other parts. Again, I don't have the act in front of me, so I can't look up section 56 to make sure that that is the right part and if there are other parts that need to be addressed, but if we kept it so that it says, "The act should be amended to clarify the definition of commercial activity," then that would facilitate your intent, I think.

10:00

Ms Fitzpatrick: Okay. I think that maybe if we ask Parliamentary Counsel: is that exactly where the definition is in place? It is?

Mr. Koenig: Yes. Section 56 has a few different parts to it. It includes the definition of commercial activity, it also includes the definition of a nonprofit organization, and it also includes the requirement or the obligation on nonprofit organizations that the act should apply to them in situations where they're engaging in commercial activities. It would be entirely possible to focus specifically on the definition of commercial activity, or it could be larger in scope to capture some of the other elements of section 56. That would be up to the committee's discretion.

Ms Fitzpatrick: My intent was that it come specifically in the definition of commercial activity.

Mr. Koenig: Right. I mean, if it's useful – I've got section 56, the definition – I'm happy to just read it out for the members who don't have it in front of them.

Ms Fitzpatrick: Okay. I can't hear.

Mr. Koenig: Sorry. I'll get a little closer to the microphone here. I have section 56 of the act in front of me, so if it's helpful for members who don't have it handy, I'm happy to just read it out so you can be aware of what that definition is. Then, you know, the discussion can go from there.

In this section,

- (a) "commercial activity" means

- (i) any transaction, act, or conduct, or
- (ii) any regular course of conduct, that is of a commercial character and, without restricting the generality of the foregoing, includes the following:
- (iii) the selling, bartering or leasing of membership lists or of donor or other fund-raising lists;
- (iv) the operation of a private school or an early childhood services program as defined in the School Act;
- (v) the operation of a private college as defined in the Post-secondary Learning Act.

And that's just the small piece of section 56 that deals with the definition of commercial activity.

Mr. Hunter: Thank you for that clarification on that.

I think that, again, what you've stated is that you are interested in the definition being able to be clarified, which I think is, again, the intent, and that was the submission by both the FCC and the CCVO. I think that in the way the motion reads, "clarify the circumstances," I don't know if it really embodies the concept of definition. I'm wondering whether or not that word is going beyond what you're trying to accomplish by saying "definition," because it states specifically in there that "the Act should be amended to clarify the definition of 'commercial activity.'" So as a friendly amendment, could we just state that?

Ms Fitzpatrick: I'm good with that, yeah.

Mr. Hunter: Mr. Chair, I'd like to make an amendment to the motion that the Standing Committee on Alberta's Economic Future recommend that PIPA be amended to clarify the definition of commercial activity, and we could say: in section 56.

The Chair: Mr. Hunter, does that match the intent of your amendment?

Mr. Hunter: I believe it does match.

The Chair: Okay. Mr. Roth will read it for those on the phone.

Mr. Roth: Moved by Mr. Hunter that the motion be amended by striking out the words "the circumstances in which a nonprofit organization engages in a commercial activity" and substituting "the definition of commercial activity."

The Chair: With that, I'll open up the floor for discussion.

Seeing none, I'll call the question. All those in favour of the amendment, please say aye. All opposed? On the phone? The amendment is carried.

We are back on the main motion as amended.

Ms Fitzpatrick: I just want to thank MLA Hunter for his amendment to the motion. Thank you.

The Chair: Any discussion on the motion as amended?

Ms Fitzpatrick: It still should be "a commercial activity."

The Chair: All right. With that, I'll have Mr. Roth read out the motion as amended.

Mr. Roth: Moved by Ms Fitzpatrick that the Standing Committee on Alberta's Economic Future recommend that the Personal Information Protection Act be amended in section 56 to clarify the definition of a commercial activity.

The Chair: All right. If there are no other speakers to the motion, I will call the question. All those in favour, please say aye. All those opposed, please say no. Those on the phones? That motion is carried.

Are there any other members who would like to speak about nonprofits?

Mr. Gotfried: Mr. Chair, I'd like us to address if we can – maybe we don't even have to get to a motion on it. Again, I think, going back to the key issue of compliance, that if we decide we want to keep it as is, where it's only subject to commercial activity, I'm fine with that. However, you know, we've had recommendations from the commissioner with respect to, again, the protection of sensitive information of Albertans, and I think that's primarily what we're here for, to ensure that that is actually addressed to our satisfaction in this committee and through our recommendations on the legislation.

We've heard from CCVO. Actually, they've given us recommendations that there be a transition period, possibly as long as 18 months, with a robust and comprehensive education component to it. We've even heard from ECVO that they would be amenable to compliance to some degree, I think, because we have now addressed the confusion around the definitions that we could fix. I guess it's just a conversation that I think we should have here, maybe without a motion. I mean, I'd be prepared to put a motion on the table, if we want, for discussion purposes, but I'm not sure that we need to get there.

The Chair: Yeah. Sorry to cut you off, Mr. Gotfried. You can have discussions without having a motion on the table.

10:10

Mr. Gotfried: Yeah. That's what I'm thinking here.

I'd just like, you know, to ensure that we address that issue because that's really, I think, the big issue on the table as recommended by the office of the Information and Privacy Commissioner. We actually had submissions from people saying that they were okay with it given a transition period. Again, I'll just use 18 months as an example. I've drafted up something quickly here, and again I don't think that it needs to be a motion. Maybe it can be for discussion: that nonprofit organizations be fully included in PIPA legislation with a transition to full compliance, including robust and comprehensive education, within 18 months of the passing of the amended legislation.

I put that out there just, really, for discussion. I'm very interested in other members' perspectives on it.

Again, I consider myself, having been very involved with the nonprofit sector and a champion of that sector, to be very cognizant of some of the burden we may put on them, but we've heard from some of those organizations that, in fact, that might be easier. I believe that many of them are also very concerned about the protection of their clients' information, not only for themselves as organizations but so that their staff have very clear guidelines and, as mentioned by the commissioner, so that in the instance of a breach, we actually have mechanisms to deal with that.

I'm a little uncomfortable about where we're at. I just want to make sure that when we move forward on this, we have consensus on that.

The Chair: Mr. Hunter.

Mr. Hunter: Mr. Chair, thank you. I am in complete agreement with the original statement by Mr. Dach in that we do have to find a balance between allowing these, especially, small and mid-sized

organizations to be able to do what they're trying to do, which is to help people. This is one of the great problems that these small and mid-sized organizations have, which is to facilitate regulations imposed upon them by government organizations like ourselves. We have to be very aware of that. Now, I do understand that there might be outliers, situations where information is not properly used or stored. I appreciate that, and I think that that is something that the commissioner has to continue to pass on to these organizations, which I think you already do. I'm not in favour of adding a burden onto these organizations which takes precious resources away from them doing what they've volunteered in many cases to do.

The other point is that I have also been involved with small and mid-sized organizations as a volunteer, and I know that it's always a concern: what kind of liability am I placing myself in? What kind of regulations am I going to have to be adhering to? Do I have the time? Do I even want to put the time into learning what these regulations are going to require of me? I have a desire to be able to go out and help people, but when I have that in the back of my mind, I think: well, I'm not sure whether or not I want to step forward.

We have to be very careful as a government and as legislators that we find that proper balance. I am very concerned that if we were to make them compliant with PIPA, they would not be able to do and people would not step up to do the things that they need to do. I am actually leaning very much in favour of Mr. Dach's original statement on this and would be in favour of that.

The Chair: Mr. Nixon.

Mr. Nixon: Yeah. I think Mr. Hunter did a good job of articulating what I was thinking. I support Mr. Dach's original statement on this issue. We have to remember that we have nonprofits all across this province that are essential to the social fabric of our communities. I can think of so many, you know, in the 22 communities I represent. We've got to find that balance – I get it – but I just think we shouldn't be going down that road at all.

Mr. Dach: It is indeed a red-letter day, with Mr. Hunter and Mr. Nixon both agreeing with myself . . .

Mr. Nixon: Don't get used to it.

Mr. Dach: . . . but I think that, for good reasons, we're on the same plane here with respect to wanting to ensure that volunteers still are willing to come forward and do their good work for nonprofit, volunteer organizations.

I did want to seek some clarification, though, perhaps from the Information and Privacy Commissioner or Service Alberta or even counsel, for those that think that there are no consequences for a nonprofit or a volunteer organization in the case of a breach. In the case of a breach by a nonprofit, where PIPA does not apply, my understanding is that there still are consequences for that breach and that there are penalties to be paid if indeed it's proven to be the case. Could you expand on that?

Ms Clayton: Well, right now under PIPA section 34 requires that an organization have safeguards in place to protect personal information. If there is some sort of breach that meets the criteria under the mandatory breach reporting and notification requirements, so if there's a loss of information, unauthorized disclosure of information, or unauthorized access to information, then an organization subject to the act is required to report that incident to me, and then I can require them to notify individuals who have been affected. If they're not subject to that legislation, there's no requirement to notify me, there's no requirement to safeguard the

information, and there's no ability for me to require them to notify individuals.

The types of breaches, of course, that we see are massive database hacks. Usually it's hackers that are interested in credit card information. That's the sort of thing that nonprofits would have if they're actively fundraising, which would not be a commercial transaction, so that wouldn't be covered by the legislation. We've seen a few instances with contact information, donor information, of rogue employees using that information for unauthorized purposes. That's the kind of thing that would be reportable if an organization was subject to the legislation but wouldn't necessarily be commercial.

Those are my main concerns with respect to breaches, that there is no requirement to safeguard, there would be no requirement to report it to me, and I don't have the ability to say: you have to tell people affected by this breach about the breach and how they can help themselves.

Mr. Dach: Understood. Thanks very much for those comments.

It appears that most of the comments you just raised appear to be around commercial activities. Notwithstanding that, I still believe that full compliance for nonprofits, even if the transition period was in place, as suggested by Mr. Gotfried, would still be an onerous burden that I don't think we should be foisting upon nonprofits even given the gaps that we might leave behind.

The Chair: Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chairman. I'm glad that we've had an opportunity for this discussion. Again, I'm very much in alignment with the concerns about overburdening nonprofit organizations. In that regard maybe I have a question for the commissioner. It does concern me that there could be breaches of credit card information. I think Albertans would be concerned that there could be breaches of credit card information which is not for a commercial activity, if I'm led to believe correctly, volunteer information, et cetera, and you have no jurisdiction whatsoever over that. Is there another mechanism, other than full compliance, that would allow you to have some jurisdiction over that so that we could meet the needs of Albertans with respect to sensitive information and the control or storage, destruction, retention, disclosure, and access to that information which would not be moving to full compliance?

Ms Clayton: I'm looking at my colleagues and seeing some heads shaking. It's hard for me to – I'd have to take that away and think about that. I haven't turned my mind to that.

Mr. Gotfried: I'm concerned that we've got choice A and choice B, but we don't have choice C in the middle here, which could be a compromising middle ground that could allow Albertans to feel more secure with sensitive data, where we do not put the full burden on the nonprofit sector. Again, I'm very much aligned with the comments that have been made. You know, I've worked with the nonprofit sector, both large and small organizations, and what I want them to be able to do is put those services to the front line, to the people that they serve, without undue impediments.

10:20

Obviously, they have certain reporting rules and things they need to do in any case, but I'm still also concerned about the data. I really am, because I think that, you know, if we had one large nonprofit who is very successful and has a large list of donors and credit card numbers and sensitive information, possibly of clients who are in challenged circumstances, and somebody were to have access to

that and you would have no recourse or say, nor would we even have to know about it other than the fact that that data would be floating around out there, and they would have no requirements even to notify those people whose information was breached, that concerns me. I guess I'm seeking whether there is a half measure to achieve some of the results without overburdening the sector.

Ms Clayton: There may be. I haven't turned my mind to that. We could certainly consider that. I think that what you have said is certainly my concern. For any of you who may have, you know, gone online to make a donation to a nonprofit group, given your credit card over the Internet, that is the typical breach that we see. The information sits in a database. That's a honeypot for hackers. We've seen ransomware attacks, malware attacks, PayPal. It's online retail activity. People are providing their credit cards and their financial information online, and it's a target. It just is a target, and at the moment there isn't that requirement to safeguard the information or notify me or notify individuals.

We could certainly take that away and look at whether or not, in our view – and I think other support to the committee might have some ideas about how that might work.

Mr. Gotfried: Just a follow-up, Mr. Chair.

The Chair: Go ahead.

Mr. Gotfried: Thank you. Ms Clayton, again, I consider myself a champion of the nonprofit sector. I am concerned about that side of it, but I think, you know, that it's the responsibility of this committee to address both sides of this issue and to provide that balance that Mr. Dach actually mentioned. I believe in that balance as well, but I'm not certain that we've achieved that balance. I would like to see if there are other options available. Maybe we can push that back to your department to have a look at.

Ms Clayton: We can certainly look at that.

Mr. Gotfried: I hate to use the term "half measure," but maybe that's just the best description, if instead of A or B here we actually have a C option that is somewhere up the middle. I know that time is going to be of the essence in making such recommendations, so maybe it's something we can move towards in a timely manner and see if that's possible without overburdening your system and our legal advisers here as well. Maybe if we could get some comment from legal counsel as well, that might be helpful here.

Mr. Koenig: Yeah. I'm happy to provide some general comments. I think the first comment would be more procedural in nature. Just to raise the committee's attention to this issue, a decision has already been made on refining the definition of commercial activity. The purpose of having commercial activity in the act is to determine when a nonprofit organization is subject to the obligations in the act and when they're not subject to those obligations. The committee has provided some direction on this point now. For example, a motion that looked at making all nonprofits subject to the act would be somewhat in conflict with the motion that has already been passed. The committee should consider that as part of the deliberations.

In terms of the concept of having, like, a gradation of sort of different circumstances or different types of organizations when those obligations in the act would apply, you know, a motion could be crafted to make that work. In terms of returning to section 56, you could potentially look at the definition of a nonprofit organization. There could be recommendations there in terms of refining that to change the relationship between what is a nonprofit

organization and what is a commercial activity and how those two interact. Something could be crafted there. That's entirely possible, and what that would look like would be at the committee's discretion.

The Chair: Ms Swanek, did you have a follow-up?

Ms Swanek: Yeah. I was just going to provide a little bit more information about how the act works in terms of being able to possibly split up what nonprofits might be required to do or might not be required to do. Right now, you know, it has already been said that if you're carrying on a commercial activity, you are entirely covered by PIPA. If you're not carrying on a commercial activity and meet the definition of nonprofit, you're not covered by anything. So there's nothing that the commissioner can do.

Now, the first part of the act talks about the collection, use, and disclosure of personal information, so when you need consent, when you don't need consent.

Another part of the act talks about security of information. So that's having to take reasonable measures to secure the information, that's destruction of information and how long you can keep it for, and that's the security breach notification procedures as well.

And then a third portion of the act in terms of obligations on organizations is the access to your own personal information.

So you can look at it in terms of those three somewhat distinct parts of the act. If you're thinking that the consent provisions are the difficult provisions to follow but that the security should apply across the board, you can look at that kind of distinction. I am going to say, too, though, that the act does work in concert. If you look at the nonprofit workbook that Service Alberta has, I believe one of the things that it does say is that the easiest way to secure information is to not collect it in the first place if you don't need it. You know, you can look at these parts of the act in separation from each other, but they do all work together.

Mr. Hunter: Addressing the issue, Mr. Gotfried, we're concerned about credit cards and the proper use of them. I think, though, that credit card companies, if I'm not mistaken, also have their rules and regulations as well in terms of how they're used and how they're stored. So I don't think PIPA is the only regulation that regulates these transactions and how these things happen. If I'm mistaken, please correct me.

I'm just wondering whether or not this issue can be mitigated through other means rather than, again, going to this issue of putting undue work onto these organizations, these small and mid-size organizations especially. The credit card companies, when a credit card is taken, indicate what happens, how you can store the information, and when it has to be destroyed, from what I understand. I don't know whether or not this issue is as big of an issue as I'm hearing, with respect, Mr. Chair.

Ms Sadownik: To follow up on some of the comments from the OIPC and just for clarity in terms of how the act works now, if a nonprofit is engaging in some commercial activity, PIPA would apply but only to that portion of their activity that is commercial in nature. You have nonprofits right now that may do some commercial activity, so they'd have to follow the rules of PIPA for that activity, but then the rest of their organizational information – their membership information, their fundraising information, their distribution lists, et cetera – would not be subject to PIPA. So you already have currently organizations that have to both follow PIPA and not follow PIPA. You know, if we're talking about burdens, I think that's an important thing to remember, that we're already burdening nonprofits for part of their activities but then saying that

they don't have to follow PIPA for others. So that's a consideration, at this point in this discussion, to remember.

10:30

The Chair: Any other people who wish to speak to the matter?

Mr. Gotfried: I'm just making a comment. I mean, I'm musing here on whether financial transactions could be considered commercial activity. I mean, I know that we're dealing with nonprofits, and part of their major activity is fundraising, and part of our concern on sensitivity is credit card data, and I just wonder if perhaps – this may be too broad and become too inclusive in itself but might allow us to protect certain information at least, to say that financial transactions, including donor transactions, are part of commercial activity, so maybe just leave that as part of the other recommendation, which is: if we're going to clarify commercial activity, could it include donor financial transactions to protect that data specifically without making that requirement blanket across all of the activities?

I still also have concerns about particularly those that are providing, you know, social services about that client data, but I don't think we're going to solve that issue here today, and that might be for another iteration of PIPA. But perhaps the simplistic inclusion of something like donor financial transactions would at least protect that data, which is typically the target of hackers.

The Chair: Mr. Hunter.

Mr. Hunter: Thank you, Mr. Chair. Commissioner, can you quantify for us the extent of this issue in terms of, you know, how much you think this is actually affecting the privacy of this information specific to credit cards?

Ms Clayton: To credit cards? I can't quantify it for nonprofits because they don't report to me, but what I can say is that we've had a huge increase in the reports we've received from other private-sector organizations where credit card information is clearly the target. We publish those decisions on our website. That's where we found there to be a real risk of significant harm. We're seeing a significant increase in malware, ransomware. I'm just going to say: we've heard about the Home Depot hacks, the Yahoo hacks, the Twitter hacks. Every day you pick up the paper there's a new hack, and it's often credit card information that is the target. It's these large databases of credit information, often from online purchases, but it's not much different if it's an online ability to make a donation except that that is typically not found to be a commercial transaction, so that would be outside of the legislation.

If I could just comment. You had mentioned earlier, you know, that there are credit card companies that will often reimburse an individual or there's some sort of reduced liability, but that depends on an individual actually knowing that their card has been used fraudulently, and they might not always know. The point of notifying individuals when a breach has happened is that individuals can take steps to protect themselves like giving a flag to the credit card company, notifying them, and then they check their credit card statements so that they can bring it to the attention of the credit card company and make sure that they're not liable for transactions.

The Chair: Go ahead.

Mr. Hunter: Thank you, Mr. Chair. I guess the assumption is that there has to be a law in order for a nonprofit organization to do the right thing, which is, if they're breached, to try to rectify the situation. Is this the assumption?

Ms Clayton: No, I wouldn't say that. We've had lots of good experiences – lots of good experiences – with nonprofits that have come to us, and they want to do the right thing. The challenge is that if we don't hear about it – and certainly there's been a lot in the news lately about breaches that I wasn't aware of, that weren't reported in the public sector, the private sector, or health sector – I have no ability to get involved there and say, "You have to notify individuals. Let us help you draft the notification letter. Let us deal with complaints that might arise as a result of that" because we don't know about them. When we have had a handful of breaches reported to us by the nonprofits, they're open to us giving them advice, and we will, absolutely, a hundred per cent, but I have no ability to do anything more.

Mr. Hunter: A follow-up, Mr. Chair. Again, what we're asking is to be able to strike that balance, about how to be able to create best practices amongst nonprofit organizations and being able to make sure that people's information is protected. Could that not be facilitated by, you know, an education component, again, from your organization, where you're saying that you're seeing a spike in these things? "Just to be able to protect yourself, these are the best practices that we recommend. We know that you don't have to be compliant, but for your safety and for the safety of the people who you serve, we would say that this is something that you need to put on your radar."

Ms Clayton: That's exactly what we do now. We will talk to nonprofits and tell them that. From my point of view, though, there's no requirement, so I have no idea what's going on out there unless somebody voluntarily tells me about it. We can't monitor trends. I can't tell you how many employees, volunteers, donors of nonprofits, clients of nonprofits have been affected by breaches. I don't know if the nonprofits are encrypting laptops with client information on them, with donor information. I can't tell you that.

The Chair: With that, I'll use this as an opportunity to take a five-minute break. We will resume at 10:40.

[The committee adjourned from 10:36 a.m. to 10:45 a.m.]

The Chair: All right. I'd like to call the meeting back to order.

We are currently still on the topic of not-for-profits. Is there anyone else who would like to speak?

With that, seeing that there isn't anyone who'd like to speak to not-for-profits at this time, were there any other topics that any other members would wish to speak to? Are there any members on the phone who wish to speak to any issues at hand? Mr. Connolly.

Connolly: Sure. I just have one brief one – I don't have a motion – just to talk a little bit about some of the concerns of the Historical Society of Alberta regarding managing personal records. It's number 11 in the issues document. Can I just go ahead?

The Chair: Yeah. You can go ahead.

Connolly: Perfect. One of the main concerns of the Historical Society of Alberta was the destruction and managing of personal records. They just had some recommendations as to how corporations, not-for-profits, anything, even our offices, can decide whether or not personal documents are of historical value or not and whether or not they should be kept for historical and genealogical reasons. In supplemental information to the committee the Historical Society of Alberta suggests a series of questions to determine whether or not a document should be kept and offered to an archive. I'll just read them out for the record.

1. Will the document have value to the wider society for historical research?
2. Do all of the documents need to be kept or could one document be kept as a sample?
3. Did the event or activity connected to the document affect many people and/or did it have a dramatic effect on one individual/family?
4. Is the material unique or can the information be found in another source? Is this the original or a copy?
5. Does the document or documents show changes or patterns that can help explain how things developed?
6. Will the document be useful to a range of people in the future?

That's kind of what I just want to put out there: if anyone wants to have a discussion about what they think would be the best course of action, if we should have a motion, or if we should just leave it as is. I don't know what the will of the other committee members may be. If we could hear from them.

Ms Kreutzer Work: Could I provide some background information for the committee on this? There is a section in the act that requires an organization to destroy or render information anonymized when it's no longer required for legal or business purposes. However, the act contemplates that it is a proper business purpose to transfer your records that have archival value to an archival institution. In fact, a large section of the regulation deals with the collection, use, and disclosure of information from organizations to archival institutions. The act refers to those provisions in the regulation. It's not an issue that has been before our office that I'm aware of. It is contemplated in the act for organizations to preserve records and transfer them over to an archival institution when they have that value.

The Chair: Any other speakers?

Mr. Gotfried: Just in clarification on that, I'm assuming, again, that the nonprofits are not subject to that for anything other than commercial transactions.

Ms Kreutzer Work: Their ability to transfer to an archival institution wouldn't be covered by the act if they're not subject to the act. Those provisions are there to enable organizations that are covered by the act to move the information over. A nonprofit that isn't subject to it would be on its own to do what it wanted to do.

Mr. Gotfried: Okay. Thank you.

The Chair: Mr. Connolly.

Connolly: Thank you. Just to follow up, I know this has happened with the federal government when they destroyed documents regarding residential schools. That was a big problem in the historical community, not so much in government. In the act are there reasons or does it have a guideline as to what may be a historical document or what may be important for an organization to send to an archive?

Ms Kreutzer Work: The act doesn't require an organization to send the records to an archive. It is up to the organization. What the act does: it permits; it gives the organization authority to do that.

Connolly: Right. But it doesn't really give them guidelines as to what may be important in the future or something like that?

Ms Kreutzer Work: I'm just flipping through my regulation. There are definitions of what an archival record is, and it's just a

record of historical or archival importance. That's the general definition. It's going to depend on the content and the context.

Connolly: Okay. Thank you.

The Chair: Any other speakers wishing to speak on the subject at hand? Anyone on the phone wishing to speak?

Are there any other topics that anyone would like to address?

Mr. Panda: Mr. Chair, are we under other business now?

The Chair: No. We're still under deliberations. I'll let us know when we move on to other business.

Mr. Panda: Okay. Thank you.

The Chair: Okay. If there are no other issues for people to field, I just want to test the floor right now and make sure that people have felt that we have addressed all of the concerns within PIPA and that the deliberations are meeting their completion. Is there a general consensus around the floor on this feeling?

If the committee has completed all the motions that are identified, I believe our work is completed within the scope of deliberations with respect to all the issues that have been identified, and we have passed the motions that were required for inclusion in our report to the Assembly. During this process we have also provided the background information necessary for research services to draft a report on the committee's behalf for consideration at the committee's next meeting.

Dr. Massolin, can you speak to the process that will follow?

Dr. Massolin: Yes, I certainly can. Thank you, Mr. Chair. I think the committee has arrived at the point at which direction will be given to research services to draft a report on the committee's behalf, and I believe we have one motion that was passed in this respect. That will be included as a recommendation to the House in the committee's draft report. We will also include some information with respect to the rationale for that decision, a little contextual information leading to that, and then additional information about the committee's activities, including the meetings it's had and with whom. The submissions and so forth will also be added to the draft report.

The next question, well, I guess the next issue for the committee is to just formalize that and give us direction to prepare that report. The approval process comes next after that in terms of whether or not the committee would like to hold another meeting to approve this report or whether that's done by other means.

There you have it. Thank you.

The Chair: All right. With that being said, I will need a member to move a motion for research services to move forward with the draft report.

Mr. Schneider: I'm happy to.

The Chair: Excellent. I have a draft one if you're all right with me reading it.

Mr. Schneider: Sure.

The Chair: Moved by Mr. Schneider that the Standing Committee on Alberta's Economic Future direct research services to draft a report respecting the committee's review of the Personal Information Protection Act which incorporates the recommendations approved at the October 6, 2016, meeting for the committee's consideration at its following meeting.

Now, to streamline the process for many members, in past practices it has been done where the committee chair can approve the draft report after it's been distributed to all members for their consideration as well. This expedites the process and also allows us to not have to proceed with a new meeting following the report being drafted. I can open this up to the floor if this is something that the committee members would wish to consider.

On the motion at hand, are there any questions, comments? I will get Mr. Roth to read the motion out for the record.

10:55

Mr. Roth: Moved by Mr. Schneider that

the Standing Committee on Alberta's Economic Future direct research services to draft a report respecting the committee's review of the Personal Information Protection Act which incorporates the recommendations approved at the October 6, 2016, meeting.

The Chair: If there are no other speakers, I'll call the question. All those in favour, say aye. All those opposed, say no. On the phone? Excellent. That motion is carried.

As I spoke to just a few moments ago, the committee does have the option, as past precedent, that the committee chair can approve the draft report after it has been distributed to all committee members for their review as well. This allows for us to not have to come in to a following meeting to approve and move this report. However, there would be a motion that would need to be moved and approved for this. Is there any consensus or any feeling on this matter?

Ms Fitzpatrick: I think that's a great idea. The more time I can spend in my constituency before we sit, the better, so I move the motion that we can approve it once it's been distributed.

The Chair: So you're moving the motion? I'll read out the motion that's been drafted by counsel. Moved by Ms Fitzpatrick that the Standing Committee on Alberta's Economic Future authorize the chair to approve the draft report to the Legislative Assembly of the committee in regard to its review of the Personal Information Protection Act.

With that, I'll open it up for discussion.

Mr. Nixon: I was trying to jump in fast. Unfortunately, I was not fast enough, so I'm going to try to move an amendment to that, and that will be that after "chair" we also add "vice-chair," so subject to the approval of the chair and the vice-chair.

The Chair: So you're moving an amendment?

Mr. Nixon: Yes, sir.

The Chair: Okay. Is there any discussion on the amendment? First, I'll have Mr. Roth read it out for those on the phone as well.

Mr. Roth: Moved by Mr. Nixon that

the motion be amended by adding the words "and deputy chair" after the word "chair."

The Chair: Any discussion on the amendment?

Seeing none, I'll call the question on the amendment. All those in favour, please say aye. All those opposed, please say no. On the phones? All right. That amendment is carried.

I'll have Mr. Roth read the motion as amended.

Mr. Roth: Moved that

the Standing Committee on Alberta's Economic Future authorize the chair and deputy chair to approve the draft report to the

Legislative Assembly of the committee in regard to its review of the Personal Information Protection Act.

The Chair: Any other discussion on the motion as amended?

Seeing none, I will call the question. All those in favour, please say aye. All opposed? On the phones? Excellent. That motion is carried.

All right. We will now be moving on to other business. Are there any other issues the committee members wish to discuss?

Mr. Panda: Mr. Chair, can I get the floor?

The Chair: Please proceed, Mr. Panda.

Mr. Panda: Thank you. I would like to thank all the members of the committee and all the staff and all the volunteer organizations that have contributed to the work of this important recommendation to the Legislature on PIPA. I respect the importance of protection of personal information.

But when I joined this committee, Mr. Chair, looking at the name, Economic Future, I thought we'd be spending some time discussing other important issues, like the current economic conditions and job losses and how this committee could contribute to improve economic conditions and make recommendations on that and how to secure and sustain jobs.

I know every worker is saying to us that we have to do it with thorough diligence, which we should be doing because we paid for it, but at some point in time we also have to focus on the current – I mean, particularly, Mr. Chair, the city you and I represent. I've been hearing a lot from my constituents and Calgarians. They're asking: is there anything your committee can do to approach the Speaker or the government to commission some work by the committee to improve economic conditions in Alberta and get people back to work?

I just wanted to bring up the topic and see how other members feel about it. Today Mr. Dach made a comment that when all the parties work together, we can produce desirable outcomes. I just wanted to ask other members: is there anything we could do to get some work to this committee that would help recommend to the government to improve economic conditions and get people back to work?

The Chair: Mr. Dach.

Mr. Dach: Thank you, Mr. Chair, and I appreciate Mr. Panda's concern about our economy. Certainly, all Albertans and this government, our government, are concerned about the welfare of Albertans in tough economic times. However, I think once the PIPA review has been completed, if the opposition puts forward a motion to suggest other topics, that might be more appropriate then. But right now it's beyond the scope of our deliberations. We are now under Standing Order 52.04 deliberating PIPA, and until that work is done, the priority must be PIPA. My concern is that we should finish our work first before engaging in other avenues of discussion.

The Chair: Okay.

Mr. Nixon: I'm not sure if Mr. Dach's been at the same meeting I'm at, but by my recollection we are now finished our work on PIPA and have moved on to other business and have charged our chair and vice-chair with finishing the report to the Legislature. I think the argument that we're still on PIPA doesn't hold water.

I would echo my colleague from Calgary-Foothills' comments: it would certainly be nice to see this committee start to work on the most pressing issue that we are seeing in our province, and that is over a hundred thousand that have lost jobs. You know, each day we're hearing about businesses shutting down. The opposition has

attempted to get the Legislature to reopen and to get back to work in doing Albertans' business. Maybe this is the avenue that we have to be able to stick up for Albertans.

The Chair: Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chair. I also would like to commend all those who have been assisting us with the PIPA review, not the least of which are all the organizations that made submissions to us as well. I hope that we've met their needs and met their expectations on that.

I would like to maybe address the fact that we were perhaps a little remiss on some of our diligence in it in that there were a number of recommendations from the Privacy Commissioner on page 28 of her report that we did not specifically address, and I hope that those will be looked at in future iterations and that, in fact, none of those will be of significant deterrence to us meeting the objectives and to you meeting your objectives.

But I also echo what was said by the hon. Member for Calgary-Foothills and other colleagues here. Coming into the Economic Future Committee, we were thinking that we were going to be talking about economic futures, not the least of which would be the economic present and future, and I would hope that through this committee we can pick some topics that will be very relevant to our title and some of the subject matter that we can address in the best interests of Albertans as well.

Thank you.

11:05

The Chair: Just bear with me for one second. I'm just addressing Parliamentary Counsel.

After some consultation with Parliamentary Counsel, we can talk about business that we would like to queue up down the road; however, we cannot start any mandates until the report has been approved. That just ties in with what the legislation is right now.

Sorry, Mr. Hunter. You had some comments?

Mr. Hunter: Well, based upon the conversation that we just had, am I able to make a motion that at the next earliest date we meet together and talk about what this committee can do and some ideas this committee has in order to be able to help Alberta get back to work?

The Chair: Unfortunately, we cannot do that until after the report has been finished. The report has to be finished before the motion can be made.

Mr. Koenig: I can speak on this, Mr. Chair.

The Chair: Okay. My apologies. So you can move a motion, but it has to specify: for the meeting following the report being completed.

Mr. Hunter: Mr. Chair, what is the actual timeline for that report being done? Does that mean that it has to be presented in the House before that's considered done?

The Chair: It has to be tabled in the House or deposited with the Clerk, whichever is first.

Mr. Hunter: So we have to be sitting, then?

The Chair: It can be tabled intersessionally, so we can table it if session isn't commencing.

Mr. Hunter: For this body's information, do we know when that will happen, then?

The Chair: Yeah. I'll allow research services to . . .

Dr. Massolin: Thank you, Mr. Chair. I think that the normal process would be for a reasonable time to be given to us to draft the report. Since it's probably going to be a short report, I don't think we need more than three or four days, I would say. Sarah might be cringing right now as I say this. In addition to that, there needs to be a reasonable time for this to be posted, the committee members to review it, the chair and deputy chair to approve it. Again, I don't know what that would be, three or four days perhaps. If everything goes as planned and the approvals are received, then the report can be deposited to the intersessional deposit. At that point the committee would be free to start another inquiry or review.

The other thing to note. I don't think that the committee has any will towards this, but there's also a provision for a minority report, and usually a week is provided for that. Again, I don't know if there is a will for that.

Thank you.

Mr. Panda: Mr. Chair, I would strongly encourage whatever avenues we have under the standing committee to use all those options and deliberate on those ideas to get Albertans back to work. I don't think there is anything that would stop us when we want to work in the interest of Albertans, which is our mandate. We get that mandate when we get elected. That's our primary job. In our rules and regulations we cite – we can always get by them when we are working in the interest of Albertans. That's my recommendation. I think we should move a motion as suggested by MLA Grant Hunter.

The Chair: Mr. Hunter, you were wanting to be on the list?

Mr. Hunter: I would like to make a motion that this committee, the Economic Future Committee, reconvene and discuss the present economic situation and how this committee can help get Albertans back to work as soon as the report is filed.

The Chair: Is it all right if we say "report is tabled" or "deposited"? Does that meet your intent, Mr. Hunter?

Mr. Hunter: I do believe it does, Mr. Chair.

Dr. Massolin: Thank you, Mr. Chair. I think I understand the point of this motion, but I just wanted to remind the committee of the standing orders and specifically Standing Order 52.07, suborder (2):

A Legislative Policy Committee may on its own initiative, or at the request of a Minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate.

What I'm suggesting by reading that is that I think the spirit and the intent of this motion is simply to have this committee discuss these issues at the next meeting after the deposit of the final report regarding PIPA, but I would suggest that if the committee were to undertake any sort of inquiry or review, it would have to be pursuant to that standing order and, therefore, adhere to the conditions stated there. I'd just like to point that out.

Thank you.

The Chair: Any members wishing to speak to the motion?

Sorry. I'll get Mr. Roth to read it for the record for those on the phone.

Mr. Roth: Moved by Mr. Hunter that

the Standing Committee on Alberta's Economic Future reconvene and discuss the present economic situation and how we can get Albertans back to work following the deposit of the

committee's final report regarding the Personal Information Protection Act.

The Chair: Mr. Gotfried.

Mr. Gotfried: Thank you, Mr. Chair. I'd like to speak on that. I think the intent of this motion is to allow us some latitude in terms of some conversations around where this committee moves over the coming year. Again, with the name Economic Future I think we're all interested in what that can mean to Albertans and to communities across Alberta. So I think that that would be a valid and productive discussion for us to move towards in this committee and to get consensus on where we can move in terms of doing the best work we can within the committee structure.

Thank you.

Ms Fitzpatrick: Point of privilege. Could I get you to say it again, Mr. Gotfried. I didn't hear what you said. If you get a little closer to the mike, please.

Mr. Gotfried: Oh. I'm sorry. Maybe we can get the mikes turned up a bit.

The Chair: Sorry, Ms Fitzpatrick. Just for the next time – I know that what you were intending on doing – it's a point of clarification.

Ms Fitzpatrick: Okay. Thank you.

Mr. Gotfried: My apologies. I should lean a little closer to the microphone. Maybe we can get the volume turned up a bit.

I just wanted say that I thought it would be appropriate for us to have those conversations around this table once we get the final report for PIPA submitted. I think it's important that at this committee we're able to do the best work we can on behalf of Albertans and the communities around Alberta and that it would be very, I think, appropriate for us to discuss the priorities that we want to move forward with over the coming year in terms of conversations and discussions to do our best work on behalf of Albertans.

Ms Fitzpatrick: Thank you for repeating.

Mr. Gotfried: No problem.

11:15

The Chair: Mr. Anderson.

Mr. S. Anderson: Thank you, Mr. Chair. I'm just looking at, in light of what counsel said and being a deputy chair of another committee, sometimes the way we do things, the discussion: do we have to have a motion to do this? In light of what we said about deputy chair and chair working together, is there an option for you guys to bring topics forward for us as a working plan, or is it – like, does it make sense to have a motion? That's all. I'm just kind of looking for clarification on that just because of what counsel said. That's all I'm wondering. I mean, I'm concerned about this, too, obviously. We all are. I know it's a big thing for us in the province, and we definitely need to get back to discussing these things. PIPA is incredibly important, but now it's, you know – I'm just looking for clarification on that and if it's something we need to do.

The Chair: Dr. Massolin, if you would like to clarify.

Dr. Massolin: Yeah. I can speak to that in terms of past practices of policy and other standing committees. You can do it either way. You can do it by motion if there's consensus on the part of the committee members. I mean, the committee has often in the past

simply proceeded that way in terms of identifying issues and then holding a meeting to discuss those issues, so two ways.

The Chair: Mr. Nixon.

Mr. Nixon: Yeah. We're worried about losing momentum, so I think the motion is the exact way that we should go on it. This is a pretty important issue, and we've got to make sure that the next thing this committee deals with is the economy because it's the most pressing issue. We do need a motion, and I would highly encourage Mr. Hunter not to withdraw his motion.

Mr. Hunter: I will not be withdrawing my motion. I guess just for clarity, Mr. Anderson, I thought that if we were to vote as a committee on this motion, it shows to our deputy chair and to our chair the intent of what our committee is looking for in the coming year or even in the next six months or whatever it is. That was the intent of this motion, to be able to show what we are thinking about. If it's unanimous here, we have a very clear mandate from the committee that we need to move forward in an expeditious way to address these issues.

Mr. S. Anderson: For sure. In light of what counsel said, I was just trying to get some clarification on that to make sure. That's all. I know exactly what you're saying, for sure. I understand where we're trying to go and what we want to do as a committee. Yeah. It was just more clarification. Like I said, being on another committee where we try to bring things forward, myself and the chair and others – that's all. I was just kind of curious if Parliamentary Counsel – I don't know. I guess I was just looking for clarification. That's all it was, really. It wasn't anything more than that, to be honest with you.

The Chair: Are there any other members who are wishing to speak to the motion?

Mr. Dach: I'd just like to ask Parliamentary Counsel if they could expand on what they were saying about the standing orders and how the two options that they indicated were possible might be best applied here. I know it's up to the committee to decide, but you said that there was past practice of discussion between chair and deputy chair about future topics and so forth versus receiving direction, necessarily, by way of motion. Could you speak to that a bit more to clarify?

The Chair: Dr. Massolin.

Dr. Massolin: Yeah. I mean, what I'm referring to is just the way that a potential, if you will, own-motion review or a committee, an LPC, would want to review something on its own initiative. I mean, the mechanism for doing that in the past has been done by just simply the chair and deputy chair and committee members, too, submitting topics for discussion, if they want to do it that way, by e-mail and then having a meeting to discuss that, or it could be done this way in terms of a motion. The added part of this is that the PIPA review and the final report need to be deposited first, and I think that condition would apply in either scenario.

The reason why I brought up that standing order was just to indicate to the committee that this motion is general. It's sort of the first foray into a general topic, but the committee would have to refine this and to adhere to the provisions of that standing order. In other words, the committee, if it engaged in this sort of review, would have to review something in terms of the public policy in this regard and which falls under the committee's mandate. So it couldn't just be an overall general review of Alberta's economy; it

would have to be more refined than that. That's the reason why I brought up that standing order.

Thank you.

Mr. Panda: Mr. Chair, can I get the floor?

The Chair: Yeah. You're next on the list, Mr. Panda.

Mr. Panda: Okay. Thanks.

Mr. Koenig: Mr. Chair, I'm just going to supplement with a few comments.

Mr. Panda: Can I speak?

The Chair: I'll let you know when you can speak, Mr. Panda. Yeah.

Mr. Koenig: Thank you, Mr. Chair. Just to add to Dr. Massolin's comments in terms of how this will be refined, the committee, you know, is able to look into public policy within its mandate. It's also permitted to make recommendations on the need for legislation in areas of the committee's mandate, and it can look at regulations within the committee's mandate. Those are all areas where the committee would be able to deliberate and make recommendations, and I think it might be helpful just to again note that the committee's mandate includes the areas of Agriculture and Forestry, Advanced Education, Infrastructure, Economic Development and Trade, Culture and Tourism, and Labour. Those would be the general parameters you'd be looking at.

The Chair: Go ahead, Mr. Panda.

Mr. Panda: Yeah. As I heard that, clearly, from the counsel representative and the speaker that just spoke, I mean, the only condition there was, you know, to do it after we file the report or submit the report, so I don't see any harm in doing this. The scope can be refined, and we can expand on that in a later meeting. I don't think there is any harm in voting on this motion. I didn't hear anything in the rules. To answer Mr. Anderson's concern, it's not saying anywhere that we can't move a motion. I would request that you call the question.

The Chair: Mr. Connolly.

Connolly: Yeah. Thank you very much. I definitely agree that this is a very important topic and we need to discuss it. However, I would like to maybe expand the scope of what we're discussing; therefore, I'd like to move an amendment. I would remove the word "and" after "economic situation" and substitute that for the comma and adding the words "and a committee work plan."

The Chair: My apologies. Mr. Connolly, you wanted a comma after "and," right?

Connolly: No, a comma after "situation" because it's a list.

The Chair: Okay.

11:25

Connolly: Sorry. Also adding "other issues, and a committee work plan." We're adding a comma after "work," the first "work," and then "other issues, and a committee work plan." There we go. I was putting it after "get Albertans back to work, other issues, and a committee work plan," but I guess the order doesn't particularly matter.

The Chair: While we work this out, if you would like to speak . . .

Mr. Gotfried: Can I just read what the amended . . .

The Chair: Yeah. We'll make sure that we read out what it would sound like if it was amended just for those on the phone as well. It's quite complex, yeah.

Mr. Connolly, is this the intent of your amendment?

Connolly: So that will be after "discuss present economic situation," and then the amendment would say, if it's passed: "present economic situation, how we can get Albertans back to work, other issues, and a committee work plan following the deposit of a committee's final report regarding PIPA." Correct?

The Chair: We're just going to type out the motion as it would look as amended, and then we'll make sure we read it out to those who are on the phone as well.

Connolly: Sorry. I thought it would be more straightforward than I guess it was.

The Chair: All right. Mr. Roth, if you can read out the amendment for those on the phones, followed by the motion as it would sound if it was amended.

Mr. Roth: The amendment: moved by Mr. Connolly that the motion be amended by striking out "and how we can get Albertans back to work following the deposit of the committee's final report regarding the Personal Information Protection Act" and substituting the following: "how we can get Albertans back to work, other issues, and a committee work plan following the deposit of the committee's final report regarding the Personal Information Protection Act."

The motion, if the amendment were carried, would read: moved by Mr. Hunter that

the Standing Committee on Alberta's Economic Future reconvene and discuss the present economic situation, how we can get Albertans back to work, other issues, and a committee work plan following the deposit of the committee's final report regarding the Personal Information Protection Act.

The Chair: With that, I'll open up discussion on the amendment.

Some Hon. Members: Question.

The Chair: We'll call the question. All those in favour, say aye. All those opposed, say no. On the phones? That amendment is carried.

We are now back on the motion as amended. I'll open up discussion for committee members.

Also, for the folks who are at the end of the table, you don't have to stick around for this, too. I apologize for not letting you know earlier.

If there aren't any people who want to be on the speakers list, we will call the question on the motion as amended. All those in favour, please say aye. All those opposed, please say no. And on the phones? All right. That motion is carried.

All right. Is there any other business that committee members have for today?

Seeing none, the next meeting is scheduled for Thursday, October 20, at 9 a.m. That being said, because the report may not be completed by that time, we will likely poll members for the next meeting date.

Sorry. Mr. Nixon.

Mr. Nixon: With due respect, Mr. Chair, I think it's critical that we meet on October 20. That date is already there. I would highly encourage you not to change that date, and I really hope that we can

get the report tabled so we can get back here to begin the work that we just did on this motion, that was passed by every member of this committee. My understanding from the timeline that was presented by Parliamentary Counsel is that that's reasonable. That should be done before the 20th. I heard: three to four days to finish it.

Dr. Massolin: Would you like me to speak to that, Mr. Chair?

The Chair: Yes, please. Talk about common practices for deliberations in relation to that, just to clarify.

Dr. Massolin: I guess, just to reiterate what I said before, I mean, it'll take a few days for us to prepare the report and a few days for the committee to have a look and for the chair and deputy chair to approve that. Then I would think that at the point at which the draft report is posted for the committee's viewing, an expression of interest in terms of minority reports – you'd want that at that stage. If there were any, you'd need to give a week's time to prepare that. If there is no desire to prepare a minority report, then I would think that the document could be deposited on a business day shortly after the approval process is complete.

Thank you.

Mr. Nixon: Mr. Chair, it's interesting because, you know, for our Ethics and Accountability Committee the minority report is going to have to be done in something like 24 hours.

The real question is: can this be done in 14 days? Now, I can tell you – I won't speak for the third party – that the opposition has no interest in a minority report on this, so we can take that out of our calculations. With that out of the calculations, assuming that Mr. Gotfried or Ms Jansen don't intend to do one – I'll let them speak in a second – then is it reasonable that we'll complete this work in 14 days? While I understand the importance of that, we have thousands of people losing jobs every few weeks, and it's important that we get to work. Is 14 days going to be reasonable to get it done?

11:35

The Chair: It is ultimately subject to when the report is completed as well. What I can do is poll members for general consensus in relation to that as well moving forward. We also want to make sure that we get the proper views of that report because it won't be brought forward to committee members as well. I hesitate to make sure that we can say that there's a concrete date because if the report is not completed by that date or is not tabled by that date, then there wouldn't be anything within the agenda for the following meeting.

Mr. Nixon: So can we, the committee, say to the chair and the vice-chair that if the report is tabled in time, we will meet on October 20? If for some reason it's not tabled in time, obviously that would stop the meeting, but the only thing that would stop the meeting is if the report was not tabled.

The Chair: Yeah.

Mr. Nixon: Okay. Do we need a motion on that, or do we just say that?

Mr. Koenig: Mr. Chair, I don't think a motion is necessary. I mean, it's at the committee's discretion how they wish to deal with this. If they wish to keep the current meeting date of October 20, if the report is not completed and deposited in time, then that meeting would have to be cancelled and rescheduled. However, if it was deposited in time, then you would proceed with the meeting as planned to deal with the issues that were brought forward in the motion that was just passed. At present a motion wouldn't be required.

The Chair: Okay.

Mr. Nixon: Great. Then I'll just close, Mr. Chair, by saying that, you know, from my perspective and, I think, from several of my colleagues', at least on the opposition side, we make it very, very clear that we think it is highly important that we meet as soon as possible. Under our system, we understand, there are some rules that are causing some conflict as we go through it, but to postpone that meeting in any way would be totally inappropriate and something that I think members would need to explain to Albertans.

The Chair: All right. Well, the next meeting is scheduled for Thursday, October 20, at 9 a.m.

With that being said, I will call for a motion to adjourn. Moved by Mr. Connolly that the October 6 meeting of the Standing Committee on Alberta's Economic Future be adjourned. All those in favour, please say aye. All opposed? On the phones? Excellent. Thank you. That motion is carried.

[The committee adjourned at 11:38 a.m.]

