

Title: Monday, April 29, 2002 FOIP Act Review Committee

Date: 02/04/29

[Mr. Rathgeber in the chair]

THE CHAIR: I'm going to call this meeting to order. Welcome, everyone. We have a busy agenda today, so I want to proceed. For the record my name is Brent Rathgeber, the MLA for Edmonton-Calder, and I am the chair of this committee.

I'd ask if we go to my right, starting with Mr. Jacobs, that the members could introduce themselves first and then the technical support team.

[Ms Carlson, Ms DeLong, Mrs. Jablonski, Mr. Jacobs, Mr. MacDonald, and Mr. Masyk introduced themselves]

THE CHAIR: Then, starting on my immediate left, the legislative team.

[Mrs. Dacyshyn, Mr. Dalton, Ms Dafoe, Mr. Ennis, Ms Lynas, Ms Lynn-George, Ms Richardson, Mrs. Sawchuk, Mr. Thackeray, and Ms Vanderdeen-Paschke introduced themselves]

THE CHAIR: And could the record show Thomas Lukaszuk, MLA for Edmonton-Castle Downs.

Thank you, everyone. We have a busy day. This is the first day that we're going to have oral presentations, but we have some business that needs to be conducted before we get into that. There is an agenda in front of you. I hope everyone has had an opportunity to peruse it, and if I could have somebody move that that agenda be accepted.

MR. JACOBS: I so move.

THE CHAIR: Thank you, Mr. Jacobs. All in favour? Any opposed? It's carried.

You've also received minutes from the last meeting, which was conducted on April 8. They were circulated. I've reviewed them. I think that they're accurate. I'd ask that somebody move that the minutes be approved as circulated. Mrs. Jablonski. Anybody opposed? It's carried.

Now, we have three presentations today, and they're scheduled to commence at 8:45. Before we go there, we have to plan for our next meeting. Mr. Thackeray, I understand that we have eight groups in addition to the three that we're hearing from today that want us to hear their oral presentations, eight groups and one individual.

MR. THACKERAY: That's correct; eight groups, one individual, and the former Information and Privacy Commissioner.

THE CHAIR: So it's seven groups, the former commissioner, and one individual?

MR. THACKERAY: That's correct.

THE CHAIR: Thank you. You have them listed under New Business, number 5 on your agenda. As you can tell, I've skipped over number 4 and gone right to number 5. Now, I guess it would be the position of the chair with respect to the groups that have applied – I believe that they have all submitted written materials or will be submitting written materials?

MR. THACKERAY: That is correct. It's my understanding that they'll be putting in a written submission by the 10th of May.

THE CHAIR: Has the former commissioner done a written submission?

MR. THACKERAY: No, he hasn't.

THE CHAIR: Is he going to?

MR. THACKERAY: No, he's not.

THE CHAIR: I guess the one that I'm most curious about is the last individual, Ms Tara DeLeeuw. Oh, I'm sorry. That's not on the agenda? I apologize.

We've received applications for oral presentations from the following groups: the Alberta School Boards Association, the Archives Society of Alberta, the Universities Co-ordinating Council, the Canadian Association of Petroleum Producers, and the Department of Government Services, which I understand represents all FOIP commissioners from each individual department. Is that correct, Mr. Thackeray?

MR. THACKERAY: It'll be a presentation on behalf of the government of Alberta.

THE CHAIR: So it's broader than just the Department of Government Services?

MR. THACKERAY: That's right.

THE CHAIR: That was my point.

From the office of the Information and Privacy Commissioner of Alberta, the Law Society of Alberta, and Ms Tara DeLeeuw, private citizen.

Now, if we could break these down into three categories. First of all, with the organizations that I've just read out, it is certainly the position of the chair that those are all legitimate and bona fide stakeholders in this process, and it would be the chair's position that we hear from each and every one of them. Is there any commentary, questions? Mr. Masyk.

MR. MASYK: Seeing as there are more, Mr. Chairman, are we going to allow them the 15 minutes and 15 minutes to discuss?

THE CHAIR: It's going to be 20 and 10.

MR. MASYK: Okay. Thanks.

THE CHAIR: Twenty to present, 10 to answer questions. Does that seem reasonable, that we hear from all of those groups? Does anybody have any objection to that? Okay. Tom, we're going to hear from those organizations.

Now, I feel the same way about the office of the Information and Privacy Commissioner. I think Mr. Clark knows this process and this act probably better than anybody else in this room. I would be happy to hear what he has to say, especially since apparently he's not going to be doing a written submission. Any question, comment, problem with that suggestion? We'll be hearing from Mr. Clark.

The person that I know very little about is Ms Tara DeLeeuw, and maybe somebody can tell me who she is and why she wants to come and talk to us. Tom, Tara DeLeeuw I understand has done a written submission.

MR. THACKERAY: Yes, we have received some information from Ms DeLeeuw.

MRS. DACYSHYN: I believe the submission is number 14.

MR. THACKERAY: It's number 14 of the submissions.

THE CHAIR: In what format did Ms DeLeeuw apply for an oral hearing? By letter or by phone call?

MRS. DACYSHYN: It was a handwritten letter.

THE CHAIR: Do we have that?

MRS. DACYSHYN: I thought you did, but I'll get you the written copy.

MR. THACKERAY: Mr. Chairman, in her letter of April 8 in the last paragraph she states: I would be more than happy to appear before your committee; I would like to note that I have examples to correlate my allegations; I'll be happy to present them.

MS CARLSON: I've been in contact with Tara. She's phoned me a couple of times to make a case for an oral presentation. There's no doubt that her presentation has some allegations in it. She feels quite determined that she should have an opportunity to appear before the committee so that she can support what she is saying. I haven't seen the submission. I just had about a 20-minute conversation with her with regards to it.

THE CHAIR: My concern with this – and I'm going to state this for the record – is that the purpose of this committee is to review the legislation as it exists in macroformat and make recommendations to the government of Alberta through the Legislature to determine whether or not the act needs to be amended and, if so, how. The purpose of this special select committee is not to review individual cases or individual grievances with either the legislation or with the commissioner's office. So unless this woman has something of a more macro aspect to bring to this committee, it's going to be my position that we not hear from her.

MS CARLSON: I expressed those concerns when I talked to her, and she was quite determined to put forward a case that they were macroissues that she had. I also said that there had been some discussion about not hearing from private individuals in the public hearings as compared to groups who represented certain bodies or any body of members. She felt quite determined that she represented many people, private citizens who lived in northern Alberta.

THE CHAIR: Okay. Any other comments?

MRS. JABLONSKI: I, too, have had the opportunity to speak to Tara, and I think that it's very important that she come and present to the committee.

THE CHAIR: Why?

MRS. JABLONSKI: I think she's got some concerns that probably concern all Albertans, and the only thing is that other Albertans haven't faced what she's faced because the opportunity hasn't arisen. I think she has some recommendations that could be beneficial to the committee.

8:44

THE CHAIR: Mr. Lukaszuk.

MR. LUKASZUK: Thank you. I think it would be proper for this committee to develop some form of criteria by which we will be

judging who qualifies or who doesn't qualify for presentations. Now, in your statement you indicated that we have to review the act in macroformat as opposed to microformat and then not resolve particular cases. I'm not sure if that is the best strategy, because some of the groups that will be presenting before us are presenting purely because they want to address a predicament that they have faced, so that would fall more within the micro than the macro.

Perhaps we should not be dealing with individual cases as they pertain to one person, but if there is a group or society that has an issue they need to address before us which through that society concerns or affects a number of Albertans, we may want to hear from those people. But it sounds to me that this particular lady wants to address an issue that pertains only to her, at least based on her presentation. I don't think she will be able to make statements on behalf of other Albertans.

THE CHAIR: I understand what you're saying, Mr. Lukaszuk, and I agree. For clarification, when I said "macro" I meant dealing with all Albertans as opposed to dealing with one specific individual. I agree with you that some aspects of the legislation and some of the presenters will only be concerned with one specific issue in the act, but the act is an act of general application. I thought we had come up with a criteria some time ago that we would hear from individuals or organizations that were representative of either their provincial governing body or were representative of a certain constituency. I'm not sure if that was a formal motion, but I'm quite confident that it was discussed, and there seemed to be broad consensus about that.

MS CARLSON: I would like to say that I think it's very important that we recognize that we have some presentations from private individuals in the province who are hugely impacted by this legislation as well, particularly those who have helped to represent or put together applications for other individuals in the province. So in this instance I would still support Tara's request to appear.

THE CHAIR: Mr. MacDonald, and then Mr. Jacobs.

MR. MacDONALD: Yes, Mr. Chairman. I, too, noticed that there was a formal request from eight organizations, and I think it's quite appropriate that we hear from individuals as well. In this particular case I understand that she's the only one who has applied so far. Is that correct?

THE CHAIR: That's correct. Well, the commissioner is applying as an individual citizen, I suspect. He's the former commissioner. Yes, I see your point.

MR. MacDONALD: Yes. Thank you.

THE CHAIR: Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman. I have also spent some time on the telephone with this lady, and we have a citizen here who feels very strongly about the FOIP Act. It seemed to me the concerns she raised when I was on the phone with her were somewhat macro in nature. It seemed like it covered a pretty wide gamut of concerns. I'm sure she'll be making some allegations. Nevertheless, in the interest of hearing people and receiving input, it seems to me it would be justifiable for the committee to receive the submission in person from this lady.

THE CHAIR: Okay. Well, we're going to have to put this to a vote, unless anybody else has any submissions to make to just try to sway the rest of us one way or the other.

Mrs. Jablonski.

MRS. JABLONSKI: One of the comments that Tara makes in her written presentation is the problem that she has with denying requests, and I think this is one time that she needs to be heard.

THE CHAIR: Mr. Lukaszuk.

MR. LUKASZUK: I think the writing is on the wall, and we may not need to vote. However, if and when this lady does present, can it be requested that she make a non case-specific presentation and just make references purely to the act and not to any predicaments that she may have personally encountered? She may run into FOIP problems by doing that.

THE CHAIR: Well, I think that's very, very difficult. I think the problem and the reason that I'm trying to impress upon the committee perhaps to think about this very carefully before you vote in favour of it is that if this individual comes to this committee, she is going to tell her story and she's going to tell her story the way she wants to tell it, and she's going to make allegations against whomever she feels is appropriate. It's going to put the chair in a difficult position to try to put any parameters on that type of presentation. That being said, who is in favour of hearing from private citizen Tara DeLeeuw? Opposed? It's carried.

Okay. The last bit of private business before we get to the presentations is the next meeting. Tom, I understand that the commissioner is available two weeks from today to do his oral presentation.

MR. THACKERAY: Yes. I spoke with the former commissioner, Mr. Clark, and because of his duties with Electoral Boundaries he requested that the best time for him would either be next Monday or the following Monday, the 6th or the 13th of May.

THE CHAIR: Can we schedule two other presenters for the 13th of May?

MRS. DACYSHYN: We can.

THE CHAIR: Could I have a motion that the next meeting be held two weeks hence, on the 13th of May, when we hear from the former commissioner and two other presenters who can be conveniently scheduled to present that day? All in favour? Any opposed? Ms DeLong, are you in favour or opposed?

MS DeLONG: In favour.

THE CHAIR: It's carried.

MRS. DACYSHYN: Does Mr. Clark have the same time frame as everybody else?

THE CHAIR: Yes. All presenters get 20 and 10.

MR. THACKERAY: Mr. Chairman, it's my understanding that Mr. Clark will not be making much of a presentation. It'll only be a couple of comments and then just basically an exchange between the committee on his experience.

THE CHAIR: That's fine. He gets his 30 minutes. He can do whatever he wants with it. Well, I guess he can only talk for 20, but he could talk for less.

Okay. The electoral officer, I believe, is in the room. Come forth and be heard.

Welcome, Mr. Fjeldheim and Mr. Sage. Welcome to our special

select committee. We're very interested in hearing what you have to say. I've read your written submission, as I suspect all members of the committee have, and I thank you for the time and effort that went into it. The floor is yours.

MR. FJELDHEIM: Good. Thank you very much. Nice to see everyone, a bigger crowd than I expected. I want to thank you for this opportunity to meet with you today. As the chair has mentioned, my name is Brian Fjeldheim, and I'm the Chief Electoral Officer. Seated beside me is Mr. Bill Sage, who's the Deputy Chief Electoral Officer.

Today I'd like to briefly outline the pertinent sections of our legislation and the ways in which the Freedom of Information and Protection of Privacy Act affects our operation. I have some proposed amendments for your consideration and will conclude by hopefully answering any questions that you might have.

The Election Act underwent a significant revision in 1996, when the legislation was changed to allow for the creation and maintenance of a permanent, ongoing register of electors. The change is taking place in many electoral agencies across the country; it's not unique to Alberta. The idea is to continually maintain a database of electors from which lists of electors are extracted when needed. The intent is to eliminate or substantially reduce the type of door-to-door elector contact that occurred in former information collection processes like the general enumeration that was conducted here in Alberta.

Approval for the move to a permanent register was based in part on the premise that there would be cost savings associated with the development and maintenance of a permanent register. Those cost savings were predicated on the acquisition at minimal cost of updated elector data held by other public agencies. Actual costs of maintaining a register over time are expected to show a considerable variance compared to those contained in the initial business plan presented by my predecessor, and that could negatively affect those cost savings.

The success of a permanent register is dependent on a high level of elector participation. Electors must be encouraged to participate to make the register work, both for administrative and political reasons. Administrative efficiency is enhanced by an accurate, up-to-date list of electors. Voters who come to the polls are located on lists immediately and may vote without having to produce identification or complete an oath. If a large portion are not on this list, they are delayed, and they also delay the electors waiting in line behind them who perhaps are on the list and had provided information for inclusion on the list.

8:54

The other aspect of the list, of course, is use during the campaign period. Our office could focus our attention on expediting the swear-in process on polling day to reduce the administrative challenges we face. At the same time, though, the list's usefulness to candidates and their campaign teams would be reduced. The legislation was changed in '96 and again in 2000 to allow for expanded use of the list of electors by political parties and Members of the Legislative Assembly. Section 20(2)(b)(i) authorizes members to use the list "for carrying out the duties and functions of the member." This represents a major change from the days when the use of a list was specifically limited to the campaign period.

The expanded legislation also provided that new lists were distributed to political parties and to members of the Assembly more often. A list will be distributed

- (a) 2 years after a general election,
- (b) during the 4th and 5th years after a general election, and
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions . . . is amended or re-enacted.

With this direction I believe that the register and lists produced from

it will be updated on an ongoing basis. In practicality, the list I provide to you and your colleagues next March must be updated if it is to be substantially useful to you.

The most recent example of the register in use was the Wainwright by-election. Because of the existence of the register we were able to produce lists as soon as the vacancy was announced. Those lists used in that by-election had been updated through the deletion of deceased electors using vital statistics information. Had the by-election been another year or two down the road, the time of data confirmation that we did before the last general election, or if it had been perhaps in a more mobile electoral division, in the downtown areas of the major cities and so on, the vital statistics updates alone would not likely have been sufficient to produce a viable list. We need specific legislation in place that will allow us to access other data sources to prepare for that type of eventuality.

The Election Act allows for a great deal of flexibility in the collection of data for updating this register of electors. It indicates that the register – I'm quoting from the act – may be revised by any or all of the following means. First of all, by “conducting a door to door enumeration” in some or all of the electoral divisions or portions of the electoral divisions. Secondly, by

using information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada.

Finally, our legislation says that the Chief Electoral Officer can use “any other information obtained by or available to the Chief Electoral Officer.”

I believe that the authority to collect data is supported by the Freedom of Information and Protection of Privacy Act at section 40(1)(f), which indicates that a public body may disclose personal information only “for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure.” More specifically, at section 40(1)(z) it indicates that a public body may disclose personal information only “to an officer of the Legislature, if the information is necessary for the performance of the duties of that officer.”

Clearly, the Election Act authorizes data collection for the creation and maintenance of the provincial register of electors, an activity that is necessary for me to fulfill my mandate. Current technology places additional demands on all of us. Our stakeholders demand a high-quality list in a timely manner, and many electors expect to be included on lists without having to take an active role in providing that information. Electors are often surprised that in this information age we still send people knocking on a million doors across the province, especially when 60 or 70 percent of the elector information may remain unchanged from one election to the next.

Some elector contact may still be necessary – again, I'm talking about those high-mobility areas – but I believe that would effectively complement the ongoing electronic updates to the register that would be possible with additional data sources. Elector information would be incorporated into the register only if they had previously authorized their participation. Electors are able to opt out of the register if they choose for reasons of security or whatever else.

I should add at this point that the information contained within the register of electors is strictly controlled. Lists are given to political parties, candidates, and election officers, and register information is shared only with other electoral agencies – and this is by legislation, in the Election Act – for use at municipal or federal elections. There is a penalty of up to two years imprisonment and a \$100,000 fine for misuse to protect the information that Albertans have entrusted to us.

While we provide where to vote information over the telephone, we have processes in place to ensure that we only confirm elector information rather than provide elector information to avoid the possibility of sharing it with someone other than the elector. The

challenge to date has been to resolve whether data can be transferred from a public agency to my office without collecting informed consent at the time of data collection by the particular agency. Options to collect informed consent have so far been cost prohibitive and unacceptable in terms of timeliness of the receipt of information. Again, cost containment within the register system was predicated on confining costs to the transfer and management of data. Our budget could support cost recovery related to data transfer but would likely not cover a fee for transaction costs.

Notification of electors is another issue that can be costly and labour intensive. I believe that informed consent is important and would hope to see it achieved through posters and notices and so on at the various public agencies that would provide the data. That would be preferable in my opinion to having to collect and record the elector's consent with each transaction. That would be both expensive from our perspective and inconvenient from the elector's point of view. I would propose that the Election Act be amended to indicate that the register “shall” be created and revised rather than “may” be created and revised, as currently appears. It would be advantageous if data sources were specifically identified in the Election Act – and I appreciate that that is not under the purview of this committee – and in parallel legislation so that the appropriate public agencies would have express authorization to provide data in both their enabling statutes and in the Election Act. Incorporating this list of data sources into the regulation would allow for some flexibility as various agencies establish these databases.

In addition, I would propose that the FOIP Act be amended at section 40(1)(z) to specifically indicate that data held by any public agency is to be provided to the office of the Chief Electoral Officer for the purpose of updating the register of electors on a cost-recovery basis. Again, this data would be used to update elector records only in situations where electors had already provided informed consent for elector participation in the past. Individuals whose names did not appear on the register would receive an invitation to be included but would not be added without their consent. I believe that this embraces the intent of the FOIP Act.

9:04

I would propose an additional minor revision to the Election Act at section 13 to allow our office to add publicly held telephone numbers to the register of electors where they are available. The phone book is public information. This would be done largely to reduce the amount of information provided by electors and data suppliers.

Thank you. We would be pleased to try to answer any questions that you might have.

THE CHAIR: Thank you, Mr. Fjeldheim, for that excellent and thorough yet concise presentation.

Do we have questions for the Chief Electoral Officer or his deputy? Mrs. Jablonski.

MRS. JABLONSKI: Thank you, Mr. Chairman. There's just one thing that I don't understand, and perhaps somebody could clarify it for me. The amendment is proposed to the Election Act. The Election Act comes under the FOIP mandate; does it?

THE CHAIR: It does not.

MRS. JABLONSKI: Okay. Thank you.

MR. FJELDHEIM: Perhaps I could comment that I wanted to include – and I appreciate your question obviously. The Election Act is a stand-alone, but it was necessary to include that information to attempt on our part to give you an overall picture of what we're

trying to do and the requirements.

THE CHAIR: That being said, there's no reason why, if the committee is so inclined, it can't make that recommendation. I mean, this committee is going to recommend to the Legislature and to the government certain changes with respect to FOIP legislation. Those recommendations may or may not be carried through or followed. Similarly, this committee can make recommendations with respect to other pieces of legislation, which similarly may or may not be followed. Specifically, no, we have no purview to review the Election Act.

MR. MacDONALD: On page 2 of your presentation you outlined three ways that the registry may be created and revised. Could you give me a specific example, please, of means of other information obtained or available to your office?

MR. FJELDHEIM: Yes. What we're looking at and is mentioned in here is the door-to-door enumeration. That's one. That was what we did prior to the last general election, where we did in effect a confirmation of the register of electors, where individuals went to door to door across the province with information that we already had. They would go to the door, and they would confirm that the information that we had was correct. If it was not, then they could make the adjustments there.

When Elections Canada update their register information through Revenue Canada or their other sources, we are allowed by our legislation to get that information from Elections Canada.

The third one is I think more specifically your question: other sources. Those other sources include vital statistics where we have the deceased. Now, there is no way that we're going to get a hundred percent of the deceased off that list of electors. For example, my death certificate, if we want to discuss that today, is going to say Olaf Brian Fjeldheim on it. On the register of electors I'm Brian Fjeldheim. So to try to make those matches is very difficult.

So, again, this is not sort of a super catchall system that we're referring to here. It's very complex, trying to make these systems fit together.

One of the main areas that we're looking at as another source is driver's licence information. If someone is already in this register of electors, we have them at a particular address. We want to keep that current. So how can we do that without knocking on the door and finding out? Well, if we access the driver's licence information, as one example, we can update that information. If they change their driver's licence, if they move from Edmonton to Calgary, we access that driver's licence database and find out that John Doe has moved, and we can update his information on the register of electors.

Have I covered your question?

MR. MacDONALD: Certainly. Thank you.

THE CHAIR: Mr. Lukaszuk.

MR. LUKASZUK: Thank you. You also probably answered mine: does the same follow with your merging of telephone numbers? Are you proposing that you obtain an electronic version of Telus's telephone directory and then merge it with your database?

MR. FJELDHEIM: What is required by our legislation now – telephone numbers are an area that may be included. It's an option. Electors obviously don't have to give their telephone numbers if they are going to vote, but it's an option. Bill, do you recall what percentage we've received, the informed consent on telephone numbers?

MR. SAGE: Just under 75 percent. So it's very high.

MR. FJELDHEIM: So just under 75 percent of Albertans gave that information.

Now, is that private information? When we did our first enumeration and the confirmation this last time, it was informed consent: may we have your telephone number? Yes? No? Well, if we don't knock on doors, we're not going to get that. On the other hand, telephone numbers are in the telephone book. Is there anything that contravenes any legislation or any intent if we go to the telephone book and extract those numbers? I don't believe so. I believe that that already is public information. There are certainly people more expert than I am who know that stuff.

MR. LUKASZUK: Thank you.

MRS. JABLONSKI: The one problem I have with your comment about telephone books is that there are some people who have requested that their number not be in the phone book for whatever reasons. As marketing companies have shown us through the years, it's better to assume that you can go ahead and do something and expect the individual to tell you not to do it than for you to ask them if you can do it. They're more likely to come to you if they don't want you to do it than to come to you if it's okay. So if you were going to do telephone numbers, I would expect that you'd have to have some provision that says that anyone who doesn't want that phone number in that list shouldn't be included.

MR. FJELDHEIM: Yeah. If I may respond to that. Certainly we would not access unlisted telephone numbers. There's no question about that. We would not access those telephone numbers, and even those telephone numbers that would be in the phone book, if someone said, "Well, yeah, I want my number in the phone book, but I certainly do not want it on any lists where I could be contacted," then for those people we would certainly have to have an option where they could opt out of that as well.

MRS. JABLONSKI: Thank you.

THE CHAIR: Any other questions?

Well, on behalf of the committee I'd like to thank Mr. Fjeldheim and Mr. Sage for both their written presentation, which I thought was thorough, and your oral presentation, which highlighted the points, and then you answered our questions. You can rest assured that we will take these matters very seriously.

MR. FJELDHEIM: Good. Thank you very much, and I have to credit the people in the office for putting this together as well.

Thank you.

THE CHAIR: We're a couple of minutes ahead of schedule, so we'll take a four-minute break, and at 9:15 sharp we will hear from the Alberta Association of Private Investigators.

[The committee adjourned from 9:12 a.m. to 9:15 a.m.]

THE CHAIR: Okay. If we could go back on the record. On behalf of the committee I'd like to welcome Mr. Don Wilkinson, the president of the Alberta Association of Private Investigators. I suspect that your counsel, Mr. Fraser, is beside you?

MR. FRASER: That's correct, sir.

THE CHAIR: Welcome. We have read your first set of written material, and we've just been handed additional written material,

which of course we have not reviewed but will subsequent to your presentation. The format is that you have 20 minutes to present whatever oral presentation you wish to make, and we'd ask that you leave 10 minutes after the 20 to answer questions.

The floor is yours, gentlemen.

MR. FRASER: Thank you very much, Mr. Chairman and members of the committee. We propose to be I think approximately 10 minutes, and then we'll just leave the rest of the time for discussion, and hopefully everything will keep nicely on schedule.

A couple of housekeeping points really, one in the response in the questionnaire to question 7 reference is made to section 16(4)(b) and (d). I think that on the RSA that should be 17(4)(b) and (d).

THE CHAIR: Thank you.

MR. FRASER: We don't propose to discuss the submission which you've already got and you've read. You're aware that private investigators are subject to the provisions of the Private Investigators and Security Guards Act, and Mr. Wilkinson as president has a close and ongoing discussion with people in the Solicitor General's department as well as with people in Alberta Registries. The questionnaire really speaks for itself, and you can see that for the most part the PIs have only focused on a couple of areas in the questionnaire.

The issue came up before with your predecessor committee, and there was a great deal of discussion at that time about access to registries. We don't want to belabour the point because it may well be that it's not of particular interest to this committee. We thought that we could just review a submission that we had given back in November of 1998, because we feel that the points made in the submission at that time are really still valid now. They relate to the whole concept of the dynamic tension between privacy and access.

In fact, if you look at the FOIP Act, a lot of it, especially in the purposes, seems to be focused on access as opposed to privacy, yet when you hear the debates that go on year after year, you would really think that you're just thinking about privacy all the time. I think we have to in society find a balance between privacy concerns and access concerns, between concerns of individuals and concerns of the collective. We need to have a balance between individual rights and collective rights. That's what we tried to set forth in the presentation.

If you can just turn to the written material – and I'm certainly not going to go through all of it – I'll just highlight parts of it. It's broken into separate sections. Section 1 is an executive summary, and if you don't mind, I would like to just go through it. It's quite short.

The issue we stated at the time is that the Privacy Commissioner has recommended that Alberta Registries consider the advisability of making personal information in the office of the registrar of motor vehicles fully subject to part 2 of the Freedom of Information and Protection of Privacy Act. That's been alluded to in the questionnaire. Again, I think it is in question 7. So it's still an issue that's being looked at and, I think, being looked at internally in government.

We identified at that time that the problem was simply this: if that recommendation was adopted, it would eliminate the ability of responsible organizations and agencies from obtaining public information in order to enforce civil rights and to prevent and control civil and criminal fraud and wrongdoing. Unfortunately, we live in a society in which there is a reasonable amount of civil and criminal fraud and wrongdoing. We make reference to three separate studies here. There have been numerous other studies as well. Unfortunately the level of fraud in the insurance industry has been well documented at 15 percent. I don't know about you, but to me

that's a fairly significant rate and one that should cause us all concern.

You will have seen articles recently about the underground economy and even a couple of weeks ago in the press that maybe this was good public policy because it allowed people to operate and operate without the need to pay GST or taxes. I think the association regards that as being totally inappropriate in public policy because it allows certain people to play by the rules and other people not to play by the rules, and this is an ongoing debate that I'm afraid we have to face in society.

We emphasized, as did the minister at the time, Iris Evans, the importance of striking the right balance, and we felt that the right balance was simply retaining the status quo, that the status quo in 1995 of access to registries made good sense. We believe that the government and the prior committee accepted this as good public policy in 1998 and 1999, and we think it's still good public policy. We're not aware of any significant concerns over the last three years since we dealt with this with the prior committee and also with the whole registries review, and of course you'll all be aware that there was a significant review at that time.

Now, in section 2 on the impact statement – you don't have to turn to page 4, but it's at page 4 of the document – we pointed out the concerns as well, and again there have been some very recent articles on this, but there's no sense dredging up more articles about the fact that the police in this country are simply not able to handle the volume of complaints that come to them. I don't think it's inappropriate to say that for some exceptional cases they're pretty well out of the civil fraud business and the minor sort of stuff that occurs when people are ripped off, to put it bluntly. They just don't have the resources, and that's been documented in this presentation back in 1998, and we don't think it's gotten much better over the last several years. What's happened is that increasingly people have resorted to other methods, private investigators and security guards, and there's been an explosion, really, of people in this business over the last five to 10 years. Why? Because there's a demand. Why? Because people have to be protected.

Now, we have to have rules, and we have that through the Solicitor General's office in particular in dealing with private investigators, and we have to have proper rules with registries, which we believe are in place at the present time. But if we look at the big picture, one of the biggest problems is not only the overwhelming amount of material that the police simply can't handle; it's also overwhelming the courts. You will have seen many articles about the amount of volume of activity in front of the courts and now of course the real concern in the courts about people being unrepresented, and that just delays and drags things further.

9:25

One of the things that's occurred over the last 20 years since the advent of the Charter of Rights has been the tremendous amount of evidence that's excluded. There is a huge amount of evidence in criminal proceedings that is simply excluded, and the juries or in fact judges never get to hear about it. The judges make rulings on it, but then they disabuse their minds of it and they don't take that into consideration. You will have seen that just recently in the Hell's Angels case, the trial that's going on right now with Boucher down in Quebec, the fact that there are huge amounts of evidence that are no longer admissible at the trial stage, and that is a result of interpretations of the Charter at the Supreme Court level.

So we have exclusion of evidence at the trial stage. We're very concerned that we don't have exclusion of evidence at the investigation stage, because once you exclude evidence at the investigation stage, once you deny private investigators, insurance fraud claims investigators, lawyers access to that investigation, well, that's pretty well game, set, and match. We're not going to be able

to deal with civil and criminal fraud and wrongdoing, we're not going to be able to enforce civil rights, and that's why maintaining this balance is very, very important.

In the submission in 1998 the Alberta Association of Private Investigators recognized that there could easily be some tightening up with registries, and we recommended at that time a methodology to correct that. We submitted a draft agreement with significant standards and rules in the format, and for the most part we believe that's been adopted by Alberta Registries. From what we can understand, it has been working well over the last several years.

So, again, we're not aware of any particular concerns, and it may well be that this is all quite boring to you, that this is not an issue that is burning. You may have all sorts of other issues that are burning right now, but certainly for the Alberta Association of Private Investigators it's very important to maintain the access to the motor vehicle registry information. We're not aware of any move right now to change that, but still we believe that it's something that the committee should be alert to.

I think we'll end at that point because we said 10 minutes and I think it's 10 minutes right now, so let's stick to our word on that and open it up for questions. It may well be that the president, Don Wilkinson, will respond to a fair bit of the detailed questions. They use their lawyer as little as possible, which is good. It's been several years since I've been actively involved in representing the group.

THE CHAIR: Thank you, Mr. Fraser.

Mr. Lukaszuk.

MR. LUKASZUK: Thank you, Chair. Mr. Fraser, at the outset of your presentation you indicated that there needs to be a balance struck between the rights and obligations and the cost to society of disclosing information versus the benefit to society that may stem from that information being disclosed, and that is true. That's probably what the Charter was intended to be based on. However, when I look at the information you presented, I see that the majority, probably in excess of 50 percent, of the work that private investigators do does not really in the strictest sense benefit society as a whole but rather benefits underwriters, as the majority of the work is insurance investigation and surveillance. I know that one can extrapolate that by benefiting underwriters the whole society benefits because insurance premiums go down, but that is stretching the matter perhaps a little further if one wants to balance the benefit with the obligation.

So can you comment perhaps on the equity between the positive and negative impact of disclosing information to private investigators where we have disclosure of information from all of Alberta and the benefit of that does not apply to all of Alberta but rather to a certain client?

MR. FRASER: If I understand the thrust of your question, are you saying: why is it that only lawyers or private investigators or insurance fraud adjustors would have access to that information as opposed to the average Albertan?

MR. LUKASZUK: No. I perhaps wasn't clear. If information from a public registry which virtually every Albertan is on and disclosure of the information would result in benefiting virtually every Albertan, then there is a natural balance. We all as Albertans pay the price by having our information disclosed in order that all of us can benefit from this information being disclosed. What is the balance in disclosing information to private investigators, where only a very select group of Albertans will benefit from the information being disclosed whereas all Albertans will be disclosing their information to them?

MR. FRASER: If I understand, you know, the impact or import of your question – and I think I do, but please don't hesitate to correct me if I don't get it right – it would seem to the association that the information we're talking about is information on the Alberta Registries motor vehicle database. The information that's on the motor vehicle database is from motorists, either registered owners or operators. Now, in view of the fact that everyone has to have insurance to operate a motor vehicle, the people that are giving that information are only the people who are part of the motoring public, if you see where I'm going on this. Therefore, if only the motoring public, be they registered owners or operators, are giving that information and they have to have insurance and we understand that driving is a privilege not a right, it perhaps doesn't seem inappropriate that that information should be shared, unless it's truly personal like drivers' abstracts, which the association has never sought to access. There are specific rules on drivers' abstracts.

MR. LUKASZUK: In that respect, then, do we exclude slip-and-fall and Workers' Compensation Board investigations?

MR. FRASER: Well, I mean, I was looking at insurance because I thought that was the original thrust of the question as it related to motor vehicles. I don't think we ignore workers' compensation or slip-and-fall. That's yet another form of insurance. Insurance is really pervasive in society, and it's a matter of sharing risk. You've had some pretty intense debates, I think, about workers' compensation recently. I think that when you're dealing with these large types of insurance issues, whether it's workers' compensation or motor vehicle insurance, you really do have a balance that you have to maintain.

Now, you may well be saying: "Why should someone investigating a workers' compensation claim have the right to the motor vehicle? The information that they would have been giving would have been only given for workers' compensation." I think that's a valid point. The response to that would be, I think, that in a collective, in a society, if we start stovepiping things and saying, "Well, if you're investigating a fraud on the Workers' Compensation, you're limited to maybe any potential public information or registry information that might be gathered by Workers' Compensation and not allowed to access motor vehicle; you could only access that information if you were involved in some sort of motor vehicle insurance fraud," I think it ignores the reality of not only civil and criminal wrongdoing – because when people do things, they do things in little stovepipes. I think you've got to be very careful about frustrating an investigation, because I think that if we stovepiped it, it easily would. But I take your point. It's not an unreasonable point to make.

MR. LUKASZUK: Thank you.

THE CHAIR: Mr. Fraser, I'm reading your abstract here, specifically the executive summary, where you advocate tightening up some existing practices, specifically: monitor disclosure of driver abstracts, insurance compliance, and standards for granting access. As I indicated, I haven't had an opportunity to read this entire document. Am I to infer from that that you believe the legislation as it currently exists is appropriate but that these matters are subject for contract negotiation and monitoring thereafter? Would that be fair comment?

MR. FRASER: Absolutely. Without reading the material, you've seized the point exactly. That's exactly what our position was. In fact, we felt that there was nothing wrong with the legislation but that administrative processes could be tightened up, and we believe that as a result of the '98 and '99 inquiries, they were.

9:35

THE CHAIR: So your position is that either the act or the regulations they're under ought to have some monitoring of contracts and to tighten up the monitoring process?

MR. FRASER: The association has always believed that whether it's the FOIP Act or the Motor Vehicle Administration Act, those particular acts don't need to be amended, but we do have to be very mindful of the administration of the procedures under the legislation. As we had stated in the position statement – and it's at page 5 – along the lines of making sure, we felt that it was more important to focus on who has access to the information. Can anyone just come along and get access to it? Why do they want the information? What's the purpose they want the information for, and then how will they access that information?

Built into the contract – and you're right. We felt that the contract was very important, not only between Alberta Registries and the registry agents but between the registry agents and the applicants who wanted it. There should be some fairly significant standards as to who is accessing it, what's the purpose, why do they want it, and then how will they be able to access the information, because if we don't have the rules fairly tight on the contract and due diligence basis, one could see that you could have some problems.

THE CHAIR: Thank you.

Mr. MacDonald, did I see your hand raised?

MR. MacDONALD: Yes, Mr. Chairman. I have a question, please, for Mr. Wilkinson. What are the conditions under which access to motor vehicle records is permitted now?

MR. WILKINSON: It's under a schedule which allows for particular types of investigations like insurance fraud, which is the main thrust of our investigations. I would say that 70 percent of private investigations are for insurance-related frauds, and you need the access to the motor vehicle records. That's one of the conditions, and there are actually several that Mr. Fraser drew up on schedule A. That's one of many.

Also, I do a lot of criminal work for lawyers. From the information that a lawyer gives me, I at times have to go to the motor vehicle branch and get certain information on the types of vehicles and that sort of thing from the registry. A paper trail is kept by all the registries of what information I have obtained or, as a matter of fact, that any private investigator has obtained.

MR. MacDONALD: Okay. If you could walk me through this. I'm quite unfamiliar with this. Is this information related to the automobile, is it information related to the individual who has registered the automobile, or is it both?

MR. WILKINSON: It's both. It just depends on the type of investigation. Sometimes it's just the person himself, sometimes it's the vehicles that that person is operating, or both, depending on what type of file it is.

MR. FRASER: If you look at the second last page of this submission – and this is again another reason why we've given it to you – it has the search request requirements, and it's called schedule B. It's got all the applicable purposes, the information needs, and the conditions to be met, but it's very important that this be enforced. I mean, there's no sense in just having a contract and conditions and then letting registry agents run off and not pay any attention to any of this stuff and then anyone walks in saying, "By the way I want this information," and everything gets really loose. You don't want to have that. You've got to be continually monitoring it and making

sure that there is due diligence and that there's proper training of registry agents as well. It's very important for registry agents to keep up with training and education.

We called, as well, for audits: audits of registry agents, audits of applicants. Okay? Don't tell us that you're following the rules; you show us that you're following the rules, because we're prepared to meet that standard. Now, I don't know how often or how well that's done. Like everything else, you know, there's too much work in too little time, and there's too little money for too many important things to be done in society. We try the best that we can as an association to meet the mark and meet those criteria, and I think that because there haven't been complaints that we're aware of, it's probably being done, but it's very important to keep up this whole level of due diligence.

THE CHAIR: Mr. Wilkinson, do you have any comment regarding the fees that the registry agents charge you to provide you with the information you're requesting?

MR. WILKINSON: The fees that they charge us for access to searches we pass on to the client, and I've personally had no problems from any law firms or insurance companies with those fees. I don't think that the government specifically sets a fee. I think they have a range, but I stand to be corrected. I know that with some of the registries it could be \$13 for one search at this registry and \$15 for a search at another registry.

THE CHAIR: Mr. Masyk.

MR. MASYK: Thanks, Mr. Chairman. To Mr. Fraser. On the motor vehicles I know that there doesn't seem to be much problem getting information if you're buying something, for example, that has a serial number. You can go to motor vehicles, and I think it's \$15 or \$20. They'll find out who has the lien on that vehicle. As the individual buying, you would want to do your due diligence to make sure that, you know, it's free and clear as told to you as opposed to buying, say, something from Sears, where you can pretty well tell. You know, you don't really have to check the serial number of what you're buying there. I always thought that it was fairly open and fairly reasonable to get all that information.

MR. FRASER: Well, that particular information that you're talking about at that point I think is not something that is going to necessarily even fall within the subject of the contract. I mean, that's truly an example of, you know, getting back information in accordance with the purpose the information was originally given for; namely, the serial number of the car. I'm not sure that getting that back is going to present any problem, and anyone could get that information. You're quite right. I mean, we should be able to get that information. I don't think that information will be something that is ever restricted. Hopefully not or we're all going to have a fairly difficult time buying, certainly, used vehicles.

MR. MASYK: Yeah. I appreciate that.

MR. FRASER: I mean, it's a valid point to make the distinction.

MR. MASYK: Yeah. I always thought that it was fairly open, but you're bringing up a different perspective to things.

THE CHAIR: The personal property registry is what you're referring to, Mr. Masyk, and anybody has access to that, but the motor vehicle registry is something quite different. That's what these gentlemen are talking about.

MR. FRASER: Well, thank you for pointing that out, Mr. Chairman.

THE CHAIR: Any other questions? Yes, Mr. Ennis.

MR. ENNIS: Thank you very much, Mr. Chairman. I'm asking a question from the technical side here. I recall that several years ago the submission that you made represented a substantial minority of private investigators in Alberta, and it was thought that the profession was growing and consolidating itself. My image of private investigators is that they work relatively independently and quietly, and I'm wondering if there has been a shift in the willingness of private investigators to participate in a professional association.

MR. FRASER: Well, I'll speak very briefly to that, and then Mr. Wilkinson is better able to respond. Certainly when I was actively involved in '98 and '99, that was not a minority of private investigators. I met with a great many private investigators, and they're often in larger firms in Edmonton and Calgary and Red Deer. We had a very major meeting down in Red Deer as well. Your point is well taken in the sense that on the day-to-day operation of the association, I think it always falls to a minority to run the association. It's true of professions and associations, I think, throughout the country that you'll often have a small amount of people actually doing it. So unless things are really high, you know, at the boiling point and really important in terms of urgency, I think you're quite right, from my understanding as an outsider, that the private investigators work more or less quietly behind the scenes.

MR. WILKINSON: We established a professional association. It started about five years ago, and it's today up to where we have our own code of ethics, our own standards, and things of that nature. We are presently working at becoming a self-regulating body. As a result of what Mr. Fraser spoke of, part of his submission in 1998 and 1999, that brought us as a group to say: "We have to work together. We have to set standards. We have to have ethics. We have to have education. We have to have training." That's what we're working for, because in the public eye we have to show professionalism so that they have faith that the access to information we have is going to be handled in a proper manner.

THE CHAIR: Okay. We have three minutes and two questioners, so I'd ask that you keep the questions brief and the answers to the point.

Mr. Lukaszuk.

9:45

MR. LUKASZUK: Thank you. Mr. Wilkinson, who is the profession's single largest client, and what percentage would they constitute roughly?

MR. WILKINSON: The largest single clients would be insurance companies, and I would say that that's about 70 percent of the private investigation business in Alberta.

MR. LUKASZUK: Thank you.

MR. FRASER: It may be just a little bit less than that. In these materials there are a lot of breakdowns answering exactly your question, so you can look at the materials later and you'll see the exact breakdowns.

MR. LUKASZUK: Thank you. Mr. Chair, can I ask a quick question to the department?

THE CHAIR: Very quickly.

MR. LUKASZUK: If the same information was sought after by an insurance company for purposes of investigation, of surveillance, would that information be released to the insurance company?

MR. THACKERAY: To the best of my knowledge the answer to that is no, not without consent.

THE CHAIR: Thank you.
Mrs. Jablonski.

MRS. JABLONSKI: Thank you, Mr. Chairman. Referring to your submission papers, page 3, under number 7, it's asked: "Are the mandatory exceptions to disclosure appropriate? If not, please explain why and provide suggestions for improvement." Under your answer A2, you point out that even with a signed release, you can't get that information. Is it correct that even with a signed release you can't get that information?

MR. WILKINSON: That's correct. If the police have a police report and they have the names of the witnesses, like in a traffic accident or a police report as a result of an incident, they will not release that information to a lawyer or a private investigator.

MR. FRASER: We may have a problem here as well on interpretation of the act and following the act. I agree with the thrust of your question. If you've got a signed release from the third party, be it a witness or anything else, you should be able to just get the information. I'm not sure that in practice that's exactly how it's working. I think that in certain instances in fact it's not being given, so the act may be not uniformly applied.

It's interesting. I was thinking that in terms of the Health Information Act we've got a similar situation that we might even eventually have in the FOIP Act. In research, for example, in the Health Information Act an ethics committee can dispense with consent, so the hospital or health care can give the information directly to the researcher. But then if the researcher wants to contact that person, they can't do it directly. They have to go through the hospital, and the hospital contacts and gets the consent. It might be that if we're not following this area, you know, maybe people should be encouraged that, yes, you don't contact them directly. The people that hold the information contact them and get the consent, and then there would be no problem. But you're quite correct. I mean, it shouldn't matter.

MRS. JABLONSKI: Thank you.

THE CHAIR: Thank you very much. That brings us to the end of your presentation. I'd like to thank you very much, both for the written materials and for the oral presentation, and for the fine way that you answered the questions.

Mr. Fraser, given that you've just submitted more written materials, perhaps you could leave a couple of business cards. In case anybody has any questions about the written materials, through the chair, we could contact you for clarification.

MR. FRASER: Sure. I'll even put on my new e-mail address, that's been thrust on me by Shaw. Thank you so much. We've really appreciated the opportunity.

THE CHAIR: Thank you. It was quite excellent.

MR. FRASER: Good luck on the remaining hearings that you have.

THE CHAIR: Thank you.

[The committee adjourned from 9:48 a.m. to 9:51 a.m.]

THE CHAIR: Our third presentation this morning is from the War Amputations of Canada, and I'd like to welcome Mr. H. Clifford Chadderton, chief executive officer for the War Amputations of Canada. Mr. Chadderton, you've been here for the majority of the morning, so you understand how informal we are and how the process works. I'd ask that you keep your comments to 20 minutes, and then we'll have 10 minutes thereafter to ask you questions, or if you want to alter that, that's fine. We've all read your materials; they're excellent. The floor is yours, sir.

MR. CHADDERTON: Thank you very much, Mr. Chair and ladies and gentlemen. If I seem a bit emotional, I think I should explain that I was at a prayer breakfast this morning with the 3rd PPCLI, and it's also the reason I have my medals on. They're sewn onto my coat, and I can't get them off.

However, to get to the matter and issue before this committee, firstly, we did file a rather extensive submission to the committee in June 1998, and there are still some extra copies of that here. I say that pointedly because some people are really surprised that all of a sudden this grew up. What happened was that as a result perhaps of this submission – in any event, we didn't appear, and we were not advised as to why – we no longer had access to the drivers' file as of '97. We continued to hope that we might get it and we continued to operate, but matters came to a head with us last year, particularly from what we might call the have-not provinces, because they do provide and have always provided the drivers' list. It's really the only way we can operate. Some of our directors began to ask questions as to why we should raise money in Nova Scotia, for example, when we could not get the list in Alberta.

Another point I would like to make is that I'm continually having to correct the impression that we are a charity. We are a charity by an act of the government of Canada, and that's it. We started out 50 years ago as what we called a service provider. The idea was to have a workshop and make work for amputees who came back from the war. In 1968 the government said: if you want to issue receipts for income tax purposes, you must register as a charity. Now, at that time we were barely making ends meet. I mean, we were providing jobs for people, for amputees and that type of thing, but the Canadian public began I think to believe in the key tag service very severely, and as a result we began to accumulate funds.

At the end of every year we say that we don't need those funds for ourselves. War amputees don't use them. But they are funds for our Champ program and particularly for something that's very close to my heart – I must tell your committee about it – and that is a supplementation of widows' pensions. If I have a bit of a break in my voice this morning, I did meet this morning with the wife of Sergeant Leger, who was killed of course in Afghanistan, and I had the unenviable task of telling her that the family income would drop from \$4,600 a month to \$1,700 a month. That's what a war widow gets. Consequently, we have been using the – I don't like to use the word "profit" – excess over expenses for widows as well as Champ amputees.

And I had a note this morning from a gentleman in the rear from the Glenrose hospital that they cannot meet the needs of the amputees. They're talking not just child amputees, certainly not veterans, but they're talking about amputees generally.

Our mailing will be going out to Albertans I think as of today. We spent \$72,000 to put together a list to mail. Now, that's in addition to the lists that we have had over the years, but every year the mailing list changes 25 percent.

The other thing I wanted to mention is that the officials and

certainly Mr. Coutts, the Minister of Government Services, have bent over backwards to try to find a solution. Our people have been out here four times, and I'm glad to see Mr. Merrick and his friend with us here this morning because we had an excellent meeting with them. It isn't that we haven't had long meetings and put a lot of information in front of your people, so I think that I can go through this very quickly.

One of the things that came out of the meeting with Mr. Merrick and his people was that there definitely is a common cause. In other words, do not look at us as a charity. We're a service provider, and there is a common cause between the motorists of Alberta and what we do through our Drive Safe and Play Safe and other programs.

Mr. Merrick and his people were attempting to work out some sort of an alternative solution which would involve 249 agents in the province, 18 of whom are with the Alberta Motor Association. Our expert on computers was with Mr. Merrick and his people on January 18. We went back and we tried to mesh that with our operation. Now, you'll have to understand that we mail to about 400,000 Albertans a year. There's no way that you could take information by hand off sort of a pamphlet or something like that. The only way is tape to tape, and if you ever saw our key tag plant in Toronto, of course it has to be first rate. It runs through very, very, very quickly, and you could never do it by hand.

Incidentally, I have copies of the memorandum which contains an excellent proposal by Mr. Merrick himself. We went over it very carefully, and I will file that with the committee.

10:01

When I mentioned that we're not a charity, I want to make these points very quickly. Firstly, we return lost keys. We don't charge anybody anything. If somebody doesn't send us \$5 or \$2, it doesn't matter; we still return the lost key. Secondly, we operate something called Play Safe, which is for children. You've probably seen our floats, and on the floats we have children who were injured in automobile accidents. They are saying: play safe; you know, we don't want it to happen to anybody else. Drive Safe is our latest program, and somewhere here I think I have the window stickers. This is the latest one, which is a back window sticker. That goes out free of charge with a suggestion that our kids want you to drive safe. I mean, it's a kids' appeal to motorists.

We have our mature drivers' program, which is being looked at now in many instances because what it does is, yes, it provides free driver instruction, but it does one other thing. The instructors will tell the driver to get rid of his driving licence if he should not be driving. It's a lot easier to have an instructor do that than to have the man's wife poke him in the ribs and say: I'm taking your driver's licence from you. We have Paylaw where lawyers can call and get information on the cost of amputation. We also have set up a legal aid situation. It may surprise you, but a lot of people who are in trouble don't know if they go to a lawyer if it's \$400 or \$500. They can call us. Our lawyer will put them onto the referral system in whatever province they are.

I want to talk about lists for a moment. We provided Mr. Merrick and his people with information on the mailing lists that you can buy. There was a very good CBC program by Wendy Mesley. There was another report by a Norma Vale, and I recommend the reading of those reports to you. They're in your documentation. But if we can't get a genuine drivers' list, we just cannot operate with these shady operators, and they are shady. For example, we had one list last year, and we found that the person who sold us the list got it from – where? – the funeral directors association. I'll tell you, I wrote about 450 heartfelt letters to widows saying: Look, we're terribly sorry; we did not know that your husband was dead. That's the type of thing that happens in this shady list business, and there's no way that we could continue that.

On the differentiation of charities, firstly, we do not use professional fund-raisers. Not that there's anything wrong with them, but, you know, we feel that we're genuine people, and we really try to put our point across. We don't receive any government grants, we don't solicit by phone or door to door, we do not trade mailing lists, and we only spend about 5 percent on administration. It's because we're able to do that. We're all people who have made our own careers, and we don't have any need for any high-priced help.

On the programs we have, most of you know about the Champ program for child amputees. Our program for widows I mentioned. We have a big program for amputee seniors. It's not well known, and that's because somebody of 75 or 80 years of age does not like to deal with other people, but they will deal with other amputees. Of course, we have seminars, which are very successful; you'd have to attend one.

Incidentally, last night I was watching the History Channel in the hotel, and they had one of our – they're not commercials. We don't pay for these commercials. They're public service announcements. They had one about matching mothers, and it's just exactly what it says. A mother gives birth to a baby. The doctor comes in and says: you have a wonderful child here, but no arms. God. I mean, that's the worse thing in the world, for a doctor to do that. So what happens is that they get us into it. We get another mother who has gone through that to go and visit. So these are all costly things, but it's the type of thing that we do.

On the financial information, we have filed with you an extrapolation of what we spent in Alberta in the last fiscal year. It was \$877,000. I might as well say right now that if we do not get the drivers' list, we just cannot continue to do this. The only way it's profitable at all is if we get the drivers' list on a tape-to-tape basis.

On the privacy issues, that's the one, Mr. Chair and ladies and gentlemen, that gives me the most concern. Maybe it's because at my age I realize that I don't like people to know too much about what I've been doing all my life, not that there's anything wrong with it, but some things are private, you see. For example, we did a study of this ourselves, and the things that people are mostly concerned about are personal health, medical records, employment history, marital status, financial information, insurance concerns, motor vehicle operating records – now, we don't get that; we just get the name and address – personal health card and the numbers, personal health information, social insurance numbers, information on credit cards, birth certificates, citizenship certificates, fish and wildlife licences, indebtedness, violation of the law, and other details which could lead to misuse of information and disclosure to other sources. But it is a bit of a mystery to me as to why complaints should be raised when all that we do get is a man's name and address, and that's it, nothing else.

Secondly, I think we've been able to assure your people that we know how to handle privacy. We've never had one complaint. I would ask you in your time to review the appendices that we have filed here. I did put together, incidentally, my comments on your questionnaire, and I'll talk about them if you'd like, but most of them are not germane to what we're really talking about here. What we're really talking about here is that we've had this access to the drivers' list for something like 50 years. We have used it for return-of-key services. You will notice, if you get a mailing from the War Amps, that we never ask for funds. As a matter of fact, we're not even allowed to. The key tag is a gift, as is the address label. That's the gift. We do say: here are our programs. If you want to support them, that is fine.

The question of supporters. I don't want to get into that, but there has been a lot in the media and some of the chief supporters of us continuing to get it, and I think the one that I bring most attention to

is the Alberta association of prosthetists. Now, these are the people who get faced day-to-day. Mrs. Jones says: I would like my daughter to have a swimming leg, and I would like it to have blue dolphins worked into it, you see. This is part of her being an amputee girl. Those are the kinds of things that no government will pay for, but we do because we realize the importance of things like skiing legs, for example. Orthopedic surgeons are a rather quiet bunch, and I could have gotten letters from them, but I thought: no, I'm not going to put that pressure on. You people know what the situation is. If we can't tell you, then we shouldn't be in business.

On supplementary mailing lists – I'm sorry; I gave you the wrong figure – we mailed last year to 542,000 Albertans. We had responses from 92,000, which is roughly about 16 or 17 percent. So what about the rest of the 542,000? To them we provide a service. Quite often they put the key tag on their rings, and the key tags come back to us, and we don't go to see whether they made a donation. We just send the key tags back to them, and then they say: gee, I feel badly; I should have made a donation. We say: well, we're always open to that type of thing.

I think that's really the gist, Mr. Chairman, of what I did, because I was very happy to say that and have your secretary thank me for the information we have provided. I think it's fairly complete, but I don't hope to be a kind of fellow who could come here and answer everything in my presentation. Obviously you have questions.

May I add one other thing about the legislation? I had a phone call from the *Calgary Sun* this morning, and they read me an editorial, I think it was, which said that your Privacy Commissioner was not the man who had refused the access to the War Amps for the key tag service. Mr. Chair, I don't want to get into that. I mean, this is a committee, you have your job, the registries have their job. All I can really say is that there has been a lot of misinformation and there's been a lot of good information. But there's been a lot of misinformation out there, and the main one is – we are not the kind of charity that says, "Please send us blank amounts of money every month" or whatever, and that's it. I mean, we provide the service, we provide the key tag, we provide the address label, we provide information on our programs, and if people want to donate, that's fine.

Thank you, sir.

THE CHAIR: Thank you, Mr. Chadderton. I don't think there's any doubt about that, that the War Amputations of Canada does great work both with respect to the key tag service and the key return service and the support that you give for amputees. There's no doubt about that. Of course, this committee has to wrestle with a slightly different issue, and that is the correct balance between privacy and access. On that front, I know that Mrs. Jablonski wishes to ask a question.

10:11

MRS. JABLONSKI: Thank you, Mr. Chairman. Mr. Chadderton, thank you very much for all the work that you do on behalf of all the people of Canada. It sounded like you were almost apologizing for wearing those medals, but they represent your honour, your courage, and your sacrifice, and in light of what we've just gone through and the memorial yesterday, I think that I appreciate the fact that you have your medals on.

I know that you were concerned that you only had 20 minutes to represent to us, but you didn't even need 20 minutes. Everybody in this room knows what the War Amps does and the benefit that it gives to a number of people. So 20 minutes was more than enough. Now I'll go on to my questions.

If a special exemption were to be considered, would you consider conditions like being wholly responsible for those lists and accountable for those lists in your organization, ensuring that they

would not leave your organization? Also, would you agree that anybody who didn't want their names on those lists, those names would be taken off? The last thing that I have to do is compliment you on the fact that over the past 50 years you have received no complaints.

MR. CHADDERTON: Thank you very much. I'll answer the second question first. Yes, we would have no objection to having a mark put on our mailing list, someplace could check obviously: I do not want my name given to the War Amps. That's fine.

Your first question. You could not get into a certain section of our key tag service plant in Toronto without going through two security checks. I can assure you that I would suppose for the past 25 years we have had a lot of pressure put on us by other organizations saying, "You know, you're playing dog in the manger; you're getting the list," and, for example, such and such a charity doesn't get it. Then they make us an offer. Yes, the pressure is there. The answer is: not under any circumstances.

Secondly – and I'm glad that Mr. Merrick is here – Mr. Merrick had some time to spend with Kathleen Booth, who's our absolute expert not only on mailing lists but on security. Certainly there is no way that even an employee who's not part of the inner circle could get access to that mailing list. No question.

MRS. JABLONSKI: Thank you.

MS DeLONG: Mr. Chadderton, thank you very much for coming in today. We're very glad to hear from you. As Mary Anne said, you know, you really could have just skipped your whole presentation, but I do have a question. I don't know whether you can answer it, but it's certainly a question that I'm going to be putting to Bob Clark when he comes, and that is: do we just have to put in a special exemption for you, or should we be looking at sort of a general exemption? When you're looking at sort of the balance between protection of privacy and freedom of information, obviously with you it's not falling in the right place.

MR. CHADDERTON: That's correct, yes.

MS DeLONG: Now, the balance isn't falling in the right place. If it's not falling in the right place for you, is it also not falling in the right place for other organizations?

MR. CHADDERTON: I hope this is an answer to your question. We provided Mr. Merrick with a copy of the agreement we signed with the province of Manitoba, which granted an exception. We also provided him with a copy of a very similar agreement with the province of Ontario. I think those agreements are ironclad, and it simply means that we can only use the information to send out a mailing list and that is it.

Now, I understand the position the committee is in in trying to make a balance. If I can just repeat something I said earlier, though, in all the reading that I've done and in talking to Bruce Phillips, who was our Privacy Commissioner in Ottawa when they were producing the Ottawa legislation – I appeared before that committee – the kind of privacy that people are very concerned about are things about marital discord and financial information and this type of thing.

The other kind of privacy that people are very concerned about is that they want to, for example, buy a Black & Decker saw. If they send in the registration for the Black & Decker saw, they go on the Black & Decker list. I can buy the Black & Decker list.

The other thing that bothers people is that they want to put in a subscription, for example, to *Fish and Wildlife* magazine. They don't expect that their name is going to go on the mailing list of half a dozen other magazine subscription peddlers. We know that

situation very, very well. The fact that we have been able to stay afloat – I mean, privacy isn't new but, you know, maybe 10, 15 years – in all the other provinces would indicate that we know what we're doing.

Now, I should explain that we do not get the list in the province of British Columbia, but they're not concerned about privacy. They give the list to the Tubercular Veterans Association. We are helping them now just sort of stay afloat. The only province which said we would no longer get the list was the province of Quebec, and that came with a change in government there. We have been talking to the government officials, and other people, Champ parents for example, have been talking to the Quebec people and saying: look, this is a service we can't do without, but the Quebec people did not turn us down. I think that's the important point. They didn't turn us down on account of privacy. They turned us down simply because we weren't Quebec, and then we turned around and we said: well, that's quite easy. We changed the name to Les Amputes de guerre Quebec. That's closing the barn door after the horse got out, and I wasn't fooling those people.

Anyhow, privacy we believe is a real issue, but if it's only the name and the address, I believe that it is possible for the balance, and we will be prepared to sign any kind of contract that the province of Alberta wishes us to sign to provide the security that we must have for even just the name and address.

Thank you.

MR. MacDONALD: Yes. Mr. Chairman, my question would be to Mr. Thackeray. In light of the fact that we are only looking for the name and the address from the motor vehicle office, not even the plate number but just the name and the address, how much cost would be involved in compiling this list with just the name and the address? Is it a problem, or is there anything that we should be aware of with this?

MR. THACKERAY: Since I don't have responsibility for Alberta Registries, can I take the question under advisement and provide the information to you?

MR. MacDONALD: I would be very grateful for that. Thank you.

MR. CHADDERTON: Incidentally, Mr. Chairman, we paid about \$8,500 for the last list we got from this province. We're not asking for something for free. We're asking for access to the list, and we're quite willing to pay that. We pay it in most provinces.

MR. MacDONALD: Mr. Chadderton, what costs do you incur in other provinces?

MR. CHADDERTON: About the same except for Alberta, Nova Scotia, and New Brunswick – no charge. Did I say Alberta? I meant Ontario. But in Ontario there's a quid pro quo, and that is that our records are that good that we know the change of address before they do. So we send the information back to the registrar in Ontario and say: we've had a change of address. Changes of address are – people I guess don't realize that they're breaking the law if they don't put them in, but we certainly consider that it's part of the arrangement as

a service to the motorist. We're not doing it for any other reason. We're not doing it to rat on anyone. We just say that if the motorist has changed from such and such a street to such and such a street or city or whatnot and we get that information when we amend our list, we have a separate tape that goes to the province of Ontario.

10:21

THE CHAIR: We're running out of time, so I'd ask for the questions to be brief and the answers to be direct.

Mr. Lukaszuk.

MR. LUKASZUK: Thank you, Mr. Chair. Mr. Chadderton, my dilemma does not lie in saying yes to you and your group. As many of my colleagues have indicated, your merit speaks for itself. My dilemma lies in saying no to other groups which may come forth as a result with similar requests. You must appreciate that there are hundreds, even thousands of worthy charitable societies and associations in Alberta. In view of that, are you asking to be grandfathered into this act, or are you asking for just a blank exemption for all charitable societies?

MR. CHADDERTON: No. We are asking to be grandfathered, and we're asking to be viewed differently from normal charities. We are the only charity, if you can call it that, or organization which provides service to the motorists. Our files are stacked that high with letters of: thank you for getting my keys back; it would have cost me a fortune to go to the bank and get my deposit, et cetera, et cetera. Now we return keys by courier if it's in an urban area, and we've had many cases where the courier is at the door and the lady says: "What? I didn't even know I'd lost my keys." You see, she had two sets.

This is our main problem, and I hope I can convince you of it. We are not a charity. We have a charitable institution number because people want a receipt, but what we are is a service provider. There isn't any other charity that goes to the expense of printing these things and sending them to everybody. They are see-through. We say: stick them in your back window. There isn't another charity that does this type of thing. Drivesafe, the War Amps. Stick them in your back window. That kind of service to the motorist is I think the basis of it. It's what's kept the War Amps going. What's keeping us going now is that plus the fact that we hope that we're making good use of any surplus funds that come in.

I'll put it this way. I personally would be against providing the motorist list to a number of charities that I know about because quite frankly I know an awful lot about the way charities operate. That's going on the record, and I don't worry about that. All I worry about is what we do. We are a service provider. That's where the difference is.

THE CHAIR: Once again, Mr. Chadderton, if you could keep your answer direct.

MR. CHADDERTON: I will. Yes.

MS CARLSON: What I have really is a comment to Mr. Chadderton. I can't believe that we provide rather extensive access to private investigators for the use of insurance companies and we can't give you a very limited list. I think this is one issue where we may find all-party agreement in this province.

MR. CHADDERTON: Thank you.

THE CHAIR: The last question goes to the chair. At the risk of playing devil's advocate, is it not fair to say that you provide a service to key holders as opposed to motorists? I mean, surely if I don't operate a motor vehicle but I have keys to my car and to my business, I still can access your service.

MR. CHADDERTON: Yes, indeed. That really comes from people who'd had the key tag service, had used it for years and years, and they get rid of their automobile. We leave them on our mailing list. That, incidentally, is a very real service, that I did not mention, for our older citizens, our senior citizens.

THE CHAIR: My point in raising that, Mr. Chadderton, is that your service is not to motor users. It's to key holders; is that not fair?

MR. CHADDERTON: No, our service basically is for motorists. If we send a key tag to Mrs. Jones, who no longer has her automobile, it's simply that she was on our donors list, and we asked her if she wanted to continue to have a key tag. If she said yes, we'd send it to her.

THE CHAIR: Thank you. Once again, on behalf of this committee and on behalf of the entire Alberta Legislature, thank you for the great work that you do and you will continue to do. As you can see from the questions, there is support around this table for what you do. You can rest assured that we will wrestle with your issue of access very seriously. I thank you for your appearance here this morning.

MR. CHADDERTON: Thank you, Mr. Chairman. Thank you, ladies and gentlemen.

THE CHAIR: Members of the committee, we skipped around our agenda today. I think the only remaining agenda item is if members have any other business. That being the case, we will meet again two weeks from today for more oral presentations. Can I have a mover for an adjournment? Mr. Lukaszuk.

Anybody opposed? Carried. We're adjourned. Thank you.

[The committee adjourned at 10:26 a.m.]

