

**Title: Wednesday, November 6, 2002P Act Review Committee**

Date: 02/11/06

[Mr. Rathgeber in the chair]

THE CHAIR: Okay. I guess we'll get started.

Good afternoon, everyone. My name is Brent Rathgeber. I'm the MLA for Edmonton-Calder, and I am the chair of the all-party special select committee to review freedom of information and protection of privacy legislation in the province of Alberta.

If I could start with the members first, starting with Mr. Jacobs on the right. If you could all identify yourselves for the benefit of *Hansard*, I'd appreciate it. Thanks.

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

THE CHAIR: Thank you.

Beginning with yourself, Mr. Thackeray, if the members of the technical team could introduce themselves for the record, please.

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

THE CHAIR: Mr. MacDonald, if you want to introduce yourself and your visitors for the record, that would be very appropriate.

MR. MacDONALD: Thank you very much, Mr. Chairman. Good afternoon. My name is Hugh MacDonald, from Edmonton-Gold Bar, and I have been accompanied to the meeting this afternoon by Miss Holly Swanson, a grade 9 student at Strathearn elementary and junior high, and Isaac MacDonald, who is also a grade 9 student at Strathearn. They are job shadowing today.

THE CHAIR: Thank you, and welcome to the students. I hope you find the afternoon informative.

Last Thursday packages were delivered to the membership, and in those packages were the minutes from the last meeting. No?

MRS. SAWCHUK: My apologies, Mr. Chairman. They were only delivered this morning.

THE CHAIR: Sorry. The minutes were delivered this morning.

Last Thursday an agenda for today's meeting was distributed. I'm assuming that everyone had an opportunity to peruse that agenda if so interested, and as a result I would like somebody to move acceptance of the agenda unless there are any questions, concerns, or comments.

MR. JACOBS: I so move.

THE CHAIR: Thank you, Mr. Jacobs.  
Any questions?

MS DeLONG: I would like something added to the agenda.

THE CHAIR: Certainly.

MS DeLONG: In terms of new business, before 5(b), which is Review of Draft Final Report, I would like to have a chance to respond to a letter that we received before the last meeting from CAPP, the Canadian Association of Petroleum Producers.

THE CHAIR: Thank you, Ms DeLong.

Any questions to Ms DeLong? Does anybody have any problems with Ms DeLong raising that agenda item? I can tell you that she did serve the chair notice that she would be bringing that matter forward. Does anybody have any problems with that agenda item being added? It's added.

With that addition, Mr. Jacobs, are you still prepared to move the agenda?

MR. JACOBS: I am, Mr. Chairman.

THE CHAIR: Any other additions or comments? Anybody opposed? The agenda is carried. Thank you.

Minutes, I understand from the clerk, were distributed this morning. Has anybody had a chance to peruse them? I have briefly. They look like they're in order, and it looks like they properly reflect what we agreed to last time we met.

Mrs. Jablonski, did you have a comment?

MRS. JABLONSKI: No. I move that we accept the minutes.

THE CHAIR: Any questions on that motion? Any discussion or debate? Anybody opposed? The minutes from the last meeting are carried. Thank you.

We have Business Arising from the Meeting of October 24, 2002, and one item in that is recommendation 4. The membership will recall that a motion brought forward by Member Mason was carried by this committee to amend recommendation 4 to exclude from the motor vehicle registry applicants who were – I forget the exact wording of the motion – dealing with a commercial enterprise without their consent.

Mr. Thackeray, I know that your team has diligently been working to try to implement this recommendation, and that was the motivation for delaying this meeting almost one week. I know that you have come up with at least a couple of alternate wordings to give effect to Mr. Mason's amendment. Did you want to discuss the possibilities that are open to this committee? The floor is yours, Mr. Thackeray.

MR. THACKERAY: Thank you, Mr. Chairman. At the last meeting – that was the meeting of October 24 – there was a motion approved requesting that the recommendation be amended by adding wording that would reflect “the overall policy umbrella indicating that personal information shall not be disclosed or sold for strictly commercial purposes without the consent of the individual involved.” The technical team was asked to prepare an appropriate amended recommendation meeting the requirements of the motion approved at the last meeting.

In briefing note 6, which was circulated I believe yesterday to the members of the committee, we've put together the option on the first page based on the wording of the motion passed by the committee, and it would read that

the Traffic Safety Act be amended to delete the reference to section 40 of the FOIP Act as it relates to information concerning individuals (for example, names and addresses collected for operator and motor vehicle licensing purposes) and . . .

This is the new part.

- based on the overall general policy that personal information should not be disclosed or sold for strictly commercial purposes without the consent of the individual involved, prescribe specific criteria for permitting the disclosure of personal information from the motor vehicle registry by the Registrar.

Then it goes on to

- add a new subsection to the Traffic Safety Act allowing a decision of the Registrar to be reviewed by the Information and Privacy Commissioner; and

- amend the [Freedom of Information and Protection of Privacy Act] to give the Commissioner the appropriate authority to review the Registrar's decision, investigate complaints, hold an inquiry into the matter and issue an order.

**1:40**

At the bottom of the second page of briefing note 6 we have put forward a different approach that I think more accurately reflects, in my view, the debate that took place at the committee especially when the issue of the War Amps of Canada was discussed. That suggestion would be to add in where the option was bolded something to the effect of

prescribe specific criteria, which would be based on balancing fair information practices and the public interest, for permitting the disclosure of personal information from the motor vehicle registry by the Registrar.

The concern that we have with the first option put forward before the committee is that, in my view, this would exclude War Amps from getting access to the information. I think the argument could be successfully made that notwithstanding War Amps' view that they are a service provider, they would still be, I think, described as in it for commercial purposes because they do raise funds from the services that they do provide. I think that if the committee were to go with the second option, it still puts an umbrella policy framework over the criteria, which would give direction to the people developing the criteria for consideration by the Legislature, but it wouldn't eliminate War Amps from seeking access to this information.

THE CHAIR: Thank you, Mr. Thackeray.

Mr. Mason, you're the sponsor of this motion, and you will recall that the chair had some concerns about the motion when it was put forward, specifically that, in the opinion of the chair, it was broad enough to cover the War Amps. The chair continues to have those concerns, although the chair is precluded from participating in the debate of the merits of your motion, but I think it is fair for the chair to point out its concerns.

You've had now 13 days to think about this. When Mr. Thackeray asked you as mover of this amendment to recommendation 4 if you could define "commercial purpose," I think your response was, "I probably could," but then you didn't. I think it's important for the members of this committee, before we put together this final report, to determine exactly what it was that you were intending to do by amending recommendation 4. Who was it that you were intending to catch?

MR. MASON: Well, Mr. Chairman, you know, I don't think it's a requirement to provide a definition more specifically than this. Strictly commercial means, to my mind and I think to most people's minds, that it will be used in order to operate a for-profit business. I do not believe that the War Amps is a strictly commercial operation. My understanding is that they are a nonprofit organization that uses the revenue that they get from their activities to support people, particularly children, with amputations. So I certainly don't think that an organization such as the War Amps comes under the definition of strictly commercial, but clearly a parking lot company does.

THE CHAIR: Well, Mr. Mason, you will clearly recall recommendation 5, put forward by Mr. Lukaszuk, which deals with the parking lot issue. Presumably recommendation 4 is meant to deal with something other than parking lots, because parking lots are well covered by recommendation 5. So if parking lots are covered by number 5 and if War Amps was not the intent of the amendment to recommendation 4, who was it that you intended to catch by your amendment to the recommendation?

MR. MASON: Mr. Chairman, you suffer from a selective memory. At the last meeting I indicated that I thought that Mr. Lukaszuk's motion, while I supported it as far as it went, didn't state the policy objectives in a broad enough fashion to be satisfactory from my point of view. I wanted to know what principles we were adopting. Rather than just say parking lot companies, I wanted to determine what it is that lies behind that: when should we provide information, and when should we not?

The information is collected from individuals on the basis of one set of criteria. In other words, they want to register their motor vehicle, and they are required, therefore, to provide a certain amount of information through other parties to the government in order to do that. So that's the basis on which they give their information. Then that information is taken and used for companies to operate their businesses strictly on a for-profit basis. I don't think we ought to be providing that information on that basis, because that's not the basis it was collected on. I think that there are some false pretenses there, if I can go that far.

On the other hand, something that has the public interest, that is a nonprofit organization that provides services to people who need them, is a different kettle of fish. So it's an attempt to try and ascertain and set out the principles which are embodied in Mr. Lukaszuk's motion but make it applicable not just to parking companies. Imperial Parking made the point and, I think, quite justifiably: why should they be singled out? Why should they be named, essentially?

So here's a motion coming forward, and I think Mr. Lukaszuk's motion is quite a popular one with the public – I believe that there are a lot of people who feel that their information which is provided ought not to be handed over to a company so that they can receive pseudotickets in the mail – but it's too narrow. What I was looking for was a way to substitute a motion that didn't single out parking companies but which clearly set out when we would and when we wouldn't turn over information collected from people for one purpose to a third party to use for a different purpose.

THE CHAIR: Well, I think you've accomplished that, Mr. Mason. Unfortunately, what you've done is you've caught by the wording of your motion a number of organizations including private investigators, including the Law Society of Alberta, of which I have disclosed I am a member, and unfortunately, unlike the parking lots, they did not have the opportunity to comment on the interim report.

Now, all of that being said, out of the two options that have been put forward by Mr. Thackeray and his technical team, do you have a preference as to the wording?

MR. MASON: Yes. I like the first one.

THE CHAIR: Mrs. Jablonski.

MRS. JABLONSKI: Thank you, Mr. Chairman. I understand what Mr. Mason is trying to accomplish with his amendment, and I appreciate that. However, I am very concerned that the wording may just possibly restrict something as valuable and beneficial to Albertans as War Amps. So in order to avoid the even slight possibility that that wording may discredit sending information to the War Amps, I prefer the different approach, and I would like to make that motion.

THE CHAIR: Before we have motions, I think we'll just have general discussion.

**1:50**

MS DeLONG: I think that we really need to put our minds back to why automobile registration information was first collected. I can

remember stories that I have read from back around the turn of the century, when people first had automobiles. An automobile would come racing through town or racing along the street and knock somebody over or kill a few chickens or whatever and then just keep on going. These magic buggies moved so fast that you couldn't tell who was in them, and essentially there was no responsible way of tying the person to the automobile. That's how we got into registering vehicles. So it's a matter of making sure that the responsibility is tied between the automobile and the owner of that automobile. Since we don't know for sure who's driving it, we just say the owner and expect the owner to be responsible enough for his automobile that he knows who's driving it.

So I think that I would recommend that we use the second approach, because it does say that we're "balancing fair information practices and the public interest, for permitting the disclosure of personal information from the motor vehicle registry by the Registrar." To me that's a much more reasonable approach that I think is workable for the situation.

THE CHAIR: Mr. Lukaszuk.

MR. LUKASZUK: Thank you, Mr. Chairman. A question to Mr. Thackeray. Mr. Thackeray, would adopting the second version of the wording still allow the War Amps to have access to the lists in registries' custody and not allow those specified in recommendation 5, being parking lots, to access that very same list?

MR. THACKERAY: The second option, in my view, would allow War Amps to seek and receive access to the information that they desire for continuing on with the work that they do in Alberta. I think it would also possibly preclude others from getting access that currently have access because of the fair information practices, and that would be a direct reference to recommendation 5.

THE CHAIR: A supplementary, Mr. Lukaszuk?

MR. LUKASZUK: A follow-up. Possibly? Or would it preclude?

MR. THACKERAY: I would have to say possibly. I don't know if it would definitely preclude, but the issue of private parking lot companies is dealt with in recommendation 5 specifically.

MR. LUKASZUK: Thank you. That's all.

THE CHAIR: Anybody else?

We've heard some support for option 1, and we've heard some support for option 2. Mr. Mason, these technical responses are in response to your motion, so I will give you the first opportunity to make a motion if you so desire.

MR. MASON: Well, I had a question, if I could go with that.

THE CHAIR: I just asked if there was further discussion, so we'll go back to discussion.

MR. MASON: Thanks. Mr. Thackeray, take me through the process. If we adopted this second one, tell me who's going to prescribe the specific criteria and who's going to interpret them. Take me through the process of how a decision by a company who wants registration information to pursue a strictly commercial purpose would occur. In whose hands is this?

MR. THACKERAY: I guess that initially it would be in the hands of the Legislative Assembly because they're going to have to approve the criteria that will be listed in the Traffic Safety Act.

Based on either of these suggested motions, the development of the criteria for consideration by the Legislative Assembly will be under a general policy umbrella either dealing with strictly commercial purposes, as in option 1, or dealing with fair information practices in the public interest, as in option 2.

Once the criteria are established in legislation, a company would make application to the registrar of motor vehicles. The registrar would take the criteria, determine whether or not it was a bona fide case where they fit within the criteria, and then make a decision: either yes, they get access, or no, they don't. If the decision was that, no, they don't, then the company would be able to ask the Information and Privacy Commissioner to review the decision of the registrar. If the answer was yes, then the registrar would enter into an agreement with the company, providing them access to the database. If an individual whose information was passed on to that company had a concern that their privacy had been breached, then they could lodge a complaint with the Information and Privacy Commissioner, who could start an investigation. If resolution wasn't available, then it could go to inquiry, and an order could be issued.

MR. MASON: Okay. Thank you.

So if this is included in our final report and if that final report is adopted by the Legislative Assembly, that will then trigger work being done, presumably by your branch, which will then be passed through your minister and which will then come before the Legislative Assembly. That would automatically happen; is that correct?

MR. THACKERAY: That's correct. The criteria would be developed in consultation with Alberta Government Services, Alberta Transportation, and the office of the Information and Privacy Commissioner.

MR. MASON: So when would we expect the criteria to appear before the Legislative Assembly if this is passed at this fall session? At next spring's session?

MR. THACKERAY: That is a possibility. I don't have control over the legislative agenda.

MR. MASON: Indeed.

Okay. So then the Assembly would be able to deal with it and amend it there, and from then on it is interpreted by the registrar and subject to appeal either way to the office of the Information and Privacy Commissioner.

MR. THACKERAY: That's correct.

MR. MASON: Okay. Mr. Chairman, I still prefer mine.

THE CHAIR: Once again, the chair will grant you the first opportunity to make a motion given that these technical responses were in response to your motion.

MR. MASON: Very well. I will move the first option in briefing 6 for the reasons that I've already indicated.

THE CHAIR: So the wording of the amendment to recommendation 4 would be:

- based on the overall general policy that personal information should not be disclosed or sold for strictly commercial purposes without the consent of the individual involved, prescribe specific criteria for permitting the disclosure of personal information from the motor vehicle registry by the Registrar; and.

Do I understand your motion correctly?

MR. MASON: Well, the way it's come back, Mr. Chairman, it's got four bullets. Does the department believe that all four bullets should be included in the motion?

THE CHAIR: Mr. Mason has asked a question to Mr. Thackeray.

MR. THACKERAY: The reason it was put into four bullets was so that when a different approach was put forward, it would be easy to pull out the section where the different approach would be substituted. The wording of the motion under Options is exactly the same as recommendation 4 except that we've inserted the part about "strictly commercial purposes."

MR. MASON: So all I need to do is move the second bullet, the one that's highlighted. Is that right? I just want to make sure of what I'm supposed to move here and make sure that it's captured.

THE CHAIR: That's my understanding, and that's what I read.

MR. MASON: All right.

MR. LUKASZUK: Would it not be more efficient for us to discuss them bullet by bullet?

THE CHAIR: No. We're only moving the second bullet.

MR. LUKASZUK: Oh, you're only moving the second bullet. I'll take that back. Thank you.

THE CHAIR: Well, the committee will remember that recommendation 4 was in our interim report. Mr. Mason moved at the last meeting an amendment to recommendation 4, but the wording had not yet been perfected. So now the wording has been at least attempted to be perfected, and we are debating which one of those attempted perfections is closer to what Mr. Mason attempted to do. The only thing that we're debating is what should be inserted in recommendation 4. I think the chair read it correctly, but I don't mean to speak for Mr. Mason.

MR. MASON: My understanding, Mr. Chairman, is that the first, third, and fourth bullets are already in the interim report. Is that correct?

THE CHAIR: Yes. That's recommendation 3.

**2:00**

MR. MASON: Well, I'm not just trying to clarify it for you, Mr. Chairman.

Number 2 is in addition to what's in the interim report. Is that correct?

MR. THACKERAY: Not exactly. The new part in option 1 for recommendation 4 starts at the word "based" and ends at the word "involved." That is the new insertion.

MR. MASON: Okay. Then, Mr. Chairman, I will move that in number 4, after "(for example, names and addresses collected for operator and vehicle licensing purposes); and," we insert "based on the general overall policy that personal information should not be disclosed or sold for strictly commercial purposes without the consent of the individual involved." Then it would return to "prescribe specific criteria," which is already there.

THE CHAIR: The chair understands your motion. The chair read some superfluous wording to your motion that was already in the

recommendation.

So do we have any questions to Mr. Mason on his motion?

MS CARLSON: I just wanted to ensure that all committee members fully understood that bullets 1, 3, and 4 were already a part of the previously discussed motion before us.

THE CHAIR: If they didn't understand it, they certainly do now.

Any questions to Mr. Mason on his motion? Any debate regarding the merits of his motion? Mrs. Jablonski.

MRS. JABLONSKI: Thank you, Mr. Chairman. I would just like to reiterate that I have a grave concern that that could possibly discount or preclude the War Amps from receiving any information or applying for any information. So having that concern, I will be voting against this.

THE CHAIR: Thank you.

Anything else?

MR. MASON: Just to respond to that and conclude the discussion, I am very confident that the wording in this motion does not encompass nonprofit organizations or organizations who use information in order to provide a service to the public, which getting a parking ticket definitely is not.

THE CHAIR: Thank you. Anything else?

We'll put it to a vote that the wording to be chosen to give effect to the amendment to recommendation 4 should be the following:

based on the overall general policy that personal information should not be disclosed or sold for strictly commercial purposes without the consent of the individual involved.

All those in favour, please indicate that you're voting positively by raising your hand. Against? It's defeated.

Is there an alternative motion?

MRS. JABLONSKI: I would move that we replace the words from the previous amendment with: prescribe specific criteria, which would be based on balancing fair information practices and the public interest, for permitting the disclosure of personal information from the motor vehicle registry by the Registrar; and.

THE CHAIR: Thank you. Any questions to Mrs. Jablonski on the wording of her motion?

MS CARLSON: Could we get an interpretation on how that differs from the motion that was just defeated?

MR. DALTON: Mr. Chairman, members, I think the second motion is broader in scope, and I think that's what Mr. Thackeray was indicating.

MS CARLSON: Broader in scope to exclude or include more organizations?

MR. DALTON: I think it's exclusive and inclusive. It depends on how you put the criteria. It really depends on the criteria.

THE CHAIR: Ms Carlson, a second supplemental.

MS CARLSON: Thank you. So, then, in terms of what we're trying to achieve here, what would you say is the legal interpretation of the guiding principles, and is this going to include organizations like War Amps and exclude parking lot companies?

MR. DALTON: I return to my last answer. It may or may not, depending on the criteria you take.

THE CHAIR: Mrs. Jablonski.

MRS. JABLONSKI: Thank you. The reason I would prefer the second amendment is because the words “commercial purposes” are taken out of that. Somebody could debate that the War Amps sell and, therefore, are commercial. By taking out “commercial,” we’re not going to have any kind of ambiguous definition of the word “commercial” that would include War Amps. So that’s what my concern was.

MR. LUKASZUK: Mr. Dalton, I appreciate your answer. However, I would ask that you become more specific in your answers. I will ask you much the same question. Would version 2 allow the War Amps to continue receiving addresses and disallow private parking companies from receiving addresses? That’s a yes or no question.

THE CHAIR: Well, that’s an unfair question, Mr. Lukaszuk, because the War Amps currently don’t receive access.

MR. LUKASZUK: Let me rephrase my question. If War Amps were to apply to obtain access to the list, under recommendation 2 would they be allowed to obtain addresses? If the parking lots continued applying to obtain addresses, would they continue receiving those addresses or not under recommendation 2?

THE CHAIR: Mr. Dalton, you can render an opinion if you choose.

MR. DALTON: I’m afraid, Mr. Chairman, I can’t change my answer. The plain fact is that it says that you have to balance fair information practices and the public interest, both of which are broad concepts and really are determinative of what is prescribed, using those two concepts.

MR. LUKASZUK: Mr. Dalton, I appreciate that. With recommendation 5 now being passed and on the books, would that affect the parking lot companies’ ability to access addresses?

MR. DALTON: This is a broader one. As Mr. Thackeray explained earlier, that’s a specific reference to parking lots. As a consequence, that recommendation stands alone in terms of information that could go to parking lots.

THE CHAIR: A second supplemental, Mr. Lukaszuk.

MR. LUKASZUK: Thank you, Mr. Chairman. Would recommendation 2 as per option 2 have any overriding ability or primacy over recommendation 5?

THE CHAIR: The chair can answer that. All recommendations stand on their own.

MS CARLSON: I would now like an interpretation from Mr. Ennis in terms of what he thinks of this motion as it relates to the general discussion we’ve had.

MR. ENNIS: The motion being to replace the first text with the second. There are risks to applicants in either option in terms of the interpretation that people take of these very words. In the second option – I’ll address that one first – “fair information practices” normally does include some kind of fair notification or consent process with the individual whose information is involved. So that’s something that would have to be considered and balanced against the public interest, which would be the view that people hold of War Amps and the work that they do or the view that people hold of parking companies and the work that they do.

So I think that the specificity of the direction would really have to be in the criteria. The direction is not here. This simply says that someone has to balance. What they’re balancing, though, would be a reflection of what is in the criteria, because the criteria itself should specify much of what is in the public interest, and that’s something for the Legislative Assembly to do in the amendments to the Traffic Safety Act. Fair information practices are fairly well codified and fairly well understood. There’s some debate about whether consent can be implied or consent must be a very deliberate thing, but other than that, fair information practices seem to be well understood. The public interest, though, is interpreted by the Legislative Assembly, so the direction would have to be there.

On the issue of “strictly commercial” I’ve been struck by some of the reaction to the amendment over the last few days in terms of how broadly people read the term “strictly.” On first seeing it – and I think I made that clear in my answer to Mr. Mason’s question – I didn’t see it as precluding things that are done for business but might be done for a positive purpose, but many people do see it that way, that even as noble an effort as what the War Amps do could be in some ways interpreted as a commercial operation. We’ve been told by War Amps that they do not sell the information but they do use it for their purpose, and it’s possible that people could view that as a commercial purpose. Not everyone, I suppose, sees within the word “commercial” the natural link to a for-profit situation. So either of these has difficulty, but one of them opens the gate more readily to being supported by further legislation in the Traffic Safety Act, and that is the one that references the public interest.

2:10

THE CHAIR: A supplemental, Ms Carlson.

MS CARLSON: Thank you. So in the absence of any further regulations would your office allow the War Amps the information if this second motion is passed?

MR. ENNIS: In the absence of other regulations? A tough question. The only way that question can be put is: could our office allow the information? Fair information practices generally imply that there has to be a groundwork for access to information and there has to be some kind of an acceptable basis on which information transfers from the public body to some third party. So the issue is: could that happen? Under the current situation it’s difficult to see how it could happen if this information were under the FOIP Act. Now, keep in mind that it is not under the FOIP Act, but if a government department happened to have a list like the motor vehicle information and War Amps came under the FOIP Act asking for it, the only way that it could obtain that information would be with the consent of the third parties involved.

THE CHAIR: Any supplementals? Anything arising from that? Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman. After hearing all the answers to the questions, I confess that I am becoming somewhat confused. I’m just wondering what the criteria would be or what the format would be to go back to the status quo, which is where we were before we got the motion from Mr. Mason at the last meeting to try to improve on the previous situation.

THE CHAIR: The chair will deal with that if and only if Mrs. Jablonski’s motion is defeated, Mr. Jacobs.

MR. MASON: That’s a fair question.

THE CHAIR: There’s a motion on the floor, Mr. Mason.

Mr. MacDonald, did you wish to get into this?

MR. MacDONALD: Yes. I have a question of clarification, please, Mr. Chairman, for Mr. Ennis in regard to this proposed motion by Mary Anne Jablonski.

THE CHAIR: Yes. Go ahead.

MR. MacDONALD: Okay. Thank you. Now, what role, if any, would the Privacy Commissioner or his or her office have to overrule the decision to release that information if I support her motion?

MR. ENNIS: Pardon me? To release what decision?

MR. MacDONALD: To release any sort of information.

Now, earlier in item 4 there was to be a review process for the Information and Privacy Commissioner. I guess that the simplest way for me to ask this is: would that review process also apply in this case?

MR. ENNIS: As I'm understanding the motion from Mrs. Jablonski, it would have these words replace the bolded text of the motion but not the complete motion. Am I understanding that correctly?

THE CHAIR: Who are you addressing your question to, Mr. Ennis?

MR. ENNIS: I'm addressing it to you, sir, as chair. I should have been more clear on that.

THE CHAIR: Instead of the words of the defeated motion by Mr. Mason the motion is that the following words be inserted in recommendation 4: prescribe specific criteria, which would be based on balancing fair information practices and the public interest, for permitting the disclosure of personal information from the motor vehicle registry by the Registrar; and.

MR. ENNIS: Thank you. That's how I understood it. The other bullets would still remain, so the role of the Information and Privacy Commissioner in reviewing decisions of the registrar would still be there.

THE CHAIR: Yes.

MS CARLSON: I believe Broyce's question was a fair question, and I, too, would like an answer to it before I vote on this particular motion.

THE CHAIR: The reason I am hesitant to answer is because I don't want to prejudice what might happen with Mrs. Jablonski's motion. If Mrs. Jablonski's motion fails, then the chair will ask for a third option that's not included in the options that have been written by the technical team. We'll debate that and vote on that, and if that passes, that'll be the end of it. If nobody is so creative, then the chair will ask for a motion returning to the status quo of recommendation 4.

We're adjourned for five minutes. Thanks.

[The committee adjourned from 2:16 p.m. to 2:20 p.m.]

THE CHAIR: When we took our brief adjournment, the chair answered a hypothetical question put forward by Mr. Jacobs, and I understand, Ms Carlson, that you wanted to ask a supplemental.

MS CARLSON: Well, I did. You were outlining a third option, and

I would just like a description of what that was.

THE CHAIR: You'll have to refresh my memory as to what I said.

MS CARLSON: You said that if this option was also defeated, you would be bringing forward a third option.

THE CHAIR: No, no, no. You misunderstood me, Ms Carlson. I would ask if the committee had any third options, something that wasn't drafted by the technical team, to give meaning to Mr. Mason's amendment to motion 4. In the absence of anybody's willingness or ability to do so and/or in the presence of that and it also being defeated and in the absence of any further attempts, then the chair would eventually entertain a motion repealing Mr. Mason's amended motion from two weeks ago.

MS CARLSON: Thank you. I call for the question.

THE CHAIR: Well, the floor is still open for further debate regarding Mrs. Jablonski's motion.

Did you have further comment, Mr. Mason?

MR. MASON: Yeah. You just asked for further debate on Mrs. Jablonski's motion.

THE CHAIR: Yes. The chair recognizes Mr. Mason.

MR. MASON: I don't think that this motion will fully meet the objectives that I had, but based on some comments by Mr. Ennis that, in fact, fair information practices are fairly well defined and actually mean something, then I think that it's maybe half a loaf instead of the whole loaf. It's certainly not everything that I wanted, but it is a step in the right direction.

Now, it will come back to the Legislative Assembly, as I understand, and the criteria will be adopted by the Legislative Assembly. If we pass this motion and if this report is adopted by the Assembly, then it will come back again and the specific criteria will be subject to debate and discussion in the Assembly. So, ultimately, that's going to be the case.

I'm fairly comfortable that the War Amps will be allowed access by this. I'm not so sure that what I call strictly commercial, for-profit ventures will be excluded, as I desired. I think there are some in the government in the Assembly that don't see much distinction between companies making a profit and the public interest. That's a philosophical point, I guess. So I don't have a lot of confidence with this motion that private companies are not going to be able to get information that people have given them in order to register their vehicle for some other purpose. But there's a chance and there's at least an opportunity for some further debate on that question, and I look forward to that debate when the criteria come back to the Assembly, Mr. Chairman. I think it's going to be an interesting discussion.

So with those caveats, I'm prepared reluctantly to support this motion.

THE CHAIR: Thank you.

Anything further? Mr. Jacobs.

MR. JACOBS: Well, thank you, Mr. Chairman. The reason I asked the question I did is because I want to make sure that at the end of the day we do all we can to make sure that the War Amps people are able to get the information they need to continue to do the good work they do. That's my primary concern here. As a committee we've debated that, and I think everyone has basically agreed that we want to accomplish that. You know, by using the words "fair

information practices and the public interest” and in view of the comments we have heard – although, you know, it seems like there was a little bit of waffling there – I believe that we accomplish what we want with Mrs. Jablonski’s motion, so I’m going to support the motion.

THE CHAIR: Thank you.

Anything further? Okay. We’ll put it to a vote. All those in favour of inserting the following words:

prescribe specific criteria, which would be based on balancing fair information practices and the public interest, for permitting the disclosure of personal information from the motor vehicle registry by the Registrar; and,

after the word “); and,” and adding a new subsection in the existing recommendation 4, please raise your hands. It’s carried unanimously. Thank you.

We’ve two items of new business before we review the draft final report.

Mr. Thackeray, I understand that the commissioner has some concerns with respect to recommendation 35. Will you be addressing that, or will Mr. Ennis from the commissioner’s office?

MR. THACKERAY: Well, Mr. Chairman, I’ll be addressing it initially, and then Mr. Ennis may have some comments or be able to respond to some questions.

THE CHAIR: Thank you.

The chair recognizes Mr. Thackeray.

MR. THACKERAY: In the preliminary report recommendation 35 dealt with purpose of request. The recommendation reads that when determining whether a public body may disclose personal information in accordance with the Act’s provisions for the protection of personal privacy, the head of the public body shall consider the purpose for which the disclosure is being requested. If, after considering all relevant purposes, the head of the public body believes that disclosure for a particular purpose is appropriate, the public body may disclose personal information for that specified purpose. If disclosure is made to a person under this provision, and if the person uses the personal information for any purpose other than the specified purpose, that person is guilty of an offence and liable to a fine pursuant to section 92 of the FOIP Act.

I believe that this is recommendation 31 in the final draft report.

MS CARLSON: I thought you said 35.

MR. THACKERAY: It was recommendation 35 in the preliminary report.

When this was reviewed by the committee at the meeting of October 24, it went through with no comment from anyone, and I felt that it was important, if I’m allowed, Mr. Chairman, to read into the record the concerns that the Information and Privacy Commissioner had.

THE CHAIR: You are so allowed.

MR. THACKERAY: In his submission to the committee on the preliminary report the commissioner mentioned that he was absolutely opposed to this recommendation, and I will quote from his letter.

Although I agree that the purpose of a request may be a relevant factor which could, in some cases, result in the better application of the privacy provisions of the Act, the recommendation is overly broad. In my view, the recommendation would have the effect of granting a public body an unlimited discretion to determine the purposes for which personal information may be disclosed. Providing a public body with this type of broad discretion will lead

to inconsistent decisions among public bodies and uncertainty among the public as to the level of protection that public bodies will afford to their personal information.

If the Legislature believes that there are certain purposes for which personal information should be disclosed, it should identify those purposes within the Act. This would result in greater transparency and accountability to the public and provide the public with greater certainty regarding the circumstances under which their personal information will be disclosed.

I just wanted to read that into the record. Thank you, Mr. Chairman.

THE CHAIR: Thank you.

Mr. Ennis, did you have anything to add? I’m assuming that you are knowledgeable as to the commissioner’s concerns with respect to recommendation 35 as it was in the interim report.

MR. ENNIS: Thank you, Mr. Chairman. Yes, and in this case I’ve had a number of occasions to speak with the commissioner and the commissioner’s counsel on this very issue. The commissioner recognizes that the underlying sentiment with this recommendation was to recognize situations where people could be entrusted with information that is supplied to them by public bodies. The difficulty seems to be that to allow heads of public bodies to disclose information in cases where they believe it’s appropriate to do so, despite what they may have promised to individual citizens, would lead to a great deal of distrust.

I think the purpose of the FOIP Act and perhaps already one of the benefits that we’re seeing from the FOIP Act is the building of trust between public bodies and citizens about how information is used and how it is respected. The difficulty here is that to allow latitude to heads of public bodies to use information for purposes they believe to be appropriate does a number of things, not the least of which is compromise the promise that’s been made to the citizens. It’s somewhat analogous to making an agreement with someone with your fingers crossed behind your back – I don’t mean anyone here personally – leaving open to the heads of public bodies the option of using information for a purpose that they later discover or that they’ve always believed was appropriate but just weren’t telling citizens.

The net effect of this recommendation, the longer we think about it and the clearer it gets, is to gut the privacy portions of the act, so we end up having an access act with a qualified promise of privacy protection in it so long as heads of public bodies have the ability to pursue their beliefs and disclose information in ways that they believe are appropriate.

2:30

The commissioner is asking on page 7 in his second brief to the committee, dated October 2, that the committee look at instituting in legislation any access provisions that it feels are appropriate and to put that right into the governing legislation of whatever program area is involved rather than have a general clause in the FOIP Act that allows heads of public bodies to use information in ways they believe to be appropriate. A couple of allied problems with this recommendation are that there would be some necessity for declaration of purpose on the part of a user of the act. We’re now in a situation where Albertans have been given a legal right, a statutory right to the information. This would qualify that right. They would have to state a purpose for their exercise of that right, and that’s somehow fundamentally antidemocratic in comparison with the status quo.

Some other issues are from an oversight point of view, and I’m speaking here for my colleagues who day in and day out do investigations of allegations of breach of privacy. The thing that the

commissioner's office would be left to look at is, "Did the head of a public body truly believe that what he or she did was an appropriate purpose?" rather than, "Was it truly an appropriate purpose?" So there are some difficulties from an administration point of view that perhaps weren't as apparent when the recommendation first came up but now seem to be quite overwhelming.

Thank you.

THE CHAIR: Thank you.

MS DeLONG: One of the things that I've always been conscious of with FOIP is that there are sort of two parts to it. There's the part that the FOIP department sees, and then there are the effects that FOIP has on government generally. To me the FOIP department sees only the tip of the iceberg, but the effects of FOIP are all through government. One of the problems, you know, that we keep talking about is that there seems to be no common sense to FOIP, that people don't apply common sense when they are applying FOIP. With this recommendation that we have already put through and voted upon, I see a possibility of common sense actually being put into the act. You mentioned inconsistencies. Common sense is inconsistent. Common sense looks at each individual situation and says: "Is this right? Is this wrong?" Yes, it will be inconsistent. Yes, people will actually be thinking. Yes, this will add some common sense to the whole act.

THE CHAIR: Thank you.

Mrs. Jablonski.

MRS. JABLONSKI: Thank you. I just wanted to ask two things. I would ask Mr. Thackeray if he could review the background information that the committee used to make this recommendation in the first place. I'm just having a hard time recalling that at the moment.

The second thing was to ask you if recommendation 31 in the final draft relates to cross-ministry transfers of information, or have we addressed that concern in another recommendation, and if so, which one?

MR. THACKERAY: In answer to your first question, this was a motion that was brought forward by members, so the technical team didn't do a lot of background review prior to the motion being passed. It was the last day that the committee was looking at possible recommendations.

THE CHAIR: I think it was a motion put forward by Member DeLong.

MR. THACKERAY: Your second question dealt with . . .

MRS. JABLONSKI: Would this recommendation 31 relate to cross-ministry transfers of information, or have we addressed that concern in another recommendation, and if so, which one; for example, if Children's Services wanted to tell the PDD department that you have an 18 year old coming and this is the background?

MR. THACKERAY: That was dealt with at the last meeting. I think it was recommendation 32 in the preliminary report. You won't find it in the final report because the motion was to remove that recommendation from the final report at the last meeting.

THE CHAIR: A supplemental, Mrs. Jablonski?

MRS. JABLONSKI: I'm just confused and concerned that we removed the ability for ministries to share information about citizens

within the departments that need to be transferred to another department.

THE CHAIR: Okay. Well, you can think about that. Oh, do you have an answer for that? Thank you, Mr. Thackeray.

MR. THACKERAY: Yeah. That is still allowable under the legislation. There is still a clause in the legislation for common or integrated programs, so there can be exchange of information from Children's Services to PDD boards, for example. The recommendation was to broaden who could get information from the government, and the proposed recommendation was that the act be amended to allow personal information to be disclosed for the purpose of a common or integrated program or service to organizations that are subject to other privacy legislation. So that would be allowing the disclosure to an organization that is not subject to Alberta's Freedom of Information and Protection of Privacy Act, and at the meeting of the 24th of October that recommendation was removed from the report.

MRS. JABLONSKI: Thank you very much, Mr. Thackeray.

THE CHAIR: Just on this point, Ms DeLong, or on something else?

MS DeLONG: Yes, on this point again.

THE CHAIR: Ms Carlson, do you want to get in on this, or do you have something different?

MS CARLSON: It's on this, but she can go first. That's fine.

MS DeLONG: This, by the way, came up just last night in terms of Children's Services and PDD. PDD does not know what kids are coming, and Children's Services cannot send that information to PDD because of FOIP. Again, this is probably the great big elephant or, you know, the part of the glacier that's under the water that the FOIP commissioner does not deal with. Again, we need to put some common sense into the act, and that's what this does.

MS CARLSON: I have two questions, and I believe they are to Mr. Ennis. Are you stating that the commissioner would like us to delete recommendation 31, and where will I find some written documentation outlining his concerns?

MR. ENNIS: The commissioner's concerns have been limited to the two paragraphs from page 7 of the October 2 letter that Mr. Thackeray read into the record, and I appreciate that that was, as I say, a long set of concerns from the commissioner. It was almost an eight-page letter, and this appeared as the last of his concerns. This is the one concern where he stated that he was absolutely opposed to a recommendation in the preliminary report. In all the others he expressed concerns or provided advice. In this particular case, though, the commissioner has voiced his opposition to it.

This is seen as a frame-breaking recommendation in terms of the integrity of the FOIP Act. This would remove the ability to say that the act itself has key factors in it that relate to the fair information practices. I'll just give you one example of how that might work. Currently, government departments state the purpose for which they are using information. Arguably, here they would have to state that they would use information for the purpose stated or for any other purpose they believe or later come to believe is appropriate. That effectively takes away the privacy guarantees of the FOIP Act, and it's for that reason the commissioner has raised it in these two paragraphs.



2:40

THE CHAIR: Supplemental, Ms Carlson?

MS CARLSON: Yes. I'm wondering if Mrs. Sawchuk could direct me to where I could find a copy of that letter in my briefing packages. Ah, perfect. Thank you.

THE CHAIR: Perhaps, while you peruse that, we can go to the next speaker.

MS CARLSON: Did we have this letter?

MRS. SAWCHUK: Yes.

MS CARLSON: In our briefing packages?

MRS. SAWCHUK: Initially, when we first did the circulation, but not with this last package.

THE CHAIR: They were in our packages for the October 24 meeting. They weren't in the packages for this meeting.

Mr. MacDonald.

MR. MacDONALD: Yes. Thank you, Mr. Chairman. In light of Ms DeLong's plea for common sense in this act, I had circled previously the arguments presented by the Information and Privacy Commissioner regarding disclosure of personal information for approved purposes and his absolute opposition to the recommendation, and Ms DeLong asked the question, I believe at the last meeting, in regard to the McMahon decision. I would encourage her and all members of this committee to read that decision because it is an accurate reflection, in my view, of how FOIP has not worked in this province to date in respect to particularly government ministries or the public body.

We can't allow this to go through. The commissioner is absolutely right to oppose this recommendation. We are closing the door on providing information to citizens. Citizens need this information to hold their government accountable, Mr. Chairman. The whole idea of FOIP was to foster open and transparent government. I see this as not a commonsense idea. I see this, I'm afraid, as Big Brother deciding what, when, and where the information should be revealed.

THE CHAIR: Mr. MacDonald, one of us is reading recommendation 35 incorrectly. As I read recommendation 35, now 31, this allows applicants information if they can satisfy a purpose test and in specific circumstances will allow a head of a public body to grant information pursuant to that purpose, and that individual is guilty of an offence if he uses it for any other purpose. As I understand 35, it gives discretion to the head of the public body to consider the purpose, among other considerations, when entertaining applications. It increases access. It doesn't restrict it, unless you're reading it correctly and I'm not.

MR. MacDONALD: I'm sorry. I see this as allowing unlimited discretion. This isn't a little paintbrush. This is a push broom.

Thank you.

THE CHAIR: But your previous comment was that citizens needed access to government information.

MR. MacDONALD: You bet.

THE CHAIR: Well, I'm confused.

Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman. A question for Mr. Thackeray. Is it not correct that at the present time a principal or a head of a school could divulge information regarding graduates to anyone if they wanted to and, you know, if they deemed it was appropriate? If that is the case, then what does recommendation 31 add to what they could already do?

MR. THACKERAY: Mr. Chairman, it is my understanding that there is nothing in the Freedom of Information and Protection of Privacy Act today that prevents school principals from releasing that type of information to a Member of the Legislative Assembly if they so request. There is nothing compelling them to do that, and some do and some don't. By passing recommendation 31 in the final report, things will not change. They still will have the discretion and make a determination as to whether they want to or whether they don't.

THE CHAIR: However, that decision would be appealable to the commissioner.

MR. THACKERAY: Any refusal to grant access is reviewable by the commissioner if he has jurisdiction.

THE CHAIR: If 35 as it then was were to stay in our report and to be implemented by the Legislature, the applicant could cite his purpose when making his appeal to the commissioner.

MR. THACKERAY: I would think that if an MLA were to put in an access request to a high school with the act as it is today and they were refused access, the MLA could still go to the commissioner and as part of their argument in the review process could list the purpose.

THE CHAIR: A supplemental, Mr. Jacobs? I made one for you.

MR. JACOBS: Well, I guess I just have a question. Given the commissioner's concerns and given that we don't seem to be accomplishing, you know, maybe as much as we hoped to, I'm wondering why we need to change the status quo. I'm just thinking out loud. I haven't really made up my mind yet, but the question is crossing my mind.

THE CHAIR: Thank you.

MR. MASON: It's kind of crossing mine too. Let me just ask this question, then, to either Mr. Thackeray or Mr. Ennis or both. For example, you're going to a university or a college and they ask you for certain information that's relevant to your standing there, your high school transcripts or something like that. Then later on, once they've got them from you, they want to give them to somebody else. Say that there's some private academic company that wants to find people that excelled in something in high school; right? So they go to the college and say, "You know, we'll pay you \$50,000 for this information for these years." This is very, very hypothetical. Could the president of that college then provide that information to the third party if, in their opinion, they felt that the disclosure was appropriate? In this case it would be appropriate because there might be some public advantage to it, or it might just be a source of revenue for the college.

THE CHAIR: Mr. Ennis.

MR. ENNIS: Thank you, Mr. Chairman. I'll start. If I can tag back just for a moment to Mr. Jacobs' question of about five minutes ago, when he asked: is there anything in the FOIP Act that currently blocks the disclosure of information? I think, to be clear, that when

we're talking about the information that can be disclosed, for example, to an MLA or to any member of the public, a principal in a school or a school superintendent would be able to disclose the name of a student and the fact the student attends the school. That's it.

The civic address, which is something that was actually debated three years ago by the predecessor committee to this one, is a matter of personal information and arguably wouldn't be disclosed unless the principal could make the case that it really was not an unreasonable invasion of someone's privacy to disclose their address. For that reason, that particular issue brought about an agreement that we obtained with – let me get this right – the College of Alberta School Superintendents, CASS, to encourage its members to provide a service for MLAs of distributing letters to graduating students, possibly even providing the names on the letters but leaving the addresses to be added to envelopes by the schools and the mail-out to go from schools. That, in a way, was a solution to a problem, having the schools do the work for the MLAs. We did discover along the way that not all schools are anxious to do that or are interested in doing it, but many are. That was a way to have the task of sending out letters done without involving an information transfer other than simply the name of the student.

2:50

Going to Mr. Mason's question, in the current situation what can be disclosed is, in a high school situation or an elementary school situation, the name of a student and the fact the student is enrolled at the school. In the case of a postsecondary establishment – and we have 23 of those in the province – the college, university, technical institute can disclose the student and the program of study being followed by the student. They can also disclose any awards the student has won. We often see, for example, newspapers running advertisements about winners of Rutherford scholarships, and that's a case of students winning an award. So when a student wins an award, unless the student has registered a veto on the disclosure of the information, a school is free to disclose that the student has won an award.

These things are looked at in section 17 of the act currently. I don't want to leave the members with the impression that schools have a wide ability to disclose information about students attending schools.

MR. MASON: Mr. Chairman, I'm not sure that Mr. Ennis got the context of the question. It's not: what's the situation now? It's: what's the situation if 31 was adopted?

MR. ENNIS: If 31 was adopted, then the scenarios that were presented in your question, Mr. Mason, would be doable, allowable, and unchallengeable.

MR. MASON: Okay. So, in that case, they collect information for academic purposes, and if they decide that it's appropriate to use them for commercial purposes, they can.

MR. ENNIS: Yes. We had this actually happen about three weeks ago in a place called Orange county, Florida. In Orange county, Florida, the superintendent of schools decided to market a directory of students – name, address, e-mail, those sorts of things – in the secondary school. The response to that from parents was loud and clear. The response descended not on the superintendent but, as you can imagine, onto the school board, and it was a very loud outcry against the disclosure. Now, the superintendent who allowed that disclosure to happen had a marketing purpose in mind and believed that to be an appropriate use of the information.

MR. MASON: Okay. So it's not just my imagination. This actually has occurred and could occur if we adopt this recommendation.

MR. ENNIS: Yes, and depending on what any one of 1,400 different heads operating in the province of Alberta believes.

MR. MASON: How many? Fourteen hundred?

MR. ENNIS: You'd better ask Mr. Thackeray that question. I'm estimating 1,400, but I think I might not be far off.

MR. MASON: Fourteen hundred in a variety of jurisdictions and so on. Okay.

Well, Mr. Chairman, I do have a concern here, and I think that we have maybe overshot the mark on this particular recommendation. My understanding is that it will not affect the issue that you've raised, which is the high school graduates' names, but I can see this having a serious impact, weakening the overall act. I don't want to have to provide information, which we all do on a routine basis to a variety of governmental organizations, and then have absolutely no control in the future over what they decide is an appropriate use of that information. I think that we'd really better take a look at this one.

THE CHAIR: Thank you.

MS DeLONG: Am I to understand that this recommendation is already in place in other jurisdictions?

MR. ENNIS: I've never seen it in place elsewhere.

MS DeLONG: Okay. So, then, what is the problem down in Florida?

MR. ENNIS: Well, the specific problem there was that someone who was analogous to the head of a public body in a county – that is, the principal or the superintendent of schools – made a decision that he felt was appropriate regarding people's privacy and disclosed a fair bit of personal information about students to the open market.

That kind of situation, the Florida situation, would be the kind of thing that could happen if this recommendation goes ahead. That is, individual heads of public bodies, including school superintendents, including heads of hospital authorities, including police chiefs, any number of individuals, could make decisions that were consistent with their personal belief set but would be decisions that you and your colleagues as members of the Assembly might not be very comfortable with.

MS DeLONG: To me it comes down to, you know, whether people use common sense or not, and obviously the people down in Florida stepped over the line, by anyone's judgment. Certainly, if it went before FOIP, I'm sure that FOIP would look after it, but again my concern is the effect of FOIP upon the general public, who never deal with the FOIP department.

THE CHAIR: Well, Mr. Ennis, did the head of that public body consider the purpose that the information was being requested for when he made that goofy decision?

MR. ENNIS: Well, of course, you only hear it from newspaper reports, but the head of the public body did not view the sanctity of the privacy of those students the same way the parents viewed it and perhaps didn't realize that he was exposing those students to a great deal of external interest by disclosing so much personal information about them, basically all of their contact information including their

e-mails.

THE CHAIR: It would appear to me – and I don't know anything about this – that that would have been a very improper purpose.

MR. ENNIS: The trustees of that school board agreed with your assessment.

THE CHAIR: Therefore, I'm not sure that that story you told us, although interesting, supports the commissioner's position for the abolition of a purpose test. The purpose behind a purpose test is that if the purpose is improper, disclosure should be less likely, and if the purpose is a noble purpose, then disclosure becomes more likely.

MR. ENNIS: I appreciate that, Mr. Chairman. I think the lesson learned out of examples like the one I used is that once privacy has been disclosed, it's too late to really bring the commissioner or anybody else into the situation. The information is out, so there's not an ability to intercept that activity.

THE CHAIR: With that I agree.

Are there any other comments before we entertain motions?

Okay. The office of the Information and Privacy Commissioner for the province of Alberta has requested that we delete 35 as it then was, 31 as it is now. We've heard support for its inclusion in the report. We've heard concerns. Is somebody prepared to make a motion either way?

MR. JACOBS: Yeah, sure. I'll make the motion. Do I have the floor, Mr. Chairman?

THE CHAIR: Yes. The chair recognizes Mr. Jacobs.

MR. JACOBS: Okay. Thank you. After listening to the debate and originally having been on the side of wanting to get more information from schools relative to, let's be honest, graduation certificates and addresses and so on and so forth to enable an MLA to send congratulatory letters to the graduates – you know, that is important, but I don't think it's important enough for me to go against the recommendation of the commissioner on this issue. So I'm going to make a motion that we delete 31 and go back to what was originally 35.

THE CHAIR: I think that 35 and 31 are the same thing, Mr. Jacobs. There's renumbering. The request of the commissioner's office is to delete 35 in the interim report; 31 is what we're calling it now in the draft final report. So the chair understands and accepts your motion that recommendation 35 in the interim report be deleted from the final version of the final report.

MR. MASON: And the other recommendations be renumbered accordingly.

THE CHAIR: Yeah. That goes without saying, but thank you.

MR. JACOBS: I so move.

THE CHAIR: Thank you.

Are there any questions to Mr. Jacobs on his motion? Any deliberation considering the merits of his motion, that we've had a fairly exhaustive debate on already? We can certainly have more.

Okay. I'm going to call it 35 because the final report has not yet been published. So it's 35 in the interim report. All those in favour of

deleting recommendation 35 in the interim report

please raise your hand. Opposed? It's carried. Recommendation 35 is deleted, and all numbers get changed accordingly, Mr. Thackeray.

Ms DeLong, you wanted to talk about a letter that was received from the Canadian Association of Petroleum Producers. The chair recognizes Ms DeLong.

3:00

MS DeLONG: Yes. I think we should respond to the Canadian Association of Petroleum Producers. They have \$3 billion, \$5 billion, \$10 billion, \$15 billion projects that they invest in, and these projects go over a long period of time. Their concern is that they know for sure – they know absolutely for sure – that their data is protected for the first five years.

Now, this data has all of the detail as to exactly how their project is going to work. It has results from million-dollar studies that they do to analyze different methods. It has, in fact, a tremendous amount of competitive information in it, and their concern is that after five years somehow a company can get around FOIP and get access to that information and use that information to set up a competitive plant right next door to them.

I've talked to Tom Thackeray a bit about this, and what I don't understand in the first place is: why would they think that this information would be available? What is your opinion on this? I'd also like to ask that question of Mr. Ennis.

THE CHAIR: Mr. Thackeray.

MR. THACKERAY: Thank you, Mr. Chairman. In response to the question raised by Ms DeLong, I believe that the position of the Canadian Association of Petroleum Producers is one of certainty. They want a hundred percent guarantee that any information that they provide about royalties to the Alberta government is going to be protected for X number of years.

Last spring Bill 11, the Energy Information Statutes Amendment Act, 2002, was passed by the Legislative Assembly, and it dealt with royalty information, which made the Mines and Minerals Act paramount for a period of five years before anyone could put in an access request for that information, if I remember correctly. I think that's what it was: five years for royalties. In both the initial submission by CAPP and in the submission that they sent for the preliminary report, they again argued that they wanted certainty, and they wanted an amendment to the Freedom of Information and Protection of Privacy Act that would give them that certainty that it would be protected for X number of years. I think they were talking 20 to 25 years.

Currently section 16 of the Freedom of Information and Protection of Privacy Act deals with business information of a third party, and under section 16(1) a public body must refuse to disclose information that meets a three-part test. The first is that the information would reveal trade secrets or commercial, financial, labour relations, scientific, or technical information. The second is that it is "supplied, explicitly or implicitly, in confidence." Thirdly is disclosure that could reasonably be expected to harm significantly the competitive position of third parties or interfere significantly with the negotiating position. CAPP argues that there is uncertainty about the meaning of this provision, especially the terms "reasonably" and "significant," and there are no rulings to provide guidance.

The Information and Privacy Commissioner has considered the application of section 16(1) in a number of orders, and this interpretation is explained both in the Guidelines and Practices Manual and the annotated Freedom of Information and Protection of Privacy Act. It's the position of the commissioner, I believe, that the current legislation provides adequate protection for royalty information.

As I mentioned earlier, the protection of royalty information was considered when the Energy Information Statutes Amendment Act was debated in the Legislature in the spring. It has been suggested that if the Legislature believes that the protection provided by the provision in the Mines and Minerals Act should be extended, this should be done in the Mines and Minerals Act, not in the Freedom of Information and Protection of Privacy Act. One of the considerations that the committee could make is to pass a motion or recommendation that the matter be referred to Alberta Energy for consideration when the Mines and Minerals Act is next opened up.

THE CHAIR: Mr. Ennis.

MR. ENNIS: Thank you. I appreciate Mr. Thackeray going over the background to that. The Canadian Association of Petroleum Producers, of course, has dealt at length with the Department of Energy, trying to get as much length into the shielding time as they can; that is, the times that records their members provide to the department are shielded from public scrutiny. Last year the energy statutes amendment act reflected that. It reflected to some extent a compromise in that the Minister of Energy, of course, consulted with the office of the Information and Privacy Commissioner on that statute and received the commissioner's view that information relating to royalties is information that is vital to the public and should at the earliest moment be available to the public.

The Minister of Energy took the spirit of that advice, not necessarily the recommendation that it be made available as soon as possible but sawed off at a time period that somewhat meets CAPP's needs and somewhat addresses the interest that Albertans might have in ensuring that royalty information provided to the Department of Energy properly represents the activities of oil companies mining the resources of Albertans.

I think there's not really much more to say than that. I recall that the CAPP representatives were here with a fine presentation early in the life of this committee and made this very point. The matter was then debated, and I think they've quoted some of that debate back and tried to make the point in their letter of October 2 that there is a guarantee that the information will be given to the government. Their concern is that they don't want the information moving beyond that to other readers of the information.

I think the point was made by one of the members that it's important that the public have a comfort level that the royalties due to the public are in fact being properly accounted for and collected, and I'm not sure that the CAPP submission addresses how that can be. Their argument, I believe, is that the Auditor General does have access to the same information, but that doesn't give the public access to that information.

MS DeLONG: I guess I'm still more confused then. Where are we with this? After five years – okay? – is it possible for the competitors to get access to that information?

MR. THACKERAY: Mr. Chairman, to Ms DeLong, it would be my view that after five years a competitor could make an access request to Alberta Energy to seek that information. It is also my view that they would be unsuccessful because I don't believe that section 16(1) would allow the release of that information. All three parts are covered. One, it's financial information; two, it's provided explicitly or implicitly in confidence by the company to Alberta Energy; and three, it could have a significant harm on the competitive ability of the company that provided the information in the first place.

So it would be my suggestion that if I applied to Energy for that information, they would consult with the company that gave it to them, come to the determination that I wasn't allowed access to it

and tell me so.

MS DeLONG: And if they were to appeal to the FOIP commissioner?

MR. ENNIS: The commissioner would be looking at exactly the same criteria, reading from the same part of the act. The harm's test would be interesting here as to whether enough time has passed that there is no harm, but I think that section 16, the rights of third parties in commercial situations, would definitely have a play in this.

I would remind the members, though, that what we're talking about here is royalty information, not exploration or seismic information. That's quite a different matter with members of the oil patch, and it's covered in quite a different way in the Mines and Minerals Act. Here we are talking about royalty information, which has a high accounting component to it.

MS DeLONG: That actually is the concern. If you just look at the royalty information – you know, how much royalty is paid; okay? – that's one thing. But the thing is to be able to calculate that royalty information. All the details of the company's business are revealed, because all the costs of that company's business are revealed in that, and that's their concern. You know, how much royalty they pay is not – I mean, after five years, yeah, I'm sure that that would be all right. It's all this detail that they are having to provide to the government. Essentially, are the guts of their business that they're providing to the government protected after five years?

3:10

MR. ENNIS: If I recall the direction of the CAPP submission that was made initially, one of the concerns related to such things as the valuation of the company. It's possible that people would read five-year-old data or, arguably, data that's even older than that and come to some view as to whether the price-earnings ratio that affected share prices was appropriate or whether the price of shares should be different in a company, but that would be basing a market decision on data that's five or more years aged. It's possible that a company might argue that its share price would suffer or that the confidence of owners in the company would suffer as a result of the disclosure of information or that competitors would benefit, but that would be on information that the Department of Energy has determined should be at least five years old.

THE CHAIR: Anything further, Ms DeLong?

MS DeLONG: I'm sorry; I've got to ask the question one more time. This is a question for Mr. Ennis. Will all of the information that is associated with calculating the royalty be protected after five years?

MR. ENNIS: Up to the five-year point it would be effectively precluded from access, and that's how paramourcies work in the act. At and beyond the five-year point it would be subject to the exceptions in the act, and that would include the third-party rights, the rights of the companies, under section 16. They would do this before the information is disclosed. They would get notice of an access request, and they would be able to argue that the disclosure of some of the information would be harmful to them. They would be able to identify that to the Ministry of Energy or whatever other public body had it and make their argument.

It would be then up to the head of the public body to decide whether or not that argument was a successful one. If they decided for the company, they would serve notice on the applicant that they had decided that way, and the applicant would have the right to come to the commissioner and appeal the reasonableness of that decision. If the ministry found for the applicant and against the

company, the company would be given the right to come to the commissioner and appeal the reasonableness of the ministry's decision. Either way, the ministry would be challenged in front of the commissioner, and the commissioner would have to decide whether the ministry had made the right decision based on whatever rationale the ministry advances.

MS DeLONG: Thank you.

Tom, you had a recommendation in terms of putting this to the Energy minister again. What was the wording on that?

MR. THACKERAY: Mr. Chairman, the recommendation would read something like: recommend that the matter of the Canadian Association of Petroleum Producers and royalty information from oil sands facilities be referred to Alberta Energy for consideration when the Mines and Minerals Act is next opened up.

THE CHAIR: We're not entertaining motions yet, if that's what you were thinking.

Mr. MacDonald.

MR. MacDONALD: Yes, Mr. Chairman. Not only for the information of Ms DeLong but for all members of this committee, certainly if one looks at any of the applications that go before the EUB for a permit to develop or to build a project to extract synthetic crude, the information that's presented is vast. There are pages upon pages of engineering and environmental assessments on each and every project, and one company's engineers can ascertain what the other company's engineers are proposing and planning to do in the future. I can't understand why the industry would need more protection than is already given in light of the fact that one can go on, for instance, *sedar.com* and look up their annual report and see precisely how many royalties they are paying not only on a quarterly basis but on an annual basis.

This information should be available. I think that if a citizen sometime in the future wants to try to use FOIP – and I say the word “try” – to ascertain whether the level of royalties that are being paid on a project are correct or not, that is well within their rights as a citizen of this province and of this country, and I think we should leave well enough alone. Energy companies, as they're called nowadays, are quite willing in their annual reports to present to anyone who is interested the amount of royalties they are paying.

Thank you.

THE CHAIR: Thank you, Mr. MacDonald.

MS DeLONG: Again, it isn't the amount of the royalties that is the information that they need protected. What they need protected is all of the detail that they are now providing to the Department of Energy.

One thing I should point out is that when it comes to non oil sands, the five years work fine; okay? It's not a concern for them. In five years the wells have been drilled, the information has pretty well become public, and it's no longer of concern. But when you're putting tens of billions of dollars into a project, you know, you don't get \$10 billion back right away. It's a long-term project. To be able to put that kind of money in, you should at least expect that the information that goes to the government is protected certainly for more than five years, because it's certainly more than five years before they get payback.

THE CHAIR: A response, Mr. MacDonald?

MR. MacDONALD: No response at this time, Mr. Chairman. Thank you.

THE CHAIR: Does anybody else want to get in on this? Ms DeLong, did you wish to make a motion?

MS DeLONG: Yes. I'd like to make a motion that we recommend that the matter be referred back to the Department of Energy to be reviewed the next time the Mines and Minerals Act is opened.

THE CHAIR: I think your motion is going to need to be more specific. I know what matter you're referring to, but I'm not sure the readers of our report will.

MS DeLONG: Okay. Regarding oil sands data and the time exemption protection that they have. Is that clear enough?

THE CHAIR: Yeah. The chair accepts that motion.

I always have concerns when we're making recommendations to other pieces of legislation. Mr. Thackeray, is it fair that this matter, although a privacy issue, could better be dealt with under the energy and mines act instead of in the Freedom of Information and Protection of Privacy Act?

MR. THACKERAY: That would be my view, Mr. Chairman. In the previous review of this legislation one of the recommendations was that any paramouncy should be dealt with in the home legislation rather than trying to deal with paramouncy through the Freedom of Information and Protection of Privacy Act. So I think it is appropriate to refer this matter back to Alberta Energy for consideration when they open up the Mines and Minerals Act in the future.

THE CHAIR: Thank you.

Based on that advice the chair accepts Ms DeLong's motion. Any questions to Ms DeLong on the wording of her motion? Any debate regarding the merits of her motion?

MR. MASON: Maybe you can help me with the procedure, Mr. Chairman. We're doing amendments to the interim report, and then we're going to consider the final report. We want to put the final report to bed today. Is that correct?

THE CHAIR: That's correct, yes.

MR. MASON: So how is this going to be translated so that we'll know exactly what the final report is going to read? That's sort of my concern.

THE CHAIR: So far there are two modifications to the interim report. One is the deletion of recommendation 35, and one is an alteration to recommendation 4. Depending on what happens with Ms DeLong's motion, there may be a third alteration.

MR. MASON: Yeah. Those ones were pretty straightforward, and I could see where the changes would occur in the final report. Maybe Ms DeLong can help me with this one. How is this going to affect our final report if this passes?

3:20

THE CHAIR: If it passes, it'll be a stand-alone recommendation that we're advising that the committee finds, if it does find, that the matter of protection of royalty and tax information should be referred to the Department of Energy the next time the energy and mines act gets opened up.

MR. MASON: Does anything have to be deleted from the final report in order that that can be consistent?

THE CHAIR: It's my belief that it does not, but I will ask Mr. Thackeray to confirm that for me.

MR. THACKERAY: I believe, Mr. Chairman, that the discussion on third-party business information takes place on page 42 of the draft final report. There may need to be something inserted there or earlier, when we're talking about exceptions to the right of access. There may need to be a small write-up about the brief from the Canadian Association of Petroleum Producers, the discussion that took place both back in June and today, and the recommendation, if there is a recommendation approved by the committee.

MR. MASON: So it sounds like it's going to be very difficult, then, to finalize the final report today.

THE CHAIR: Well, let's not prejudge that, but you raise a good point. It may be technically more difficult than the chair had anticipated, but depending on the outcome of the motion, that may or may not be an issue.

MS CARLSON: Just for clarification, then, you're ruling the motion in order?

THE CHAIR: I previously ruled Ms DeLong's motion to be in order.

MR. MacDONALD: Mr. Chairman, I have a question at this time. Why was there a delay from the time of the writing of this letter from CAPP, on October 2, to the presentation to the committee members today? Could we not have brought this issue up at a previous meeting?

THE CHAIR: The chair is not in a position to answer that. Ms DeLong, do you wish to answer it?

MS DeLONG: We actually just didn't get to it at our last meeting. It was one of the things that we didn't get to.

MR. MacDONALD: I don't recall it being on the agenda.

MS DeLONG: Yeah. We just didn't get to it.

THE CHAIR: I can answer that question. When we approved the agenda this afternoon, we approved it with that addition.

MR. MacDONALD: Yes, but we approved it without any knowledge of this letter dated October 2.

THE CHAIR: Well, we approved that Ms DeLong wished to bring a matter forward regarding the concern of CAPP.

MR. MacDONALD: Okay. I apologize. Now, was this in my package previous to this?

MS DeLONG: Yes.

MR. MacDONALD: Oh, okay. Thanks.

THE CHAIR: It should have been. It was in my package. Of course, it was addressed to me.

MR. MASON: Well, Mr. Chairman, I guess I haven't heard a strong argument as to why section 16 of the present act would not adequately safeguard even the oil sands investments. Just to read it, it says:

The head of a public body must refuse to disclose to an applicant information

- (a) that would reveal
  - (i) trade secrets of a third party, or
  - (ii) commercial, financial, labour relations, scientific or technical information of a third party,
- (b) that is supplied, explicitly or implicitly, in confidence, and
- (c) the disclosure of which could reasonably be expected to
  - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
  - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
  - (iii) result in undue financial loss or gain to any person or organization, or
  - (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

Mr. Chairman, it's my experience that various bodies, especially astute industry bodies – labour organizations, professional organizations – very often ask for considerably more than they need because if you don't ask, you don't get. I think it's our job as a public body to balance that, to take a look at the existing protections and determine whether or not they are adequate. I believe that they are amply so, and I don't believe that the motion is necessary.

THE CHAIR: Thank you.

Anybody else want to get in on this?

MRS. JABLONSKI: I would just like to point out that in the letter we received from CAPP, they do make the point that addresses one of the concerns that Mr. MacDonald raised earlier, that the royalty data that's provided to the government is much more detailed and sensitive than data that is submitted for corporate income tax reporting, and the industry was requesting only that the government consider comparable treatment for oil sands royalty data and income tax data. I just wanted to point that out.

THE CHAIR: Thank you.

Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman. Interesting debate on the issue, and some good points have been made.

I'm going to support Alana's motion here because, you know, I think it's legitimate to refer this to the Department of Energy for their consideration. I think it is important that we give CAPP producers the necessary protection to safeguard their exploration and the costs they incur. We're not really saying what would happen here. We're referring this back to Energy so that the next time they review this section of the act, they would have another look at this and make sure that we are giving adequate protection to people who take a lot of risk and invest a lot of money to develop energy and natural resources in this province.

So I don't see the harm in supporting the motion, and I'm prepared to do so.

THE CHAIR: Thank you, Mr. Jacobs.

Mr. Masyk.

MR. MASYK: Thank you. I, too, will support Alana because there's nothing wrong with reassuring companies to invest in Alberta, and there's nothing wrong with, you know, rebuilding confidence and going the extra mile for restoring confidence in Alberta. At the same time, I'm very confident with what Mr. Ennis had to say regarding how they're protected already. I think it works quite fine, but if we

have to go the extra mile, there's nothing wrong with that either. So that's why I'll support her also.

MR. LUKASZUK: Sounds like a bandwagon. I might as well join it as well. Considering the fact that the industry stands to get beaten up in the near future by Kyoto anyhow, I think they deserve any protection they can get, and I also will be supporting that motion.

THE CHAIR: Thank you.

Then if we could put it to a vote.

MR. THACKERAY: Mr. Chairman, this is probably out of order, and you will probably tell me if I am, but could I suggest a little different wording of the motion to make it a little clearer?

THE CHAIR: I thought the motion was based on your recommended wording.

MR. THACKERAY: It was, but that was then, and this is now.

THE CHAIR: Well, it is out of order, but before we vote on the motion that is on the floor, I will let you say what you have to say. The members may wish to consider that when they vote on Ms DeLong's motion.

MR. THACKERAY: That the Department of Energy consider the protection of information provided in support of oil sands royalty calculations the next time the Mines and Minerals Act is opened.

THE CHAIR: Ms DeLong, I leave it to you. Do you wish to amend your motion to read as Mr. Thackeray has just advised you it ought to read?

MS DeLONG: Yes. I will amend it to that. But I would also like to amend it to put a preamble into it referring to: despite the fact we see that there is protection against competitors accessing this information, despite that we even see it within FOIP, we would still recommend that the Department of Energy, et cetera, et cetera.

THE CHAIR: Okay. We've heard three versions now: the original version; Mr. Thackeray's suggestion, which became your amendment; and then your third version with the preamble. We will vote on whichever one you like.

**3:30**

MS DeLONG: Okay. We'll just stick with number 2.

THE CHAIR: Thank you.

Mr. Thackeray, based on what I heard, it would be my view that that amended motion could very well stand alone and would require very little, if any, alteration to the rest of the text. Thank you.

Can you read that one more time, Mr. Thackeray?

MR. THACKERAY: That

the Department of Energy consider the protection of information provided in support of oil sands royalty calculations the next time the Mines and Minerals Act is opened.

THE CHAIR: All those in favour? All those opposed? Mr. Lukaszuk, did you vote?

MR. LUKASZUK: Of course. You just can't see me behind Ms DeLong.

THE CHAIR: It's carried. Thank you.

Now, the next item of business is review and hopefully approval of the draft final report. There will, of course, be three modifications to the draft final report before it becomes our final report, and those are the deletion of recommendation 31 in the draft final report, an alteration to recommendation 4 as moved by Member Jablonski and carried unanimously, and a stand-alone recommendation, which will become what number, Mr. Thackeray? Will it go at the end, or will you insert it?

MR. THACKERAY: Mr. Chairman, it'll probably go somewhere between "records and information to which the act applies" and "access to records," in that general area of the report. We'll have to look at the numbering.

THE CHAIR: Okay. So what's the range of numbers?

MS LYNN-GEORGE: It should be about 13.

THE CHAIR: There will be approximately a new number 13, dealing with a recommendation moved by Member DeLong to provide advice that Energy look at royalty information in the oil sands the next time the energy and mines act is opened up.

With those three modifications, do the members of the committee have any questions or concerns regarding the final report?

MRS. JABLONSKI: I would just like to make the comment for the record that I still consider number 5 to be unique in that it discriminates against a single type of business. We have kept the report very professional, and I'm just disappointed that we had to single out one kind of business in recommendation 5.

THE CHAIR: Do you agree with me, Mrs. Jablonski, that the wording of number 5 represents what the committee voted on?

MRS. JABLONSKI: That's correct.

THE CHAIR: Which is what we're doing. We're approving the final report, and I believe that the wording of number 5 accurately reflects the vote of the committee.

MRS. JABLONSKI: That's correct. I just thought you wanted comments on it.

THE CHAIR: I want to approve the report and get out of here.

MS CARLSON: Before we get to the final vote on the report, I would like to put on the record that I will not be supporting the final report and will be filing a letter of dissent, and that is in terms of my concerns with the conduct of the chair throughout this process and these committee deliberations. My concerns are process concerns and also potential impact of what comes as a result of that.

THE CHAIR: Thank you for that. I look forward to reading it. Anything else?

MR. MASON: Well, Mr. Chairman, I think that the committee,

despite some of the difficulties, has done some good work, and I think there are some positive things here and some things that aren't so positive. I wasn't very happy with the last motion. It's sort of triple insuring the oil industry. If you believe the Premier, there's not going to be any investment in Alberta for the next 50 years because of Kyoto, as some people call it.

I was disappointed with some aspects of the report and think that on balance it goes forward in some areas and it is a step backwards in others, so I think it's a wash compared to what we have today. I think, in particular, that fees are a concern.

One area that I think we made some progress on today was the commissioner's recommendation on number 31. I think that that was very positive. So, Mr. Chairman, I'm not jumping up and down for joy, but I'm also willing to give credit to some positive work from the committee.

THE CHAIR: Thank you.  
Mr. MacDonald.

MR. MacDONALD: Yes, Mr. Chairman. I, too, unfortunately would state that I cannot support this interim report or these recommendations. I realize that FOIP is evolving not only in this jurisdiction but other jurisdictions. It is a relatively new idea. I view FOIP as a means in a democracy to hold a government accountable. It is my view that there are too many limits and restrictions here for that to be held true.

I'm not going to go any further with this. I certainly learned a lot from other members of this committee, yourself, and members of the technical team, particularly individuals from the commissioner's office. But I'm sorry; I think we are further restricting and limiting access.

The fee issue: I'm not even going to go there.  
Thank you.

THE CHAIR: Thank you.  
Mr. Jacobs.

MR. JACOBS: Thank you, Mr. Chairman. Well, I have to take the opposite view here, and hopefully we'll start another bandwagon approach that we can get on with this. I think the discussion and the debate by the committee members has been good. We haven't all agreed on everything. Many things we haven't agreed on, but because of the discussion, because of your chairmanship, and because of the technical committee's input here I think we've had a good look at the act. We've looked at the submissions and the presentations and have sincerely tried to improve the act. I guess that time will only tell how successful we've been, but I'm pleased to have been part of the review and will certainly be supporting the recommendations of the final report.

THE CHAIR: Thank you.

MRS. JABLONSKI: I just wanted to add that one thing that I thought was very important about this committee was that we carefully considered and reviewed each submission and presentation brought to this committee by stakeholders and the public. I think that we gave everybody an opportunity to point out where we needed to improve, we thoroughly discussed that, and we have the final report, so I'm very proud of the work that we have done.

THE CHAIR: Thank you.

Did I see your finger being raised, Mr. Lukaszuk?

MR. LUKASZUK: No.

MS CARLSON: I just think that we should all thank the support staff for all the input that they've given and the help along the way. They did a great job.

THE CHAIR: Thank you.

If there are no further questions or comments, then, I take it the committee members are comfortable that the final report be published given the three modifications that have been based on motions passed here today. So could I have a motion, then, accepting the draft final report with the three modifications that have been approved by the committee today.

Mrs. Jablonski. Anybody opposed? That's carried.

3:40

MR. MASON: Sorry. What was the motion? We're voting on the final report?

THE CHAIR: Yes.

MR. MASON: Okay.

THE CHAIR: Are you opposed to the final report with the three modifications?

MR. MASON: Nobody raised their hands.

THE CHAIR: I asked if anybody was opposed.

MR. MASON: Okay.

THE CHAIR: Who's in favour of the final report with the three modifications? Opposed? It's carried. Thank you.

Are there any other matters of business?

Do we need a special adjournment motion given that this is the last meeting?

MRS. SAWCHUK: We still need a motion to adjourn, Mr. Chair.

THE CHAIR: Do we need a dissolution motion?

MRS. SAWCHUK: No.

MRS. JABLONSKI: Could I add just one more comment? I just wanted to add my thanks to Debby's thanks, because I think you were very patient with us and you provided the information in a very efficient manner when we required it. I admire all of you, and thanks very much for supporting us in this committee.

THE CHAIR: Item 7. There will be no next meeting.

Can I have an adjournment motion? Mr. Jacobs. Anybody opposed?

Thank you for all your participation. It's been a fun year. We're adjourned.

[The committee adjourned at 3:41 p.m.]