

Title: Monday, December 3, 2007 Legislative Offices Committee

Date: 07/12/03

Time: 6:12 p.m.

[Mr. Rodney in the chair]

The Chair: Good evening, ladies and gentlemen. I would like to call the meeting to order and start in our traditional way with a very special greeting from the lady not in red today but in orange, if we could.

Ms Blakeman: Thank you very much, Mr. Chairman. I want to welcome each and every one of you to my bracing, as in cold, but invigorating constituency of Edmonton-Centre. My name is Laurie Blakeman.

The Chair: How are you going to top that, hon. Coutts?

Mr. Coutts: Well, brace yourself, Mr. Chairman. Dave Coutts from the chinook belt of Livingstone-Macleod, in southwest Alberta.

Mr. VanderBurg: George VanderBurg, MLA for Whitecourt-Ste. Anne, where the ice fishing has been good for two weeks.

Mr. McFarland: I'm Barry McFarland from Little Bow.

Mr. Marz: Richard Marz, Olds-Didsbury-Three Hills, also known as Curly.

The Chair: No editorial comment required here. From the southwest part of Calgary, Calgary-Lougheed, your friendly neighbourhood chair, Dave Rodney.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. Ducharme: Denis Ducharme, Bonnyville-Cold Lake.

Mr. Work: Frank Work, Information and Privacy Commissioner.

Ms Frederick: I'm Suzanne Frederick from the Privacy Commissioner's office.

The Chair: Just before we hand it over, do you want to introduce others?

Mr. Wood: Sure. My name is Wayne Wood. I'm also with the Information and Privacy Commissioner.

The Chair: Perfect. Thank you for that.

A quick note to confirm that meeting materials, of course, were posted on the committee's confidential internal website last Wednesday, November 28, thanks to Karen, who also has extra copies of the documents tonight if anyone should so require.

We'll move right along here. We need a member to move adoption of our meeting agenda with the two items tonight.

Mrs. Sawchuk: Can I just for the record note that there are no minutes attached today, so it's the agenda as revised. There's no adoption of meeting minutes.

The Chair: So we're good to go?

Mrs. Sawchuk: Yes.

The Chair: Then we'll move right along, shall we?

Mrs. Sawchuk: You need the motion, though.

The Chair: Okay. George?

Mr. VanderBurg: So moved.

The Chair: So we will vote on this, then.

Mrs. Sawchuk: But it's as revised.

The Chair: As revised. My apologies. Those in favour? Opposed? Carried. Thank you.

The 2008-09 Budget Estimates and Business Plans for the Officers of the Legislature is our topic. Moving on to the budget and business plans for the officers, I want to welcome, of course, Information and Privacy Commissioner Frank Work, and you've introduced the others.

We have a short amount of time. I hope it's enough time, and we want to start with your budget and business plan. I know you were advised 20 minutes-ish so that we could have about the same for questions for the committee, so I won't hold you up. Please, we'd love to hear what you have to say. Cheers.

Mr. Work: Thank you, Mr. Chairman. Yeah, I understand the time constraints, so we'll make it fit.

As the committee has seen from the budget letter, for 2008-09 we're requesting a total budget amount of \$5,574,000, which is a \$446,000, or 8.7 per cent, increase over '07-08. Well, let me do this. If you go to the second last page of the budget letter package, there's a line item budget which says Office of the Information and Privacy Commissioner, explanation of changes to budget. We've set out the '07-08 budget, the '08-09 estimates, and to the right of that there's a column that shows the percentage change. I'm going to tell you about overall changes in a minute, but I'd just point out to you that on that particular sheet, the changes on the far right column, starting with 4.7 per cent at the top, are the line item changes. So it's the increase in that particular expenditure item. Those percentages don't describe overall increases to the budget. That's for that line item.

Ms Blakeman: Except for the bottom line.

Mr. Work: Except for the bottom line, yes.

We have a PowerPoint presentation which talks about things we've done and things that have happened over the year, but I'm going to skip ahead in that we can do that later if there's time. I'll skip about two-thirds of the way through the PowerPoint presentation to page 8 of it, which again just summarizes the '07-08 budget amount, the '08-09 budget, and the increased amount.

The increases to the budget can be explained fairly readily in three items from our line budget, and that's on the slide that's up there now, '08-09 budget analysis of increase: contract services, an increase of \$212,000, which is 4.1 per cent; an increase in salaries and benefits of \$200,000, which is 3.9 per cent; and an increase in supplies and services of \$34,000, which is 0.7 per cent. So the bottom line, \$446,000, is the increase we're seeking, and then, again, the 8.7 per cent is the total that that increase represents over the entire budget.

Contract services. I always like to take some extra time with the committee to talk about this. It's always a large item in our budget, and without further explanation it just looks like a very large line item. What contract services goes to – and it's broken down here – is legal services, which includes litigation. If I'm taken to court or taken to judicial review on an order, that money is used to pay

counsel to represent the office. We have used a smaller portion of that to have orders written outside the office by consultants. That amount has decreased significantly due to structural changes we made in the office, which I'd be happy to talk to you about if you like and if there's time.

The bottom item there, regulatory prosecution. We budget an amount out of this budget to pay Alberta Justice for prosecuting for us offences under any one of the three laws. Alberta Justice wants to be paid for that, not unreasonably.

The other component of contract services is consulting, \$208,000. We're doing things a little bit differently this year, especially for our information technology consulting. We're largely using an outside firm to both provide help desk functions and to keep our system operating, hence the larger than usual item for consulting.

Offence investigations: where there is an offence committed under the act or where we suspect there is. In some cases, due to the nature of the offence and the amount of paper involved, it's necessary to handle the evidence very carefully. In those cases we will hire outside investigators, usually experienced police officers who have experience in handling evidence and interviewing witnesses and so on.

The last component of contract services is office services. If you add those together, that's our \$600,000 line item for contract services.

I can either take questions at this point, Mr. Chairman, or I can go back to the earlier slides.

The Chair: Sir, I have one question at this point. Go ahead, Ms Blakeman.

6:20

Ms Blakeman: Specific to the budget that you're on right now, I have some questions about the increase in the travel line that you have. You've noted on the explanation of change that it's due to a planned office retreat for portfolio officers to obtain investigation training. I'm wondering how long the course is and where it takes place and how many people are involved.

Mr. Work: The course itself will be something we've arranged with Alberta Justice. One or two of their prosecutors from special prosecutions have agreed to put on, like, a clinic for our portfolio officers. It will probably involve about 15 portfolio officers, and the location hasn't been decided yet. What special prosecutions is going to do is train our people in how to recognize offences under the act, how to begin to gather evidence and put together a file that can be properly prosecuted by Justice.

Ms Blakeman: Okay. So approximately a thousand dollars an officer, then.

Mr. Work: Yeah.

Ms Blakeman: Well, you've got a \$15,000 change from the previous budget.

Mr. Work: Right.

Ms Blakeman: That's your explanation. So I take it that it's about a thousand dollars a person.

Mr. Work: Yeah. That's our best estimate. As I said, we haven't got a location for that yet.

Ms Blakeman: Okay. I have additional questions when we get to performance measurements. Thanks.

The Chair: You prefer to save those for later, do you?

Ms Blakeman: Yes.

The Chair: Okay. Then I have at least one more on the list. Barry McFarland, please.

Mr. McFarland: Thanks very much. Good evening, Commissioner. I was just wanting a little clarification on page 8, the bottom of the page. Now, if I look at the \$446,000 increase for the '08-09 budget, I want to take out that \$200,000 just so that I can understand something here. The actual increase, as I calculate it, would be \$212,000 for contract services and \$34,000 for supplies and services. According to your slide that you had up there before, we looked at \$600,000. Actually, I show that it's only a net increase of \$92,000 without the salary and benefit adjustment. Is that correct?

Mr. Work: Maybe the easier way to do it is if I can take you back to the second-last page of the budget letter, which is the line items. If you look at the contract services line, which is about halfway down the list, our '07-08 budget is \$388,000. Then the next one, the number in bold, going to \$600,000. So that's an actual dollar change of \$212,000.

Mr. McFarland: Okay.

Mr. Work: I won't bring in the percentages there. That's where that \$212,000 comes from.

Mr. McFarland: So that's not part of your normal FTE salary and benefit adjustment, then.

Mr. Work: Correct. That's right.

Mr. McFarland: Just the last question: what is your complement, again, on your FTEs?

Mr. Work: Presently 38.

Ms Blakeman: In '07-08?

Mr. Work: Yes. Correct.

Ms Blakeman: And an increase for '08-09?

Mr. Work: We don't anticipate an increase.

Mr. McFarland: Thank you.

The Chair: It looks like you can continue, sir, and I'm sure there will be a few more questions at the end.

Mr. Work: Okay. Let's go back to the beginning of the presentation, then. You have our business plan. As you know, the office administers three pieces of legislation: freedom of information, health information, and the Personal Information Protection Act. Two and a half of those are privacy-related statutes, and, as you know, one of them is an access to information statute. Our vision, mission statement, core businesses: I think we'll skip over that.

Ms Blakeman mentioned performance measures, so I moved to

this one because these are four of the topics that are occupying a lot of our energy currently. Fraud and identity theft is a big one. It's becoming more and more prevalent. It's as if the fraudsters have caught up with the information age, and unfortunately they seem to be somewhat ahead of the rest of us in terms of their ability to use information technology against us.

You can't open the newspaper without seeing something about identity theft now. Certainly, the number of significant losses of personal information, security breaches, if you want to call them, that possibly go to fuel either fraud or identify theft are increasing. Being close to Christmas, we're almost like kids in the toy store when it comes to information technology. We have the technology. We're pretty good at figuring out some really beneficial applications for it, but we're not as a society, at least the law-abiding part of us, very good at taking care of either the technology or the information that it carries.

We've had a number of incidents, large and small. We've had missing laptops. Now, the problem becomes more compounded with, of course, memory sticks, which are about the size of your pointer finger, and you can get about four gigabytes of information on one of those guys. If they go away, you're in for a world of woe, or someone is, anyway. So that has been a real focus of our office.

One of the practical applications of that is that we're deeply, deeply involved under the Health Information Act with Alberta Health and Wellness and with the different parties that are involved in building Alberta Netcare, which is the provincial electronic health record. Of course, these concerns about where your vulnerabilities are really find expression when you start talking about a provincial-wide electronic health record. We work extensively and constantly with Alberta Health and Wellness and the other partners on the electronic health record to try to ensure that the security is what it should be.

You may have heard that earlier this year we charged, prosecuted, and obtained a conviction for a health care worker in southern Alberta who had been regularly accessing other people's health information through the provincial system. This person pleaded guilty and was fined \$10,000. I mean, in no way is it a good story. You don't like doing it, but this was a pretty blatant case. I felt that a point had to be made to health care workers about what they're dealing with in terms of the electronic health record and that if they're going to abuse the system and if they're going to abuse the trust that Albertans have to place in them with this system, there's going to be a price to be paid. I was gratified, if that's the word, that the court saw this as a serious issue and imposed a fairly significant penalty.

6:30

I have kind of flowed into the electronic health record. Our main function under the Health Information Act is that we get a lot of privacy impact assessments. The Health Information Act requires a privacy impact assessment not only for the huge systems like Alberta Netcare, but even if a particular doctor or health care provider goes electronic in their little clinic, they're required to give us a privacy impact assessment. Most of the work under the Health Information Act is reviewing and commenting on these, letting health care providers know if their system is properly secure, if the training of their staff is what it should be, if their safeguards are in place.

We had an example as a result of the privacy impact assessment. A clinic in southern Alberta had three desktop computers stolen. There was no information on any of them because this system that had been proposed and that we had sought downloaded all the health information off the desktops onto a secure server, so even though the

desktops went away, there was no loss of information. That's the practical benefit of privacy impact assessments.

The Chair: Just a quick question. Would you entertain a point from Mr. VanderBurg on this?

Mr. Work: Yes.

Mr. VanderBurg: Just on the charges that were laid and eventually given to the individuals. Did you follow up to see if there were any measures put into place after those fines had been administered to see if the system was tightened up within the health region? Did you also find out if the health region or the taxpayers ultimately paid that fine? I understood that we as taxpayers all paid for that, that the individuals didn't pay for that, but I don't know if that was actually true or not.

Mr. Work: Okay. On the last point, on who paid for it, I don't know. I know that the individual was fined in her own capacity. I mean, there was no other party to the action. All I know is that the fine was imposed on that person.

The system that she was using is a package system. It has an audit function; it has an audit trail. I believe that with this individual, suspicions were alerted about her behaviour in a low-tech way. In other words, the person she was checking up on had reason to believe that something was going on, and then the confirmation, the actual evidence as to what she was doing, was provided by the audit system that exists in that particular electronic patient record.

Our understanding is that it's not possible to change that audit system from what it is, and this is a huge problem with electronic patient records. You just nailed the big issue. When you have tens of thousands of health care workers all migrating, as the techies call it, onto this electronic patient record, as you can imagine, there's an incredible amount of traffic on it, and the question becomes: how do you audit? How do you monitor? The monitoring capacity is pretty well set.

To answer your question, it is what it is, and for the time being, it is what it's going to be. The question becomes: how do human beings monitor this system? Do you look for frequency of hits? You can look for what are called famous-person audits, where, you know, a Brian Mulroney or a Ralph Klein checks into a hospital and right away you audit to see if anyone is hitting those files because that's where people's curiosity will arise.

It's very hard to do ongoing monitoring. Suppose I'm a health care worker and I do 25 entries one day and a hundred the next day. It's very hard to regard that as an aberration or something that should be of concern because it could be that one day is a Saturday night in an emergency room and the next day is a weekday in the same emergency room. While the capability is there, trying to figure out how to use it to monitor is problematic, there's no doubt. We're working on it. Alberta Health and Wellness is working on it, and the Netcare people are working on it, but at the moment, given the huge number of transactions, it's hard to pinpoint abuses.

Mr. VanderBurg: Thank you.

The Chair: There is one more on this point, and that's Barry McFarland, please.

Mr. McFarland: I don't know if you recall that the last time we talked, I'd raised a question similar to what Mr. VanderBurg did. It had more to do with protection of the actual health care workers' health information because it seemed to me that once it's on the

computer system, it's accessible by any other health care worker, at least in that region. Have you ever been able to determine if that's an actual fact or if there's any potential for wrong use of that information?

Mr. Work: Are you referring, Mr. McFarland, to the health care workers' employment-type information or to their own personal health information?

Mr. McFarland: Health information.

Mr. Work: A health care worker who is in the system as a patient will look the same as every other patient and be treated the same as every other patient. They don't receive any special designation that gives them any higher level of protection. The way that's supposed to be protected is that there are layers of access within the health care system. Not every health care worker gets the same access. The nurse at the triage desk will only be allowed to see certain things. The lab technician will only be allowed to see certain things, the pharmacist certain things. The sort of trump card, of course, is held by doctors. They get to see pretty well everything. It's kind of a graduating scale of access. So, no, a health care worker has the same potential exposure as any other patient in the system, and if the system is properly designed, that exposure is limited by the different abilities to access the system, depending on what role you play in the system.

Mr. McFarland: Hypothetically, though, a health care worker in one part of a hospital setting, then, would be able to access the health records of a colleague.

Mr. Work: It is possible, but again it would depend. Say that I'm the person that's doing the snooping; let's call it that for want of a better word. If I had a very limited role in the health care system – say, I just scheduled appointments for patients – my ability to access that person's information would be extremely limited, very narrow.

Mr. McFarland: Okay. Thank you.

The Chair: Thank you.

Now, did you want to continue and complete anything on a report that you have, or do you want to just open it up to questions?

Mr. Work: No. I think we could open it.

Let me wind it up with this. If you can go to the slide that talks about office orders. As you know – it's not a secret – we have a serious backlog. We're making very good progress in dealing with the backlog. We got 34 orders out, all three statutes, '05-06. We're projecting 50 in '06-07. I think it will be more. As the last bullet shows, we're getting rid of the backlog.

6:40

What we've done to do that. Someone earlier asked the question – maybe it was Ms Blakeman – about more FTEs. We've basically restructured part of the office to deal with orders. At one time I would hear all the inquiries. We had a number of lawyers who then would help me writing the orders. We've changed that. I've delegated order-making power to right now three other people, sometimes five other people. They hear the inquiries and do the orders on their own, and I'm still doing orders as well. With this internal restructuring, which has cost, well, at least no additional FTEs, we're getting a really good run on our backlog, and I'm quite pleased with that.

The Chair: Laurie Blakeman, you're next on the speakers list, please.

Ms Blakeman: Yes. My questions focus around this. I've looked through the information, and I'm trying to determine how large the backlog is and how long it would take you to clear it off. Along with that, I'm trying to get a sense of how big your workload is now. It strikes me that increasingly, especially around FOIP, there are more rejections and therefore more appeals, which are eventually going to turn up on your desk if that line is followed through. To me, there seems to be an increasing workload coming for you. I know you've got a backlog. I believe, in looking around, that I'm seeing more of the old style of work – that is, the FOIP appeals and requests for reviews and things – coming your way, and they all seem to be taking a very long time.

I'm working with one constituent who I think has tried for four different bits of information, has been turned down on every one of them, has ended up on appeal in your office on every one of them. They're spread out over something like 18 months as we try and resolve them all. Eighteen months is a heck of a long time to be waiting for information to be resolved. I guess I'm a bit surprised that you're not asking for substantially more money to try and address this. I take it that the four points you had up previously are really your new work, but there is a considerable backlog in the old work – that is, the FOIP sections – that you're doing.

That's my confusion, and I can't find the information in what you've given us to help me understand that.

Mr. Work: As the bottom bullet on that slide says, we've addressed 50 per cent of our backlog.

Ms Blakeman: Which means how many?

Mr. Work: I think we have about 60 orders in the queue now.

Ms Blakeman: So that's more than a year's worth of work at the rate you're going.

Mr. Work: Correct.

Ms Blakeman: Is that satisfactory performance?

Mr. Work: I would like it to be better, but if I compare it to other tribunals and the courts, it's pretty good, actually.

Ms Blakeman: But you're comparing it to other tribunals that are not about access to information. Part of my point is that access to information is partly about time, and at a certain point that information may well be stale dated by the time we're successful in getting it. Again, I'm wondering why more than a year to complete that backlog seems to be an acceptable benchmark for you.

Mr. Work: Well, my alternative is that I staff up, that I come to the committee and ask for five or six new FTEs to address the backlog. My problem then is that once the backlog is gone, what do I do with those five or six people that I've hired? I mean, they're now employees. So I feel like somewhere you have to achieve a balance between your worst-case scenario, where you're going to throw all the resources you can possibly get at the problem to solve it right away, and the long-term prospects that if you hire all these people, you have to keep them occupied somehow.

Ms Blakeman: What are your new numbers like? You're looking

at those increases in the four points, which was the original one you had up. Yes, those are the four. There you go. So that's where your new work is coming from. You don't expect those to catch up and create more work for you?

Mr. Work: Well, the people that do those things are different than the people that write orders. The people I would hire to write orders would be fairly specialized lawyers, adjudicators, people that can take inquiries, hear evidence, and write a decision.

The people doing this kind of work are investigators, portfolio officers, IT people. Yeah, portfolio officers, generally.

Ms Blakeman: So there's no backlog in here?

Mr. Work: No.

Ms Blakeman: Can you give me numbers, even through the chair after the fact, to indicate to me what the increase is in what you're doing every year?

Mr. Work: Yeah. We have those numbers. We just put them together for our annual report. As far as access to information cases go, I can't tell you the exact numbers off the top of my head, but the number of cases we got this year is pretty much the same as last year. I think the numbers maybe increased a few. The statistic still holds that 88 per cent of access to information requests are dealt with satisfactorily by the public bodies, whether it's government of Alberta, city of Edmonton, Calgary Police Service. So 88 per cent of access requests are dealt with. Of the 12 per cent that come to us, about 90 per cent of those we are able to mediate out. Again, 10 per cent go to inquiry.

As you say, one legitimate strategy to that is to get as many resources as you can and go after it – and that's provided that in this economy I can get the people I need; hiring lawyers right now, believe me, is a bit of a challenge – or try to address it the way I have, by changing office structures and office flows. Eighteen months: is that a reasonable time frame? I suppose, as you say, in some cases people, legitimately, want the information now. As I've often told reporters, the FOIP Act is not designed to get you information overnight. I mean, the initial response period is 30 days, and then the public body can give themselves another 30 days without even thinking about me, so right away you're looking at possibly a 60-day period before you even get a response to your request.

Ms Blakeman: Yes, but it's 18 months once it comes to you, and it could have been six months prior to that. At that point we're now two and a half years in.

Mr. Work: It's possible. I mean, you're counting to some extent on the 88 per cent that are solved right away, and then another 10 per cent that are solved by our office. I mean, I can come back with a budget and ask for five or six more FTEs.

Ms Blakeman: No. I was asking for your strategy. You've outlined it; you've chosen a course. Now it's clear what the course is, but I couldn't get that information out of what you gave me.

Mr. Work: I can give you more numbers on actual caseloads and resolution rates.

Ms Blakeman: Yeah. If I may refer you to the Ombudsman report, he actually uses a sort of grid series there where he's indicating how

many cases have been cleared in this period of time, that period of time, the next period of time, which gives more information for the committee to work with.

Mr. Work: Okay. We'll look at the Ombudsman report.

The Chair: I'd like to thank hon. Blakeman for that point. Indeed, as you referred to, Mr. Work, the annual report will be discussed at this table next month. Perhaps at that time those numbers could be forthcoming if that's to the satisfaction of the committee.

Ms Blakeman: If it's convenient sooner, through the chair, and then they get distributed out to us, that's fine, too.

The Chair: Great. Thank you.

We'll give the last word to Barry McFarland before I have one last point to make.

Mr. McFarland: I apologize for the question, Mr. Work. It's the first time this year on the committee for me. I wasn't quite sure what an outstanding order would be. If I'm asking the wrong question, tell me. Would the outstanding orders be comprised mainly of FOIP requests or health information requests? When you talk about public bodies, would that include political parties? If so, are any of these outstanding orders a result of repeat customers, so to say, coming back from public bodies, political parties, or something? Can you help me out that way?

6:50

Mr. Work: Sure. I'll do the easy one first. None of these requests involve political parties. The issues that go to inquiry are usually one of two kinds. Almost nothing under the Health Information Act goes to inquiry. Most of those are solved right away. As I said, the bulk of the work under the Health Information Act is privacy impact assessments. The bulk of the unresolved issues that do go to inquiry are either access to information requests or privacy complaints under the private-sector privacy law. This is a guess: it's probably about 60 per cent access to information issues, you know, where someone has made an access request, been refused by the public body, and we haven't been able to resolve it so it's gone to inquiry, or under the private-sector privacy law, where someone has a complaint about how a business or an organization like that has handled their personal information.

Mr. McFarland: Okay. Thanks.

The Chair: I will make one point. I know, Mr. Work, that you concentrated in your answer two answers ago on FTEs regarding backlog, but of course under Contract Services you did make the notation from approximately \$369,000 to \$590,000. That was part of the effort and the strategy, was it not? I guess the point I'm trying to get at is that it's not only through full-time employees that you could attack the backlog. It's, indeed, partially through the contract services, from \$369,000 to \$590,000.

Mr. Work: Yeah. That's a good point, and I should have mentioned that in my answer to Ms Blakeman. If you go back a slide, we do have an item under the Contract Services heading for order writing. We have used consultants to write orders for us. It works. It's not very cost-effective, and we're having increasing problem finding the people to do that work right now. A few years ago there were more people available that were willing to do that kind of work on a piecework basis, if you will. It's getting harder to find them now.

The Chair: Right. But I will accept your point that it might have been a good point, because if the chair doesn't have a good point once in a while, the chair shouldn't be here, should he?

There was one last question, from George VanderBurg.

Mr. VanderBurg: Are your main clients the press, opposition, public? How does that work?

Mr. Work: On access to information the largest users are businesses in Alberta, amazingly. I think, as you say, everyone thinks . . .

Mr. VanderBurg: Are those competitive bids?

Mr. Work: Competitive bids, trying to find out how they didn't get the contract, or trying to find out what work there might be. Of course, you know, something will happen, like an Energy and Utilities Board event or a royalty review, and that will obviously spike. You know, people see something happen, and they say: well, I want to know more about this. That will cause other people to make access requests. But over the long term it's businesses who are the largest users, and actually media and opposition politicians are about the fifth- and sixth-largest users. We have numbers on that if you'd like them. I don't have them at hand.

Mr. VanderBurg: We'll see that in your report, I guess.

Mr. Work: Actually, I think it's the department of government services that does that breakdown of who the users are.

Ms Blakeman: Do we have to FOIP it?

Mr. Work: No, no. Ms Blakeman asked if you have to FOIP it to get it. No. Government services releases that breakdown in their annual report, so that should be readily available. We will get that.

The Chair: Well, Mr. Work, if you would please convey to the rest of your staff, including those here: thank you so much for 2007; we look forward to great things in 2008. Thank you for being here today.

Mr. Work: Thank you, Mr. Chairman. Thank you, committee.

The Chair: Moving on to the office of the Ombudsman in a brief moment.

Welcome to the Ombudsman and his staff. Sir, I think you've been informed of our time frames: approximately 15, 20 minutes for a presentation and approximately 15, 20 for questions, which would leave us, hopefully, ample time to cover the issue of delegation of authority within the office. So if you would, please proceed.

Mr. Button: Thank you, Mr. Chair. Did you want to leave the delegation issue to the end, then?

The Chair: Is that okay with the rest of the committee? Looks like folks are okay with that.

Mr. Button: Well, thank you, Mr. Chair. It's again my pleasure to appear before you to update you on the activities of the Alberta Ombudsman for the past year and provide you with some insights into significant developments facing us in the coming year as I enter the fifth and final year of my current appointment as the Alberta Ombudsman. In some ways, of course, it seems like only yesterday that I appeared before this committee to be interviewed for the position.

I'll also be presenting you an update and a forecast on our current year budget as well as estimates for the next three years, as is required. Additionally, in accordance with the request from the committee chair I'm also prepared to provide you with the results of my review of the issue of delegation of my powers under the Ombudsman Act and my recommendation on how this matter should be resolved.

I've provided you in advance with a document package in support of this presentation that provides the necessary background information. In light of the fact that my allotted time to meet with you has been reduced significantly due to other commitments of the committee members, I will try to be brief in my presentation and will depend on the document package to provide you or supply you with the necessary context and detail in support of my estimates.

Mr. Chair, 2007 marks a significant milestone for the Alberta Ombudsman office as we celebrate 40 years of service to the Legislative Assembly and the citizens of Alberta. As you may know, this was the first parliamentary Ombudsman office established in Canada and has been followed by the creation of similar offices in eight other provinces as well as the Yukon Territory since 1967, when we began.

As we looked back over the last 40 years through this summer as we celebrated our anniversary, I was really struck by the service that my office has provided to Albertans in that time. We've received over 35,000 written complaints since the inception of the office, and we've taken over 140,000 oral complaints from citizens since we started tracking that statistic only 30 years ago. This has resulted in 15,500 formal investigations undertaken by the Alberta Ombudsman.

Taking a brief look back at the past year, we've continued to successfully accomplish most of the goals set out in our business plan. However, we're still struggling to complete our investigations in acceptable time frames. We've made some headway against that objective, but several factors are still making it difficult to achieve. The hiring of additional investigative and analysis staff as approved by this committee last year has certainly been a big help; however, the slight downturn in complaints coming in that we noted in 2006-2007 has been offset by a 21 per cent increase in complaints received in the first seven months of this year and a 53 per cent increase in complaints assigned for formal investigation in the first seven months of 2007-2008.

7:00

We continue to utilize tools that we've developed, including alternative complaint resolution and informal resolution, to resolve these issues without resorting to formal investigation, but the volume is still a significant factor. The volume of formal investigations and ACRs is the most significant measure of our workload. As a result, in spite of our concerted effort to complete investigations in shorter time frames and the closure of many older files, the caseload per investigator is again rising above levels which will permit us to accomplish our goals in this regard.

Significant population increases in Alberta, increases in both the number and complexity of programs and services provided by authorities, and the expanding jurisdiction of the Ombudsman are all significant factors in our increased workload. We're now beginning to see additional complaints as a result of my new jurisdiction over the health professions and the patient concerns resolution process in the regional health authorities.

We did undertake successfully our own-motion investigation this past year, as I reported in my annual report. There is a definite need to undertake more of these large-scale systemic investigations, but our current workload and available resources make it very difficult to do so.

In order to bring our services closer to the citizens in rural Alberta, we undertook our first rural tour last March. A team from my office spent a week in central Alberta, where I did a number of media interviews and presentations to community groups to inform people about the service we offer while investigators set up mobile intake offices in several communities to meet with citizens and give them a chance to discuss their complaints and concerns face to face. Based on the success of that trip, we'll be travelling to another area of the province this spring to continue the initiative.

Looking ahead, unfortunately, my Deputy Ombudsman, Georgeann Wilkin, will retire in January. She has made a valuable contribution to our office over the past few years and will be missed. However, she'll be ably replaced by Pam McHugh, who has been with the office for over 15 years as a senior counsel. I'm currently in the process of hiring a new senior counsel as well as staffing newly created senior investigator team leader positions in both the Edmonton and Calgary offices, which will increase our capacity to provide guidance to investigational staff and lead the larger, complex investigations.

I have included a request for funding to hire an additional investigator in my estimates this year, which I advised you of in my submission last year. If approved, this additional investigator will help us address the increased demand for services and the lag time for getting complaints investigated.

A significant undertaking in our business plan for the coming year is to introduce a survey instrument to solicit feedback from citizens and representatives of authorities on their perceptions of our service and the value that we bring to Alberta society. This will help us focus our work to achieve the greatest value for everyone. We hope to have some preliminary results for you by this time next year as a result of that survey tool.

Recognizing the time constraints we have, I'd like to discuss some specific issues I dealt with in the past year and provide a forecast of my budget for this year and estimates for the coming three years. I will also provide you with the overview of the delegation of authority issue, as you requested.

One important and interesting endeavour that we undertook this year is a bit of an unusual approach for my office. As a result of investigations by the ombudsmen in Ontario and British Columbia, some very significant issues were reported with respect to the management and operation of the lottery schemes in those provinces. The investigative results in both British Columbia and Ontario resulted in the dismissal of several senior management personnel in both those provinces from their provincial lottery corporations.

As a result of that and also in discussion with my counterparts from the other jurisdictions, the ombudsmen from Saskatchewan and Manitoba and I undertook to pursue a discussion with the Western Canada Lottery Corporation. The Western Canada Lottery Corporation operates the lotteries in Manitoba, Saskatchewan, Alberta, Yukon, and the Northwest Territories on behalf of the provincial and territorial entities and is a federally constituted body so, therefore, is not within the jurisdiction of the provincial Ombudsman to investigate. However, activities delegated to the provincial gaming commissions within the lottery schemes are within jurisdiction.

Although we didn't have any significant complaints in this jurisdiction, nor did Saskatchewan or Manitoba, we certainly had some concerns with respect to the type of fraudulent prize claim and mismanagement that were observed in Ontario and British Columbia and reported in their reports. We took the initiative to contact the Western Canada Lottery Corporation and asked to work with them. They were very receptive and invited us to meet with the CEO and the chairman of the board and board members.

As a result of that, they took our concerns and our questions to

heart and expanded the scope of an internal audit that they were having done by Ernst & Young to ensure that the questions and concerns of the Ombudsman were being followed up on and could be answered in that report. They've provided us with regular updates and, in fact, just in November provided us with the final report from Ernst & Young and the recommendations that have been made. We have a commitment from them to follow up again with us in March or April on the implementation of those recommendations and then to include us in an ongoing analysis, which will be done in June, to ensure that retailers are being managed in a more appropriate fashion and that citizens competing in the lotteries are being safeguarded from fraudulent actions.

You'll have already seen, of course, in Alberta some of the results of that in the sign-your-ticket advertisement that's going on. They're installing new lottery terminals that will have an audible ring when a prize goes through. By March the screens in the lottery ticket retailers will be facing the customers so that when you have your ticket checked, you'll be able to read the screen. There are a lot of those things being done as a result of the initiative of both the Western Canada Lottery Corporation and the work that we've done with them.

I wanted to speak just briefly about the Alberta Energy and Utilities Board issues. You may have heard that back in June I launched an investigation into concerns with respect to the hearings in Rimbey that the Alberta Energy and Utilities Board were conducting. Just to give you a little bit of the background, I received a number of complaints throughout the winter of 2006-2007, primarily from landowners involved in that process. Our analysis of those complaints revealed that there was a right of review to the board of directors of the EUB, and we referred those landowners to that review because I'm not able to exercise my jurisdiction until all appeals and reviews have been exhausted. I had meetings with the acting chair of the Alberta Energy and Utilities Board in early June as more concerns arose. The issues I was concerned about were subject of applications to the Alberta Court of Appeal for leave to appeal, and in fact in early June leave to appeal was granted on two separate applications, that covered most of those concerns that I had at that time.

Subsequent to that the allegations of improper conduct, commonly termed as spying, at the Rimbey hearings came up. I again notified the acting chair of the EUB that I was going to launch an investigation, and I requested the relevant documentation from the department that I would need to do that investigation. Prior to receiving that response from the department, the affected landowners launched another court action with respect to the Rimbey hearings specifically. I reviewed their originating notice of motion in that action and determined that the matters that they were effectively bringing before the courts were substantially the same as the focus of my investigation. I therefore again had no choice but to suspend my investigation as the courts have been very clear that the courts and the Ombudsman must ensure to the greatest degree possible that there is no overlap. If a matter's been before the courts or is currently before the courts, then my jurisdiction to investigate is excluded.

I have provided advice to the EUB that I will continue to monitor those issues as they go through the courts, and if there are matters of complaint jurisdictional to my office which are not dealt with by the courts, then certainly I will launch investigations at the appropriate time.

Another interesting development in the past year has been the patient concerns resolution process regulation, which was passed in June of 2006 and proclaimed on September 1, 2006. As most of you will remember, my jurisdiction and the Ombudsman Act were

amended, actually, in 2003 to provide for my jurisdiction over the patient concerns resolution process awaiting the passage of that regulation before that jurisdiction kicked in. It establishes a requirement for all the regional health authorities and the Alberta Cancer Board to establish patient concern resolution officers in accordance with the regulation. My office – myself and my senior counsel, in fact – were very active over the two years or so prior to the regulation being passed in drafting of the regulation.

7:10

As it came time for proclamation, I made an active offer to the CEOs of all the regional health authorities to come and make presentations to their various management teams and groups on the requirements of the patient concerns regulation. I've been now to eight of the nine regional health authorities and made one or more presentations to each of them. I've been back to some of those health authorities with repeated requests for presentations. The purpose of those presentations is to share with them my thoughts and observations on the regulation, on what's required by it, how that impacts on them, what they can expect from me as far as oversight of their patient concerns resolution process.

You can take from that that the tests, the thresholds that I apply to a process to determine whether it's administratively fair are very similar to those that the courts apply to those processes when matters end up in the courts. By sharing with them what I'm going to be watching for and looking for in advance, I anticipate that it will help them develop and evolve their patient concerns resolution process in such a way as to be largely administratively fair.

Also, in co-operation with the regional health authorities we're in the process of distributing 800 posters and over 6,100 brochures in January, which will be posted and handed out to inform patients and staff about the patient concerns resolution process and the Ombudsman's role with respect to that process. We are starting to see complaints coming in with respect to this regulation. The evolution of the patient concerns officers and their processes within the regional health authorities has been somewhat slow. Certainly, their development, from what we've seen in our early investigations, will require more diligence and more attention to ensure that the patient concerns process is going to meet the needs of Albertans.

A couple highlights I wanted to share with you just to give you an example of some of the results that we have. When I do investigations, we really have three focuses. Of course the first, primary focus is on the complaint brought forward by the citizen, the anticipated redress, and trying to bring a measure of fairness to that citizen in the investigation of their complaint.

The second focus of investigations is on what I call the relationship issues: trying to develop and build and evolve the relationship between citizens and the authority of the representative of the government authority or other professional authority that they're dealing with in the anticipation of building those communications and relationships to minimize problems in future.

The third focus, of course, is to work with the authority to identify with them and for them where their systems and processes are falling short of the mark and are not administratively fair so that they can make the necessary changes and improvements to their processes to benefit the hundreds or thousands of Albertans that will receive services from them in future.

Just a couple of examples of that third focus that I wanted to share with you. In the 2005-2006 annual report of the protection for persons in care program they made the statement that their administrative fairness has improved

as a result of the recommendations of the Alberta Ombudsman. To ensure that investigations completed by Protection for Persons in Care are administratively fair, significant changes were made to the complaints and investigation processes.

An example of how, by working with the authorities in a nonadversarial fashion, we're able to assist them and work with them to improve their processes.

Similarly, with the Agriculture Financial Services Corporation we did some investigations with respect to a couple of different programs on soil moisture and pasture moisture in Alberta. We made a number of recommendations with respect to how the review panels were structured, how they reported, how their processes worked limited to that program area. The president of the Agriculture Financial Services Corporation, Brad Klak, asked for a meeting with me to discuss those recommendations and advised me that it was their intention to look at all of the processes and appeal panels that they work with to implement those same recommendations across the board, recognizing that it would bring fairness to any of those processes where decisions are being made by panels or boards.

So a couple of examples of the approach that we take to identify systemic issues and work with departments to resolve them. We may resolve the issue at the point of complaint with respect to one citizen, but if we leave it there and don't go on to the point of ensuring that the process is fixed – hundreds or even thousands of recipients of that program who are serviced downstream benefit when the administrative fairness of the program is positively affected.

Those are a few highlights from the year. I'm then leaving the delegation of powers to the end, Mr. Chair, if that's your choice. We can move into the budget document, or I can accept questions on that part of my presentation if you wish to at this time. Whatever your thoughts are.

The Chair: I have Richard Marz on this, and I do have some ideas on how to handle the others.

Go ahead.

Mr. Marz: Mr. Button, in light of the fact that you have an increased workload in complaints and investigations, it strikes me that you would also have an increase in the alternative complaint resolutions. Is there dissatisfaction with that program generally, that it's actually gone down in light of an increased workload?

Mr. Button: It's gone down marginally. Our informal resolution, which is an even less formal process than alternative complaint resolution, is up about 20 per cent this year. We've resolved, I think, about 103 matters through informal resolution as compared to 92 in the same period last year.

I have asked my managers if there is a reason why the alternative complaint resolution numbers might be down a little bit. One of the areas where alternative complaint resolution was most successful was in corrections. With complaints from inmates in correctional facilities we did a lot of alternative complaint resolution through the centre directors. The numbers of complaints in corrections, again, as a result of a number of initiatives we've successfully undertaken with that department over the last four years, have dropped from annual levels of 25 to 30 per cent of our total complaints to only 11.7 per cent of our complaints this year. So the complaints coming in from corrections are down noticeably, and that's one area where we used alternative complaint resolution probably more than any other department. I think that largely explains the difference.

Mr. Marz: There's too much satisfaction in the correction institutes?

Mr. Button: Well, when you can cut the number of complaints coming to the Ombudsman from 25 to 30 per cent of our annual

complaints coming in down to 11.7 per cent, something must be working right because inmates simply are not complaining to us at the rate that they used to.

Mr. VanderBurg: They're all on the street.

Mr. Button: I can't answer to that.

The Chair: A question for you, sir. Would you be open to folks asking questions of your budget, or did you feel the need to explain some points first?

Mr. Button: I maybe could quickly go through the highlights of it, recognizing our time frame.

The Chair: Well, we were hoping to have this section of the meeting done by about 20 to 8 because we do have some other business at the end. Again, we don't want to rush you, but you have been very thorough in your information here. There is a lot of paper, numbers, and words to look at that make a whole lot of sense. I know the committee has been diligent in doing their research, but why don't you touch on some highlights, and we'll entertain questions.

Mr. Button: I'll just quickly hit the high spots, and then if there are questions with respect to any of the detail, I would be pleased to answer them, and where I can't, Glen Resler, my budget manager, certainly can.

Specifically, the bulk of our budget, obviously, is in personnel. About 83 per cent of our annual budget is personnel related, and a very small percentage, 17 per cent approximately, is supplies and services. In the past year the settlement of the cost-of-living adjustment, of course, was much higher than was budgeted for. We had budgeted it at 3 per cent; it came in at 4.9 per cent. That was a significant hit on our budget. That, along with the respective increases for the opted-out and excluded and management levels, was a significant amount of that increase for personnel.

7:20

Because of the economic situation in Alberta we've also had to look at providing some market modifiers, which are generally used in the Alberta public service to pay someone over the top of their classification in situations where their expertise and their knowledge and their ability is something that you just can't afford to lose. We're in a very tight market trying to hire and keep employees, as everyone, I'm sure, knows, and we have had to add some market modifiers to some of my senior staff in order to ensure that we can keep them in this very tight market.

In the coming year, then, we're looking at a 6 per cent increase just to meet the Alberta public service collective agreement contractual increases as well as the increments accorded to those employees who are not yet at the top of their scale and are eligible for and earn increments during the year.

We have included in our estimates, consistent with the estimates for 2008-2009 that we gave you last year, one additional FTE, which would be an investigator in my Edmonton office. That adds about 3.7 per cent to the personnel estimate that we've given you.

There are some unfunded salary adjustments in 2007-2008, and your first question is: well, how did you deal with them? I dealt with them by running a vacancy in one of the new positions that you approved for me last year. In fact, we're just running the staffing competition as we speak to fill that vacancy. We used those salary dollars to offset the additional impact of the cost-of-living and

increment increases and some other costs that we incurred this year, but the bottom line is that our base is now maxed out when we go to repeating those salary adjustments in 2008-2009.

There are a number of minor modifications on the supplies and services side of the budget. We have held travel in check, and that's consistent with the discussions I've had with this committee in past years. Even though we have more staff and we're doing more investigations and my staff are travelling more to do investigations, we've done everything we can to hold that in line. You'll see that we're estimating an \$8,000 reduction in our travel budget this year.

We do have in technology services, which is explanation 9 on the document that you have, an increase of approximately 10 per cent there. That's just the cost of doing business with our technology services and our arrangement with the B.C. Ombudsman office to work with them on the case management system that we use.

All in all, the great majority of what we're asking for in the estimates for 2008-2009 are personnel related in covering the cost-of-living adjustment as well as staff salary increases and market modifiers, getting our base back to handling it because we actually covered a lot of that off. In addition to the cost-of-living adjustment there was the \$1,500 – what did they call it?

Mr. Resler: One-time payment.

Mr. Button: A one-time payment that was accorded to public service personnel this year. We were able to cover that out of our budget again because of the vacant position that we were running.

Maybe in the spirit of moving it along and hoping that the document package that we provided to you gave you an explanation of many of these things, it might be a better use of everyone's time if I stopped there and threw it open to questions. Certainly, we can provide any clarification by way of questions that you may need.

The Chair: Very good. Thank you, sir.

One person and one person only on my list so far. I see two.

Mr. McFarland: I really don't have a question for your budget, Mr. Button. Just a comment: hats off to you for what you've done on the VLT for the consumer protection. If it's any consolation, I travel quite a bit. It seems like the smaller communities are very, very aware and very respectful of making sure everyone's tickets are signed, so they're with the program.

Mr. Button: I have a meeting with the acting CEO tomorrow morning at 9 o'clock, so I'll pass that along to him.

Mr. McFarland: The other compliment would be: don't take it as an offence if I also call you a patient advocate because from what I understand of what you're doing, you're fulfilling that role. It must be gratifying to people who sometimes face adverse conditions in the hospital and maybe don't understand that people are trying to do the best for them that they have an avenue to vent and maybe get some resolve or maybe identify a procedural problem that might be corrected for the benefit of somebody else.

Mr. Button: I think that process, the patient concerns resolution process, is one of the most significant and valuable tools that's come along in a long time to protect the rights of patients, people who can be very vulnerable. The trick now is to get the word out. I have a distinct concern that there is a lack of understanding of that process within the health facilities, within the staff complements, who need to know what the regulation requires of them, and also with patients

and patients' families, who don't yet, I think, have a good enough understanding that there is a patient concerns resolution process in the health authorities or somewhere they can go when they've got complaints. If they don't get the answers they're looking for there, they can then come to the Alberta Ombudsman for an investigation.

Hopefully with this campaign that I mentioned, where we're going out with a large turnout of posters and brochures early in the new year, more people will become aware of that process and will avail themselves of the patient concerns process. Really, it's not about complaints getting to me. It's about the patient concerns process working as it's intended to work in the regional health authorities so that problems are getting resolved there between patients and the health service delivery people.

Thank you for your comments.

The Chair: Thank you, Mr. McFarland. Points well taken.

On to the only other person on my list. That's George VanderBurg.

Mr. VanderBurg: Two questions. One relates back to a committee that I chair, the Seniors Advisory Council for Alberta. Your name keeps coming up when I talk to different seniors advocacy groups across the province, you know, and there is a lot of talk amongst these groups that advocate on behalf of seniors that there should be a legislated ombudsman or advocate for seniors alone. Have they had contact with you? Is there enough workload for a separate office? I just want to hear your ideas on that.

Mr. Button: They have been in touch with me. In fact, very recently, as recent as last week, my EA advised me that someone was trying to arrange a meeting for me to attend with a group – and that may well be the group that you represent – to discuss seniors' issues.

Just by way of clarification, there is a significant difference between an advocate and an ombudsman, very different roles. An advocate takes somebody's problem and argues it on their behalf. As an ombudsman I'm independent and I'm impartial. I don't represent the person bringing forward the complaint, nor do I represent the department or the authority being complained about. I maintain rigorously that independence to do an independent investigation.

There are a myriad of issues. I've spoken to seniors' groups around the province. I'm very aware of challenges and issues that seniors' groups face. Recognizing the demographics that we're facing in this province and this country, we only have to look around the room and know that seniors' groups are going to get bigger in the not too distant future as some of us may join them.

But all of that said, I do believe there is room for more support for seniors. As our world gets more confusing, as the bureaucracy gets more evolved, I think seniors are a group that are at risk. A lot of seniors simply don't have the tools or the resources or the capacity to understand and deal with the bureaucracy as it gets more burdensome. I know that a lot of them that call our office or come to our office are dealing more with confusion and just frustration at having hit that brick wall. Often we can help them just by pointing them in the right direction and giving them some advice on where they can go for help or what they need to do to start the process to access a lot of the services that are there for them but maybe aren't being fully utilized.

I don't know whether I'm the best one to respond to whether or not there's a need for an ombudsman-like position or an officer of the Legislature who would be an advocate for seniors, but certainly

from my work and experience I see a need to provide support for seniors in whichever way that might be.

7:30

Mr. VanderBurg: Well, I think I'd need a couple of hours of your time. I'm going to book that. I want to talk to you about some of the seniors' issues that you're faced with and see where maybe the Seniors Advisory Council and your office could work closer together.

Mr. Button: I think that maybe that's already been booked.

Mr. VanderBurg: Yeah.

The second part that I have is on your 24 staff. Of the 24 staff how many are in management positions?

Mr. Button: I'm the only full manager. I have one supervising manager of operations, the deputy ombudsman, who looks after all of the operations, and Glen Resler, who is my director of corporate services, who looks after all of the admin support, IT, HR, and financial support. A very, very flat organization.

Mr. VanderBurg: Thank you.

The Chair: Thank you, Mr. VanderBurg.

If we could move on to the issue of delegation of authority, I do hope to read a few things into the record, and I do have a suggestion. I'd just refresh the committee's memory. A request was received by the office of the Ombudsman in January 2007 for the committee to approve the necessary approval for the Ombudsman to delegate his authority to staff within his office. Another issue resulting from the request was the absence of any previous approval by the committee to this Ombudsman. Based on this, the committee asked the Ombudsman to review actions taken by staff within his office prior to the delegation of authority being granted to determine if a retroactive ratification of decisions would be necessary. At its January 2007 meeting the following motions were made, and I will read this into the record.

Moved by Ms Blakeman that

the committee direct the committee clerk to consult with Senior Parliamentary Counsel on the appropriateness or legality of the delegations that the various ombudsmen have made since 1980 and the committee's ability to retroactively approve those.

The other motion, moved by Dr. Pannu, is that

the Ombudsman be asked to bring forward to this committee a motion for ratification of the decisions made during the time that the Ombudsman did not have the formal powers delegated to him to delegate powers that he has done in the course of his duties in the past, provided that ratification is considered necessary.

Now, in the documentation put forward and available for printing in your packages, you received a letter dated November 23 regarding delegation of powers, which I believe answered this to a great extent. Partially because of the time and partially because of the letter, I would suggest that the committee accept this submission of the Ombudsman in this respect and that once Senior Parliamentary Counsel has had an opportunity to review the recommendations put forward, this item could be discussed at a future committee meeting. I'd just turn my attention to the bowing of the heads of the committee or the shaking of the heads of the committee. Is this something that we can bring forward at a future meeting based on this correspondence? Thoughts?

Mr. Ducharme: Mr. Chairman, do you think we'd have the

opportunity to have the information pertaining to this issue ready when we meet again on January 30?

The Chair: Indeed.

Mrs. Sawchuk: Mr. Chairman, I'll make sure that we have an opportunity to get this information through to Senior Parliamentary Counsel and that he'll have an opportunity to go through it all.

The Chair: Good. I think that's completely in order. In fact, the clerk and I discussed that earlier, and it sounds like a good plan if the rest of the committee is in agreement.

Hon. Members: Agreed.

The Chair: Thank you for that.

With that, we will thank the good Ombudsman and his staff. Please convey our best wishes and thanks and congratulations for the year looking back and the year looking forward. We will of course have a written decision forwarded to you folks within the next week. We'll allow you to go. We just have a few motions to entertain, and we'll be back in the House. Thank you for being here.

Mr. Button: Should I be hurrying home to hear your motion tonight?

The Chair: Well, I don't know how fast you want to drive in these weather conditions, my friend.

Mr. Button: I have my wife and most of my staff listening to the live stream, which we all find, actually, very interesting and, I think, very appropriate. It's an opportunity to hear the activity and the working of government live for the citizens. The first time I sat and listened to it, I was impressed. I thought it was a good move forward and brings some transparency to the whole process.

The Chair: Good. We're very glad to hear that. We'll convey that to all of our colleagues on every side of the House. I want to again thank you for your accommodation in not only moving times but the time that we had. I trust that it's to the satisfaction of the committee in perhaps the approval of the great work that you do. Again, accept our appreciation.

Mr. Button: Thank you very much. Best wishes from my office, myself, and my staff to all of you for the upcoming holiday season. We look forward to a great 2008.

The Chair: Yes. Happy holidays. It will be busy after that – won't it? – and until then, I'm sure. Cheers.

Well, with that, folks, I'd suggest that we address motions required for budget submissions here tonight. I'll open up the floor to discussion, but I would like to mention that this committee has consistently, as Mr. McFarland mentioned, folks that are old and new to the committee, over the years questioned often excessive funds being returned to general revenue at the end of the fiscal year. I'd like to note that for the 2007-2008 projections for the two offices before us tonight, they're status quo with minimal or no return of funds anticipated.

With that, discussion on potential motions for this evening, perhaps, starting with the office of the Information and Privacy Commissioner, if we care to. Does anyone care to move? What I'm referring to is that if the committee is in agreement, then a motion to the effect that

the Standing Committee on Legislative Offices approve the '08-09 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$5,574,000 as presented.

That is a possible motion.

Mr. VanderBurg: Just a question. Last year, and again, not sitting here, there was quite an increase in the budget. Was that a one-time request, or was this a request made by the office of the Information and Privacy Commissioner?

Ms Blakeman: Yeah. It was the health information – oh, sorry.

The Chair: Go ahead, hon. Blakeman.

Ms Blakeman: It was that the Ombudsman took over the additional authority under the Health Information Act to investigate the patient concerns, that whole section that he was talking about. That required additional support and financing in his office, so that was recognized, and the money was allocated to him.

Mr. VanderBurg: I was talking about the privacy commissioner.

Ms Blakeman: Oh. Sorry.

The Chair: Sorry. The clerk would like to share her knowledge on this subject.

Mrs. Sawchuk: Mr. Chairman, if I remember correctly, I think that was the start-up of the Personal Information Protection Act.

The Chair: PIPA.

Mrs. Sawchuk: Yeah. And the effect on small businesses and that type of thing. I believe that's what it was.

The Chair: Yes. That's my memory as well. Good question, and good answer for a different question but a good one nonetheless.

Mr. Marz: I would be prepared to make a motion on the office of the Ombudsman.

The Chair: Please. Feel free, if you would.

Mr. Marz: If that would be okay at this time, I would move that the Standing Committee on Legislative Offices approve the 2008-09 budget estimates for the office of the Ombudsman in the amount of \$2,826,000 as presented.

The Chair: We'll keep that on the record. I thought he was referring to the FOIP commissioner. We would need to move that one first. That's what I was calling for, but we didn't quite finish that.

Mr. VanderBurg: So moved.

7:40

The Chair: So moved by George VanderBurg. Again, this refers to the office of the Information and Privacy Commissioner for the budget as presented. Any further discussion?

All those in favour? Opposed? That motion is carried.

Now we'll entertain your motion. Again, for the office of the Ombudsman \$2,826,000 as presented. Any further discussion on this topic?

Seeing none, I'll call the question. All those in favour? Those opposed? Thank you very much. That's carried.

We only have five more items to discuss. Watch how fast we do it. Item 4, approval of the minutes. We'll carry that forward to the next meeting.

Item 5, '08-09 committee budget estimates, is simply FYI. This was approved by Members' Services at the November 13, 2007, meeting, provided here for the members' information. If you do have any questions, Karen does have information on that. Did you want to entertain that now, Karen?

Go ahead, Ms Blakeman.

Ms Blakeman: I take it that this is on the Legislative Offices budget expense. Is that what we're on?

The Chair: Indeed.

Ms Blakeman: Okay. Could you tell me how many out-of-session meetings were held last year? I noticed that the budget this year is anticipating or scheduling for eight out-of-session meetings this year. How many were held last year?

Mrs. Sawchuk: Good question, Mr. Chair. I can go online here really quickly and see what we have, if you'll give me two minutes. You want the fiscal year, correct?

Ms Blakeman: Well, whatever corresponds with the information you sent out.

Mrs. Sawchuk: Yes. Okay. Just give me two seconds.

The Chair: Sure. While you're looking that up, I will ask colleagues if there is other business, under the next category, to discuss before we leave. No?

I'll just point out again while you're looking that the date of the next meeting, indeed, is the 30th of January. That's a Wednesday, and that is in 2008.

Ms Blakeman: Is that all day?

The Chair: Yes, it is. And it'll be a glorious day.

Mr. VanderBurg: Could you give us a start time?

The Chair: Absolutely. In a matter of seconds, right after Karen gets her information here. I'm almost there myself.

Mr. McFarland: You've got 9 o'clock from before, right?

The Chair: Yes. Indeed. It's actually scheduled from 9 till 3 at this point. I have a feeling that I'll be up here the night before, myself.

Ms Blakeman: Could you do it a little later to accommodate some people driving from out of town because if it's a four-hour meeting, then why can't we do it from 11 to 5?

Mr. VanderBurg: From 11 till we're finished.

Ms Blakeman: Yeah. Because that allows some of the other people to drive in rather than overnighing.

The Chair: Yeah. It is a five-hour meeting. Yeah.

Ms Blakeman: So 11 to 4 or 11 to 5? That's fine.

The Chair: There's a lunch break in there as well. I'll take a quick look here because these are fair questions, obviously, colleagues. Yeah. I've got 9 till 3. Is it the will of the committee that we move it to 10 till 4 or 11 till 5? Which? Ten till 4; that's what I'm seeing around the table. The hon. Denis, preferences? All right. Laurie, does that suit you?

Ms Blakeman: Well, I'm walking.

The Chair: It works for you, absolutely. So if you can make a note, Karen, to change that from 10 till 4, please and thanks. I would have been happy with 11 till 5 as well. I'm at the mercy of you folks.

Have you got that information?

Mrs. Sawchuk: Yes, I do, Mr. Chair. We had six meetings that were held during the 2006-2007 fiscal year.

Ms Blakeman: Okay.

The Chair: Well, with that, it looks like we've got through all of our items, folks.

It's 7:44 by this clock. I would entertain a motion to adjourn. Barry McFarland so moves.

Thank you very much, ladies and gentlemen. Enjoy the rest of your evening. It could be a long one.

[The committee adjourned at 7:44 p.m.]