

Title: **Tuesday, April 21, 1998 of Information Review committee**

Date: 98/04/21

9:17 a.m.

[Mr. Friedel in the chair]

THE CHAIRMAN: Okay. We might as well get the meeting started. We're three minutes late, and we don't have a lot of time this morning. I will call the meeting to order.

What I'm going to do, since Pam is here with us today, is just quickly go through the round of introductions, because there are staff members and consultants with us, so that everybody knows who everybody is. I don't think there's any doubt as to who the MLAs are, but for the formality we'll go through it.

Diane, have you met Pam?

MRS. SHUMYLA: Yes. Diane Shumyla.

MRS. TARCHUK: Janis Tarchuk, Banff-Cochrane.

MR. CARDINAL: Mike Cardinal, Athabasca-Wabasca.

MR. DUCHARME: Denis Ducharme, Bonnyville-Cold Lake.

MR. ENNIS: John Ennis with the office of the Information and Privacy Commissioner.

MS KESSLER: I'm Sue Kessler. I'm with Alberta Labour.

MR. GILLIS: Peter Gillis. I'm a consultant with Labour.

MR. DALTON: Clark Dalton, Alberta Justice.

MR. MORAN: Charlotte Moran, Department of Labour.

MR. DICKSON: I'm still Gary Dickson.

MS PAUL: I'm Pamela Paul. I'm the MLA for Edmonton-Castle Downs.

THE CHAIRMAN: Okay. The first item of business is the approval of the agenda. First of all, are there any changes or additions that anyone would like to see to the agenda? If not, could we have someone move? Janis moved that the agenda be approved. All in favour? It's carried.

The minutes of the committee meeting of March 17 were circulated. I'm presuming that everybody diligently read them. Could we have someone move that they be adopted?

MR. CARDINAL: I'll move.

THE CHAIRMAN: Mike Cardinal. Discussion? All in favour? I don't see a lot of hands, but the motion is carried.

We have a draft communication plan which was prepared and sent out earlier. It should be under tab 4. Diane, this went out quite a bit earlier; didn't it?

MRS. SHUMYLA: It went out about a week and a half ago. As well it's in the binder.

THE CHAIRMAN: What I did with the material as we gathered it, anything that came through, some of the background information, knowing that being in session time is a little bit precious and also to

give people the maximum amount of time to look at the documents – as a matter of fact, everybody got a big binder with background information on the federal situation, B.C., and I think the health review. I asked Diane to send it out so that you would have as much time as possible to go through it. So with the amount of stuff that went out, I'm not a hundred percent sure what went well in advance or what just went with the agenda, so if you'd bear with me on that. This one was one that we had gone through, worked over a little bit, and sent out before the Easter break.

MR. CARDINAL: I just have a comment on the draft communication. Is it still open for change?

THE CHAIRMAN: Yes, it's here for the committee to discuss.

MR. CARDINAL: I was just looking at the first paragraph there under purpose. Does that read right, or am I just not awake yet? It says, "To provide interested Albertans with accurate and timely information on the Select Special Freedom . . ." or select special committee?

THE CHAIRMAN: I think that's the formal name of the committee.

MR. CARDINAL: Okay.

THE CHAIRMAN: We're in government. We couldn't have a simple name.

MR. CARDINAL: It's amazing. I was thinking of the public out there, how they'd respond to something like that. It's pretty complicated.

THE CHAIRMAN: Well, we confuse them with titles. That way we don't ever get to the real purpose of what we're doing.

MR. CARDINAL: That way they won't be interested; right?

MR. DICKSON: Two points I thought of when I reviewed the communications framework. Incidentally, I did appreciate getting the material when I got it. So thanks to the chairman and Diane for getting it out so quickly.

The first point is in terms of purpose. When I read, "To provide interested Albertans," I wondered whether that doesn't become a bit self-limiting. I think our responsibility is to provide Albertans with information on the process. If you talk about "interested Albertans," that could be defined as a very small community of researchers, opposition, media, librarians, information technologists. I think we have a responsibility, Mr. Chairman, to come up with a plan that gives all Albertans – and they'll determine who is interested and the extent of their interest – some knowledge of what's going on. I'm perhaps being a little anal retentive, but I'd be much more comfortable if the word "interested" was eliminated and we just wanted to provide Albertans with accurate and timely information, because I've always understood that that's what we're about.

THE CHAIRMAN: I have no problem with leaving the word out. I don't think the intention was to restrict it to any particular citizens of the province.

MR. DICKSON: Great.

The other comment I had has to do with the highlights. We spent some considerable time last time talking about the expansion of FOIP. If you look at the second paragraph, when we talk about the expansion of FOIP, it's pretty narrowly defined to mean expansion

to local government bodies and the MASH sector. I think it's important to signal to people that there's a pretty significant policy question in terms of expanded protection in the nongovernmental sector, being mindful of other initiatives under way looking at the same area. But I think we have to identify that it's one of the highlights. I'm not sure whether I'm being clear, but I'm specifically talking about the extent to which Albertans think about FOIP being expanded to cover nonpublic bodies, private bodies. I think that's one of the big issues.

THE CHAIRMAN: Well, I would read that second bullet to cover what you're saying, Gary. It talks about the present governance of the act; in other words, the sectors that are presently governed in line 1, "including the about to be phased in MASH sector" and the last phrase: "and/or any expansion of such governance."

MR. DICKSON: Forgive me, Mr. Chairman, if I'm being too nitpicky, but I simply thought that if we said: expansion of such governance to the nongovernment sector. The reason I say this is that for those of us who have the privilege of being on the health information task force that's going on, one of the things we found is that the consultation with respect to Bill 30 – we heard very little from private-sector groups, large employers, banks, and that sort of thing. One of the things under active consideration by that committee is an expanded scope of health information.

So as a committee we're in the situation where those people who thought they probably weren't included didn't bother responding. I just think it's very important that chambers of commerce, the banking industry, the insurance industry – whether we go down that road ultimately or not, I'd like to signal to them in as forthright a way as we can that at least that's something under consideration. It seems to me that if we don't sort of accommodate that in a communication plan, it may not in fact then be in the discussion guide and the other things that we're sharing with Albertans. I'm not trying to prejudge what the committee ultimately decides; I'm just trying to ensure that we cast the net widely and give fair notice to Albertans of just how far this could go.

9:27

MR. CARDINAL: I would think that what you have here, Mr. Chairman, covers what we're after unless you're wanting to have for-profit private industry included. Is that what you're saying?

MR. DICKSON: No. Exactly what I'm talking about is if you look at Quebec, they have legislation that covers the for-profit private sector, and that's the European model. In terms of health information Denis and I are on a committee that right now is debating the extent to which private businesses and insurance companies should be covered by health information. I'm just saying that I think people should know that that's one of the issues under consideration.

MR. CARDINAL: But I think this paragraph covers that. You know, "any expansion of such governance" would cover that area.

THE CHAIRMAN: Well, that was certainly the intent in drafting it, and when I went through, I read it that way.

I'm going to be a bit cautious, I guess, in how I interpret what you're saying, Gary. In the terms of reference that we had set up – and this doesn't preclude anyone from making submissions on any part of the act – our purpose was not to reinvent the Freedom of Information and Protection of Privacy Act. It's to review whether the act as it exists or as it was enacted is covering that purpose. I do not see a key role of this committee as going out and

attracting significant expansion of it.

Now, there was discussion in the original review – and I'm going from memory here – of self-governing professions possibly being included. It was decided at the time that the legislation was brought in not to include that component. I don't believe there was any serious consideration of bringing in for-profit private sector. I believe that's a component that the federal review is looking at, but we hadn't considered it as our mandate to overlap that area. If the committee wants to expand and make recommendations on it, I would go along with that, but I'm not sure that was the original intent.

MR. CARDINAL: On that point, if we're getting away from our original terms of reference, then that is something we should include at the end of the report as an addition, if that's what we want to do, but not change direction immediately on what our mandate is. We agreed to sit on a committee based on the mandate that was provided. To change it after the second meeting is really going away from what the intention of the committee is, and I don't want to be involved with any committee that tries to change direction from within after the committee is established, after a second meeting. You know, I don't want to sit on a committee like that.

MR. DICKSON: Mr. Chairman, I understand Mike's concern, and I'd put it to him perhaps a little differently. This isn't a static area. In fact, this whole business of information and privacy protection is growing like a mushroom in a dark place, and Denis may have some thoughts because he's on this health information thing with me. What's happening internationally, what's happening nationally is addressing privacy protection. It's moving out, so we need a more dynamic sort of assessment review. I'm not prejudging. It may well be that we get few submissions. It may be that after a full discussion we decide that it's absolutely appropriate to not expand the scope of FOIP. But I'm just anxious not to prejudge that before we even get started.

We know in the health information area that expansion of some kind of legislative regime to cover for-profit enterprise is happening. It's under active consideration. How far down that road is yet to be determined, but that's clearly one of the major questions that's being wrestled with. So for us to ignore it and say we're only doing a very static sort of analysis just of the bill, looking backwards and not taking into consideration all of these things going on in the area of privacy protection . . .

The European Union Privacy Directive has big implications for a place like Alberta in terms of our international trade. If we don't provide legislated privacy protection in certain areas – I don't know, Mr. Chairman, how we could do the job we've been given without addressing those kinds of questions. We've got some experts here, and they may have some thoughts in terms of whether privacy protection in the nongovernmental sector is a live issue.

THE CHAIRMAN: Well, what is it specifically you want added or changed in here, Gary? Let's do that. We seem to be dancing around semantics here.

MR. DICKSON: My suggestion would be as simple as just in the highlights, the second bullet where it says, "any expansion of such governance," just putting in specific words: such as in the nonpublic or the private commercial sector.

MRS. TARCHUK: Just put "such as"?

MR. DICKSON: Sure.

THE CHAIRMAN: Now, you made reference to the federal review and also to an international review. Are you saying that we should be ahead of that kind of review? At the last meeting I had suggested that we were not going to get involved at this stage to that extent, that we wanted to be aware of what was happening, but we were not going to duplicate or, you know, do a parallel job. I think that would be counterproductive. Are you suggesting that we should change that to become involved in levels of privacy that are under review at the national level?

MR. DICKSON: Well, two things. What we talked about last time were two other sorts of parallel processes going on. One was the health information. We specifically talked about that, and since you've got at least three members of this committee who are also on the health information one, I'm sure we'll make sure that we don't end up reinventing that wheel or duplicating that.

In terms of the Justice Canada/Industry Canada consultations under way, looking at some national standards, the problem with that is that much of what we're dealing with in terms of information rights are under the Constitution property and civil rights. I mean, some of these things are within the exclusive legislative confidence of the province of Alberta. The province is going to have to make some decisions in any event in terms of the extent to which we participate in some national strategy. So surely we have to be able to at least signal Albertans that this is one of the issues under consideration. We may get some responses on it, which makes it real simple. We may get no responses in areas that we decide would be better left to another consultation . . .

MR. CARDINAL: Mr. Chairman, time is running out. Could you take a vote on this?

THE CHAIRMAN: I was just going to suggest that. Why don't you make a motion, Gary, and we'll vote on it. We've spent 10 minutes on one phrase here.

MR. DICKSON: Sure, Mr. Chairman. My suggestion, then, is that on the second bullet on page 2 of the communications framework, where it says "and/or any expansion of such governance," we would add the following words: "to include the private and" – maybe it's redundant – "nongovernmental sector."

9:37

THE CHAIRMAN: So the motion reads:
to add to the second bullet the words "to include the private and nongovernmental sector."

MR. DICKSON: Right.

THE CHAIRMAN: Any further comments on this?

MRS. TARCHUK: If I can just make a comment. It seems to me that what Gary is talking about is worthy of review, but my only comment would be that I do see it as being outside of our mandate and our terms of reference that we started this committee with.

MS PAUL: I wasn't privy to the first meeting, but to me it just clarifies the intent of "and/or any expansion of such governance." I mean, to me this just clarifies what that includes. I think it makes a lot of sense to include that as part of the last part of that paragraph.

MR. DUCHARME: Mr. Chairman, just in regards to adding the private sector into it, I also have to agree with Janis in that I believe that it is outside the mandate of this committee. I guess I would probably be looking in terms of clarification. I guess you can read into "or any expansion of such governance" to possibly include the private sector. If it were not to be included and information was forthcoming from the private sector, how would it be handled?

THE CHAIRMAN: Okay. The question was to me specifically?

MR. DUCHARME: Yes. Basically I was saying that if we did receive submissions from the private sector, is it part of this committee's role to review it or is it not part of our role to review it?

THE CHAIRMAN: Well, we said at the original meeting that we would receive any information and that it would be up to the committee to decide whether that information was within the scope of our mandate and whether it was to be addressed. It doesn't preclude any submissions. The risk in expanding this is that it implies that we are specifically looking at the expansion of the act to include the for-profit, private sector. I didn't personally understand that to be part of our mandate. By putting it in the highlights, that would mean that it would be an invitation to the public to make those submissions and that we would in fact be addressing them. I don't think that has yet been decided. There is no doubt that the question of self-regulating professional bodies was discussed in the earlier review when the act was first set up, and we'd probably have to look at that. But this is a complete addition to the act. As I said, my personal opinion is that that was outside of our scope. We can make recommendations, I believe, to the Legislature on any issues, but this seems to have changed it slightly.

MR. DICKSON: Some of the materials that were provided to us were with respect to submissions from the province of British Columbia, that is currently undergoing a four-year review of their Freedom of Information and Protection of Privacy Act. I don't know whether you've got copies of the materials that we received from Diane, but if you look at item 10, they have a whole section addressing strengthening privacy rights in the private sector. This is one of the major issues that British Columbia is looking at.

It seems to me that all we're doing is signaling that as a legislative committee we're alive to what's going on in the whole information context. I don't want to prejudge what the committee is going to say. This is just the information strategy. All I'm saying is let's make sure that we reflect the context, that we're alive to one of the big issues in this area, and that people know that if they want to make submissions on it, they can make submissions. We'll decide as a committee what we're going to do with them. We'll decide whether we're going to expand it or contract it or whatever we're going to do. But it just seems that we're being unfair to Albertans by not letting them know one of the big issues. The way we let them know has got to be up front. It's got to be in the communications strategy.

I don't have the thing in terms of the Ontario review that's going on, but there's reference in there as well. I mean, I don't know what their communications strategy said, but one of the things they discuss in the Ontario review is an expanded role. So we're not embarking on some extraordinary, unprecedented thing. We're in fact just reflecting what's going on in the industry in the area and in other jurisdictions.

THE CHAIRMAN: Pam, to wrap up, then I'm going to call the question.

MS PAUL: Thank you, Mr. Chairman. Well, as I mentioned earlier, to me this just explains what the last part of that sentence says, "and/or any expansion of such governance." What does that mean if it doesn't tie in "to include"? What is the intent of the wording of the last part of that sentence?

THE CHAIRMAN: I think we've made every point.

Now, if we're ready for the question, all in favour of the motion by Gary Dickson to add "the private and nongovernmental sector" to bullet 2, page 2? Opposed? Motion is defeated.

MR. CARDINAL: Mr. Chairman, I'd like to make a motion to leave at this time that paragraph the same as it is in the document.

THE CHAIRMAN: I don't think a special motion would be necessary, Mike, if we're going to be adopting the communication framework in its entirety, unless there are any other comments on it.

MR. CARDINAL: Okay.

THE CHAIRMAN: If there are none, would someone like to move that this communication framework be adopted? Moved by Janis. Further discussion? All in favour? Opposed? Then it's carried.

The draft public consultation paper. This was prepared and delivered to my office a few days ago. Unfortunately, I had taken several days off during the Easter holidays, so it didn't get circulated prior to the agenda. I hope that everybody did have a chance to go through it. It's fairly lengthy. I read it last night, and I think it covers generally the kinds of questions that need to be asked. Certainly it's not intended to be all inclusive. This is just something for people who receive it to look at the kinds of things that they might make a submission on. We're not restricting in any way submissions to be in the form of the questionnaire. People could use it entirely; they could use parts of it. As we said earlier, submissions in any form, whether they're faxes, letters, E-mail – I suppose we would want to discourage strictly verbal telephone submissions because they're difficult to document, but we're not precluding any form of submission.

Sue, do you want to speak on this briefly?

MS KESSLER: The approach that I used in putting together this questionnaire and discussion guide was that we could use this as an opportunity to educate the general public about FOIP. There are likely a number of people who really don't know what it means and what it is right now, so I attempted, I guess, to walk them through the basic principles of the act and some of the major features. As you've indicated, Mr. Chairman, it certainly doesn't include every facet and every issue that likely is going to come up. My assumption was that many of the current users of the act and a number of the stakeholder groups would really know a lot about the act already and would know about the kinds of issues that they want to bring forward, so I didn't feel that it was necessary to put all of those things in here.

I also took the approach that I think it would be useful to keep it short and sweet. I was attempting to keep it under 10 pages, and it snuck in at over 11 with the questions on top of it. The more one adds to it, I guess the longer it's going to get. So that's something I think to consider in terms of finalizing it.

I hope that we have kept it without any bias. We've reviewed the questions over and over and over again, but it's often difficult

not to inflect bias into questions. So I'm hoping that there isn't any bias in there.

9:47

THE CHAIRMAN: You had mentioned in your covering memo – on the first page there are five bullets of some potential expansion or refinement of it. Were you going to suggest some changes along those lines?

MS KESSLER: John, would you like to speak to those? Those were your suggestions.

MR. ENNIS: I recognized them. Thank you. Well, the first two bullets there are just basically to alert the reader more clearly to what this is about. They'll find their way into this communication plan and the discussion paper somehow. But the subsequent three bullets were simply ideas about looking at the act in terms of the context of the other legislation with which the act has to dance. It seems that almost every freedom of information case butts up against the workings of other pieces of legislation. So the notion there was to seek comments from especially those people who have to live with other legislative requirements as to whether the freedom of information act meets or defeats the other things that they have to do.

The fourth bullet there references business customs of the MUSH sector – I've used the acronym MUSH sector; I see MASH is used in another place, but they seem to get used interchangeably – to see whether those sectors want to comment about how the freedom of information act is going to impact on how they do business. I use the term "business customs" as a suggestion there. It seems that each of those sectors has particular things that they feel they need to do but that they may have difficulty doing given the way that the freedom of information act is currently worded. In the end they may stop doing those things or they may want to ask the committee to look at how the freedom of information act can be reworded to make their causes possible.

The last issue is simply a suggestion on remedies for breach of privacy. I think this comes out of a series of breach of privacy investigations that we've been involved with where it's not really clear once a breach of privacy has been established just what to do with it. So it was simply a suggestion.

These are suggestions that come from my own experience. They aren't suggestions from the office of the Information and Privacy Commissioner. They're technical suggestions that came in around the feedback that went between the technical group and Sue's office.

THE CHAIRMAN: Okay. How long would it take to put this in the form of a question or two or three that would have to be incorporated into the discussion paper?

MR. ENNIS: Oh, I think that would be just a matter of minutes in terms of finding the right place to fit it in. In a sense it comes under the heading of general considerations, perhaps, possibly at the end of the piece, just some general considerations or additional considerations for Albertans to think about.

THE CHAIRMAN: We would hope to have this document ready for circulation by the end of next week as long as that could be accommodated.

MS KESSLER: Certainly. John and I could work at putting that together within a day.

THE CHAIRMAN: Okay. What are we talking about? Perhaps three, maybe four additional question sections that would be inserted someplace in the document?

MS KESSLER: Uh-huh.

THE CHAIRMAN: Could I suggest, then, to the committee, subject to further discussion on what's in here, that this could be included? This could be submitted to Diane, and we would fax it out to all the committee members as quickly as possible in advance of having to send it out and just get feedback from the committee members by telephone if there are any concerns in that regard to save having another meeting.

MR. DICKSON: I don't really have problems with that proposal. I had some other questions.

THE CHAIRMAN: Could we then have a consensus that there could be some refinements? The committee would receive copies of those changes.

Perhaps what we could do, Sue, instead of just putting them in the document and having the committee members sort out what the changes are, is have a highlight page that would say: this is going to be inserted. Specifically where it's in the document I don't think would be that critical. It would be easier to read and quicker to respond to.

MS KESSLER: We can certainly do that. Okay.

THE CHAIRMAN: Gary, on other issues, then, within this document.

MR. DICKSON: I appreciate the challenge that Sue had in terms of trying to instill all of this information into something that's concise and not too intimidating to people reading it, but when you look at the back of our binder – and I'm not sure where you have it, Sue – there's a presentation from Alberta Labour that lists key issues likely to be raised during the review. I take it this is based on stakeholder/user feedback and actual experience departments, public bodies have had with the act. The discussion guide is pretty general. Really, it's a summary of the elements of the act now. I wonder if you had considered taking some of the actual issues that people have experienced. What I'm assuming is that the key issues – this isn't for public distribution. This is just for the education and orientation of committee members.

MS KESSLER: That's correct.

MR. DICKSON: Okay. Was it a feeling that it was inappropriate to work more of this into the public discussion guide?

MS KESSLER: I guess when I looked at it, I thought it would make the guide overly complex. When one gets into specific issues, then you really have to provide the background in which the issue is being raised. So it definitely would add to the complexity and the length of the document.

MR. DICKSON: Mr. Chairman, I was thinking more of trying to increase interest in the review, and I thought that if we were able to incorporate in here some of the questions that people might ask – for example, in the fee area, the fact that's a source of a number of concerns that are expressed to your office, to the minister's office. How do we let the public know that one of the issues there is whether we should do what the federal Information

Commissioner has recommended, and that is look at moving from fees based on time spent searching, which in some respects rewards inefficiency, to a fee system which is based on simply the number of pages produced? I mean, that's the sort of issue that I think is really important. I'm not one to rewrite your work here, because it's good, but I'm just wondering if it's possible to introduce some of those kinds of issues into a discussion guide so that Albertans can say: well, gee, if it's costing \$700 for a lot of these general information requests or \$1,200 or \$2,000 – if you read the discussion guide, all we see is reference to \$25, and people who haven't used the entity have no sense that giving \$27.50 or whatever is for an hour and it adds up real fast.

It's a general question, Mr. Chairman. I'm just trying to get an understanding if there's some way to bring in some of those examples. We've done it in the health information material. It seemed to me there were some specific examples that Albertans were asked partly to focus attention and stimulate discussion.

THE CHAIRMAN: Gary, as you were explaining that, I was flipping through that document again, and my honest opinion is that if we listed those items – some of those are technical, some of them need explanation, which would make this thing extremely complicated. The document – I didn't count the pages, but Sue mentioned it's already sneaked over 10 pages. I think something like fees is going to be obvious. If someone is concerned about the cost of obtaining information documents, they're not going to have to be invited to come under that.

9:57

There are several pages of explanation. That was given to the committee members as a bit of a heads up of the kinds of issues that might be raised so that you would have some understanding of why and where these things might come from. I don't think incorporating them into the document is going to add sufficiently to offset the complexity of a 15- or 20-page discussion paper. My suggestion, unless it's already in there, is maybe a simple statement in the discussion document that these questions that are asked are only a representative sample of the kinds of things that people may want to include but that the committee will accept comments on any parts of the act or its administration and leave it more general.

I'm a bit concerned. Even when I read this last night, as I was partway through it, I was thinking to myself: I'm supposed to have a bit of an understanding of this document. I was already picturing myself as an individual out there going through this and thinking: I'm not sure I'm going to spend the time and make a submission because this is already fairly lengthy. Certainly vested interest groups will do that, but we don't only want to deal with those kinds of organizations or groups. I think we want to make this available and friendly to the average person who just has a few observations that they want to make.

MR. DICKSON: Mr. Chairman, I guess the difficulty with that is there's no context for this. When I look at the discussion guide, it's really just a recitation or a précis of what's in the act. If we know the areas where there are concerns, where there have been issues, where there have been difficulties, it seems to me it's just being fair and straightforward with Albertans to identify some. I'm not suggesting all of them and not some of the more technical ones, but there are some issues that are frankly more likely, I think. We've got our media expert here. This isn't my field, but it just strikes me that there are some areas that are likely to stimulate more public interest and discussion rather than just a quite passive and I'm going to suggest quite sterile summary of what the elements of the bill are. I'm looking to reflect in some way some

of the experiences that Albertans have had with it.

This is supposed to serve Albertans. It's supposed to be their information on privacy rights and areas where there has been contention. To me that would be the thing that we ought to be including in the discussion guide, and I would sacrifice some of the narrative description to put in some of those things that I think are going to make it a little more interesting to people reading it. Anyway, that's my concern. I don't know if we could have some communication advice or input on this issue. Is that possible?

THE CHAIRMAN: Okay. Unless you want to add to it, either Sue or Charlotte.

MS MORAN: The discussion paper can certainly reflect in its design ways of attracting interest. There's no doubt about that, and that is in the design of your paper. You can move from a document like it looks right now to a document that could pose or raise – you can design it so that it can bring the average Albertan into the process in a different way. You can create it so it's friendlier to the person on the street. When you design a document like this, you need to look very closely at your audience. In this case the audience is broad. It's everywhere from the person on the street to the professional or to those vested interest groups. So the audience has different ranges of interest, different views of useability of the FOIP act. So the document can be designed to reflect that broad breadth. It takes time. You have to take this document and have it designed. What you have from Sue is the content of your document as of right now.

If you look at any number of documents that are put out from an annual report to a discussion paper on the Constitution to whatever, all those documents pay a lot of attention to the audience. At this point this is a first draft of a document that has a certain amount or a certain kind of content in it. It really hasn't been designed per se.

MRS. TARCHUK: If I could just make a comment, this is a review of the act, so I think it's more important that we make sure we ask questions that cover all aspects. I get a little bit wary of focusing on or raising some issues and not all, because we really do narrow down and focus the input. I would prefer staying away from that. We want to not identify issues. I mean, we want to give them lots of information about the various aspects of the act, but I don't see the value in identifying some issues for the public. We want to hear what the issues are from them, and that's what I'd like to see the discussion paper geared towards.

THE CHAIRMAN: That was my feeling too, that the discussion paper was a brief summary of the act. Going back to my comments earlier, our job is to see if the act as it was put in place in 1994 is accomplishing what it was intended to do, not reinvent the wheel. This does not preclude people making comments on the reinvention of the wheel, but we would have to decide whether it's within our scope to make recommendations, and of course the Legislature would see if they would accept such recommendations.

I'm looking, for example, at page 3. We have things like paramountcy of other legislation, definition of law enforcement, legal privileges. If you put that kind of stuff in a discussion paper, the average person is going to wonder what you're talking about unless you go to the extent of explaining each one. I think we're talking about a level of technical detail that is not going to help the cause. It's not going to be user friendly.

Go ahead.

MR. DICKSON: I'm going to move that

we ask Charlotte to take a look at how the discussion guide draft that we've looked at could be modified, packaged in a way to encourage optimal public participation in the process.

If I can just speak to that motion for a moment, I think it's consistent with people wanting a broad review, but I also recognize what Charlotte has told us, that it's going to take some work to try and package it in a way that's going to be as open and as inviting or encouraging. I think what we all want is maximum participation. I'd be disappointed if we don't have a lot of people respond and offer suggestions.

Anyway, that's my motion, Mr. Chairman.

THE CHAIRMAN: Okay. That in general terms probably is not inconsistent with what we said before, that the staff and our experts could have a quick look at this to see if it could be refined in any way that was necessary, and we would submit it to each of the committee members for their information. I don't think that would preclude what we're talking about.

So Gary has made a motion. Any further discussion on that? This would simply mean that Charlotte and Susan would work together with the others maybe to refine those elements. All in favour? The motion is carried.

Are there any other specific issues in that discussion document that anyone wants to raise at this point? I would ask, then, for a motion that we approve this discussion guide subject to refinements, as we had discussed earlier in this meeting, to be submitted in time that the committee members would receive them – would it be unreasonable to say by the end of this week? That would give a day or two for any significant feedback.

10:07

MS MORAN: The end of this week wouldn't be quite enough time to get this designed.

THE CHAIRMAN: Or even Monday maybe. The last day of the month is Thursday next week. I would like at least a couple of days, because if someone has some specific concerns, they would have to be brought back and quickly vetted if necessary. So that would mean that if we didn't have them out by Tuesday, it would be very difficult to make any changes.

Gary, go ahead.

MR. DICKSON: I'd prefer to ask Charlotte what time she thinks she would require to be able to do the package we've just dropped in her lap.

MS MORAN: I would like to request five working days, which would take you to Tuesday. This is Tuesday today; right? It takes time to look at this and put it into a design context. With the design we're looking at, we're trying to make this as user friendly, as attractive as possible. So you just need to allow a designer some time to do that. Five working days would take us to next Tuesday.

THE CHAIRMAN: Okay. This would put quite a restriction on members to look at it and get feedback to myself so that it would still be available to go out on the 1st of May.

MRS. TARCHUK: I think we can make that commitment, that when we do get it, we commit ourselves to looking at it immediately and that day giving feedback.

MS MORAN: Maybe on that note it would be appropriate to just indicate to you another part of the process in terms of work time.

There's time required, which we'll do right away now that you've approved your discussion paper content, but we also need to give the papers time. We need to give the dailies three days; we need to give the weeklies time. So there are adjustments to be made so that the newspapers and so on have time to get their ads in as well.

THE CHAIRMAN: Okay. Now, the discussion paper itself is not going to be in the advertisement.

MS MORAN: No, but it has to be ready to go so that when the ads go, your discussion paper is available.

THE CHAIRMAN: Okay. Our time schedule – and I'm going from memory – is that the discussion paper would be released and the advertisements would be released on the 1st of May.

MS MORAN: I think that's doable.

THE CHAIRMAN: I think the other thing that would have to go into that is: would the Friday be the optimum effect date for an ad to be placed in the newspaper? You know, if give or take a day isn't going to really have a major impact on achieving our schedule, I think it would be best for us to choose the day in the dailies that would have the maximum reader impact.

MR. DICKSON: I'm anxious we not create too much difficulty in terms of rigid adherence to what's really a pretty arbitrary deadline. This is a key piece of material. I'd sooner take the time to make sure it gets done. I think, presumably, we've got experts in terms of telling us when we can advertise for optimal coverage and so on. I just want to make sure that we have the flexibility so that we get the best product we can. If that means it takes another week, Mr. Chairman, what's the prejudice?

THE CHAIRMAN: Okay. We're looking at the schedule here: circulate discussion paper, receive responses May 1 to June 30. It didn't have a rigid date, but I think we should come as close to May 1 as we can.

As a communications person, Sue, what date would you suggest would have the maximum impact on readers in the dailies?

MS MORAN: In the dailies I would suggest that the ad go in on a Saturday so that you get the weekend readers. Quite often on weekdays people go quite quickly through the papers, but if we put it in Saturday, you have Saturday and Sunday to get exposure.

THE CHAIRMAN: So that would be the 2nd. That would be close enough to our deadline. Is that possible?

MS MORAN: Well, at our present rate we're probably looking at the dailies. The dailies require three days' notice to get your best placement. We also want to ask them where on the page we want it, you know, those kinds of things. So I'm suggesting that May 9 would be for your dailies and for your weeklies a bit earlier than that. The weeklies have a cutoff date, and their cutoff dates are Wednesday and Friday, so we have to make sure we have copy in to them.

THE CHAIRMAN: But we're not talking about this weekend; we're talking about next weekend.

MS MORAN: No. May 9 for your ads in the dailies.

THE CHAIRMAN: But even the 2nd is still over a week away;

isn't it?

MS MORAN: Yes, but we have to also design your ads.

THE CHAIRMAN: Oh, that's not ready yet.

MS MORAN: Your ads also have to be designed, and again we need to give them about three to five days on design. But if we can do this right away in terms of design, we just wait until the paper's approved, your discussion paper, and then we can drop in the information.

THE CHAIRMAN: Does anybody have any problems with delaying this until the 9th then?

MR. DICKSON: None.

MS MORAN: You're still within good striking distance of your original time line, which was mid-April.

THE CHAIRMAN: That doesn't mean that the discussion paper wouldn't be ready to be circulated or made available on request.

MS MORAN: Well, we'd have to touch base with you on that. We don't want to go with the ads if your discussion paper is not ready. It wouldn't be wise to put your ads out, because your ads are going to tell people that it's ready. They're going to give addresses, Internet addresses.

THE CHAIRMAN: I think from our earlier discussion, though, we will have this document ready by the end of next week.

MS MORAN: If not, then of course you make those adjustments, but based on that notion.

THE CHAIRMAN: I think we can proceed on the fact that we will have this thing ready for the 1st of May, and in any event that would leave a day or two grace period. I don't see any reason why we couldn't achieve that. It would just be a one-week delay in the advertising, and the weeklies would appear in the middle of that first week of May then?

MS MORAN: Yes.

THE CHAIRMAN: Okay.

MS MORAN: We'll keep you informed as we go, Mr. Chairman.

THE CHAIRMAN: Is everybody in consensus with that?

MR. DUCHARME: Just for clarification. You're saying that it would probably hit the dailies on the 9th?

MS MORAN: Yes.

MR. DUCHARME: Are you suggesting that you would have the weeklies set up to go out also the week of the 9th, or would they fall in the following week?

MS MORAN: We'd have them in before. They require less work, so to speak. We'll do the ad design right away so that you'll get them.

THE CHAIRMAN: In the same way, once the ad is designed,

you'll send Diane a copy, and we can get it out to all the committee members.

MS MORAN: Yes. In the communications plan there's also reference to a poster. We'll also design the poster right away as well. I think we want it for distribution in the libraries. We'll do all those design elements together so there's some consistency in the look and so on.

THE CHAIRMAN: Some of the other things that we're going to be doing, preparing MLA excerpts for newsletters and things like that, don't have to appear the very first week of this process. There's a two-month period, and it gives people a chance to build on it. Also various media packages and things like that: these can be enhanced during the two-month period. As a matter of fact, if everything went out at the same time, it would probably be overkill.

MS MORAN: Well, there is a bit of roll out; you're right. But, again, the ads will trigger everything though. We'll have to map everything out so that everything goes out in some kind of logical and timely way.

THE CHAIRMAN: Okay. The other part of the process was going to be a proactive distribution of the discussion paper to known interested parties. That should be reasonably ready by the early part of May.

MS MORAN: Well, we're working with Sue's group, and I think there's a distribution list that Sue's put together here, so we'll have to work with your office to create that database, because I believe all the roads lead to the Leg. Assembly office.

MS KESSLER: We are in the process of collecting a number of distribution lists from various government departments of stakeholders and groups like municipalities, et cetera, so we believe that most of these mailing lists are already created. It's just a matter of getting the appropriate labels.

THE CHAIRMAN: Even if that mailing list isn't entirely complete at the beginning, it can always be added to as we go along.

MS MORAN: That's correct.

THE CHAIRMAN: Gary, you had another comment.

MR. DICKSON: I was just going to ask about a communication strategy. Have we considered maybe the chairman, Mr. Friedel, doing some radio spots around the province? The newspaper ads will certainly target a number of people, but it's fairly limited. You know, we're really talking about one hit in the major dailies. I think it would be excellent – and maybe you've considered this and made a decision on it – to have the chairman doing a couple of one-minute radio spots that could play around the province, heralding the review under way and encouraging Albertans to get out and let the committee know what they think.

10:17

MS MORAN: Actually, it is part of the communications framework.

MR. DICKSON: Is it?

MS MORAN: Yeah.

THE CHAIRMAN: Are you talking about radio advertising?

MS MORAN: No. This is where you can go on things like *Rutherford*. In other words, we book the times. It's in the framework.

THE CHAIRMAN: Yeah. That was discussed at our first meeting, that these are options we could use.

MR. DICKSON: I was thinking of even some paid spots.

THE CHAIRMAN: Well, we'll deal with that as we get to the budget. It wasn't anticipated. As a matter of fact, in an earlier discussion – I'm not sure if this was at the committee stage – we ruled out the expensive radio and television advertising.

MS MORAN: But there are things one can do, let's say, to get the exposure that you're mentioning without cost.

THE CHAIRMAN: I'm not sure it would be possible to put a motion about how we were going to reconfigure the discussion paper and the advertising layout. Is everybody comfortable that we know what is going to be happening, how this thing is going to be reworked, submitted for your information? Everybody swears on stacks of Bibles that if you have feedback, you will do it immediately upon receiving it so that there isn't going to be a delay in getting the thing reprinted and ready for circulation.

MR. DICKSON: Presumably, Mr. Chairman, if there were some big problems, we'd be able to call a meeting real fast to deal with it, but I don't anticipate that.

THE CHAIRMAN: If there was a significant problem, we would. We're not going to rebuild this document. It's going to be fine-tuned and some additions made to it. Okay?

Item 6 on the agenda is the Draft Budget Estimates. I should mention that at this point we're not sure where the money is coming from yet. We've had some high-level discussions between the Department of Labour and the Speaker's office. Since this budget was not included in the actual estimates, it has to be found somewhere within existing budgets. As of about two minutes before this meeting David McNeil and his office are going to be dealing with the Deputy Minister of Labour and between them coming up with the money for what we're doing. Our job is to approve the budget, and I guess their job is to find out where the money is going to come from.

We've briefly gone through these things. Are there any additional comments? I think it's fairly straightforward.

MR. DICKSON: Mr. Chairman, last time we had talked about the possibility of more than the one hit in the print media in the big centres, and we decided that that was going to be deferred. There was some discussion. I remember Ron Stevens – we talked about the possibility of building some elasticity into the budget or whatever to deal potentially with some additional advertising, more than the onetime advertising. As I look at the budget, it doesn't look like there's any flex in here. It looks like we have the one ad and that's it. So just to be true to that discussion that we had last time, I'm wondering where the flexibility is if we decide that we're not having the kind of penetration or the kind of exposure.

THE CHAIRMAN: Gary, I recall the fact as you raise it. I think the problems that I just mentioned as I introduced this part of the

agenda are already coming up with the budget from either the department or the Speaker's office. Since it wasn't under a special item in the estimates, coming up with the potential \$41,000 is going to cause us enough problems without asking for more difficulty.

We did discuss this briefly, and I know you asked if we would think about it again. My feeling is that we should be satisfied to go with what we had here, because we're asking these two offices to come up with this money out of their existing budgets. I'm not convinced that another advertising hit would justify the extra costs, but I'll take comments on that.

MRS. TARCHUK: That was my recollection of the discussion too, but we also talked about encouraging MLAs to take advantage of a column as additional advertising and radio, et cetera.

THE CHAIRMAN: There are many ways that awareness can be enhanced. You mentioned before, Gary, as well, that some of the free media should be taken advantage of.

MR. DICKSON: Mr. Chairman, as you yourself said a moment ago, our job is to come up, I'm going to suggest, with a budget we think we need to do the job of informing Albertans about something that's really important. I agreed with that comment when you made it. Just to sort of focus the discussion, I assume you're going to be asking for a motion to approve the budget?

THE CHAIRMAN: I will, yes.

MR. DICKSON: So would it be in order for me to move an amendment to the budget right now?

THE CHAIRMAN: It would be in order.

MR. DICKSON: I'm trying to be true to the discussion that we had last time. Ron Stevens isn't here, but what we had talked about was potentially half again, like, have another \$15,000 in the budget so there would be the potential for at least doing a second, more limited round of print advertising. So my motion is simply to increase the advertising budget by a further \$15,000. So we'd insert "\$45,000" instead of "\$30,000" and then make the appropriate changes to the totals.

THE CHAIRMAN: Okay; I'll accept the motion for the amendment. I'm going to ask you to clarify, though, Gary. You had at the last meeting suggested that the dailies would have two insertions, and \$15,000 would not accomplish a double insertion in the four major dailies. My understanding was that about 75 percent of that \$30,000 was for dailies and the remainder for weeklies. Am I roughly correct in that, Charlotte?

MS MORAN: Well, we're showing about \$5,000 for a one-time insertion in dailies. So double it: \$10,000 for two insertions in dailies.

THE CHAIRMAN: So \$15,000 would accomplish that.

MS MORAN: Yes.

THE CHAIRMAN: That was for clarification. I still don't believe that it would be justified to ask for the additional money from existing budgets, but we'll let the committee discuss and vote on that.

MR. DUCHARME: Mr. Chairman, if I recall correctly, when we

had that discussion at the last meeting, we felt that if the committee along with the management team were to pick an optimum day, a slower news day as far as the inclusion of our advertisements, especially into the dailies, we would probably get our optimum exposure with just one filing.

THE CHAIRMAN: Any other comments? If we can vote on the amendment to the budget, which would be to add \$15,000 to the \$30,000 advertising budget. All in favour? Opposed? The motion is defeated.

Okay. Any other questions on the budget? Any other items?

10:27

MR. DUCHARME: Mr. Chairman, I'd like to move approval of the budget.

THE CHAIRMAN: Moved by Denis. Further discussion? All in favour? Opposed? The motion is carried.

Is there any other business that needs to be discussed today?

Are we at a point where we need to set the date for the next meeting? I can't think of anything that we would do in the next couple of weeks. I'm going to suggest that as the need arises, I'll ask Diane to call committee members and we'll put a meeting together.

The other thing. I'm going to suggest that as information comes in, I will continue to get it out to all committee members immediately. We'll flood you with information, if necessary, and avoid having meetings for the sake of having meetings as much as possible for the two-month period that this information is coming in. As feedback comes in, it'll be sorted, not edited, so that committee members can have a look at it so that you don't get the entire package at once, because I think that would be overpowering. Then maybe somewhere about midterm we would have a meeting to look at it and see how we're going to analyze it. It may be a strategy, then, for the review. If it appears necessary, that that information is coming in quicker, we could advance the time of that meeting. Other than that my anticipation would be perhaps a meeting near the end of May.

MR. DICKSON: Janis reminded us about our discussion before about MLAs helping to promote this, and I'm wondering when we might have a kit. I'm thinking back to the Constitution kit that went out last November or December to all MLAs' offices, not only the poster but material and that sort of thing. Could that happen roughly at the same time as the newspaper advertising, or is that unrealistic?

MS MORAN: No. We can get a package together for the MLAs, have it ready for when the discussion paper is announced.

MR. DICKSON: Excellent. Thanks very much.

THE CHAIRMAN: Within the first two weeks of May.

Okay. Is that okay with everybody as far as the meeting, sort of leaving it loose-ended? If anyone feels from the information that you're getting that there's an urgent need for a meeting, let Diane or myself know, and we'll work on it, but tentatively, probably towards the end of May.

Can we have a motion to adjourn?

MS PAUL: I'll move we adjourn.

THE CHAIRMAN: All in favour?

[The committee adjourned at 10:30 a.m.]

