

Title: **Monday, August 31, 1998** Information Review Committee

Date: **98/08/31**

9:04 a.m.

[Mr. Friedel in the chair]

THE CHAIRMAN: We may as well start. I'd call the meeting to order. I've just closed the door behind you because of the distracting noise, but the meeting is open. The little flapper isn't in that indicates that we're exclusive or anything like that; is it? Just leave the outside door open.

Okay. The first item of business is Approval of Agenda. I believe that only got out on Friday. I have to take the blame for that. I was away for a couple of days. When we discussed the options earlier in the week with Diane and some of the staff from the Department of Labour, we were still working on the availability of people for tomorrow morning, so it meant that we were a little late getting that information to you. But everybody knew that we had two days scheduled, and basically I think everyone was going to assume the kinds of things we're going to deal with.

Maybe I'll explain what items 4 and 5 are. Today's meeting is just going through the summary of all the public submissions, but tomorrow we're going to be asking Bob Clark and whichever of his staff he wants to bring along, in addition to the technical committee that's with us here today, and find out if they have any concerns, observations, anything they wish to add to the submissions that were received by this committee. Then later on in the morning we'll be doing the same thing. Even though Sue Kessler is here as part of the resource team, we want to dedicate some time to feedback from the Department of Labour as to the administration of the act and any implications that the submissions may have. So that is how the agenda is set up.

I'll also be touching later on what I have for a recommendation for plans and processes: how do we go on to this?

So that's just a little preamble as to how the agenda was set up. If we could have someone move that we adopt it, I'd appreciate that.

MR. DICKSON: Mr. Chairman, just one addition I'm going to propose to the agenda. Before we get into the text of the submissions, there are some concerns in terms of process that I wanted to raise and some clarification and so on around what's happened since we last met. Can we deal with that before we get into the text of the submissions themselves?

THE CHAIRMAN: Sure, if you wish.

MR. DICKSON: Okay. Great. With that change I'm happy to move the adoption of the agenda.

THE CHAIRMAN: Okay. Moved by Gary Dickson. Any discussion? All in favour? The motion is carried.

We also have the minutes of the last committee meeting. If we could have someone move that they be adopted. Moved by Ron Stevens. Any errors or omissions or discussion on the minutes? If not, all in favour? The motion is carried.

Maybe at this point, Gary, we'll get into the plans and process. Early last week I met with Diane and a couple of people from the Department of Labour to look at what the status is of the documentation that we have so far. Everything that has been received by myself or Diane has been sent out to the committee members as it was received. You can tell probably from the stack of paper that there was quite a bit of it. Unfortunately, it didn't come in as we had originally hoped. When we set the original time lines,

we had anticipated that during May and June submissions would be coming in and that we would have the opportunity of passing them on to committee members so that you could read them a little bit more in depth as they came in. Unfortunately, there were only about three or four that arrived, that were very basic ones, until almost the deadline.

So the entire bulk came in within a week or so, and at that point there wasn't any point in sending it out and saying: here's a little bit, and we'll wait for some more. It took the department staff that were trying to categorize them and get summaries put together virtually a month, almost a month and a half to put them together plus others that did come in through July and early August. We didn't advertise, but we had indicated at the last committee meeting that although July 31 was the so-called deadline for submissions, we would not rule out any submissions until the report was literally ready to put to ink. So there were some late coming in.

Summer holidays and such being what they were plus a brief polling of who of the committee members might be available for meetings indicated there wasn't much hope in trying for anything much earlier than now. So when we finally targeted a couple of arbitrary dates, hoping that everybody would be available, it turned out they were. So that puts us roughly a month to possibly six weeks, depending on how the process goes, behind our original schedule. Rather than meeting the schedule for the sake of meeting it compared to doing things where everybody had the time to do it, we felt that that would be more appropriate.

What we're faced with right now are the submissions that everyone has. There were two versions of the summary, that you have copies of. One of them was the quicker comparison summary that basically lumped the submissions into various categories, but in order to make it understandable for someone to follow – even the committee members are not likely conversant enough with the act to be able to look at a recommendation and say, “Here's how it compares” – I've asked the staff to put it together in the form that you see in front of you. I believe it's the one under tab 4. It's the submissions categorized, compiled, but alongside existing comparative sections of the act. So anyone could look at them and say, “Here's what the submission is; here is how it compares to what exists.” It makes it easier to follow. That did take quite a bit of time. We'll look at that.

From those submissions we will also, as I said before, look at comments from the freedom of information commissioner's office, from the administration of the Department of Labour. We've also asked the other departments of the government to react to see how there may be overlapping concerns or observations. Those submissions should be available to us about the middle of September. I don't anticipate that there will be major recommendations, but it will ensure that there isn't some cross traffic, if you want to call it that, with departments who are affected by this.

The department staff from Labour are also preparing, based on the submissions that were made – and I'm going to ask Diane to pass these out. This is a brand-new document. I guess this has grown to seven, but originally there were five key areas that the submissions fell under, and in order to analyze these a bit, the department is preparing some papers. It shows the time lines under which they feel that these can be available to the committee to look at. They deal with fee structure, criteria for inclusion of public bodies, self-governing professions, municipal government issues, government submissions, paramouncy, and postsecondary education issues. Alongside them you'll see the dates that we could expect them to be available. That has a little bit of bearing on what I'm going to suggest might be our next meeting date, because I think these are going to be the essence of our ongoing discussions.

9:14

In terms of my suggestion as to how we proceed with this for time lines, if the next meeting or meetings of the committee, whatever we feel we need, including this information could be held in about the third week of September, from that we would be moving towards perhaps a draft preliminary report. I don't believe that it would be practical for the committee to sit here and word by word draft a preliminary report. I'm going to suggest that we have our technical people here, probably the Department of Labour, put something together as to how they perceive the discussions of the meeting plus the submissions that might appear. That will have no official status whatsoever other than it'll be a working document from which the committee can work. We would then proceed to either tear it apart and rewrite it or endorse whatever we felt was appropriate in whatever way the committee wished.

Then in early October we could actually have a draft report, which according to our original plans would be sent out to those people who made submissions and anyone else who was interested in them for the second round of feedback. If the timing worked out reasonably well – and this is going to mean setting a fairly tight schedule – it would be nice to have that feedback and translate it into a final report by about the middle of November or maybe slightly before that. The expectation is a brief fall session around the middle of November, and it would nice if we could table our report at the fall session. The reason I'm suggesting that is that if we did not table it until the spring session and if there were recommendations for changes in the legislation, it would be very difficult to accomplish that in the 1999 session. By the time changes were drafted through Leg. Council and through the various processes for being adopted, it would not likely be possible. Assuming that the fall session is on, this would give ample time for the department to make the actual formal submission for a space on the Order Paper and hopefully have it dealt with in the spring session.

So other than having put some specific dates, which we will do in item 7, that's how I'm suggesting we proceed with this from here to completion. I'll maybe toss it open for comments. Gary had actually asked, so I'll put you on then.

MR. DICKSON: Actually, yeah. Thanks, Mr. Chairman. I've got four specific process-related things I just wanted to raise. First, I wanted to thank you for your initiative in having the more thorough analysis done up. I think that was helpful, you know, going beyond the first one. So I thank you for that initiative.

One of the things I wanted to query. I noticed that there were some 20 different submissions dealing with protection of privacy interests in the nongovernment sector. In light of that – and remember the discussion before and the unsuccessful motion – there had been discussion about this federal/provincial activity going on. Now, what I thought might be helpful – I'm assuming that the province of Alberta made a submission to the Industry Canada/Justice Canada task force looking at privacy protection, but I can't get a copy from Justice Canada. I can't seem to locate it. So I wonder if maybe Sue Kessler or somebody can access that, make that available to us because, as I say, 20 of the applicants were interested in that, would be interested in seeing what kinds of submissions are going forward from the province, to what extent we're engaged in that debate. So that's one thing I wanted to raise.

The second one was that there is an excellent analysis that's been done by Professor Roberts at Queen's University. It's called *Limited Access: Assessing the Health of Canada's Freedom of Information Laws*. Now, I don't know whether a copy of that has been distributed to committee members, but it's a cross-Canada

analysis looking at FOIP regimes, highlighting strengths and weaknesses. I know that people who have read it find it very helpful, so I think the committee should be able to access a copy as well. I'm sure that some of the resource people have got copies on their desks, but I think it's worth sharing because it helps put some of what we're doing in perspective.

The other question. Ron Stevens had asked, during an exchange with Sue Kessler back on March 17, about a web site, and I remember Sue saying that a discussion guide was going to be put on, I think, her department's site. I guess I'm interested. I haven't checked to see if that happened, how many hits we had, how many of these submissions that we're dealing with in these binders came through that route, because experience has been that people interested in access to information and privacy often tend to be fairly sophisticated in terms of computer access. So I'm interested, in fact, if that discussion was borne out and if there were competent steps taken.

The other thing – and you as usual, Mr. Chairman, did a good job of anticipating one of my questions. I was getting some strange feedback in terms of the deadline. I talked to some groups who were told the deadline had been waived altogether. I talked to some other groups that said the deadline had been extended, and they mentioned a specific date two weeks after, I think, the end of June, which was our original one. I'm wondering if we could just be clear: how many submissions came in, in fact, after the end of June?

That sort of leads into the last concern I've got. You had said back on March 17, Mr. Chairman, that we're trying to attract attention. I agreed with it then, and I still agree with it. We've got the situation, though, that of all the submissions we've received, of all of these 115 submissions, by my count 14 of them are from what I describe as just regular Albertans who aren't representing a particular group or agency or local government. Fourteen. I see that in the material we've got there's a claim that it's 17, so there may be some issue over whether three people were in a representative capacity individually.

9:24

But given the apparent difficulty that Albertans had with the end of June, the original deadline, given the fact that I'd say we failed to do what you said was one of our goals, which was to attract attention from Albertans around this, I'm going to suggest that we revisit the issue of public hearings, that we revisit the issue of advertising. I think before we take the next step and follow up on your proposed course of action, if you look at the submissions that we've received from some of these folks – I just made a note here. We've got comments like from Bruce Reinholz, the president of Business Prospects.

The news release by the Legislative Assembly dated March 24, 1998, should have been followed up with more publicity and emphasis by the Minister of Labour and all MLAs. Many businesses are not aware of this discussion guide and their opportunity to make comments and suggestions.

Susan Platt, an individual in Calgary, said:

I would have preferred to see the Government provide public hearings throughout the province similar to the public consultation process in 1993 . . . public hearings would also have provided the much needed publicity for the FOIP Act.

You can find other kinds of comments like that.

So I'm thinking, Mr. Chairman, in a province where we've had public hearings on RHA boundaries, on criminal justice, on public lands, on maintenance and access enforcement and given what I consider a very disappointing response from the general public, I'm going to propose that we take another look at whether in fact Albertans know this process is even going on. I'm afraid they

don't, sir.

THE CHAIRMAN: Okay. The last item you raised we'll leave until we've finished the discussion on the rest. One observation that I can personally answer for is some of the submissions that came in after June 30. I had perhaps half a dozen calls during May and June asking about the deadline. A couple of people that called had obviously read the documentation that said the committee could extend the deadlines. The ones that I dealt with particularly were those who were planning on having maybe a meeting of their organization that was a provincewide organization. They'd indicated that those meetings were going to be happening late in June or perhaps early in July. Rather than, say, an executive person anticipating or phoning around and finding out what kind of a submission they would make, they would prefer to actually have such a meeting and then make the submission following that meeting. In all those cases, I suggested that this would be quite appropriate, because by that time I was fairly confident that we would not be able to meet the time line we had originally set. Having these things come in a month late, other than getting to you a little bit later, wasn't going to stop anything.

I'm not sure how many of the total submissions came in after that, Diane, but I was aware of about – I'm just going to guess – six where I had suggested to the people that by all means feel free to submit them. At that time I was suggesting to try and have them in by the end of July but that even then we would not reject any simply because they didn't meet a rigid time line. Do you know, Diane, how many did come in? We would have anticipated that if they were sent in by June 30, there's going to be about a week anyway. So let's say from the middle of July until the end of July, were there a lot?

MRS. SHUMYLA: I don't know. I'd have to go back and check because I had a student helping me with the submissions when they came in.

THE CHAIRMAN: But I know, from when I first saw some of the piles of this, that the bulk of them were already in by that time.

MR. DICKSON: I guess my problem, Mr. Chairman, is that that's great for the groups that took the initiative to call you and find out, and I certainly support you signaling that there should be more time. But I'd just say that I've talked to people and the reaction to me was: "We saw it. There was no way we could react. We didn't think this was a genuine invitation for us to get involved in the process and didn't bother responding." I take it there was no public notice of an extension. The only people who would have known would have been those people who took the initiative to call you or Diane I think. Correct?

THE CHAIRMAN: I hear what you're saying, Gary, but I would totally disagree with your observation that a two-month time frame for submissions should be considered anything other than a sincere desire to have input. I would disagree with you that extending it to three months or four months would have improved the situation any, because if you have that kind of a time line, people are just going to procrastinate till the end anyway. I would agree with you if it were, say, a two- or three-week time line, which would certainly be too short. This was a full two months.

MR. DICKSON: My question isn't on extending the time. It's on giving notice to people in terms of what's going on.

THE CHAIRMAN: But they had two months before the deadline. I'm going to disagree with you on even expecting that that wasn't

a long enough time line. The only reason that you would revisit it in terms of time is if the original time line wasn't adequate or if the feedback we got didn't demonstrate that there was a general awareness that this was going on.

Let's first get into the first questions you raised. I'm going to ask either Diane or Sue, or both maybe, if they can comment. I wrote them down here. You had the nongovernment privacy issues. There was that report; I forget what you called it.

MR. DICKSON: The Queen's University study.

THE CHAIRMAN: Okay. The third issue was: what is the status of the web site? The remaining two issues, the deadlines and are we attracting enough attention, I guess are sort of one issue that we'll leave until after the first three.

MS. KESSLER: I can address the first couple. Alberta's submission to the federal government I believe is a public document. I can certainly locate a copy from the office of the chief information officer, who submitted it on behalf of the province, and I'll make that available to the committee. My colleague Mr. Dalton has also mentioned to me that the Uniform Law Conference of Canada's report is also available, and that would likely be a supplement to the Alberta submission. We could certainly make that available to the committee as well. The Queen's University study we have. We can provide that to you. We can also provide you with an annotation of some of the errors we believe are in the report from Alberta's perspective. So we can certainly make those documents available.

Related to the web site, the discussion document went up on the Legislative Assembly web site, not on Labour's, and I believe Diane can speak to that further.

MRS. SHUMYLA: I would have to check with systems to see how many actual hits there were on the web site, and I could go back to my office and check on my mail and count how many came in that way and get that for you tomorrow.

MR. DICKSON: Thanks very much.

THE CHAIRMAN: Not specifically to your question, Gary, but we anticipate keeping the web site updated, including the draft report and such, so people can keep accessing it.

MR. DICKSON: Did we put any notice on that web site about an extension of time?

THE CHAIRMAN: I'm not aware of it. Well, officially, unless the committee wanted to reschedule its time lines, which I'm asking for today as far as number 7 on the agenda is concerned, there hasn't been an official extension, although on the record in our earlier conversations we made it quite clear that we would not cut off submissions that were not received by the deadline. I realize that isn't maybe generally known across the province because probably *Hansard* hasn't quite the circulation of the *Journal* and the *Herald*, but it would not be something that we would have hidden from the public if anyone had asked.

Before we go into that last item though, Gary, Mike had also . . .

MR. CARDINAL: Yeah. I have a couple of comments, Gary. First of all, I'd like to commend you and the staff here for the job you did. It really made it easy for us to go through the process, especially the two-column document, to understand some of the submissions. So you are to be commended. You did a heck of a job. It's a tough one.

In your August 17 summary of submissions it shows – and Gary mentioned this earlier – that of the 115 submissions received, approximately 20 submissions commented on the extension of privacy protection provisions to the private sector. But I think mainly these areas, it seems from this report, were targeting more on the provision to the private health care sector rather than the private industry sector. So we need to be careful on that, because that issue came up at our last meeting also.

9:34

The other one, a couple of areas in the statistical summary document. Would it be possible for you to provide us with a breakdown of where the submissions are coming from? I'd be curious. Are they coming from Edmonton and Calgary, or are they coming from central Alberta, northern Alberta, or southern Alberta? I think you'd be able to pull that pretty easily from your documentation. I would like to get an idea of where they're coming from. Of the 115 are 80 percent from Edmonton, or are they, you know, general, right across the province?

The other one I'd like to know – and you should be able to find this from the 115 submissions – is: how many of these are coming from political parties and what political party or affiliated political party? I'd be curious how many are coming from the PC caucus or affiliated PC caucus, to give us an idea of where the submissions are coming from. Are they the public out there, or are they political party submissions? That may make some difference in the finalization of the process.

MS PAUL: Actually, Mr. Chairman, if I can help. Mike, if you look at the summary right here with respect to . . .

MR. CARDINAL: It's not clear enough. I looked at it already. There's no breakdown.

MS PAUL: I read all the submissions.

MS BARRETT: You did?

MS PAUL: Yes.

MR. CARDINAL: Well, I didn't read all the submissions.

MS PAUL: You can pinpoint where they're coming from.

MR. CARDINAL: That type of stuff I try to delegate to some of the staff that are more efficient. Because they're going through it anyway, they could easily pull that stuff out, and I'm sure they have it available.

MS PAUL: So this isn't enough for you? University of Calgary is not enough? County of Lethbridge is not enough? What more do you need?

MR. CARDINAL: Exactly what I asked for; that's what I need.

THE CHAIRMAN: We can perhaps have a breakdown by region. That shouldn't be too hard to do. As far as the political parties, that I'd almost suggest you could get from the list. I think it's obvious the Liberal caucus did make an official submission. There were a couple in there from individuals who we know would be members of the PC Party. Others, you know, whether or not political affiliation is important, I am not sure. If it isn't obvious from the name, it probably doesn't matter that much. Certainly if we could get a quick breakdown, say, by region – what had you

suggested? Metro Edmonton and Calgary? Maybe north, central, and south?

MR. CARDINAL: Just to get an indication because of Gary's suggestion that we take more time and get out and do public meetings and stuff. Let's face it; more than half of our population lives in Calgary and Edmonton. You know, are two-thirds of our submissions coming from those areas?

THE CHAIRMAN: Would you have that, Sue?

MS KESSLER: We haven't compiled it like that, but we could certainly run through and pull it together.

THE CHAIRMAN: You have the documents. You'd be able to do it easier than Diane. She'd have to read it personally, I guess.

MR. DICKSON: Mr. Chairman, just in answer to Mike's question. In addition to the Liberal caucus making a submission, there were three Conservative MLAs, one cabinet minister and two MLAs. Shirley McClellan made a submission. Denis Herard made a one-paragraph submission, and then Little Bow, Barry McFarland, made a submission. Those were all of the identified MLA responses.

MS BARRETT: Plus Ken Kowalski's.

MR. DICKSON: Well, that was a submission that's not supposed to be treated as a submission.

THE CHAIRMAN: Presumably that was made as the Speaker.

Okay. The first part of it. Let's see if we can get some kind of breakdown. I think we could do it north, central, south, plus Edmonton and Calgary.

As far as the work for putting together the presentation format, all I can take credit for is the idea. The staff did all the work. From what I was seeing as it was unfolding, it was a horrendous job, considering that they were wrestling with summer vacations and people being on and off. So I would like to thank all of the staff members who took part in this: Diane – and during the brief vacation she took Corinne helped in getting some of this information out – plus the technical people as well. They did an excellent job, and I think it should be on the record that we appreciate that.

Pam.

MS PAUL: Yes. I, too, would like to thank them for the excellent job in coming up with the summary. I did go through about 90 percent of these, so I know what kind of a job it was. Some of them you couldn't read.

Gary brought up the point about the average person rather than organizations like the Teachers' Association or the Alberta School Boards Association and on and on. When I went through them, I was disappointed that there weren't more from Mr. and Mrs. Jones or whomever and not being affiliated with, let's say, an investigation service or the police or whatever. I found the ones that were a little more personalized had a little bit more to do with specifics rather than an overview of what the act contained. I'm actually disappointed that we're not going to the public and having meetings set up. That, I think, would really do the advertising on its own. I think that by having public meetings scheduled in community halls around the province somehow divided into four sectors and having people submit their concerns with the act, more of a hands-on interaction between them and the committee and the

staff, would give a really good grasp and grassroots perspective of the act rather than this large number of associations and large corporations that have submitted their observations.

Anyway, I just thought I would commend the staff as well. A job well done.

THE CHAIRMAN: I take your point on whether you would have preferred to have sort of around the province community or regional hearings.

MS PAUL: I actually thought that was the structure of this committee when I submitted my name.

THE CHAIRMAN: In our earlier discussions we did go through that, and I can appreciate that some people didn't agree that we deviate from that. I don't believe from the type and number of submissions that we received that we really missed the boat by that much. Maybe there was the odd one that might have personally come in and made a submission that didn't do so in writing, but I would have to believe that would be the exception.

Again, going back to the original concept, the mandate, as I see it, of this committee was not to totally rewrite the act. It was to review it after three years of being in place, find out where there were possible problems with it, where – I think the original word I used was “glitches” – there was something that wasn't expected, and in particular deal with the phasing in of the MASH sector. By the way the submissions came in and by looking at which of these stakeholders were represented by provincial organizations, I think the MASH sector certainly was an area of significant concern. I'm not going to downplay, you know, whether it's important to make sure that people are aware this is going on but look at what you really expect. I still cannot agree that we did the wrong thing. I feel that we did attract good attention. If you look at the submissions and see which organizations made those submissions, look at the areas that they represented, I think we got back fairly respectable feedback. So if you want to redebate whether we're going to go out and do a dog and pony show, we can take a couple of minutes, but I think the decision was made – there was a motion on the books – and unless there is a strong feeling that we want to revisit that, I'm going to ask that we deal with it very quickly and put it to bed.

9:44

MR. STEVENS: Mr. Chairman, it seems to me that each MLA has the opportunity within their own constituency to educate their constituents as to the fact that this is going on. Certainly I took that advantage. I had an MLA column that went out to each of the community newsletters. I think I can fairly say that prior to this committee being structured I didn't receive any calls with respect to the FOIP issue, and I think I can fairly say that I may have received one or two, at most, as a result of the community newsletters going out, and I am aware that my community newsletters are generally read by people within my constituency. So I feel quite comfortable that the process that we adopted in trying to advertise is the fact that we did get it onto a web site, and as Gary indicated, many people that are interested in this particular issue are familiar with the Internet, are computer literate.

I believe that we've done a reasonable job. I think it's one of those complex areas that the average Albertan doesn't have foremost on their mind, and it's obviously going to be an ongoing education issue that we have with respect to this. But as far as this particular review is concerned, I think we've done an adequate job.

MRS. TARCHUK: I actually was going to raise the same point as

Ron and also just a suspicion I have: if we had public meetings, we probably would hear from the same groups.

The other thing I wanted to point out is that we can't forget the fact that we still have future opportunity for public input, and that's from our draft document.

THE CHAIRMAN: I should also mention – and I apologize for not doing so earlier when I was recapping some of the things that were happening through the summer – that I had about three, I think, groups or individuals that wanted to know about the possibility of a meeting. One of them was from the University of Alberta, Edmonton. In the telephone conversation the individuals were saying: well, would you sit down and meet with us and just explain the process? I said I would be glad to do that and in fact did, not representing the committee in any way but just going through how the process was working to make sure they understood what was to be expected and, you know, the feedback, how they could have some expectation that their views were in fact being considered. There were perhaps another two or three calls, and I think those were offshoots of the ones where people were asking about the time line, where I did in fact explain what the process was all about.

I don't want to misrepresent this, but I personally believe that once these people understood that there was going to be a draft report going out which would let them see how we were reacting to the submissions, what the proposals were before it was going to be a cast-in-stone recommendation to the Legislature, they felt that was a reasonable compromise versus going out and doing the public hearings and such. The main concerns were: well, how do we know that you've really heard us right, and how do we know how you're reacting? That's the kind of thing that you would expect with public hearings of some sort. I did not get a lot of negative reaction saying that we've shortcut the process, that made it unfair to people who were making representation. They just wanted to make sure that we were truly looking at what they submitted. Yes, it does eliminate the possibility of sitting back and getting into a debate, but I'm not sure that that truly enhances the submissions.

Gary, you wanted to say something?

MR. DICKSON: Yeah. It's pretty obvious that there is little point in my moving a motion to look at public hearings. I take the sense of the committee. But I just make this observation. We should understand where we're left though, that the vast majority of submissions that we are going to be assessing come from public bodies who either are subject to the act or will soon be subject to the act. So what's happening is that somehow as a committee we're going to have to struggle, Mr. Chairman, to try to filter out what is a natural institutional bias. We've got the people who have to respond. What we don't have in this is very much a very loud voice in terms of the other side: those are the Albertans who are trying to access information and are trying to protect their privacy. When through the analysis we talk about 30 percent say this and 14 percent say that, I just am going to I guess remind the committee that that's not very helpful because we're really dealing with the public body side to a very large extent.

The other thing I just want to be clear on. I didn't suggest before, Mr. Chairman, that members of this committee aren't interested in getting public input. All I was saying was that I'm fearful that Albertans or people in the public are going to question whether we're really anxious in terms of getting that broader input.

THE CHAIRMAN: The other thing too, Gary, is that I believe that our job is to go through and analyze what came in. We certainly

have to look at the difference between an individual who made a personal submission – often those are as a result of an experience either making a request or being involved in a situation where the request was made. I think that gives us an awareness that there are those situations out there. I think we also have to look at the representative value of a submission made by, say, an association. The Alberta Urban Municipalities Association, for example, may be one submission, but if they did this by canvassing all their members, we have to take it that that does represent the vast majority of urban municipalities; likewise the rurals or the School Boards Association, et cetera. I mean, it's our job to go through and look at that and say: what does this represent?

There were a couple of individual submissions that came in based on a bad experience, and, you know, it was obvious there was a chip on their shoulder. There was even one request that we had to reject. It was simply somebody coming in and wanting to know if we would overrule the Freedom of Information Commissioner on a ruling he made. That was not our mandate or authority, but that was obviously one who was unhappy with a decision. So looking at these, hopefully there are eight people here who can sit down and observe what these things represent. How do they tell us that the existing act is either inadequate or works quite well or needs some additions or needs some changes? That's the challenge we have. I think you're correct in your observation that, you know, making a motion to change the process is not going to solve it. So if we can, maybe we can just get past that point and get into the submissions.

Before we do that, are there any other general observations that any members have, either on process or anything that we want to touch on, before we dip into the report itself? Go ahead, Ron.

MR. STEVENS: Yes, Mr. Chairman. There was one point that was raised with respect to the practice that we will follow in accepting submissions that are late, say, over the course of the next month or so. There was a reference to the web site and the fact that it may have a deadline for submissions. I was simply wondering whether it would make any sense to put a notation on the web site to indicate to those who would be reading it that if they wished to send in a submission, we would still receive it.

THE CHAIRMAN: I have no problems with that. As a matter of fact, I think our intent was to be as receptive as we possibly could. As long as this wasn't going to generate sort of another generation of feedback – and I don't really anticipate that it would – it would be very simple, as these things came in, just to send them out to the members. If you saw it there, if it was something notably different than you had already seen, it's likely going to influence how the final decision is made as the report is developed.

MR. STEVENS: But I suspect we may have, for example, up to another five weeks before we have a preliminary draft, so it's conceivable that people would be able to make meaningful comment for a reasonable period of time still.

9:54

THE CHAIRMAN: I think that would be in line with the general philosophy that we took back in April. Unless someone objects to that, maybe I'll just take the liberty of asking Sue: are you the one that's doing the web site?

MS KESSLER: That would be Diane.

THE CHAIRMAN: If you can arrange to have some kind of a notation that, you know, if there are incidental submissions coming into the committee before the report is in fact drafted, these things

would be made available to the committee members for their consideration.

MS KESSLER: That should go onto the Legislative Assembly Office web site, so I believe Diane should take care of that.

MRS. SHUMYLA: We could arrange to do that, yeah.

THE CHAIRMAN: Okay. Anything else then?

Okay. Let's move on to the report itself. What I'm going to suggest is that we work maybe for an hour and three-quarters on the report and then take the last 15 minutes to deal with item 7 on the agenda, the schedule of the meetings, so that we can look at dates that might be suitable for everybody as we go through. I'd like to adjourn as close to noon as possible. I have another meeting at 12:15, but if we run into some serious problems, I have provisions that I could delay that meeting slightly, but I don't think there's any reason why we have to, particularly since we're going to be here tomorrow. If necessary, we can deal with a few side issues tomorrow anyway. We've got three hours.

Okay. As far as the general summary, the statistical, the responses and such, the preamble of the report, does anyone want to get into any of that or have any questions on how that was laid out or the implications or whatever?

MR. DICKSON: Mr. Chairman, the one observation I wanted to make – and I guess it would be apparent to all of us – is that there are a lot of people who don't understand the act. My favourite submission was the one from Green Acres Foundation, where the representative said:

In light of inadequate training and information, we question our own authority to respond with an educated voice . . . We therefore do not consider ourselves qualified to judge the process or intent of the Act.

But they then go on to express opposition to implementation of the legislation. I'd just make the observation that a lot of the people that are, if you will, either hostile to the act or nervous about the act are people who in many cases have a pretty low level of awareness of what's going to be entailed.

THE CHAIRMAN: Okay. I take the observation, Gary, but I'm wondering: what is the point in terms of what we can do about it, unless we were going to go out and do an educating process or make sure that everybody is more familiar with the act than they would be with any other act? Is that a reasonable expectation?

MR. DICKSON: No. It's just a caution, Mr. Chairman. When we do the review and it says support or disagreement on issues, you have to go to the next step and then reference the opinions to see if they've actually had experience with it. It's the kind of weight you assign the recommendations. That's all I'm saying. That's not apparent as you go through either the general summary or the rest of the analysis.

THE CHAIRMAN: I think that falls in with what I had said earlier: this is the job of this committee, to go through and look at who or which organization made a submission and interpret whether it's based on an individual experience or whether it represents the view of a provincewide organization or whether the individual may have a chip on their shoulder, these sorts of things. That's what we have to analyze, and I think we would expect that even some of the organizations that have made submissions and who would have probably good working experience and in general a good working knowledge wouldn't be totally conversant either.

I mean, we have to look at where those submissions came from, what might have attracted their attention, and, you know, what the basis was for making the recommendation.

Do you want to go ahead, Mike?

MR. CARDINAL: Just a brief comment on that, because I think it keeps coming back to the table about possibly not enough interest, possibly Albertans not being aware of it enough. I think, you know, this is a reasonably new process. There's also federal legislation that's been around a longer time. I think Albertans are wise enough to utilize this service when it's required, but in the constituency I come from, which is the north half of Alberta pretty well, at least the northeast half of Alberta, I haven't had one phone call on this particular issue, and I don't expect a whole lot of phone calls. There are other issues out there that people think are a priority other than this particular process.

I guess, you know, I just haven't received too many calls other than Albertans telling us: you have too many darn regulations right now; please get out of our lives more. So we have to keep in mind that we are dealing with Albertans and that we are representing Albertans. Whatever processes we have in place, we have to keep in mind that they have to be reasonable. Albertans think we have too many regulations now, and we have to keep that in mind as we move forward in running this province.

MR. STEVENS: Perhaps this is as good a place as any to raise this particular issue. In reading many of the submissions and certainly in taking a look at the general summary, the issue of cost benefit is raised. It seems to me a lot of people raise the issue of excessive cost and question the benefit. I must say that I don't have much information available to me to answer a question about the cost benefit of this particular legislation, particularly as it relates to expansion of scope issues that seem to be part of our mandate. I notice, for example, one of the papers that's being prepared would be criteria for the inclusion of public bodies. I know some of the arguments are that any body that receives public money should be covered by this. I know there are those who would argue that this should extend to the private sector and so on and so forth.

I think if we're going to bring in and continue and expand legislation like this, we should be able to answer the question, at least at some level, of what the cost benefit of this exercise is. So what I would like to propose is that in addition to the papers that are currently scheduled for preparation, someone undertake a perhaps difficult and perhaps in some respects impossible analysis of cost benefit, because I personally have difficulty responding to that question based on what I currently know.

THE CHAIRMAN: I was actually going to ask someone – and I'm not sure whether it would be the Department of Labour or whether we would do it through the Leg. Assembly – to find out from the departments what their actual expenditures are, both direct and perhaps indirect. I'm not sure we would be able to objectively analyze the benefit through that method. How hard would that be to come by, Sue?

MS KESSLER: We are actually going to be presenting that tomorrow in our presentation to the committee. We do have the data on the direct costs of the act to all the government bodies. Indirect costs of course include records management and protection of privacy improvements and a variety of other things which are impossible to calculate, but we do have direct costs.

THE CHAIRMAN: Okay. If you can, then, bring us that tomorrow, that would be appreciated. I realize that asking the

Department of Labour or anyone else to suggest to us what the benefit is might be a little too political, that it would, you know, at best be a subjective comment. We can maybe try and wrestle with what it means, or if we can come up with a formula of some sort that might do that, we'd be willing to look at it, but I'm not sure if that would be an easy exercise. I wonder what we could do in the time line available to us.

10:04

MR. STEVENS: I have no doubt that the concept of benefit has a great deal of subjectivity associated with it, but it seems to me that if one puts in place a procedure, then one of the measures of that procedure is its use. For example, if we can determine by department the number of people involved and the cost, we may be able to determine by department the number of requests, and there may be some categorization of the information. The point I'm making is simply this: it would be helpful if some thought went into that particular process. I appreciate that it is, as I indicated before, perhaps impossible to fully articulate it, but I personally have difficulty responding to that based on the information I have. So that's my only point.

THE CHAIRMAN: You do have the one-pager, the two-sided fact sheet as to the number of requests by public body, by source, et cetera.

Go ahead, Gary.

MR. DICKSON: Just two comments. The first one is that I think lots of Albertans have that concern or raised that issue around cost benefit. When you talk about basic kinds of rights – and that's really what we're talking about, information and privacy rights – I think frankly those things defy cost evaluation. There were lots of things. Whether it's the right to vote or a number of other civic rights we have, we don't put a cost value on it because it's an essential building block of a free democratic nation.

The other thing I'd say to Ron and maybe others who wanted to see the cost perspective is that I'd ask also that we cost out what the impact is going to be to Alberta in terms of jobs and lost investment if we can't meet the European Union privacy directive that comes into force. If we can't meet and maintain international standards in terms of privacy protection, what impact will that have on the Alberta economy? That surely is also part of that political landscape, and I'd be anxious that the committee have that information when we're looking at what's easier to quantify, the cost of processing requests . . .

THE CHAIRMAN: Well, I'm not sure that that second information is any easier to come by than evaluating the benefit of the legislation. It would be a very subjective evaluation at best. It would be like asking how important is insurance.

MR. DICKSON: But if we do a hundred million dollars' worth of trade a year to western Europe – and that's all at risk, at least that part dealing with electronic commerce and information technology – we should be able to get some sense of what the economic impact would be in not having adequate legislated privacy protection and so on. I'm just saying that it ought to be part of that analysis, sir.

THE CHAIRMAN: Honestly, I think we're reaching when we start getting into that level of detail and asking someone to make a subjective evaluation, unless we have the total expertise plus the time available. I think we're going to have to use our best judgment as we're going through these, evaluating the submissions. In addition, committee members should use their own insight into

whatever our own experience may have been. I think that's the best we can do. Otherwise, we're going to get so technical that we're going to be not only out of our league but not likely ever to come to a consensus.

MS BARRETT: Well, I'll just add my voice to this convolution. Information is priceless. One cannot do a CBA on information, period. You can do cost, but you cannot do benefit. That's just reality, historical.

THE CHAIRMAN: And that's my concern, unless we had an infinite amount of time and an unlimited budget, and even then it would be subject to question. I think we have to use our best judgment, the same way as we evaluate, what you said before, Gary, these things. I don't know if you used the word "priceless," but there has to be some reasonableness attached. I don't think the government of Alberta or the Legislature of the province or any individual could ever say that they did their job if they didn't question the reasonableness of cost. There isn't a bottomless pit, and anything at any cost I don't think is a fair expectation.

MS BARRETT: I'd like to clarify what I was getting at.

THE CHAIRMAN: No, no. I was commenting on Gary's.

MS BARRETT: I was getting at benefit analysis, because you cannot do that when it comes to information or privacy. You cannot. There is no market ability to evaluate. They are priceless. That's what I was arguing.

THE CHAIRMAN: Okay. Can we get past the philosophy here and into content maybe? I haven't in mind any particular format other than perhaps going through the summary report section by section and page by page. Let's start page by page and go through it and see who has any comments. We're starting on page 5 with the definitions. If it looks like we're getting a little too hung up, maybe I'll push it along so we don't get caught up in too much detail, but try and keep in mind that we have about an hour and a half to go through the document just for committee observations. On page 5, any concerns?

MR. CARDINAL: Just on the summary of comments under section 1(1)(d), the educational body. The suggestion is: "The definition should encompass private schools that receive public funding. [Education, Special Interest Group]." I guess something like that. How are you planning on dealing with this? What's the process for dealing with that? That's a recommendation. That's not going to automatically be our recommendation.

THE CHAIRMAN: No. These are the submissions that were made, and from this we will be deciding what recommendations are to be made to the Legislature.

MR. CARDINAL: When does that happen? Now or later?

THE CHAIRMAN: That will happen later.

I'm going to suggest that you can at this point make your views known because the seven documents that the technical staff are preparing for us will include how they perceive your reactions.

MR. CARDINAL: The reason I say that, Gary, is that in the summary of comments the second paragraph says, "The definition should include private trade schools and colleges." Are we looking at institutions that are a hundred percent funded by the

public or a percentage funded? What percent? Because some of those are funded a small percentage by the public and a very large percent privately. Are we going to go into that? If we are, then I have some concern. Are there criteria?

THE CHAIRMAN: What will happen, though, if you look at the report that you're going to receive, the very last one is the postsecondary education issue. Well, no. I take that back. This relates more to fund-raising and such.

Bear with me for half a second here. I think it's number 2 that will deal with the public bodies, and when we see that report, I think it'll deal more with the philosophy of whether or not it should be included. The kind of question you're asking is: should private schools that receive public funding be included in the act? That would be in the definition, and basically that would be the answer to the question of should or should they not be a part of the Freedom of Information and Protection of Privacy Act. Likewise private trade schools. These are some actual questions that you will be asked that we will get into in more detail, particularly because sometimes the answer isn't just yes or no. There may be some conditional attachments.

10:14

MR. CARDINAL: That's exactly what I was getting at.

THE CHAIRMAN: Yeah. I'm just going to use a for instance. If you're dealing with inclusion, if they receive funding, what percentage of funding might be appropriate? So it's not just an easy yes, they should. They may be eligible for a minor provincial grant. Does that mean they have to entirely be subject to the act or not? I think those are some philosophical discussions we have to get into.

MR. CARDINAL: That was my concern. Good.

THE CHAIRMAN: But by all means feel free to comment on whether you think this should or shouldn't be something that we would consider, because the draft report which ultimately will come out of this should reflect your views.

MS BARRETT: Well, I say yes.

THE CHAIRMAN: Yeah.

MR. DICKSON: Mr. Chairman, just with respect, I notice that the issue of private schools, independent or private colleges, isn't the subject of one of those seven things directly. It seems to me, further to your advice earlier, that in looking at the nature of the groups the little bracketed comment "Education, Special Interest Group" frankly underrepresents who we heard from who supported private schools receiving public funding being caught and being subject to the act. It included the Alberta School Boards Association. I don't know how many boards that would be, but I'm assuming that would be for most of the boards in the province, including the Peace River school district, who thought it was important that private schools receiving public funding should be subject, and the ATA, one of the largest organizations in the province. I counted over nine different groups, and it was not only small groups like the Peace River school district but also very large provincewide organizations that made a point of supporting this.

Interestingly, I saw very few comments. I can't think of any submissions suggesting that private schools, if they receive public funding, should not be subject to the act, and I had a chance to go



through all the submissions. Now, there are some people sitting around the table who had the benefit of a much more in-depth analysis than I've ever had looking at the private school question, but it's important to note that there was a substantial weight of support, if you will, in favour of private schools being caught.

THE CHAIRMAN: In this case this is where the draft report is going to be critical, because an organization who would look at the existing act and not find themselves subject to it may find no reason to make a submission. They may not feel it's necessary to send in a submission and say: well, just in case you're thinking about it, don't include us. But if they see the submission of the preliminary draft suggesting that would be the case, you would expect, then, a reaction, and that's why I think the secondary feedback is critical.

Janis and then Ron.

MRS. TARCHUK: Yeah. I'm just thinking in terms of process here. I'm wondering if it's more valuable for us to go through and make comments, make position statements now or whether we should just identify certain questions for clarification. If we're having documents being prepared, I think it's useful for whoever is preparing the documents to hear the kinds of things that we're concerned about or questioning, like bringing up percentage of public funding or whatever. I don't see the value in us right now reiterating what it is that we read in all of the submissions or starting to state our positions now if in fact we're going to be working off some documents. I see it being valuable that we just identify questions that we have, the things that we like.

THE CHAIRMAN: Are you suggesting – and I think I might be inclined to agree with you as well – that maybe we do sort of a straw poll as we go along: support, concern, questions?

MRS. TARCHUK: Not so much the support, just the concerns and the questions that we have.

THE CHAIRMAN: In other words, raising an additional question, how do we clarify?

MRS. TARCHUK: Uh-huh. We have these documents that are being prepared for us, and they're going to summarize according to category, whatever. As we sit around suggesting a need for clarification or wondering if there's a percentage of people that said whatever, I think it's more just raising the questions now and what we'd like to see as they prepare the documents, not having a position, not going around and saying: you need to have public and private schools being covered.

THE CHAIRMAN: Was that your point too, Ron, or something different?

MR. STEVENS: Well, that's one of the points, but I think Janis makes an excellent point, and that is that we're still relatively early on in this process. There are additional papers that are going to be coming in. There are going to be responses from the departments, I think, that will benefit from the dialogue that we have here and perhaps outside of the meeting with members of the committee. So from my perspective, going through this not with a view to trying to say that this is what we'll do with this particular point or not but rather to identify issues we see with a particular matter that's raised here would be of benefit to me. I personally find the material to be a bit fragmented at this point in time to come to any kind of concrete conclusion.

So I support Janis' approach for this meeting. That is, we go through it, and as people have questions, we identify them, which raises actually a question in my mind. That is: how are we responding to this? Are we going to be listing each and every issue that each and every submission has raised and responding to it? Is there going to be some de minimis kind of approach that we adopt, saying that some of them we can for practical purposes eliminate and we'll respond to the ones we consider to be substantial, if I can use that term? So is it what we heard and here's our response? Is that the format that we're going to follow?

THE CHAIRMAN: Okay. I have to think about your second point. I'm not sure how we would actually deal with it short of a vote saying, "Okay; this is not a major issue or one that we shouldn't deal with or may not feel comfortable dealing with."

MR. STEVENS: Well, it's as much for the people that are preparing the draft report as it is for this particular committee. I for one wasn't planning on reading the material with a view to pulling out each and every point that has been raised for the purpose of inclusion and response, but I think we have to have some sense of the approach we're taking so that we as a committee know where we're going and also for the people that are charged with preparing the background papers and also the draft report and final report.

THE CHAIRMAN: Yeah, because what you just raised now is the preparation of the draft. I want to be careful what we call it, because the staff document is going to be their perception of what's happening. We have to be extremely careful, even though it's going to be public the minute it hits this table or the committee members receive it – and we're not attempting in any way to subdue it – to be sure that it only represents the staff's reading of the submissions and reading in some of the summary of the comments here today.

Making decisions on it – and I think this is the critical part. Hopefully from that there will be some pros and cons tossed in it: here's what happens if you include this; here are some cautions. Hopefully we will see some of that kind of information strictly from the perspective of the administrators of the act, being the commissioner's office and the Department of Labour, each in their own area, and from that we will be able to better make decisions as to: is this a reasonable thing to do? At first glance something may look like a terrific idea, until you see that it has some negative implications, and we may rethink that. So making a decision, voting on any one of these today, I think would be premature, and I think I'm reading that that's what you're suggesting: cautioning not to jump into decisions that we have to back off of but a process that will give the staff some sense of what we would like included and how we would like these dealt with and maybe raise some questions as to issues that may or may not already be in part of their presentation. Is that a bit of a . . .

MR. STEVENS: That's fine by me. There was another point I wanted to make in response to the private school matter. It's basically new information for those that are putting together responses, as I did have the benefit of chairing the private school funding task force, which did have a report with a number of recommendations and reasoning along with it. Part of that report dealt with the issue of whether or not private schools, in the view of the committee, should be part of FOIP, and the recommendation was that they not be. The fact is that the process has the minister requiring information from the private schools. The information that the minister receives from those private schools is, of course,

FOIPable, and the information that is received from those private schools, in the view of the committee, was extensive. So I'm not here to argue the point today but rather to indicate to those that there is a report that is relatively recent. It is a report that received the acceptance of the government, and it does have a specific reference in it to that particular issue.

10:24

THE CHAIRMAN: Well, it probably comes as no surprise to the rest of the committee members that your being on this committee wasn't entirely based on your intelligence and good looks.

MR. STEVENS: Ah, come on. How about good legs?

THE CHAIRMAN: I have to say that was a high criterion, but your involvement in the other two reviews came a pretty close second.

Okay. I hope we don't spend as much time on the rest of the issues.

MR. DICKSON: Mr. Chairman, maybe we've covered this and I just missed it. When we look particularly at the sectional analysis and it says, for example, postsecondary institution – and this is a bad example because we're getting a paper on it – that postsecondary institution I thought was the postsecondary FOIP network that's got about 40 members. It looks like every college in the province is part of that. How's that weighting coming into the analysis? So if we know that 98 percent of respondents wanted something . . . The comment here, postsecondary institution, would suggest to somebody who hasn't really had the chance to read the submissions a single institution when in fact it seems to be – I think that specific recommendation was nearly unanimous from all the people directly affected. How do we reflect that in this? Is there going to be another document, or is that going to be verbal advice from Sue Kessler? How do we handle that?

MS KESSLER: We can certainly prepare an annotation to this with the specific submissions that the responses came from if that would be of benefit. We were generally categorizing them, but we could certainly go back and look at it and say that it was from this specific group or these specific groups, if that would be useful.

THE CHAIRMAN: It would probably help. Keep in mind that today we're going through it hopefully to deal with all of this issue and get a little bit of a committee reaction. Tomorrow we're going to get some additional reaction from the administrators of the act. Whatever observations you see from here will kind of direct how you're going to make the presentation. I definitely see already from the discussion we've had this morning that you may want to make some subjective pro and con observations: here's what happens if you do a certain thing; here might be some additional things that weren't in the actual submissions. And I'm going to use the example again that if government funding is a criterion, you may want to ask, "Is it cut and dried, or what percentage?" possibly ask some questions as well as making very obvious notes about the positives and the negatives of including certain recommendations. Do you see your workload growing as we talk here?

MS KESSLER: Absolutely.

THE CHAIRMAN: When we're all done, we'll discuss your salary increase, put in a request to the minister.

MR. DICKSON: Just before I move the bonus to Sue Kessler, I just want to say is it possible – there are some examples. A good one is section 9 of the Alberta Evidence Act. I've gone through all the submissions. Nobody that I see has an issue with trying to protect those peer review things that we use in the health sphere. If there were some way of identifying those things that seem to have unanimous support or be totally remedial.

You see, I can go through here and there are 30 things that I expect we can agree on and then move on and spend our time on the contentious things where there are, you know, big policy issues and so on. Maybe Sue is going to be doing that, but if it's possible to identify those things where there's near unanimity, I think we could save some time. Is that fair?

MRS. TARCHUK: I think Gary raises a good point. I think that we should have some notes. As we have these discussion papers on each of the areas, to have a comment or note about the weighting of a point of view I think makes total sense.

What we're missing today and what there'll be huge value in perceiving in the documents is that as we're going through that massive pile, we'd read one submission from a lawyer and then we'd hear from a school board and then we'd hear from a municipality. I didn't go through the pile and separate according to municipalities and school boards to get that general sense or get a good idea of the weighting. I think the next stage is the one that has the huge value. I think that as we get a report – you're exactly right – we should hear where there were unanimous decisions or what 50 percent said or what were individuals, what were organizations, or whatever. But we should always not lose sight of the weighting, and that comes in the next stage. It's difficult to do today. Well, we can't do it today.

THE CHAIRMAN: The other thing – and this is the committee's judgment – is that if there was a campaign by, say, eight special interest groups of the same mind and they simply flooded it with a request, you'd say it was unanimous by those submissions. We still have to look at where those things came from, and that's where the committee's insight has to be taken. If we're talking about, you know, the Alberta School Boards Association, in certain respects they are a special interest group, and in other respects they're also an organization that represents every school board in the province. So you would expect that special interest to be shown, whereas if it were, say, a small splinter organization of some sort known to express somewhat lopsided views or, you know, something approaching an extreme, that's a decision you have to make. To simply say that because it was unanimous doesn't necessarily mean that the committee is going to adopt it. So we do have to be careful.

MR. DICKSON: Mr. Chairman, with respect, when you talk about special interest groups, 98 of the 115 submissions come from special interest groups. Every government department that shows up is going to be a special interest group. The term doesn't have much meaning when we're talking about FOIP, and most people we're talking to who have made submissions are in the process of processing requests. They all have some kind of an interest. They all have some kind of an agenda.

THE CHAIRMAN: I think there is a significant difference, and I think we're going to be able to pick out, hopefully, as a committee those which represent the broader views of, say, most of the people in the province affected by a particular regulation or a piece of the legislation, such as the School Boards Association versus a small group also interested in education whose views may not be as

generally popular. That's what we have to do.

Okay. We're still into definitions. Obviously if we keep up this pace, we're not even going to get close to through the entire process. Does someone want to throw out some suggestions as to how we might move? I don't want to make it sound like I'm imposing a speed limit or a minimum speed limit, but by the same token we do have to do something so that we don't get bogged down on every item.

MR. DICKSON: There's a specific issue I'm going to suggest should be added to the list of papers to save time. It has to do with municipal policing. Members prior to the '97 election will remember that when I'd moved an amendment to include police commissions, there was a debate and an argument in the Legislature at the time that that was an unnecessary amendment. Now we're being told that a police commission isn't enough; we now have to specifically talk about naming police services. There are a bunch of issues around that, about how we handle RCMP and so on, and I think there are a sufficient number of issues that are fairly technical that that would warrant a separate paper. Law enforcement always is one of the most important parts of FOIP, and I think we've got to be real clear we've got the appropriate coverage in terms of policing and how public bodies are going to be described. I think that would warrant just a stand-alone paper to be added to the seven on the list.

10:34

THE CHAIRMAN: Well, I'm going to disagree with you, Gary, because I looked at the summary of those submissions, and they all deal with law enforcement as they apply to municipal issues. It should definitely be part of the report. Item 4 is municipal government issues, and it can be a section of that, but there's nothing in the submissions that says it should be extended beyond the application of municipal governments. If we extend that list – and I'm not suggesting that it can't be extended by one or two items. But if we make that a 30- or 40-point list, we're just going to bog down the same way we are dealing with the level of detail here.

MR. DICKSON: Mr. Chairman, there's a unique position that police commissions and police services occupy. I'm going to respectfully suggest it's not part of municipal jurisdiction in the same way that a lot of other local public services are. And we've got enough submissions; there must be at least seven submissions here that talk around issues related to it. That's why I'm suggesting we curb it. I mean, if you're going to expand item 4, the municipal government issues, to deal with it, that's fine, but it wouldn't normally, in my view, be considered by the people doing that a municipal government issue. If you look at the police submissions, there's a whole host of technical issues. I just want it packaged in a way that's easy for us to deal with.

MRS. TARCHUK: Well, I think Gary makes a good point. Obviously on justice issues I would assume that we will be dealing with the summary of all of the feedback we got from RCMP, lawyers, et cetera, so I guess it doesn't much matter. We're going to have to look at and discuss those particular issues, so where it falls in here doesn't really much matter. But I think Gary's right; we do have to look at those issues separately.

THE CHAIRMAN: I'm not debating that it shouldn't be separated. I'm just wondering how many major categories we're going to break this down into. How many people want to deal with it as a distinctly separate issue in addition to the seven that are on the list

versus the option of who would like it included as a subissue of municipal government issues? Okay. Show of hands. Totally separate issue? Okay. Again, separate issue?

MRS. TARCHUK: As long as it's covered.

MS BARRETT: You're not allowed to do that, to vote both ways. Well, I'm with you, Janis: as long as it's covered. But it's got to be covered as a distinct section. If we're putting it under MG, fine, but it's got to be a distinct section.

MS PAUL: But because it's unique, it has to be addressed as something that is separate.

MS BARRETT: I think we all agree in principle.

THE CHAIRMAN: The fact that there are parts of it shown separately, it will be unique. I still would like to see it so that when we sit down and look at these documents, we'll be able to focus on a group of issues that would be manageable. Otherwise, we're not only going to miss this fall session but probably the next spring session too.

MS BARRETT: I agree with you on that.

THE CHAIRMAN: Okay. Could we possibly move on to the second page? Maybe I'm going to stop here for a second.

Sue, as part of this discussion are you getting a bit of a sense of highlights or anything like that?

MS KESSLER: I think I have enough work to keep me going for a little while. But yes, definitely we're getting direction as to what to do.

THE CHAIRMAN: Okay. In all of these definitions as we're going along, it shows where there are some concerns: again, the RHAs talking about voluntary organizations that work in their sector. I don't think there's going to be too much doubt that the definitions need to be clarified. The content of the act that deals with them almost has to be dealt with as part of the definition. If there is an inclusion, if the definition is broadened to include some other sector, then obviously the content of the act has to be aware that this is another focus. If they're not included, then something further on in the act is going to probably become irrelevant. Hopefully we're not just going to stumble on the definitions, but clarity as to whether one sector is included or not included I think is important. If we intend that some group is not included in the act, not subject to the act, maybe we want to make sure so that somebody isn't arguing afterwards simply because of a fuzzy definition. So I think we do want to look at that part of it, the generic of clarity.

MR. DICKSON: Mr. Chairman, there were six submissions that asked for specific things in the definition section that aren't referred to in here. The Association of Chiefs of Police; Charles Hitschfeld, Adsum Consulting; and the Alberta Civil Liberties Research Centre all made a whole series of recommendations that aren't reflected in here. So if we make sure we pick those up in our rewritten definition section.

THE CHAIRMAN: Okay. I'm going to ask if anyone disagrees with the summary of comments. If it's either a little bit shy of something or you see something different, perhaps you could talk to Sue afterwards. Now, I'm also going to suggest that getting

nitpicky on the wording one way or another is not what I mean by this. If you see what you feel is a significant omission in the information, bring it to her attention, and then she can update this. We're not really coming up with any comments or answering any questions at this point, but I think it flags the areas of concern further on to records and archives.

MR. CARDINAL: On that specific one, wherever it impacts existing legislation, is it possible for the staff to note that? In this particular case – this is just an assumption; I'm not sure if it's true – in relation to that particular comment it says, "One public member asked that records held in archives for 25 years or more be included as unrestricted under subsection (b)." Now, for the adoption records, if they're not included in that, it's fine. But if it happens to cover that area, then there's different legislation in place right now in relation to adoption records in Alberta. It would be in direct conflict with what they're recommending here, so it should alert us to that.

MS KESSLER: This doesn't include adoption records. There is a paramountcy provision for adoption records, so the Child Welfare Act is the specific provision that's paramount.

MR. CARDINAL: It doesn't? Okay; that's good. As long as it doesn't include it, then that's what I needed to know. Thank you.

THE CHAIRMAN: My next page has a hole punched through it, so I'm presuming that would be page 8. Then page 9, expansion of the act. We're going to be discussing the expansion into the MASH sector in some detail as we go along. I'm not sure that it would be serving any purpose to spend a lot of time here today. We know that that's a major topic.

The other area is the health care bodies. The expansion into the regional health authorities is one issue, but we also have to be aware of the committee that Ron chaired regarding privacy in health care. I forget what the formal title is, Ron. We do have to look at a reference to or acknowledging that and where our interests would continue and where we would back off and suggest that it was part of that review, because they did a lot of work. There are at least three members sitting here today that were also on that committee, I believe.

10:44

Likewise with self-governing professions. Unless someone has some significant observations right now, that definitely is an issue that we'll be dealing with. It's item 3 in the supplementary information list.

Private schools and private trade schools we discussed a little bit under definitions.

The delegated administrative organizations and other privatized government services. I've had an opportunity to discuss this with both staff and some ministers of departments who presently have DAOs, and my understanding is that they fully expect that they would be subject to the act because they essentially perform government services. There's not much argument there.

Paramountcy is also a major paper. We'll be able to deal with that separately.

I'm deliberately just talking slowly, so feel free to interrupt me at any point. I'm just doing this in the hope that we can continue here, but if you have a point to make, just interrupt me.

MR. DICKSON: Mr. Chairman, can I just ask for clarification?

THE CHAIRMAN: Gary, go ahead.

MR. DICKSON: What is going to be the format when we receive submissions from government departments, the ones that have had experience with the act? Is that going to be a written presentation or a verbal presentation?

THE CHAIRMAN: We expect they'll be written, and they will probably not be included in the document but with the presentation of these documents that the technical staff is preparing for us.

MR. DICKSON: I mean, that seems to me to be so pivotal, hearing from those public bodies that have been living with the act for three years. What's the timing when that's likely going to be in our hands?

THE CHAIRMAN: For the next meeting. We anticipate that those will be to us shortly after the middle of September. If we're aiming for a meeting by about the third week in September, we should have those, and they should be in your hands in advance so that you don't just have them dropped on the table when you get here.

MR. DICKSON: I'm assuming this is going to be pretty voluminous. There's presumably going to be a lot of material.

THE CHAIRMAN: I'd hate to hazard a guess, because I don't know.

Okay. Sort of moving on, page 18 – I don't know where everyone else is – time limits and such. Again, I think these are things where it's going to be a matter of looking at the submission and then hearing from the department or the technical staff. Are there reasons why certain dates and time lines are appropriate, or can they be quickened? Is there a problem getting the information at certain times? I think it's critical that we get the feedback before we can really respond to these.

MR. DICKSON: Does that warrant a separate paper, the time lines for response? There were over 13 submissions in terms of time, in terms of processing applications, transferring requests, time with the commissioner's office doing a turnaround. I'm not sure where you think the threshold is, Mr. Chairman, where we want that item looked at, but that's something that in reading through the material is a fairly significant issue, much like fees.

THE CHAIRMAN: Would that be a difficult thing to sort out, Sue?

MS KESSLER: It might be just as easy to speak to it at a meeting. We could have Peter walk through the process for how the time lines work and what the implications might be.

THE CHAIRMAN: Can we maybe do that as part of tomorrow's discussion then? If it covers the issue, okay, and if not, we can expand it.

Duty to assist, how access will be given. Again, I think that relates to the management of the act. The exceptions are going to be part of the paramountcy report; am I correct on that?

MS KESSLER: No, they're not. The paramountcies are only sort of an analysis of the acts and regulations that are currently paramount over FOIP. We had not planned a paper on exceptions.

THE CHAIRMAN: Where would they be included right now? They don't fall under any of the categories.

MS KESSLER: No, they don't fall under any of the papers.

MR. DICKSON: I'm going to suggest, Mr. Chairman, that the exceptions are such a huge part of the act – it's commented on in about 90 percent of the written responses. I think we ought to take that and section 4, the things that are completely outside the act – section 4 has listed a lot of feedback as well – roll them together, and then make the discretion of mandatory exceptions a stand-alone presentation or analysis.

THE CHAIRMAN: I think we're going to have to deal with it separately anyway. Whether you can put a report together, there has to be some point where we have to deal with that.

MR. DICKSON: And probably roll section 4 in with that then. I don't know where else it's going to show up.

THE CHAIRMAN: I'm just sort of rolling along. I'm at about page 28, 29: harm to economic and other interests. I'm sort of chugging along.

Then we get on to the fees section. That is going to be the subject of a discussion in itself.

Okay. Rights of third parties, protection of privacy. Ron, in your report on the health information and privacy thing – and I did read through the report, but I have to admit I skimmed through it fairly quickly – the highlight was protection of private information, not so much the freedom of information side. Am I correct there? It was how to deal with confidential health-related information.

10:54

MR. STEVENS: Well, I think it's fair to say that that's the starting point of the report: protection of personal health information.

MR. DICKSON: The area of overlap is only part 2, the privacy part, not the access part, part 1, of FOIP.

THE CHAIRMAN: Yeah. That's what I was clarifying: the access to information. Although it might be impacted, it wasn't the thrust of the report.

MR. STEVENS: The report also does deal with the issue of access to personal health information.

THE CHAIRMAN: So as we delve into that part of our review, you'll flag for us those areas where there might be a possible conflict or dual interest.

MR. STEVENS: I think it's fair to say that it was underscored in the report that having regard to the recommendation that the health information legislation be stand-alone, there was a necessity to ensure that FOIP and health information be reviewed to streamline the rules. That particular issue, as it relates to health, was put back to the minister with a request that the technical people start that process of review, and to my knowledge that process is currently ongoing.

What I can do is take another look at the report – that is, the health information report – and try and draw from it those points which I think should be highlighted for this particular committee, and I'll do that today so that I can bring that matter back tomorrow. Perhaps I can make a comment on it in general, and other members of this committee who are part of that committee can also think about that. We identified connections, but I think it's fair to say that in large measure what we did was we put it back to others to work on.

MR. DICKSON: But conceptually, Mr. Chairman, it's sort of like

you take part 1 of FOIP in terms of general access requests to public bodies, and then instead of part 2 in the act, you'd substitute a whole new regime dealing with accessing and protecting personal health information. The part 1 of FOIP in terms of Alberta Health and RHAs and so on continues quite unchanged, because that's not dealing with personally identifiable information. That's the way I think of it. Part 1 from FOIP stays, then part 2 goes out, and we bring in a whole new body of rules in terms of personal health information: how it's collected, stored, shared.

THE CHAIRMAN: Would you feel comfortable – and we're now moving along quite quickly – today to get into your review as to what the other members of the committee who aren't on your committee might want to be aware of, some of the recommendations? Is that too short notice?

MR. STEVENS: Well, as a starting point – and I don't think I have the report with me – I think it might be appropriate to ensure that everybody has a copy of the report. Once again, I'd like the opportunity to spend a few moments with it just to highlight those portions which I think specifically relate to the FOIP issue. So if we could spend 10 minutes tomorrow doing that, I think that would be useful.

THE CHAIRMAN: It just occurred to me now, and I realize it's unfair to do it on this short notice.

MR. STEVENS: What I'll do is I'll bring a copy of the report for each of the members of the committee so that you don't have to get one. I'll hand them out and go through it tomorrow.

THE CHAIRMAN: Okay. We'd appreciate that, because I think we have to be aware of it.

The other initiatives, such as the one that the Department of Municipal Affairs is working on with registries, I'm assuming will come as part of that department's report to us. Maybe just to ensure that is the case, either Diane or Sue can bring it to the department's attention that when they make their decision, they could include any update to this committee as to what's happening with the registries' information.

MS KESSLER: We can follow up with Municipal Affairs to get an update on what's happening with registries.

THE CHAIRMAN: Okay. I'd appreciate that. That way we don't just take it for granted and then perhaps find out that they weren't planning on doing this.

I do have a memo from the minister advising that the initiative is going and that she'd be willing to discuss it with me at my convenience. I think it's important that the submission is made the same way as the other ones are: to the entire committee.

I've sort of rambled on through to page 37, the administration of the act. We'll probably find that tomorrow's discussion with both the commissioner and the Department of Labour people will be touching heavily on the administrative items.

Okay. We've flipped through it very quickly without stopping on too many of the issues after the first couple of pages. Does anyone here feel, having read through the document, that there are significant differences of opinion as to what you read and if you went through the filed reports? I don't think anybody's going to be put down for admitting that they didn't read every report. I have to be the first one to say that I went through some of these and that I cross-referenced those that I wanted to see in more detail, but I have to admit I had absolutely not enough time to go through every

one of those reports one by one. It would be a good time maybe now if you felt there were significant issues that weren't included that we may want to touch upon. I realize I said a few minutes ago that you can talk to Sue privately afterwards, but you may want to do it now.

MR. DICKSON: Mr. Chairman, there's a whole range of things that don't appear in the summary. What I'm going to do is send Sue Kessler a letter with the thoughts in terms of the things I think are missing. I'll be happy to share a copy with the other members of the committee. Some of them are more minor and some more significant, but that may be the most efficient way to deal with it.

THE CHAIRMAN: Okay. That would be appropriate, because then we would know where the updates are coming from.

MR. STEVENS: Not on that specific point, but one of the things that I noticed in here was there was a call for a better understanding of what the concept of public interest was about. That's an area that I need some assistance in personally. Perhaps that's part of tomorrow's discussion. Perhaps it's one of the papers. I'm not sure; it's unclear to me. I don't know how that matter is currently being dealt with, whether it's a matter of a number of decisions by the commissioner which helps the people who have access to those understand what public interest is or whether it's necessary to talk about defining that term. But clearly it's a problem for people in some areas, and I'd like to have additional information on that.

MR. DICKSON: Maybe we could make available the two orders of the commissioner that deal with it: the 97-002 and then the one dealing with the escalators and CBC. Those are probably the best treatment of it. You could pass that out to committee members.

THE CHAIRMAN: Are you thinking, Ron, that you would raise it maybe as a question tomorrow and that if we just give a little bit of a heads-up, they'd be prepared to speak to it?

11:04

MR. STEVENS: That would be fine, but for example on page 41 under the summary of comments the issue is raised, and I know it's raised elsewhere in the summary. But it's one of those points that I personally would like to understand better than I currently do.

THE CHAIRMAN: After getting bogged down at the beginning of the report here, all of a sudden we just flew through it, so now we have a lot of time. I am now in the embarrassing position of thinking: what are we going to do for the next hour other than the time schedule?

MS BARRETT: Oh, I've always got other stuff I can do.

THE CHAIRMAN: And I'm not terribly interested in sitting here for an hour just for the sake of saying we did, but we do have to deal with the schedule.

MR. CARDINAL: I have one that's a bit of a concern. You know, I just went through the freedom of information and privacy discussion guide from April, talking about the fundamental principles of the act. When I look at the statistical data provided for October 1, 1995, to June 30, 1998, I have a bit of a concern. Who is the act for? Is it for the general public, or are there others? And what is it for? Somewhere along the line it got discussed, because when you look at the usage, you find that only 23 percent

of the general public are using the act presently, and when you go further down the line, elected officials and media, 33 percent of the users are elected officials and media, and that concerns me a bit. You know, if we're designing the freedom of information package for the general public out there, then somehow we're not hitting them. There are other people using it way more at a high cost than the public. Is that what we want to do?

MS KESSLER: We will be discussing that further in our presentation tomorrow, but 23 percent of the general public's request for general information has to be added on to the total number of requests for personal information, which is also from the general public. That then raises the general public as being the highest user of the Freedom of Information and Protection of Privacy Act, and I think that's very positive.

MR. DICKSON: Mr. Chairman, may I just add in response to Mike's query. What value do you put on the fact that you have this thing that imposes a kind of outside discipline of public bodies to (a) catalogue what kinds of records they've got and (b) to develop systems so that they can retrieve records appropriately? You know, I take as a given that most Albertans are never, ever going to make an application to see a government file or to see a record. What happens though, it seems to me, is that the act imposes this kind of discipline, and in fact I've talked to people in lots of public bodies in B.C. and Alberta who will tell you that they have a better handle on the volume of paper and disks and so on than they ever had before the act came along.

The other thing is that part of the act is the notion that it is expensive, but what it does is it challenges departments to find ways to release information that people want without having to go through all this, and I think the provincial government in fact keeps some statistics on the amount of information that's being released to head off expensive access requests. So there are lots of benefits, I think, that maybe aren't readily apparent but have a big impact in terms of how we manage public dollars.

THE CHAIRMAN: Actually, I've had several discussions, and I'm sure they were related to the fact that I'm chairing this committee. They were casual conversations with various senior department officials who've indicated that since the act has come along, there has been some significant rethinking of public information and records management based on the fact that information should be available, that there will likely be requests coming in, and how do you store and archive these things so that it simplifies the process. That's going to be an ongoing evolution.

The problem is still trying to deal with sorting out legitimate requests for things that people have a right to and that should be available as compared to the general fishing trip requests. The phrase "fishing trip" is my own, but I think we all know that means where somebody is, for other reasons, looking for this information, and you can't blame the media for wanting to do that. I mean, that's what they're all about, and I guess those of you in the opposition parties have similar reasons for wanting to do that. But, you know, one of the things in records management that we have to be aware of and that hopefully we'll pass on is that the purpose is for legitimate information for the general public, and if the use of these things is reasonable, then the act changes accordingly. If it is constantly being abused, then it is has to be tightened up. There are two sides to the street.

MR. CARDINAL: That's what I was getting at when I saw those percentages. I didn't realize there was another column.

THE CHAIRMAN: Okay. Unless there are some other general observations, maybe we will go to the scheduling of meetings. I'm hoping that everybody brought a reasonable facsimile of their diaries with them.

MR. DICKSON: Can we do this tomorrow morning?

THE CHAIRMAN: We could, but is everybody here tomorrow?

MR. DICKSON: The only reason I ask, Mr. Chairman, is that we'll have a better sense of how far we are along. I mean, by the time we finish the session tomorrow, we will know how many other papers have to be done. I think we'll have just a better sense of the size of the challenge in front of us, and that may dictate the number of meetings and how soon we have to get at it.

THE CHAIRMAN: Well, there are some very obvious dates. We can always add on to them. I'm going to suggest, even if we don't ironclad them right now, that we target some general dates, and you may want to think about them and be prepared to deal with them tomorrow.

Assuming that we will have the submissions, the written reports, and the departmental feedback shortly after the middle of September, I'm going to suggest that we target a meeting for about the 21st or the 22nd, which is a Monday and a Tuesday, of September. So think about those two dates. I'm not talking about both but one or the other. Realize that of the written reports, the one is anticipated to be available on September 18 – that's the postsecondary education issues – which means that you will probably have that one dropped in your lap if not late Friday afternoon then at the meeting. But the majority of them will be available at least a couple of days ahead of time. That will give us a chance to go through those issues.

We're probably going to spend either one long day going through all of those or maybe two half days. I'm not sure. In my case my mind gets numb about the same time as the other end of my body, and I would prefer two half days like we're doing today. It leaves the chance of continuing with other work. Do you want to think about that? Do we want to target a couple of half days to deal with these reports? Those could be the 21st and the 22nd, or we could go to the following week, again Monday or Tuesday. I've tried to clear a fair amount of my own time, and my most successful days of keeping the dates open were Mondays and Tuesdays.

MR. DICKSON: Well, Mr. Chairman, I don't know what the will of the whole committee is. It seems to me that for those of us from out of town I'd sooner have a meeting in one day, if we can do it in one day, rather than coming up and working for a few hours in the morning and then hanging around till the next morning.

11:14

MS BARRETT: That's a fair point.

THE CHAIRMAN: Yeah. Most of us are actually from out of town, but I do find that if I start at 9 o'clock in the morning, by 5 in the afternoon I'm not really devoting all of my attention to what I should be.

MR. CARDINAL: Plus you've got to think of our staff too. There's a whole lot of work here, and doing it all in one day is a lot of work for the staff too.

MR. STEVENS: Mr. Chairman, I appreciate this isn't necessarily

where you want to do it, but Janis and I have just been discussing that we would both be available for a full day on the 21st, and I think the other dates you've suggested so far are problematic. So if the 21st works for other people, the 21st would be our vote.

THE CHAIRMAN: Okay. Monday the 21st, a longer day then. What we can do, though, is book, say, from 9 till maybe 3 o'clock in the afternoon then. Let's arrange for a working lunch. We can maybe have some sandwiches brought in or something and just take a 10-minute break or maybe even just munch through. Then if we get done earlier, okay, and if not, we've booked that amount of time.

MR. DUCHARME: Mr. Chairman, for the 21st I was just wondering if you could possibly postpone it to about a 10 a.m. start rather than 9 a.m. The reason being is that we may not have to leave our families on a Sunday evening to come up to Edmonton.

THE CHAIRMAN: Ten till 3 or 10 till 4?

MS BARRETT: Call it 10 to 4. Well, you know what you should do is target 3 o'clock, and then if you have to, extend it.

THE CHAIRMAN: Well, extending it is a problem. I find that when I have some available time, somebody's usually booking it.

MS BARRETT: Well, we better go till 4 then.

THE CHAIRMAN: Okay. That's September 21, and we'll have to try and book the room here, Diane.

From that meeting, going through these, we're going to be preparing the first rough draft. This will be the departmental version of a draft report. Would something in the nature of a week following that be enough time, Sue? Or is that a little higher expectation?

MS KESSLER: That might be pushing it in order for us to get it to you and have a chance for you to read it.

THE CHAIRMAN: Okay. The next option might be about the 5th or the 6th of October then, again a Monday and a Tuesday. Do you want to try for Monday, October 5? Okay. We can use the same format, 10 to 4.

MS BARRETT: Sorry. Which date was that, Gary?

THE CHAIRMAN: October 5, Monday. That would be the date that we would go through the unofficial departmental draft of a recommendation. If we did that, we would send the results of our debate on that to the people who made submissions, and anyone else who would be interested could ask for them. They would also go on the Internet, and I believe at that point we would not need an extensive feedback time because all of those people will already have given consideration to their positions. I would hope that a couple of weeks would be sufficient time to feed back, if we could aim for a follow-up meeting maybe about the 26th of October. I'm working backwards to see what the chances are of us having a final report for a tentative fall session. I realize that this one would be a fairly tight time line, but if we don't, then we're going to run ourselves out of time. Is the 26th a possible time? Okay. Let's try for Monday, October 26.

MR. DUCHARME: We've got a conflict. We've got our education

SPC that day.

THE CHAIRMAN: What time of the day?

MR. DUCHARME: From 1 till 3.

MRS. TARCHUK: I won't be here either. Is the following week too late?

THE CHAIRMAN: Yeah, because we're going to have to have one more meeting, likely, to finalize it.

MR. DUCHARME: Does the 19th work?

THE CHAIRMAN: I don't think the 19th gives us enough time. We could try for the 27th, which is Tuesday.

MS PAUL: We can't.

MR. DICKSON: We've got a caucus function out of town.

THE CHAIRMAN: Monday's the only day?

MS PAUL: Yeah.

MR. CARDINAL: We can miss that meeting.

THE CHAIRMAN: Well, unless what we do is try to get as much done as we can by 1 o'clock.

MS BARRETT: So you're saying the 26th?

THE CHAIRMAN: Let's try for the 26th. How many people can't make it on the 26th?

MR. CARDINAL: At 10 a.m. or 9?

MR. DUCHARME: Well, if we do need the time, maybe make it early that day.

THE CHAIRMAN: Could we try an hour earlier and see how much we can get done? You can't make the date at all, so it doesn't really matter.

MR. DUCHARME: How about the 22nd, Thursday?

THE CHAIRMAN: I don't think that would leave enough time for the feedback from the presenters. We have to be careful there. We've got to give them a full two weeks.

MR. STEVENS: Just on the feedback issue, it seems to me that, really, people are only going to have at most two weeks to receive, read, respond, get it back to us, and somebody read responses and take us through them. It strikes me as being perhaps too tight. My own sense is that if we extended it to, say, the beginning of November, Monday, November 2, the respondents would probably be given closer to a full three-week period, which seems to be more reasonable, given we need not only have them respond but, also, for those that receive the responses, time to digest them and provide us with some form of report. So my own personal view would be that we would be doing a service to everyone if we could extend it to the beginning of November.

THE CHAIRMAN: Okay. Is everybody okay with November 2 then?

MS BARRETT: So scratch October 26?

THE CHAIRMAN: Scratch October 26.

MS BARRETT: October 26 is now scratched. What was okayed?

MS PAUL: November 2. Are we starting at 10 or 9?

THE CHAIRMAN: I'm easy.

MS BARRETT: Say 10.

MS PAUL: We'll go with 10?

THE CHAIRMAN: Let's stay with 10 till 4 then. I think we would want at least some time for a last kick at it. That's our only time, possibly, for another meeting, maybe the 9th, which is one week's spread for us.

MR. STEVENS: Is the meeting on the 2nd going to be till 3?

MR. CARDINAL: Ten till 4.

THE CHAIRMAN: Then the 9th would be a tentative date to polish up the report.

MRS. TARCHUK: I wonder if it's possible to move that to the 10th or 11th. That's just in light of the fact that we'll all have to put in a very lengthy weekend on the 6th, 7th, and 8th.

THE CHAIRMAN: I'm looking, though, at November 11 being Remembrance Day, when most of us if not all of us will want to be home doing Remembrance Day ceremonies. If we have a late afternoon, we may or may not be able to get back, depending on travel arrangements. I'm sure that I could make the connection.

MS BARRETT: Is your convention in Edmonton?

MRS. TARCHUK: It's in Banff.

MR. DUCHARME: How about the afternoon of the 9th? Would that give us enough time, say, 1 till 5?

MS BARRETT: What were you suggesting?

11:24

MR. DUCHARME: Let's say we continued with the 9th but started, say, after lunch and went till 5.

MS BARRETT: Yeah. You guys are going to need some recovery time. You're going to be busy that weekend.

MRS. TARCHUK: Plus you won't have been home.

MS BARRETT: Yeah.

MRS. TARCHUK: I'm just thinking in terms of going right into Monday without having gone home.

MS BARRETT: Well, can we do it right after Remembrance Day?

THE CHAIRMAN: The problem is it brings us into . . .

MRS. TARCHUK: Session.



THE CHAIRMAN: We can't do it on the 12th, the 13th. I wish I had another book here now. If we wait till the 16th, we could already be in the session. I'm not sure we'd want to wait that long.

MS BARRETT: Well, how about two in a row? Or do we need space between?

THE CHAIRMAN: I'm not sure we need that much time. Either we should look at perhaps the afternoon of the 9th or the morning of the 10th. That will allow people to get in. I'm also suspecting some people would be coming in specifically for this meeting and then heading back home. You know, I'm looking at the Calgary and the southern Alberta types. Those of us from the north who will have gone to our convention likely will not get past Edmonton after the weekend anyway. So it doesn't matter to me, but we have to do it at such a time that the three of you can fly in or drive in or whatever you do, do the day's work, and then head back home again. So I'd be willing to leave it to you three to decide which would be the best time for you. What's a reasonable time to come in from Calgary? Ten o'clock?

MRS. TARCHUK: I plan coming the night before anyway. I have a suggestion: maybe if we were willing to move the meeting to Calgary. No. I mean, you're right. Considering where we're all coming from, probably the morning of the 9th makes sense, if we can get back home.

THE CHAIRMAN: The morning of the 9th?

MRS. TARCHUK: Yeah.

THE CHAIRMAN: Well, let's try for 10, but maybe a shorter day.

MR. CARDINAL: Is that November 9?

MRS. TARCHUK: Yeah.

THE CHAIRMAN: November 9 from 10 till 3, and then we can shut down earlier if we need to. We'll try and book this room for all of them. If for some reason or other they're prebooked, you'll be advised.

MR. DICKSON: Mr. Chairman, we've been talking about the back end of the process. Just one thing before we break. I'm wondering if the committee is concerned about helping out the Health minister with a bit of a jam that's happened. The critical care committees in the Capital and Calgary regional health authorities are about to lose all their members. This has to do with the paramouncy issue. Section 9 of the Alberta Evidence Act gives protection now to peer review committees. They're called critical care committees or something like that in the big health regions. If somebody dies, if there's an accident, this committee interviews doctors, nurses, administrators to find out what happened.

The concern is that on October 1, 1998, RHAs are going to be subject to FOIP. There's been stuff going back and forth from RHAs and so on. I suppose the minister is going to do something perhaps on his own, but I wondered if the committee ought not to look at that issue on an expedited basis and make some recommendations to the minister. As I say, assuming the Legislature is not recalled prior to October 1, we're going to be in the situation where a very essential instrument in terms of health planning is going to be lost. Rather than waiting for it to be reconstituted sometime after the Legislature sits and passes the legislation, it seems to me that there's some urgency around this.

Now, I don't know. Maybe the minister is about to do

something to make the problem go away, but it seems that we're a committee charged with reviewing the act, and if there's a problem that's time sensitive, isn't it incumbent on us to look at that and make some recommendation?

THE CHAIRMAN: Well, I think that first of all we would need to know if the minister wanted some help in that regard. The other thing is that if it needs an amendment to the act, any activity that we would undertake would not be quick enough anyway. If it's a regulatory change, they could do the same as the Department of Labour did for the department of advanced education, I think, for postsecondary boards to allow them to have in camera meetings, I believe, relating to fund-raising and such.

There was a regulatory change that just went through a couple of weeks ago, and that was to deal with the urgency of an issue. So if it's something that could be dealt with in short order, it would have to be regulatory, in which case the minister could easily deal with it as an administrative item.

MR. DICKSON: But there is a range of options and regulations. Depending on how it's dealt with, some of those are fairly contentious. You remember the regulation in September of '97 was hugely contentious. There were other options the government had. I mean, I have some strong personal views. I simply raise it so the committee can, I suppose, decide to do whatever it wants. I'm just raising it because it's timely. We're giving advice to the government in any event on where this thing is going, to orphan this thing off. When we'd be then making observations whether that's the right or the wrong way to do it, it seems to maybe not be the most responsible course.

THE CHAIRMAN: Well, I think if the minister wants some advice as to how to deal with this one, he would ask us. I would feel a little uncomfortable about assuming that he's got a problem or that the department has a problem and giving gratuitous advice that might be inappropriate or otherwise without finding out from him first.

MR. DICKSON: It's hardly gratuitous given the mandate of the committee and the fact that we've received no less than five

submissions specifically around the issue, Mr. Chairman. That's in the material. We're going to have to address it long term anyway.

THE CHAIRMAN: Well, I think, though, that we are making a report to the Legislature on possible amendments to the act and subordinate regulations. This would look a little too much like ad hockery to me, that we would select something and deal with it on a piecemeal basis. So unless someone else feels pretty strongly,

I'm suggesting we don't.

Okay. Is there any other urgent business that we want to deal with before we adjourn fully half an hour before our scheduled time? Moved by Janis that we adjourn. All in favour? The motion is carried.

Thank you all for coming, and we'll see you here tomorrow morning.

[The committee adjourned at 11:32 a.m.]