



Legislative Assembly of Alberta

The 27th Legislature  
Third Session

Standing Committee  
on  
Health

Freedom of Information and Protection  
of Privacy Act Review

Wednesday, April 28, 2010  
12:07 p.m.

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**Legislative Assembly of Alberta**  
**The 27th Legislature**  
**Third Session**

**Standing Committee on Health**

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Pastoor, Bridget Brennan, Lethbridge-East (AL), Deputy Chair

Blakeman, Laurie, Edmonton-Centre (AL)\*  
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Groeneveld, George, Highwood (PC)  
Horne, Fred, Edmonton-Rutherford (PC)  
Lindsay, Fred, Stony Plain (PC)  
Notley, Rachel, Edmonton-Strathcona (ND)  
Olson, Verlyn, QC, Wetaskiwin-Camrose (PC)  
Quest, Dave, Strathcona (PC)  
Sherman, Dr. Raj, Edmonton-Meadowlark (PC)  
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12:07 p.m.

Wednesday, April 28, 2010

[Mr. McFarland in the chair]

**The Chair:** Welcome, everyone, to the very first Standing Committee on Health, Freedom of Information and Protection of Privacy Act review. As I said before, we're going to ask all the members right off the bat and those with the committee at the table if they'll introduce themselves for the record. I'll start on my left.

**Mr. Olson:** Good afternoon. Verlyn Olson, MLA for Wetaskiwin-Camrose.

**Mr. Quest:** Good afternoon. Dave Quest, MLA, Strathcona.

**Ms Notley:** Rachel Notley, MLA, Edmonton-Strathcona.

**Ms Sorensen:** Rhonda Sorensen, manager of communications services with the Legislative Assembly Office.

**Mrs. Kamuchik:** Louise Kamuchik, Clerk Assistant, director of House services with the LAO.

**Ms LeBlanc:** Stephanie LeBlanc, legal research officer with the Legislative Assembly Office.

**Dr. Massolin:** Philip Massolin, committee research co-ordinator, Legislative Assembly Office.

**Ms Blakeman:** Laurie Blakeman, subbing in for Kevin Taft, and I'd like to welcome each and every one of you, particularly the fans joining us at the back here, to my fabulous constituency of Edmonton-Centre.

**Mr. Groeneveld:** George Groeneveld, Highwood.

**Mr. Vandermeer:** Tony Vandermeer, Edmonton-Beverly-Clareview.

**Mr. Lindsay:** Fred Lindsay, Stony Plain.

**Ms Pastoor:** Bridget Pastoor, MLA, Lethbridge-East, and deputy chair.

**Ms Rempel:** Jody Rempel, committee clerk, Legislative Assembly Office.

**The Chair:** I'm Barry McFarland, MLA for Little Bow, chair.

As Ms Blakeman noted, she's with us today as the official substitute for Dr. Taft pursuant to Standing Order 56(2.1) to (2.4).

Everyone has had the agenda circulated prior to this. I'm asking if any of the members have any changes or additions at this time. If not, I'd entertain a motion that this agenda for April 28, our meeting today, be adopted as circulated. Moved by Verlyn Olson. All in favour? Opposed? Carried.

We have an issue that our research and people that are helping us behind the scenes have brought to our attention on meeting participation by teleconference. As I noted a moment ago, there's housekeeping business I'd like to deal with. As you're aware, under section 6 of the Legislative Assembly Act there are comments made with relation to teleconferencing at committee meetings. This committee has always approved participation by telephone by implied consent, but the practice has never been formally approved.

This practice has been raised as a potential quorum issue in other committees. To prevent any difficulties, the committee could pass a motion regarding participation by telephone. There are essentially two options. The committee could pass a general motion permitting teleconferencing during the course of this review. Now, this does not preclude the committee from passing a motion indicating that for a specific meeting it must be people in attendance only, or not by teleconference. The second would be that at the end of each meeting the committee could consider the question of teleconferencing and pass a motion permitting its use at the next meeting.

Is that clear? In other words, we could pass one now permitting teleconferencing for all meetings – is that correct? – the exception being if, for instance, we were having a review of the draft report and were not wanting to have it wide open to the general public, we might want to consider some of the things in camera. We could do that. Or if it was really essential and we wanted it to the point that all the members are here, we could pass a motion that we'll have teleconferencing except for those meetings that we specify everyone has to be here in person to attend. On the alternative, you could go meeting by meeting and just say that we will permit teleconferencing at meeting A or meeting B or meeting C. It's at the will of the committee here. I would entertain a motion from one of the committee members.

**Ms Blakeman:** Question. You gave an example of not wanting teleconferencing involved if the committee was going to go in camera. Could I just ask our legislative and parliamentary experts here if that's what's anticipated, if that's what was generally understood when that part of the legislation was created. What were they expecting to happen?

**Mrs. Kamuchik:** As far as in camera meetings?

**Ms Blakeman:** Well, no. That you would not be allowing teleconferencing in certain circumstances. What were the circumstances they were anticipating?

**Mrs. Kamuchik:** Well, the legislation requiring permission from the committee for telephone conferencing has been in place even before my time, and that's a long time. That's a hundred years ago. So I'm not sure what they were thinking at the time. In fact, it didn't specifically say "teleconferencing." It says: by any other means. So it could be a different way; it could be video conferencing as well. I'm not sure what they had in mind. But if the committee was, for instance, discussing something that is of a confidential nature and if there was participation by teleconferencing, there's less control of who else is on the other end of the telephone line. It would be more dangerous, let's say, to have someone able to overhear something that was not meant to be overheard.

The teleconferencing portion is there to assist members that live out of the city who cannot come up to Edmonton for a specific time for a meeting. This motion would allow them to participate. But if the committee felt that there should be full attendance in person at a committee meeting for whatever the issue being discussed was, then they could so indicate at the previous meeting: for the next meeting we will be discussing this issue, and we would like everyone to be here.

12:15

**Ms Blakeman:** Is there a reason that you can't designate it? Oh, I see. You're always doing it at the previous meeting to allow people to know whether they can phone in or they have to come in person. Okay. Good. Thank you for that.

**Mrs. Kamuchik:** If you wait until the day of the meeting and someone is in Calgary and the committee doesn't give permission, then it takes away their ability to be here.

**Ms Blakeman:** Yeah. Thank you.

**The Chair:** Any further questions?

**Mr. Groeneveld:** Well, after discussion I'm prepared to make a motion. Being from the deep south, which some of us are, it certainly would probably help us out a little bit. I'd be prepared to pass a motion that we do it with all meetings, but if that's unacceptable, somebody can amend that motion.

**Mr. Lindsay:** I'd like to make a friendly amendment, and that would be just to specify: unless deemed not appropriate due to agenda content. You could have a meeting where you may have an overhead presentation which may be quite critical to the outcome of the meeting. I think if that was included, I'd be in favour of it.

**The Chair:** Mr. Groeneveld is agreeable. I see Ms Blakeman nodding. Is there any other comment or question, then? Do we have the motion recorded? That

the committee permit committee members to participate in meetings by telephone for the duration of this review, subject to meeting content that may require full attendance by everyone.

Does that kind of cover it? All in favour? Opposed? Carried.

We've got one, two, three, four previous committee meeting minutes.

**Mr. Vandermeer:** Can I make a motion that we combine all the minutes together – because I'm sure everybody has read them – and that unless there are amendments, they all be adopted as read?

**The Chair:** I appreciate that motion, Mr. Vandermeer.

Are there any corrections, errors, or omissions that anyone wanted to bring up? If not, I'm going to call the question.

**Ms Blakeman:** Well, you've got different people attending each of these four meetings. Do we have somebody that was at every single meeting?

**The Chair:** Mr. Vandermeer was.

**Ms Blakeman:** Okay. So he's the only one out of the four meetings?

**The Chair:** I think so, unless Mr. Quest was at all of them.

**Ms Blakeman:** These meetings go back far enough that I was at the last meeting, when we were doing the HIA review, I think.

**The Chair:** I'm pretty sure that Mr. Vandermeer and possibly Mr. Quest were at all the meetings. Thanks, Mr. Vandermeer. All in favour? Opposed? Carried.

Item 4, the committee mandate for review of the Freedom of Information and Protection of Privacy Act, Government Motion 15 from April 13, 2010. On that date the Leg. Assembly of Alberta passed the following motion that reads:

Be it resolved that

- (1) The Standing Committee on Health be deemed to be the special committee of the Assembly for the purpose of conducting a comprehensive review of the Freedom of Information and Protection of Privacy Act as provided for in section 97 of the act;

- (2) The committee must commence its review of the Freedom of Information and Protection of Privacy Act no later than July 1, 2010, and must submit its report to the Assembly within one year of commencing its review, including any amendments recommended by the committee;
- (3) No additional remuneration shall be provided to the members of the committee for the purpose of this review.

I don't know if there's any discussion on any of the outlined items here. I think the format is that we have to read these into the record because everything is being recorded, so bear with us.

Number 5, scope and format of the review. The committee will be undertaking a comprehensive review of the FOIP Act and may rely on the input of Service Alberta and the office of the Information and Privacy Commissioner to highlight the issues, both minor housekeeping amendments and substantial, which have arisen since the last legislative review of the act in 2001-02.

Number 6, Legislative Assembly Office committee support. Staff from the Legislative Assembly Office have been assigned to support the work of this committee. Karen Sawchuk is our committee clerk, and Jody Rempel will provide additional support in this role as necessary. We have access to communications expertise from the communications branch, the office of the Clerk through Ms Rhonda Sorensen. We also have the assistance of research staff from the committees branch, Dr. Philip Massolin and Ms Stephanie LeBlanc.

Dr. Massolin, at this time perhaps you could elaborate on some of the services your group is able to provide, please.

**Dr. Massolin:** Yes. Thank you, Mr. Chair. I'd be pleased to do so. Before I begin, I'd just like to point out to the committee that this is the first comprehensive statute review that has been referred to a committee of the Assembly since the inception of the research section of the Legislative Assembly Office. That means that for the first time this committee will have the services of the LAO's research service in addition to the other support services that the Legislative Assembly Office provides. That, of course, means that the research section will provide nonpartisan support in terms of research support to this committee throughout the duration of this review.

The specific types of research items that we can prepare are listed there in your agenda, including a stakeholders list, discussion paper, a summary of the written submissions should the committee, of course, decide to take written submissions. We can also provide the committee with a focus issue or issue paper document as the committee is ready to commence deliberations on its review and what should be the subject of the review. We also, of course, Mr. Chair, assist the committee in drafting the report of the committee that's going to be tabled in the Assembly. We also are available to provide other as yet unnamed research support to the committee.

Thank you.

**The Chair:** Thank you very much. I appreciate the opportunity that we're going to have to work with you.

Does anyone have any questions for Dr. Philip or Louise or Jody?

**Ms Blakeman:** My memory from previous and similar review committees is that the research has to be voted on by the majority of members in order for staff to be directed to undertake research. Is that the same case here? So the research staff cannot be asked or directed to produce anything for the committee unless it has the majority vote, which, of course, is the majority vote of the government members that are on the committee. Is that correct?

**The Chair:** The majority vote of the committee members.

**Ms Blakeman:** Well, that would pretty much take it.

**The Chair:** Well, call it what you will. There are 12 of us here. If you want to take political sides, go for it, but I hope we're working together as a committee of 12 MLAs.

**Ms Blakeman:** I would hope so, too, but history hasn't reflected that. Okay. Thank you.

**The Chair:** Well, that's my wish.

I saw a nod, Ms Blakeman, that, yes, in fact it does take a committee vote because the committee directs. We hope we're working as partners with Dr. Philip and Louise and the rest of them when they help determine what and how we're going to develop our report.

Jody has indicated that the communications staff will look after the committee website, media relations, and any advertising requirements once the committee determines the format for its review.

We will address the specifics of the work to be undertaken on our behalf and the necessary motions directing this work under the next item on our agenda, which is the consultation process.

Now, under 7(a) we've got some proposed timelines as was referenced in my previous comments. The act and the motion provide for a one-year timeline for the committee to complete its work. In keeping with this provision, a draft timeline has been prepared by the committees branch staff that would meet this one-year time frame. However, should our committee wish to complete its mandate in a shorter time frame, a second draft timeline has been prepared by government caucus staff, which provides for a reporting date of October 28, 2010. That's on the floor for discussion right now.

**Ms Blakeman:** Sorry. I downloaded from the website yesterday, and I don't have a copy of this timeline.

**The Chair:** Okay. Well, we've got a copy if that's the motion that is brought forward. We've got a draft timeline that we could circulate right now.

12:25

**Ms Blakeman:** Can we not see this in advance? It would make it easier to discuss it.

**The Chair:** Certainly. I'll have Jody pass it out now.  
Ms Notley.

**Ms Notley:** Yeah. I was going to ask the same question. Is there a reason why it wasn't posted to the website so that we had a chance to look at it before we arrived?

**The Chair:** Well, I think it was just anticipatory of what we could look at now at the meeting today because this is our very first organizational meeting, so to speak, where we want to get everyone on the same page when it comes to procedure and how we're going to do it and under what timelines.

**Ms Notley:** Right. I'm not exactly sure why it didn't get posted so that we could take a look at it and consult with our . . .

**The Chair:** Well, it could be my fault because I never got up here until late last night, Ms Notley, so I apologize for that if our staff was unable to get it out any quicker.

**Ms Notley:** Yeah. I will say that when I was getting ready for this meeting, I went to the committee website, and I sort of thought: gee, we seem to be making a lot of decisions, and we don't have very many documents on it.

**The Chair:** Well, we'll be getting a lot more paper in the future, but I'd just hope you'd bear with us while we're getting the organizational part set into place.

Do you want to take a five-minute break and take some time to look over these draft timelines, then?

**Ms Blakeman:** Yes, please.

**The Chair:** Okay. We'll call it five minutes.

[The committee adjourned from 12:26 p.m. to 12:31 p.m.]

**Ms Blakeman:** Are we back on? Can I ask a question about this?

**The Chair:** Certainly.

**Ms Blakeman:** We've now received three different ones, one of which says that it's government caucus. So is the government caucus doing a separate FOIP review, or are the government members on the committee doing a different review with a different timeline than the rest of us?

**The Chair:** No. I'm under the impression that some of the government caucus members were suggesting: here's a timeline that we should consider as a committee.

**Ms Blakeman:** Really. How helpful. I see.  
And the other two: who has proposed them?

**The Chair:** The oldest – can I say that it's the oldest one?

**Mrs. Kamuchik:** It's the one-year one.

**The Chair:** The one-year one.

**Ms Blakeman:** There's one that says: Standing Committee on Health, statute review, proposed timeline, draft number 2, April 23, '10. Is that the one you're referring to?

**The Chair:** Correct.

**Ms Blakeman:** Who prepared that?

**The Chair:** That would have been prepared by the research . . .

**Ms Rempel:** Yes. The one that is the one-year timeline was prepared by the Legislative Assembly Office based on what has occurred in previous reviews of this nature.

**Ms Blakeman:** Okay. Then we have the one that government caucus members on the committee have done, which is the shortest one, and then we have a no-name one that just says: proposed timeline. Who did that one?

**Mr. Quest:** Okay. That one is from me. I just asked for that to be circulated. It just kind of cleans up. It's a little more specific datewise.

Also, the difference from the others – again, they're all up for

discussion. The government caucus copy that we have here suggests a full committee meeting on July 28. The one I've submitted here submits July 21. It just gives us a little bit of extra time. Then the other difference is that this government caucus one just says, "September 2010." I would submit that we pin that down a bit and have that final draft ready for September 15.

**Ms Notley:** Can I ask a question? I guess the third one is the Member for Strathcona's. On that one, to Mr. Quest or to whoever had a hand in the crafting of the second one, which has the government caucus label on it, my question is: in terms of coming up with this, was there any reference to the first document, that was proposed or that is being put forward by the LAO? We've got document 1, the LAO document. Document 2 is the government caucus document. Document 3 is Dave Quest's document. I think that's probably the best way to distinguish. In the crafting of either 2 or 3, was there any reference to some of the tasks and timelines associated with document 1?

**Mr. Quest:** Well, number 3 took all that into consideration, but I just felt that if we compress that timeline down to six months, we should be able to get that work done. I can't imagine why we would need to drag it out over a year, but it's up for discussion.

**Ms Notley:** Can I ask: did you see document 1 from which to craft document . . .

**Mr. Quest:** Sorry. Which one are you referring to as document 1?

**Ms Notley:** The LAO.

**Mr. Quest:** I'm sorry. I was confused with your document 1, 2, and 3 references.

**The Chair:** If I could just add something here. Our staff put this together as a guideline based on other reviews that have been done. Yes, these only came out today. We're seeing 1, 2, and 3 for the first time today. Correct?

**Ms Notley:** Well, I don't know. I'm just asking whether either 2 or 3 were crafted with some understanding of what was in 1. There's a lot of stuff that's in 1 that doesn't appear in 2 and 3. That's why I'm asking.

**Mr. Quest:** Well, I think 2 and 3 both take into consideration what the task at hand is, and six months should be adequate time to deal with what has to be dealt with.

**Ms Pastoor:** Mr. Chair, I'm having a problem with this as well. If this is the first time these have been released – clearly, that's not quite the case because Mr. Quest has been very aware of all three of them, or he wouldn't have been able to come up with document 3.

**The Chair:** I think the key part here is the advertising times. If you were to look at number 1 and you were to look at the advertising having to be inserted and that we have to have certain times to come back, that doesn't even happen until May 31. Correct? If I look at these other two, numbers 2 and 3, we have the full committee, and we start deciding on when these ads are going out. The sooner the better, from my point of view. Why would you want to wait another month before you start putting ads out? We're having a meeting today to get things going. Why wouldn't we want to get at the work right away?

**Ms Notley:** Well, I guess that before we get to that issue is the first issue, which is: how did some people on the committee see the first document?

**Ms Rempel:** The Legislative Assembly Office draft timeline was not distributed in advance of this meeting, and one of the reasons for that was that we wanted to ensure that everyone saw it at the same time and that it was clear where it was coming from.

**Ms Blakeman:** Okay. Well, the differences to me, Mr. Chairman, appear to be the amount of time that's actually put into, first of all, allowing the public and the stakeholder groups to give us feedback but also in considering it. The decision date from the government caucus submission – and my goodness. My congratulations on your prescience. It's truly impressive, without seeing the LAO document, to come up with all of these dates.

The decision date on the government caucus timeline is July 28, which is three months from now, not six months from now, so this is three months for a process in which we're considering, arguably, the single most important piece of legislation that we deal with as a Legislative Assembly. On the second one, coming from the Member for Strathcona, Mr. Quest, the decision date is July 21. The decision date on the LAO one that is proposed in front of us here would be, well, it looks like February, so much more time to consider things and to hear from the public.

What I'm seeing is a real difference. The government caucus, clearly, is interested in having a very short timeline: three months in which to gather information, advertise, get feedback from stakeholder groups, do written submissions, public submissions, consider the complexity of the issues, and have a decision-making date inside of three months, July 28 from April 28 or July 21 from April 21.

**The Chair:** Ms Notley and then Mr. Vandermeer.

**Ms Notley:** Yeah. I think, quite honestly, that with both drafts, with all due respect, either draft 2 or 3, were we to proceed with that, we would have to summarize the process of this committee as being irresponsible and designed to keep the issue away from any kind of public consultation and to have it wrapped up in the darkness of summer, when no one is around to see what's going on.

**12:40**

I took some time a number of years ago to work as a consultant to a number of different organizations on privacy legislation. I know that it is a deeply complex area, and I also know that there are a number of organizations that have profoundly salient interests in this area. It seems very bureaucratic and dull on the surface – it certainly does to me – but the fact of the matter is that it's actually fundamentally important, and the people who work in this area understand its fundamental importance. It's very complex. It's also important to the average Albertan, who needs to have the capacity to interact with their government.

So you have a tremendous level of complexity, and you also have an obligation to ensure that those Albertans who do not practise in this area every day but who are very significantly impacted by the implications of this piece of legislation have the opportunity to understand what the decision points and the issues are, and you are not going to do that on this schedule. On this schedule you will simply obfuscate the issue and, essentially, abandon the opportunity that Albertans have to participate in it.

The LAO draft, which I think is really fundamentally important, includes two very important things not only for the average Albertan but for those of us around this table who are not experts in this area.

It gives the opportunity for research to come up with that list of stakeholders who do actually have a day-to-day interest in this area and whose activity in this area has implications for many, many people beyond their specific organizations. It also gives the opportunity for the research department to come up with a discussion paper, which will help make this process meaningful to the average Albertan so that they can have a genuine, realistic opportunity to participate in this process.

The government caucus plan negates that role completely. It basically puts out an advertisement and says, “Hey, here’s a 400-page piece of legislation; you’ve got 30 days, Albertans, to draft up a submission and get it in here,” which is basically an opportunity to ensure that nothing happens and that people don’t get to engage in what is, presumably, something that’s very important because it’s about openness and transparency, and I’m pretty sure that someone, whose name will go unmentioned, spent some time advertising the import of transparency and openness in the last election.

I don’t think it’s advisable for this committee to go this way. You know, frankly, if I was a government caucus member, I’d be a little concerned about how it would be interpreted by Albertans if we attempted to crush all this in together and we didn’t give the research folks, who are a great resource to us, the opportunity to help – what’s the word? – break out this issue so that Albertans can engage in it in a meaningful way.

**The Chair:** Thank you, Ms Notley.

**Mr. Vandermeer:** I, too, agree that it is very important, but to start with an end point of almost a year away from now I find is too long. If we stuck to proposal 3 and if we needed to extend the timeline because we felt that our work wasn’t done, then I think we could do that.

I’m on a number of committees right now, and I’ll be at a meeting at 2:30 this afternoon. That committee was supposed to have its report in last year, November, and we’re still working on it. Sometimes if you say that you have a year, it’s going to take a year and a half. If you say that we’re going to take six months, well, maybe we can have it done in nine months. At least, if this is a starting point for us, if we need to extend it somewhat – I mean, we need to get to work, too, right? We can’t just drag it out for a whole year.

**Ms Pastoor:** I’d like to address document 1. I think that document 1, too, gives a little bit of respect to the committee in terms of not having dates set down. It actually says, “Week of.” We can all look at our BlackBerry and see that, in fact, we would be able to attend these meetings. On document 3 it’s all over the summer. As Mr. Vandermeer has pointed out, we do sit on other committees as well, so certainly we’re going to be busy. I really believe, having sat on other committees as the deputy chair for Health, that by the time you get people to come and make presentations in the summer, often they end up doing written ones, and they’re not really pleased with that. So I think we have to drag it out, if you want to term it that way. I don’t think it is dragging it out. I think it’s giving people the chance to look at it. Again, with document 1 at least it gives every committee member a chance to pick the dates that might be best for all of us.

**Ms Blakeman:** The second thing I’m noting from the government caucus presentation and the presentation by the government Member for Strathcona, Mr. Quest, is that both of them are including the term that stakeholders would be voted on. One of them frames it that a decision on “stakeholders to be invited” would be considered on

June 15, and in the other one, the presentation from Mr. Quest, on June 15: “to vote on the stakeholders that the Committee would like to invite to present.” I’ve sat on a fair number of these committees now, and it hasn’t been common to have the committee narrow who wish to present. It was pretty much open that if there were people that wanted to come and put in the effort to be heard and to organize themselves to get here and to do a written submission, they got heard.

What I’m seeing in what the government caucus is presenting here is that stakeholders would be limited or would be chosen by the government caucus, if they’re allowed to, as to whether or not they’d be allowed to come. I would take issue with that as well. I think this is a very important issue. We have an opportunity to genuinely review this very important legislation, and I’m seeing it be rushed and narrowed and controlled.

**The Chair:** Well, thank you for your comment. I’m going to refer to document 1, that was prepared by our Leg. Assembly staff. If you go down midway on the page to the week of October 4, the second bullet clearly states, “Determination of stakeholders to be invited to present to the Committee,” which to me gives the parameter to the committee to decide who is in fact going to make a public presentation here. I don’t see that as being overly restrictive.

I’ve been around for 18 years, and I’ve sat on a lot of committees. It isn’t necessary to have every person make a public presentation in front of every committee. A lot of times you will find that there will be very, very parallel or similar presentations, and it is redundant and not time effective to have that same public presentation made that has already been submitted by the very same person in a written form, an e-mail, or some other method. I’m just asking you to consider that, as much as I like to hear from everyone, too, there are times when it becomes an exercise in redundancy to hear over and over and over the same presenter giving the same public presentation as they’ve done in a written format.

**Ms Blakeman:** Could you just give me the criteria that you would be using, then, to determine how you would – let me look at the different phrases – vote on the stakeholders, make a decision on the stakeholders, or determine the stakeholders that are allowed to be invited? What would the criteria be that you would determine? If someone has given a written presentation, then they don’t get to come before us for fear they might read it out again?

**The Chair:** I didn’t say that.

**Ms Blakeman:** I’m sorry. That’s why I’m asking. What are the criteria you’d be using for determining whether a stakeholder would be allowed to present if they’ve asked to present in person?

**The Chair:** I would like, with the committee’s permission, because I don’t think any of us have sat on this committee reviewing this piece of legislation, to ask Dr. Philip and Louise if they would help us out as to what’s happened in other similar reviews because I’m hoping that maybe you were involved in some of those as well.

**12:50**

**Dr. Massolin:** Thank you, Mr. Chair. Yes, I can comment on what’s happened in previous meetings. It’s hard to say with absolute 100 per cent accuracy that every committee has done the following, but I think I’m safe in saying that the phrase that the committee will invite which stakeholders it wants to hear at sort of an oral presentation has been the standard, especially for the latter committee reviews that have happened. So it is a committee decision to that effect. Is that what you’re looking for, Mr. Chair?

**The Chair:** I think I heard Ms Blakeman ask if there were any particular criteria used to differentiate or establish?

**Dr. Massolin:** No.

**The Chair:** It's just up to the committee?

**Dr. Massolin:** Yes, exactly.

**Ms Blakeman:** Your reference that you made to the committees you've been looking at: was this reviewing acts? Okay. Can I do apples and apples here, please? Can you give us an example where the committee came together to review an act of the Legislature as per a determination in the act that it would be reviewed on a set schedule?

**Dr. Massolin:** To answer the question, Mr. Chair, this is the first such statute review that's happened within the confines of a policy field committee. There is no precedent for that, but there have been other pieces of legislation referred to other policy field committees and other standing committees.

**Ms Blakeman:** Okay. So if we look at the HIA, for example, which had a required review date, which is the most similar to what we're looking at here, was there a restriction or a decision made on the stakeholders that were invited to that?

**Dr. Massolin:** I believe the committee proposed stakeholders to present orally even before written submissions were accepted. I can't remember for certain.

**Ms Notley:** I can answer that question if you'd recognize me, because I was part of that whole process.

**Ms Blakeman:** So was I.

**The Chair:** Well, we could go back and forth.

**Ms Notley:** Could I speak, though? I've just been trying to get my hand up.

**The Chair:** Go ahead and speak.

**Ms Notley:** Thank you. My recollection, having been on this particular committee and having reviewed the guardianship act, which was a very complex piece of legislation, and then the Health Information Act, is that there were two fundamental things that happened which are absent from the government caucus proposal. The first was, as I have mentioned already, that the research group prepared a discussion or an issue paper to help those who were participating understand what some of the issues were and what the legislation was for. That actually facilitated and enabled the discussion process because it's very complex legislation.

The second thing that happened that almost predated the advertising or at least coincided with the advertising was that there was a decision made, regardless of whether someone picked up their paper at the appropriate time to see that there was an ad, that certain stakeholder groups would be specifically identified by this committee with the assistance of the research people and specifically requested to make submissions. It wasn't simply a question of waiting for whoever happened to stumble across the ad to make a submission and then selecting from there. There was quite a broad discussion about who we would actually seek out feedback from

because we understood that it was a very specialized area with very significant implications.

Research came to us with a well-thought-out list of stakeholders, and we had a conversation then about just who we would even invite to participate in the process. Regardless whether it was a public presentation or whether we were asking them to make a submission, we didn't even make that discussion. We had a long discussion, in fact, where we said, "We invite you to make a submission and to let us know if you would like to make an in-person presentation." I think that was what we ultimately landed on. We then went through the group that said, "Yeah, we'd actually like to emphasize what we've done with an in-person presentation," and we didn't bother to invite those who hadn't stated that in their written submission.

All of that was in addition to the advertising process because it was very well thought out, and there was some rationale behind connecting with the people and the groups within our province who are actually impacted by this legislation. We didn't go off willy-nilly, making some half-baked bunches of decisions without ever talking to the people that really deal with this stuff.

Those are two critical points which are completely absent from the timeline and also, of course, negate the fact that this committee itself, I beg to differ – sorry; even with my own experience I would suggest I would need a bit of a briefing on what the key elements of the act are and how they work and all that kind of stuff in order to review it. I can't imagine that everybody here on this committee is ready to engage in a critical analysis of what works or doesn't work on this act.

That was another point of getting some support from the LAO research staff, which was to ensure that we could do a good job as opposed to just doing a good job of getting it off the agenda and out of the way, which appears to be the primary purpose at this point.

**The Chair:** Thank you.

Mr. Lindsay, followed by Mr. Groeneveld.

**Mr. Lindsay:** Well, thank you, Chair. I want to comment on the length of time required. As I understand it, we're given up to one year to review and make recommendations to the Legislative Assembly regarding this legislation. The legislation has been in place for a long time. I think we've all received feedback on it, all have a relatively good understanding of it although it never hurts to review in more detail. Again, I don't think we're really starting from square one, you know. We often get criticized for receiving reports and taking way too long to make recommendations. I certainly believe in being open and transparent, and I believe that the six-month timeline will allow us to do that. If for some reason it doesn't, we can always extend it, but we do have to stay, as I understand it, within the one year. I don't have any problem trying to wrap it up in six months. If for some reason we can't do that, we could always look at that later on.

**The Chair:** Mr. Groeneveld.

**Mr. Groeneveld:** Well, thank you, Chair. I guess Fred covered my point as well. I think the truth of the matter is – and maybe this is something to do with my age. I wish it was true that the longer the time period, the better the report is. I find that a little bogus if we get down to work, and I understand some of the concerns that you are talking about.

Also, I want to dwell just a little bit on the stakeholders there. How long would you propose that we go before we decide that these are the stakeholders? Is this open ended right to the bitter end? I mean, logic, from what I've heard here, would be that – maybe we



should go back to LA and say: can we extend this to three years, and we'll have a really good report? I don't believe in that time factor. You have to keep the momentum rolling. Make no mistake about it. The longer you stretch this out, in between do you think everybody really, really is into it and doing it? You've almost forgotten where you were at when you last met.

I agree that at the end of the time of the period here, as Tony said, if we have to extend it because we're not there, I think that's the time to look at it. I just don't like the idea of taking the full length of time just for the process, just for the fact that that would make a better report. I don't buy that.

**The Chair:** Was it on this point, Ms Notley?

**Ms Notley:** It was, actually.

**The Chair:** You and Dr. Sherman.

**Ms Notley:** Okay. Yes. Well, two points. First of all, I have not ever suggested in what I was saying that the length of time is in any way associated with the quality of the report. Instead, what I've suggested is whether the process and the value and quality of the information before the committee is adequate to ensure a quality report.

This notion that, well, we can just delay the timeline at the end of the process if we're not getting it done: quite frankly, it appears that maybe you haven't read this document. What happens is that you're proposing a process that will be fundamentally flawed at the outset. You can take six months or 12 months or whatever else you want at the end of the process, but you will have fundamentally flawed the process at the beginning by not getting the right people involved at the outset, by not having the discussion paper prepared at the outset to assist those who are going to participate. What you're doing in the process that you're putting forward is that you're fundamentally undermining the consultation. Whether we do or don't need more time at the end of the process – I mean, we're not going to be able to fix what was broken at the start unless we start all over, so that argument doesn't work.

What I keep trying to say is that the LAO process ensures that you have all the right information out there at the beginning. If you just sort of rush into it, ask people to make submissions without giving them enough background, and then later decide that maybe it wasn't good enough, well, you're done unless you want to start submissions all over again. It's not as easy as you say to fix the process after you've started it the wrong way.

1:00

**The Chair:** Dr. Sherman, followed by Ms Blakeman.

**Dr. Sherman:** Thank you, Mr. Chair. I'm just looking at all of these for the first time today. A lot of valid points have been made. These are all proposed timelines here. I think that we want to engage the public as much as possible. Pragmatically speaking, if you advertise in May or June and the meeting happens five months later, from when we notify the public to actually having the meeting is a long time out. I think: give a two-month timeline. We all need to set our schedules and our dates, and we need to set the schedules for the summer. Pragmatically speaking, for our availability when the House is sitting – and I don't know when the House is going to return for the fall session – I don't know if we'll be available as a committee to give that much time to the public. On this schedule we're available for three full days in the summer. There are issues; some folks may be on holidays. But there are issues where some

people may be on holidays but they'll be in town, and they can actually present to the committee all day long.

The availability between the public and us is going to be difficult because we aren't as available as elected members when the session is sitting to listen to the concerns of the public, and we are fully available in the summer. I for one am willing to work over the summer, and I think it's part of our duty to discuss this regardless of when it's convenient for us. Those are the few points that I wanted to make.

This is not brand new legislation. I can understand that we should spend a lot of time discussing important issues. This is a review of existing legislation. I think the better the ability for us to listen to the public, the more time that we make available, the better, I think, for the discussion.

**Ms Blakeman:** I just have a few other questions from the government caucus timeline. The closing date for written submissions is June 2, and 13 days later the committee is to meet to review a submissions report. Two questions: how much in advance will we receive the submissions report in order to be able to consider what is in the report, and secondly, will we have access and how much in advance to actually look at the submissions themselves?

**The Chair:** Dr. Philip, would you please respond?

**Dr. Massolin:** Yes. Of course, it depends on how many written submissions we receive. Typically we take about a week to read those submissions and produce our report, so that would leave about a week from the time the report summary is posted until the next meeting.

In terms of the submissions themselves perhaps Ms Rempel would like to speak to when they're posted for the committee.

**Ms Rempel:** Generally our practice is, essentially, as they come in or at least on, you know, a day-to-day basis. As we receive the submissions, we do make them available to committee members. It could be at the discretion of the committee whether they were made publicly available on a similar timetable or not or perhaps collected and then at the end made available as a grouping once they had all come in.

**Ms Blakeman:** Just a follow-up.

**The Chair:** Yes.

**Ms Blakeman:** Between July 6 to 8, which is the public presentations – again, I'm referring to the government caucus document – and July 28, which is the decision day, or possibly July 21, which is Mr. Quest's suggestion, is there another opportunity in there or has it been considered by the caucus or by Mr. Quest to have more than one day? Certainly, my experience on this is that one day only following the public presentations to meet, identify all the issues that were raised in the public presentations, synthesize them, decide what you want to do about them, and make a decision on that is a lot to do in one day. Was there consideration by the government caucus to making that more than one day?

**The Chair:** Do you have a comment, Mr. Quest?

**Mr. Quest:** Yeah. Mr. Chair, it's a proposal for discussion. If it's the will of the group to add a day, then it's the will of the group.

**Dr. Sherman:** I wonder if I can ask a question of the LAO office.

To Dr. Massolin: what are your feelings on Mr. Quest's proposal? Is it reasonable, unreasonable, and is there anything else that you would add or subtract on that?

**Dr. Massolin:** Well, Mr. Chair, I don't think I'm in a position to answer that, I'm afraid. I mean, I couldn't really say. It depends on the issues that are identified by the committee in terms of what the committee would like to review to understand the time frame needed.

**The Chair:** Ms Pastoor.

**Ms Pastoor:** Yes. Thank you. I'm sure that I'm no different from anyone else, where our BlackBerrys are full probably six to eight months ahead of time. I know that we received this directive from the Legislature – what? – maybe three weeks ago. I look at July 6, 7, and 8, and I know that I'm booked on two of those days, and I've been booked for almost six months. So the fact that we are locked into these dates I think is very awkward as well.

**The Chair:** I'm not going to speak to a specific one here. But I know from past experience that when you get a committee this size, it is not going to matter what day you pick. There are going to be probably two to three of us that it's going to inconvenience. This might sound quite hokey coming from somebody with an agricultural background, but on April 29, when we're out of session, people at home have got a crop to get put in, and they can't wait to put the crop in until July if they want to harvest it in October. You know, sometimes when the crop is ready to harvest, and you've scheduled a family holiday, well, guess what? The crop gets harvested; the holiday waits.

Let's take a five-minute break and come up with some motion that we can put forward and have an extended debate on or a vote on in terms of this timeline.

**Mr. Lindsay:** Well, Mr. Chairman, if I could. You know, I think there are a number of issues here. One, I think the first thing we need to do is decide on a timeline, the dates within that timeline, and the different objectives that we're trying to meet in regard to meeting the end date. I think those are up for negotiation as well. I don't think there's anything fixed on that. I think there are a couple of decisions. First of all, we agree on a timeline, and then we fit the dates in to meet the committee's schedule, recognizing that we're all very busy, but we've got a job to do, and we've got to get it done.

**The Chair:** Could I suggest that all of us kind of hold hands in this next five minutes and maybe come up with something that's workable. We'll recommence at a quarter after.

[The committee adjourned from 1:08 p.m. to 1:21 p.m.]

**The Chair:** We'll call the meeting back to order if that's possible, please.

Mr. Quest had a question during the break here that he wanted to put to me.

**Mr. Quest:** Please, Mr. Chair, just based on some of the discussion and confusion before the break. Timeline 2, the one that has that it's from government caucus: just on some discussion with some of our colleagues here, since there was no caucus decision or discussion, we're just a bit confused as to where this document came from. I wonder if you could maybe help us out a bit with that.

**The Chair:** Well, I can. It sounds like I'm backing up a little bit. I had proposed to send each and every one of you an e-mail with a suggested time frame. I referenced earlier on the spring seeding, harvesting kind of thing. That's where I was coming from. I wanted it sent out as an e-mail to all of you. It never even got sent out.

Where this came from: it ended up with our Legislative Assembly staff but not in this format. I know that one of our key people that is helping us is also involved with the electoral boundaries review. She has been working night and day in order to facilitate getting this information out to us. I suggested that we send out a proposal that could be discussed amongst ourselves on time frames.

I'll take full responsibility, but this thing had nothing – I say nothing at all – to do with any government caucus decision. This has not been discussed in our caucus, period. You can roll your eyes and doubt all you want, but, scout's honour, I have not been part of any discussion amongst my colleagues here in caucus on this item here. It was simply a proposal that didn't get sent to you that I take full responsibility for.

If we can forget about it, period, and concentrate on 1 and 3, I would ask that you turn these back in. It's just going to create another bunch of headaches. We can move on and come up with some other dates that work. Please shred item 2 or give it back to Mr. Metcalfe.

**Mr. Quest:** Also, I guess, in the spirit of us all holding hands and coming to some sort of agreement on this, the dates that I had distributed and proposed, again, were just that. Maybe six months is not sufficient time, and perhaps these dates are not spread out enough for us to conclude this business. On the other hand, I often have difficulty out there in the Tim Hortons explaining why any piece of legislation or any report would take a year, so I think that's a bit excessive for a review. If there's a time frame in between or something that some of the members here would like to throw out instead, then I'd be obviously very curious to hear what may be an alternate proposal or a timeline that's not a year.

**The Chair:** My deputy chair, Dr. Raj, Ms Blakeman.

**Ms Pastoor:** Who is first, me?

**The Chair:** Yes, you are.

**Ms Pastoor:** Okay. Thank you. On the one from the LAO you'll note that it says for the weeks of October 25 to November 1 stakeholder presentations. Now, I've heard a number of different ways that we may be coming back into the House, that we may do this in two sessions. We would come in on September 15 and maybe knock off for a couple of weeks during the municipal elections. I think that maybe that's part of the problem. If we do take that break, then this would make sense, so I'm wondering if LAO knows something that we don't know. But we probably should know well ahead of time when we're going to sit. I mean, we all are six months ahead. If this is going to happen, then this would make sense. Perhaps we need somebody to tell us when we're actually going to sit.

**The Chair:** Well, I saw the horizontal head shake, which means no for those in audio land, from our LAO staff, that they have no idea that we're commencing September 15.

**Ms Pastoor:** Right. But it certainly would help a lot if we did know.

**The Chair:** My understanding would've been our standing orders say – help me out, folks – in October.

**Ms Blakeman:** The last Monday.

**The Chair:** The last Monday in October?

**Ms Blakeman:** That's what the standing orders say, but the Government House Leader has been quite vocal that it'll be before that, which is the government's prerogative, of course.

**Ms Pastoor:** I'm thinking we're coming in in the middle of September.

**The Chair:** Well, I can't comment on that.

**Ms Pastoor:** It's more fun to know ahead of time.

**The Chair:** Well, that's a comment.

**Dr. Sherman:** Just looking at both these proposals, I always believe in some form of compromise, and I would have critiques of both proposals. On my colleague Mr. Quest's proposal I would say that for the last day for written submissions we should maybe consider the end of June. Four weeks isn't a lot of time. I remember having to review draft legislation from the Alberta Medical Association. It takes time. I think maybe it should be seven weeks. I would propose lengthening the time. However, you know, you go beyond summer. You advertise it before summer, then summer kicks in. I do remember having this stuff sitting on my table for three months and then suddenly being in a rush to do it at the last minute.

We do need to make a decision. We should set timelines, reasonable timelines. I think for advertising for the last day for written submissions we should consider a date before summer.

As I said, the major issue should be that we need to be available to the public. We as a committee need to be as available as possible to whoever wants to talk to us. Perhaps we should consider two different times when we can meet for two full days. The problem of meeting when the Legislature is sitting: we are simply not available for that much time. There's so much else going on, so many other committee meetings. The Leg. is sitting, and there's just so much business going on that it's simply not possible for us to be available. Whether we can consider, say, two days in early July and maybe two days in late August. That way we can be available eight hours a day – at least, I will be; I'll do my best – and the people have options; the public has options. I'd ask everyone to consider those two things.

I know it's a bit of a critique of both. Maybe not a critique, but these are proposals. Let's try to make the best decision possible.

**The Chair:** We have four more on the list: Ms Blakeman, Ms Notley, Mr. Olson, and Mr. Groeneveld.

**Ms Blakeman:** Okay. I'm sorry. I didn't have time to write this out and copy it for everyone, so bear with me. Here's what I have found to be the best sort of compromise in working through these kinds of legislative reviews. You need about four to six weeks between when you get the notice out and your deadline for submissions coming back in is. Then you need at least a week for your LAO staff to put all of those together and give you some sort of indication of groupings of concerns that have come through. Then we need time to review that, so another couple of weeks to kind of Swiss cheese your reading of either the individual submissions, if you're like me and read them all yourself, or to consider what has been compiled for us by the LAO staff. Four to six weeks before your deadline for submissions and then another one to three weeks – really, three

weeks: one for them to do their work, two for us to be able to read and consider what they've given us. So going on the outside timelines, we're now at nine weeks from your start date, which would be May 1, I'm thinking.

*1:30*

You're now in early July. I think it's possible for us to meet in early July for probably one full day to review what we've got and talk about what we've got, possibly look at a list of issues to pursue and a list of issues that were raised that aren't likely to be pursued. In there I think you need to leave yourself one to two times to meet because we do tend to identify things the first time, and we all go away and think about it or get additional research and then bring it back to make some decisions the second time.

Running concurrent with this, you also want to get your in-person presentations happening. I think one of things we want to be alive to with FOIP is to not have this become about individual casework. Either we have to figure out some kind of incredibly clever communications ploy to make it clear that if you put in a submission – and I agree with asking, at the time that we call for submissions, for people to indicate if they would like to be included in a public presentation but also indicating in that that we expect it to be additional information, not somebody reading their submission out loud. Again, I look to the experts in communications on how we could make that known. You need to give those people a fair lead time as well as to when you'd be looking at meeting.

I think at this point, this being a 12-member committee – you're now into the middle of summer – we're always going to be missing people, whether it's for planting or for vacations. I don't know if we want to take a one-month break in there and try again come mid-August or what.

The problem with the NGO sector is that they often aren't funded over the summer, so then you're looking at early September for public presentations, particularly from the NGO sector, or trying to do those public presentations at the end of August. That would have given them enough lead time before they broke for summer to know that it's coming and not catch them unaware. I agree with everybody that it has to be done before the middle of September to complete the in-person presentations.

It's also been my experience that in the final meetings the committee goes over: what are the issues that we definitely want to move forward on, and what are the recommendations we want to make back? That takes us two or three meetings, but they need to be fairly close together because if we let them get a month apart, we all forgot what we agreed last time: sort of Tuesday and Friday or even one, two, three weeks in a row that we can carry over and keep everything fresh in our minds. I think it's possible to do this schedule, at least to have completed the public portion of it, before we go back into session. Then, yes, we would have to set some Fridays aside, once we're in session, to meet and go over the information that we actually have.

That's been my experience, and I've done two Health Information Act reviews and something else which I can't remember. It's seared into my memory bank somewhere. I just can't remember which one it is. That's been my experience. Nobody anticipated how much time we need to talk to come to decisions on what the issues are and what are the recommendations that we want to make.

**The Chair:** Thank you.

Ms Notley and then Mr. Olson.

**Ms Notley:** Well, I guess there are two or three points. First of all, in principle I have absolutely no problem with the concept of setting

aside two or four or two days and two days or whatever in the summer. You know, the suggestion of early July and late August, for instance, works fine with me, and I think we can do that. That's fine. I also don't have any difficulty with the notion of trying to have the end date moved up so that, you know, you're looking at trying to have this completed by, say, December rather than March or whatever. It's not that I think there needs to be this huge drag out. I'm pretty open to trying to find enough time to work consistently and consecutively so that we can get a lot accomplished when we do that.

[Ms Pastoor in the chair]

I go back to the first part. I truly believe that if this is going to work, even if we're doing it quickly and we're working really hard and working a lot of hours together, we need to do everything we can to support the submission process of Albertans. I think we need to look over the LAO documents and the tasks that they have essentially identified in the second and third boxes. One is, you know, the meeting with Mr. Work and, potentially, the Minister of Service Alberta and then also this notion of having a discussion paper and a stakeholder list prepared by this research group.

Obviously, in my mind there is no reason why that can't happen a lot sooner than now, but of course that means that the research group has a lot more work to do and has to get it done a lot faster. That may or may not be reasonable. If you put those two pieces into it and then otherwise find ways to tighten up the schedule, I think we can make it work along the lines with what the Member for Edmonton-Centre was saying. There's flexibility to make it work, but I really do believe that you need to start the process correctly or else everything that comes from it will be flawed. I really feel that the second and third tasks identified by the LAO staff are ones that should not be ignored by this committee. If those are identified, then I'm happy to look at ways to compress our time and be flexible in terms of scheduling to get the rest of the work done in a faster way.

**The Deputy Chair:** Thank you, Ms Notley.

**Mr. Olson:** Well, I'm almost getting the feeling that if we're not careful, consensus and agreement could break out here.

My biggest issue with lengthening the process was my fear of just kind of getting bogged down once we get back into session. I'm really happy to hear some, if I can presume to say, agreement that it's important that we get out there and hear people before we get back into session. That was my biggest thing in terms of compressing the timeline.

My own experience on another committee is the same one as Mr. Vandermeer. It's that we did a lot of consulting when we weren't in session, and once we hit session, everything grinds to a halt. Beyond that I'm very happy to work with the other committee members in terms of making us the most accessible and getting the best information and giving the people the best opportunity.

**The Deputy Chair:** Thank you, Mr. Olson.

**Mr. Groeneveld:** I think that Mr. Olson is probably pretty close to where I was prepared to go with this. My feeling is that we could still get the wrap-up close to October 28. I would really hate to see this go into the next year – I don't think it's necessary, to be honest with you – if it's a matter of just changing some timelines in here. I think Ms Notley probably is correct; the process may be jammed a little bit tight up front. So if we could work that out, I'm fine.

**The Deputy Chair:** Thank you, Mr. Groeneveld.

**Ms Blakeman:** I'm just responding to Mr. Groeneveld's comments. I don't know that we can hit it by that end of October date. It's not recognizing the work that goes into the decision-making by the committee that then lends itself to the draft report. The timing between the first and second draft and the final report need not be long because we've done all the work by then, and at that point you're just approving commas and graphics and things. It's the decision-making of the committee that wasn't accounted for. Expecting that we would do all this decision-making in one day is not realistic unless everything has been predetermined, which I would not like to see.

I don't know that we can make it by the end of October. I can see no reason why it wouldn't be fairly close to that, within a couple of weeks, but it needs a lot more committee working time to be involved prior to that.

1:40

**The Deputy Chair:** Thank you, Ms Blakeman.

**Mr. Quest:** Okay. Again, just for discussion purposes, how would it work if the advertising went out right away – I think we're kind of all in agreement on that – and made June 30 the last day for written submissions?

**Ms Notley:** That doesn't deal with my concerns.

**Mr. Quest:** Okay. Well, let me just throw these out. Again, it's just for discussion: maybe June 30 for the last day for written submissions. [interjection] Is that enough? I just jotted down July 8 for a meeting to discuss some of those submissions. Could we stay with June 30 for the Privacy Commissioner and Minister Klimchuk? The discussion with them is independent of these other submissions anyway. Then September 1, 2, and 3 for public presentations, September 13 and maybe 14 for a full day or full days of discussion, a first draft done on the 28th of October and then a final on or around November 15. Please feel free to check your BlackBerrys, if there are some Sundays or something in there, if I've missed something. I just kind of dashed through.

[Mr. McFarland in the chair]

**Ms Blakeman:** You're close. I think what you need is a slightly later timeline from the July 8 date because if your written submissions are in on the 30th, you need at least a week to 10 days for LAO to do a compilation of what's happening. Then we need time to read it and think about it before we come back to meet. That's the two-to-three-week window you need from the deadline of when they all come in to when we sit down to talk about it. It needs to be more mid-July. I'm not looking at a calendar. Is there a week that starts like two to three weeks after that?

**Mr. Quest:** The 19th is a Monday.

**Ms Blakeman:** Yeah. Like that. Perfect. That's to discuss that. You could have had a meeting in the meantime to hear from the FOIP commissioner prior to that because you're right: it's not connected.

**Mr. Quest:** Yeah. They're independent anyway.

**Ms Blakeman:** And they all feed into the same thing. So we could

be meeting any time between now and mid-June to take in the meeting with the FOIP commissioner and the minister. Then the public consultation. If you advertise it at the same time, at least eight weeks, you can do that public consultation at the beginning of September, yeah, and the working session two weeks after that. Yeah, definitely. Your drafts are okay, too.

**Ms Notley:** Well, again, I mean, I think the problem that I'm going to have is that as long as we're working off document 3 as opposed to document 1, it doesn't seem as though my point is getting through. On document 1 there is a component to the process that is continuously being missed, which I have apparently not clearly enough referred to as sort of the foundational work that needs to be done to ensure the highest quality of submissions, which is the approval and review of a discussion paper and a review of a stakeholder list and a letter where we're actually reaching out to certain organizations and saying: please.

We can do this concurrently with advertising, but at the same time as advertising we should be identifying certain stakeholders that we want and that ought to be part of this discussion. Then we should be reviewing a discussion paper that would go along with the call for submissions so people have a better understanding of the breadth and what it was they were being asked to comment on. That piece continues to be missing in this, and I think it will fundamentally undermine people's abilities to participate fully in this because it's just too big of a target.

The rest of it sounds fine, you know: the shortened timelines, the working on the Sundays, the finding the days, yada yada. I'm flexible on that. I just really believe that we need to do a good job of getting it set up properly in the first place, and we're missing that again. It's basically item 3 on the LAO document . . .

**Ms Blakeman:** Appearing as week of May 24.

**Ms Notley:** . . .that is currently appearing as week of May 24. It doesn't need to stay there in terms of the time. It's just the task.

**The Chair:** Well, pardon me, but some of that we're doing today.

**Ms Notley:** No, we're not.

**The Chair:** Yes, we are.

**Ms Notley:** No. I think you're looking at the wrong box, then. I'm talking about review of a discussion paper. We have no discussion paper in front of us. It hasn't been drafted yet. We haven't received a list of stakeholders to discuss in terms of inviting them to make submissions, nor do we have a letter. That's what we're not doing, and that's what I think is important.

**The Chair:** Okay. I believe there was a note sent out requesting from the various political parties a list of what they thought would be appropriate stakeholders, and we asked to have that sent in for today. We have not received those.

Apparently, that one didn't go out. Okay. Moving on.

**Mr. Lindsay:** Just a comment. You know, I can understand where Ms Notley is coming from because the draft agenda I had indicated that we would be discussing a stakeholder list today, and I would assume, if we come to agreement on who we're going to invite, there would also be a discussion paper or letter which would indicate the purpose of them submitting. I don't know where we went astray here, but it's certainly an important part of the puzzle, obviously.

**The Chair:** Could we have somebody review what is a consensus of dates here just so that we've got a record of it? Would somebody please go over them, starting with April, the beginning of the advertisements that would be going out to the papers? Can we agree that it could possibly start on the 29th?

**Mr. Quest:** I think we were all good there, weren't we?

**Ms Blakeman:** Yes, and to run the week of whatever. Yeah. I think we can get advertising ready to run next week.

**The Chair:** Okay. The last day for written submissions: did I understand that there was consensus to move that to June 30?

**Mr. Quest:** I had suggested June 30.

**Ms Notley:** Mine is defined by whether or not we're going to do this other stuff.

**The Chair:** Well, I'm going to put it this way.

**Ms Notley:** Are we doing it or not doing it?

**The Chair:** There are 12 of us here, and if it were to come to a vote, I'm thinking it might be 11 to 12. We will try to accommodate your request, Ms Notley, but we are moving on today and trying to get a schedule set up.

**Ms Notley:** Well, you can't do that if you don't know what you're talking about.

**The Chair:** Dr. Sherman.

**Dr. Sherman:** Actually, I'll take a pass.

**The Chair:** You know, I'm obviously a little frustrated. I've got two members here that are taking 90 per cent of the conversation, and I don't know that we're ever going to accommodate everything that you want. Now, if you want to politicize it, go for it. If you want to do all that grandstanding, that's just fine.

**Ms Blakeman:** I'm sorry, but you're the one that brought forward something and put it on the table that said government caucus on it. So who's politicizing what?

**The Chair:** Get over it. It's not your riding either.

**Ms Blakeman:** All we've been trying to do is get some sort of process happening here. I'm the one that put the one on the table that everybody is working on now. If that took up too much of your time – you know, if you guys are just going to decide something and bring it forward and put it in front of us and vote on it and try and silence the opposition members, can you just say that? We can all leave, and we don't have to go through this process. I'm sorry if you're annoyed with this, but this is a democratic process, so let's now get rid of the histrionics and move on.

**Ms Pastoor:** Mr. Chair, could I make a suggestion so that we can follow up on what you had suggested? Perhaps, Ms Blakeman, you could start at the top of what we're calling document 3 and then insert the dates that you thought were appropriate. We can go back to, perhaps, Ms Notley's problem. You had some dates.

Would that be okay with you, Mr. Quest? We could at least get dates to talk about because they're kind of all over the map.

1:50

**Mr. Quest:** Well, they are. I'm sorry. I would need them read back because I've got dates all over the place here.

**Ms Pastoor:** Yes. Okay.

**Ms Blakeman:** Are you talking about this one?

**Ms Pastoor:** No. I'm talking about the dates that you had already thrown out, adding in the two and three weeks. At least we can write them down because I don't think all of us wrote them down.

**Mr. Quest:** Did you get mine, first of all? Is that okay with you?

**Ms Blakeman:** Yeah, I've got yours. What we said was that we'd start the advertising right away, May 1. June 30 would be the deadline.

**Mr. Quest:** For written submissions.

**Ms Blakeman:** For written submissions. Mr. Quest said that we could meet a week later. I said that was too fast; it needed to be at least two to three weeks later.

**Mr. Quest:** Right. Then we had suggested the 19th and discussed.

**Ms Blakeman:** We looked at the 19th.

**The Chair:** Is that of June?

**Ms Blakeman:** We're into July. It's two to three weeks after the written submission deadline.

**Mr. Quest:** Yeah. Then we had left June 30 as it was for the Privacy Commissioner and Minister Klimchuk.

**Ms Blakeman:** You can do that any time.

**Mr. Quest:** Okay. Then we had discussed September 1, 2, and 3 for the public presentations.

**Ms Pastoor:** I'm sorry. May I interrupt? I thought you had suggested something in August and September as well.

**Ms Blakeman:** No. He said September 1, 2, and 3.

**Mr. Quest:** Again, it's just a suggestion. I'm looking at one BlackBerry, mine, so it may not necessarily line up with everybody else's.

Then I had suggested September 13 for a full-day discussion, maybe the 14th if we had decided at that point that we needed a second day's full discussion.

**Ms Blakeman:** We should book it, and if we don't need it, we won't use it.

**Mr. Quest:** Okay.

**The Chair:** These are full-day discussions for – sorry?

**Mr. Quest:** To go over the public presentations, correct?

**Ms Blakeman:** Correct.

**The Chair:** Dr. Raj has a question on that point.

**Dr. Sherman:** Just on this point. Labour Day is September 6, so maybe many people are still on holidays just before the first day of school. I'm wondering if the 7th, 8th, and 9th might be a better, more appropriate time.

**Mr. Quest:** Sure.

**Ms Blakeman:** I'm less worried because the NGOs would have had notice since June, and as long as they get it before they break for the summer, they're usually prepped for it. So I think that's less of an issue, but it doesn't matter that much.

**Mr. Quest:** The 7th, 8th, and 9th depending on the will of the group.

**Ms Blakeman:** Sure.

**Mr. Quest:** Then we had discussed October 20.

**Ms Blakeman:** Sorry. But we need two weeks to combine everything that we've now heard before we meet again to talk about it, so if you move the public presentations by a week, you move our meetings by a week, and now we're into, potentially, when we're already back in session.

**Mr. Quest:** We could be.

**Ms Blakeman:** So I think you want September 1, 2, 3.

**Mr. Quest:** Okay. So we back up to 1, 2, 3, then. I believe I had suggested the 13th for a full-day discussion or potentially the 14th. That's right. I keep missing that second day. Then the 28th for a first draft, and November 15 for a final.

**Ms Notley:** October 28, you said?

**Mr. Quest:** I'm sorry. October 28, yeah.

**The Chair:** What's the final again?

**Mr. Quest:** November 15. We'd only be a couple of weeks behind where we had hoped to be for the final. Again, if that works.

**Ms Blakeman:** Yup. Except for some sort of educational process, which is what she's talking about.

**The Chair:** Okay. With respect to Ms Notley's comment, question on a discussion paper could I ask, Dr. Massolin, if that is the type of document that Ms Notley is going to require from your branch, or is that something coming from this committee?

**Dr. Massolin:** We can certainly put together a discussion paper. I think the question, Mr. Chair, is: what's the nature of the discussion paper? It's basically, as I understand, sort of defining the scope of the review. That's the essence of this discussion paper although there may be other elements there. It depends on what the committee wants in terms of what's informing that piece, right? So who's providing input to define the scope of the review? We certainly as a research staff can work in consultation with some of the key stakeholders to put that discussion paper together.

**The Chair:** Okay. Before you do, Ms Notley, I want to ask you a

question. Then I won't go off the wall again. Do we feel that it is our role as a committee to hear what the people's concerns are on the Freedom of Information and Protection of Privacy Act, or are we here to subtly direct where the discussion is going to go? I tend to think that we are here to listen to people's concerns about their frustrations or kudos, either/or, about the act and, quite frankly, from a lot of the departments, that can't even work together on various pieces of this legislation, rather than trying to encourage people to come up and complain about some little finite detail. Is that what you're kind of looking for here?

**Ms Notley:** No. I would definitely not characterize it that way.

**The Chair:** Well, I know. You've got a much more eloquent way than me of doing it.

**Ms Notley:** What I am trying to do is to establish a process that ensures that that critical period from when people get notice that we're asking for submissions to when their submissions are submitted – and we're now looking at June 30; we're looking at eight weeks – that within that period of time we get the best, most informed, most focused submissions possible and that Albertans have the most support to be able to do that. This was my concern. I mean, I don't mind if we start advertising right away, but what we need to do is give people enough time to capitalize on the resources, that I am suggesting we provide, and have those incorporated into their submissions.

That happens two ways. First of all, in addition to advertising we also, with the help of the research folks, identify who the key stakeholders are and specifically flag to them that this process is under way and give them the heads-up and invite them to make submissions. The important thing, then, is that we have to review that, research has to prepare that stakeholder list, and we have to agree with it, right? It shouldn't be too hard, but you never know. Then we get a letter sent out to them within the first two or three weeks of that eight-week period in order to still give them five or six weeks to be able to prepare their submission. That was the point I was trying to make earlier, right?

We're actually supporting the submission process by, instead of just advertising, actually going to the key stakeholders and saying: "Hey, folks. This is happening. You're probably going to care about this. We want to give you a chance. We want to give you extra notice." Which is what has happened in pretty much every other review that I've been part of. The key is that that work has to happen within the first two weeks of May, I would suspect. Now, alongside of that was the notion of the discussion paper.

And, no, I am not trying to direct what people suggest or direct the submissions as you suggested. I am just trying to give some support and some scope to the people that would be making submissions. Again, if that document is prepared, let's say, June 15, well, it's not very helpful because most people making written submissions will be mostly done by then because we've told them they have to be done by June 30. So that document would have to be prepared and endorsed by this committee in the first part of May.

What I tried to say before is that that's what's identified in the third set of tasks by the LAO in their document. What I was inquiring into is that instead of having that in the week of May 24, can we bump it up a week or two so that the work that comes out of that is of assistance to the people who might make submissions? That's all I'm suggesting. It's not that complicated. It's just a question of making sure that it gets done so that it can actually achieve the objective it's designed to, which is to help those making

submissions to have it in front of them in time to get their submissions in by June 30. Does that make sense?

**Ms Blakeman:** Sure.

**The Chair:** Okay. Just before you, Ms Blakeman, do each of us have the handout that the deputy chair has given me?

**Ms Pastoor:** No. This is the wrong one. It's called Potential Stakeholder Presentations.

**Ms Blakeman:** The only thing on the website was the minutes and the agenda.

2:00

**Ms Pastoor:** I think that what you're talking about, Ms Notley, is because some of this stuff wasn't received.

**Ms Notley:** I don't know. I haven't seen it, so I don't know.

**Ms Pastoor:** It would be in addition to this piece of paper, but this piece of paper does exist at this point. I think it comes under 7(e), but you wouldn't have received it.

**Ms Notley:** Well, this is about presentations, not submissions.

**Mr. Groeneveld:** I'd just like a little clarification on Ms Notley's last statement: help them make their submissions.

**Ms Notley:** What I'm trying to do is that if you look at the FOIP Act, it's about, you know, two inches thick. And it's typical – it happens when we do legislative reviews all the time – that we have discussion papers saying: "Here are some of the issues that are addressed in this act. Here is what people have found is helpful. Here is why we did it in the first place. This was why we did it, to achieve this objective. Is it achieving this objective? Is it doing it well?" It's just a background document, and it's something that has consistently been done in every review I've been part of before, quite honestly. It goes out there so stakeholders can look at it as they're crafting their submissions.

**Mr. Groeneveld:** I would agree with that as long as we're not leading them in that process.

**Ms Notley:** No. For sure not. No, no. I'm not trying to invite them: "Did you ever have a WCB complaint you were angry with 10 years ago? If so, please let us know in 20 pages or more." I mean, I'm not asking that we do that, right?

**The Chair:** Ms Blakeman.

**Ms Blakeman:** Yeah. We're charged to do a comprehensive review of the act. In response to your earlier question, "Are we here to listen to everybody or are we here to just use our discretion to narrow the focus?" I didn't quite understand what the second part of what you were saying was. I've looked at what the government motion was, and it says "a comprehensive review." In fact, that's what is followed up in the act; it also wants us to do a comprehensive review of the act. So we basically have to take all comers. But she's right. You know, we'll help people if we can give them something to start with, something to react to. Otherwise, you're all over. We have to make it clear that this is not about individual casework: no DVDs of 40 years of WCB records, please.

**The Chair:** I'm going to take some direction here. I've now just got

two more documents: one, which is a draft prepared by Leg. Assembly Office of prospective stakeholders for us to look at, to add to, to talk about, and to review. The other is an overview of the FOIP Act which has been prepared by Service Alberta, which administers the act.

**Ms Pastoor:** What's the date on that?

**The Chair:** April 19, and the one that is prospective stakeholders is April 28.

**Dr. Massolin:** Mr. Chair, would you like me to speak to this stakeholders list that you've just mentioned?

**The Chair:** I will, I think, in a second here. I overlooked Mr. Lindsay, and we're going to have to get on to finalizing a couple of these motions on the timeline whether we like it or not. I'm more concerned about getting the advertising wheel going right away. We can certainly do other things, and then we can discuss this. This is not a last-minute, going to change your mind thing. I apologize. It's a draft from Louise and Dr. Philip on what they thought would be anticipatory people that would be involved as stakeholders, and it's for discussion only.

**Mr. Lindsay:** I just wanted to get back again to the discussion paper. I think it's imperative that if we're going to be inviting people to present and giving them some type of either discussion framework, discussion document, whatever you want to call it, which is not going to limit the discussion on the act but put it into the context of what we're reviewing, then obviously we also need to have that before we go out and advertise for submissions. I'd like to hear from the LAO as to what their intent was in regard to the discussion document. I'm not sure what Service Alberta has provided. Is that provided in the context that that would be the discussion document, or is that just their review of the act from their perspective?

**The Chair:** We just got it before the meeting.

**Mr. Vandermeer:** She's not going to believe that.

**The Chair:** Well, I haven't seen it, and I just got here. You know, if you want me to talk farmer language, I can. If you can't believe me, then smile.

**Ms Pastoor:** Mr. Chair, I'm not sure that we can discuss any of these things when none of us have read them. Perhaps we should come to a conclusion on setting up our dates and at least get that finished. Some of this stuff that's on here I don't think we can discuss because we don't have those documents.

**The Chair:** Very good.

**Ms Notley:** Can I ask a question?

**The Chair:** Go for it because I'll get stabbed.

**Ms Notley:** Okay. Good. I'm trying to follow up on the question that Mr. Lindsay had. I have a question for the research folks. Were it the consensus of the committee to put together and to ultimately reach agreement on a stakeholder submission list, which is different than the presentation list that we've got in front of us, on actually who we would send letters to saying, "FYI, you might want to know

about this," and were we to decide that we thought it would be advisable for you to prepare a discussion document, when could that be completed? When is reasonable for you folks to be able to have such a thing completed?

**Dr. Massolin:** Mr. Chair, if I may. The stakeholders list is pretty straightforward. I mean, in anticipation of this review we've been working on a document. Of course, the document that's been referenced is simply for discussion purposes, just in anticipation, again, of the committee's needs. We've basically got a core list already prepared. Once that's distributed to the committee, the committee could decide whether or not it's adequate or what additions and subtractions need to be made. So that's pretty well done from our perspective. Then sort of polishing it up would take a little bit of time but not too much, depending, again, on committee feedback. So that's straightforward.

The second item, the discussion paper, is a little bit more difficult to comment on. I would turn it back to the committee, Mr. Chair, and ask the committee exactly what they want in terms of a discussion paper. My sense in general is that it's just a scoping-type document, but what exactly does the committee want? I really need to take my direction from the committee in terms of, you know, what the committee wants to review and how we want to prepare this document. Of course, the committee would ultimately approve the document, but it would be nice to get direction from the committee first of all, before we prepared it. Then I would imagine we could do something within two weeks, perhaps even a week, depending on what it is.

**The Chair:** With a scoping exercise, if the committee were to set the parameters, does that not, in fact, narrow down what component you're going to look at? In my view, when you advertise that you're reviewing this act, anything goes. People may comment on any part of it they like. Then it's a sorting process. I mean, if you've got a hundred submissions, and there's one on some minor piece that in the overall scope of things is irrelevant but you've found that there are four major themes throughout the rest of the hundred submissions, those are the ones you focus on. Am I wrong on that?

**Dr. Massolin:** Well, the instructions, I think, simply indicate that it's a comprehensive review of the act. Aside from that, of course, the committee can decide how it wants to proceed from there. I mean, that's all I can offer on that.

2:10

**Mr. Olson:** I totally support the idea of identifying people who we think could, you know, have an interest and giving them notice as quickly as we can to encourage them to have input. I'm scratching my head a little bit on the issue of the discussion paper just because I'm not entirely clear on exactly who that's primarily meant to be for. If it's to educate us, I have no problem. If it's to educate all Albertans – and there's nothing bad about that, either – I wonder about the practicality of writing a paper to identify for people issues that they maybe should have so that they can tell us what their issues are. That's the part that I'm having a little bit of difficulty with if that's the intent. I'm fine with having you educate me because I certainly do need that.

I guess I would be kind of anticipating that the people who want to make presentations to us already have an experience and some sort of knowledge. Maybe they can't quote the act chapter and verse, but they know how it has affected them, so they want to tell us something. I think we should be identifying those people, giving them notice as quickly as possible, and encouraging them to come and talk to us.



**Dr. Massolin:** Can I jump in, Mr. Chair, just really quickly?

**The Chair:** Go ahead.

**Dr. Massolin:** That's exactly what I meant, Mr. Chair, when I said, you know, get direction in turn from the committee as to what they want. We can prepare either/or or both documents, depending on what the committee wants.

**Dr. Sherman:** My understanding is that when they brought this legislation out in 2002, there was a very comprehensive guide, which we normally should have, to tell everybody what's what. For the average Albertan out there I think what they need is just a guideline of what we're talking about, what the issues are. Much of the direction will be from the issues that the Privacy Commissioner brings up on June 30 as topics for discussion. With respect to many of these organizations I'm sure they were involved in this legislation in 2002. In fact, I don't think they need a big, comprehensive paper to tell them what to do and how to do it. My major concern is for every other Albertan to have input into this. For most of these organizations this is not the first time they've done it. They're very good at it. Just a simple guideline for individual Albertans to have input would be a concern for me.

**The Chair:** Thank you.

**Mr. Lindsay:** Mr. Chairman, I think, really, what the framework would do is put things into context. We have an act that's been in place since 2002. I think we want to let them know, first of all, that we're reviewing it because we want to find out what works, what doesn't work, how we can improve it to make it better for Albertans. It's as simple as that. That puts it into context. Then they'll know what we're doing, what our objective is, and what we hope to end up with at the end of the day, a better act for Albertans. We want to make sure we don't get into a bunch of details and, obviously, limit input. I think it's just a matter of putting it into context. From the feedback I've gotten since I've been an MLA, I think there are enough people out there who understand the act, who either support it or don't support it, that we'll get all the feedback we want. But I think it's important to put it into context, that we just send it out there as to what this is all about.

**The Chair:** Thank you.

**Ms Blakeman:** Sorry; I just need to correct something. This act was originally passed in '95, so this is the second full review of the act that we as legislators are involved with. It wasn't passed in 2002. It's actually been in place for significantly longer than that. Just a minor point.

**Ms Notley:** That raises an interesting question. When it was reviewed in 2002, was there a discussion document at the time? Maybe three-quarters of the work has already been done.

**Dr. Massolin:** Not by us.

**Ms Blakeman:** But there would have been a report, which could be tracked down and given to us, of the conclusions of the committee at the time, because it did result in two sets of changes to the legislation.

**Ms Notley:** Can I jump in here? To focus the conversation, maybe, it seems to me that what we ought to do – because we are, of course,

15 minutes past when this meeting was supposed to end – is look at whether there is value to us meeting again to (a) review the stakeholder list and (b) review a draft discussion document. If we can do that within, effectively, the slightly more than two weeks that the research folks have suggested is possible, then if we can make a decision on that, we can probably go back to our timeline question and then move out of this meeting. So maybe we could divide the decision up into two questions.

**The Chair:** I'm nodding like we agree. Time out is good. It would also give Jody an opportunity to hand this around so that you can walk away with something that, believe me, was just drafted, as Dr. Philip said, to give us an idea, some semblance of stakeholder things that I thought had been sent out ahead of time so that we could have shortened this conversation.

Mr. Groeneveld, did you have a comment?

**Mr. Groeneveld:** I'm just wondering if there's a problem with what's here that we could start with and if there are additions, so this next meeting doesn't . . .

**Ms Blakeman:** On the stakeholder list?

**Mr. Groeneveld:** Yes.

**Ms Blakeman:** I've got some suggestions. I can just give them to him, or I can put them on the record.

**Ms Notley:** Or we could maybe decide on question 1 and question 2 and then have a brief discussion on that. All I'm saying is just so we get the first two things done and then go on. It's just me trying to keep us on one topic. That's all.

But's that a good idea. It gives some guidance.

**Mr. Groeneveld:** It would give us a start on it, anyway.

**The Chair:** Okay. The deputy chair has said: let's get the dates settled here.

**Ms Pastoor:** Yes. We have things floating, and I think we're very close to all agreeing on these dates. Could we nail that down at this point in time?

**Ms Blakeman:** Okay. So what are the dates?

**Ms Pastoor:** Can I take a stab at what I think I wrote down? If I'm incorrect, please correct me. We're going to go to advertisements on April 29. The last day for submissions will be June 30. We still will have the meeting on June 30 with the Privacy Commissioner and the Minister of Service Alberta. We will then move to September . . .

**Mr. Quest:** No. To July 19 for discussion about the written submissions, right?

**Ms Pastoor:** I'm sorry. July 19. Then we go to September 1, 2, and 3, and then we go to September 13, 14 if we need it.

**Mr. Quest:** Yes. Just to clarify, September 1, 2, and 3 were for public submissions.

**Ms Pastoor:** Public submissions.

**Mr. Groeneveld:** I think we talked about the 13th and 14th, if necessary.

**Ms Pastoor:** The 13th and 14th, if necessary, and then October 28 is the draft, and November 15 is the final.

**Mr. Quest:** That's what we had suggested.

**Ms Blakeman:** Yes. Between Mr. Quest and myself, those are the dates.

**Mr. Quest:** We should probably check with the committee.

**Ms Blakeman:** Those were the dates that we suggested.

**Mr. Quest:** Yes.

**Ms Notley:** In terms of process, a suggestion for process, which you can of course reject: that that be made as a motion and then I be allowed to make an amendment to that motion to add the May 14 piece, and then we can deal with all that.

**The Chair:** Okay. I will entertain a motion on the dates.

**Mr. Vandermeer:** So moved.

**The Chair:** Tony Vandermeer has moved. Discussion?

**Ms Notley:** Before we pass it, I'd like to make an amendment, that we add a meeting in the first two weeks of May, probably the second week in May, to review a discussion paper and finalize the stakeholder list.

**Ms Pastoor:** You're suggesting May 14?

**Ms Notley:** I'm flex. I'm happy to just have the discussion be that we have a meeting in the first half of May, and then we can go through our BlackBerrys separate of the motion.

**The Chair:** We'll do that with the majority consensus of people that have a date available in that time? Very good. You've heard the amendment from Ms Notley. All in favour? Opposed?

2:20

**Mr. Olson:** I'm was looking on my BlackBerry. I think I missed the essence of your motion. My apologies.

**Ms Notley:** The essence of my motion was to try and factor this concept of the discussion paper and the stakeholder list into the schedule that currently does not have that factored into it.

**Mr. Olson:** But were you suggesting a specific date?

**Ms Notley:** No, I wasn't. What I was trying to do was just get that concept in there, and I was saying the first half of May so that we didn't deteriorate into a date discussion distraction.

**Ms Blakeman:** Why don't you call it the week of May 10?

**Ms Notley:** The week of May 10. Right. Okay. Fair enough. The week of May 10. Is that okay?

**The Chair:** Okay. We'll try the question again. On the week of May 10 we're meeting to discuss the discussion paper and review the stakeholder list. All in favour? Opposed? Carried, Ms Notley. Now the amended motion. Any discussion? All in favour? Opposed? Carried. Good. One out of the way.

**Ms Pastoor:** Now can we pick a date for May?

**Ms Blakeman:** Can I suggest something? The LG portrait unveiling is May 10.

**Ms Pastoor:** Oh, that would be perfect.

**Ms Blakeman:** Isn't the new Lieutenant Governor installation the next day?

**The Chair:** Yes.

**Ms Blakeman:** Okay. So we're all here on the 10th or the 11th. Can we make a meeting?

**Mr. Olson:** Well, I won't be able to be here, but I'll find a replacement.

**Ms Blakeman:** But there are dates where people from out of town would probably be here anyway. I'm just trying to make it easier for the travelling people.

Do we have times for the LG installation? I'm assuming we're invited. Are we invited?

**Mrs. Kamuchik:** I would think so. It starts at 11.

**The Chair:** On which day?

**Ms Blakeman:** On the 11th. May 11 at 11.

**Ms Pastoor:** The portrait is, I think, at 4:30 on the 10th.

**Ms Blakeman:** The day before; that's right. So could we do something the afternoon of the 11th, since everybody is here anyway, and early enough to get you guys home? Would it be safe to do 1 o'clock? No. Okay; 1:30?

**Ms Sorensen:** I don't define the timelines for that day, but I do know that there is a reception of some sort in the afternoon in the rotunda, so I'm assuming some members may be at that. I really don't know.

**Ms Pastoor:** Could we do it 2 to 4, maybe, on the 11th? Is that any good?

**Ms Blakeman:** How long does it take to install him, for God's sake?

**Ms Sorensen:** The actual ceremony would probably be approximately an hour.

**Ms Blakeman:** Okay. I think we're good for 1 or 1:30 to 3:30, and then you guys could be on the road.

**Ms Pastoor:** I think we have a meeting that day, which is why I suggested 2 to 4, and then we can do the reception.

**The Chair:** How about the 10th?

**Ms Blakeman:** Sorry. I'm fine. Whatever you guys want, I'm here.

**The Chair:** The 10th doesn't work.

**Ms Pastoor:** The 10th doesn't work. Okay. The 11th? So is 11 any good?

**The Chair:** If you're chairing it. I'm not here.

**Ms Pastoor:** All right. So can we go from 2 to 4 on the 11th, for those that want to do the investiture? Okay? Is that a consensus, or am I talking to myself? Talking to myself. Okay.

**Ms Blakeman:** Why don't you just say that there's agreement. Consensus is a lot to shoot for. Let's go for 2 o'clock. You said 2, right? Okay. Yeah.

**The Chair:** From 2 to 4 on the 11th?

**Ms Pastoor:** Yeah.

**The Chair:** Okay.

We're going to hand out these documents. I think we've probably got what we can do today.

**Ms Blakeman:** Mr. Chairman, can I just get clarification on the one that you just handed out? The one that's called Potential Stakeholder Presentations: whose document is that? You just handed it out.

**Ms Pastoor:** It was done on March 11.

**Ms Blakeman:** Yes. It's dated; it says, "Stakeholder List v.1, March 11."

**The Chair:** That was part of the e-mail that I'd wanted to send out that didn't get sent out in anticipation of trying to get people to come together.

**Ms Blakeman:** So this was developed by Service Alberta?

**The Chair:** By me.

**Ms Blakeman:** Oh, by you.

**The Chair:** By me alone. Now, our Leg. Assembly Office people put together the draft, and I haven't had a chance to even compare it.

**Ms Blakeman:** Okay. Does the Leg. Assembly support staff also have a suggested stakeholder list?

**Dr. Massolin:** Yes.

**Ms Blakeman:** Yes? And it's being distributed?

**The Chair:** That's the one that's going to get handed out.

**Ms Blakeman:** Thank you. Okay. Got it.

**Ms Notley:** Just in follow-up to Mr. Groeneveld's suggestion, do you want to quickly add to it, or should we just sort of say that we can e-mail and copy each other on suggested additions over the course of the next week or two? I don't know.

**The Chair:** Could we send it in through Dr. Phillip, Louise, or Jody?

**Dr. Massolin:** Typically, Mr. Chair, if I could just jump in, what has happened in this case, if the committee is all right with it, is that the

suggestions are sent in through the committee clerk and then are relayed to us, and we'll add them to the list for discussion at the next meeting and for ultimate approval.

**The Chair:** In that way, we will not have three pieces of paper floating around. You will put them together, and you will distribute them to each of the committee members.

**Dr. Massolin:** Correct.

**The Chair:** Perfect.

Next meeting: May 11, 2 o'clock.

I'm sorry. Rhonda.

**Ms Sorensen:** Sorry, Mr. Chair. It has been approved, I guess, that advertising will run tomorrow, so I was just wondering if perhaps the committee wanted to review the ad or the budget for that or provide me with some sort of direction so that I can start advertising tomorrow.

**Ms Blakeman:** Do we have a copy that we can look at?

**Ms Sorensen:** I believe the committee clerk has the copies of the ads that were drafted earlier this week.

**The Chair:** If you two have to go, feel free.

Rhonda, I think everyone has got this now. Could you just give us a quick run-through, and then we'll make the appropriate motion?

**Ms Sorensen:** Absolutely. Thank you, Mr. Chair. Just to point out that this ad is asking for very general input from the public. It's based on similar things that we've done for other invitations for public submissions for legislation review. It's simply asking for suggestions or changes to the act to improve the privacy protection, improve access, make the act easier to administer, harmonize the act with other access and privacy legislation, and modernize the act.

It does specify in there that the committee may hold public hearings at a later date and that people who are interested in making an oral presentation could put that within their written submission and may be invited at a later date and that submissions and the names of submitters will be made public.

2:30

Other than that, it essentially directs people to the website for further information. I believe, if I heard the discussions correctly around the table, the deadline for submissions would be June 30, 2010. If the content is approved, my recommendation would be that we book it into dailies as well as weeklies starting to run tomorrow. With the weeklies it will take about a week to turn around. The cost for that will be approximately \$30,000.

**Ms Notley:** Does it run in a daily?

**Ms Sorensen:** That runs once in a daily, in each of the nine dailies, and it runs once in the weeklies as well.

**Ms Notley:** Do we know where?

**Ms Sorensen:** In the weeklies?

**Ms Notley:** Well, that's a good question, too, but also where in the dailies?

**Ms Sorensen:** We would be contacting them following this meeting, so we haven't asked for any placement or anything. We can ask as far forward as possible so that it would be probably in the A or B section, the city or the national news.

**The Chair:** Ms Blakeman.

**Ms Blakeman:** Thank you. I just want to note that I approve, particularly, of the small print in here in that it's giving a number of statements: the committee may hold public meetings; in the written submission please indicate if the individual or group is interested in making an oral presentation at our request – that's good – and that the submissions and names of submitters will be made public. All of those are really important because I think we should have agreement that any document that we consider in our decision-making should be readable on the public website so people can know what we were basing our decision on, and all of that is covered in the small print there. These are some of the lessons we've learned as we've gone along with this because I've been on the committees that have done the beta testing on those statements.

Thank you.

**The Chair:** A quick question: does it conform with the current personal privacy act?

**Ms Blakeman:** Yes, because you're essentially requesting permission.

**The Chair:** I was trying to joke. Sorry.

**Ms Blakeman:** It's a good one. It's a good joke.

**The Chair:** All right. Good comment. Everyone in favour of the ad that has been presented by Ms Sorensen?

**Ms Rempel:** Did someone move that motion?

**The Chair:** Oh, I'm sorry. Would somebody move the motion? Mr. Lindsay moved. Would there be any objection to Mr. Lindsay's motion? Seeing none, it's approved.

We need a motion moved by somebody on the committee that the Standing Committee on Health invite input from the Minister of Service Alberta and the Information and Privacy Commissioner and request that department officials and the office of the Information and Privacy Commissioner's staff provide expertise, where required, in conjunction with the Legislative Assembly staff to support the committee during the review.

**Dr. Sherman:** I move that.

**The Chair:** Dr. Raj Sherman. All in favour? Opposed? Carried.

**Ms Blakeman:** Mr. Chairman, could we also ask if it's possible that they provide us with information in advance, which helps us prepare for them? If they can give us anything in advance on the website that we can read before we actually meet with the FOIP commissioner and the minister, that's very helpful.

**The Chair:** As much as our staff can help us with that, I'm sure it's quite agreeable to everyone.

**Ms Blakeman:** Yeah. I just mean that if they're going to have a presentation that's ready, if we can post it on the website for us to get it and read it a week in advance, that's great.

**The Chair:** It should be okay. You bet.

**Ms Blakeman:** Okay. Are we going to get that? There is an additional document that you've got there, the stakeholders list.

**The Chair:** Yes. We're going to pass it out here.

**Ms Rempel:** I'll distribute those and post them on the website.

**Ms Blakeman:** Okay. And suggestions that we have come to you right now?

**Ms Rempel:** Yes.

**Ms Blakeman:** Okay. Good.

**Ms Notley:** Could I ask one more question? Our motion didn't actually speak to the distribution plan and the budget plan that she mentioned. Do we need that?

**The Chair:** No. I asked: as presented by Ms Sorensen, the advertisement and her rundown of whom she's going to put it in with and for \$30,000.

**Ms Notley:** Okely-dokely.

**The Chair:** Does everyone want to come up and get one, please, and then we'll keep track of who didn't and get it to their offices.

[The committee adjourned at 2:36 p.m.]



