



Legislative Assembly of Alberta

The 27th Legislature  
Third Session

Standing Committee  
on  
Health

Freedom of Information and Protection  
of Privacy Act Review

Tuesday, May 11, 2010  
2 p.m.

Transcript No. 27-3-5

**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  
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Elniski, Doug, Edmonton-Calder (PC)\*\*  
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Groeneveld, George, Highwood (PC)  
Horne, Fred, Edmonton-Rutherford (PC)  
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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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\* substitution for Kevin Taft

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[Mr. McFarland in the chair]

**The Chair:** Good afternoon, everyone. I'd like to welcome all the members and staff in attendance today as well as those members who are participating by teleconference, the first time ever. I'd like to call the meeting to order and ask that we introduce ourselves for the record. We'll start with those in attendance in the committee room, then we'll go virtual, I guess, and then we'll move to the members that are joining us as they walk in. I'll get right at it, starting on my left.

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

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

**Ms Lynas:** Hilary Lynas, Service Alberta.

**Ms Mun:** Marilyn Mun, office of the Information and Privacy Commissioner.

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

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

**Ms Friesacher:** Melanie Friesacher, communications consultant, Legislative Assembly Office.

**Mrs. Kamuchik:** Louise Kamuchik, Clerk Assistant, director of House services. Good afternoon, everyone.

**Ms Blakeman:** Well, thank you, Louise.

Laurie Blakeman. I'd like to welcome each and every one of you to my fabulous, spring-like constituency of Edmonton-Centre.

**Mr. Vandermeer:** Good afternoon, everyone. Tony Vandermeer, Edmonton-Beverly-Clareview.

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

**Mr. Elniski:** Doug Elniski, Edmonton-Calder, substituting for Fred Horne.

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

**The Chair:** Barry McFarland from Little Bow. I'm the chair of the committee.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you, Karen.

Welcome on the air to Verlyn Olson, one of our members from the committee, and Heather Forsyth, who I hope will check in with us right now to confirm they're hearing us.

**Mrs. Forsyth:** I'm here. Thanks, Barry.

**The Chair:** Hi, Heather. Verlyn hasn't made the connection yet. Very good.

Members should have copies of the meeting agenda and supporting documents, which were posted to the internal committee website last week. Our first order of business is the approval of the agenda. Are there any items that members would like to add to the agenda under other business? Seeing none, then could I have a motion to approve the agenda as presented? Mr. Vandermeer. All in favour? Opposed? Carried.

Approval of the April 28, 2010, meeting minutes. Members have had a chance to review these minutes, I believe. Are there any corrections or revisions? The deputy chair, please.

**Ms Pastoor:** Yes. Thank you, Mr. Chair. I just wanted to make a comment further to the minutes from the previous meeting and make an apology to the committee because I had quite strenuously said that I had not received some documents which, in fact, I had. I had received them on my BlackBerry instead of through the computer. Anyway, I just wanted to make it clear that, yes, in fact, I had received the documents that I said I didn't.

**The Chair:** Well, thank you very much, Ms Pastoor.

Any corrections, additions, or changes to the minutes that have been provided? If not, I'd entertain a motion to adopt them as presented. Mr. Groeneveld. All in favour? Opposed? Carried.

Would that be Mr. Olson?

**Mr. Olson:** Yes, it is.

**The Chair:** Welcome to the meeting. It's great to have you from 3,000 miles away.

**Mr. Olson:** Yeah. I'm sorry for all the confusion. I'm in the Toronto airport at a pay phone.

**The Chair:** So 1,500 miles.

**Mrs. Forsyth:** Technology is wonderful, Verlyn.

**The Chair:** Well, you let us know if you get called to your flight, then.

**Mr. Olson:** Yeah. I'll have to leave in a little bit over an hour.

**The Chair:** Very good. We just did the call to order, the approval of the agenda, the approval of the last minutes, and we're now going to discuss business arising from the previous meeting.

**Mr. Olson:** Okay.

**The Chair:** Members should have a copy of the letter that Mr. Frank Work, the Information and Privacy Commissioner, sent to us dated May 5 of this year. He's suggesting that his presentation to the committee be scheduled for mid-July so that his presentation could address the submissions received by the committee. The revised timeline adopted by the committee provides for a meeting on July 19, which is a Monday, which could accommodate Mr. Work's request. As members may recall, the timeline recommended that the committee hear from the Minister of Service Alberta and from the Information and Privacy Commissioner on June 30. Now, if there's some discussion on this revision, this particular request, we would entertain that now. Everyone is in agreement? Would we have a motion to have the Information and Privacy Commissioner appear on July 19?

**Mrs. Forsyth:** I'll move that, Barry.

**Ms Pastoor:** I thought it was the 14th.

**The Chair:** No. It's July 19 on the timeline that we had. Just bear with us a second, please, Mrs. Forsyth.

**Ms Blakeman:** In the third paragraph it says: move his presentation from June 30 to July 14. Then he talks about leaving the meeting on the 19th as is.

**The Chair:** Okay. He had requested the 14th, but our meeting is scheduled for the 19th. I thought that rather than having a second meeting, why couldn't we have him come in on the day of the meeting that we've scheduled?

**Ms Blakeman:** I wonder how long he anticipates his presentation would be. If he's going to talk to us for two hours, then that may not fit inside of the meeting we were considering for the 19th. Does his staff member representation here have any idea of the length of his presentation?

**Ms Mun:** I think it's difficult for us to say at this time. It depends on the questions that the committee will pose to the commissioner.

**Ms Notley:** I'd just like to clarify. I'm sorry, I've got all my notes from the last one with all the different dates. Do we have a finalized timeline somewhere? I'm sure we do.

**Mrs. Sawchuk:** It's in the minutes.

**Ms Notley:** Oh, in the minutes. Okay. Is this the meeting where we would be reviewing the submissions report prepared by the research branch and making decisions on stakeholders to invite? Is that what we're doing at that meeting on the 19th? I can't remember.

**The Chair:** The meeting was set up to review the written submissions on July 19, and I guess the question that I've heard from Ms Blakeman was: do we have enough time for Mr. Work to do his presentation? Maybe that begs a question on how much time he takes and whether or not it's necessary at that particular meeting to have him review the written submissions or not. I don't know.

**Ms Notley:** I guess the proposal would be that we'd still have the meeting on June 30 to hear from the Minister of Service Alberta. Is that the deal? So we would still have the June 30 meeting?

**The Chair:** Well, I had anticipated originally that we were going to have the Minister of Service Alberta and the Privacy Commissioner on the same day.

2:10

**Ms Notley:** Right. Are you proposing to move them both to the 14th or to split them between the 30th and the 14th or the 19th, whichever?

**Ms Pastoor:** Both on the 14th, and then we'd have to have the 19th. We couldn't put two of them on.

**Mr. Quest:** So we're going to add a day, then, the 14th?

**Ms Notley:** Well, I guess that's my question. I'm asking if we still have June 30 or not. If we don't have June 30, then it means we've

lost a day, which makes it a little tough. We've just tried to put two days into one. That is all I'm saying. But I'm not sure if that's what we've done.

**The Chair:** If we move June 30 to July 14 for the two main people, we'd have the Privacy Commissioner first and then the Minister of Service Alberta, and then we could have the 19th for the review of the written submissions.

**Ms Notley:** I'm not here on the 19th, but the 14th is good for me.

**Ms Blakeman:** How much time did you want? We're looking at a time so we can book it?

**The Chair:** Well, the committee is going to decide on the time frame. I'm open to suggestions. To the two out in outer space there, do you have any comments on the time frame, on what's being suggested? Have you heard moving June 30 to July 14?

**Mr. Olson:** Right. I'm in the airport, as I said, and it's a little noisy here, so I'm not picking up everything that's said. The first reference I heard was July 19. Is that a new date?

**Mrs. Forsyth:** If I may, Barry. It's not only Verlyn. There seems to be some sort of background noise. I don't know if you're backing away from the microphones when you're talking or what you're doing, but you need to speak directly into the microphones because it is, as Verlyn indicated, very difficult to hear, and I'm not in a noisy background.

**The Chair:** Okay. *Hansard* has indicated to us that all of us should be speaking directly into the mikes and that it might help.

**Mr. Olson:** Are we talking a new date of July 14 or July 19? I'm sorry, I don't have any paperwork in front of me.

**The Chair:** It appears to me that it would be both, Mr. Olson. July 14 would be the old June 30, which was scheduled for a full day to hear from the Privacy Commissioner and then from the Minister of Service Alberta. That's on July 14. That is what the proposal is, I believe, right now. Then on the 19th it would be another full day, and we would be looking at reviewing the written submissions received from the public at that point.

**Mr. Olson:** Well, I know it's very dangerous to start talking about all of the committee members' personal schedules because we've all got things that we've scheduled and planned. My wife is standing beside me and indicates that we will be away from the 14th to the 22nd. We've already got our tickets bought. Those two new dates would be difficult for me, but I've got lots of time to work on finding a replacement, I guess.

**The Chair:** Well, the 19th was already set, and the 14th has been thrown at everyone here as a new curve.

**Mr. Olson:** Okay. I'm sorry. Again, I thought that you said that the 19th was a new date as well.

**The Chair:** No. That was in the original timeline from the last meeting.

**Mr. Olson:** Okay.

**The Chair:** Mrs. Forsyth, a comment?

**Mrs. Forsyth:** Thanks, Barry. I'm somewhat like Verlyn. I've got a holiday booked, but I'll work very diligently to get substitutions for a couple of those meetings.

My only comment is on the letter that I've received, and I'm sure everybody else on the committee has received it. Her point on the committee is that we're discussing shortening the one-year legislated time frame under section 97 to a three-month period. By taking one more meeting out, I don't understand why we cannot have Minister Klimchuk on the 30th of June. This is a fairly in-depth process, as far as I'm concerned, on the FOIP privacy legislation. It's one of the things we heard over and over and over again when I was crossing the province for the safe communities task force, which seemed to be a huge problem with people that we met with. I would like to see us on the 30th with Minister Klimchuk, on the 14th with the FOIP commissioner, and then the 19th on the written submissions, but I'm at the will of the committee.

**The Chair:** Okay. I understand your comment. The committee clerk is just informing us, Mrs. Forsyth, that we don't know where the three-month comment has come from because the time frame that we've got is quite clearly seven months.

**Mrs. Forsyth:** Okay. I'm just going by a letter, and I'm sure everybody has heard from this particular individual.

**The Chair:** Is that the one that is about an inch thick?

**Mrs. Forsyth:** Yes, that's correct.

**The Chair:** Okay. I think everyone just got that today.

**Mrs. Forsyth:** She indicates very clearly under her first bullet that the committee "discussed shortening the 1 year legislated timeframe under Section 97 of Alberta FOIP for the 'comprehensive review' to a 3 month 'decision date' without detailing," and then she goes on to several things. I think we need some clarification on that. You've indicated the committee clerk has said that it's not three months, that it's seven months?

**The Chair:** Correct.

**Mrs. Forsyth:** Okay.

**The Chair:** The committee clerk will read the dates into the record for the timeline.

**Mrs. Forsyth:** I think that's important, Barry.

**The Chair:** Very good.

**Mrs. Sawchuk:** Thank you, Mr. Chair. This is the timeline adopted by the committee at its last meeting. Advertising was to start the week of April 29, which it did. The closing date for submissions is June 30. The committee meeting to hear from the Minister of Service Alberta and the Information and Privacy Commissioner was on June 30 as well initially; the committee meeting to review written submissions, July 19; public presentations, September 1, 2, and 3; additional meeting dates if required, September 13 and 14; draft report provided for committee's review by October 28; and the final report completed November 15. That's the end.

**Mrs. Forsyth:** All right. I'm fine with that if we're following the lay of the land.

**The Chair:** Thank you.

**Mr. Quest:** Mr. Chair, in all this discussion when we're talking about July 14 for the Privacy Commissioner and the Minister of Service Alberta, do we even know if the Minister of Service Alberta is available that day? It's the Stampede and other things going on that week.

**The Chair:** We will have to determine that pretty quick, I think, Mr. Quest. I don't quite know how to answer you right now. If there's any possibility that while we're meeting, somebody could perhaps contact the minister's office, I'm not sure.

The committee clerk will endeavour to contact to see if that date is available.

**Mr. Quest:** Good.

**The Chair:** We've heard a few comments, then. Is anyone prepared to make a motion on the suggested changed times?

We'll just hold on for a moment until we get a response, hopefully, to an e-mail.

Yes.

**Ms Blakeman:** Thank you very much, Mr. Chair. A couple of times you've noted that they're all-day meetings. Could you give me the hours that you would expect an all-day meeting to be set? I'm aware that we have people travelling from outside of the city that may want to try and get home again. Are we talking about an all-day meeting being 10 until 3, or are we talking about an all-day meeting being 9 until 5, or what? If we are going to start blocking off a time, I need to get some idea of what we're talking about.

**Mrs. Sawchuk:** Mr. Chair, each committee sets their own when they refer to an all-day meeting. There was nothing in the transcript that I found when I was searching.

**Ms Blakeman:** I know. That's why I'm bringing it up, so we can try and nail this stuff now while we're still doing this.

**Mr. Quest:** This reminded me a bit of our last meeting here, a little bit of date confusion and stuff. We've got a timeline here already that we agreed on last time. Just looking at the letter, we have this request now from the Privacy Commissioner to move his presentation from the 30th to the 14th. Does that mean that we have to do that, or can we just keep him on the 30th, which was our first plan, along with the Minister of Service Alberta? I'm not sure why we're having all this discussion juggling dates again when we already have had a discussion and set some dates. It's up to the Privacy Commissioner to come on the dates that we've requested. No?

2:20

**The Chair:** It's up to the committee.

**Ms Blakeman:** Respectfully, we have someone that actually deals with this legislation and is an arbitrator for it and reviews it and works with it a great deal, and he has suggested that it would be more helpful for him and probably of greater information to us if he is able to make his presentation once the written submissions are in because then he can review them and talk to us about what's in them that he may wish to bring to our attention. I don't see why we would

turn down an expert offering to give us information because we had settled on dates before. I'm certainly willing to accommodate him for the additional knowledge that I would hope to be gaining from it. He's our resident expert on this one, and to say, "Tough beans, buddy; we don't want you here because we wanted you here two weeks before," I think we're missing an opportunity, so I'm willing to accommodate him.

**The Chair:** Any other comments? Could I just make an offhanded comment, then? If June 30 were to work for the commissioner for him to make his presentation, would there be a problem if after the written submissions came in – I guess I'm going to ask the committee clerk. All these submissions that are coming to this committee: are they published publicly?

**Mrs. Sawchuk:** Yes.

**The Chair:** If that's the case, would there be a problem with the Information and Privacy Commissioner coming back and answering questions that we would have of him as it pertains to the submissions that have been presented?

**Ms Blakeman:** It's a fast turnaround. I mean, we don't actually get the final version of this until the 19th, so we'd be expecting to be discussing these submissions and coming up with specific questions for the commissioner at the same time.

**The Chair:** I was wondering, Ms Blakeman. If he were to present on one day, just his own presentation, and barring what comes out of the discussions here, if we could get the minister responsible to come in and then on the 19th have a deadline for all the written submissions, by that time, if they're advertised publicly, he could come in and explain the types of issues that he deals with as it relates to the issues that have been raised in the submissions. Would that help at all, or is it just making it more confusing?

**Ms Notley:** I tend to think that that starts to make it a bit more confusing. I'm just trying to think through this process. It sort of is doubling up in some ways his work. He's sort of making a presentation. I mean, maybe it is; maybe it isn't. It's hard to say. My concern is that I think what that turns July 19 into is a day where we're trying to do too much. I guess that's the bigger concern.

Now, if there's the possibility to have him come respond later or come back later, I suppose, that's also a possibility, like coming back in August. That gives him and us a chance to put together any questions we have arising from the submissions as well as him a chance to review them and then come back later. Sort of collectively he can offer up what he thinks needs to be addressed, and we can outline what struck us as needing to be addressed. That might be another option if the 14th is an awkward day.

**Mr. Quest:** Well, I think we're sort of agreed. Why don't we bring him in here on the 30th for experiences and issues with respect to the FOIP Act, which I'm sure would be probably quite a lengthy discussion in itself, and then at a later date have him come back if necessary, if there's something specifically on these written submissions? I think that if we break it up, it would probably – well, it would be beneficial for me, anyway. Like I say, he may want to talk for 60 or 90 minutes on concerns that he has about the act.

**Mr. Olson:** If I could, Mr. Chair, I agree with that. I was standing here wondering, you know, why he would not be able to talk about his observations without necessarily responding to other submis-

sions. It would seem to me that he would have plenty of material, plenty to go on, and plenty of things to talk about without seeing the submissions, but I don't want to prevent the opportunity for him to respond to those either. What Mr. Quest suggested makes sense to me.

**The Chair:** Thanks.

Ms Pastoor and then Mr. Groeneveld.

**Ms Pastoor:** Thank you, Mr. Chair. I wonder if I could just make a suggestion. I believe that we are actually waiting to hear from the Minister of Service Alberta. I wonder if we could put this discussion towards later in the meeting and if Service Alberta would be willing to come on July 14. Then both of them could come, as they were originally planned for, on June 30. I think we're waiting to hear from them, so maybe we could put this to later in the meeting.

**Mrs. Sawchuk:** I didn't send the e-mail, Mr. Chair, until the committee was done its discussions. I mean, I've got it ready to go, but I didn't want to ask about another date if it wasn't a date that the committee might be going ahead with.

**Ms Pastoor:** Okay. All right. Well, then, would that be an option, that we would look at the 14th if the Minister of Service Alberta could move it? Then all we've done is change the date from June 30 to July 14, and those of us that can be here, fine, and those of us that can't, I guess, will have to – having said that, it's a tremendous amount of information to have missed by not being at that meeting, so that's another thing.

**The Chair:** Mr. Groeneveld.

**Mr. Groeneveld:** Thank you, Chair. Just to get some clarity in my mind here, I think that where we have to get clarity is where we were going in the first place. I can see him coming here early on to tell us about the bumps and whatnot that are in front of him right now that he probably thinks we should address. I think that's important. We know that. I've really struggled with the fact that he review all the submissions and comment on them. That's our job; that's not his job. Once we put it together, what probably would be an interim report close to the final report, let him take a look at it at that particular time because we don't want him critiquing it after the final report is out. But I don't think it's his job to look at the submissions and critique them as they come in.

**The Chair:** In fairness I'll just read in case – and I do know that the two on teleconference won't have received this letter. The freedom of information officer wrote to the committee, and he said:

I appreciate the invitation to make a presentation before the Standing Committee. However, I would ask that you consider re-scheduling my presentation from June 30th to July 14th (or some other day that week). In this way, my presentation will include not only my Office's experiences and issues with respect to the FOIP Act but also comment on the issues and implications on the submissions that have been made to the Standing Committee.

I think the most important part is his last sentence.

I believe we can be a valuable resource to the Committee in terms of context and "big picture" issues.

So for what it's worth, Mr. Olson and Mrs. Forsyth, that's the request from the office.

**Mrs. Forsyth:** I have his letter in front of me, Mr. Chair.

**The Chair:** Okay. Ms Notley.

**Ms Notley:** Yeah. I am quite flexible in terms of how we break it up, but I actually do think that there is value to having him provide his insight into what some of the submissions identify. It doesn't mean that we are bound by his insight, it doesn't mean we're bound to agree with him, and it doesn't mean that it's necessarily a critique per se of the issues, but I think that there is value to getting that level of expertise. We've noticed that we're able to spend half an hour talking about rescheduling another date. If we have a particularly convincing submission on an issue that we all get really wrapped up in and, heaven forbid, don't agree on so that the debate about same then becomes a daylong event or a two-hour long event, only to have him come in and say, "Well, in fact, we've changed this process, so this is actually not an issue anymore" or something like that – I could see it being helpful for us to bring him in sort of in that second component, before we go through the whole process of coming up with a draft report because the draft report is often three-quarters of the way or more towards the final report. The further you get along with it, you know, you've invested a lot of time and energy.

2:30

I just think it would be more efficient, frankly – I know everyone here is interested in that – to get that advice, if there is such a thing. Maybe he won't have that much to offer. Who knows? But get that input before we invest a bunch of time in drafting a report that spends a lot of time on issues that may or may not be – you know, we may disagree with him, and that's fine. And by all means, we'll write about it, right? But it may not ultimately be an issue, and we won't necessarily know till – I just think there's value to by all means have him come in first and talk about his insights and then, potentially, as I said, if that is the way to go, have him come back later and answer some questions. It gives us an opportunity to ask him questions. He's inextricably linked to this, so we will undoubtedly have questions of him after the submissions as well.

**Mr. Groeneveld:** Well, with all due respect, Ms Notley, if we're going to do it that way, why don't we let him do it, and we just approve what he comes up with at the end of the day because we're just wasting a lot of time?

**Ms Notley:** Well, I think I tried to make it clear that that's exactly what I wasn't saying. I think we have the ability to hear information and analyze it and make some conclusions on it, but information in and of itself doesn't mean that we're governed or controlled by that information. It just means that we have the benefit of considering the most information possible. I'm certainly not suggesting that he ought to write it for us – that would be an abrogation of our responsibility – or anything close to, but I also think that it wouldn't be a good use of our time to not hear from him and/or ask our own questions. I suspect we'll have a whole bunch of stuff that will come up complaining about him, and we'll have questions we want to ask about why certain things are happening in a certain way.

**The Chair:** I'm trying to get at a consensus here. I think we might have a win-win. July 19 could be the date that we move the June 30 meeting to. Correct? We could have the freedom of information officer and possibly the Minister of Service Alberta do their presentations that day. It's also the deadline for written submissions. Dr. Massolin is going to have about a two-month period, I believe, to condense the written submissions into some format for us to read.

**Dr. Massolin:** Two weeks.

**The Chair:** Two weeks. Sorry.

**Dr. Massolin:** Yeah. Mr. Chair, if I might just jump into this. The written submission deadline is the 30th of June. That 19th meeting was a meeting set up in part, I guess, to review our written submissions summary.

**The Chair:** Right. Okay.

Two months after that we have another meeting scheduled. We could at that point have the freedom of information officer make his observations or answer questions on the submissions that have been brought forward.

**Ms Blakeman:** On the 1st of September? Is that what you're talking about?

**The Chair:** September 13, 14. We've got the meeting scheduled. Member, I believe you said at the last meeting that we should have some flexibility if we needed extra time.

**Ms Blakeman:** Well, no. What I was pointing out is that you do end up with a lot of information. The committee then has to decide which recommendations it's going to make, and those working sessions are on September 13 and 14. On September 1, 2, and 3 we sit here all day and listen to people present to us. We don't make any decisions. We don't write any recommendations. We just listen to people.

**The Chair:** On which days was that again?

**Ms Blakeman:** Well, according to this: "Public (oral) presentations September 1, 2, 3." But I agree with you. I think we could stick with the schedule we've got. Have the two of them come in on the 30th, do our review on July 19, and have the Privacy Commissioner come back to us and speak to us first thing on September 1 before the oral presentations commence. He can give us his implications at that time because he would have had time to review the submissions. That way we don't have to add another meeting date, but we would still get to hear from him.

**The Chair:** What's the date that you're suggesting, Ms Blakeman, that he could come back the second time?

**Ms Blakeman:** Before we start the oral presentations on September 1.

**The Chair:** So he could be the first one up on September 1?

**Ms Blakeman:** Yeah. If we're scheduling that now, we can set aside a time block first thing in the morning of – whatever – an hour and a half, put him in there, and then start the oral presentations. So we don't have to add on any dates.

**The Chair:** Okay.

**Mr. Quest:** If he's coming back, Mr. Chair, if that's necessary after the initial briefing on the act itself, whether it's June 30 or July 14, I agree with Mr. Groeneveld. I don't know that as a committee, based on what our responsibility is here, we really need, frankly, that kind of micromanaging of the process. I think that if he comes back, it should be for questions. If we have questions on the written submissions, I think that's right, but I don't myself care to sit here for two hours and listen to all the comments that he might have on each individual written submission. I think that's our job. I think he's a resource in this process. Again, if we want to ask questions,

that's great. Bring him back for questions, but I don't particularly want to sit here and listen to a presentation on each individual submission.

**Ms Blakeman:** I think we're all saying the same thing.

**Mrs. Forsyth:** If I may, Mr. Chair.

**The Chair:** Yes. Please.

**Mrs. Forsyth:** I'm trying to get some clarity from what we're trying to achieve here. The FOIP commissioner has written in his letter, that you have read into *Hansard*, that he'd like us to reschedule his presentation from June 30 to July 14. I'm wondering where we're rescheduling from. When were we originally asking him to present?

**The Chair:** June 30.

**Mrs. Forsyth:** Okay. So now he wants to go to the 14th of July.

**The Chair:** Correct.

**Mrs. Forsyth:** What you have suggested is that he could come to us before the 14th of July or the 19th. Am I right or wrong on that?

**The Chair:** I think we're a little bit up in the air. While you're away, I've got puzzled looks on some faces. Please, committee members, let Mr. Olson and Mrs. Forsyth have a sense of what the feelings are here. Are we looking at June 30, or are we looking at July 14 or 19?

**Mrs. Forsyth:** I thought you said – I was madly trying to write some notes, but if you don't have your face right in front of that microphone, then you fade in and out. I don't want to speak for Verlyn. We're getting bits and drabs and pieces of some of the conversation going around. We talked originally: July 19 meeting, written submissions; June 30th meeting, Minister of Service Alberta; and then a meeting on the 14th. Then there were some dates thrown out – I believe it was from Ms Blakeman – in regard to September 1, 2, and 3.

I think it's imperative that we hear Frank present. We can listen to him. We do not have to accept anything he's presenting, but I think he provides some fairly good knowledge in regard to what has been going on, so I don't think that his asking to be rescheduled from the 30th to the 14th is that big of a deal. I mean, we will be killed if we don't listen to him as our FOIP commissioner.

**The Chair:** Okay. Just before Mr. Quest, the committee clerk is trying to help me out here. We have it scheduled for June 30. He has made a request, but if the committee feels that he could come in on the 30th, that is the date that he would come in.

2:40

**Mrs. Forsyth:** But the letter says:

I appreciate the invitation to make a presentation before the Standing Committee. However, I would ask that you consider re-scheduling my presentation from June 30th to July 14th (or some other day that week).

And then he goes on to say that he can "comment on the issues and implications" and talk about the submissions.

**The Chair:** Yeah. We've had the discussion, and although it might not be unanimous, I think the consensus is that, yes, we would like to use him as a resource and, yes, we would like his opinion on the

issues that are brought forward. We don't necessarily need, for lack of a better word, a critique on each individual submission, but we would be more than willing to have him comment on issues that his office deals with and to answer questions that the committee has with respect to any or all of the submissions.

**Mrs. Forsyth:** I don't think anybody was suggesting that, you know, we're going to take his word as gospel. I think that, again, he brings some knowledge. We can listen intently or not listen, whatever we choose to do, but I think it's important to have his opinion. Can I use that word, then?

I was originally on the FOIP committee way back in 1993 or 1994 through all of the presentations. It is a very, very complicated process. Also, if someone is very upset with the FOIP legislation, it can become very, very emotional, as we've seen in regard to one of the letters that we've received, too, that we've referred to as being an inch thick. So I just think that listening to him will provide the committee with – I'm not going to say expertise; I don't know the word I'm searching for. I think it will be valuable to the committee.

**The Chair:** Mrs. Forsyth, could I make a comment, then?

**Mrs. Forsyth:** Please.

**The Chair:** I'll just try to get us focused here. I could advise the commissioner that the committee would still like to hear from him on the 30th of June and may in fact ask that he attend again at a future date in the review process.

**Mrs. Forsyth:** I'm fine with that.

**The Chair:** Are we agreed?

**Mr. Olson:** Verlyn here. I'm fine with that, too. I would like to hear him on the 30th, but that doesn't mean I don't want to hear from him again.

**The Chair:** Right. I see a lot of heads nodding, Mr. Olson, so I think everyone agrees.

**Mr. Groeneveld:** That's exactly it. I think that the point Mrs. Forsyth is missing here is that we're not inviting him to comment on every submission there. That's not where we want to go.

**Mrs. Forsyth:** That's not what he's saying in his letter, George.

**Mr. Groeneveld:** No. I understand that. But this is our committee.

**Mrs. Forsyth:** For him to comment on everything, we would be here probably for the next five years, past the next election.

**Mr. Groeneveld:** Okay. Let's make this very clear: this is our committee.

**The Chair:** Okay. Do we need a formal motion, then, committee clerk?

**Mrs. Sawchuk:** Mr. Chair, I don't believe we do. The committee is not revising the timeline, and you'll be sending out the correspondence to the minister and to the FOIP commissioner.

**The Chair:** Okay. Is everyone satisfied? Any not? Okay.

Then we'll proceed with item 5, the draft stakeholder list. The



committees branch research section provided a draft stakeholder list for the committee's review at our last meeting. Members were asked to review the list and forward any recommendations for additions through the committee clerk. I had provided a list of stakeholders for review in advance of our last meeting, and a copy of the e-mail from my office to committee members was recirculated last week to all members.

The updated list, completed by the committees branch research section, was posted to the internal website on Friday. I'll ask Ms LeBlanc and Dr. Massolin to provide a quick overview of the list as it now stands, and then I'll ask if Service Alberta has anything to add to the two previous comments.

**Ms LeBlanc:** Thank you, Mr. Chair. Last meeting a draft stakeholders list was circulated to committee members. The research section has received some input from members, and that's been incorporated into the list. The most recent list is dated May 7, 2010. Additions to the list are marked with an asterisk. For the most part, additions were groups that would be interested in access to information. The new categories that were added are utility companies, interest groups and nonprofit organizations, third-party data collectors, opposition caucuses, and research. I should mention that the stakeholder list doesn't include all public bodies under FOIP, so there is some room for the list to be broadened, particularly in the categories of school boards, police services, municipalities, and then also the agencies, boards, commissions, and other bodies under section 13 of the list.

Thank you.

**The Chair:** Dr. Massolin.

**Dr. Massolin:** Yeah. The only thing that I would add is that I think, Mr. Chair, we need not only ultimately approval of the list, but as Stephanie mentioned, there are a few areas where the list could be broadened. Perhaps if through you the committee could make a decision as to whether or not we should, you know, add agencies; for example, additional agencies, boards, and commissions or additional police services. What's the committee's decision on that?

**The Chair:** I've got two questions so far. Mr. Elniski and Mr. Quest.

**Mr. Elniski:** Thank you very much, Mr. Chair. I have a significant amount of concern with respect to the list. My concern is very simple in that there seems to me to be a tremendous number of organizations missing, which causes me to wonder why the intention is to restrict participation and input to the agencies or organizations on this list.

I'll give you a couple of examples. One is under utility companies. You forgot about ATCO. Also, under 6.0, health care bodies, you have an organization listed on page 14, the Venta Care Centre, which is an interesting facility considering that I don't see Extendicare, Rosedale, Chartwell, the Greater Edmonton Foundation, or the Metropolitan Calgary Foundation listed on this document. I can do that with a number of sections to the report. My question is: why would you be limiting input, and why would you not simply accept input from all interested parties that have some particular interest rather than selecting groups?

**Ms LeBlanc:** In terms of the health care bodies that are listed under section 6 of the stakeholder list, the way that these were set out is by looking at the Directory of Public Bodies. This should cover all the bodies that are designated as public bodies under the act. The

Alberta Continuing Care Association is sort of a larger body that represents some of those groups, so any of the groups that weren't included under the Continuing Care Association weren't members of that group. That's how the other bodies were added to that list. It's only the health care bodies that are public bodies under FOIP that would be caught by this stakeholder list.

In terms of utility companies, that was an addition by one of the members of the committee. EPCOR and Enmax were both added to the list. I did include a note in the front here that those two particular organizations are specifically excluded from FOIP under a provision of the act. That's just put in there for information. I mean, this is a draft list, and we can add whatever stakeholders the members would like.

**Mr. Elniski:** Okay. Just a supplementary if I may, Mr. Chair. To not get into the minutiae of the list, my question really is: why is the list necessary? Why are you simply not seeking public input from all agencies and individuals that may wish to?

**Ms LeBlanc:** There is advertising that was going to run in the newspapers, so that should capture some public input. This is only stakeholders that would be sent a specific letter asking for their input. It's completely up to committee members how they want to go about seeking input from these specific stakeholders.

2:50

**The Chair:** We've got an extended list here. Dr. Massolin, did you have a comment you wanted to make? No?

Mr. Quest, followed by Ms Blakeman.

**Mr. Quest:** Thank you, Mr. Chair. I think I agree with Mr. Elniski. I don't understand why we would risk having a party and sending out a list of invitations and offending somebody. We're spending \$30,000 on advertising. I think that should capture any interested parties' attention, for sure. I see a written invitation list as exclusive. This is a public process, and everybody is invited, and we're spending \$30,000 to invite everyone.

**Ms Blakeman:** It's standard process in these kinds of reviews that you would cast the net as wide as possible and try and make sure that you have invited the public. Thus, we do things like list it on the Internet, on the website. We do public advertising. But you also specifically want to make sure that you've covered certain areas and that you wouldn't, for example, go ahead and come to the end of it and then find out that there were groups that for whatever reason hadn't caught on to it and now you'd missed it. Thus, it's fairly standard.

If you can find examples of act review committees like this that haven't done both public advertising and an invited stakeholder list, I'd be very interested in seeing it. This has been standard process, to try and get as many people involved as possible, so there's always a public component, and there's always a specific stakeholder list to make sure the committee is hearing from those that are most intimately involved with the issues.

**The Chair:** On that point?

**Mr. Quest:** On this point. My memory is short, I guess. When we did the health care information act amendment, the electronic health records – I think that was Bill 52 – what did we do then?

**Ms Blakeman:** Exactly that. There was public advertising. There was a stakeholder list. We reviewed the stakeholder list. We added

to the stakeholder list. They were specifically contacted and invited to present. The public advertising also invites people to present both written and oral submissions.

**Mr. Quest:** Okay. Thank you.

**Ms Notley:** Well, yes, on this point I have to agree with Ms Blakeman. This is, I think, the fourth committee I've sat on that's done this kind of review. It is standard practice that what you do is that you make darn sure that certain groups who have an interest in these issues are advised. We haven't done extensive, extensive advertising, so this is another opportunity to ensure that people know about it. It's kind of standard practice. It's good practice. It's best practice. It's what we decided on last week.

I'm just wondering how many times we're going to go back to the process and reargue the process over and over. I've got to say that it's kind of frustrating. We spent a lot of time talking about this at the last meeting, and even then I was kind of surprised that we had to talk about it because, again, every committee that I've been on has had a stakeholder list. We are not excluding people by ensuring that everyone knows about it. We are ensuring the most informed debate. People who are not on the list who want to participate are not in any way, shape, or form limited from participating except, of course, that they might not know about it.

If we could send a letter out to everybody, I guess that would be great, but we can't. That's why the best practice on these committees has been, for as long as I've been here, to identify those groups that have an interest in this and to ensure that they know about it. Specifically and especially with that process in mind, notwithstanding some very significant concerns that some of us had that this process was being unduly rushed, we agreed to a very increased, speedier schedule.

Part of what allowed me to agree to that speedier schedule was the understanding that last time folks around this table had agreed that we would have a stakeholder list that would ensure that those people who needed to know about this would know about it. If we're going to back off on the agreement to have a stakeholder list, then I can't possibly agree to this otherwise rushed process. We had a full discussion, and we all agreed to a certain set of parameters last time. Backing off on it now and nitpicking little bits and pieces that were part of an overall decision means the whole process is going to fall apart.

**The Chair:** I just want to clarify one thing. I don't think the comments I've heard are saying that people shouldn't be notified or invited. It was just that it seems, I think, there'll be some comment made that there are some that haven't been invited.

**Ms Notley:** That's not what I heard coming from over there. Absolutely, I'm quite happy to have a conversation about adding people to the list, but I heard people saying that we shouldn't have a list. I'm pretty sure that that's what the member said, and I'm pretty sure that's what the second member said as well.

**The Chair:** Okay. Well, that's your opinion.

Now we'll hear from Dr. Raj Sherman, followed by Mr. Groeneveld, followed by Ms Pastoor.

**Dr. Sherman:** It's just like an Indian wedding. If you don't send the invite out, that's when you offend people.

On the health care bodies the suggestion I would have – the College of Physicians and Surgeons, CARNA, the Alberta College of Pharmacists, the College of LPNs, and the Alberta Medical

Association aren't on the list. I agree that it's in our interest to hear from everyone. I think that on the health care bodies it would be pertinent to hear from those folks. Freedom of information: we had Bill 52. Those were very important issues, and they've been excluded from the list, so I thought I should mention that.

**The Chair:** Thanks, Dr. Sherman.  
Mr. Groeneveld.

**Mr. Groeneveld:** Well, thank you, Chair. This is 2010. For an old dog that doesn't understand technology all that well, I certainly understand it's a hell of a lot better than it has been in the past. If we can't move forward, if we get restricted by what's happened in the past, that's where we'll always stay, in the past. Modern technology, the advertising we could put out there, throws a way wider net than this list does right now.

When I look at it, the last time that we talked about this and you said, "Now, if we're going to change," certainly we didn't have a list like this. It would certainly have popped my eyes wide open because this list just kind of blows the mind. The other one was kind of general, at least, but now all of a sudden we've gotten so specific in this. We would be much better off if we just do our advertising, do it right, and it's wide open for anyone. The people that you think wouldn't want to be there, that we would miss, mark my word, they'll be there. That isn't going to be a problem.

**The Chair:** Thank you.  
Ms Pastoor.

**Ms Pastoor:** Thank you, Mr. Chair. I just wanted perhaps a clarification from Stephanie if I might. My understanding is that this stakeholder list was actually created from the organizations that are actually legislated under this act because they are considered public bodies. Is that correct?

**Ms LeBlanc:** That's correct. It tries to capture most or some of the public bodies under FOIP, and then a number of the additions by committee members between the first version of this list, which was distributed at the end of the meeting last meeting, and this meeting were groups that are interested in access to information. That's the other side of FOIP.

**Ms Pastoor:** Right. Thank you. I guess what I could see from this is that by sending a letter to these groups, certainly within their own industries, their own little areas, the word is going to spread amongst the people. You may not have everybody, but it will spread because you have such a large group. That is how I'm sort of interpreting this.

Then the other question I might have is on the point that Dr. Sherman has brought up about the health side of it. I'm wondering if they may not fall under something different because of their own professional acts.

**Ms LeBlanc:** With the health care bodies the Health Information Act also comes into play a bit. If it's health information that's being disclosed, that would come under the Health Information Act, but these health care bodies are also public bodies, so for information that's not health information as defined in that act, FOIP would apply.

**Ms Pastoor:** So as Dr. Sherman has pointed out, they would fall under "public body."

**Ms LeBlanc:** The organizations would have some interest in FOIP, I assume.

**Ms Pastoor:** Okay.

3:00

**The Chair:** Stephanie, could I ask a question? I'm going to give you the page number, page 7, where you talk about municipalities. Now, some of us have got backgrounds in municipal government, and I understand that the AUMA and the AAMD and C do represent, in fact, all elected councils, urban and rural. My question is: why would we specifically pick out two major cities? I mean, that opens a door – does it not? – to Grande Prairie or Lethbridge or Camrose or Medicine Hat not being on the list?

**Ms LeBlanc:** Right. That's why we indicated any other municipalities selected by the committee at the end. Depending on which route the committee wants to go, they could either rely on these overarching organizations, or you could go to the larger centres or a mixture of rural and urban, whatever the committee desires.

**The Chair:** The reason that I brought it up was that my recollection is that the executive of the two parent groups, AUMA and AAMD and C, also quite often have representation on them from Calgary and Edmonton, and I think they always try to work on a consensus model. I'm not saying that it's not a good idea, but I just wondered: why wouldn't we just deal with the two parent groups?

**Ms LeBlanc:** That's a direction the committee could go, in which case we'd just take Edmonton and Calgary off the list.

**Mrs. Forsyth:** May I add something, Mr. Chair?

**The Chair:** Certainly.

**Mrs. Forsyth:** When you're talking about the municipalities, I don't disagree with the AAMD and C and the AUMA representing, but you may have some disagreement. You might have a mayor from Grande Prairie or a mayor from Red Deer that doesn't agree with what the AUMA is bringing forward, likewise under the AAMD and C. Can we just spread it out so that it doesn't preclude anybody, just take out the city of Edmonton, take out the city of Calgary, and just leave it up to them to notice that they can present privately if they wish?

**The Chair:** Mr. Quest and Dr. Sherman might have a comment for you, Mrs. Forsyth. I'm not sure.

**Mr. Quest:** Mine is not on this point, Mr. Chair.

**The Chair:** Dr. Sherman, on this point?

**Dr. Sherman:** This is a proposed list. I wonder if it's possible – we have this list in our hands – if we all take it upon ourselves to phone whomever else we feel deemed to present to the list, to contact them individually.

**Mr. Quest:** Okay. Here's just another example. I'm just looking at page 24 here, the different caucuses that are going to be invited, and for some reason the PC caucus is not listed as a stakeholder. I just use this as an example. The chances of getting this list right are nil, so I just don't really understand why we're beating this one. It's a good starting point, but I don't see where there's any possible finishing point.

**Ms Blakeman:** Can we not just send the letters out to the list that we have here? That doesn't mean they're going to present, but it is a way of making sure that we've specifically notified fairly broad categories. As Dr. Sherman has recommended, if there's anyone else we see that is omitted from this list that we feel very strongly should be included on the list, we can take it upon ourselves to notify them. I'm just concerned that we've now spent an hour and five minutes on two agenda items, and I'd like to see us move forward. Can we please just send the letter out to the people that are on this list? If we're terribly omitting in some way that you notice after you leave the meeting, add it. You know, go ahead and do it yourself. It doesn't mean that having received a letter, we're actually going to get submissions from each of these groups.

We have to remember that this act has two sides to it. One is the people from whom access is being requested – in other words, those that hold the information – and also those that are trying to get the information. So you do end up with two sorts of lists on this one.

I'm just concerned that we move on, so can we just agree to send the letters out to what we've got, that if there's anybody else we want added on, to put them on now or get a blank letter and send it out yourself.

**Mrs. Forsyth:** I'm agreeing with Ms Blakeman.

**The Chair:** The committee clerk had offered that if anyone had an idea of people that they wanted on it, to pop her an e-mail, and she would add or send the invite to them.

In order to move this thing on, could I have a motion one way or the other to move that the Standing Committee on Health adopt or not adopt the stakeholder – I guess we can't have a not adopt. Could we have a motion, please, so that we can vote on it and move on?

**Mrs. Forsyth:** I'll move a motion, Mr. Chair. I move that we accept the list of prospective stakeholders and have the ability to add as we see fit.

**Ms Blakeman:** Seconded.

**The Chair:** We don't need seconders.

On the motion as moved by Mrs. Forsyth, we're going to have a vote here by the show of hands. We're going to count, and then we're going to ask you out in the hinterland, please, to verbally convey your vote. All in favour? Opposed?

**Mr. Olson:** Mr. Chair, I haven't seen the list, so I really don't know what position I want to take on this other than that I kind of feel like it's an all-or-nothing thing. I'm concerned about – and I know you're voting now, so I don't want to continue debate. Is there such a thing as abstention? Am I even allowed to do that?

**The Chair:** Unfortunately, no.

**Mr. Olson:** Oh, man. I hope I'm not going to swing the vote one way or the other, then. But since I haven't seen it, I don't feel comfortable accepting it.

**The Chair:** Okay. I'll take that as a no.

**Mrs. Forsyth:** Well, Mr. Chair, I made the motion on the condition that for the list of prospective stakeholders that I have in front of me, as an individual or as a committee member I can add other stakeholders to that list. Obviously, I support that. I agree, I guess.

**The Chair:** The yeas have it. So the list as presented, but subject to somebody adding somebody else that they want on it, is carried.

How about if we take a five-minute break? Would that be all right?

Mr. Olson, how are you doing for time?

**Mr. Olson:** Well, I've probably got about – what time is it? – another 10, 15 minutes or so.

**The Chair:** I'll tell you what. Go have a coffee. Enjoy your flight. We've just got one item left, item 6. It's a draft discussion paper. The date of the next meeting will be June 30.

**Mr. Olson:** Okay. You guys are sure you can handle that without me?

**The Chair:** Well, we're going to try.

**Mr. Olson:** I'm sure you can. Well, I'm sorry I wasn't there. Thanks for your indulgence.

**The Chair:** Thank you.  
Heather, how are you doing?

**Mrs. Forsyth:** I'm fine. I'll call back. I'm just going to call and check on my mom. I'll call back in about five minutes.

**The Chair:** Five minutes it is.

[The committee adjourned from 3:09 p.m. to 3:16 p.m.]

**The Chair:** I'll call the meeting back to order, please.  
Item 6, our draft discussion paper. Now, during the discussions on April 28 it was the consensus of the committee that a discussion paper could assist the committee as well as submitters in the review of the FOIP Act. The research section was asked to draft a discussion paper for the committee's review. This document was posted to the internal website last Friday. I'll again turn it over to Dr. Massolin and Ms LeBlanc to speak to this particular item. I know that all of you have copies of it.

**Ms LeBlanc:** Thank you, Mr. Chair. I'm referring to the document entitled Discussion Paper: Freedom of Information and Protection of Privacy Act Review as prepared by the research section and dated May 7, 2010. At the committee's direction a discussion paper was prepared by LAO research. The paper provides a general summary of the FOIP Act. Section 3 of the paper discusses the application of the FOIP Act. It explains how the act interacts with other privacy legislation in Alberta. Section 4 looks at the access to information sections of the FOIP Act, including the circumstances in which a public body can refuse to disclose the requested record. Section 5 discusses the protection of personal information, including the collection, use, disclosure, and correction of information. The paper then reviews the role of the commissioner and the process of reviewing complaints under the act in sections 6 and 7. Finally, section 8 reviews the fees that may be charged for access to documents under the act.

Dr. Massolin will now discuss the possible uses of this document.

**Dr. Massolin:** Thank you. I just wanted to remind the committee that at the last meeting there was some discussion concerning the nature and the purpose of the discussion document that Stephanie just went over. However, it appears that the committee did not

decide what exactly the discussion document was to be used for. The committee put forward two basic options: to create a discussion document (a) to be used for committee purposes alone, for information purposes, or (b) to be developed into a discussion guide to be used by stakeholders and/or members of the public, you know, basically prompting them as to what some of the basic issues with the legislation may be.

I would ask you, Mr. Chair, for the committee's guidance as to how to proceed, whether or not to prepare a discussion paper, which we basically have and which Stephanie just briefly outlined for the committee, or to create a discussion guide, which would have more sort of questions that could be outlined as to what some of the key issues with the legislation would be, to prompt the submitters.

Furthermore, should the committee choose to create a discussion guide out of this document, would the committee have any input into the guide by suggesting potential questions or issues, or would the LAO research staff be able to work in concert with Service Alberta and with the office of the Information and Privacy Commissioner, seeking, of course, final approval from the chair and deputy chair, to prepare this document ourselves?

**The Chair:** Okay. We've got, I guess, two questions, one being whether it's a guide or whether it's a discussion paper. I don't know if it's appropriate, but I know Ms Blakeman had a question to ask. I apologize that she didn't get to ask it first. Whether or not it's tied directly to this, I'm going to take the liberty to let you ask the question so that it's on the record.

**Ms Blakeman:** Thank you. My question was: to whom would it be advised that we would direct questions we have that have arisen out of our study of the act or of the background paper that the researchers have prepared for us and which is currently under discussion? Just as I've gone through reading the act, I have some questions about what certain things mean or where it comes into play, just so that I understand it better. I'm not sure who that should be directed toward, but I'd like to get the answers for those questions sooner rather than later. This is not contentious; it's just explanatory. Who would this usually be directed toward? Perhaps, whichever party is identified, when they answer me, if it can be copied to everyone, then we'll all get the answer.

**The Chair:** Okay. I think if you could be a little more specific, Ms Blakeman, maybe not give the name but give them an example of the kind of question so that we know if it would come from the Information and Privacy Commissioner's office or the research section.

**Ms Blakeman:** Well, some of the ones I have are in section 4(1)(s): why are Credit Union Central and credit unions excluded? In section 17(5)(g): how is it determined that information "is likely to be inaccurate"? What are the extension timelines? What is "in the prescribed manner" that appears in section 40(1)(d)? It's questions like that. They're technical questions, essentially: what does this mean?

**The Chair:** Would those be questions, Dr. Massolin, that you and the research and parliamentary branch could answer, or would that come from the Information and Privacy Commissioner?

**Dr. Massolin:** Well, I think, Mr. Chair, it seems like we received a mandate through a motion at the last committee meeting to work as researchers with the ministry and the office of the Information and Privacy Commissioner to provide answers about, you know, the act

or clarification, whatever. So, I mean, I would undertake to work with those two bodies to provide this answer if that's what we want here.

**The Chair:** So if a committee member were to ask a question, then they could direct it to you, and everyone could see what the answers were?

**Dr. Massolin:** Yeah, definitely, or through the committee clerk.

**The Chair:** Okay.

Is that satisfactory, Ms Blakeman?

**Ms Blakeman:** Yeah, that's good. Thank you very much.

**The Chair:** Now, with respect to the discussion paper – and pardon my ignorance, Dr. Massolin – would you differentiate for me the rationale for a guide or a paper? Is it to give people a template for how they are to make a submission, or is it the things they can and can't include in the submission?

**Dr. Massolin:** Well, I think, Mr. Chair, it's more the former than the latter. I just want to point out that at the last meeting I think I heard discussion on both sides of it: is it just an information document for the committee's purpose basically, or is it more of a guide for the people making submissions, ultimately, to the committee on the issue? I think that if it's a guide, then yes, you'd want to do exactly that, provide some guidance to submitters as to what some of the salient issues are, the issues that stand out. I wouldn't think that you'd want to restrict them to those issues either.

**The Chair:** Okay. But it would be posted; it would be public on the Internet?

**Dr. Massolin:** I would think that's the intention. Yes.

**The Chair:** Okay. Comments?

**Ms Notley:** Well, you'll be surprised to hear that I'm kind of flexible on this issue. I want to say that I read the paper, and it's a pretty good paper. For my purposes, you know, having worked with some of this stuff in the past, it kind of served as a bit of a discussion guide for me anyway because just sort of reviewing your review flagged for me the things that I remember people having raised with me over time in terms of having concerns.

Whether you flesh it out more and create a discussion guide or whether you just use this paper, which ultimately forms a bit of a discussion guide, I thought it was a fairly neutral overview of the act. It was helpful to me in that way. So whether we simply post this or whether the committee decides, you know, to have a discussion guide as well, I'm certainly confident, with the work that you've done here, for you to go with that approach, that you put together a discussion guide in concert with the folks you're talking about consulting with and then run it through the committee chair. That seems reasonable.

3:25

**The Chair:** Any other comments?

**Mrs. Forsyth:** Barry, if I may.

**The Chair:** Yes.

**Mrs. Forsyth:** From cyberspace, if people could continue to talk in front of the mikes, it would be extremely helpful.

I just think the discussion guide or discussion paper, whatever you want to call this, has been well done. I think it's informative. I'm like Ms Blakeman: I have a few questions but nothing urgent. I think whoever prepared this – you can help me out, Barry – they have done a good job. I think it's a very, very good starting point.

**The Chair:** They're being modest. They're sitting at the far end of the table. It looks to me like it might be Ms LeBlanc or Dr. Massolin.

**Mrs. Forsyth:** Well, if you can pass that on.

**The Chair:** They're hearing you.

**Mrs. Forsyth:** Okay. Well done.

**The Chair:** Thanks, Mrs. Forsyth.

A motion, please, one or the other.

**Dr. Massolin:** Mr. Chair, I'm still sensing a bit of ambivalence here. I'm not quite sure exactly which way the committee wants to go. I mean, we certainly could just leave it as is, or we could, you know, change the purpose slightly by including issues per se and go that route if the committee wants.

**The Chair:** Ms Pastoor has a question and, I believe, Mr. Quest as well.

**Ms Pastoor:** Yeah. Thank you. I think that this is an excellent document for discussion. One of the ways that it's helped me that I haven't done already is to be able to apply this to the act itself. I think Ms Blakeman has pointed out that there are many questions that will arise out of the act itself. If there was a guide to go with it, that would then maybe help focus my attention when I'm applying this discussion paper to the act itself. It would guide me through that kind of thinking, if that makes sense.

**The Chair:** On this point, Ms Blakeman.

**Ms Blakeman:** On some of the other reviews that I've been on, there have been guides that have been prepared especially for people that were going to do submissions, either oral or written. I'll admit I'm not incredibly keen on them because it does focus people on answering certain questions and may steer them away from the wider issues of concern that they brought to begin with. I think we've had good work done. If this is posted on the website and people want to read it to help them understand what's going on with the act, great. Beyond that, they should tell us in their written or oral presentation what it is that is a problem for them with the act.

I think to charge the staff to go back out and develop a discussion guide, one, we're going to have to approve the discussion guide, and it is going to focus on certain areas, and then you're going to have arguments about what other areas should have been focused on or not. I think we just let people do it, and we use this as a good background resource, post it on the website and say: yea.

**The Chair:** Mr. Quest or Dr. Sherman. I didn't realize which one stuck their hand up first.

**Mr. Quest:** Well, I'll go. I think I agree with Ms Blakeman. I mean, I have no problem with this going on the website as public information at all. I think that's fine.

**The Chair:** Dr. Sherman, are you prepared to move that motion?

**Dr. Sherman:** Sure. Absolutely. I think it's important to keep it simple, keep it to the point. It's important for us not to bias the process. I think that with the other decision that we made with the advertising, a lot of people have input. Just give them a road map, and then our job is to listen.

**The Chair:** I'll take that as a motion that the Standing Committee on Health adopt the discussion paper as distributed and that it be posted on the external committee website. All in favour?

**Mrs. Forsyth:** Agreed from cyberspace.

**The Chair:** Thank you. Thanks, Mrs. Forsyth. I appreciate that. You should have been in Vulcan with Mr. Spock a couple weeks ago.

**Mrs. Forsyth:** I would have loved to have been there.

**The Chair:** Okay. Other business. Any other discussion for today?

**Mrs. Forsyth:** If I may, Chair, I just need a clarification. The next meeting is June 30, and that is the meeting that we will meet with the Minister of Service Alberta and the FOIP commissioner.

**The Chair:** That's correct.

**Mrs. Forsyth:** Okay. Great. Thank you.

**The Chair:** In terms of meeting times, I don't think we addressed that. Is 9:30 too early to start for people that have to travel?

**Mrs. Forsyth:** What day is that, Chair?

**The Chair:** It's a Wednesday.  
Does it make it easier if it starts at 10 till 12 and 1 till 3?

**Ms Blakeman:** Yes.

**The Chair:** Ten till 12, 1 till 3?

**Ms Blakeman:** Yes.

**The Chair:** Freedom of information officer at 10, Minister of Service Alberta at 1. All agreed?

**Mr. Groeneveld:** Just before we talk, most of us that travel probably have to come the evening before, so it would be kind of nice if it was earlier and end earlier.

**Mrs. Forsyth:** Mr. Chair, I'll probably join again by – I think the technology that we have on the phone has been very, very good.

**The Chair:** Have you got a different timeline you could suggest, Mr. Groeneveld?

**Mr. Groeneveld:** Well, if it doesn't fit for the rest, I just get home that much later at night, that's all.

**The Chair:** Well, I'm open.

**Ms Pastoor:** Nine to 11 and noon to 2?

**Mr. Groeneveld:** Well, that's better for us in the south end of the province probably, but if that's too early . . .

**The Chair:** Nine till 11, 12 till 2. Is that okay with everyone? June 30, that's what it is, 9 till 11, 12 till 2. Thanks for your co-operation.

Could I have a motion to adjourn? Mr. Quest. All in favour? The rest don't count. Thank you.

[The committee adjourned at 3:32 p.m.]



