



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Information and Privacy Commissioner
Search Committee

Thursday, December 16, 2021
9 a.m.

Transcript No. 30-2-1

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Select Special Information and Privacy Commissioner Search Committee

Walker, Jordan, Sherwood Park (UC), Chair
Turton, Searle, Spruce Grove-Stony Plain (UC), Deputy Chair

Allard, Tracy L., Grande Prairie (UC)
Amery, Mickey K., Calgary-Cross (UC)*
Carson, Jonathon, Edmonton-West Henday (NDP)
Dang, Thomas, Edmonton-South (NDP)
Dreeshen, Devin, Innisfail-Sylvan Lake (UC)
Ganley, Kathleen T., Calgary-Mountain View (NDP)
Long, Martin M., West Yellowhead (UC)
Stephan, Jason, Red Deer-South (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)**

* substitution for Devin Dreeshen

** substitution for Martin Long

Public Service Commission Participants

Dot Ellerby	Acting Director, Executive Search
Maricel Somera-Wong	Consultant, Executive Search

Support Staff

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Jody Rempel	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Janet Laurie	Supervisor, Communication Services
Lyndsay Tischer	Director of Human Resources
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

9 a.m. Thursday, December 16, 2021

[Mr. Walker in the chair]

The Chair: Well, good morning, everyone. I'd like to call this meeting of the Select Special Information and Privacy Commissioner Search Committee to order and welcome everyone in attendance.

My name is Jordan Walker, MLA for Sherwood Park and chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining us remotely. We'll begin to my right.

Mr. Turton: Good morning, everyone. MLA Searle Turton for the riding of Spruce Grove-Stony Plain.

Mr. Stephan: Jason Stephan, MLA for Red Deer-South.

Mr. van Dijken: Glenn van Dijken, MLA, Athabasca-Barrhead-Westlock.

Mr. Amery: Mickey Amery, MLA, Calgary-Cross.

Ms Ellerby: Dot Ellerby, acting director, executive search services, Public Service Commission.

Ms Somera-Wong: Maricel Somera-Wong, executive search consultant with the Public Service Commission.

Mr. Carson: Good morning. Jon Carson, MLA for Edmonton-West Henday.

Ms Ganley: Good morning. Kathleen Ganley, Calgary-Mountain View.

Ms Tischer: Good morning. Lyndsay Tischer, human resources services, Legislative Assembly Office.

Ms Laurie: Good morning. Janet Laurie, communications services with the Legislative Assembly Office.

Ms Cherkewich: Good morning. Teri Cherkewich, Law Clerk.

Ms Rempel: Good morning. Jody Rempel, committee clerk.

The Chair: Thanks.

Then I'll call on those joining us remotely. Please go ahead and introduce yourself.

Mrs. Allard: Good morning. Tracy Allard, MLA for Grande Prairie.

The Chair: Thank you very much.

For the record I will note the following substitutions: Mr. van Dijken for Mr. Long and Mr. Amery for Mr. Dreeshen.

Now, a few housekeeping items to address before we turn to the business at hand. Further to the direction given by the office of the Speaker, I would note that masks should be worn in the committee room at all times except when members are speaking. In addition, members are also encouraged to leave an appropriate amount of physical distance around the table.

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cellphones and other devices to silent for the duration of the meeting.

I see Member Dang has entered. If you could please introduce yourself.

Mr. Dang: Thank you, Mr. Chair. Thomas Dang, MLA for Edmonton-South.

The Chair: Thank you so much.

Colleagues, we'll move now to agenda item 1(a). Before we proceed with other business today, I note that this is the first meeting of this committee, and because we have members joining us remotely, we need to address the issue of teleconferencing and videoconferencing before continuing. As all committee members are aware, section 6 of the Legislative Assembly Act permits participation in a committee meeting by members "by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent."

As a committee we have a few options on how to address this matter. However, before we make a decision, I would like to remind committee members of the unique nature of search committees. For the majority of our mandate we will be discussing the personal information of candidates who apply for the role of Information and Privacy Commissioner. It is anticipated that, outside of today, meetings will occur almost entirely in camera. I think it is important that committee members attend our meetings in person whenever possible. I really would like to stress that. However, we should also be prepared to accommodate occasional extenuating circumstances such as Alberta winter weather that could arise. Of course, the COVID-19 pandemic could also impact our work.

Do other committee members have any thoughts regarding remote participation in search committee meetings? I open up the floor. Member Turton, please go ahead.

Mr. Turton: Yes. Thank you very much, Mr. Chair. I'd like to move that

the Select Special Information and Privacy Commissioner Search Committee permit committee members to participate by teleconference or videoconference for the December 16, 2021, meeting.

The Chair: Okay. All right. We have a motion before the floor right now. Any other thoughts on that motion from members? Any further thoughts? Go ahead, Member van Dijken.

Mr. van Dijken: I don't see the motion up on the board. I don't know if it's going to get up on the board. Having served on other search committees in the past, it really needs to be stressed that in person is by far the best way to accomplish the task at hand, and I really need to encourage all members. I know I'm just substituting this morning, but I really need to encourage members that your job is going to be probably better performed if you're able to do that in person.

The Chair: Okay. There is the motion. Any other thoughts or comments from members?

Okay. I'll ask only one question. Is there anyone opposed to this motion? Going once, going twice, carried unanimously, Jody, which it needs to be.

It's unanimously carried. That carries for today.

Any other comments or anything on this agenda item in terms of remote participation in meetings for today at all? Okay.

All right. Now we'll move on to the approval of the agenda. Would a member move a motion to adopt the agenda, please?

Member Turton moved that the December 16, 2021, meeting agenda of the Select Special Information and Privacy Commissioner Search Committee be adopted as circulated. All in favour? The motion is carried. Thank you, members.

We're on to agenda item 3, the search committee orientation. First, the mandate, Government Motion 107. The mandate of this committee is found in Government Motion 107, which was agreed to by the Assembly on November 24, 2021. Are there any questions regarding the committee's mandate?

Seeing none, we're moving on to item 3(b), Public Service Commission, executive search. We have already gone around the table to introduce ourselves, but I would like to take a moment to provide committee members with a little more information on the support available to us throughout the search process. From the Public Service Commission I would like to welcome Dot Ellerby, acting director of executive search services, and Maricel Somera-Wong, executive search consultant. Thank you. The team of professionals at executive search have assisted with the work of many search committees, including the current Select Special Child and Youth Advocate Search Committee, and they have generously agreed to support us throughout our mandate as well. Thank you for that.

Now the Legislative Assembly Office. Of course, we will have support from this institution as well, including Shannon Dean, the Clerk of the Legislative Assembly; Lyndsay Tischer, director of human resources; Janet Laurie, supervisor, communications services, and her colleagues; the staff of the committees branch; as well as all those very important people who can always be found working hard behind the scenes, including *Hansard*, information technology and broadcast services, Legislative Assembly security services, and Parliamentary Counsel.

Moving on to agenda item 3(c), substitutions and attendance, as most of us are new to the search process, I would like to review and consider some of the practices that have been adopted by previous search committees. First of all, I would like to address the issue of substitutions. As you are all aware, the standing orders allow for an official substitute to be designated to participate in a committee meeting. However, in order to ensure consistency and fairness to candidates during the recruitment process, the members of previous search committees over several Legislatures have agreed amongst themselves not to appoint substitutes once the officer selection process begins. I believe this has worked well for previous search committees, but I will leave it to the discretion of this committee as to whether or not we will plan to take a similar approach.

Does anyone have any thoughts on this practice? I open the floor to members who might want to comment. Go ahead, Member Stephan.

9:10

Mr. Stephan: Thank you, Mr. Chair. I understand the practice in terms of discouraging substitutions. If that's the case, I think it's quite important that we consider the ability for future meetings, certainly during that process, to participate virtually given the discussion that we just had.

The Chair: Okay. Any further thoughts on that?

Ms Ganley: Everybody may be surprised to hear this, but I would echo those comments. I think that in an instance where we are unable to substitute, people may need to participate virtually just because of their other duties, because of parenting duties, because of icy roads, any number of things.

Thank you.

The Chair: Any further thoughts on that? Member van Dijken, please go ahead.

Mr. van Dijken: Okay. Thank you. I think the consideration is valid. The only concern I have is: how does it transpire when it's in camera? A lot of the discussions in process will happen in camera, and I'm not certain that members are confident that that's able to actually happen without outside participation.

Ms Ganley: Sorry. I'm just a bit curious. I feel like you're just as able to do a meeting in camera in a virtual space as you are in a – I guess I'm just maybe not quite grasping what the concern is. I think that usually the technology is pretty good at preventing random users of the Internet from wandering into virtual rooms. I feel like that can be achieved. But maybe if you could clarify a little bit just so I understand.

The Chair: Member van Dijken, and then Member Stephan.

Mr. van Dijken: Yeah. Technology is there to be able to have individuals participate, but then it's up to the individuals to ensure that they're enforcing the confidence of in camera meetings in their space. I mean, at the end of the day, virtually, if it's through computer or whatever, is still in a space outside of a room where just member participants are allowed to participate.

The Chair: Member Stephan, you had a comment.

Mr. Stephan: I would appreciate those principles in terms of respecting the confidential nature of our in camera meetings and, as well, our reasonable efforts, when possible, to attend meetings in person given the nature of what we'll be discussing. Having said all that, given the fact that road predictability is hard to predict and the desire to not substitute in terms of this process, I would like to make a motion, Mr. Chair. I'd like to move that

for the duration of its mandate the Select Special Information and Privacy Commissioner Search Committee permit committee members to participate by teleconference or videoconference subject to the committee in its discretion requiring members to attend in person at a particular meeting on passage of a motion to that effect at a previous meeting.

The Chair: Thank you. We have a motion before the floor.

Before we go to that, Member Stephan, Member Dang had a comment as well. Go ahead, Member Dang.

Mr. Dang: Sure. I can actually wait for the motion to come up, and I can see if I want to speak to that, if that works.

The Chair: Okay. We have a motion before the floor.

As I understand it, too, Committee Clerk, it requires unanimity. Yes.

I'll just ask one question. Is there anyone opposed to this motion? If so, please say so. Hearing none, the motion is carried.

I will now go to Member Dang. Did you have a comment?

Mr. Dang: Yeah. I guess it's a little bit moot now, but I was just going to echo Mr. Stephan's comments a little bit, which may surprise a few people in the room. I think that certainly it's going to be incumbent on members of the committee and any guests that are joining us for the in camera meetings, and I would hope that all members are able to maintain the confidentiality required for our process. Certainly, recognizing the vast distances required for some members and certainly the pandemic as well, I think that there are considerations that we'll be able to make.

Thank you.

The Chair: Okay. What I think I'm hearing in terms of the will of the committee is that everyone is agreeable that there will not be substitutions allowed from this meeting on.

You have a comment, Glenn?

Mr. van Dijken: Yeah. I guess I would like to have an opinion of Parliamentary Counsel or of human resources, based on the information that will be made available to committee members, if they're comfortable with participation virtually of members and that members police themselves.

The Chair: Yeah. Go ahead, Jody.

Ms Rempel: Thank you, Mr. Chair. I am neither Parliamentary Counsel nor HR; however, I am the committee clerk for the other search committee that's currently actively looking for the Child and Youth Advocate. That committee has gone down a fairly similar route, where they're discouraging substitutions as much as possible but permitting remote participation, you know, when necessary.

We have developed quite a secure system for document distribution now that is all electronic. It is all done through the internal committee website. The documents that pertain to the applicants have special security on them so that they can only be opened and viewed by committee members, and they do also have an expiry and so on. It does allow members to participate from any location and still see those documents.

Also, with the videoconferencing set-up and teleconferencing set-up we're able to have extra security measures, you know, as far as setting up lobbies before anyone can actually join the call and so on. Of course, the call is always being monitored by me, actually, when we're in the meeting.

The Chair: Member Turton.

Mr. Turton: Yes. Thank you, Mr. Chair. I just wanted to make a comment and jump in real briefly. As someone that's participating in the other search committee, I personally feel comfortable with the precautions that Ms Rempel has alluded to in terms of protections, security of documents as well as the personal conduct of many of the members involved. Knowing that that same process and procedures will be undertaken on this search committee, it actually makes me feel much more satisfied.

Thank you.

The Chair: Great. Okay. Later in the process we will have to address the issue of interview attendance and participation again. This is something that has been addressed by previous search committees. There has been agreement among committee members that only members who have been present for all candidate interviews in their entirety should participate in the final candidate selection, noting again that COVID could require future adjustments to our plans. Continuing on with this, does anyone have any thoughts on this or any comments at this point? Okay. Seeing none.

Finally, although the final candidate selection is months in the future, I would note that in order to maintain consistency, it is customary for all candidates to be interviewed in the same manner, either in person or by videoconference. If the committee chooses to conduct in-person interviews with candidates, the practice is for these meetings to be held off-site to maintain the privacy of applicants.

Now we're moving on to item 3(d), committee members, confidentiality . . .

Mr. van Dijken: Point of order.

The Chair: Oh, yeah. Go ahead.

Mr. van Dijken: Did we pass the motion that was on the table?

The Chair: Yeah. It was . . .

Mr. van Dijken: Did we actually pass it? I don't remember voting or anything.

The Chair: It was unanimous. Yeah.

Mr. van Dijken: Okay.

Ms Rempel: The teleconferencing motion. Yeah.

The Chair: Yeah. Okay. Moving on to 3(d), confidentiality of documents and proceedings, I want to ensure that everyone understands the importance of respecting privacy of all applicants throughout the search process and afterwards. As previously noted, the majority of our meetings will be conducted in camera out of regard for the privacy of potential candidates. Most briefing materials are provided to committee members only and are not for further distribution. Any materials that could potentially identify a candidate or the status of an application will be made available to committee members only through a secure PDF document. Does anyone have any questions about this part of the process? Okay.

9:20

Seeing none, moving on to agenda item 3(e), search timeline and process. As you may know, the contract of the current Information and Privacy Commissioner, Jill Clayton, expires on January 31, 2022; however, she may be amenable to remaining in the role for a short period beyond the expiry of her contract, and legislation permits her to do so for up to six months.

Having said that, it is important for the committee to complete its recruitment and make a recommendation to the Assembly before the spring session has concluded. This deadline and other matters were considered in the preparation of the draft timeline that is included with the materials for today's meeting. Of course, as noted on the document, there are a number of things that may require some flexibility in this schedule. Nevertheless, it is still a useful tool for planning purposes. Does anyone have any questions about this document?

Go ahead, Member Ganley.

Ms Ganley: I just wanted to point out, I mean, I think it obviously is important that we carry out our work as quickly as possible, but it would be very much appreciated on my part if we could signal meetings a little ahead of time. Sometimes a week is a bit difficult in terms of notice requirements, especially when you're dealing with child care and rearranging that, so I feel like the sooner we set the meeting dates, the better, from my perspective.

Thanks.

The Chair: Fair point.

I see Member Allard also has a comment. Please go ahead, Member Allard.

Mrs. Allard: Yes. Thank you, Chair, and thank you, Member Ganley. I would actually concur with MLA Ganley on that. I think, particularly given the circumstances of no substitutions, I would really appreciate it if we could potentially even schedule the next couple of meetings so that we can plan our calendars accordingly. I know that with my schedule and my distance from Edmonton I really have to think through the challenges, and then, obviously, with the COVID reality who knows who is going to be where. To

the best of our ability the more that we can plan, the better it would be, so I appreciate that, and I would concur.

The Chair: Thank you, Member Allard and also Member Ganley. I think myself as the chair and also the LAO staff here have heard and we're hearing these very important, totally reasonable, fair points, so duly noted.

We are now moving on to agenda item 4, where we have some decision items, members. First, 4(a), the draft Information and Privacy Commissioner position profile. Moving on to the decision items for the committee today, members should have a copy of the position profile document. Before we consider this document, I would like to remind everyone that it is not the mandate of this committee to determine the roles and responsibilities of the Information and Privacy Commissioner. These are set out in various pieces of legislation. What we are doing today is confirming that the profile accurately reflects the legislation in outlining the types of skills and education we may be looking for in a candidate.

With this in mind, I would ask Ms Tischer to please give us an overview of this document and the various considerations taken into account when drafting it. Ms Tischer, please go ahead.

Ms Tischer: Thank you. All right. As you're all aware, a position profile needs to have two main elements captured: what the responsibilities of the role are and the delineation of the desired candidate attributes and experience. While this profile is fairly extensive, it doesn't capture all of the to-dos of the Information and Privacy Commissioner. It captures the buckets of responsibility and the background and experience that somebody may stream into so that we can do some candidate screening. When searching for executive talent, the approach is to focus less on the job-specific details and more about the outlook and the impact of the role and also what can be achieved in the role, and that's very, very important for a role at this level. As a legislative officer they have immense responsibilities, and the scope is quite extensive.

The draft profile that you've received for the Information and Privacy Commissioner strives to deliver on those fronts and also act as a strong foundation for all of the following elements in the executive search process. The last position profile for the Information and Privacy Commissioner was from 2011. Quite a bit has changed since then, so the steps that we took to update the profile included a review of the last utilized profile. Reviews were conducted of other legislative officer position profiles that are fairly well aligned with this from across Canada. Position analysis was conducted with the current incumbent. You know, we took into consideration the nature of the work performed, organizational cycles, internal characteristics, strategic plans, priorities, climate factors – not temperature but environmental factors – and what's new, what's upcoming in the field of privacy and access to information. We also reviewed related documentation such as the annual reports and the three access and privacy laws which are the foundation for this role.

The initial draft that you see before you was prepared and reviewed with Ms Clayton, and it's been reviewed by a number of different bodies to ensure that grammatically it flows, it captures the high points, and it's been also reviewed from, you know, the *Hansard* point of view for their expert editing. We have the draft profile in front of you for 2021.

The Chair: Okay. Thank you so much, Ms Tischer, for that wonderful overview.

Do we have any comments or questions? I see Member Allard has her hand raised. Please go ahead, Member Allard.

Mrs. Allard: Thank you very much, Chair. I just had a couple of questions regarding the profile. I note that the Information and Privacy Commissioner is responsible for the freedom of information and protection act, the Health Information Act, and the Personal Information Protection Act as well as reviewing the decisions by the registrar of motor vehicles services. Can you explain the rationale, then, for why the Financial Administration Act, public sector commission transparency act, Public Service Act, and the public interest disclosure act are specifically named in the list of authorities rather than just included under other applicable legislation? I just want clarity on that.

Ms Tischer: They're specifically named – it was a practice that we started with the Child and Youth Advocate – because they do pertain to the overall leadership and management of the financial and human resources within the office of the Information and Privacy Commissioner.

Mrs. Allard: Perfect.

Just a follow-up, if I may, Mr. Chair?

The Chair: Yeah. Please go ahead, Member Allard.

Mrs. Allard: Perfect. I just want to clarify, then, that the inclusion of these pieces of legislation in the authorities list does not change the legal mandate or authority of the office of the Information and Privacy Commissioner. That's a no?

Ms Tischer: Correct. It does not change.

Mrs. Allard: Okay. Perfect.

If I may, I'd like to move a motion, Mr. Chair.

The Chair: Sure. Go ahead, Member Allard.

Mrs. Allard: I would like to move that

the Select Special Information and Privacy Commissioner Search Committee approve the position profile for the Information and Privacy Commissioner as distributed.

The Chair: Okay. Thank you so much for that motion, Member Allard.

We have it up here on the screen. Any comments or questions on this before we seek support for it?

Seeing none, I'll just ask one question. Is there anyone opposed to this motion? If so, please say so. Hearing none, the motion is carried.

Thank you, everyone.

Now we're moving on to agenda item 4(b), the draft advertising plan and advertisement copy. A draft communications plan along with sample ads have been prepared for our consideration by the LAO communications branch. I will ask Ms Laurie to address this document, and then I'll open the floor to discussion.

Ms Laurie, please go ahead.

Ms Laurie: Thank you, Mr. Chair. As the chair just identified, we prepared a draft advertising plan and sample advertisements for the committee's review, and we're happy to answer any questions that you may have and seek your direction on those pieces.

The Chair: Please go ahead, Member Ganley.

Ms Ganley: Yes. I would like to move a motion. I believe you have it. Did you want me to read it into the record?

The Chair: Yup.

Ms Ganley: All right. I would move that the Select Special Information and Privacy Commissioner Search Committee direct the Legislative Assembly Office to, where reasonable, ensure that the final text of the advertising copy is revised to explicitly reference the job's requirement that the incumbent provide impartial comment and have the ability to recommend strategic and effective changes to the relevant legislative scheme and government programs related to access and privacy rights.

Did you want me to wait for the text to come up before I speak to the motion?

9:30

The Chair: Yeah. We'll bring up the text.

Ms Ganley: Perfect. Basically, I think that the advertisement copy is good. The reason I'm suggesting putting this in – and I know that sometimes the banners are small. So I think I'm willing to leave a certain latitude for HR to determine how best to do that. I just am of the view that commenting on the legislation is a sort of conceptually different thing than simply sort of making decisions under the legislation, and I think it's important that candidates coming forward consider that, because what we don't want to do is have candidates looking at this and saying: well, I don't necessarily agree with the way the privacy legislation is working now. What we want to do is attract people who are interested in these issues, who are committed to the concepts of freedom of information and privacy and, you know, have potentially opinions about that and potentially want to sort of recommend ways for this to work better.

I think we all know that the system itself is not – it's working well. Like, information and privacy law is a comparatively recent development in the law relative to other things. I think it's working relatively well, but I think we all know that it's imperfect. I just think it's worth kind of putting it out there in the advertisement that the individual doing this job would potentially be in a position to make these sorts of strategic recommendations, because I think this is an area that's pretty critical to all of us in our daily lives.

I think most people who get into government, who become legislators, think that access to information on how government is making its decisions and how it's doing its business is an incredibly important value, and I think we all know – and this cannot be rested at the feet of even just this current government or the previous government or even just the one before it – that the process is a bit backlogged, shall we say, owing to a number of factors, but I think that if someone were to come into this position and make recommendations on improvements, that could only possibly be a good thing. Those are my reasons for thinking that that's worth doing.

Oh, and I think the other thing worth highlighting in terms of the changes here is the sort of importance of impartiality and nonpartisanship. I think that at least some of us in this room have been on both sides of the government-opposition table, shall we say, and I think, you know, it's incredibly important that these decisions are being made on substantive factors, not on factors sort of having to do with one's particular view of how the world is best served, shall we say. I think it's incredibly important. I think this role is going to be – well, it has been in the past and will be in the future incredibly critical. I think it's worth, yeah, noting that in the advertisement so that everybody who might wish to apply for the position understands what this vital role entails.

The Chair: Thank you, Member Ganley, for your comments.

I'll go to Member Turton, and I think Member Allard also has comments. I also then want to give Ms Laurie a chance to explain her own comments. I don't think you've had a chance to do that yet. Member Turton, go ahead. We also have Member Stephan.

Mr. Turton: Yes. Thank you very much, Mr. Chair, and thank you very much to the member for putting forth the motion and her questions. I guess I'll start off by saying that, obviously, I have a tremendous amount of respect for our public service. They do incredible work, and I've always felt that the legislative staff here and all the staff working for the provincial government and especially in these types of positions have always been, I find, impartial and have been true professionals when it comes to putting forth that impartiality that the member talked about on the other side.

I guess my question is that, you know, we just recently approved the profile, and it talked a lot about the ability to be impartial, nonpolitical, and, obviously, to be that voice that I think everyone in this room is looking for. To me, it just seems a little redundant in terms of the communications profile to again mention that when all those exact points that the hon. member mentioned are in the profile that we all just recently approved.

I guess I would also like to get some questions from the communications team just to see how those points, that all of us are looking for in the profile, are, you know, communicated in kind of the outward communications plan. I think I would probably look for some guidance or some feedback in that regard.

Ms Laurie: Thank you very much. I appreciate the discussion. When we're preparing the advertisements and the advertising plan, we're essentially pulling everything from the draft profile. As it has just been approved, had there been any changes, we could go back, but we're pulling the information that we're using to describe the profile. Given that when you're advertising for different – whether it's online or print, you're pulling. You can see that there are different sizes to the ads. There are different degrees of volume for the content that we're able to include and still make it a compelling and readable piece of information. Some have more information than others simply due to the size, but what we've tried to do is pull the relevant pieces of information from the profile and include words like “nonpartisan” and “provides fair, independent and impartial reviews in a timely and efficient manner.” We've tried to pull out those key points, regardless of the size of the ad, to ensure that they are there. What we do with all of the advertising is drive everything back to the position profile, which is posted on our website or will be posted on our website. I hope that addresses some of those questions.

Mr. Turton: One quick supplemental to that. Regarding the other search committee that's currently going forth, the Child and Youth Advocate, in terms of the process that that committee moved forward, was there almost, I will say, redundant messaging in the communications plan to mirror what was in the profile for that committee, or would this be out of step with what is happening with the other committees that are in place right now?

Ms Laurie: No. This approach is very much in alignment with what we've done with previous search committees and, obviously, most recently the Child and Youth Advocate position, that is still ongoing.

The Chair: Member Stephan, I saw that you had a comment.

Mr. Stephan: Yeah. I agree with the spirit of the Member for Calgary-Mountain View. I agree with a lot of things that the Member for Calgary-Mountain View says. I really appreciate that we do want to attract the best possible person to this role, and this individual will be a subject matter expert, you know, in respect of privacy matters. We want to have this individual invested in making our processes, our legislative scheme as good as possible, so we

should be open to, of course, the ability to have continuous improvement in our processes to be the very best that we can be. In that regard, I do actually concur with what the Member for Calgary-Mountain View is proposing.

I am a little bit concerned about the wording and making it a requirement for them to provide comments. Well, sometimes there isn't an issue, so to require them to, I guess, manufacture comments where perhaps there is limited utility is something that I – you know, maybe the wording can be improved, but I agree with the overall intent and having them invested in the process of trying to be as good as possible. I'm not sure if a requirement for them to provide impartial comments – it's almost implied, I would assume, in the job description. That's just a comment that I have. I kind of agree with the spirit of what is being said. If it's redundant in respect of the job description, then I'm not sure if we need it. As well, a requirement for them to provide where there may not actually be an issue – perhaps there can be some refinement in that thought as well.

Thanks.

The Chair: Member Dang, and then we'll go to Ms Laurie and then Member Turton. Member Dang, please go ahead.

9:40

Mr. Dang: Thank you, Mr. Chair. I guess I just want to comment a little bit about some of what Mr. Stephan said but also comment about what my colleague Ms Ganley here had talked about. Overall, I guess, in terms of making it a requirement, I think it's just to point out, where reasonable, things that are already in the profile, right? Like, in the profile it already says that a major responsibility is "providing comments and recommendations on legislative schemes." That's already in the profile. I think that certainly it's important that when we move forward – I understand that in the office of the Child and Youth Advocate search there was additional guidance given beyond the profile for advertising copy in that process as well.

I think that this is pointing out the impartiality, pointing out that nonpartisanship is so important in a role like the Information and Privacy Commissioner because it is what is going to really oversee our privacy policy and regulatory system in Alberta, which impacts every Albertan, right? It impacts every single person in this room. It impacts every single person who ever has their data stored by a company in Alberta. I think that's going to be something that we want to ensure gets highlighted, that this is nonpartisan, that this is an impartial role. "Where reasonable," as it says in the motion: I think it's going to be important that we make that a key factor.

The Chair: Thank you.

Ms Laurie, then Member Turton, and then Member van Dijken.

Ms Laurie: Thank you very much. I just wanted to quickly reiterate, for the benefit of the members, that much as we've pulled content for the advertising copy from the position profile and we will use all of our promotions and advertising to draw interested people to the full profile on our website, we are happy to make any amendments that the committee members see fit. That's why the ads are in draft form for people to review. We're happy to defer to the will of the committee on that.

The Chair: Thank you, Ms Laurie.

Member Turton, and then Member van Dijken.

Mr. Turton: Yes. Thank you very much, Mr. Chair. I just want to kind of add to some of my previous comments. While I understand and appreciate, obviously, the work that the public service has done

with putting this forth, in regard to the motion put forth by the member across, you know, I have no issues with it. Even though it's outside perhaps the process that's going on with other committees right now, when I look at the wording, there's nothing that says that this might not improve the process. It doesn't, I think, add a bunch of onerous work to the public service for making some potential revisions. Who knows? Maybe this could be just a template moving forward in terms of reiterating and amplifying the fact that we do want that impartial candidate that is going to have the rights and interests of all Albertans in place.

I will be supporting the amendment. I just wanted to kind of clarify because I know it came across that I was maybe a little bit overly harsh. I do look forward to a good working environment for this committee with all members. I look forward to supporting this motion.

The Chair: Thank you, Member Turton.

Member van Dijken, please go ahead.

Mr. van Dijken: Thank you. I would suggest that the motion that's before us is somewhat redundant to what's already in the document. The document does read: this "nonpartisan, independent officer of the Legislature." These are independent officers that are appointed, overseeing very important work. They're professionals. The committee is going to be evaluating them on those standards, and I would suggest that we have to be careful not to interfere with their independence by providing direction that the incumbent provide impartial comments. The incumbent will be able to understand their role as independent, nonpartisan. I think that where the intent is fine, I believe that the motion is riding on the edge of providing direction to the appointed officer.

The Chair: Thank you, Member van Dijken.

Member Stephan, followed by Member Ganley.

Mr. Stephan: Yeah. Just a modest suggestion with respect to the wording and following on my colleague's comment. If we move the phrase "have the ability to" to follow right after the word "incumbent," then it says, "That the incumbent have the ability to provide impartial comments and recommend strategic" and then kind of finishes the sentence. Then we're not compelling. We're just saying that you have the ability to. I think that probably falls in line with the spirit of, you know, just modest thought, just to perhaps make it permissive rather than mandatory in terms of the language of the comments part.

The Chair: Thank you, Member Stephan.

Member Ganley, please go ahead.

Ms Ganley: Yeah. I just want to clarify with respect to the motion because maybe I didn't say it explicitly. The job requirements we approved in the last segment of the agenda – sorry. The major responsibilities include "providing comments and recommendations on legislative schemes." What this motion is suggesting is just that we make that wording explicit in the advertising copy. This wouldn't change in any way the requirements of the job. I'm just suggesting that I think that these particular points in the job description, that are already part of the job description, ought to be highlighted in the ad because I think it will sort of catch the eye. Like, some people will click on an ad in a very – like, there are numbers that are run on how many people actually click on the ad and go through to the sort of position profile after that. I'm just suggesting that this go into the ad because it will sort of attract more or slightly different people to click on the ad and to look at the job profile and potentially sort of go down the

whole process. That's all this is meant to change, just the advertising copy, not the actual job description.

The Chair: Thank you.

Any other further comments or thoughts?

I'll ask committee members. All those in favour, please say aye. All those opposed, please say no. Okay.

Motion carried.

Thank you, committee members, for that great discussion.

Now we're moving on to agenda item 5 – oh. Could I have someone please move the motion that this be approved as revised? Member Dang. Thank you very much.

Mr. van Dijken: Point of order.

The Chair: Go ahead.

Mr. van Dijken: What's being approved as revised? I'm not sure what's being done here. Like, I guess we passed a motion that's given direction. What have we approved?

Ms Rempel: Well, this motion amends what is in the current plan that was distributed, the current advertising and communications plan. If there's no further direction on it, we now need a motion to approve it as revised, according, you know, to the direction that's been given here.

The Chair: Go ahead, Ms Laurie.

Ms Laurie: Thank you, Mr. Chair. I would just add to that. As I said, we're, of course, happy to make any edits and revisions to the advertising material. As I alluded to in my initial remarks, based on the different sizes for different advertisements, publications, be they online, be they print, if we're adding in a block of text of this size, we are by necessity removing some other information. I'm not sure if the committee – I'd just flag that. I'm not sure if we should go ahead with those decisions or work with the committee clerk and the chair to finalize that advertising copy in the end.

The Chair: Member Turton, please go ahead.

Mr. Turton: Yeah. I guess just a point of clarification if I may. When I see the motion that Member Ganley put forth, while it says that the wording of the communications plan will encompass that, it doesn't, I believe, give actual direction to move forward with putting forth the plan. I stand to be corrected. It seems as if we may be missing an initial motion first for direction, and then this one would add extra clarification to the motion. That is just my interpretation of what I see here. If I'm completely wrong, then that's fine as well.

The Chair: Ms Rempel or someone?

9:50

Ms Rempel: Yes. The decision item is how the committee wishes to proceed with regard to communications and advertising. A proposal was put forward and distributed for consideration. Ms Ganley had a suggestion to make. She brought it forward as a motion, which this committee has approved, so we will include that direction. There could be other directions. Of course, nothing was put on notice, but there could be other directions. If there are not, then we're just now approving that everything proceed.

The Chair: Okay.

Mr. van Dijken: So if I'm hearing correctly, the motion that was passed that Member Ganley put forward is going to change the

package significantly, to the point of possibly having to reword the advertising document, which could have impact on content within there but also on pricing. Therein lies the difficulty with approving a package that's been put before us and then amending it. We cause delay in needing approvals of the amended package unless this committee is willing to just leave it in the hands of the chair and the deputy chair to actually approve. But that will have to be a consideration, I believe.

The Chair: Any further comments on this?

Member Dang, were you including something here as a motion?

Mr. Dang: I suppose, Mr. Chair, that you had asked for a motion perhaps to move on to the next decision point, and I was prepared to move that at that time. I would be happy to withdraw that if that is procedurally better.

The Chair: Yeah. Member Dang, what Ms Rempel is doing right now is putting something up on the screen for your consideration to see if it captures the intent of your comments.

Mr. Dang: Yes. I can move this motion at this time. Do you want me to read it?

The Chair: Yeah. Please, go ahead.

Mr. Dang: Sure. Of course, we'll want some time to comment on it and make some debate as well, right? I move that

the Select Special Information and Privacy Commissioner Search Committee approve the communications plan and advertisement copy as revised and that the chair be authorized to approve any final copy as necessary.

The Chair: Thank you very much, Member Dang. Any comment or question on this?

Mr. Dang: Yeah, I just have a few general comments, I guess, and then perhaps a couple of questions that I would like some guidance or help with. Overall, I think, like Mr. Turton had said earlier, I have a lot of faith in our public service here, and I have a lot of faith that we'll be able to have a thorough process. I guess one of the things that I want to clarify, that we have the chair approving the final copy – but perhaps prior to that, it would be distributed one final time to the members of the committee, and we'd have a chance to take a look at it again and make comments to you, perhaps virtually, before you give that final approval. I think that certainly also is one of those things I'm hoping we can just agree to fairly informally, because I think it's a process that we want to move along, but we want to have eyes on before it goes forward. Is that agreeable?

The Chair: Yeah. Do we have any other comments or questions?

Mr. Carson: Just to that point of making sure that the membership of the committee has had the opportunity to review and provide comments. If that's something that needs to be explicitly said in the motion, then I think that we should potentially consider that, but if that doesn't need to be the case, then okay.

The Chair: Member Turton.

You had a comment, too, Member Ganley?

Ms Ganley: I can go after.

The Chair: Yeah. Sure.

Mr. Turton: Yes. Thank you very much, Mr. Chair. I'm okay with the motion by Mr. Dang as revised. I guess my question is that since

we've already approved the extra revisions – it kind of encapsulates the communications plan; the profile has already been locked down – I don't see the reason to have the last part, in terms of the chair being authorized to approve final copy, because, from my perspective, we kind of already approved what we want in the communications plan and the member profile. I don't see any additional changes that would have to take place from what we've already talked about today. I guess some questions, clarification for myself about why that last part of the sentence would be required.

The Chair: Go ahead.

Mr. Stephan: Thank you, Mr. Chair.

The Chair: Oh, no. Sorry.

Ms Rempel and then Ms Ganley.

Ms Rempel: Thank you, Mr. Chair. The wording was put in to address some of the comments that were being made about: would this potentially, you know, impact the costs, or what about text that may have to come out in order to put this in? That's why this was, I suppose you could say, added to just the first part of the motion, which would approve that it proceed as revised. Of course, it's at the committee's discretion if anyone wants to propose a further amendment to the motion and if the committee wishes to hear said amendment.

The Chair: Thank you.

Member Ganley and then, I think, Member van Dijken and then Member Stephan.

Ms Ganley: Yeah. I was just going to add that the motion we just passed, the one that I moved, had suggested that we insert certain language into the advertising copy where reasonable. Presumably, folks are going to take that away, and some of the ads have sort of more banner space or less banner space or some things, right? Like, I imagine that that text will go in in some circumstances and not in others, so I think the purpose of this motion is just to ensure that once that advertising copy is updated, there's a process to approve it that doesn't require recalling the entire committee.

I would simply suggest that I might like to make an amendment to this. I know that neither the motion nor the amendment was provided the three days in advance, so I'm not sure procedurally whether I need unanimous consent, but the amendment I would suggest would just be: "communications plan and advertisement copy as revised and that the chair be authorized to approve any final copy as necessary," and then I would just add a comma and say, "after consultation with members of the committee."

The Chair: Thank you, Member Ganley.

Member Ganley stated that she would like to move an amendment if allowed. Procedurally, just wondering if members have any comments on this. We do have Standing Order 52.041 in place. Go ahead, Member Stephan.

Mr. Stephan: Yeah. I would prefer us not to quite get into the weeds as much here. What constitutes consultation, as my colleague will know, has been the subject of litigation. I do support this motion as originally made. I don't want to see the committee delegate its oversight and stewardship, and I trust a final review and approval by the chair to be reasonable and balanced. I'm not sure if I really want – does consultation really mean effectively having a de facto additional meeting on the final copies? I'm not really sure. I'm fine with what's been proposed here, and I trust the stewardship

of the chair to act in good faith and to be thorough in just approving the final copy that is being proposed.

10:00

The Chair: Member van Dijken, please go ahead. Did you have a comment?

Mr. van Dijken: Not on the amendment.

The Chair: You have a comment? Yeah. Go ahead.

Ms Rempel: Thank you, Mr. Chair. I was just wanting to clarify my previous comment that this committee has already approved Ms Ganley's motion as far as amending the plan and the advertisements. We are now bound, then, to make any changes to these ads in the spirit of the direction that's been given by the committee. That's already been confirmed because of, you know, some concerns that were raised about possible changes to costs and so on. Again, that's why there was the addition of the latter part of this motion.

The Chair: I'm just going to call a quick five-minute recess. We'll meet back in here at 10:07. Thank you, guys.

[The committee adjourned from 10:02 a.m. to 10:06 a.m.]

The Chair: Okay, everyone. Thanks for that recess. We're back in session now.

Does anyone else have any comments on this or anything to add? Member Turton.

Mr. Turton: Yes. Thank you very much, Mr. Chair. I'd like to put forth an amendment that would say that: the Select Special Information and Privacy Commissioner Search Committee authorize the chair and deputy chair to approve a position profile for the Information and Privacy Commissioner by Tuesday, December 21, 2021, following the distribution of a revised draft profile document to committee members for review and comment.

The Chair: Member Turton, that currently is out of order. If this is about this issue here, they can work with you on this.

Jody, could you comment on that?

Ms Rempel: Yeah. Thank you, Mr. Chair. I would just note that the position profile itself has already been approved by the committee. What we're dealing with now is the communications and advertising portion of things. I don't want to assume too much; is it the intention of the member to amend the current motion that's on the floor just to include that the draft ad will be redistributed to committee members for comment prior to final approval? Is that where we're going with this, the intention?

Mr. Turton: Yes. My mistake. I, unfortunately, put position profile. Obviously, I had the two mixed up. I was meaning communications profile. That's my mistake.

The Chair: Did you have a comment, Member Ganley? Go ahead.

Ms Ganley: Sorry. I'm not sure if this is best raised by a point of order. I just wanted to clarify what happened with – because I think I had proposed a subamendment, and I believe we have to deal with that first. Now, my understanding is that because the motion and any submotions were not sent in ahead of time or whatever, then I needed unanimous consent. So it may be the case that the chair considered Mr. Stephan's objection to be a refusal of unanimous consent. If we could clarify procedurally where we are, that would be helpful to me.

Ms Rempel: Thank you for the question. There was no final vote called before the committee took a break. Currently there is a request to have an amendment put on the floor, at which point we would work on the exact wording of what that amendment was, regardless of which member chooses to move it. But if we want to first have a vote about permitting an amendment on the floor, that would clarify everything.

The Chair: Yeah.

So are you understanding?

Ms Ganley: I'm just wondering what the status of my attempt to amend this motion is. Did we already get rid of that? Is it still on the floor? We can't – maybe you can – amend an amendment to the motion. I just want to make sure we all know what we're doing.

The Chair: Yeah. The amendment is not on the floor yet, Ms Ganley, because the committee has to decide if they will permit the amendment on the floor.

Any comments on that before I go to a vote?

Ms Ganley: I'm sorry. Which amendment? My amendment or Mr. Turton's amendment?

The Chair: Yours.

Ms Ganley: Okay. Thank you.

The Chair: Okay. Members, all those in favour of allowing Member Ganley's amendment, please say aye. All those opposed, please say no. Okay. Agreement has been reached to hear that, so now we'll just get the correct wording.

Mr. Dang: Mr. Chair, perhaps for the benefit of the room and to make this work a little bit easier – I know that my colleague here had a little bit of wording in mind already, but I think Mr. Turton had some wording in mind. Perhaps we could recess for two minutes just to compare and see if there is something that we can work on together.

The Chair: Yeah. Sure. Let's take maybe a five-minute recess. We'll be back here at 10:17, roughly. Thank you, guys, so much.

[The committee adjourned from 10:12 a.m. to 10:16 a.m.]

The Chair: Okay. Members, thank you. Now we have Member Dang's motion before the floor, and we have Member Ganley moving the amendment.

Please go ahead, Member Ganley.

Ms Ganley: Yes. I would, after due communication with my colleagues in the hope that we have agreement here, move that the motion be amended to insert "and the deputy chair" after "the chair" and insert "after it has been distributed to the committee members for comment" after "as necessary."

The Chair: Thank you, Member Ganley.

Any comments or anything on this before I go to the vote on the motion?

Seeing none, all those in favour of this amendment, please say aye. Any opposed, please say no.

Motion carried.

Thank you so much, members. That amendment has carried.

Now we'll vote on Mr. Dang's motion. Does he need to reread it, Jody? No? It's okay?

Ms Rempel: No. But it . . .

The Chair: Go ahead.

Ms Rempel: Or I can if that's . . .

The Chair: Would the members like – go ahead, Jody. You can read the motion.

Ms Rempel: Thank you, Mr. Chair. Yes. Just for clarification, the committee is now going to need to address Mr. Dang's motion as amended. I can attempt to read it out as it would be with the amendments in it. I believe it would read that

the Select Special Information and Privacy Commissioner Search Committee approve the communications plan and advertisement copy as revised and that the chair and deputy chair be authorized to approve any final copy as necessary after it has been distributed to committee members for comment.

The Chair: Thank you very much.

Members, any questions or comments on this?

Hearing none, all those in favour, please say aye. Any opposed, please say no.

The motion is carried.

Thank you, members. We're back to the main agenda, item 5, other business. Do members have anything for discussion under other business? If not, we'll move on to the date for the next meeting.

Seeing none, agenda item 6, the next meeting. As set out in the timeline, part of the recruitment campaign for the Information and Privacy Commissioner position will occur later in January. Our next meeting will be scheduled for late February or early March to ensure applicants have reasonable time to respond to our advertisements and to allow for the processing and organization of applications by our support team prior to our review.

Would a member make a motion to adjourn, please? Member Stephan moves that the December 16, 2021, meeting of the Select Special Information and Privacy Commissioner Search Committee be adjourned. All in favour? Any opposed? The motion is carried.

Would the participants in the room please remember to take your cups and disposables when you leave the table? Thank you, everyone, very much.

[The committee adjourned at 10:20 a.m.]

