

- policy advice and recommendations from public servants;
- government testing procedures;
- legal opinions generated within the Government; and
- existing statutory restrictions on disclosing information.

Ministers may override any of the above exceptions but three: information obtained under an international or federal-provincial agreement of confidentiality; personal information; or statutory restrictions.

In every case when exempt and non-exempt information is included in the same document, the non-exempt information would be made available when it is "reasonably practicable" to do so.

The following is a sample list of the kind of documents that would be released on request under legislation:

- Cabinet discussion papers and some records of Cabinet decisions;
- draft bills after introduction and drafting instructions;
- test reports, environmental impact statements, product testing results;
- technical and scientific research results and results of field research;
- statistical surveys;
- cost figures and estimates;
- minutes of discussions with industry and industry briefs;
- salary ranges of officials;
- details of contracts;
- terms of reference for any work contracted out or for studies of departmental programs.

#### Refusals

The legislation calls for a two-tier review procedure of government refusals to disclose information under the Act. Any refusal could first be referred to an information commissioner with ombudsman-like-powers to investigate the complaint and make recommendations to the department involved. The commissioner could report to Parliament at any time and if the Government still refused to disclose the information, the applicant could appeal to the Federal Court for a ruling.

Both the information commissioner and the Court would be empowered to review any documents involved.

The information commissioner and the Court would determine if ministers were, in fact, right in claiming exemptions under the Act when withholding information.

The new Act would operate in the following manner:

(1) The Government would provide ready access to publications explaining the kind of information that is available in the files of government institutions covered by the legislation.

(2) An individual or corporation could write to a government institution to request records, describing them as clearly as possible and including an application fee.

(3) Departmental officials would search the records, and consider whether they are exempt under the Act. The decision would be communicated to the applicant within 30 days normally. The minister would be empowered to waive exemptions in most cases.

(4) If dissatisfied by the response the applicant could take the case to an information commissioner for review. The information commissioner would investigate the complaint and make a recommendation to both the minister and the applicant.

(5) If still dissatisfied, the applicant could take the case to the Federal Court for judicial review and decision.

The Government estimates the cost of the program at between \$5 to \$10 million annually, depending on the number of requests for information under the Act.

#### Embassy stays in Tel Aviv

Canada will not move its embassy in Tel Aviv to Jerusalem stated Prime Minister Joe Clark, tabling an interim report recommending against the move, in the House of Commons, October 29.

"The Government accepts the recommendation that no action be taken on the location of the Canadian Embassy until the status of Jerusalem is clarified with a comprehensive agreement between Israel and its Arab neighbours," Mr. Clark told the members of the House.

In making the announcement, the Prime Minister said he was accepting the recommendations opposing the move which were contained in an interim report prepared by Robert Stanfield, who was appointed special representative to study the relocation of the embassy.

"As a result of extensive consultation, Mr. Stanfield has concluded that a change in the location of the Canadian Embassy in Israel could be seen as prejudging negotiations among parties in the Middle East and might in fact work against progress towards a just and lasting peace settlement," said Mr. Clark.

#### Canadian heads world freedom of information body

An international organization on freedom of information has been set up in London, England, chaired by a Canadian.

The first issue of Newsletter, a publication of the International Freedom of Information Commission, lists Gerald Baldwin, Progressive Conservative member for Peace River, Alberta, as chairman.

Senators John Godfrey and Eugene Forsey of Canada; Peter Grant of the Canadian Bar Association and Richard MacDonald of the Canadian Daily Newspaper Publishers Association are listed among the vice-chairmen.

Founding directors are listed from the United States, Canada, Australia, Britain, West Germany, Denmark and South Africa, with members still to be appointed in Switzerland, Italy, France, Sweden, Norway, Belgium, the Netherlands and Luxembourg.

In an introductory statement, Mr. Baldwin touches on the problems and progress seen in Canada and other countries taking strides to increase the flow of information on the functions of government.

"Information in the hands of the people, freely available, with the exception of a few clearly defined exemptions, is essential to any democracy," writes Mr. Baldwin. "It is imperative to the efficient functioning [of] governments."

Mr. Baldwin writes that he believes an international commission is essential to correlate information.

The Canadian Bar Association found that a draft bill prepared by the royal commission on Australian government administration was extremely useful in writing their model bill on freedom of information, he said.

"This kind of cross-fertilization of ideas, draft legislation, acts, policy papers, etcetera, can be of immense value to us all, saving a great deal of duplicated efforts and time," said Mr. Baldwin.

Among the founding directors listed are Professors Donald Rowat of Carleton University; Murray Rankin, University of Victoria, and Gerald Gall, University of Alberta.

Newly named to the directorate are Mark MacGuigan, Member of Parliament, and John McCamus, research director for the Ontario commission on freedom of information and privacy.