agency involved in deciding whether, once a document has been determined to be exempt, the exemption should be claimed or waived. The American Supreme Court has made it quite clear that it considers judicial interference with such a decision to be inappropriate. I quote the case of *E.P.A. v. Mink* U.S. 73, at page 80, a court case going back to 1973.

To my knowledge, there has never been any suggestion that the type of review which exists under the U.S. act does not amount to *de novo* review. Nor can it be legitimately claimed that review under Clause 50 of this bill does not constitute *de novo* review.

The two-tier review system, which includes the act of participation of a powerful information commissioner and of an independent court, will ensure that no information that should be made available will be denied. It guarantees that the objectives of the legislation will be met, not in some vague and general way but in the day to day operation of the access to information act.

In concluding this description of access to information, I would like to mention two important features that were added in committee. The first has do to with the purpose clause. It will be made clear on the face of the act itself that this legislation is not meant to replace procedures now in place for providing access to government information. Nor is it meant to cut the flow of information currently available to the Canadian public. This clarification was made in response to the fears expressed in certain quarters, especially in the historical research community, that henceforth no access would be provided otherwise than by using the formal mechanism of the legislation.

The second important improvement relates to the requirement that a comprehensive review be undertaken of the access to information act with a view to determining whether it needs amendments. This review is to be conducted by the parliamentary committee that will be designated or set up to oversee on a permanent basis implementation of the legislation. This will ensure that the act we now have before us is but a first text, one that will be improved upon in the light of the experience gained over the years.

The second part of Bill C-43 will enact new privacy legislation. Under this portion of the bill Part IV of the Canadian Human Rights Act, the existing legislation dealing with the protection of personal information held by the federal government, will be repealed and replaced by more comprehensive legislation protecting government-held personal information.

Before elaborating on the ways in which the rights recognized under Part IV of the Canadian Human Rights Act will be extended, I would like to take a few moments to discuss the relationship between access to information and privacy legislation. Combining access to information and privacy legislation in one bill has permitted the complete integration of these two complimentary types of legislation.

Parallel rights of access to information held by the government and parallel rights of review of decisions to refuse access have been created. At the same time, however, the principle that the right to privacy takes precedence over the general right of access has been clearly recognized. This is a principle with which I am sure all hon. members agree. Thus the term "personal information" has the same meaning in both the privacy and access to information legislation.

Also the disclosure of information under the access to information portion of the bill is determined by the principles regarding disclosure of personal information to third persons set out in the privacy portion. This approach will ensure complete consistency between the treatment of personal information under both statutes, thus avoiding the situation which has developed in some countries where competing rights to privacy and to access to government-held information have been created.

Returning to the ways in which the rights currently recognized under Part IV of the Canadian Human Rights Act will be extended by the new privacy legislation, I would point out first, that a comprehensive code of fair information practices will be enacted. This will forbid the collection by government institutions of personal information which is not directly relevant to the operating programs or activities of the institution. It will also require that government institutions collect and retain only accurate, complete and up to date personal information about individuals.

Finally, and perhaps most importantly, a comprehensive code regulating the use and disclosure of all personal information by government institutions will be enacted. This code reflects the principle that the right to privacy involves the right to control the use and disclosure of information about oneself. This is a principle which is particularly important in today's age of rapidly developing computer technology.

• (1530)

One member of the opposition in particular criticized this code, suggesting that it is actually a mechanism to authorize unwarranted intrusion into the privacy of individuals, rather than a scheme designed to protect individual privacy. In doing so, I feel that the effect of the code has been misrepresented.

At present, there are two types of controls which exist with respect to the use of disclosure of personal information. The first are the controls of general application set out in Subsection 52(2) of Part IV of the Canadian Human Rights Act. These controls apply only to the personal information which an individual himself provides to the government and only where the information is to be disclosed for use in a decision-making process relating to the individual. These controls are much more limited in their application than those that are now included in Bill C-43. The second type of controls are those specific prohibitions against disclosure which exist under certain statutory schemes. One can mention Section 241 of the Income Tax Act as an example.

The code in Bill C-43 regarding use and disclosure necessarily recognized that there are some circumstances in which the right to privacy may have to yield to greater public or private interests. However, the situations in which this is the case are both limited and specific. Moreover, it is essential to understand that no right of access by a third party is created