

At the first U.S. *Privacy Act* oversight hearings in 1983, both the Office of the United States Trade Representatives and the Department of State indicated that they favoured granting access rights to foreigners under both laws "in line with foreign data protection laws."¹⁵ However, at present, foreigners do not have the right of access and the right to correct files.

The Privacy Commissioner has recommended to the Committee that "privacy rights should be extended to all persons in Canada, not limited to Canadian citizens and permanent residents."¹⁶ His recommendation would apply to any person applying from within the boundaries of Canada. The Committee's view is that such access rights should be available to anyone about whom the federal government has collected personal information, since, as the Commissioner has argued, "persons with non-resident status are often affected profoundly by administrative decisions of federal government institutions."

Recommendations:

- 2.9 The Committee recommends that any natural or legal person be eligible to apply for access to records under the *Access to Information Act*. The location of the applicant should no longer be relevant. Corporations, non-profit associations, employee associations, and labour unions should also be able to avail themselves of this legislation.**
- 2.10 The Committee further recommends that section 12(1) of the *Privacy Act* be amended so that access and correction rights for their own personal information are available to all individuals, regardless of citizenship or residence.**

Access Tools

Under section 5 of the *Access to Information Act* and section 11 of the *Privacy Act*, the Treasury Board is responsible for producing guides for users entitled the *Access Register* and the *Personal Information Index*. They are updated by a *Bulletin*, published twice a year.

The Committee heard from many witnesses who testified that although the *Access Register* had been improved, it remains vague and difficult to understand. For example, the Consumers' Association of Canada termed the *Register* "useless" and indicated that "the description of records in the Register reveals little information."¹⁷ The Department of Communications also noted in its Brief that "the Access Register is still a very broad description and not too helpful in locating the precise documents desired. It is our practice to phone [users] for further specifications."¹⁸ In addition, the Index to the *Register* remains unclear in several places.

The President of the Treasury Board has indicated the production of the *Access Register* and the *Personal Information Index* involves a direct cost of \$0.5 million annually for publication and distribution, and several times this cost in the staff time required within government institutions to inventory and describe their record holdings. He further testified that only a small proportion of access requests even made reference to the *Access Register*.

The Ministerial Task Force on Program Review (the Nielsen Task Force) suggested that consideration be given to an omnibus publication which would combine the *Access Register* with such other government publications as the *Organization of the Government of Canada* and the *Index of Programs and Services*.¹⁹ There is much merit in this suggestion. An omnibus publication of this sort could provide potential users with more detail, so that access requests might identify the specific record sought more effectively.

Since the *Access Register* and the *Personal Information Index* are already produced from a computerized inventory of information, it should be possible to extract portions in the form of a customized directory, which would be of assistance to specific user groups. For example, applicants