government institution and the complainant. If the government institution continues to withhold the requested records, the applicant may apply to the Federal Court for a binding order.

Since there are many similarities between the *Privacy Act* and the *Access to Information Act*, only the differences will be highlighted in this synopsis. In reality, the *Privacy Act* is data protection legislation. Sections 4 to 8 of the *Privacy Act* set out a code of fair information practices for government institutions. This code prescribes how personal information is to be collected and retained, when it is to be collected, and when it may be released to others or disposed of. Not only do Canadian citizens and permanent residents have access rights to their personal information under the *Privacy Act*, but they also have certain rights to seek correction of their personal information when they believe it is erroneous or incomplete.

In addition to the exemptions from access, as in the *Access to Information Act*, the *Privacy Act* currently provides that whole banks of personal information are exempt from access where all the files which they contain consist predominantly of information relating to international affairs, defence matters or police investigations. The Privacy Commissioner has powers and responsibilities similar to those of the Information Commissioner and is also empowered to audit compliance by government institutions with the provisions of the *Privacy Act*.

The Treasury Board Secretariat has general responsibility for co-ordination of the implementation of both Acts. The Department of Justice has general responsibility for the policy implications of the Acts. The designated head of each government institution is responsible for its compliance with both Acts. Each government institution is responsible for the designation of an Access to Information/Privacy Coordinator who has primary responsibility to receive and process access requests.

General Principles

It is provided in both Acts that their purpose is the extension of the laws of Canada — in the case of the *Access to Information Act*, to provide greater rights of access to records controlled by government institutions; in the case of the *Privacy Act*, to assure the protection of Canadians' privacy with respect to personal information about them which is held by government institutions.

Although access and privacy rights may, at first glance, appear to be contradictory, they do not often come into conflict. Access and privacy statutes are, in fact, complementary rather than contradictory. The development of access legislation is part of a widespread 'open government' movement in democratic societies. Democracies are strengthened by the ability of electorates to hold decision makers responsible for their policies and actions. Access legislation is one element of this general trend toward greater accountability.

Gerald Baldwin, Q.C., made this point when he told the House of Commons in 1977 that:

> "Open government by a workable freedom of information law will have very definite advantages for this parliament and for the public of Canada. Canadians are entitled to know what the government is doing to or for them, what it is costing them, and who will receive the benefits of the proposals which are made. This parliament will then be a better place."[5]

The Honourable Walter Baker, then President of the Privy Council, reinforced this point when he told the House of Commons on presenting Bill C-15 for Second Reading debate in November, 1979:

> "If this Parliament is to function, if groups in society are to function, if the people of the country are to judge in a knowledgeable way what their government is doing, then some of the tools of power must be shared with the people, and that is the purpose of freedom of information legislation."[6]

Privacy legislation, and more specifically data protection legislation, enables individuals to have some control over what is done with the personal information they provide to government in exchange