

information legislation. In June 1977, the Government tabled in Parliament a Green Paper on freedom of information which was referred for consideration to the Standing Joint Committee on Regulations and Other Statutory Instruments. The Joint Committee tabled its Report on the Green Paper in June 1978.

At about the same time, the Canadian Bar Association published a research study on freedom of information, entitled "Will the Doors Stay Shut?",³ in August 1977, followed in March 1979, by a Model Freedom of Information Bill.⁴

Before the Liberal Government could act on the June 1978 Joint Committee Report, the May 1979 election intervened and a new Progressive Conservative Government came into power. The President of the Privy Council, the Honourable Walter Baker, introduced freedom of information legislation in the form of Bill C-15. It received second reading on December 5, 1979, but died on the Order Paper when the Government fell later that month. On July 17, 1980, the Honourable Francis Fox, Minister of Communications in the Liberal Government, introduced Bill C-43, containing both the present *Access to Information Act* and the *Privacy Act*. Parliament passed Bill C-43 in June 1982, and it was proclaimed in force on July 1, 1983.

The *Privacy Act* has its immediate origins in the mid-1970's. On July 21, 1975, Bill C-72, "An Act to Extend the Present Laws in Canada that Proscribe Discrimination and that Protect the Privacy of Individuals", received first reading, but it died on the Order Paper with the end of the parliamentary session. A revised version of this legislation, Bill C-25, received first reading on November 29, 1976. This Bill, the *Canadian Human Rights Act*, was passed by Parliament and proclaimed in force on March 1, 1978.

Part IV of the *Canadian Human Rights Act* contained measures for privacy protection, including a code of fair information practices and the creation of a Privacy Commissioner (as a member of the Canadian Human Rights Commission). The Progressive Conservative Government which came into power in 1979 drafted a Bill revising Part IV of the *Canadian Human Rights Act*, but the Government fell before it could bring this legislation before Parliament.

The draft Bill did see the light of day, however, when Bill C-535 (a private member's Bill) received first reading on May 2, 1980 under the sponsorship of the Honourable Perrin Beatty, M.P.

As mentioned earlier, the present *Privacy Act* was part of Bill C-43, which was passed by Parliament and proclaimed in force on July 1, 1983.

Description of the Acts

The Committee will not attempt to give an exhaustive description of how the Acts work. This is done more thoroughly and comprehensively elsewhere in other publications. We will simply sketch here the main elements of each Act. More detailed descriptions will be given later in this Report where it is necessary to locate our analysis and recommendations within the proper context.

Under the *Access to Information Act*, any Canadian citizen or permanent resident may, on application and payment of the appropriate fees, have access to records under the control of government institutions. The only government institutions currently subject to the Act are those set out in a Schedule to the Act. Government institutions may refuse access to records under their control if the records sought fall within the classes of records described in a number of broad exemptions in the Act. Any records classified as cabinet confidences are not accessible under the Act.

If an applicant believes that access to a record is being unfairly denied, a complaint may be filed with the Information Commissioner. The Information Commissioner, an independent officer directly accountable to Parliament, conducts an investigation and makes a non-binding recommendation to the