transportation, energy, communications and other fields. Often the Government's choice to establish a Crown corporation, as opposed to a more traditional government department or agency, represents purely a choice among different instruments of public policy. To subject most Crown corporations to the Acts, as the Committee recommends, would enhance their accountability to the Canadian public. Their legitimate secrets would be adequately protected under the various exemptions set out in the *Access to Information Act*, particularly sections 18 and 20, which deal with the matters affecting the economic interests of Canada and confidential business information.

Since its passage in 1969, Crown corporations have been subject to the *Official Languages Act*. When the *Financial Administration Act* was amended in 1984, it had the effect of bringing federally incorporated, wholly-owned subsidiaries of Crown corporations under that law.[5]

Following the format of the Treasury Board's Annual Report to Parliament on Crown corporations under the *Financial Administration Act*, the Committee recommends that the *Access to Information Act* and the *Privacy Act* cover all 53 parent crown corporations and their 127 wholly-owned subsidiaries; the majority of these are owned by CNR and Petro-Canada. As of July 31, 1986, they employed 187,000 people and had total assets of $55 billion.[6]

The Committee deems it impractical at this stage to extend the coverage of the *Access to Information Act* and the *Privacy Act* to certain other Crown corporations. Those not to be covered include 140 subsidiaries of Crown corporations which are not wholly-owned as well as 26 "joint and mixed enterprises" which have share capital owned jointly with other governments and/or other organizations (e.g. Telesat Canada). Finally, there are other entities without share capital for which the Government of Canada, either directly or through a Crown corporation, has a right to appoint one or more members of the Board of Directors or similar governing body (e.g., the various Harbour Commissions, Hockey Canada Inc., and the Vanier Institute of the Family).[7]

The Committee is of the general view that all wholly-owned Crown corporations and their wholly-owned subsidiaries should be covered by the *Access to Information Act* and the *Privacy Act*.[8] As the Privacy Commissioner stated to the Committee, "The first—and easy—step in extending the coverage of the *Privacy Act* should be to bring in these Crown corporations which had been allowed to claim exemption on the grounds of competitive disadvantage. Indeed, collective agreements in some Crown corporations not covered by the Privacy Act already give employees access to their own personal information. Such agreements or not, government institutions, because they are government, should set the highest standards of privacy protection.... Why should Canada Post be covered by the Privacy Act and not, say, the CNR? Why National Film Board and not the CBC?"[9] This view was supported in testimony before the Committee from the Canadian Bar Association, *La Ligue des droits et libertés*, the Social Science Federation of Canada, and the Canadian Rights and Liberties Federation.[10]

In March, 1986, the Government of Ontario expanded the scope of Bill 34, an Act to provide for Freedom of Information and Protection of Individual Privacy, to cover all Crown corporations, including the Liquor Control Board of Ontario, Ontario Hydro and the Ontario Lottery Corporation.[11] The Bill currently contemplates doing this by designating such organizations as "institutions" in the proposed regulations under the Act.[12]

A definition of Crown corporations should be developed for purposes of the *Access to Information Act* and *Privacy Act*. In principle, the Committee wants to include corporations in which the government has a *de facto* controlling interest and which provide goods or services to the public on a commercial or quasi-commercial basis.[13]

The Canadian Broadcasting Corporation argued in a Brief to the Committee that the application of the *Access to Information Act* and *Privacy Act* to the CBC would stifle the dissemination of information—which is its central mandate—for several reasons. It claimed that sources of information would dry up and applications would be made under the Acts in an effort to prevent the broadcasting of information. Several other similar claims were advanced. Although the Committee does not accept