

Access to Information

I can assure you there is a great deal of information which ought to be publicly disclosed that is not in the form of records and not in the hands, under the control or within the jurisdiction of government institutions as defined in the bill.

I hasten to point out that the long list of government institutions contained in the schedule is another reminder of the extent to which government operations have grown in this country. As I leaf through the bill I see seven or eight pages listing government institutions which are subject to this bill.

It has been pointed out by other speakers that there is a fee involved in exercising one's right under this legislation in connection with attempting to obtain access to the kind of information covered by the act. The fee appears to be very nominal in the sense that it cannot be more than \$25. However, any payment can be used as a deterrent under certain circumstances. I hope that provision for the right to impose a fee for access to information will not in any way be a deterrent to the right of access granted by the legislation.

Of course, there are exemptions provided for in the bill. We all recognize there must be exceptions to the right of access to information in areas such as foreign affairs, national defence and intergovernment dealings. However, the bill does not describe all the exemptions with the care and caution I recall Bill C-15 did, as introduced in 1979. However, we can only hope, as I have indicated time and time again, the government has the right attitude toward the provisions of this bill, and as difficulties develop in respect of exemptions as outlined the government will move to remedy the situation.

Attention ought to be drawn to the access which is granted by the bill. This is not simply a matter of walking into a government department or institution listed in the bill obtaining the records one may seek. There is definitely a relatively complex procedure involved. In the case of personal information the provisions of the proposed privacy act apply, and they involve a slightly different procedure. There may be no difference in principle, but a person may find himself deflected from one set of provisions to another set, particularly by a government officer who is seeking to deny access rather than to allow ease of access.

When a person is denied access under the legislation, he can make a complaint to the information commissioner. That may seem like a relatively simple matter, but as a lawyer who practised law I can assure you that when you are dealing with the Government of Canada and its various departments and emanations, nothing is simple. There are forms to be completed, there are time limits to be met, there are office hours to be observed, there are places one must go, there are addresses one must find, and, as I said—and I repeat and underline—nothing is simple. When we see provisions that say there may be complaints to the information commissioner and that the information commissioner may conduct an investigation, we do not know what to expect. That may be something like appearing before the Supreme Court of Canada on a weighty case or it may, if the proper spirit is there, be simplified in order to give real effect to the right of access.

In the end there is a right to review refusals to grant access to information in the Federal Court. I have to repeat what I just said. If you think the procedure involved in dealing with the information commissioner can be complicated, then go down to the Federal Court and see how it operates; look at the myriad of regulations you are put through as you seek access to the Federal Court. I do not want anybody to be lulled into thinking they can walk into government departments, talk to information commissioners, speak to judges and get the information they desire, because they can be put through very difficult and very complex processes, processes which I am afraid may be very expensive.

That is about all I need to say in respect of the mechanics of the legislation. I should add in respect of the privacy section that provisions similar to those provisions in Bill C-43 are to some extent already in force. There is a privacy commissioner operating in Canada. According to the report filed by the privacy commissioner for the year 1979, there were what I consider to be a relatively small number of complaints made to him under existing legislation. As I read the report, in 1978 there were 286 complaints, and in 1979 there were 159 complaints. Those would be complaints in respect of persons who sought information of a personal kind from government departments. We may not be dealing here with a vast thing. I repeat that if the proper spirit prevails in the government, there will be no need to go through these processes.

Let me say very generally in concluding my remarks in respect of Bill C-43 that what we really have to look for in this bill is a determination as to whether we have before us merely a paper tiger, a piece of legislation which will indicate that there is some right of access to information, but the mechanics are there to allow government officials effectively to deny that right of access.

What we want, and what has been effective in other jurisdictions in Canada and elsewhere, is a sunshine law, a law that allows the sun to shine in on government legislation and government activities. It is that kind of legislation which can have a real purpose in a democratic society. It can keep the government within the spirit and the intention of its powers; it can root out evils in government for the benefit not only of all Canadians but, indeed, also for government itself. I hope that is what we have before us in Bill C-43. I hope we have a sunshine law and not a paper tiger. I repeat what I said in the beginning, in the words of the Right Hon. Leader of the Opposition, it is a freedom of information attitude that will resolve these problems, and that is the beginning of a freedom of information law. Thank you.

● (2040)

Mr. Simon de Jong (Regina East): Mr. Speaker, I rise today to participate in the debate on this very important piece of legislation. As hon. members have pointed out earlier in the debate, the need for a free flow of information is essential in a democratic society. If the democratic process is to work and to function well in a healthy state, citizens must have information. Information is what is required to make decisions. With-