

*Access to Information*

How can any Member of Parliament or any Canadian say that Part IV of the Human Rights Act is better than what we will have after the passage of this bill?

Surely what we should be doing as Members of Parliament is applauding the fact that through consistent pressure which started back with Mr. Barry Mather of the NDP and Mr. Ged Baldwin of this party, we have been able to put pressure on the government to move in the right direction and begin to open government up, begin to give Canadians some control over information about their now lives. Surely that is the step we should be taking at 5.45, rather than grandstanding and saying "Record me as against it; it does not meet my standards that I have set, so I am going to vote against it. I would rather have nothing; I would rather go back to the status quo." That is what they are saying, rather than have these improvements made.

Members of this side, Mr. Speaker, feel that improvements can be made. We feel that improvements should be made. We are committed to the intention that improvements will be made when we have the opportunity as a government to do that. But we believe that what is before the House today is better than nothing, and we believe it is significantly better than nothing.

What is significant here, Mr. Speaker, perhaps more than anything else, is that this bill may do something about the climate of secrecy in bureaucracy. What we are saying is that for the first time there is a change in the philosophy on information. As things stand today, if a citizen wants to know about how a decision was made which affects his life or how his tax dollars were spent, if he wants to have access to that information or if he wants to withhold from the government information about his personal life, today the government says that it has control over information, that it has the right to decide in all instances whether an individual should be entitled to see information which he asks to see. The government says that it has the right to compel, under pain of penalty, from Canadian citizens information which they might otherwise choose to withhold.

What this legislation does for the first time is to turn that onus around, to say that information is the property of the people of Canada and not of the government. It says that the burden of proof in most instances must be put upon the government. If the government wants to withhold information about its activities, the burden of proof has to be on the government to justify that withholding. Or if the government wants to compel the giving of personal information about individuals, the burden of proof has to be on the government to demonstrate that that information should be provided and that the individual should not have the right to withhold it or to change it. That is a significant change.

It is important that we may start finding more openness in government, that we may start finding more respect on the part of government for the rights of Canadian citizens. If that is all that is achieved, if we begin to move that climate of bureaucracy, that culture that exists within the public service, toward more openness, toward more respect for the rights of

Canadian citizens, then we can be reported as having taken a very significant step today. Then Parliament's time today and Parliament's time over the course of this debate will have been well spent.

The hon. member for Burnaby made reference to the fact that in large part the privacy portion of this bill is patterned after legislation that was drawn up when the Conservative administration was in office. That is completely correct. Senator Flynn and I jointly introduced private members' bills, one in the House and one in the Senate, which included the draft of the legislation which was prepared by the Conservative government when in office. If you compare that with what is before us today, it is substantially the same.

Perhaps, Mr. Speaker, the most significant change that has been made between that draft bill and the bill that has been put before us by the Minister of Communications is that the Minister of Communications has simply ripped out the portion of the bill which deals with the abuse of social insurance numbers. You will remember that it was the intention of the Conservative government to act to roll back the use of social insurance numbers to a limited number of uses where an individual would be required to produce a social insurance number. In any other instance the onus would be on the government first of all to indicate to the individual whether or not any law of the land required that he supply his social insurance number; and if it was not mandated by law, and if he refused to supply it, the government would be stripped of its right to deny services to an individual who had not produced a social insurance number or to penalize him in any way.

We asked that the privacy commissioner conduct a study as to the use of the social insurance number in the private sector and in the provinces and to make recommendations as to what action could be taken there. We felt that we did not have the information at that time. We did not know how extensively social insurance numbers were being used. We did not have the information and we felt it would be prudent to regulate the federal government's use of it first and then to act to restrict their use in the private sector and at the provincial government level. My colleague from Perth (Mr. Jarvis), however, as minister of state for intergovernmental affairs, did write to each of the provincial governments to ask them to restrict the use of the social insurance number at the provincial level, and by and large that request was met with considerable enthusiasm at the provincial level.

When this government came into office, what they did was simply to rip out the rest of the provisions dealing with the social insurance number that would restrict it at the federal level and simply throw it in the lap of the privacy commissioner and say: "Make a report; we are not prepared to take a position." Ultimately the privacy commissioner reported. Frankly, it was a disappointing report. It did not address many of the issues which were of concern to people worried about the abuse of social insurance numbers. It went so far as to include in the back in a little pocket a brochure about how to apply for social insurance numbers. It was not very reassuring for