

Committee agrees with the approach taken in most other jurisdictions and would not extend the *Access to Information Act* to cover the judicial branch of government. Accordingly, the Federal Court, the Supreme Court of Canada, and the Tax Court of Canada should continue to be excluded from the ambit of the *Access to Information Act*.

The coverage of the personal offices of Members of the House of Commons and Senators presents several special problems. Since the relationship between such elected and appointed officials and the electorate is sometimes described as akin to solicitor-client privilege, and parliamentary privilege is involved, the Committee suggests their continued exclusion from the scope of the *Access to Information Act*.

The *Privacy Act* presents a different issue, since it is arguable that employees of Members of the House of Commons and Senators should have the same rights of access to data collected about them as other government employees. On balance, the Committee concludes that it would be preferable to include these offices, for such specific purposes, within the coverage of the *Privacy Act*, just as they are already subject to the *Canadian Human Rights Act*.

Recommendations:

- 2.3 The Committee recommends that all federal government institutions be covered by the *Access to Information Act* and the *Privacy Act*, unless Parliament chooses to exclude an entity in explicit terms. Thus the Committee recommends the repeal of Schedule I to the *Access to Information Act* and the Schedule to the *Privacy Act*. The criteria for inclusion should be as follows: Firstly, if public institutions are exclusively financed out of the Consolidated Revenue Fund, they should be covered. Secondly, for agencies which are not financed exclusively in this way, but can raise funds through public borrowing, the major determinant should be the degree of government control.
- 2.4 The Committee recommends that the *Access to Information Act* cover all federal government institutions, including all administrative tribunals, the Senate, the House of Commons (but excluding the offices of Senators and Members of the House of Commons), the Library of Parliament, and such offices directly accountable to Parliament as the Auditor General, the Official Languages Commissioner, the Chief Electoral Officer and the Office of the Information and Privacy Commissioners. The criteria for inclusion should be as follows: Firstly, if public institutions are exclusively financed out of the Consolidated Revenue Fund, they should be covered. Secondly, for agencies which are not financed exclusively in this way, but can raise funds through public borrowing, the major determinant should be the degree of government control.
- 2.5 The Committee recommends that the *Privacy Act* cover all federal government institutions, the Supreme Court of Canada, the Federal Court of Canada, the Tax Court of Canada, all administrative tribunals, the Senate, the House of Commons (including the employees only of Senators and Members of the House of Commons), the Library of Parliament, and such offices directly accountable to Parliament as the Office of the Information and Privacy Commissioners. The criteria for inclusion should be as follows: Firstly, if institutions are exclusively financed out of the Consolidated Revenue Fund, they should be covered. Secondly, for agencies which are not financed exclusively in this way, but can raise funds through public borrowing, the major determinant should be the degree of government control.

Coverage of Crown Corporations

Federal Crown corporations of a commercial nature are excluded from both Acts. Such corporations are owned or financially controlled by the Government of Canada. They are involved in