

view by a court. The court would have access to the information at issue and the right to decide whether that information should be introduced as evidence.

### Exemptions

Information exempted from automatic right of public access under the bill would include:

- information obtained in confidence from foreign governments, international organizations, the provinces or municipal authorities unless disclosure is consented to by the submitter of the information;
- information whose release might cause injury to the conduct of international affairs, defence or counter-intelligence, federal-provincial affairs or the government of Canada's economic interests;
- information relating to criminal investigations;
- personal information or confidential information obtained from corporations or unions unless disclosure is consented to by the submitter; and
- Cabinet documents, internal advice, and negotiating positions.

The section on privacy would bring the exemptions under part IV of the Human Rights Act into line with the approach taken in the rest of the bill, thus opening more personal information to inspection and amendment by the individual concerned.

The bill would establish a third party notice procedure with respect to information provided to the government by unions, businesses and other commercial enterprises. It would require that such persons or organizations be notified when information that could adversely affect their interests is to be released, allow them to make representations as to why the information should not be released, and to appeal a decision to release it.

### Judicial review

The bill would establish a two-stage appeal procedure for complaints about denial of access — an appeal to an Information or Privacy Commissioner, followed by review by the Federal Court.

The Information and Privacy Commissioners would be appointed upon the approval of Senate and House of Commons for seven years. As information ombudsmen responsible to Parliament — and not to the government — they would be given sweeping investigative powers including the right to examine any records in question.

A person who is refused access to a document even after the examination of his complaint by a Commissioner would have the right to apply to the Federal Court for judicial review.

The court would be empowered to examine any record and hear argument from all interested parties. In the case of exemptions involving ministerial responsibility (e.g. injury to defence and international relations), the court would order the release of the document if it determined that the minister did not have reasonable grounds for refusing access. In all other cases (e.g. Cabinet documents), the court would be empowered to substitute its opinion for that of the minister. In all instances of judicial review, the court would be empowered to release information wrongly withheld.

Evidence of illegal conduct discovered during the review process would be turned over to the authorities for investigation. Abolition of absolute Crown privilege ensures no such evidence could be withheld.

### Protection of privacy

The privacy part of the bill would provide greater protection for the privacy of Canadians than is presently provided by part IV of the Canadian Human Rights Act, creating in effect a comprehensive code in regard to the use and disclosure of personal information. The bill would reaffirm the prohibition against public disclosure or distribution within government of personal information without authorization from the individual concerned except in specific cases listed in the legislation.

To enable applicants to make maximum and effective use of the new law, the government would be required to produce and make broadly available a comprehensive index containing a detailed account of the organization, programs and responsibilities of each government department, the classes of records it keeps and a list of administrative manuals it uses in carrying out its functions. The index would also indicate the title and addresses of departmental officers responsible for information access.

In addition a periodical bulletin would be published updating information in the index and containing other information on the implementation of the act.

The government would continue to make available a complete inventory of personal information banks.

The bill envisages the creation of a per-

manent Parliamentary oversight committee to review the administration of the act. In the first three years the Parliamentary committee would examine provisions in existing statutes that specifically prohibit disclosure of information.

The Information and Privacy Commissioners would be required to submit annual reports to Parliament. Similarly, each government department would be obliged to report to Parliament on its administration of the legislation.

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### Canada/U.S. air pollution pact

Canada has signed a memorandum of intent on transboundary air pollution with the United States, Secretary of State for External Affairs Mark MacGuigan and Environment Minister John Roberts have announced.

The memorandum was signed in Washington by Canadian Ambassador Peter Towe and Mr. Roberts on August 5. Signing for the United States were Secretary of State Edmund Muskie and Douglas Costle, administrator of the Environmental Protection Agency.

The memorandum is part of efforts to develop measures with the United States to reduce transboundary air pollution, especially the problem of acid rain which threatens large areas of central and eastern Canada. Ontario Environment Minister Harry Parrott also attended the Washington signing ceremony.

The memorandum pledges both governments to negotiate an air pollution agreement and establishes a committee structure to undertake needed preparatory work in the coming months. This would be followed by formal negotiations.

The memorandum also commits both governments to interim actions dealing with transboundary pollution problems, pending conclusion of an agreement. Among measures called for are:

- the promotion of vigorous enforcement of existing laws and regulations in a way which is responsive to the problem of transboundary air pollution during the period in which new domestic control strategies and policies are being developed;
- advance notification and consultation on activities and on changes in policy, regulations or practices which may affect the transboundary flow of pollutants; and
- increased co-operation in scientific studies, in air pollution monitoring and in research on pollution control technologies.