

Canadian Human Rights

Board of the National Academy of Sciences of the United States, under the directorship of Alan F. Westin. The director is acknowledged as being one of the foremost experts in the world on the subject of protection of privacy. I quote from page 349 of the project as follows:

First, in terms of privacy, a general policy should be to extend the zones of personal and group freedom from compulsory data collection so that matters that ought not to be considered in making decisions about individuals do not become part of the formal records of all. In this sense, privacy is the primary civil-liberties issue, since both confidentiality and due-process questions disappear if the data are not gathered in the first place, or once they are destroyed. Not only should the need for and relevance of specific items of personal data have to be established in positive terms but serious consideration should be given to whether some entire record-keeping programs deserve to be continued at all; this was the basic question raised about the army's domestic intelligence watch over civilian political activity in the late 1960's. A further consideration where the need for collecting data is at issue is whether records should be retained beyond their period of likely use for the purposes for which they were originally collected.

Surely the government ought to have had such considerations in mind before it introduced this legislation.

I have mentioned some of the exceptions in the bill, some of its omissions as well as the sweeping powers granted to the executive branch of government for making arbitrary decisions. It would be worth while to illustrate with examples the problems having to do with federal as well as provincial data systems.

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How many Canadians are aware of the fact that the federal government is in the business of compiling and selling computerized mailing lists for use by commercial firms, allowing those firms to send junk mail to individuals served by the government? The Canadian Post Office is in that business.

For every federal constituency which does not have a commercial postal directory available, the federal government will make available for \$5 a list of every householder in the constituency, with his or her address and occupation. What sort of record is that for a government which professes to be in favour of protection of personal privacy?

The provincial governments are no better. Most departments of transport sell the motor vehicle registration lists. Anybody can buy an individual's name if that individual is registered as owner of a motor car.

An editorial in the *Globe and Mail* a year ago pointed out that the Ontario government is selling the driving records of individuals to insurance companies, for example, or any one willing to spend \$3 to buy them. This in itself poses a very serious threat to individual privacy.

I want to cite another example which is particularly important in this debate. It illustrates the way in which this ministry has acted in terms of protection of privacy. Some of my colleagues alluded to the incident of blacklisting where secret files were constructed. The government still denies they exist despite the fact that the hon. member for Central Nova (Mr. MacKay) has been able to obtain them. These files were collected and used to damage the careers of some civil servants. These civil servants have never had a chance to face

[Mr. Beatty.]

their accusers, never had a chance to have due process in answering the allegations made against them.

I want to cite another example, although the one dealing with the blacklist is very worth while. We should look at that. When you look at the exemptions in the bill, the blacklist and the material leading up to it would be specifically exempted from the provisions of the bill. The blacklist would have remained secret if it had not fallen into the hands of the hon. member for Central Nova.

There is a further example which shows the colours of this ministry. I want to quote from the prince in exile, the hon. John Turner. When he was minister of justice in 1970, he discovered the importance of freedom of information and privacy. He delivered a speech entitled "Twin Freedoms: The Right to Privacy and the Right to Know." What a remarkable record for this minister, who was the most secretive of all the cabinet and would not disclose to the people his plans for the Canadian economy, to have discovered so many years before the value of freedom of information. I want to deal specifically with his attitude toward privacy. I quote from Mr. Turner's speech:

I start from the proposition that the right to privacy is the most complete of human freedoms and that any encroachment on that right should be allowed only if society has proven that encroachment is necessary.

Further he said:

Arbitrary practices, inscrutable executive decisions, can only find acceptance where there is, in fact, no other means or no other way. It must be our constant goal, our continuous endeavour, to circumscribe and eliminate whimsy and caprice in our search for justice.

I hope the Minister of Justice will compare those words which were delivered by his predecessor, the hon. John Turner, with Mr. Turner's actions in office, and with the actions of his immediate predecessor who is now Minister of Transport (Mr. Lang) in the case of Bill Buchanan, the former chairman of the Anti-Dumping Tribunal.

On May 4, 1972, the former minister of justice and attorney general launched a campaign to impeach Bill Buchanan, the government's own appointee to the chairmanship of the Anti-Dumping Tribunal. On November 27, 1975, the Supreme Court of Canada, without a dissenting voice, threw out the case of the federal government. Let me explain the circumstances leading up to Mr. Buchanan's dismissal.

Prior to being appointed chairman of the board, Mr. Buchanan served in private business and in some cases represented Canadian domestic glass manufacturers. At the end of 1969, a complaint by two Canadian glass manufacturers that sheet glass was being dumped unfairly in Canada from other countries reached the Anti-Dumping Tribunal.

The Chairman of the Anti-Dumping Tribunal removed himself from any decision that was made, stood aside and allowed two other members to go ahead and make the decision. After the decision was made that the dumping in Canada should be banned, he approached a solicitor to get legal advice as to how the decision should be signed. The advice he received initially was that all three members should sign the document. For two years, nothing happened. Suddenly in 1972 federal tax inves-