

*Access to Information*

Denmark and Norway have had freedom of information laws since 1970, Austria since 1973 and France since 1978. Unfortunately, freedom of information has been far from generally assured in the United States throughout history, particularly during the cold war period when an administrative tendency to protect national security information was intense.

The green paper on public access to government documents which I mentioned earlier was a very important document as far as freedom of information in Canada is concerned. This green paper was referred to the Standing Joint Committee on Regulations and Other Statutory Instruments. The committee insisted on strong freedom of information legislation. It criticized the green paper for its broad and ill-defined exemptions to public access, and it opposed the green paper's preference for ministerial authority or disclosure of information. The committee also reasserted suggestions for a review process.

Fortunately, this bill we have before us today addresses many of the concerns we had at that time. However, there are many more concerns, and it is desirable that some changes take place when the bill is before the committee.

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I might mention one thing with regard to fees. There is always a cost involved when this kind of service is provided. At the present time it is suggested that an application fee of up to, but not exceeding, \$25 be charged for the processing and releasing of documents. Many witnesses who appeared before the Standing Joint Committee on Regulations and Other Statutory Instruments suggested that the fees to be charged for information provided should be solely the reproduction costs so that people across Canada would have the same access to information. Charges for supplying information should, if possible, be consistent and low in price throughout government agencies and departments so as to be within the means of the ordinary citizen. I point out to hon. members that in the green paper to which I have already referred under the heading "Fees" we find on page 27 the following:

Under the American freedom of information act, agencies may charge applicants only for the actual costs incurred in the search for and reproduction of documents requested. The cost of reviewing documents for exemption cannot be charged. The legislation also provides that departmental officials may waive any fees chargeable where it is "in the public interest" to do so. In practice most departments waive all fees under \$5 and some departments waive all fees under \$25 on the grounds that it would cost more than the amount of the fee to collect it. As a result, when total fees collected are compared to the total volume of requests, the average fee turns out to be less than \$1 per request.

I hope we will have the same results in Canada, although there have been occasions where this has not necessarily been the case. I refer to the celebrated Rosenberg case. Someone asked for information regarding that case. In order to get all the information and records requested, it cost the United States government about a quarter of a million dollars. I hope we in Canada will not fall into that same trap.

It should be pointed out that everyone will be entitled to this information. However, we must be realistic. Most ordinary citizens will not ask for information. It will be writers, the media, those writing their theses for Ph.D.s, politicians, legislators and so on. We have to be fair and ensure that they have

access, but the cost must be considered. Certainly a reporter doing an in-depth story should not be able to get a free ride at public cost. In his study, "Will the Doors Stay Shut" Professor Rankin said, and I quote:

Properly understood freedom of information offers no threat to full and frank discussion of policy alternatives within the executive, since only the facts and data are to be available.

Information in the hands of the people, freely available with few exceptions, and clearly defined exemptions are essential to any democracy. This is imperative to the efficient functioning of governments. There is a middle ground on which the public can be best served and government will not be prevented from doing its job.

There is a general trend in the west today for more openness in government. Bill C-43 is not everything to everyone in the area of freedom of information and the right to privacy, but it is a big step in the right direction. I look forward to its going before a committee of the House of Commons to be discussed further and, hopefully, amended.

**Mr. Howard Crosby (Halifax West):** Mr. Speaker, my purpose this evening is to make some general remarks respecting the principles and provisions involved in Bill C-43, which would enact the proposed access to information act and the privacy act. Let me begin by pointing out that the process followed in the bill before the House is rather unusual in that the bill contains relatively short provisions which simply refer to schedules of the bill, which in turn contain the proposed access to information act and the privacy act.

My purpose is not to consider the legal technicalities of the bill but rather to deal with the proper principles involved in freedom of information legislation. I will not attempt to review history, but it might be noted that the parliamentary cabinet system of government was not one which easily gave rise to free access to information in the hands of government and government officials. In fact, the tendency of governments under the parliamentary system was to guard very zealously their right to information and only yield it to those who inquired under the strictest of conditions.

That is why in the parliaments of the British Commonwealth it became the practice for members to seek information by the various means open to them in the parliamentary process. We need only look at the order paper to realize that the same system prevails today. The order paper of this House of Commons is crowded with questions by members which have been left unanswered. Therefore, today we have the same attitude which existed many years ago on the part of government, to yield information only under very strenuous urgings by members of the opposition and other members of Parliament.

We hope the present freedom of information tendency will give rise to greater access to information, not just to members of Parliament, but to all citizens of Canada.

The thought in that regard cannot be better expressed than it was by the Leader of the Opposition (Mr. Clark) when he spoke in November, 1979, at the time the freedom of informa-