the king's forces could not bug private telephone conversations. Two hundred years ago we could not coerce information from individuals to fill statistical data banks. He would have mentioned 200 years ago that those clothed with authority could not burst into a citizen's home in the middle of the night under the authority of a writ of assistance; that the government could not establish blacklists based in part on information obtained from burgled private files; and that the forces of the government could not collect vast amounts of information from individuals to satisfy the voracious appetite of computer data banks.

● (2140)

In the 200 years which have elapsed since William Pitt's time the enormous growth of technology and the intrusiveness of the government have put in question the rights of the individual. The individual's standing in relation to his government is reduced, and our human rights are vastly diminished.

Let me deal specifically with a number of flaws in the bill. Before I do so, may I allude to the American privacy act of 1974. I think it is well worth while comparing the proposed legislation before us with the vastly superior legislation passed by the United States Congress. I wish to put on record the remarks of President Ford, made at the dedication ceremonies of the Stanford University Law School, Stanford University. The speech was delivered on September 21, 1975. Let me put on record what President Ford said with regard to retention of privacy. He said:

> Among the very first things we learned was that one of the worst offenders is the federal government itself.
>
> I don't mean improper or illegal invasion of people's privacy or constitutional rights by federal agencies or individual officials, which nobody condones, and which I will not tolerate as long as I am President of the United States. Rather, I mean threats to privacy which have resulted from laws duly enacted by past Congresses for very laudable purposes having wide public support and appeal.
>
> Many of these laws, with today's technology, cumulatively threaten to strip the individual of his privacy or her privacy and reduce him to a faceless set of digits in a monstrous network of computers. He has not only no control over this process but often has absolutely no knowledge of its existence.

When President Ford signed the privacy act of 1974 White House officials pointed out that it was then possible to identify some 6,000 separate American federal record systems which kept data about American citizens. We do not know how many personal record data systems containing information about individual Canadians operate at the federal level. The government has never catalogued them. I have attempted to secure such information by putting questions on the order paper, but the government has never published a comprehensive list of data banks in Canada.

I now wish to quote a short passage from "The New Despotism", by Lord Hewart of Bury, former Lord Chief Justice of England. The book was published in 1929; nevertheless, what the learned author had to say is still relevant. The author points out how a parliamentary system can be turned into a despotism. I wish to quote two of the points he raises, as follows:

> Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of parliament, and the other is the rule of law.

The author then explained how the beneficent bureaucrat can turn the parliamentary system into a despotism. He must:

> (a) get legislation passed in skeleton form; (b) fill up the gaps with his own rules, orders, and regulations; (c) make it difficult or impossible for parliament to check the said rules, orders, and regulations; (d) secure for them the force of statute; (e) make his own decision final; (f) arrange that the fact of his decision shall be conclusive proof of its legality; (g) take power to modify the provisions of statutes; and (h) prevent and avoid any sort of appeal to a court of law.

I invite the minister to examine that prescription for turning the parliamentary system into a despotism. I suggest that the learned author's remarks could well apply to Bill C-25, for here again we see the government's proclivity for passing legislation which gives power to legislate by regulation without the necessity of bringing those regulations before parliament. The tremendous discretionary power this legislation would give to the executive is shocking. There is power to create secret data banks containing identifiable information about individuals. There is also a provision which would except such data banks from the provisions of the bill, rudimentary as they are, and deprive average citizens of basic human rights.

Other hon. members have mentioned clause 55 which allows any minister to decide at his own discretion whether any particular data bank is to be included within the provisions of the bill. If he feels that the disadvantages of inclusion outweigh the advantages, there could be an exclusion.

Last Friday, when introducing this bill on second reading, the minister said something which I hope he now regrets, because what he said was an abomination. As reported at page 2978 of *Hansard* the minister said:

> There are, however, certain differences which lead me to believe that the protection afforded under this bill of the rights of Canadians with respect to abuse of their personal information in government banks is effectively greater than the rights of Americans.

I can think of no more flagrant example of a statement which can only mislead Canadians about the true nature of the legislation the government is presenting. This bill, unlike the American legislation, make no provision about the sort of information which is to be gathered about an individual. The American legislation specifically defines the type of information about an individual the government's data-gathering machines may acquire. Specifically, the American legislation outlaws information about an individual's use of the first amendment, to do with freedom of speech, to ensure that there is no political surveillance of individuals. Surely, above all, a bill dealing with the protection of the privacy of individuals should define the classes of information about individuals which may be gathered and stored, and proscribe the gathering of information which is not to be used for legitimate purposes or is no longer timely.

Nowhere does this bill provide for the purging of data files, for the removal of information which is obsolete, for the removal of information which can only be damaging to an individual. I think it is important to consider this point.

For the benefit of the Minister of Justice I shall read an excerpt from the publication entitled "Databanks in a Free Society", a project of the Computer Science & Engineering