

Creating a Public Education Mandate

Are Canadians aware of their rights under the *Access to Information Act* and the *Privacy Act*? The volume of requests under the *Access to Information Act* has been much lower than anticipated. There have been in the order of 2,500 requests for information per year under the Act. In her 1986 Special Report to the Committee, the Information Commissioner stated:

Most people remain unaware of the Act. Many users, as well as those providing services under the Act, do not understand the purpose of the legislation, the need for access rights to be balanced with respect for privacy and the needs of third parties and the government....I have advocated and strongly urge Parliament to recognize the need for public education on access to information and to provide the resources to carry it out.¹

The Committee has concluded that the people of Canada remain largely unaware of their rights under the *Access to Information Act*.

Government efforts to publicize the access and privacy legislation have been modest, especially when compared with expenditures on publicizing such initiatives as the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, and the *Official Languages Act*. The Information Commissioner has expressed some uncertainty as to the authority of her office to advocate the use of the Act. The Committee notes that other Acts of Parliament, which provide various office holders with analogous functions, contain explicit powers in this regard. For example, the *Canadian Human Rights Act* specifically provides that the Canadian Human Rights Commission "shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commissioner thereunder and to foster public recognition of the principles described in section 2."²

The Committee heard evidence to the effect that the Canadian public is also not adequately informed of the rights afforded to it under the *Privacy Act*. Some of the specific investigations undertaken by the Privacy Commissioner further suggest that federal public servants are also not adequately aware of the rules in sections 4 to 8 of the *Privacy Act* concerning the collection and use of personal information. Members of the Committee again contrasted the lack of funds made available to publicize the *Privacy Act* with the large-scale public relations campaigns undertaken on behalf of certain other federal initiatives.

A related problem is the lack of a specific mandate for public education in the *Privacy Act*. The lack of a statutory mandate may explain why the Treasury Board has done relatively little to publicize the Access and Privacy legislation, after an initial flurry of activity at the time of implementation in July, 1983.

Recommendations:

- 2.1** The Committee recommends that, for purposes of clarification, the *Access to Information Act* and the *Privacy Act* mandate that the Treasury Board, the Information Commissioner, and the Privacy Commissioner foster public understanding of the *Access to Information Act* and the *Privacy Act* and of the principles described in section 2 of each Act. Such education should be directed towards both the general public and the personnel of government institutions. The appropriate provision in the statutes should follow the model of section 22 of the *Canadian Human Rights Act*.