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Chair

Mr. Garry Breitkreuz

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● (1105)

[*English*]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to call this meeting to order. It's the Standing Committee on Public Safety and National Security, meeting number 51.

Before we hear from our witnesses, I'll just ask our media to vacate the room, please. There is one camera that will remain here.

This is a briefing on the no-fly list, and we have with us two witnesses from the Department of Transport. We'd like to welcome Mr. Allan Kagedan and Ms. Linda Savoie. We look forward to what you have to share with us and the discussion that will take place.

The usual practice is to have the witnesses give some opening remarks if they wish, and then we'll go to questions and comments.

Mr. Kagedan.

Mr. Allan Kagedan (Chief, Security Policy - Aviation, Security and Emergency Preparedness, Department of Transport): Thank you.

[*Translation*]

It is a great pleasure for me to address you this morning.

[*English*]

What I'd like to do is to express my thanks and the thanks of Transport Canada for the opportunity to discuss the program with you. The approach Transport Canada has taken is to describe publicly as much as possible the nature of the program, its objectives, and how it operates.

In fact, last week Transport Canada launched an Internet site, www.passengerprotect.gc.ca, *dans les deux langues officielles* and the idea there is to help Canadians understand the program, its requirements, and its purposes. Through transparency and discussion we get better and more effective programs. I have spent the last two years talking to Canadians from coast to coast about the program—to civil liberties groups, to groups of certain communities who feel they might be negatively affected by the program. I have spent a lot of time also with the Office of the Privacy Commissioner. And all that has been very helpful to us.

I'd just like to make certain remarks that relate to some issues that were raised last week here. First, I will begin with the point that our subject this morning is the program, but it's also aviation security. Aviation security remains an important concern for Canada, and it is with that goal of focusing ourselves on security of air passengers and, as we learned tragically in the events of 9/11, also the general public that we develop security programs. We do so in a manner to ensure that the programs have security value, are efficient, and match other Canadian values such as privacy protection.

What I'd like to do is focus for a few minutes on the question of effectiveness—I guess that was raised last week—and to make several points, maybe to elaborate on some points made last time.

When you look at security systems, you're looking at a complex system. You're not looking at one particular layer that is perfect in all respects and therefore can replace all other layers. Unfortunately, no one has found that perfect layer. No one has found that silver bullet. You need to overlay layers with other layers, and you do so with the intention that, taken together, they are stronger in their completeness than the individual parts. So we're looking at a layer and not an exclusive system unto itself.

I guess the point was made last time, because we were talking about identity, identification documents—there was a lot of discussion of those—that if someone wants to evade the system, they have to create a false identity. In general, although the program does apply both to flights between Canadian cities and international flights, the standard document used to travel internationally is a passport; and again, no documents are perfect, but the passport is among our strongest forms of identity, with some built-in security features that are always being improved. So that's one thing.

Another point to make is that the individuals we're concerned about—there aren't many of them, and that's a very good thing—are individuals who by their behaviour have demonstrated that they can pose a threat to a flight. Now, that means they're also individuals of interest to law enforcement and other organizations. Certainly one of the standard concerns of law enforcement and security organizations is to detect and look at false identification. That's absolutely one of the things they do. So the idea is that you're looking at a certain number of people—it's not a large number—and if their effort is made through false identification, well, that's part and parcel of the work of security organizations and intelligence organizations, to uncover that and try to address it. That's another point.

Another question that has been raised, as you know, is whether there have been studies showing effectiveness. Well, there's a bit of a methodological problem, and that is, if you look at various security systems, it's hard to study them because it's hard to prove a negative. When we lock our cars, do we know how many car thieves we've deterred? We don't. We're just happy that the car is still there and hasn't been stolen. On the other hand, we don't say we haven't had a study on how many car thieves this has deterred and on that basis decide not to lock our cars. So there is a bit of a methodological question.

I would also make the point that in this case, if you're looking at statistics, the statistics would be quite focused, because if a security system is able to deter one incident of the type that we're discussing, it will have paid for itself many hundreds of times over. That is the goal of security systems. The incidents we're talking about are extremely severe. We all know about those incidents, we remember those incidents.

So that's what you're looking at. If there's one time you can avoid that kind of situation, if we're fortunate enough to do so, it's a very significant matter.

In the absence of studies, what do we look to? We look to actions that have been taken in creating lists—watch lists, if you want—actions by governments, by industry, by the United Nations, by other institutions. The reason those actions have been taken is that they're seen by these entities to be effective.

That's the context in which I hope we discuss issues of effectiveness, that watch lists in a border control sense—clearly not in this sense, the program hasn't begun yet—have been able to prevent individuals with criminal backgrounds, with terrorist backgrounds, from entering countries. It's on that basis that watch list systems exist. If they had no effectiveness or no use, we wouldn't see any of them.

We also notice that we don't see countries moving away from them. We see an interest in those systems and pilot projects and others going forward to look at ways of improving and upgrading, so these systems do an effective job.

Thank you. *Merci*.

● (1110)

The Chair: Thank you very much.

I look forward to the discussion. As normal, the practice here begins with the official opposition.

Ms. Barnes, please.

Hon. Sue Barnes (London West, Lib.): Thank you.

I'll just confirm that the passenger protect program will start June 18.

Mr. Allan Kagedan: That's right.

Hon. Sue Barnes: I'm not sure all my constituents go to Transport Canada's website, so what else have you done to inform Canadians?

Mr. Allan Kagedan: The program is based on the Public Safety Act, which was passed in 2004 after several years of discussion by Parliament and several years of study.

In October 2006, a regulation was published that outlines the program. At that time, the department publicized the program, it put background information on the Internet on how it would work, on those requirements, on the requirements for ID and the like. That was in October 2006.

What the department is doing currently is this. Newspaper ads were taken out across the country earlier this month, I believe on June 6 and 9. Other newspaper ads will be taken out next week. The newspaper ads were in English and French and in the aboriginal languages of the north. In addition, a lot of media have been around the program, and that has been helpful in getting the word out to people that the program is coming.

Additional advertising will go on, on radio and also on websites, travel websites and so on. Certainly air carriers have received material in the form of posters and other material. In fact, someone had the idea of creating little luggage tags that give information on the program.

Just to make the point in terms of impact, anyone who travels to the United States by air, or anywhere else, requires a passport, and that has been the case since January 23, 2007. So what we're looking at.... I mean, they're used to carrying passports that match and exceed the ID requirements of the program. There is concern about people flying between two Canadian cities, because the ID requirements there were not required by law. However, they were part and parcel of air travel as set forward as a good business practice by many air carrier companies.

Hon. Sue Barnes: I have some other questions also. Are you doing any television ads?

Mr. Allan Kagedan: To my knowledge, it's not going to be on television. I guess the decisions were made by our people at communications and so on about what the most effective and widest reach would be.

Hon. Sue Barnes: I am very concerned that most of my constituents flying this summer aren't aware of the repercussions for them. Is there any way somebody can check in advance of going to the airport to see whether they're on this list, so they don't have trouble with a potential business trip or a family vacation or any other flight?

Is there some way they can guard against having an incident at the airport that wouldn't be very conducive? I realize there's a real security issue we're all trying to address, but let's have this answer.

● (1115)

Mr. Allan Kagedan: Is there anything they could do? Again, the program as it's designed has certain guidelines; the guidelines are on the Internet. And I think you would agree with me that not many people would actually match these guidelines. We're talking about an individual who is or has been involved in a terrorist group and who can reasonably be suspected will endanger the security of any aircraft, the safety of the public; an individual who has been convicted of one or more serious and life-threatening crimes against aviation security, which would not speak to too many people out there, I don't think; an individual who has been convicted of one or more serious and life-threatening offences—a conviction, mind you—and who may attack or harm an air carrier, passengers, or crew members. On that basis, I wouldn't anticipate that many people will have problems this summer.

As for the question of saying who's on the list, this would defeat the purpose of the program. Clearly, if you reveal to someone like this, who is planning to do harm—

Hon. Sue Barnes: Excuse me, is the short answer that there is no way they can determine in advance of arriving at the airport because there's no access to this list; it's a totally private list?

Mr. Allan Kagedan: It is a confidential list for their own security.

Hon. Sue Barnes: Thank you.

I'm not worried so much about whether you think you're going to catch a terrorist with this list; I'm concerned about the person who goes there, because last week we were told that the 24/7 was for the airline to determine whether it was a match. It's the accidental upsets that are going to happen, and they happened with the other no-fly list in the States right now that we're certainly using at this point in time.

I just want to be clear. There is no way that someone whose identity has been mistaken, and it's said that that's the identity, has any way of changing the decision to board until they go through the reconsideration process, which you're saying, at this point in time, is a minimum of 30 days. That's your target, as I understand.

Mr. Allan Kagedan: Thank you.

The way this would work is that when someone arrives at the airport, they're required to bring ID. The purpose of that ID is to distinguish them from people who might be on the list, so on the fairly narrow chance that your name would match someone on the list...because the list itself has been constructed against very stringent guidelines, and in a very focused way; we have focused ourselves on creating this, we have learned lessons from around the world in doing that. You produce your ID, you distinguish yourself from that person on the list, and you get on the flight. There is no problem with that.

The situation you're talking about is the rather unlikely situation of one of these individuals whose name, gender, and date of birth and other information confirms that they are actually on the list. Then we're into another dimension, but that's a very different dimension, and that's something that I think would concern everyone on the flight and everyone living in that city, given the sort of incident we're talking about.

Hon. Sue Barnes: Thank you.

Who do you share your lists with? When somebody is on the list, and say it is a mistaken identity and you've refused boarding...those lists are already out there and they've obviously been shared with other airlines from other jurisdictions. How many jurisdictions have no-fly lists, currently, besides the States?

The Chair: That will be your final question.

Hon. Sue Barnes: I'll come back for another round, because there are a lot of questions.

Mr. Allan Kagedan: I'll just try to answer who we're sharing it with. If you want to keep these sorts of individuals off a plane, you have to tell the people who control who gets on a plane who they are. That's how you do it. Otherwise you can't do it. You have to get the right security information, the right people, at the right time to be effective; otherwise you've lost the game. In terrorism, there are no second chances. It's a preventive type of measure.

We do share it with air carriers. Our regulation specifies that they are not permitted to share the information with anyone else. In addition to that, we're having them sign a memorandum of understanding that goes into greater detail about protecting the privacy and security of the list and that meets both privacy and security concerns. That sharing is necessary, balanced against the concern for public safety and security of person that is a basic human right. We are sharing, but with that aim in mind, and we're putting stringent conditions on any disclosure of that information any direction beyond that.

● (1120)

The Chair: Thank you.

On that point, you are only making this list available where the crossing is by air. It is not any other border crossing that this list will be shared with.

Mr. Allan Kagedan: That's right, aviation.

The Chair: Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chair.

The first thing that intrigues me in setting up this system, and its most important element, is obviously how the list is drawn up. The rest is really administrative. Who, in the government, is most able to determine who is a risk to aviation in Canada, whether because the individual has been a terrorist or is connected with terrorist movements, or has been convicted? I do not think that it is the Department of Transport. I have complete confidence in the Department of Transport for determining what makes an airplane capable of flying safely and preventing accidents. However, who has the expertise, in the Department of Transport, to determine who is a safety risk? Is it really not up to the Department of Public Safety to do that?

[*English*]

Mr. Allan Kagedan: I guess the point here—and I appreciate the question—is how decisions are made. It's a very difficult decision, because what you're trying to do is look at behaviour, at activity, and then try to make an assessment beyond that.

What Transport Canada has is an advisory group that consists exactly of members of those organizations—namely, the RCMP and CSIS—with the expertise in criminal matters and national security matters to help advise us. Transport Canada, though, also has expertise. We know about aircraft. We know how they're built. We know how thick the skins of aircraft are. We know something about aircraft and how they operate. We add that because the total decision relates to the individual, relates to their behaviour, relates to intent, and relates to existing security measures and transportation security, and the physical existence of the aircraft. You're bringing together several types of expertise to make this important decision that could have important consequences for a very small number of individuals.

[*Translation*]

Mr. Serge Ménard: We could discuss this at length, but I will move on to something else. It seems to me that anyone can understand that an airplane is a fragile vehicle. It seems to me that the essential aspect of the expertise needed relates to security rather than transport. However, you are not the one who decided this.

With respect to the questions raised last time, you said that it was very difficult to prove a negative. In terms of our concerns, I think that you are really looking in the wrong place. You should have looked where proof of the positive exists. The proof of the positive is the terrorist incidents or attacks that have occurred. We are certain that they have occurred. We can ascertain whether the people who committed them had characteristics from which we could have predicted that they were a danger.

I do not know whether studies like those exist; myself, I do not know. It seems that the people who came before you also did not know. What we generally know, in the public, is that there was not much about the people responsible for the events of September 11 that would have put them on the list, nor was there about the person who claimed to have explosives in his heels, and so on.

Did you look only for negative proof, or did you look where positive proof can be established?

[*English*]

Mr. Allan Kagedan: Again, thank you.

I guess, again, there are issues related to privacy, and so on. We're looking at a preventive measure. We're certainly not looking at catching anyone, we're looking at protecting everyone.

So the question is, are there instances where some individuals who did have bad intent tried to get on a plane with their own identity? And there are. That's true in the case of 9/11, and it's true in the case of Richard Reid.

● (1125)

[*Translation*]

Mr. Serge Ménard: Were there people involved in the events of September 11 who would have been on a no-fly list?

[*English*]

Mr. Allan Kagedan: At the time, there was no significant no-fly list.

There are many responsibilities of government. One basic one is to protect the citizens, to protect people, and one basic human right is security of the person. So what you do is work very hard, using the lawful investigative powers of your law enforcement, to try to prevent certain things from happening. And you do that with all your systems. And in the course of that, you have to design them carefully, you have to protect privacy, and you have to have a system that is efficient so people can travel, which is what they really want to do. But you get all the information you can in a lawful manner to try to stop exactly these sorts of individuals from getting on the planes in the first place.

[*Translation*]

Mr. Serge Ménard: I believe you have not answered my question at all. I do not even believe that you made an effort to answer it. But you know, not answering is an answer. I understand your answer quite well: it is that you have never investigated. If the existing measures had been applied in the past, you do not know whether an incident that occurred would have been avoided.

I am going to ask my third question. We are very concerned about the operation of an American no-fly list and the mistakes that have been made. Have you studied the reason why those mistakes were made, so they can be avoided in Canada? For example, could you explain for us why Bill Graham, the Canadian Minister of Defence and External Affairs, was on the American no-fly list? Why John Williams, one of our colleagues in the House of Commons, was also on the American no-fly list, as was Senator Edward Kennedy? Why the singer Cat Stevens — I do not know his Islamic name; I liked his music a lot when I was young...

Voices: Oh, oh!

[*English*]

Mr. Serge Ménard: And I still listen to his music.

[*Translation*]

How is it that these people ended up on the American no-fly list? What are you going to do to avoid these kinds of gross errors?

Mr. Allan Kagedan: Thank you. That is a very important question.

[*English*]

What I'd like to do, and I appreciate it, is clarify something. And I'm going on media reports. In the cases of Bill Graham and Ted Kennedy, they were not on any no-fly list. There was a situation of name match, which was clarified. What you had were situations of name match, which were clarified. Name match typically leads to a delay; it does not lead to a denial of boarding. This is a critical distinction, and one of the challenges of this is the failure to grasp that critical distinction.

So if a person is not on any no-fly list, there's delay, having to match your ID, showing your date of birth, and so on. It's an inconvenience, but it's against the issue of a much bigger problem if one of these people we're talking about were to get on the plane. I think you would agree with that.

[*Translation*]

Mr. Serge Ménard: John Williams!

[*English*]

Mr. Allan Kagedan: So what have we done to reduce the inconvenience? That's very important and very helpful. What we have done is create guidelines, which I have mentioned to you. They are very specific. We have a very narrow, specific focus. What that immediately does, if you just look at the mathematics, is reduce the numbers, and therefore it reduces the chance even of a name match, let alone a mistake. So you reduce that.

We have created a 7/24 operation, on the spot, where you can show some ID, and there's a chance, an opportunity, to exchange not only name, gender, and date of birth but other information—if you happen to have a passport or if you happen to have a home address on a driver's licence—to clarify the matter and settle it right there. So what we have done is focus ourselves; that's one thing, to limit and focus who we're concerned about. Second, we've created an interaction at the time of boarding to clarify matters if your name happens to match.

Going back to my first point, we have to be very careful to distinguish between the issue of name match and delay—which is an inconvenience matter—and denial of boarding. Denial of boarding is much more serious. Denial of boarding, in the case of the Canadian program, would be a decision of the Minister of Transport. It would be taken at that time. There would be an assessment of those reasons at that time based on information received and with regard to the security of everyone on that flight and, more broadly, in the airport and surrounding areas.

So let's keep that distinction very clear in terms of a name match—which is inconvenient, and you work to reduce it and resolve it very quickly—and the actual decision to put someone on the list, which in our case would be along these guidelines. There has to be information behind that to reach that conclusion.

● (1130)

The Chair: Thank you.

We're a little over time here in this round, but I think Monsieur Ménard has a very good question. I'm just wondering how this list is developed. Can you actually share with us how this list is developed? You indicated in your opening remarks that if someone has a criminal record, or a record of some criminal activity in their background, they'll be put on the list. But surely there must be other ways...? Can you share this with us?

Mr. Allan Kagedan: Certainly it's much beyond a criminal record. What we're talking about here is an individual who has been convicted of one or more serious and life-threatening crimes against aviation safety. This is not a common criminal record; this is a very special record. We're talking about these sorts of individuals.

Essentially, what you do is try to obtain information that is necessary to support this extremely sensitive decision to place anyone on the list. The information is received through various means; you have the United Nations, which lists over 200 people on a terrorist basis. So they have obtained information and gone forward with that. So you obtain information from various sources. Law enforcement has connections with other law enforcement organizations; security has connection with other security organizations.

You then have to check the reliability of the information. That is nothing strange or unusual. When you receive information, you look at it and say, how valid is it? That function is part and parcel of the analysis of the information. If you determine it is relevant and valid information, then you bring it to a larger group—law enforcement, intelligence, and Transport Canada—and make that assessment and reach a conclusion.

The Chair: So you do consult intelligence agencies as well?

Mr. Allan Kagedan: Well, the RCMP and CSIS, who have contacts with other agencies. And that's normal, because in the prevention of terrorism, information sharing is important. And it has to be very carefully controlled and monitored. That's how we function.

The Chair: Mr. Comartin, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Are you aware if there's any discussion going on right now to postpone the implementation of the no-fly list in Canada?

Mr. Allan Kagedan: I'm not aware of any discussion to postpone it.

Mr. Joe Comartin: Last week there was discussion on this, and I have to say that as much as you've extolled the virtues of the program in promoting it to the country, it's not clear to me how youth are going to be treated.

Madame Savoie, when you were here last week, you said some things, and then I heard some different reports in the media. I don't know what's accurate. So can you tell us now, if I show up, of whatever age—under 16 or under 12—how am I going to be handled if I don't have a passport?

Mrs. Linda Savoie (Director, Access to Information, Privacy and Reconsideration, Executive Services, Department of Transport): In fact, I'm not the best person to respond to this, because my slice of responsibility in this process is very specific and limited; I'll deal with people who are actually going to be denied boarding. When the 24/7 centre refuses boarding to someone, they will inform me of the denial and they will also inform the passenger of the denial.

Mr. Joe Comartin: Okay.

Mr. Kagedan, can you respond?

Mr. Allan Kagedan: Thank you very much.

I guess there was discussion on the question of the age of 12, and so on, and the challenges this poses. If you're travelling internationally or to the U.S., you need a passport; it doesn't matter how old you are.

But within Canada it can pose a challenge. In trying to relate to families who may be travelling this summer, last week the Minister of Transport announced that an exemption from the full ID requirement would be granted to people between the ages of 12 and 17, that is, an exemption from having two forms of ID—they don't have to be photo ID—down to one form of ID, for the summer months from June 18 to September 18.

That decision was taken in order to help families. At the same time, it was taken in the knowledge that in Canada we have a pretty robust aviation security system with other layers, which I mentioned before, and that it is okay to do this for this limited time to allow people to get their documents together.

But I'd like to take this opportunity to shed a little bit of light on the question of why age 12? How did we arrive at that age?

● (1135)

Mr. Joe Comartin: No, we don't have enough time.

Let's go to how this is going to be handled when a 12-year-old or 16-year-old or 18-year-old shows up at the airport. Who determines what is an acceptable single piece of identification?

Mr. Allan Kagedan: On the website, www.passengerprotect.gc.ca, there is a list of acceptable ID, government-issued ID. The reason for that is that we want it to be a responsible authority issuing that ID. You're looking at federal ID. You're looking at provincial ID—kids' health care cards, which a lot of kids need, because they need those to get injections. So that they can stay in school, they need that inoculation. Everyone across the country has access to a birth certificate. So we're asking for one document of government-issued ID from people of those ages.

Mr. Joe Comartin: So when they show up with this document, is there a list there for the staff person to look at and say, yes, this meets the list?

Then my secondary question is, are there any exceptions? If there is a list of documents that are acceptable so that person can make the decision rapidly, are there any exceptions to the list?

Mr. Allan Kagedan: Yes, the air carriers are fully aware of the documents on the list. We're working with them very closely. That is the regulation, and people are expected to comply.

The challenge is, for travel within Canada—it's not really a challenge if you're going to the U.S. or internationally, because you need a passport anyway—getting the word out that you need ID. To fly, you need one piece of ID.

Then again, it has been a common practice for decades in aviation to require ID. In fact, some people approach us and say, "This is new? You're kidding. We thought it was always there. We were just sure it was always there."

So there may be adaptation for some. That's why we're getting the word out, and that's why the minister decided to issue this exemption over the summer months to reduce the ID requirement.

Mr. Joe Comartin: I want to go back.

There is a printed list somewhere that the staff person at the airport will consult.

Mr. Allan Kagedan: Yes.

Mr. Joe Comartin: Are there any exceptions to that? Are they allowed to make exceptions to that printed list?

Mr. Allan Kagedan: There's no provision in the exemption for exceptions in the sense of not respecting the regulation. So there is no provision.

Mr. Joe Comartin: But the regulation has, in terminology, a generally accepted government-issued document.

Mr. Allan Kagedan: We list them on the Internet.

Mr. Joe Comartin: Exclusively?

Mr. Allan Kagedan: Well, people have to know what's expected. If people don't know what's expected, that's where you get confusion. So what we have done is place that list on the Internet.

We are hearing from different locations in Canada. We are reviewing and updating as needed the type of ID that's possible. We're trying to explain to people and give people a heads-up on what they need. That's public, and that's published.

We're publicizing the need for ID through these multiple means. We'll be at airports, in newspapers, on radio, on travel sites, on the Internet, and again, focused on the limited but important group of people who are travelling between two Canadian cities. It's not relevant to people going to the States or travelling internationally.

Mr. Joe Comartin: Do I still have time?

The Chair: You have one more minute.

Mr. Joe Comartin: If I look at the regulation, it says a government-issued or -authorized document, and I have one and my child has one that is not on that list that you've given to the people at the airport.

I'm not clear, Mr. Kagedan. You're not being helpful, quite frankly. I'm not sure if you don't understand my question, but I'm not clear on this. Is there an absolute list with 10 items: birth certificate, health card, and so on?

Mr. Allan Kagedan: Yes, there is.

Mr. Joe Comartin: Is there an absolute number? If I come with some other government-issued document that certifies who I am, you will not accept that?

Mr. Allan Kagedan: Again, the air carrier makes the decision. There is discretion on that basis. But what I would say to you is that we have tried to put all the relevant government ID out there so that there is no confusion. But if it's valid government ID and for some reason it escaped our notice, then, with valid government ID, the air carrier could exercise the discretion to let you onto the plane. There's no question there.

● (1140)

Mr. Joe Comartin: So the staff person there will make that decision.

Mr. Allan Kagedan: If it's valid government ID, there could be some discretion, but we have taken it as a matter of air carriers having come to us saying, "Can you please be a little clearer? What is it?" We could have left it at "valid government-issued ID", but in order to be helpful for people, people are asking us, "Can you please specify?" So that's what we've done.

If it's valid government-issued ID, then it's valid. That's what the regulation says.

The Chair: Okay. Do you have that list with you, the 10 items or whatever?

Mr. Allan Kagedan: I don't have it with me at this time. As I say, it is on the Internet at that website. As we hear from different parts of Canada where there are some different sorts of ID, we are working with all areas to upload valid ID so that people are clear.

People would like clarity. They would prefer that. If it's valid government-issued ID, that's the regulation, and that is what is supreme in this sense.

The Chair: Thank you.

Mr. Hawn, please.

Do you have a point of order?

Hon. Raymond Chan (Richmond, Lib.): I don't think it's too much trouble to get someone to go to the website and print out the list so that we can know what we're talking about.

The Chair: The list of the ten pieces of ID? We'll check into that.

Mr. Hawn, please.

Mr. Laurie Hawn (Edmonton Centre, CPC): Thank you, Mr. Chair.

Thank you both for being here.

This all started, of course, many years ago. Has the direction the department has received changed at all from government to government, or is it pretty much following the direction it was given in the first place?

Mr. Allan Kagedan: Of course the program has evolved as we have gone along. The basic direction was there in the Public Safety Act. The Public Safety Act, section 4.81, gives the Minister of Transport—that's why it's Transport and not the Ministry of Public Safety, that was the decision of the day—the authority to specify individuals who pose a threat to aviation security.

It's built on that basis, but as we've evolved we have criteria that are public, we have a reconsideration office, and we have the 7/24 office. We've done all these things to try to keep the program as efficient and effective as possible.

Mr. Laurie Hawn: I just wanted to make sure that the way we're framing the discussion is that it's not a political discussion but an operational and procedural discussion more than anything else, and there are lots of legitimate questions.

You probably can't answer this, but how many people are on the no-fly list?

Mr. Allan Kagedan: You're right, I can't, but—

Mr. Laurie Hawn: Is it a big number or a little number?

Mr. Allan Kagedan: —again, the number is determined by the focus that we're putting on it, and that limits the number significantly.

Mr. Laurie Hawn: We talked about where that information comes from. You have the advisory group, who are RCMP, CSIS, and all these folks. On the personal information that you get to determine who is on the no-fly list, when the advisory group meets, the RCMP guy and the CSIS lady come armed with that personal information, and the advisory group sits and says, yes, these guys are on the list and these guys aren't. Is that the way it works?

Mr. Allan Kagedan: Yes, that is how it goes, but in order to protect the privacy of those individuals, we strictly limit the number of people in that room and who is allowed in that room. You have to be very careful in those matters, both for security and privacy. You strictly limit who is in that room and who gets to participate in this, because we're concerned about the privacy of those individuals as well.

Mr. Laurie Hawn: Have you made any projections on false positives and how many you might expect? Has there been any crystal-balling on that?

Mr. Allan Kagedan: Our projections suggest a very low number of false positives for the reasons I've stated, and false positives in the sense of people denied boarding falsely. I will tell you it would be extremely unlikely in the situation we're talking about for someone to have the same name, gender, date of birth, passport number, home address, home phone number, and the like as someone else. If they have all that, I think it's rather unlikely. As the data points increase, the chance of a mistake diminishes proportionately. We've also taken action by focusing the list to reduce the number of name matches.

Mr. Laurie Hawn: If you have an adult who is on the no-fly list and he or she shows up with the family, are they automatically included with that member in terms of being denied?

Mr. Allan Kagedan: Certainly not, because we're looking at individuals. We're not looking at groups, we're not looking at families; we're looking at individuals and actions they have decided to take. It's their behaviour that leads us to this conclusion. Now, if a family member is stopped, the family might say they're not going forward and so on, but no, it's the individual who has made certain decisions of their own. Unfortunately, we would have to make some decisions of our own.

● (1145)

Mr. Laurie Hawn: Talking about the information being available, it seems to me that it ought to be on all the airline websites and with every travel agent when they're making a booking. Is that there? Have they been instructed to supply the information about what they're going to need? Does everybody who buys a ticket get told that?

Mr. Allan Kagedan: Again, we are working with air carriers, and air carriers are completely aware of this. The government is taking its own action to alert people to the requirements. Again, it's only an issue when it comes to flights within Canada. The air carriers and travel agents around Canada have of course known about this for months and they've been telling people. Unfortunately, sometimes the information they give is less than exact.

We are not requiring photo ID. That is not a requirement of the program. It can be a non-photo ID. That was done very deliberately to accommodate people. What we're seeing is that some people tend to exaggerate the requirements rather than move in the other direction, but the program as it is set out is for photo or non-photo ID with the proviso that it's government issued. We want a responsible issuing authority for that document.

Mr. Laurie Hawn: You offered it before, so I'll ask you the question, why 12?

Mr. Allan Kagedan: Why 12? There are a couple of reasons. This was not a number picked out of the sky; 12 plays a role in our Criminal Code. What we have is a distinction between individuals who are under 12 or over 12 in terms of their responsibility for actions taken. That is a Criminal Code number.

We also see that tragically—and this is a tragedy of enormous proportions—internationally, young individuals get involved in wars. They're known as child soldiers. This is a serious situation the United Nations is looking at.

This program is an international program. These flights go to and from many countries. That's a consideration as well.

There is a practical consideration from an air carrier point of view. How do you know how old someone is? Twelve is a bit of a distinguishing mark. Once kids are 13, 14, 15, are they 16, 17, 18? Depending on their size and so on, it's hard to distinguish. You have to start somewhere. Tragically, we've even had media reports within Canada of gangs and so on getting involved with kids, and teenagers getting involved with guns, so that's why the number was chosen.

We understand it poses a challenge for some people travelling within Canada, and that's why the exemption was issued for the summer. We're also taking action to address it.

That is where the number came from.

Mr. Laurie Hawn: In the unlikely event...and I agree there is a false positive when somebody is denied boarding. Did I hear correctly that it's a 30-day process to change that, or to correct it?

Mrs. Linda Savoie: That's correct. We're estimating our service standard is going to be 30 days. We're hoping to make it quicker where possible, but if an independent review needs to be done of the criteria for having placed that person there, we reasonably expect it will take 30 days.

Mr. Laurie Hawn: Does the advisory group get involved in that again, or are they not part of that process?

Mrs. Linda Savoie: No, this is the office of reconsideration, so we will review the recommendation the advisory group had given to the minister in the first place to put that person on the list. We will review their facts for making the decision, etc.

Mr. Laurie Hawn: Your office is the sole adjudicator of that, is it?

Mrs. Linda Savoie: We review and we make a recommendation to the minister about whether the decision appears to have been correct in the first place and should stand, or whether the minister should advise his advisory body to review it extensively, to reassess.

Mr. Laurie Hawn: Thank you.

That's fine. I think I'm probably out of time anyway.

The Chair: You have a few seconds left.

Mr. Laurie Hawn: It's okay.

The Chair: Thank you very much.

I have read that list, and we'll try to get a printed copy for you, Mr. Chan. It's quite extensive. It's more than 10 items.

We're going to go to the opposition side. Mr. Cullen, please.

Hon. Roy Cullen (Etobicoke North, Lib.): Thank you, Mr. Chair, Mr. Kagedan, and Ms. Savoie.

I just have five minutes, so I'd appreciate it if you can keep your answers as succinct as possible.

We need a bit of a reality check. This list won't be perfect. The other reality is that this list will not solve the challenges of aviation security in Canada forever.

I have two examples: an Air Canada flight into Atlanta, Georgia, or an Air France flight from Charles de Gaulle International Airport into Toronto. What list, in the absence of a passenger protect list in Canada, would they use as a tool or what list would they be required and mandated to use?

● (1150)

Mr. Allan Kagedan: Thank you.

There is no perfection in anything, and certainly in security nothing solves everything. If only that weren't true.

If there were a flight from Toronto to Atlanta, then they are flying to the U.S., and that flight would be subject to U.S. requirements. That's how aviation works. If there were a flight from Paris to Toronto, that flight would be subject to French requirements and Canadian requirements. How it works in aviation is that we are able to put requirements on flights coming to us and leaving us. It is the same with the U.S. and with every other country.

Hon. Roy Cullen: In the interests of time, I'm asking you in practical terms what that would mean today in the absence of a Canadian passenger protect list for those two flights.

Mr. Allan Kagedan: I'm not sure I understand the question.

Hon. Roy Cullen: The question is, if you have an Air Canada flight from Toronto to Atlanta, Georgia, and we do not have a Canadian passenger protect list, what list is Air Canada likely to use and what list would they be required to use? And the same question with respect to a flight from Paris to Toronto, Air France.

Mr. Allan Kagedan: You want to ask that question of Air Canada, regarding what lists they use and are required to use. What I can tell you is that they are required to address any U.S. requirements that may exist. They may have their own business requirements for that.

Hon. Roy Cullen: Okay, that's not a very good answer. But what about the flight from Paris to Toronto, Air France?

Mr. Allan Kagedan: Right. There would be no Canadian list.

Hon. Roy Cullen: I just finished saying there'd be no Canadian list, yes.

Mr. Allan Kagedan: That's right, until June 18. On June 18, there will be.

Hon. Roy Cullen: No, but if there weren't one, what would happen today?

Mr. Allan Kagedan: What has happened until June 18, perhaps. No Canadian list has been applied to that flight.

Hon. Roy Cullen: Obviously you don't really know how the system works. I have another question, though.

One of the concerns we had at this committee is that CSIS and the RCMP have pretty good intelligence, but every now and then they can make a mistake. So this advisory panel.... Transport Canada is not an expert on threats to our national security—as we all know and has been discussed earlier—so they would rely, and this advisory group would rely, on information from CSIS and the RCMP and others.

So let me think of a scenario where you have someone who, for their livelihood, has to travel internationally and somehow gets on this list and cannot travel. They're going to be quite upset, right? So what recourse do they have? Someone's going to take this as a charter issue. This committee looked on behalf of the Canadian public, in the context of security certificates and the anti-terrorism legislation—the analogy is not that perfect, obviously—so there would be some independent way of assessing and corroborating the intelligence information on behalf of the defendant or a passenger who's listed, to ensure, as an honest broker if you like, that the information from CSIS and RCMP was as reliable and as cohesive as one could get it.

What have you done in that area?

Mr. Allan Kagedan: Linda will address the issue of reconsideration.

Again, what I would say is that we would like to inconvenience the people we're talking about, because—

Hon. Roy Cullen: I've heard that, sir.

I'll go to Ms. Savoie. Thank you.

Mrs. Linda Savoie: A number of resources are available to these people to correct things. My recourse, offered by the office of reconsideration, is very limited. We will look at the contents of the file to see if it was a reasonable decision and if the information in there appears to be correct. If there are some errors from an intelligence point of view, there are other recourses for individuals, directly to the RCMP—they have a complaints office there—as well as CSIS. So those are two additional recourses for a person who's been denied boarding because of intelligence information they're trying to challenge. Of course they could go to Federal Court. Obviously none of those recourses are as rapid as you'd like them to be when you're in this situation. But the person can go to a number of areas, and my office will direct them to every possible recourse.

● (1155)

Hon. Roy Cullen: I don't know how much time I have left, Mr. Chairman.

The Chair: You're out of time, I'm sorry. Do you have a brief follow-up?

Hon. Roy Cullen: No, that's fine, thank you.

The Chair: On Mr. Cullen's questions—and maybe you've answered this—does the airline or does CATSA check the no-fly list?

Mr. Allan Kagedan: Air carriers. CATSA has no involvement with the program.

The Chair: No involvement. So you've got people who are.... Are they going to receive training?

Mr. Allan Kagedan: Yes. First of all, a number of air carriers have been subject to U.S. requirements. So if they've been subject to U.S. requirements, then presumably they know something about how to work with the no-fly list operationally. We are providing training material to air carrier personnel, in addition to all the information we've put on the Internet, to help them work with the program, deal with everyone in it in a way that's courteous and effective, and solve problems as quickly as they possibly can.

The Chair: So the airline does the checking.

Mr. Allan Kagedan: Yes.

The Chair: The other thing I think this committee would like to know is, if you're flying internationally, will there then be two lists that you have to check against, a Canadian list and the list of the country you're destined to go to?

Mr. Allan Kagedan: In other words, let's say it's a flight from the U.S. to Canada. Well, presumably the air carrier would have to check the U.S. list, but also check the Canadian one.

The Chair: And when you're in Canada and you're flying to the U.S., would you have to do the same thing?

Mr. Allan Kagedan: Yes, and that's internationally accepted.

The Chair: All right, thank you.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: I would like to add to that question and Mr. Cullen's question. If we leave Ottawa going to New York, in the United States, and our name is on the American list, but not on the Canadian list, we will not be able to board the plane. Is that correct?

Mr. Allan Kagedan: Exactly. That is an American decision. It is a question of American sovereignty and Canadian sovereignty.

Mr. Serge Ménard: Are there children on your list?

Mr. Allan Kagedan: I do not think that children have committed acts against other people or been involved in a terrorist group. Those are the guidelines for our program. I do not know. It is unlikely that a child will have committed acts like that.

Mr. Serge Ménard: That was the case for the American list. Maher Arar's children were on the list.

Mr. Allan Kagedan: I cannot speak for the Americans.

Mr. Serge Ménard: I understand the explanations you gave me regarding Senator Kennedy and Bill Graham. I gave you two other names and you did not answer. I am wondering why you did not prepare for this. It is too bad that John Williams is not here. From what we understood last time, he gave a good report of the problems he had getting his name off the lists. Apparently, he could not board the plane, because his name was on the list.

I gave you two other names: John Williams and Yusuf Islam, that being Cat Stevens' new name. That is a significant point, of course, because with a name like Yusuf Islam, you are dealing with racial or religious profiling. I will not argue Senator Kennedy's or Bill Graham's case further, because there was in fact a mistake in their cases. Nonetheless this is of concern to us.

John Williams was not a minister, but he was a member of the House of Commons. He has a fairly common name. I think there is a famous musician who is also called John Williams.

Are you claiming that all these cases that have been identified as mistakes on lists of undesirable air passengers are merely cases of matching names, that can easily be resolved by presenting identification papers showing date of birth and so on?

Mr. Allan Kagedan: Thank you.

I am not familiar with John Williams' case. It may have been another case of two matching names. I am not certain.

I have read that the Cat Stevens case was different. That is a question of guidelines. How can we decide whether a person will endanger a flight? It is difficult to answer that question. It is a question of judgment. Mistakes can be made, and that is why we have an office...

● (1200)

Mr. Serge Ménard: We do not have much time. I am going to ask another question. Are there categories on your list?

I will give you an example. Hezbollah members of the Lebanese parliament might apply to enter Canada. Because they are members of Hezbollah, which we consider to be a terrorist organization, would they necessarily be on the list of passengers who may not come to Canada?

Mr. Allan Kagedan: Thank you.

The fact that an individual is associated with a fairly serious terrorist group is not in itself sufficient. It must have been determined that the individual intends to do something. It is a question

[*English*]

of the behaviour of that individual, not only membership in a group and not only association. It is certain behaviour against a certain possibility in the realm of law enforcement intelligence and transportation security. That's the gist of it.

[*Translation*]

Mr. Serge Ménard: Okay.

I would come back to the first explanations and arguments you gave us today. There is no single thing that can be done that can completely guarantee security. Security is best ensured by a set of measures that complement one another. I understand that argument perfectly. That is not where the question lies.

The question is what additional protection this gives us as compared to the disadvantages. I am still wondering what danger a terrorist who has been searched, and who we are sure has nothing on him or her, or in his or her luggage, can present once on board a plane. Can you give us an evaluation, that will necessarily be very subjective, of the additional security that no-fly lists provide as compared to security measures consisting of searches and examinations before boarding?

New technologies enable us to take the equivalent of x-rays, but in millionths of a second. They can even detect plastic weapons, in the same way as current technology can detect metal weapons. What more does this give us? The person may indeed be a terrorist, but if the person is not carrying a weapon, what danger does he or she present?

[*English*]

Mr. Allan Kagedan: Okay, *merci*.

I would just draw this distinction. I think, again, one has to be very careful when talking about the nature of exact security measures and about exactly how each one works and so on. One has to be careful.

I would say broadly that the security we have in Canada is more robust, perhaps, than security elsewhere. I don't how many have travelled internationally. In terms of the machines, they're of various natures. There have been instances when, internationally, people who were supposed to do screening looked the other way, and people got on planes and the planes went down. There have been those instances.

What this would do is say to air carriers, here you are, you're the air carriers, you are taking responsibility for this flight; join us, work with us, work in partnership in relation to keeping certain people off the plane. But relatively speaking, the more security you have.... And I agree with you there. Each layer has a different function, but they all work together; they all benefit in reinforcing one another.

One thing, for instance, under this system and so on is that there is a moment when you have a person, their ID, their boarding pass, and the fact that they have a seat on the plane, and it all comes together at one point. It's just very basic common sense. This is the person who is supposed to be getting on the plane. They have valid ID.

It is an additional help, but I would put it to you that internationally it could even be, relatively speaking, of even greater help, given the different level of robustness of a particular layer in a particular place.

● (1205)

The Chair: Thank you, Monsieur Ménard.

We'll have Mr. Brown, please.

Mr. Gord Brown (Leeds—Grenville, CPC): Thank you very much, Mr. Chairman.

I think I speak for all members around the table in saying that security of air passengers in Canada is a paramount consideration. In the last meeting we had, and I'm sure you've reviewed the records of that meeting, there were concerns about a name-based program. There have been arguments by some around the table that this program is not going to be effective because of the potential for assumed identity and because of people with multiple passports. How do you plan to deal with that?

I, for one, am an advocate of face recognition technology and using other identification with biometric indicators that may enhance the ability to protect people and minimize the number of false positives. How would you respond to that?

Mr. Allan Kagedan: Thank you.

Again, this is one layer. As we said last time, there are many layers. The layers complement one another. Each layer has its own financial costs and efficiency costs, as well as challenges in terms of privacy and human rights. I'm just saying that one has to look at all those things when looking at any one of them. They all complement one another.

In terms of falsification of ID, I would like to offer a distinction between the ID falsification by a kid trying to get into a bar if they're not quite old enough, which is one sort of thing, and the sort of thing we're talking about. We're talking about something fundamentally different. We're talking about different individuals who are of concern to the international community. They are of concern to security intelligence organizations, who are very concerned that they will use false ID to try to do something. That's absolutely one of the concerns.

You deal with falsification of ID by trying to overcome the falsification. You're not dealing with dime-store.... Again, the consequences of what we're talking about, if we just consider for a minute, are very much different in terms of false ID for getting into a bar and false ID for trying to bring down an aircraft. Consequently, the amount of attention that's paid to individuals like that is going to be greater. If they try to use false ID, greater attention will be paid than to ID used in other contexts.

All security measures have to be looked at from the point of view of efficiency. People still want to travel, and they don't want to be inconvenienced. Also, do they raise issues for privacy and human rights? You have a blended system, a system with a number of different aspects that work together to deliver the desired result, which is safe travel. We have a healthy aviation industry; we have more people travelling. That's very positive, and we certainly want to support that.

Mr. Gord Brown: There are many ways to purchase a ticket. Are you considering different ways to ensure that airlines don't sell to people who are on your name-based list? For example, right now I could go on one of the various travel seller sites—Expedia, Travelocity, and others—and purchase an airline ticket. It may not be at that point, but is there a way to have it so that the airlines would be in a position to have that name recognition at that point, when the ticket is purchased?

Mr. Allan Kagedan: Thank you.

There are many different airlines in the world. They are at different levels of sophistication in terms of computers. I myself have had experiences in which some were okay with my telling them who I am, while others needed a paper ticket. We have different levels of that in the developed world, and still more different levels in the developing world.

What we have done with our system—and again, we're looking at a dynamic industry—is that we have not focused on the ticket sale. The ticket sale is often at three or four removes from the air carrier. It depends on who is selling it and what the conditions of sale are. We're looking at the boarding pass, that document of whatever size or shape that entitles an individual to actually get on the plane. That's the one we're focusing on.

What we hear from air carriers is that depending on their business model and how it works, they know who's getting on the plane when someone arrives at the airport and is given a boarding pass to get on the plane, so we focus ourselves around that. As you go outward in the ticket selling realm, it gets less and less clear as to who, what, where, and when, and it gets much more difficult from an operational point of view and a business point of view.

That's why we are focused on the boarding pass as a document of entitlement, and on the question of denying a boarding pass to individuals of concern.

● (1210)

Mr. Gord Brown: On the list of ID that you'll accept, I don't see the NEXUS card. Of course, NEXUS deals with cross-border flights to the United States. Is that something you might consider? I know there's a chance to expand the use of NEXUS. I know it's expanding regularly at border crossings and for flights. Is that something we might also use domestically for frequent travellers?

Mr. Allan Kagedan: We'll look into it, and I thank you for the suggestion.

We are looking at cards that are issued by government—I think NEXUS is, I'm not familiar with it, but I think it is—cards that are related to an ID of a particular individual, not a group of individuals, and cards that enable that individual to do something, so if it fits into that category.... I would welcome suggestions of other cards that fit into that category. As the point was made here, people do like clarity; it helps them, so the more government-issued IDs we could actually list, the better. That's not to say that they're government IDs; some that are not there may be valid, but people do want them to see what they are.

We'll look into NEXUS and anything else you care to suggest. That's welcome.

We are getting suggestions from different parts of Canada and we're examining each one. We're trying to make it as easy for people as possible to comply with the rule.

Mr. Gord Brown: Thank you.

The Chair: Thank you very much, Mr. Brown.

We will now go to our next round. Mr. Chan, please.

Hon. Raymond Chan: Thank you very much, Mr. Chair.

I have to say that you're not convincing at all today on all the arguments that you're trying to put forward. I have three major concerns with this system.

One is the ID process. Regarding the list that you showed us, many of these could be easily falsified. It would be tremendously impractical to get someone from the airline to know how to identify false IDs just on this list, never mind additional IDs that might or might not be acceptable. As for training someone to identify what is a falsified driver's licence from across the country, there are 10 provinces that have 10 different drivers' licences issued, health cards. Even on your list there are a lot of holes to allow falsification.

You identify a passport as something that would secure the idea of people, yet on the other hand, there's a long list of IDs that are acceptable. So your argument that using a passport is a good one falls down the hole.

The other issue is about this security thing. Even if I agreed with you that if you can catch one incident it's worth troubling about 80% of Canadians—I don't agree with that, but even if I do—I'm worried that this system has such big holes to try to catch a small fish that it would have no added value to the layers of security that you're talking about.

If someone can falsify any two pieces of ID and buy an airline ticket off the Internet through somebody else, and they just pick up that ID and they take it to the airport, there's no way you can catch him, unless he has been tailed by the security officers all along. And if he has, you don't need a no-fly list, but at the same time about 20 million Canadians will be disturbed in this process.

And what's worse, you're creating a false sense of security for the public, while actually this has no value at all to the layers of security that you talk about. That's the first concern that I have.

The second concern is, how does someone get on the list? There is an opportunity that people who are not convicted will be on the list—suspects. The first criterion that you mentioned—a terrorist suspect, no matter where the suspicion comes from, could be on the list. Mr. Arar could have been on the list.

The problem I have is that they trample on civil rights. And the reverse onus on that individual to prove that he doesn't have some kind of guilt to be on the list violates our basic principles, the fundamental judicial right of due process for Canadians. That's what I worry about.

The third thing I worry about is that the airline could share this list with other authorities, and that impedes the privacy of Canadians.

● (1215)

So far, listening to all the responses that you have to the different parties, I'm not convinced. You're not convincing me how this could be worthwhile, and at the same time you're causing a lot of headache to a majority of Canadians. With any approach of any system that we want to impose, we have to balance between the effectiveness and the usefulness of the system and how much trouble it will create for Canadians and how many rights we have to trample on.

The Chair: Thank you, Mr. Chan. You're over your five minutes.

I didn't detect a question there, but do you have any response to any of these?

Mr. Allan Kagedan: Yes, and I appreciate very much and certainly agree with the need for balance. On the question of ID and passport, if you travel to the U.S. or internationally, you must use a passport.

Hon. Raymond Chan: We're talking about domestic. Don't talk about internationally.

Mr. Allan Kagedan: Okay. There's a concession, then, internationally and so on—

Hon. Raymond Chan: You have a list of IDs. Forget about the passport; talk about the other list. My argument is on the list of IDs that are acceptable, and many of those could be falsified very easily.

Mr. Allan Kagedan: Okay, thank you.

For U.S. and international, you need a passport. On domestic ID, the question is, can these be falsified? Again, I would put it to you that ID can be falsified. This is a small number of individuals. The question is, what if the police or someone are tailing them? Well, we do not live in a police society, we do not live in a society where everyone is all-knowing. Someone can be looked for and not found. There can still be an awareness of falsification of ID, even those... [*Inaudible—Editor*]...this is a small number of very specific people.

On the question of conviction and suspicion, yes, we are looking at a—

Hon. Raymond Chan: Those are the people you are trying to catch. You're not trying to catch the ordinary people; they are no problem. We're trying to catch those people who have lots of assets to falsify IDs.

The Chair: You can come back in the next round.

Mr. Allan Kagedan: On the question of conviction and suspicion, this is a very important question. What we're looking at is individuals who may be in Canada, but they may not be; they may be anywhere. We're not in a position to convict anyone for something done in another place. These are individuals who we believe would threaten air passengers on flights. We had a threatened incident in London in August 2006, the allegation of people getting on aircraft and bringing down 10 aircraft over the Atlantic, so this is what we're talking about. They were not convicted at the time. Would it have been a good idea to keep them off the plane? I think it would have been.

We're very concerned about civil rights, but we're also concerned about the human right of security of person. Those things do have to be held in a balance, and a balance that benefits Canadians.

As for the sharing and the issue of privacy, the air carriers are not permitted to share with anyone. By regulation, by an MOU that we're signing, the minister has authority to penalize the air carriers and can bring into question their operations if they violate the law of Canada. So there are very stringent measures to protect against any further sharing. If there is any foreign government...if that were to exist, there's the possibility of a dialogue that could in fact prevent individuals from being put on another list. You're saying, okay, we're concerned about security, but you don't have to be concerned about that person. Those possibilities are there of enhancing the privacy of these individuals as well.

● (1220)

The Chair: Thank you.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair, and thank you to the panellists.

I'm a little concerned. I think Mr. Chan has the Chicken Little concept here when he describes 20 million Canadians being involved —

Hon. Raymond Chan: Anybody who is above 12 years old.

Mr. Dave MacKenzie: Sure, anybody travelling. But with all due respect, we're looking at the safety of Canadians, and I think that all of us—it doesn't matter which political party or affiliation—should be concerned about air safety. I think some of the issues Mr. Chan brings up are red herrings. They're way out there.

But if you have the knowledge, how many of the 9/11 perpetrators had criminal convictions?

Mr. Allan Kagedan: To my knowledge, none of them had criminal convictions.

An hon. member: So they wouldn't have been on the list.

Mr. Dave MacKenzie: They would have been on the list, because they were suspects and they were known. They may very well have been on the list.

I think that's the point that Canadians have to understand: this is a very, very narrow focus. It's not anybody with a criminal conviction; it's a narrow focus of a danger or threat to aviation safety. The suspect has to be some sort of threat to aviation safety. Am I correct on that?

Mr. Allan Kagedan: That's right.

Mr. Dave MacKenzie: Okay.

So when we look at this, we're not looking at—and I think you used these words before—petty criminals at all; we're looking at people from a specific, narrow perspective who are threats to Canadians' safety. So we get all tied up in some other "what if?" situations. They're not really valid. What's valid, and I don't disagree with my colleagues, is that some people for whatever reason will end up on the list. But if we have faith in the system—and that's why we're here, to build that faith in the system—we have to understand and you have to get us convinced that the system is very narrowly focused and there will be few people on that list.

I think what we're looking for is some sense that we're looking for that narrow focus, aviation safety, not somebody who's a petty criminal ending up on the list who might have multiple name matches in Canada. We're looking at Canadians; we're not looking at the Americans. We don't want to offend anybody, but at the same time, it's the safety of Canadians and it's the inconvenience to Canadians. So I think you need to convince us that it is a very narrow focus: it is purely on aviation safety.

Mr. Allan Kagedan: Well, look, we have our guidelines. We've explained the program. The proof of the pudding is in the eating, and I think when the program comes into effect you will not see the massive dislocations that have been described.

Different countries do things differently. There are different health care systems, and so on, but everyone is concerned about health care, and everyone is concerned about public safety.

I guess different countries handle it differently. We have our own standards. We have our Privacy Act and other laws, and so on. Everything we're doing is completely compliant with all those legal requirements, and we're working within that context to try to achieve a program that balances out those needs.

Mr. Dave MacKenzie: Okay.

I think all of us now have the information, thanks to a staff member here, of the ID. One of the things I noticed is that it says, "The following pieces of valid government-issued ID may be counted toward the requirements of the Identity Screening Regulations".

Coming from a policing background, as my friend does, we were always taught as police officers that one of the biggest tools we had was the tool of discretion. When I read that, that doesn't say those are the only ones issued. There have been a number of questions about this card or that card, and my friend mentioned the NEXUS card, which would seem to be logical. I'm assuming, and tell me if I'm wrong, that those are the standard ones, that those are the ones that are accepted, but that there will be some discretion used by people who are doing the screening at the airports.

● (1225)

Mr. Allan Kagedan: Absolutely, there is discretion. And just to make one point, in all of aviation security, we can't do it by ourselves. The police can't do it by themselves. It is a cooperative venture that involves government, police, the air carriers, and air passengers as well. We're all working together, so there will be some discretion exercised as to valid government ID.

When people get on a plane, we do not want people to look at others and say, "You look funny. I think you're a threat." We want people to know that, in the view of the Canadian government and all the information that we have, everyone on that plane is valid. That's another way the program could have distinct advantages.

There have been situations where people look at others on the plane and say, "That person looks funny to me." Well, they may. We can't change that attitude. People are going to have attitudes. What we're saying is that the people who get on the plane, based on the information we have, are validly there, and that should reassure everyone. There's a role for government in assuring and reassuring, and it can affect behaviour both in terms of security but also in people treating each other decently.

Mr. Dave MacKenzie: Okay.

All of us talk about the different levels. So this is implemented; Canadians know it, terrorists know it, and I'm sure everyone knows it. But when we talk about a level and deterring people, I know from a little background previously that sometimes a little sticker on a window deters people from breaking into buildings, and I think you used that analogy when you talked about the stolen car.

So I recognize what you're saying is that this is just one other part of the whole equation, and I think Canadians also understand that there are different forms of deterrents that are extremely...if not impossible, very difficult to measure in terms of effectiveness. But I think it is a given that knowledge becomes somewhat of a deterrent, and I, for one, think the right decision was made in 2004 to go ahead with this kind of program—not that it will be perfect, but we can fix it as we go ahead.

So it's my opinion that from the perspective of Canadians, this might turn out to be a good start. It might be the perfect start. But at least it does provide some protection for Canadians.

You don't have to respond to that. That's just my statement.

The Chair: But you may respond if you wish.

Mr. Allan Kagedan: Again, going back to 2004, it was a little closer to the events of 9/11. There was discussion over a period of three years on these matters, on the very section that has given legal basis to this program.

We were a little closer to that particular event. Unfortunately, we saw events in Russia in 2004 where two planes were brought down. We saw threats in 2006, just one summer ago, in the U.K., directed at North America, unfortunately. We heard reports in recent weeks in Saudi Arabia of people training to be suicide pilots, again using aircraft. We have the unfortunate fact that, back to 1995, with Operation Bojinka, there was an interest among terrorist groups in bringing down aircraft.

It's very unfortunate, but it's not really smart or safe to just wish it away and pretend that doesn't exist. What can we do, what can we do in a balanced manner, and what do we do in a cooperative manner, where everyone is involved, to try to keep things on a road ahead?

The Chair: Thank you.

We'll now go to the official opposition again. Ms. Barnes, please.

Hon. Sue Barnes: Thank you.

Mr. Kagedan, you're the chief, security policy, aviation security and emergency preparedness. I understand that's your title. Is that your full-time position?

Mr. Allan Kagedan: Yes.

Hon. Sue Barnes: Please verify that if I have a boarding pass in my hand, I know then, at that moment, that I have not been on your list, that I'm free to go.

Mr. Allan Kagedan: Yes.

The Chair: Sir, may I interrupt on that? I can get a boarding pass without going to the airport.

Hon. Sue Barnes: It's my time, Mr. Chair. Could you let me pursue that, Mr. Chair? It would be a little fairer.

I'm back in 2004. I don't use computer access to boarding passes, but I understand that if I'm getting on a plane tonight, Air Canada would allow my office to pull my boarding pass off the computer. So you've got a list, and if you were supposedly on this list, you could access the information on whether you're on that list by accessing your boarding pass prior to arriving at the airport.

● (1230)

Mr. Allan Kagedan: Thank you. May I address that?

Hon. Sue Barnes: I just want you to tell me whether or not that's true.

Mr. Allan Kagedan: No.

Hon. Sue Barnes: So I can get a boarding pass today and verify that I'm not on that list.

Mr. Allan Kagedan: Yes. If you're on the list, you won't be getting a boarding pass on the Internet. You won't be getting it out of a kiosk either.

Hon. Sue Barnes: That's my point. So why don't you let Canadians know that? If they can have a boarding pass before getting to the airport, we might not have these crises at the airport for some families.

Mr. Allan Kagedan: Thank you. I appreciate that. It's absolutely true.

Hon. Sue Barnes: Why haven't you advertised that?

Mr. Allan Kagedan: We're advertising it. It's in the regulations. It's in the information, but we can update the website to put it in bold letters, yes.

So in other words, if you get a boarding pass, then you're not part of the program. That's how it works. So the idea is denial of boarding passes—

Hon. Sue Barnes: So maybe Canadians might need to know that? Put it on your website.

Mr. Allan Kagedan: I appreciate that. It is on the website now. We can put it in a more prominent place. That's how the whole thing works.

Hon. Sue Barnes: Okay. I've got to tell you that I'm going to get the calls—and they come to my home, not just to my constituency office—when people are refused. I have communities that have many different similar names, just like my colleague Mr. Chan. We are going to have those calls. I hope I don't get very many. I hope you're absolutely right, because we're faced with this in a couple of weeks.

But it seems to me there are ways you can let Canadians mitigate the problems of upsets at the airports and mistakes. One of them is to say that if you have an airline that allows you to get a boarding pass through your computer in advance, you do that, and then you can be assured you're not on the list.

I don't get it that you guys don't help people.

The other way to look at this, if I were the devil's advocate, is this. Say I'm a terrorist on the terrorist list; I'm going to check whether or not I'm going to get on this plane by printing their boarding pass. If I can't print it off my computer, obviously I'm on a list and I'm not going to get on that flight. So maybe that prevents, in an indirect way—Mr. MacKenzie, I'll give you this—someone from getting on a flight. But—

Mr. Allan Kagedan: Just to say, there might be multiple reasons—

Hon. Sue Barnes: Now, the other thing is that I have no knowledge, because I don't travel every airline in the world. I don't know what other airlines besides Air Canada have advance boarding tickets. Do you have that information?

Mr. Allan Kagedan: Yes. In terms of printing boarding passes in advance, I know that it's widespread across North America and I think it's probably spreading internationally. And I would guess—

Hon. Sue Barnes: Don't you know? Please.

Mr. Allan Kagedan: I'm focused on security. I'm focused on developing programs like this. I don't run an air carrier and I don't know what every air carrier's business practices are with regard to boarding passes and how quickly they give them or upload them. So no, I don't have a chart of that. That's air carrier business.

The point is that there are multiple reasons why you may be denied a boarding pass. It could be because you're on this list. It could be because you didn't pay for your ticket last time. It could be because of a hundred other reasons. So there's no notification at that point of whether or not you're on the list, but it is true that if you have a valid boarding pass, then you're okay to board the flight. You have to show ID before getting on the flight, and the name on the boarding pass has to match the name on the ID.

Yes, we could certainly make that more prominently known to people, so sure, that's a great suggestion.

Hon. Sue Barnes: I have people who don't have Internet access in communities not far from populated areas, so they're not going to be able to get that access because they're not Internet-served, potentially, or they don't have the ease. They can't make the phone call, but they can find out by trying to access their boarding passes on that day, before leaving home to go to the airport?

Mr. Allan Kagedan: Yes.

Hon. Sue Barnes: Thank you.

Now, once you're on a list, it's really difficult to get your name off. In the age of Internet, lists keep on going forever.

You're going to have a board of reconsideration. I don't want to mislead the public into thinking that you're going to act in 30 days, because you're not; you're going to only act—hopefully, within a 30-day time period—after you've received the information. No person is going to be able to contact you. We won't even know the names of these people who look at the cases. In one of our last meetings, we were told that people won't be told why they can't get off the list.

But let's presume a happy outcome right now. We're going to get somebody off the list because it was a false positive. How do you contact...or do you do anything to notify all the places the list went to with the bad name and the inconvenience to this person? How do you get their names off, considering that these lists may now be in other countries, because some of these people we've shared the lists with through the airlines may have breached your guidelines and regulations and shared them with other people?

● (1235)

The Chair: That'll have to be your final question.

Go ahead.

Mr. Allan Kagedan: On that side of it, the concern is valid. Once a name is out there and so on.... Again, what we are doing is this.

The naming of an individual is subject to review at least every 30 days. What if someone's name has been on there? What happens to that? The air carriers will be advised that.... The new list will come out, as it were. The name will no longer be there. They will still be under obligation—permanently—to protect any information that they ever received on that list. If they or anyone else breaches that, there will be implications for those parties who breach it. That's how you deal with it. If a name is removed, it is removed. If someone else moves forward with it, then that is in breach of those regulations.

If that individual is being sought by Interpol or others, that's out of our hands, but in terms of any information that we produce that we provide to anyone, there's a permanent requirement to protect that information. It doesn't just leave you after a few months. That's how reconsideration works.

Mrs. Linda Savoie: I'd like to clarify one point you made.

When you are denied boarding, this is not a big black hole process afterwards. You're given the coordinates of my office and you will be speaking directly with someone who will help you make your application. We're going to be transparent about how we're proceeding, about who's handling your file, etc., so there's not that big black hole for individuals who've been denied boarding. There is a person they will speak to.

Hon. Sue Barnes: There's only one office, though; there's only one location in Canada, right?

Mrs. Linda Savoie: That's correct.

Hon. Sue Barnes: Nobody can ever come to visit you, or—

Mrs. Linda Savoie: Yes, they could. My advisers are going to be able to travel to the various places in the country, if need be.

We already do it. We already have the ability to do it for our marine side, because as I mentioned last week, my office is responsible for other aspects as well. We will be locating advisers in Halifax, Vancouver, etc. Depending on who's handling the passenger protect review, they might not be in Ottawa.

The Chair: Thank you.

Hon. Sue Barnes: I know that I'm not going to get another round, so I probably would want you back next September, when we're here, to see how the summer has gone.

The Chair: Mr. Norlock is next, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): It's not hard to tell there's a very significant divergence of opinion here today. Some of it, I suspect, is what I would call a philosophical view of this type of arrangement; some perhaps...and I don't like to use the words “tainted” and “politics” together, so I'll refrain from saying that.

But one of the statements made was that someone could just say they were a terrorist and wanted a boarding pass. That would be like somebody walking down the main street of any city, town, or village saying they were going to rob a bank and then expect nothing to happen.There will be consequences to ridiculous statements.

I think we've probably highlighted some of the perceived inadequacies of those types of response to what is a worldwide problem. And of course we know that smart people—the people who really want to do us harm—will use every means possible to get around any kind of safety net we may have in our society. I was very happy to hear you articulate the fact that this is just one of several layers of security that are designed to take away the angst from the travelling public, specifically Canadians, when they want to travel by plane, because it's much more convenient in a large country like ours. I have family in British Columbia, and because of my current job I don't have a lot of time to visit them, so I can't drive or take the train. I'll take an aircraft. I think most Canadians would want to know that everything reasonably convenient is being done to provide safety.

This is leading me to a question, and the question is, has your department looked at other nations' programs to see if they have programs like this, or what in addition we can do? Have you looked at best practices worldwide? Who has the best aviation security, and how would or wouldn't things work here, given Canadian society, because of our laws? Have we done that?

● (1240)

Mr. Allan Kagedan: Certainly, as a matter of course, in the absence of the statistical studies that everyone would love to have. But with security and statistics, there's a challenge there, because you're trying to prevent something, so if you succeed you don't have any record of it. There might be certain cases where you do, but those are rare.

Certainly you look at other countries and how they do their own security, so Canada is involved in the G8. The G8, as one of its many actions, does have a group called the Roma/Lyons group: Roma relating to anti-terrorism, Lyons to the headquarters of Interpol. Canada is involved in that, and I am involved in that group, looking at best practices across the G8 countries.

We're involved in APEC. APEC—Asia-Pacific Economic Co-operation—has a great interest in security. They have a great interest in aviation security, and I will be participating in the work of that group as well. A lot of work goes on with the Organization of American States as well.

In terms of lessons learned, we're looking at a watch list type of process. I'm aware that Australia and New Zealand are in a unique situation because they've linked visa issuance to a watch list. We in Canada also link these issuances to watch list types of criteria and so on. So you try to get as much advantage out of all those experiences as you can, then take that and apply it more directly to aviation.

In the case of Australia and New Zealand, since you have to fly to get there, they are applying a border control watch list type of situation to aviation. As I understand it, it's a fairly efficient system. Certainly the U.S. also has a system, and we're much more aware of that, we hear a lot about it. It gets a lot of media. So we're certainly aware of those experiences and learn from them.

But in all cases there's international study and awareness, certainly in terms of some Canadian initiatives and things we're doing—particularly, I would like to think, when it comes to achieving that very difficult balance between efficiency, security, and the protection of privacy. Perhaps there are a few things we have to share with other countries who are concerned about security, but we want to do it in a way that also protects privacy and reduces inconvenience to passengers.

Mr. Rick Norlock: When the system was being designed, did you run it by, let's say, our international partners to see how they felt? Did it make them feel that a Canadian aircraft flying into their airspace or landing at their airports, when they're picking up their citizens...? Did you do that, to sort of say, we want you to be assured when you get on a Canadian aircraft that your safety concerns are being taken care of in this respect?

Mr. Allan Kagedan: Absolutely. There were extensive and in-depth discussions with other countries about this program. Each one, in its own way, is looking at their own programs with regard to the use of passenger information for aviation security. So there has been a lot of discussion, and as I say, we look at certain things they do and we say, well, maybe we should think of that for ourselves. It is a back and forth, and there's a great amount of interest internationally in this sort of program.

The Chair: Your time is up. There will be one more opportunity here, I think.

We're going to go to abbreviated rounds here.

Mr. Cullen.

Hon. Roy Cullen: Thank you, Mr. Chair.

I'm going to share with Mr. Chan, so I'll be very brief.

My whole point is that in the absence of our own list, airlines will use other lists. Unfortunately, I haven't been able to get any answers, and I think in the fall maybe we should bring in the airlines and IATA, groups like that.

I know from personal experience—not that I was personally affected myself—that the U.S. no-fly list is flawed, or was flawed. If we have a tight Canadian list, then it might be better. But I haven't been able to get any reassurance.

I'd like to build on Ms. Barnes' point. We're saying that you cannot call up your office to say, “Look, my name is so and so. Here's my date of birth. I'd like to know if I'm on the list or not”, but if I have computer access, I can go and see if I can get a boarding pass, and I'll know then. If I can get a boarding pass, I'm not on the list.

That doesn't make any sense. On the one hand you're saying, “We can't really tell you if you're on the list or not”, but if you have a computer and you can get a boarding pass, that means you're not on the list. I don't get it.

● (1245)

Mr. Allan Kagedan: I'm not sure I quite understand.

One thing I can say is that the power under which the minister would deny boarding is a 72-hour power. So the denial of boarding is an emergency direction by the minister. That's the legal framework in which we operate, a 72-hour window, assessing the threat at that time.

If you just told people, if we just put the list on the Internet, it would violate privacy, and obviously it would reduce the security value.

Hon. Roy Cullen: I didn't say the Internet; I said to be able to phone up.

Mr. Allan Kagedan: But how would we know...? Okay, I'm phoning up; you're phoning up; you're saying you're me—

Hon. Roy Cullen: How do you know if I'm on a computer and I've asked for a boarding pass that I'm that person?

Mr. Allan Kagedan: Again, now we're getting into falsified ID. If you're denied a boarding pass—

Hon. Roy Cullen: No, no, we're not.

Mr. Allan Kagedan: I've been denied boarding passes, you know, but not because I'm on a list.

Hon. Roy Cullen: I'll move to Mr. Chan.

The Chair: Okay, I don't think the question got through.

Hon. Raymond Chan: To follow up—

The Chair: As quickly as possible.

Hon. Raymond Chan: I'm trying to be diplomatic. This is nothing about ideology at all. It's how do we use common sense to catch the few, as Mr. MacKenzie has talked about—a small number of terrorists—to prevent this group, these people, from boarding a plane? If this is a small group of people, after they know there's a no-fly list, they will have to try to circumvent it. The first thing is to falsify an ID.

I'm trying to have a common sense approach to this. The set-up doesn't seem to be able to stop any professional or serious terrorist. That's one question.

The second question is this. I was in the public security committee. There's a lot of concern with this issue. This is why it has not been implemented quickly. I just wanted to put that on the record.

The Chair: Mr. Kagedan, a response, briefly.

Mr. Allan Kagedan: It was mentioned that if you put a sticker on your window, the criminal goes somewhere else. So that's one thing. Why look for trouble? We're trying to protect Canadians on flights coming to Canada; that's one point.

Another point you mentioned is falsified documents. If you're travelling internationally, there is training of airport officials—

Hon. Raymond Chan: What about domestic flights?

Mr. Allan Kagedan: The fact is that it's a program that spans both domestic and international. There is training in terms of falsified passports and the like. I think those are the questions.

If you are able to keep those people off our flights, that's a good thing. Sometimes they might do something somewhere else; that's a bad thing. We're the Canadian government. We're trying to protect Canadians.

On the falsified ID, it depends on who you are. The ability for you to use that to try to get somewhere as opposed to someone else....

The Chair: Thank you.

Monsieur Ménard, you had a question as well.

[*Translation*]

Mr. Serge Ménard: Thank you.

Someone from the Ligue des droits et libertés wrote to me — I do not know whether they wrote to all M.P.s — to express certain concerns. The last one particularly caught my attention. it says, and I quote:

> [TRANSLATION] The blacklist is just the first step while we wait for the even more ambitious plan announced by Transport Canada to be implemented. In that plan, the name of every traveller is put into a computer system that collects all available information on the traveller (travel and consumption patterns, acquaintances, etc.) so that a risk profile can be assigned: green, orange or red. A traveller who is given an orange or red rating is subjected to searches and additional questioning, after which he or she may simply be refused boarding.

My question is simple. Is there a plan to implement this kind of classification system for travellers, at Transport Canada?

● (1250)

Mr. Allan Kagedan: No, not at all. Absolutely not. This is the only program. There is no other. We are working very hard on this program at present. There is no approval or plan for another system. Our priority is this system. We are not making any plans to establish another system.

Mr. Serge Ménard: Fine.

I received a letter in English. I will not take a chance at translating, because we have here the world's best professional translators.

The CLC, I believe that is the Canadian Labour Congress, but in view of who it was who wrote to me, I have some doubts about that. It is the actual argument that is important. We are told:

[*English*]

> This list will likely contribute to even more racial and religious profiling of Arab and Muslim communities and falsely target other people. The United States “No Fly List” has resulted in more than 30,000 travellers being falsely associated with terrorism as they attempted to cross borders or board planes.

[*Translation*]

What answer do you have for the Canadian Labour Congress?

Mr. Allan Kagedan: Thank you.

[*English*]

I should say that with this program there is no aspect of racial profiling. We object to it. I personally consider racial profiling to be repugnant and unacceptable. We are concerned about certain people who have made certain decisions in their lives.

This is our program, and we have designed it. It has nothing to do with any type of view that a group is responsible. Individuals are responsible for their actions. We're looking at their individual actions in relationship to the guidelines I mentioned.

[*Translation*]

Mr. Serge Ménard: I think you would be more convincing for the people who have expressed their concerns if instead of just saying that there will be no racial profiling, you explained what measures are being taken to ensure that there is no racial profiling.

Mr. Allan Kagedan: Yes, thank you, that is good.

Mr. Serge Ménard: Can you explain those measures?

Mr. Allan Kagedan: Yes, very well.

There are specific directives governing the activities of the people concerned. There are precise things to be done and no group is targeted: that is not what it says. We are talking solely about activities of individuals. So that is clear.

However, we can reconsider our decision. If there is racial profiling, we will investigate and we will reject the conclusion. We are doing all these things to be sure that there is no racial profiling. It is solely a matter of individuals' specific activities.

[*English*]

The Chair: You can have a very brief answer—just 10 or 15 seconds.

He gets five minutes, and he's only at four and a half.

[*Translation*]

Mr. Serge Ménard: Certainly aviation security concerns me, as a traveller. Then there are children, and there are also personnel, etc. I think that the first lesson we have to learn from September 11 is the need to secure the pilot's cabin. But I thought that we would also have investigated whether we could have prevented the events of September 11 by applying these lists. It seems not.

I do not understand why you are not able—

[*English*]

The Chair: Your 10 seconds is up.

[*Translation*]

Mr. Serge Ménard: — that there has been no investigation to systematically examine all of the incidents to see whether applying a no-fly list would have prevented them from happening.

[*English*]

The Chair: Mr. Kagedan, I don't know if you have an answer to that. We're way out of time.

Mr. Allan Kagedan: Essentially, for all our security activities, there is a process of assessing risks and of basing judgment on the ability of a particular measure to be of assistance. We also look at actions by other countries, and so on, in this regard, as was mentioned, to try to help us in reaching those conclusions.

● (1255)

The Chair: Mr. Comartin, you're the clean-up batter.

Mr. Joe Comartin: Thank you, Mr. Chair.

Is there in place a reporting system, through which we're going to see the results, hopefully early on, of how the system is working? Are there going to be written reports available to the public at the end of the first month, and over the next six months, and at the one-year stage? Is there that kind of system in place?

Mr. Allan Kagedan: Certainly there are numerous reporting requirements. They're set down by Treasury Board for any program, and this program is no exception. There are reporting requirements. I would have to check on the degree to which they're open to the public. So we do have to do reporting.

I think Linda can answer for—

Mrs. Linda Savoie: We have already been informed that there is going to be a privacy audit next year, and from the reconsideration point of view, we're also going to be reporting to the public the number of reviews, the outcome, etc.

Mr. Joe Comartin: How often will that be?

Mrs. Linda Savoie: It will be done yearly.

Mr. Joe Comartin: So we won't get any information until 12 or 15 or 18 months from now?

Mrs. Linda Savoie: If you request it, I'm sure we could do an advance—

Mr. Joe Comartin: Consider it requested. And could you—

The Chair: Mr. Comartin, I'm sure we'll be examining this again in the fall.

Mr. Joe Comartin: I'm not waiting until the fall, Mr. Chair. I would like to have a report on a monthly basis through the summer, including September. I'd like it to go to this committee, and I'd like the clerk to circulate it to the members of the committee.

Mrs. Linda Savoie: I don't anticipate any difficulty with that from the point of view of my office. If my colleagues in the safety and security group have done the work that they've been attempting to do, there shouldn't be that much business anyway.

Mr. Allan Kagedan: What's your vision of what would be reported?

Mr. Joe Comartin: We obviously want to know about the problems, both in terms of how many people have been rejected at the airports, and I think, Ms. Savoie, in your case, what happened in terms of any appeals or responses from your office to those rejections. Those are the two major areas.

Mrs. Linda Savoie: Our tracking system will clearly have that information handy regarding the number of applicants and the outcome of each review. That would be no problem whatsoever.

Mr. Allan Kagedan: Again, it just depends on the numbers. I know that statistically if the number is too small, it actually raises privacy issues, but within that context, we don't see that there would be any difficulty.

Mr. Joe Comartin: Mr. Chair, whatever is received by the committee I would appreciate having sent out to the members as quickly as possible.

The Chair: Does the committee wish to have that information?

Hon. Sue Barnes: It sounds like a good idea.

The Chair: Okay.

Mr. Norlock.

Mr. Rick Norlock: On that point, within those statistics can there be an indication of how many people flew during that time?

Mr. Allan Kagedan: Yes, I think we probably do have those numbers.

Mr. Rick Norlock: So we can balance the percentages; otherwise, it may be....

The Chair: If there is a potential for violation of privacy rights, would you then not release that information to the committee?

Mr. Allan Kagedan: It's the law of Canada. We're subject to the Privacy Act. I'm just saying that I'm aware from other work I've done that depending on your sample and so on, you have to be a little careful if the number is very small. But perhaps again one can work with that. There just has to be an awareness of privacy in this whole thing. My own sense is that we will not have a very large number of those cases, and if there's an ability to report on that globally, then sure.

The Chair: I will lay my concern on the table right now. This is a public meeting, and if information is requested at a public meeting, comes to the committee, and is released by me, it becomes public information. If that's what the committee wants, they may not get the information. If it violates privacy rights it probably won't be released to this committee. In other words, you may not get any information unless it can be released—

Mr. Joe Comartin: We're not going to get anything unless it's in keeping with the Privacy Act and all the national security claims.

The Chair: I just want you to know that your request carries that proviso.

Thank you very much.

This meeting stands adjourned.

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