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# **Standing Committee on Access to Information, Privacy and Ethics**

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**EVIDENCE**

**Tuesday, May 4, 2010**

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**Chair**

**Mr. Paul Szabo**



## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, May 4, 2010

• (1105)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** I call the meeting to order.

This is meeting number 12 of the Standing Committee on Access to Information, Privacy and Ethics. Pursuant to Standing Order 108 (3)(h)(vi), this is our study on allegations of interference in access to information requests, and more specifically on the motion by Mr. Easter that the committee conduct a study regarding allegations of systemic political interference by ministers' offices to block, delay, or obstruct the release of information to the public regarding the operations of government departments, and that the committee call before it the witnesses we had announced earlier.

Appearing before us today is the Honourable Diane Finley, Minister of Human Resources and Skills Development. Welcome, Minister. We appreciate your taking the time to come and assist us with examining the order before us right now.

I understand you have an opening statement to make, and I invite you to make that now.

**Hon. Diane Finley (Minister of Human Resources and Skills Development):** Thank you very much, Mr. Chair, and thank you for inviting me to appear before the committee.

I'd like to begin by giving you some context and background related to the advertising campaigns that have recently been run by my department.

[Translation]

Our government launched Canada's Economic Action Plan on January 23, 2009 to support Canadians through a world-wide economic crisis with a comprehensive series of measures and initiatives.

Mr. Chair, equally important as making these investments is making sure that Canadians are aware of them so that they can benefit. These ads play an important role in not only informing Canadians that benefits and programs exist, but they also inform Canadians where they can go to find more information, whether it is the website, the phone number or their local government office.

[English]

Canadians needed to be aware of and know how to access the investments the government is making. Accordingly, it was necessary to launch advertising campaigns to ensure that Canadian workers were aware of and were taking advantage of the various benefits and programs available to them. The advertising campaign

highlighted several new and enhanced initiatives to support Canadian workers and their families during the global economic downturn.

Two advertising campaigns were conducted, one for apprentices and one for workers in general. The first program, the apprenticeship grants campaign, was developed to raise awareness of the \$4,000 in grants available from the Government of Canada to encourage apprentices to undertake and complete their apprenticeships and become journeypersons in a skilled trade.

Research has shown that a significant number of apprentices do not complete their training. The \$2,000 apprenticeship incentive grant is available to first- and second-year apprentices in specified trades and has been provided to over 140,000 Canadians since its launch in 2007. The apprenticeship completion grant, announced as part of Canada's economic action plan, provides an additional \$2,000 to apprentices who complete their training and become journeypersons. In its first year alone it helped almost 20,000 Canadians.

This campaign targeted apprentices through radio and Internet advertising, as well as through ads placed in schools and in restaurants located near training centres. This campaign was launched on January 11, 2010, and was completed on March 7, 2010. The campaign was evaluated with the standard advertising campaign evaluation tool, otherwise known as ACET, which is a survey of the general population that collects information related to recall of the advertisement, recall of the key messages, and recall of who sponsored the ad, as well as to determine what, if any, action has been taken as a result of seeing the ad. ACET indicates that 37% of the target audience recalled seeing the ad, with fully one in five indicating that they were going to take action as a result of seeing the ad.

A budget of about \$200,000 was established for planning and production. A media budget of approximately \$1,650,000 was established for the campaign.

•(1110)

[Translation]

The Helping Canadian Workers campaign was designed to raise awareness of programs available to workers who had been adversely affected by the global economic downturn. The campaign was comprised of a national television and Internet component that included broad messaging about the support available to Canadian workers and where Canadians could go to get more information. The national element was supported by regional print and radio ads that carried more detailed information about specific programs related to skills and training, extended EI benefits and new EI benefits for the self-employed.

[English]

Examples of these include the extra five weeks of EI benefits provided, which have helped some 600,000 Canadians who are unemployed so far; our record investment in skills training and upgrading, which are helping Canadians get back to work and get ready for the jobs of tomorrow; as well as the expanded work-sharing program, which so far has protected the jobs of over 255,000 Canadians since February 2009.

The budget for production and campaign planning was about \$1,225,000. The national television and Internet campaign was launched January 18 and concluded February 28. The national media buy included air time during the Olympics. The media budget for the national component of the campaign was approximately \$4,950,000. The regional campaign was launched on February 8, 2010, and concluded on March 31, and included radio ads, print ads, and Internet ads in both official languages. The media budget for the regional component of the campaign was about \$5,575,000.

Using the advertising campaign evaluation tool that I referred to earlier, the aided and unaided recall rate of the campaign among the general population was a whopping 61%, compared to the average Government of Canada benchmark of 36%. This figure rises to 65% among unemployed workers. Overall awareness of the economic action plan was 66% in March, compared to 57% in January.

The main message in these ads was that government help was available to the unemployed who have paid into government programs like EI. Clearly, Mr. Chair, these ads were a success.

[Translation]

All information concerning our advertising campaigns, including contracts, costs and evaluation, are made public once all final information is collected and available. Furthermore, the government publishes an annual report on all its advertising expenditures.

[English]

Mr. Chair, I'm aware a newspaper article based on an inquiry of the costs of these advertising campaigns came to the attention of my staff. Canadians want timely and accurate information regarding the expenditure of their taxpayer dollars. Given the fluid nature of ad buys, it's prudent to wait until an ad campaign is over and actual ad time has been finalized before releasing the costs. That's exactly what was done in this case. The information was released after the advertising campaign ended and more accurate information was available on actual airtime and costs.

I'd also like to point out that my office followed all the rules under the guidelines of the Government of Canada's communication policy. Under the policy, and I quote:

Institutions must consult their minister's office when planning media campaigns or strategies that could involve ministerial participation, or when preparing a response to a media enquiry that could have implications for the minister.

And I quote:

Ministers are the principal spokespersons for the Government of Canada. They are supported in this role by appointed aides, including executive assistants, communications directors and press secretaries in ministers' offices.

Our government was forthcoming in providing more accurate costs in a timely manner once the campaign was complete and final airtime was known.

Mr. Chair, as the objective assessment has indicated, this advertising campaign was very successful in raising awareness among Canadian workers of the programs our government is delivering to them in these tough economic times.

I would now be pleased to answer your questions.

•(1115)

**The Chair:** Thank you very much, Minister.

Could you very succinctly describe the situation when the government gets a contract like this? Is it a fixed-price contract that you would enter, or is it wide open? Could it be way off your budget? Would you actually enter into an agreement like that?

**Hon. Diane Finley:** Many things can happen when buying ad time, especially over a prolonged period, that could vary the amount of actual air time compared with what you budget or plan for. We all remember 9/11. Anybody who bought air time during those first three days didn't get what they had expected to get.

**The Chair:** So there are external circumstances, I guess—

**Hon. Diane Finley:** That's an extreme case, but there are many circumstances in which the actual could vary from the budget or forecast.

**The Chair:** Okay. I think I understand, now that you've told us what happens. That's great.

We'll hear Mr. Easter, please, and then Madame Thi Lac, Mr. Dewar, and Mr. Poilievre.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Chair, and thank you, Minister.

We have certainly many questions on this issue, but I'm wondering about timing. Our expectation is that you will be here for the full hearing.

What is your timeframe?

**Hon. Diane Finley:** I was asked to be here for an hour, and that's what I have planned.

**Hon. Wayne Easter:** I don't think an hour is going to cut it, Mr. Chair. I expect that ministers should be able to find two hours when —

**The Chair:** Minister, your chief of staff told us you were available for the two hours, and that Mr. Sparrow would be here with you but would not speak.

**Hon. Diane Finley:** My understanding was that I would be here for an hour. There was debate as to whether Mr. Sparrow would be here.

**The Chair:** Let's see how it goes. I think you'll appreciate it, as long as the questions are relevant.

**Hon. Diane Finley:** Yes.

**The Chair:** I know it's in your best interests as well to make sure that the questions are clarified.

Okay.

**Hon. Wayne Easter:** Thank you, Mr. Chair, and thank you, Minister.

Just to come back to the motion on what this hearing is all about, Minister, you talked extensively in your remarks about the Canada action plan and why the advertising is taking place. But this hearing is really about allegations of systemic political interference by ministers' offices to block, delay, or obstruct the release of information to the public regarding the operations of government departments. In this particular case, it's your department.

You mentioned that there was a media story that involved Ryan Sparrow, in which it was alleged that he blocked attempts by bureaucrats to reveal the price tag of the ads that were aimed to promote the Conservative budgetary measures. We will be hearing from Mr. Sparrow at a later date.

On the same day that information came out, you were questioned in the House, and you indicated that you would be looking at this example and taking it into consideration to see how you could improve on the process in the future.

Could you then tell us what you found and what action you've taken to improve the situation so that information is getting out as it should be to the public under the access to information and other means?

**Hon. Diane Finley:** I think we have two different issues here. First of all, this was a media inquiry, Mr. Chair. This was not an ATIP request. I'd like to be very clear about the two issues.

Number one is that when I became aware of the situation, I explored what had happened, both through the department and through my own ministerial office staff. What we discovered was that everything was done according to the Government of Canada communications policies. I should point out that any time there is a media inquiry to the department, they communicate immediately with my staff to make sure they are aware of this. One key issue here was that there is a process to be followed in making sure we respond to media inquiries in a timely and accurate and responsible manner. That procedure was followed completely.

The one lesson, if any, that we learned through this was that we need to make sure our communications internally are perhaps more elaborate, if I might use that word, than they might otherwise be.

We believe it was very prudent to make sure that Canadians got accurate information. The question was what the actual costs of the Olympic ad campaign were. Frankly, the ad campaign was still running. We didn't know what the actual costs were, nor, when we booked the ad campaign—or rather, when Public Works and Government Services Canada booked it—was there a specified allocation for just the Olympics.

So the actual numbers didn't exist because the time period hadn't elapsed yet. That being said, it was prudent, as has been done in the past, to not release what could be misrepresentative numbers to the public. As soon as the campaign was over, we released much more accurate information to the reporter, inside of three weeks.

• (1120)

**Hon. Wayne Easter:** You're saying that this was done according to government policy. This was a staffer who was involved. How often do your staffers involve themselves with routine media requests for information? This certainly seems to us to be pretty close to covering information. How often are your staffers really involved?

**Hon. Diane Finley:** My office is notified of every single media request that comes in to our department.

**Hon. Wayne Easter:** So all media requests are indeed flagged?

**Hon. Diane Finley:** My office gets copies of all media requests, yes.

**Hon. Wayne Easter:** How often does this involvement of staffers in what is really related, in this case, to an advertising campaign from government change the response from that which the bureaucracy would normally put out?

**Hon. Diane Finley:** Our goal is to make sure that the response that goes out is accurate, that it's complete, and that Canadians get a true picture of what has gone on. Actually we interfere...or actually we get involved directly very rarely.

Let me just check some numbers here. In the last six months, out of 235 calls that were received, only 51 generated changes to the response. Those broke down into two categories. One was to make sure that there was a general messaging in there—for example, about the economic action plan—and where the response fit in that context. The other category was to clarify or elaborate on material or to remove material that was irrelevant. So it was in 22% where we made changes.

**Hon. Wayne Easter:** I think probably you had the right word, Minister; “interfere” is probably the appropriate word.

The question here that I think the public needs to know... What we need is straight facts; we don't need political spin. So I'd ask you this as a final question in this round. Was Mr. Sparrow acting on instructions from you or from anyone else when he told bureaucrats to amend their responses and not release any figures?

**Hon. Diane Finley:** What Mr. Sparrow was doing was being prudent. He was trying to make sure that Canadians got information from our department that was reasonable, realistic, and responsible. It would be irresponsible to be asked for actual data on an event that hadn't even occurred yet. What he was doing was the prudent thing. We hadn't been asked for estimates or forecasts or anything else; we had been asked for actuals. Those numbers did not exist, and his response was prudent and not out of the ordinary. As soon as actual numbers were available after the campaign had been completed, those were provided within three weeks, even though there was a longer time period available to us to release them.

**The Chair:** Thank you.

[Translation]

Ms. Thi Lac, please.

**Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Good morning, Madam Minister. You came to talk to us about problems of political interference in access to information requests. But you did not say a lot about that.

First of all, I would like to ask you a question that seems vital to me. At the moment, Ms. Legault is acting commissioner. I would like to know why your government is taking so long to appoint a permanent Information Commissioner of Canada. You say that it is essential. I feel that, to make sure that things work properly, the first item of transparency that you could provide would be to appoint a permanent commissioner. Soon, the position will have been occupied on an acting basis for nine months.

• (1125)

[English]

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** We have a point of order, Mr. Chair.

**The Chair:** Pardon me, Madame.

I'll hear Ms. Davidson on a point of order.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Mr. Chair, I fail to see what this line of questioning has to do with the matter at hand that we're here to discuss today. I question the relevance, absolutely.

**The Chair:** The issue that Madame Thi Lac has raised certainly has to do with the ability of the commissioner, whoever the commissioner is, to do his or her job by having a full mandate. I think it's understood that there are some restrictions. In view of the fact that it relates to the operations of access to information and our ability to deal with them, I'm going to allow the question. But the minister only knows what she knows.

Minister.

[Translation]

**Hon. Diane Finley:** Thank you, Mr. Chair.

As you know, I am not responsible for the appointment of the commissioner. So unfortunately, I can make no comment.

**Mrs. Ève-Mary Thāi Thi Lac:** The Access to Information Act is more than 25 years old. Twenty-five years ago, I was not able to vote and my assistant was not even born. I feel that the act is out of date; if it were modernized, it would certainly allow savings in the costs of

campaigns and action plans. Twenty-five years ago, in fact, there was no such thing as the Internet and current tools for communicating information did not exist. So modernizing the act would be one of the solutions.

Do you believe that modernizing the Access to Information Act would allow your government to put information online, as the United States and Australia have done, which has resulted in savings on action plans and advertising campaigns? In fact, information appeared online more easily in those countries when their legislation was overhauled.

**Hon. Diane Finley:** As I told you a little earlier, our remarks today did not deal with access to information specifically. They dealt with one way in which we communicated information to Canadians about the initiatives the government was providing in these difficult times, especially for workers who needed them and had the right to them. It has nothing to do with the Access to Information Act.

We believe that those workers need this information and have a right to it.

**Mrs. Ève-Mary Thāi Thi Lac:** Madam Minister, you say that there is no report, but do you not feel that modernizing the act would allow the government to make action plans and distribute information differently? It would save on advertising campaigns, perhaps.

There is no getting away from the fact that the Internet is the main tool today. I feel that the government would have a different way of presenting things if the act were reformed and if the government had to comply with uniform rules.

At the moment, there are no uniform rules on this matter, given that the act has not been reformed for 25 years, when the Internet did not exist. Your government just does what it pleases.

• (1130)

**Hon. Diane Finley:** We believe that people have the right to know what the government is doing to help them. That is why we put the information on our website. There were also online advertisements in this component, exactly as the member suggested.

I do not understand how changing the Access to Information Act would help people to find out about new assistance programs.

**Mrs. Ève-Mary Thāi Thi Lac:** Well, at the moment, under the rules, you have the discretionary power to make some information more available than other information. As I see it, if the act were modernized, there would be standard guidelines. At the moment, the act is so out of date. It makes no mention of the Internet or of information media like that. You provide the information you believe has to be provided.

**Hon. Diane Finley:** Mr. Chair, we provided information about assistance programs for the unemployed and for other workers who had been adversely affected by the difficult times. It is difficult to get that message out. There have to be several ways of doing so, a website, for example, television and radio spots, and in all kinds of ways in the papers. We tried to make all the information accessible to as many people as possible.

[English]

**The Chair:** Thank you.

Madame Thi Lac, I understand where you were going. You need one more round to do it, though.

Mr. Dewar, please.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Thank you, Chair, and thank you to the minister for being here today.

I understand her point about access to information. It's one of those things that is, sadly, not followed up by the government, I can say that. Having been on the committee for the Accountability Act, I remember well, during those debates, that we were hoping to have reform to access to information, and the promise from the government was, well, we'll get there. But if we were to have that discussion, I would submit we're not there yet, and in fact the report card by the commissioner says that, and we're sitting on a committee where we're not even able to grade the access to information because it's a red alert. Alas, we're not going to have that conversation today because we're here to talk about the distribution of information to media upon request.

I just want to clarify your comments. Basically, if I can paraphrase your statement, you laid out what your responsibilities are as the department's minister, getting the message out to Canadians about your programs that you have been mandated to follow through the budget process, etc., and the fact of the matter is that you followed the rules that you've been given, and your staff, Mr. Sparrow, did the same. The qualifier was when the ask was put in, you didn't have all the relevant, cogent information, and when you did, you supplied that information. Is that correct?

**Hon. Diane Finley:** Yes.

**Mr. Paul Dewar:** Okay.

You also said that this is the way we do things, right? These are the rules, and when there's a media request put in to anyone in the department, that's what we do. We put it up to the minister's office and someone—obviously, you can't deal with all the media requests; we hire staff to do those things. Mr. Sparrow was charged with that job, so he fulfilled his duty to do so. So you would suggest that in fact there was no problem in terms of how things were done.

• (1135)

**Hon. Diane Finley:** Everything was done in accordance with the Government of Canada's communications policy.

**Mr. Paul Dewar:** Okay.

Who formulates the Government of Canada's communications policy? Where does that come from?

**Hon. Diane Finley:** That we receive. It is given to all ministers.

**Mr. Paul Dewar:** From whom? Is it a political decision or is it something that—

**Hon. Diane Finley:** I'm sorry, I don't know who wrote it. I know that that is the Government of Canada policy. It came into effect August 1, 2006.

**Mr. Paul Dewar:** I say that, Minister, because actually I didn't know the process until you laid it out today. I find it disturbing—and I think Canadians would find it unusual—that every single media request that goes in with that kind of wide berth of saying anything that might have implications for the ministry has to go through the minister's office.

Would you not submit that public servants would be able to answer a question as simple as how much money is being spent for an advertising campaign?

**Hon. Diane Finley:** Most of the time they do.

**Mr. Paul Dewar:** Why does it have to go to your office to be—how should I put it—cleared?

**Hon. Diane Finley:** Mr. Chair, if I might correct the image there, as I explained, my office is copied on every media request that comes in. Once the media request comes in, it is then sent to the appropriate policy or program people for their input, for an answer, and that answer is developed and approved within the department.

**Mr. Paul Dewar:** Minister, you also say that you remove material that's not relevant. You stated that, and I suppose I'm concerned.

I say things I shouldn't at times, and Freudian slips happen, but you said you "interfere". You didn't mean to say that, I know, but when someone—a reporter or whoever, and I don't care if it's a reporter—asks for information, I think most reasonable people looking at having transparency in government would think they could just ask a simple question and not have to go through a plethora of gatekeepers.

At the end of the day, why would your political staff be involved in removing material? Is that material being changed because of political concerns? We'd have to see the initial drafts of those missives to understand that; I don't think we have access to that material, but do you understand why people's perception would be that there are gatekeepers and that they're not public servants, but in fact political staff?

That's not right.

**Hon. Diane Finley:** Mr. Chair, I might suggest that the honourable member has actually just answered the question for me in saying that people don't want to have to go through a whole pile of words to get at the information they want. We try to make sure the information requested is the information provided, and that people don't have to wade through a lot of things that aren't germane to the question asked.

**Mr. Paul Dewar:** No, what I actually said was that they don't want to go through political gatekeepers just to get an answer to a question as simple as, "How much are you spending on advertising?"

In fact, contrary to what you're saying, Minister, what I'm saying is that people shouldn't have to have their question laundered by people who are political staff. I'm sure Mr. Sparrow is a good staff person; I'm not concerned with him. I'm concerned about the process through which a question has to go through a whole system to make sure everything is cleansed and clean. People in this town are worried about that, and I've heard from them—trust me.

I don't think it's fair, and it's abuse of political power to make sure that every single missive that goes out has the blessing of the minister's office because maybe there's a concern about the political perception.

**Hon. Diane Finley:** Mr. Chair, I can respond to that in a couple of ways.

First, as the Government of Canada's communications guidelines point out, the minister is the prime spokesperson for the department. That is a responsibility that I carry, whether it's a routine request for a number or whether it's a much more complicated or sensitive issue. We make every effort to ensure that the information going out to a media inquiry is accurate, complete, and prudent.

• (1140)

**Mr. Paul Dewar:** Is it only your office that can do that?

**Hon. Diane Finley:** These people are acting in accordance with their terms of reference, with their delegated authorities—

**Mr. Paul Dewar:** Public servants are as well.

**The Chair:** Order. Sorry, Mr. Dewar—

**Hon. Diane Finley:** —on my authority and on my behalf.

**Mr. Paul Dewar:** Thank you.

**The Chair:** Your time is up.

Go ahead, Mr. Poilievre.

**Mr. Pierre Poilievre:** Thank you for being here.

You are quite correct in pointing out that you are the only one at HRSDC who is accountable to Parliament, and ultimately responsible, through the House of Commons and regular elections, directly to the Canadian people. I appreciate your showing that responsibility by being here today and answering questions.

I want to examine some of the facts of this story. I'm going to read from an April 13 article in *The Globe and Mail*:

Asked about his handling of the file yesterday, Mr. Sparrow said "an appropriate response was provided by the department," because the advertising campaign was under way at the time and the final cost—almost identical to the department's projection—was provided three weeks later.

Does this mean the response to the original question as to the cost of the ad campaign was made public?

**Hon. Diane Finley:** As soon as the actual costs were known at the end of the campaign, yes, those costs were provided to the reporter.

**Mr. Pierre Poilievre:** Okay.

I'm stumped now. I don't know exactly where we go with the questioning, because...

**Mr. Paul Dewar:** Take your time.

**Mr. Pierre Poilievre:** If this is what passes for scandal these days, I think we've come a heck of a long way since the previous government. Information was sought, and within three weeks it was provided.

**Hon. Diane Finley:** Yes, it was, and in a responsible and prudent way.

It was impossible, to my mind, to provide actual numbers of the campaign before the campaign was concluded. For many reasons the cost of the campaign can vary up or down, depending on a wide range of circumstances. The question that was put to the department was, "What are the actual costs?" Those costs were not available at

the time because the campaign had not been completed. When it was completed, those costs were provided within three weeks.

**Mr. Pierre Poilievre:** Right. To the credit of Mr. Leblanc—I believe he was the reporter seeking the information—he was quick off the mark; he was seeking information as promptly as possible, and that is the hallmark of a competitive and free media, where reporters are trying to get information to the public as quickly as possible.

He sought the costing of an advertising program two days before that program was completed. Is that accurate?

**Hon. Diane Finley:** Yes, I believe those are the dates.

**Mr. Pierre Poilievre:** He sought it on February 25, and the campaign was to wrap up—

**Hon. Diane Finley:** At the end of February.

**Mr. Pierre Poilievre:** —on February 28. So two or three days before the end of the campaign, he was seeking the costs. There's nothing wrong with taking that kind of initiative, nor is there anything wrong with the government responding by asking for a few weeks to ensure the costing is accurate, the information is correct, and of course you will have the information.

**Hon. Diane Finley:** You're exactly right.

**Mr. Pierre Poilievre:** Okay.

Can you talk to us about the protocol for releasing the costing of government advertising campaigns?

**Hon. Diane Finley:** It varies. I don't know what other departments do. I know what is done in ours.

Advertising is released in a number of ways. There's an annual report to Parliament; everything is there. We disclose our own numbers year-end as well.

Normally there is a period of time after the end of the campaign when adjustments can be made to the account, and that period is 90 days. So strictly speaking, according to our contracts that Public Works and Government Services administers—and they handle all the ad placement—the final numbers would be available 90 days after the end of the campaign.

Frankly, I thought we were rather responsive in waiting to the end of the campaign to get pretty reasonably accurate numbers, certainly much more accurate than would have been available to us prior to that, and to do that within three weeks.

**Mr. Pierre Poilievre:** So normally it would be three months, but you provided it within three weeks?

**Hon. Diane Finley:** That's correct.

**Mr. Pierre Poilievre:** All right. So this is an example of where you beat the deadline by about 70%, and you provided the data to the reporter in question?

• (1145)

**Hon. Diane Finley:** Correct.

**Mr. Pierre Poilievre:** Okay. Now that 90 days has gone by, do we have any confirmation that the numbers were precise, or have there been some adjustments since that time?

**Hon. Diane Finley:** I'm sorry, I don't have that information. I believe they came in very close.

**Mr. Pierre Poilievre:** All right. When are these ad campaigns—

**Hon. Diane Finley:** And we're not at the end of the 90 days yet.

**Mr. Pierre Poilievre:** The degree of transparency we have is interesting. Normally this data would be released within 90 days, but during that time you've already had it released, and a minister shows up at a committee to explain the information before the 90-day timeframe has even been completed?

**Hon. Diane Finley:** Yes.

**Mr. Pierre Poilievre:** I think we've come an awfully long way in this country, that this degree of transparency is being achieved.

So we have in this country a system whereby advertising costs are proactively disclosed to Parliament, as it is?

**Hon. Diane Finley:** Yes, we do.

**Mr. Pierre Poilievre:** Okay.

**Hon. Diane Finley:** There's a year-end summary, there are our own departmental numbers as well, and other mechanisms, so....

There is full disclosure here, and according to our policies and procedures, everything was done in a responsible and prudent manner to make sure that Canadians, whose hard-earned tax dollars go to pay for these programs, get the benefit. And when they ask about it, we measure not just how much was spent, but also the effectiveness.

In the case of these advertisements, yes, the objective ACET evaluation showed they were extremely effective in reaching our target market, those Canadians who were either out of work and looking for our help or who were in a vulnerable position.

**Mr. Pierre Poilievre:** There doesn't seem to be any question about value of money.

I'm out of time, so I'll just conclude by asking this. Can the minister tell us whether she's aware of any country in the world where government releases the cost of an advertising campaign before the campaign is completed?

**Hon. Diane Finley:** I'm not aware of the approaches in other countries.

**Mr. Pierre Poilievre:** I wonder if other members of the committee would know that.

**The Chair:** Madam Foote, please.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Thank you, Mr. Chair.

Minister, I'm having a little difficulty here. You said that things had been done right, when you had a chance to examine what happened in the department. You had initially said that you would take a look at the example of interference. I assume you must have thought there was interference. But you said that when you investigated, things had been done right.

The Prime Minister's Office responded to the incident by calling on political aides to respect the government's commitment to transparency and allow the bureaucracy to do its work. This was following a second incident within government. A staffer at Public

Works Canada intervened to stop bureaucrats from releasing a report to the Canadian Press.

I'm curious about that, because on the one hand you said things were done right, and yet the Prime Minister's Office was involved. They said we can't have this interference and it must be stopped because of the need to adhere to transparency and accountability.

You then said the figures were not released because the advertising campaign was under way and the information was not available. Yet the bureaucrats who calculated the value of the advertising campaign were prepared to answer the question that same day. It was Mr. Sparrow who told them to hold off, and he said they weren't going to give any numbers. But three weeks later the figures were released, and they were almost identical to the information the bureaucrats had compiled.

I find your excuse a little hard to take. It strikes me as very strange. On the surface, it looks like there was something to hide and you were probably embarrassed about the money that was being spent on partisan advertising.

I'm getting two messages. One is from you and one is from the Prime Minister's Office. How is it that you have one story and the Prime Minister's Office has another story?

**Hon. Diane Finley:** Mr. Chair, if I might clarify something here, the advertisements were government advertising. The Government of Canada was promoting programs that the Government of Canada had approved. It was on financing to help Canadian workers and Canadians who had lost their jobs become aware of the new programs, extended programs, and benefits available to them. I want to make sure we all understand this was government programming by the Government of Canada. Let's understand that to start with.

Secondly, I'm not aware of the inner workings of Public Works or what may or may not have happened there. But I know that when we had the media asking for the actual numbers on an advertising campaign that was incomplete, it was prudent to wait until the end of the campaign to provide those numbers.

• (1150)

**Ms. Judy Foote:** Are you suggesting that the bureaucrats weren't doing the prudent thing by coming out with a number that was readily available to give to the media?

**Hon. Diane Finley:** Mr. Chair, the question was on actual numbers. I'm not aware that one can determine what the actual numbers are until an event has occurred. Had we been asked for estimates, it would've been a different question. We were not asked for estimates; we were asked for actual numbers.

We wanted to make sure we responded with actual numbers, which can only be done after the event. It was done after the event, in less than three weeks, whereas strictly speaking, it could conceivably have taken 90 days. I'd say that's pretty transparent and responsive.

**Ms. Judy Foote:** I'd like to go back again to the incident with Mr. Sparrow. I understand that, according to the media, a tense exchange of e-mails took place between Mr. Sparrow and the bureaucrats. Can you provide us with that exchange of e-mails?

**Hon. Diane Finley:** It has already been publicly released.

**Ms. Judy Foote:** It's in the public record. We have it.

**Hon. Diane Finley:** It has already been released.

**Ms. Judy Foote:** There were apparently 51 media responses where your office intervened. I think you're on record saying there were 51 media responses.

**Hon. Diane Finley:** Where we made changes, yes.

**Ms. Judy Foote:** Yes, okay. Could we have a record of those, please?

**Hon. Diane Finley:** I don't have them. I'm not sure what's available, but we'll be happy to provide whatever is legally available to you.

**Ms. Judy Foote:** That's great. Thank you. I appreciate that.

Again, it goes back to a government communication policy that you're following and that your department is following, but you say you don't know who wrote the policy. Do you know in which department the policy originated?

**Hon. Diane Finley:** I'm sorry, I don't.

**Ms. Judy Foote:** At the time when Mr. Sparrow was in discussions on this incident that involved the media and the bureaucracy, were you aware that he was in fact involved in that incident?

**Hon. Diane Finley:** It's his normal job. Through authority delegated to him by me, he or one of his staff—for example, the press secretary—reviews every media request that comes into the department.

**Ms. Judy Foote:** Had he made you aware of this particular request?

**Hon. Diane Finley:** Not at the time. There would be no reason for him to do so. This was part of his daily job.

**Ms. Judy Foote:** So you were never made aware of any requests. Mr. Sparrow acts on them on his own.

**Hon. Diane Finley:** If he believes there is reason for me to be involved, then I am made aware of them. If, for example, I am to be quoted or if I am to continue to meet with the reporter who is making the inquiry, then he advises me. But most of the requests that we receive don't require my direct involvement. They are for information, which the department provides.

**Ms. Judy Foote:** I guess my question would be, do you think it's appropriate for political staff to be dictating to the bureaucracy what can and can't be provided to the media?

**Hon. Diane Finley:** It's a collaborative approach that's taken between the department and the minister's office staff in recognition that ultimately I, as the minister, am responsible. I am accountable for what gets said by my department, because it's done in my name. So I have representation there, and that's fully in accordance with government protocol.

**The Chair:** Thank you, Minister.

Ms. Davidson, please.

**Mrs. Patricia Davidson:** Thanks very much, Mr. Chair.

And thanks very much, Minister, for being before us this morning.

I am a bit like my colleague here, kind of wondering what we're looking at and where we're going with this. We've heard from you that there is a Government of Canada communications policy. We've heard that all of the rules have been followed, and that the policy was followed. We've heard that this was a media inquiry, not an ATIP request, which certainly has different timeframes attached to it. We've heard that you were asked for actuals, which at the point when you were asked, did not exist. We've heard that you released those actuals within three weeks of having that actual figure. It was 21 days later that information was released. We all know we've been waiting 15 years to get information on an ad campaign, and boy, the difference between 21 days and 15 years is mind-boggling. So I commend you on the way you've handled this.

We've heard you've been criticized because you know what's going out of your department, and I simply cannot understand that. If there are people sitting around this table, as elected politicians, who don't know what's going out of their offices, then they definitely are not doing their jobs. Knowing what's happening in your department I think is a good thing, so I commend you for that.

• (1155)

**Hon. Diane Finley:** Thank you.

**Mrs. Patricia Davidson:** I do have a question for you, and I was trying to write as you were speaking. In your opening remarks I believe you said that Canadians need to be aware of and know how to access the investments the government is making. If I recall correctly, the ads contained a lot of information about how Canadians could access the programs we're delivering for workers, whether they be apprentices or whether they be seasoned workers.

Did the ads make a significant difference in the uptake of these programs?

**Hon. Diane Finley:** I do not have specific information related to the campaign for the general workers.

What we did find with the apprenticeship campaign—raising awareness of both the apprenticeship incentive grant and of the new completion grant that was brought in under the economic action plan—was that fully one in five people who noticed the ad actually took action to sign up for it. That's a huge success. Normally, if you get a 3% response you're doing exceptionally well. So this was really important.

It's very difficult to get this kind of information out to the target audience we were after, and the fact that we got such a recognition factor, but also an action rate, was very gratifying. To me, it says those tax dollars are being very well invested in making people aware of the programs.

I do know also that the awareness of the economic action plan campaign was very high. In March, the awareness rate was substantially higher than in January. The main message that Canadians were taking was that the government has programs to help those who are unemployed or whose jobs are in jeopardy. That's really good news. Things like our work-sharing program are available to protect jobs and to prevent layoffs, and that has so far helped protect the jobs of over 255,000 Canadians.

We've extended that program recently and have received a lot of accolades from industry and from the employees whose jobs have been protected. But before people can take part in that program, they need to be aware of it. That's what this ad campaign was designed to do.

**Mrs. Patricia Davidson:** Thank you, Minister.

I know from experience in my own riding that definitely people were appreciative of those ads and definitely appreciative of the program.

Just as a final remark or final question, how important do you think access to information is to the functioning of government and Parliament?

**Hon. Diane Finley:** Access to information is very important. Accountability and transparency in government are very important. That's why the very first full bill that our government brought in was Bill C-2, and that was the Federal Accountability Act, which really changed the way government does its work and its business in making information available. It also reduces the opportunity, shall we say, for people to have undue influence on decisions. It's all part of the package of making sure Canadians are getting value for their hard-earned tax dollars by knowing what government is doing to help them and by making sure that ministers like myself take responsibility for the actions of themselves and their departments.

Access to information is one tool in this process, and we're always working, and the Prime Minister has committed that we are working, to improve our performance in that regard because it is important to us. We have shown improvements in some parts. There's still more to be done, but we are committed to making those improvements for the benefit of Canadians.

• (1200)

**Mrs. Patricia Davidson:** Thank you, Minister.

**The Chair:** Thank you, Ms. Davidson.

[Translation]

Ms. Freeman, please.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Good morning, Ms. Finley. Thank you for being here.

I am sorry, I was in the House for a speech. So I missed your presentation, and the first question that the Liberals asked. I hope that I will not be repeating the same questions. With that introduction, I would like to thank you for being here and for answering our questions.

Mr. Giorno recently came before this committee and talked at length about the fact that the Prime Minister's Office had issued directives to the various departments about the way in which information had to be provided and about the fact that there must be no interference. That memo had been sent by the Prime Minister's chief of staff to all ministers.

Did you receive that memo and did you take note of it?

[English]

**Hon. Diane Finley:** My department would have, yes.

[Translation]

**Mrs. Carole Freeman:** Actually, there were several. He made it clear that political staff were not to interfere with officials working to provide information. The memo was sent twice, on February 9 and February 12, I believe. Are you aware of that too?

[English]

**Hon. Diane Finley:** I wouldn't know the particular dates.

[Translation]

**Mrs. Carole Freeman:** On the other hand, the incident reported by Daniel Leblanc in the *Globe and Mail* occurred on February 24 and 26. So that is three weeks after Mr. Giorno's memo ordering that there be no interference by political staff.

**Hon. Diane Finley:** There is a very important distinction to be made. Mr. Leblanc asked us a question as a member of the media. We follow a specific procedure when we respond to those questions.

Mr. Chair, the member also alluded to access to information requests. Those are two quite distinct things. The rules require that there be no interference, no influencing of the answers provided under the Access to Information Act. No one here has said that there was.

We are talking about a reply to a media request today. Those two things are very different and so are the rules we have to follow.

**Mrs. Carole Freeman:** I would like to remind you about the first item on the agenda, on the notice of meeting for this committee: "allegations of interference in access to information requests". We all agree that that is why we invited you. But, given that you are here, I feel that we can broaden the subject under discussion a little.

Could you tell me how you differentiate between access to information requests. This morning, for example, I asked another department for some information and the department refused to provide it to me. I would like to know what your procedures are. Is there one way to respond to journalists, another way for members of Parliament and yet another way for the general public? How does your department interpret the Access to Information Act? Are there three versions of the act and three procedures?

Apparently, when a request comes from a journalist, that is one thing. When the request comes from a member of Parliament, it is refused. I can even tell you that journalists at *Le Devoir* have noticed the problem, since they reported that it took them 300 days to get certain information. For the *Globe and Mail*, it was 32 months. At the Agence de presse du Québec, it took 82 days to get information from ministers' offices. There is a problem. Are there versions of the Access to Information Act that we are not aware of? It seems that there could be one for journalists, one for members—the version that does not give access to information—and one for the general public. How do you see the act?

When I looked at your website, Ms. Finley, I saw that you can delegate your power to provide information. I read what it says about that. To whom do you delegate your power? According to the act, you have to delegate it to your officials. Could you tell me to whom in your department you have delegated your power and how many versions of the Access to Information Act you subscribe to? Is there one for journalists, one for members of Parliament and one for the general public? I would like to understand how your department works.

I wanted to tell you that you got an F in providing information, according to Canadian Journalists for Free Expression. That is the Conservative government for you. No A for you in transparency.

• (1205)

**Hon. Diane Finley:** Mr. Chair, there are a number of questions there. I would like to answer the first one first.

It must be understood that there is one act that governs access to information. There are formal rules, as you know. When we get a request under that act, I think it costs \$5 to get an answer. There is one specific system under the Access to Information Act. My office plays no role in compiling the answers. We are informed about the answers, but this is information sharing only. We never take part in the task of replying to the requests. That is what the act stipulates and we comply with it.

The act also applies to all requests, whether they come from the public, from the media, or from whomever. I have already mentioned the procedure we follow when a request comes from a journalist. We get a lot of them.

I would also like to say that, according to the Office of the Information Commissioner of Canada, our department is one of the 10 best, out of 24, in replying to access to information requests. But we are still trying to improve our performance.

[English]

**The Chair:** Mrs. Block, please.

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Thank you very much, Mr. Chair.

Before I start my questions, I do want to recognize that the minister indicated she was only available for the first hour of this meeting; therefore, I want to know where we're at in terms of where we go from here for the next 50 minutes.

**The Chair:** We only have three people to go to finish the second round for it to be equitable.

Is that okay with you, Minister?

**Hon. Diane Finley:** I'd be happy to do that.

**The Chair:** Thank you.

**Mrs. Kelly Block:** Okay, thank you, Minister.

As you well know, Minister, you were able to come to my riding and talk about the apprenticeship grant campaign and actually to meet many of the individuals who were able to participate in the grants. You saw the impact on the lives of some of the younger people in our riding who were able to get the skills they needed to move forward. I think it was an amazing program, and I just want to thank you and our government for moving forward on it.

One of the things I want to ask you about is the reference in your opening remarks to a number of different campaigns that are going on. I'm wondering if you could tell us about the different initiatives you've introduced as a minister.

**Hon. Diane Finley:** Thank you very much. I'd be very pleased to, because the programs and expansion of existing programs that our government has brought forward really have gone a long way to helping many people who have been unfortunate enough to lose their jobs during this global economic downturn.

We first introduced, with the economic action plan, an extra five weeks of EI benefits and expanded the maximum that people could qualify for. That was the very first step. It has helped over 600,000 workers who have lost their job so far. I'm very pleased with that, because we know that as times get tougher, it gets even harder to find a new job, so it takes longer.

Work-sharing programs, as I mentioned, have protected some 255,000 Canadians' jobs since February 2009 alone. That program has been in existence for quite a while, but we expanded it and made it easier for people to participate and get the benefits. That's been a huge success. Without it, we could well have seen 10% unemployment rates. Fortunately, we didn't.

Another program we've done, apart from apprenticeships, was providing specific help to long-tenured workers. This has helped many in the manufacturing and forestry sectors who have worked and paid into EI for many years without collecting. Now, they don't know how to find a new job. It takes longer for them. We've provided them with anywhere from five to twenty weeks of additional benefits.

Of course, we've also introduced new, special EI benefits for the self-employed. We want to make sure that families who are self-employed or with one member who is self-employed don't have to choose between their work and taking care of a newborn or a gravely ill family member. We're there to support them.

These are all new programs, and it's really hard for people to keep up with them all. That's what the intention of these programs was—to make sure people know what's available to them.

• (1210)

**Mrs. Kelly Block:** Are all the initiatives you just talked about included in the ads? Which ones specifically were included in the ads?

**Hon. Diane Finley:** There was a very long list. I'm going based on my recollection of seeing the ads myself. That was the list I just rhymed off to you. I was saying that there is help for older workers, there's help for the self-employed, there's help for apprentices, there are work-sharing programs. Those were all in the advertisements.

**Mrs. Kelly Block:** I want to pick up from what my colleague was saying about the responsibility and accountability we have as members of Parliament. Certainly nothing goes out from my office under my name that I haven't seen or approved. I can't understand how our colleagues across the way can't understand that there's even more accountability in being a minister. You have the right to know what is going out under your name. It boggles my mind that such a concept isn't understood.

What I do want to ask you is, what have you done to instill the importance of maintaining an open and transparent government among your political staff?

**Hon. Diane Finley:** That's really quite an excellent question.

Mr. Chair, if I might, I'd like to elaborate a bit on that.

We've done quite a lot. We've had the challenge, recently, of merging the ATIP departments of both of our legacy departments' ministries, but through that process, we've been working very hard to improve performance in terms of responsiveness to ATIP requests. I'm hoping that the new numbers coming out regarding 2008-09—I get mixed up with our budget years—will show a significant improvement over our performance before that.

In terms of my own political staff, I've made it very clear, so that they understand, that ours is an open and transparent government and that they are to conduct themselves accordingly if they wish to remain on my staff.

**Mrs. Kelly Block:** Thank you.

**The Chair:** Mr. Siksay, please.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair.

My apologies, Minister, for missing the bulk of your presentation this morning. I was required in the House. It's nice to see you at the end of the table again, from our days at the citizenship and immigration committee.

Minister, you will remember that back on March 29, when the issue around the allegations of interference by political staff in a request for information by a journalist first came to light, I asked you in the House about it. In your response, you said:

We do make sure we make every effort to ensure that Canadians receive the information they ask for. We want that information to be complete, accurate and provided in a timely manner. We will be using this example to modify our procedures as we go forward.

Minister, I'd like to ask specifically what you meant by "using this example to modify our procedures as we go forward". Can you tell us what procedures needed to be modified and what actions you've taken as a result of that incident coming to light?

**Hon. Diane Finley:** Mr. Chair, if I may, when I made that comment I obviously hadn't had the opportunity to do a deep analysis of what had happened. I undertook that immediately. It was revealed that everyone had performed exactly according to the government guidelines on communications. The one thing I have asked to be done is that in our communications with each other, whether it's department members to department members, my office to the department, and vice versa, we make sure our communications are clear and complete.

Often as we get busy with our BlackBerrys we tend to give really short answers. Sometimes these can be misconstrued because we think the other person knows what we're talking about. So I've asked that in cases like this, if an answer is to be provided, that the whole answer be provided, not just a yes/no, but along with that the rationale as to why. Everything was done in a prudent manner, consistent with the way it's been done in the past. Unfortunately for people who are reading, people from outside who aren't aware of the procedures, the standing processes, the things we assume people know, it may not be clear to them. So we want to make sure those communications are clearer.

• (1215)

**Mr. Bill Siksay:** We know the Information Commissioner released her report cards recently, and your department got a C, but I'd say it probably was an optimistic C because the commentary seemed pretty optimistic that some things were turning around in terms of your department.

When the report card comes out, what do you do with that information as minister? Do you read the report card? Whom do you take it home to, to get signed and brought back? What happens with that specific instrument in terms of how you function as minister and how your department functions?

**Hon. Diane Finley:** Frankly, Mr. Chair, we take the report card as a harsher judge. We're probably our own harshest judges. The last report released by the Office of the Information Commissioner dealt with a period of time when the HR departments of my two legacy ministries, Social Development and Human Resources, were merging. The ministries have since been combined to form one. There were some growing pains, and we had to make some adjustments there. I am pleased to say that things seem to be going better now.

I'm hoping that will be reflected in the next report from the office of the commissioner, that we will move up from our three-star rating, which is fundamentally average. We were in the top 10 of the 24 departments evaluated. That's not good enough by my standards, and I've been working with my deputy and she with her public servants to make sure we do better for Canadians, because we feel they deserve that from us.

**Mr. Bill Siksay:** Thank you.

**The Chair:** Mr. Easter and then Mr. Rickford, and I'll take Mr. Siksay's last minute.

**Hon. Wayne Easter:** Thank you, Chair.

The parliamentary secretary to the Prime Minister went to some length to suggest how quickly after the ad campaign ended you got the information out. I would suggest to both the parliamentary secretary and to you, Minister, that's a substantial misnomer, because if you had an ad campaign that lasted a full year, from January to December, that would mean you wouldn't provide information till the end. I think it's quite appropriate for Canadians to ask for and receive ongoing costs for an advertising campaign that has a partisan slant to it from this government, in many cases.

The key point I think here is the sanitation of information that's coming out of the minister's office. I think Mr. Dewar suggested earlier you might even call it laundering. That's the real issue here. There's no question from everything I've seen from this government that there is a clamping down on the public service's ability to release information without it first being sanitized in one way or another. We do have an independent public service, or at least it's supposed to be.

Given that background, I would say that almost all communications products are reviewed by the PCO or PMO, and you can answer that. ATIP requests are interfered with by political staff, your staff being some. Media requests for information are interfered with by political staff. We know detainee documents are being withheld. The Information Commissioner says that "the right of access to information is at risk of being totally obliterated". That list goes on and on.

Given what I've just stated, how does that jibe with the Prime Minister's promise to improve access to information, transparency, and accountability? I would say it's anything but. I don't think we've ever seen a government less transparent than this one.

• (1220)

**Hon. Diane Finley:** Mr. Chair, if I may, I must disagree with the member's characterization of events of the campaign and also with his broad generalizations.

I think it's important to understand that within my department we follow the rules when it comes to access to information. We're trying to provide that information on a more rapid basis. I'm hoping we'll have the results to show for that.

When it comes to dealing with media replies, my staff, in the instances we're talking about here, very clearly followed all of the guidelines of the Government of Canada's protocols and policies on communication. They did provide information, once it was available, in a responsible and prudent way.

I used to work in the private sector, and I know that when I was trying to place ads and get information for my own purposes, because I was paying the bill, I could get estimates, but in the time between my request for an estimate and the end of the actual campaign, there could be significant differences that were unanticipated.

So when somebody asks our department, through a media request—not an ATIP—for actual numbers, we think it's the responsible thing to do to make sure that information, which is to be provided to Canadian taxpayers, be timely, be accurate, and reflect the question that was asked. That's why we made sure we waited until the campaign was over. Once it was all over, we did provide much more accurate numbers than what could have been available, and we were able to do so in a responsible way.

**Hon. Wayne Easter:** I think Canadians want the information without it being sanitized and without it having a certain partisan political slant, and they want all the information to be there.

You referred here to the government's communications strategy, and it was reported in *The Hill Times* that the staff and minister's office had been directed by the PMO's issues management team to involve themselves in the access to information process.

Have any directions, written or oral, been provided to your office by the PMO's issues management team? Have any directions been provided to you, instructing staff to participate in or monitor the access to information process?

**Hon. Diane Finley:** Mr. Chair, I don't know to what the honourable member is referring, but the way we operate is according to the Access to Information Act, subsection 67.1(1), which says that:

No person shall, with intent to deny a right of access under this Act,

(a) destroy, mutilate or alter a record;

(b) falsify a record or make a false record;

(c) conceal a record; or

(d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c).

Mr. Chair, that's the way we operate.

**Hon. Wayne Easter:** Am I out of time, Chair?

**The Chair:** Yes, you are, and I want to respect the minister's time as well. She's been gracious.

Minister, I guess it's too bad that the media didn't say, "Can you tell me what you budgeted for the Olympics?" You'd have given it to them the same day, because you had a budget. We bounced around, though, between giving reasonably accurate numbers as opposed to actuals. The event is finished, but the actuals, as you said, could be as much as 90 days down the road. I don't think any media that wanted timely information would ask for actuals. I can't believe that, and I'm going to ask the *Globe* to provide me with a copy of whatever they sent to you, because they didn't do themselves a favour if they did, so it's their fault.

Finally, I asked you one question at the beginning. It was something that I've asked before of departmental ministers, about controlling your costs and having an understanding of where you are. You said during your testimony that you don't know how Public Works does its buys and all this other stuff. How can you possibly control your costs when somebody else is in control of millions of dollars that could have extraordinary swings in them, as you testified? That doesn't seem to be a good deal for you or any other minister who's trying to be fiscally responsible and to provide good information.

Is there anything we can do with Public Works to say, "Hey, let's work on ceilings and fixed-price contracts. I'm not going over this... and negotiate it"? We're the government. We can negotiate anything, can't we?

• (1225)

**Hon. Diane Finley:** Each department has its own responsibilities. Public Works and Government Services is the administrator of our purchasing program. In many ways they're the purchasing department in a company. This just happens to be a very big organization.

As in the private sector, where you have a purchasing department, someone puts in a requisition, if you like; they specify what they need, the quantity, the quality. They may, depending on the product, give some indication of where that product may be available. They also provide the budget and say, “This is what I need and I need it within this financial range.” Public Works and Government Services' responsibility is to provide that product within the price range and within the quality and time parameters that have been outlined.

It's like a ginormous purchasing department. I worked in one many years ago for a very large Ontario corporation, and that's what we did. Public Works works in the same way. They are held accountable for the contracting they do, and if they go way over the budget that we provide to them—that's our money that they're spending, not their own—then there can be consequences, no question. That's not their job. Their job is to provide us with what we ask for, the way we ask for it, when we ask for it, and for the price we ask.

**The Chair:** Thank you.

I was the parliamentary secretary to three ministers in Public Works and Government Services, and I know exactly what you're talking about.

Minister, thank you kindly. I really appreciate it very much. I hope we get an opportunity to see you back again. If you can be of assistance to the committee, I'll certainly let you know and invite you. I understand you're busy. There are no further questions for you, so I know you have to be excused now.

We have other business to do, so—

**Hon. Wayne Easter:** I'd like to ask more questions.

**The Chair:** I made an undertaking to the minister and I'm going to keep it.

Minister, thank you kindly.

We have a couple of items I'd like to take up with the committee on witness matters.

Thank you again.

**Hon. Diane Finley:** Thank you very much, Mr. Chair. I do hope that I've been of some help to this committee.

**The Chair:** Thank you.

I'm going to suspend for five minutes.

•(1225) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1230)

**The Chair:** We'll resume our meeting.

The clerk is circulating a letter that I believe was sent to your offices, but I want to make sure you have it. It is from the law firm of Beauvais Truchon, the lawyer for Mr. Sébastien Togneri. It has to do with his appearance pursuant to an investigation being done by the Information Commissioner of Canada and a directive by the Information Commissioner of Canada that he shall not communicate either the questions put to him or the answers to those questions, etc., as you know.

I have taken the opportunity to consult with the law clerk of the House, because as you know, the investigations done by all of our commissioners take a very long time. In my view, we have bumped up against conflicting interests. Mr. Togneri was named in the motion of the committee, and he is a principal player in the issue that we passed this motion to deal with. I was advised by the clerk of the House that the issue here is that they don't want Mr. Togneri to be coaching other witnesses going before the Information Commissioner. So it's not so much who he talks to, but it's actually sharing the questions, etc.

I asked the direct question whether or not the committee was precluded from having him appear, and his answer was unequivocally no. The Information Commissioner cannot trump the committee.

So notwithstanding that the lawyer has indicated that his reading of this is one thing, the law clerk tends to agree with my assessment that we have to do our work and that an investigation done by an officer of Parliament is their business, but they cannot tie up one of our witnesses for what could be a year or two.

As a consequence, I'm here asking for the position of the committee. Given that we are now at a position where a lawyer says he can't come, the committee has to respond in definitive terms. My recommendation is that the committee issue a subpoena for Mr. Togneri to appear on May 6, the date we scheduled for him, and we're preparing for it.

I'm open to input from the committee if the committee would like to address that.

Madame Freeman.

[*Translation*]

**Mrs. Carole Freeman:** I think that your proposal is perfectly appropriate. But we take precedence, and we wish Mr. Togneri to appear before this committee of Parliament. That is my response to your proposal.

•(1235)

[*English*]

**The Chair:** It is the same thing I want to ask the committee. Shall I issue a subpoena for Mr. Togneri for May 6?

**An hon. member:** Agreed.

**An hon. member:** No.

**An hon. member:** Sure.

**Mr. Pierre Poilievre:** Mr. Chair, are you going to allow discussion or just have a validation?

**The Chair:** I'm asking for input. Did you want to have some input, Mr. Poilievre?

**Mr. Pierre Poilievre:** I think we all expressed confidence in the Information Commissioner by approving estimates for the said commissioner. As such, we should have no problem allowing that office to carry out an investigation and to do so unobstructed by this committee.

I understand the process by which these investigations take place is extremely rigorous and detailed and that their findings will be made public. When those findings are released, we should immediately commence a study of them, have the commissioner here and any parties to that investigation who we think would add something to the discussion.

We lose nothing by waiting for the commissioner to do that work and proceeding with our examination immediately afterwards. In fact, our discussion here would probably be quite enriched by hearing the commissioner's findings before the pursuit by the committee.

**The Chair:** Thank you.

Mr. Easter, then Mr. Siksay.

**Hon. Wayne Easter:** Thank you, Mr. Chair.

I agree entirely with the remarks you made. I do disagree substantially with what the parliamentary secretary to the Prime Minister has said.

When the Information Commissioner was before this committee on March 30 and we asked her about it at that time, her testimony revealed that investigations usually take between 18 months and three years to complete, with the latter sometimes the more usual, and that's unacceptable. This is a critical issue.

We just had a hearing with Minister Finley over some concerns on the release of information to the media. Mr. Togneri's testimony is extremely important to us.

When I read that letter, it is more of the same, trying to subvert Parliament from doing its job. I'm glad you talked to the law clerk and I'm glad he suggested it was within our bounds to subpoena him here. The bottom line is simply that's what must be done. Parliament and committees have to be allowed to do their work.

**The Chair:** Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

Chair, I also want to say that I do support your recommendation. It seems to me that the wording of the confidentiality order from the Information Commissioner pertains specifically to the investigation that she's undertaking and not to our ability to obtain information.

So I don't see any conflict with the committee's attempt to get to the bottom of this situation and I don't see that it necessarily would interfere with the investigation the Information Commissioner has under way. I wish we didn't have to resort to that kind of measure, but I do support your advice and your suggestion about issuing a subpoena.

**The Chair:** Thank you, colleagues.

I'm going to put the question. All those sustaining the chair's decision to issue a subpoena, please raise your hands. Are any opposed?

It's a tie, and the chair does not vote when...so it is carried.

(Ruling of the chair sustained)

**The Chair:** Thank you.

As you know, we have a full list of witnesses who were approved by the committee, but we have a problem with the last witness we have scheduled, Mr. Ryan Sparrow.

Colleagues, you will know that I put my confidence in my clerk to make the necessary communications and contacts and, within the timeframe the committee wishes, to make it work and to keep our committee efficient.

We pulled a little stunt on him and shifted one of the commissioners on the estimates and changed the date he was going to be here. We bumped him up to a date that he was prepared to come to, but that was some time ago. That was before we got into the estimates. He is the last one.

We have Mr. Dimitri Soudas on May 11, and we also asked for Mr. Sparrow to be here on May 11 in the second hour.

I'm going to talk on behalf of the clerk, but the clerk will verify if the members want to know. He got into an exchange of e-mails with the chief of staff of the minister who just appeared before us. The chief of staff advised us, through the clerk, that the minister would be speaking on behalf of Mr. Sparrow, who would not be appearing. That was the starting point.

The clerk came to me. I said the motion we passed was for the minister to appear, that at separate or subsequent meetings we would have these other witnesses—including Mr. Sparrow—and that I have no authority to stray from the motion passed by the committee.

I asked the clerk to go back and say that he's the last witness. We have Mr. Soudas on May 11, and then he is the last witness. I asked the clerk to say that we've got to complete our work, that we have other work to do, that we'd like to move forward, and that we have to do a report on this as well.

He went back, and the chief of staff came back and said that May 11 would be difficult for Mr. Sparrow. The word was "difficult". I sent the clerk an e-mail saying we'd given every consideration we could and that it wasn't going to be perfect for everyone.

Mr. Sparrow was going to be here today, but not speak. It is interesting that they wanted to throw that in, but it was not relevant. The answer that came back, the third iteration—

● (1240)

**Mrs. Carole Freeman:** We could take a picture of him.

**The Chair:** —was that it would be difficult for Mr. Sparrow to be in front of this committee on May 11, so we are at somewhat of an impasse. They didn't want him to speak in the first instance, and then there were explanations that we didn't do our job properly in scheduling witnesses, and finally it was that it's just difficult, that it's hard for him to appear.

I told the clerk not to have any further negotiations with the chief of staff.

I'm going to suggest to the committee my assessment here. Mr. Sparrow is a vital witness to our work. There is no question about it. He's someone we have to hear from. We have no other witnesses. Mr. Dimitri Soudas is going to be here for one hour on May 11; then we're going to be getting into breaks and other things, and it's just going to drag on. I am not convinced that Mr. Sparrow, or at least the chief of staff, was totally forthright. I got the impression they did not want him to appear at all or to speak. The minister was going to do that.

I want to recommend, similar to the situation with Mr. Togneri, that if the committee would like to complete its work within the schedule we originally set out to complete the testimony by the 11th and start our work in regard to drafting a report, as required by the motion passed, we should also issue a subpoena for Mr. Sparrow to appear on the 11th. I would ask for the committee's input and consideration of that position.

Mr. Poilievre.

•(1245)

**Mr. Pierre Poilievre:** At the outset, I appreciate your confession that “stunts” have been pulled on Mr. Sparrow—the word you used.

**The Chair:** As a committee, we changed the estimates and had to withdraw a date.

**Mr. Pierre Poilievre:** It was your terminology.

**The Chair:** Yes.

**Mr. Pierre Poilievre:** I'm quoting you.

The fact of this discussion is that Mr. Sparrow was prepared to be here today. I haven't heard, except through you, that he was unwilling to speak, nor was he involved in the discussion.

**The Chair:** The motion said it had to be at a separate meeting after the minister, not at the same meeting.

**Mr. Pierre Poilievre:** At the end of the day, he is part of the minister's staff, and the minister is responsible. We're falling back into a philosophical debate on a point that has been resolved within parliamentary tradition over hundreds of years. Despite those hundreds of years of history, it's a point that some members of the opposition are trying to undo, which is ministerial responsibility. Ministers are accountable to Parliament. They explain the activities of their departments and their staff.

In the previous Liberal government, there was an idea that ministers were not responsible. When major events—I will label them in the politest language possible—occurred, it could simply be blamed on bureaucrats, contractors, or shady third parties, but ministers were not responsible for anything that happened under their watch.

One of the things we've tried to do with this government is to ensure there is ministerial responsibility. Actions carried out by staff or public servants within a department are at least explained and answered for at the ministerial level.

It's why you saw the minister here today explaining the conduct of her staff and her office. She was prepared to have Mr. Sparrow come here for that explanation. For some reason, this committee has refused to have him here.

At the end of the day, it makes no difference to our political interests on this side. I think the entire exchange today demonstrated the transparency of our government and actually ended very well for our side of the debate. I have no problem with that. If they in fact want to have another discussion to put a further exclamation point in front of the successes that this case underlines, then that's fine.

But let's not pretend this is somehow Mr. Sparrow's fault. He was prepared to be available. The committee pulled what you called a “stunt” on one occasion and then refused his subsequent offer on another. I'm sure he's prepared to answer for all of his conduct. I would like to put it on the record that he has conducted himself with the highest level of integrity in his dealings with this committee.

**The Chair:** Thank you.

Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

Chair, I'm not sure that the word “stunt” was well chosen, given there was confusion about dates, but it's been said.

Chair, I'd like to suggest that we put this matter over to our next meeting and that another attempt be made to have Mr. Sparrow agree to come to the committee. I haven't heard you report that he's refused outright to attend the committee meeting. I heard there's been some problem in finding an appropriate time or there have been problems with scheduling. I heard you report that it would be difficult for him to attend on May 11, but I didn't hear a refusal.

I would appreciate one more attempt. If it's unsuccessful, you could bring back your recommendation to the meeting on Thursday and we could discuss it again at that time. But given there's been confusion and there hasn't been an outright refusal, it's worth one more go-around to see if we can resolve it without resorting to a subpoena.

•(1250)

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** Thank you, Chair.

To Pierre's comments, the fact of the matter is that the motion said what it said. The committee, by motion, wanted Mr. Sparrow separate from the minister. We need to hear from the individual who was involved directly. In fact, we heard from Guy Giorno as well, on another issue, not from the Prime Minister; we heard from the representative from the Prime Minister's Office. So it's appropriate for us to hear from Mr. Sparrow.

I don't have a problem with waiting until Thursday, but we need to settle this one way or the other at Thursday's meeting. Negotiations can take place today and tomorrow, and if we're still unable to get... then we need to make the motion on Thursday.

**The Chair:** Okay.

Madame Freeman, did you have some input?

[*Translation*]

**Mrs. Carole Freeman:** I think the suggestion to re-invite Mr. Sparrow in a civilized way is a good one. Let us wait until Thursday. I support my two colleagues.

[English]

**The Chair:** I hear a consensus. The chair is always open to the wish of the committee, because the committee as a whole has to decide.

The first opportunity after May 11, obviously, is Thursday, May 13. That is the last meeting before we have a break week, I believe.

I will endeavour to encourage all members to be prepared to deal with some of our ancillary items, like the Google report, Mr. Poilievre's project, as well as discussion on Madam Freeman's order in council appointees, which we were going to have to fill up the time we won't be able to use on the 11th.

I suspect Mr. Soudas may take a little longer than an hour, if we're going to get through at least two rounds. That's up to the committee.

**Hon. Wayne Easter:** Could you leave both May 11 and 13 available to him? If he can juggle May 11, then let's go with the 11th. If he can't juggle May 11—

**The Chair:** Do you want me to re-offer May 11 and add May 13 as well?

**Ms. Judy Foote:** Yes.

**Hon. Wayne Easter:** Yes.

**The Chair:** Is that the consensus of the committee—sometime next week?

**Mr. Pierre Poilievre:** No, no. The consensus was that you were going to try to find a date.

**The Chair:** The next two dates are May 11 or 13.

**Mr. Pierre Poilievre:** Right. I just don't want you to misinterpret the consensus to mean that we're issuing a subpoena for those dates.

**The Chair:** Oh, no. We're talking about seeing if we can work this out.

We'll try this once more. As Mr. Siksay says, "Try, try again, Mr. Chair. Go and do a better job. And stop using the word stunt."

**Mr. Bill Siksay:** That would be good.

**Mr. Pierre Poilievre:** I think we have a consensus.

**The Chair:** I understand, and I'll take that.

Finally, I don't know if all members have had an opportunity to look at it, but we have received the responses of the justice minister on our two reports, the quick fixes on the Access to Information Act and the quick fixes on the Privacy Act. I need direction from the committee on this. He's given us some input. It's not as detailed as I had hoped, but there is certainly more information than we received the first time around.

What did not happen is that the minister did not respond with dates he would be available to appear before us. We passed motions that he would be here for one hour on each report. He can do that in one meeting or two separate meetings—his choice.

Have the members read the reports yet?

• (1255)

**Hon. Wayne Easter:** I have.

**The Chair:** I'm looking for direction. I will go to the minister to try to encourage him—

**Hon. Wayne Easter:** Mr. Chair, what is with ministers in this government that they don't want to provide an answer to questions from committees? I mean, what is with them?

**The Chair:** Well, when I'm a minister, I'll tell you—

**Hon. Wayne Easter:** We'll look at that report, but I think the minister gave you his word previously, and now we're into the same old story where the minister refuses to appear to answer questions that were raised with him through reports and back them up—

**The Chair:** What I wanted to do was just advise the committee that I have not discussed this with the minister subsequent to receiving these reports. I have a better idea now where our starting point is.

I wanted to be sure that the committee absolutely wanted to hear from the minister or have him come on each of those reports. I think the answer is still yes, as we agreed upon earlier, and I will then undertake to work with the minister to find the two hours—either at one meeting or two separate meetings—and report back to the committee. Is that acceptable?

Madam Davidson.

**Mrs. Patricia Davidson:** I just want to say something, Mr. Chair. The fact is that the minister has responded again to another response that he's already given to reports. The question isn't when the minister will come to talk about it again. The question is, when will the committee accept what the decision has been from the minister? The decision has been rendered. This isn't something new; this is rehashing an issue that this committee keeps rehashing.

**The Chair:** Okay, we're going to get into a debate.

I believe the committee has passed a motion that we follow a course of action, and we will try to execute that. I will report back as soon as I can to the committee as to what arrangement we can make.

There is no further business. The meeting is adjourned.







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