The Honourable Serge Joyal, Senator  
Chair of the Standing Senate Committee on  
Legal and Constitutional Affairs  
The Senate of Canada  
Ottawa ON  K1A 0A4  

Dear Chair:

Once again, I would like to thank you and the Members of the Committee for the invitation to provide our views on Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts. The purpose of this letter is to provide the Committee with additional information that was referenced during my October appearance.

Firstly, the Committee asked to receive a copy of any notes summarizing interactions between my Office and that of Minister Scott Brison to follow up on the joint proposals I made with Commissioner Caroline Maynard. Attached as an enclosure to this letter, please find the pertinent notes.

Secondly, I committed to providing my views regarding the proposed amendment to section 77(2) of the Privacy Act. Specifically, clause 57 of Bill C-58 would allow the Governor in Council to “delete from the schedule the name of any department, ministry of state, body or office of the Government of Canada that has ceased to exist or has become part of another department, ministry of state, body or office of the Government of Canada.”

Currently, under s.77(2) of the Privacy Act, removing a government institution from the schedule is generally done by way of passing new legislation or amending an existing Act of Parliament. For example, the Canadian Wheat Board, which no longer exists, was removed from the schedule when section 63 of the Marketing Freedom for Grain Farmers Act, S.C. 2011, c. 25 came into force.

Under Bill C-58, if a government institution ceases to exist or becomes part of another government department, a legislative amendment would no longer be necessary to remove it from the schedule. The OPC has no objections to this amendment as there would be no reason for the Privacy Act to continue to apply to a department that has ceased to exist. By contrast, we would have strong concerns if a government institution that is still in operation were removed from the Schedule, whether pursuant to an Order-in –Council or even by statute.
I hope the foregoing will be of assistance to you. Once again, thank you for the opportunity to address your study of Bill C-58.

Sincerely,

Daniel Therrien
Commissioner

Encl.

c.c.: Keli Hogan
Clerk of the Committee
- Joint letter response seemed positive
- Will Min send clearer signals at upcoming appearance?

- Keeping promise to support our joint 3 amendments before the Senate. In his opening remarks SB may mention that TBS/OIC/OPC have been working together on this issue.

- Post annual report, what is SB's “action plan”?

- Confusion in media. Would not impact PIPEDA… just an internal plan. He doesn't know for sure. He'll have to look into it.

- Beney sent OPC “roadmap”, so unsure if that is the same thing?

- Does not know.

- Deck left saying Beney ref. to a funding & request. Funding request is DOS for budget 2019. Can we meet in SB about this funding request?

- Send OPC deck to TBS
- There is interest in seeing this happen
  (Funding)
  - will get back to OPC about action plan