



# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

Mr. Fred Bradshaw, Chair  
Carrot River Valley

Mr. Buckley Belanger, Deputy Chair  
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Kelvington-Wadena

Mr. Eric Olauson  
Saskatoon University

Ms. Laura Ross  
Regina Rochdale

Mr. Corey Tochor  
Saskatoon Eastview

[The committee met at 19:00.]

**The Chair:** — Well good evening everybody, and welcome to all the members of the committee. I'm Fred Bradshaw, who is the Chair. We have Ms. Sarauer, who is substituting for Mr. Belanger. We also have Mr. Forbes. We also have Mr. Francis, Mr. Nerlien, and we have Mr. Steele substituting for Mr. Olouson. We have Ms. Ross, and we have Mr. Tochor.

This evening, we will be considering three bills: Bill No. 72, *The Privacy Amendment Act, 2017*; Bill No. 75, *The Electronic Communications Convention Implementation Act*, a bilingual bill; and Bill No. 87, *The Data Matching Agreements Act*.

**Bill No. 72 — *The Privacy Amendment Act, 2017***

**Clause 1**

**The Chair:** — We will be considering Bill No. 72, *The Privacy Amendment Act, 2017*, clause 1, short title. Minister Morgan, would you please introduce your officials and make your opening comments?

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. I am joined this evening by Maria Markatos, senior Crown counsel, legislative services; Darcy McGovern, director, legislative services. I'm also joined by my chief of staff, Clint Fox, and upstairs, to try and bring stuff down if we need it, I've got Molly Waldman working for us this evening as well.

I'm pleased to be able to offer opening remarks concerning Bill No. 72, *The Privacy Amendment Act, 2017*. Members will be aware that distributing intimate images of a person without consent has become all too common in the digital world and that revenge porn is an ongoing problem. An intimate image is a visual image including photos or videos in which a person is nude, partially nude, or engaged in explicit sexual activity and which was recorded in circumstances that give rise to a reasonable expectation of privacy.

This bill will amend *The Privacy Act* to create a new tort for the non-consensual distribution of an intimate image. This new tort will be available even if the person consented to the image itself being taken or took that image him or herself. The proposed provisions also create a reverse onus requiring the distributor to prove that he or she had the consent to actually distribute the image. Finally, the amendments will remove the requirement that enactment of *The Privacy Act* proceed only in Queen's Bench. This will permit a plaintiff to choose to use the less expensive and quicker small claims process, where the damages claimed are less than or capped at \$30,000.

We are working with victim services and with technical experts in the computer field to establish support to victims of this tort. Mr. Chair, it is my hope and intent that these amendments will send a strong message in Saskatchewan that distributing or sharing intimate images without consent is never appropriate, that it will have consequences, and that the Government of Saskatchewan will stand with victims of such attacks.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 72, *The Privacy Amendment Act, 2017*.

**The Chair:** — Thank you, Minister. Are there any questions? Mr. Forbes.

**Mr. Forbes:** — Well I've got some questions for sure, and not directly on this, I think. Well it is directly on this. It's a good piece of legislation. And it's always interesting, you must find, when you're in the world of social media, how quickly things change in that world. And when this bill was introduced last fall, of course the Me Too movement was starting and all the things that were happening around the world was starting to explode.

And so at that time I had just picked up on this issue from the European Commission around the right to be forgotten. And I wanted to get this on the record in terms of, have you been following this issue since the bill was launched in the fall? And I started doing some research, and then in January, I think it was, or early February, the Privacy Commissioner for Canada wrote about this, a piece suggesting that this is something Canada should do. So are you familiar with the right to be forgotten initiative in Europe and what implications that we have here?

**Mr. McGovern:** — Well I think it's fair to say that this bill is not aimed at that issue, as you can appreciate. This bill is very much been identified, at the urging of the minister, as finding tools to assist people who are being victimized in this fashion through the Internet or through public media.

I'm aware of the right to be forgotten as a concept in the European Commission, that it's being viewed as one of the issues along the lines of saying, do you have a right, with Facebook or Twitter for example, to not only no longer be a member, an active member of Facebook, but to ensure that all of your information that you had voluntarily put up is taken away. And you know, and I think that is a challenge.

I think on this particular piece, as I say, you know, we're encouraged by, for example on October of 2017, Twitter issued a news statement with respect to its policies regarding stricter rules on non-consensual tweeting of intimate images, where they would suspend accounts from someone who is the original poster and suspending accounts dedicated to posting this type of an image. So you know, we think there is a way to co-operate moving forward but, you know, on that much larger scale where you're dealing with a Twitter or Facebook.

But we also think there's a really important message that this bill can get across in Saskatchewan by saying, look, if you as the original individual, if you post a relationship — doesn't matter if you got it consensually — if you choose to share an intimate image in that context, then we're going to create a presumption that you didn't have consent to do so. And we're going to create a new statutory tort to send a strong message that there's immediate consequences for me if I choose to abuse my privilege for that information.

So I think it's fair to say that we're aware of that broader . . . but I think the direction in this bill is very much more immediate in terms of assisting an individual.

**Hon. Mr. Morgan:** — I think we all saw the Cambridge

Analytica and Facebook situation that arose last week. I think everyone will watch that for the next period of time to see what Facebook is going to do. And they've already indicated there's been an apology and they're changing some of their policy.

There may well need to be some legislative changes, but I think it would be not the role of the province. That may be something that would happen at a federal or some kind of an international level, but I think we want to watch and see how that would play itself out.

But for purposes of the Act, as Darcy McGovern mentioned, we're focused specifically on the sharing of those particular types of images.

**Mr. Forbes:** — And I agree with that. I think it's very important and it's good work that we have before us. I think there's some interesting things. And you alluded to the fact that even if the image is taken by the person then, under one circumstance, and then decides later that this was now being used as revenge and was not meant to be used in that way, that's important. And so I think that's good. The point I would make, and not to go long on this, is that as these things emerge, and you folks are part of federal-provincial-territorial meetings, these things get raised. And if they're not raised here, where will they be raised?

And you're right about the Cambridge Analytica thing. We all think about that. We wonder, what does that mean? And the issue really becomes, even when a person takes a picture and then puts it on Facebook, it's their reluctance to de-index it. Like they're never going to get rid of it; they're just going to not index it. And so this is a real problem that we have. And I think that as a national movement, and of course it starts at the provincial level, starts at a local level, people complain about this. What can you do?

And so I really would urge you folks to really follow this because I think that while we talk about privacy as a right, this is sort of a reversal of one that we've kind of walked away from on a personal level. To get involved with social media, you sign away your privacy rights, and that's an unfortunate thing because I don't think people are quite fully aware of that.

So I'm glad to hear that you're following that, and I would urge the minister and the ministry to, as they have with this issue, to follow that more closely.

I'm just wondering. I wanted to ask a question about the old Act in section 3 where they had examples of violation of privacy and whether this was amended or not, or it is now gone? Can you speak to that?

**Mr. McGovern:** — Sure. The way that the amendment is structured is that we've created a new part, which is part 2, with respect to the privacy of intimate images. So there's an existing statutory tort with respect to privacy. That's been around since 1978. And not every province has that, but Saskatchewan is one of the provinces that has chosen to take this approach. What we're doing with this bill is to say the provisions from up to section 5 become part 1. So they're maintained, but it's only in the context of that privacy tort.

For our new tort, which is the distribution of intimate images, non-consensual, that if you look at 7.3, that's where we create a new tort. And we create a much different defence of public interest in 7.6. And so the provision which you have read . . . [inaudible] . . . three, it continues, but it only continues to apply to what it used to apply to. In this new area where we're talking about public interest, I can speak to what public interest means as the defence in 7.6 if you like, but that's the distinction. It doesn't apply to our new tort. It continues to apply as it used to.

**Mr. Forbes:** — Okay. So I just have . . . and I know I'm surrounded by a few lawyers here who understand this language well. What is a tort?

**Mr. McGovern:** — Sorry. A tort is, in this case, it is a statutory right to sue another individual for a personal wrong. So when the critic and I go to different classes, there is a tort class; there is a private property class; there is different classes like that. So tort is a legal term regarding a cause of action. I think, Minister, is that fair?

**Hon. Mr. Morgan:** — Yes, it's a wrongdoing that's not a criminal wrongdoing.

**Mr. McGovern:** — But you can sue.

**Hon. Mr. Morgan:** — That you can sue, such as negligence is a tort. So if you don't keep your walk shovelled, you are guilty of the tort of negligence and you could be liable to whoever fell and hurt their backside.

**Mr. McGovern:** — And one thing that's interesting is that you can have a tort of assault, so it can be both a criminal act as well as this cause of action, and that's relevant in our case here.

**Mr. Forbes:** — So getting back to section 3, so will it be in the new Act, in some form, part of section 2?

**Mr. McGovern:** — Right. Section 3 of the existing Act continues unchanged, but it's restricted to applying to the existing provisions.

**Mr. Forbes:** — And I would just make this comment, and I thought that it just sort of shows the era of which the Acts are written. In 1978 we would talk about use of letters, diaries, other personal documents, and it seems kind of outdated now. Very few people have actually letters. They might have diaries, but that wouldn't be the thing that would be . . . You know, it would be emails or texts or whatever. Now maybe some others do. I don't know.

And then the other one that was part of it that I thought was very interesting is the passing of means of telecommunications and really not referring to — and that's in section 3(b) — listening or recording of a conversation with a person. It just seems to me that when the legislation is really much more modern and up-to-date that we're here, we're talking about examples from the '70s where people are recording. And I would just note that. I don't know if you have comments on that, but it's somewhat dated in terms of, I think, what you're trying get at in terms of the social media, the misuse of the Internet.

**Hon. Mr. Morgan:** — This is a relatively narrow addition to the bill that deals with a specific situation. The ministry staff are gradually going through as bills come forward trying to make language gender neutral, getting rid of terms such as *pari passu*, *mutatis mutandis*, and a variety of other Latin terms that have come in, generally trying to demystify what lawyers have long valued as their personal domain. And so they're doing that on a technical basis. But you're talking about something slightly broader, and they're here so they can think as to whether they want to reflect on the larger social background of pieces of legislation. So the point's taken.

[19:15]

**Mr. Forbes:** — Yes and I don't mean to dwell on it. Just when we're doing housekeeping and stuff like that. But anyways, you had some questions?

**Ms. Sarauer:** — If you're done.

**Mr. Forbes:** — I'm done, yes.

**The Chair:** — Ms. Sarauer.

**Ms. Sarauer:** — Thank you, and thank you, Mr. Forbes, for asking some great questions this evening. Minister Morgan, I want to start by asking a question about a comment you just made in your opening statement. You had alluded to the ministry looking into options for supporting victims of this tort. I think you mentioned working with victim services. Can you elaborate a little bit on what that's looking like?

**Hon. Mr. Morgan:** — You would have the initial appearance that victim services would only respond somewhere where there was a criminal prosecution undertaken. It's open under the legislative framework that we have now that we could offer the supports to somebody where there was not a criminal prosecution, where there was something like this. So if there was a need for this as it goes forward, victim services could be called upon to provide some service. I don't know whether . . .

**Mr. McGovern:** — Yes, I mean I think there's a few points here. Part of what we want to do is to recognize who potentially is bringing this tort. It's going to not necessarily be an individual who is well suited to commencing an action.

There's a few things that we're doing there. Obviously introducing the concept of a small claims approach is one of them. And it's an important one. You know, we think if you sent a message that said, if you do this, you might face a default judgement through small claims and lose your truck — that's a good, strong, immediate message.

We think the best way to prevent these problems . . . You talked about, you know, the large-scale Facebook issues. Clearly the best way to prevent this problem is not to have this information go up in the first place, and so a strong deterrent message is part of what we're doing.

Where you do have an individual who might bring this forward, we've been in contact with victim services. We've also been talking to the Canadian Centre for Child Protection, which is called C3P, regarding what expertise they can provide to

individuals in a circumstance to assist them with getting that image off of the Internet. So victim services.

We're also working with the Provincial Court to say, for small claims they're . . . as you know, online they have certain claims, pre-claims. And so we're working with the people in that with court services to develop something specific for this tort as well.

So there's a few points of contact that we're able to help out with and victim services indicated that they're interested in helping us in that regard.

**Ms. Sarauer:** — That's great to hear that there's some thought about putting up a sample claim form similar to what we see in some other potential small claims actions on the website.

I'm curious to know more about the victim services piece. At what stage in the proceeding are you thinking that victim services would become involved? Is there the thought that potential claimants or those who have already filed a statement of claim will then be contacted by victim services? Or are they just made known that victim services is available should they require their services?

**Mr. McGovern:** — Yes, I think we would think of both circumstances. I mentioned before that this may come up in a context where there's already a criminal proceeding and where there's a choice made in addition to the criminal proceeding to proceed with the tort. You know, in that context the victim services may well be engaged with the individual and can provide that kind of information about saying, have you considered this alternative?

By the same token, we want to be able to ensure that there can be contact made from the individual to victim services to indicate, to ask what can you do to help us in this circumstance. And sometimes that might just be information, sometimes that could be providing them a direct contact with C3P to help them with some of the information. And Maria can speak to this in terms of that organization's expertise in their history with dealing with these kinds of incidents.

**Ms. Markatos:** — Victim services has been in contact with C3P, the Canadian Centre for Child Protection — as has our office — and they are a non-profit organization headquartered out of Winnipeg. They provide services mostly to children who are in circumstances where maybe they're being abused or they're being sexually exploited. And they offer online services through Cybertip through eight reporting categories including the non-consensual distribution of intimate images. They not only receive reports just from Manitoba but across the entire country. So if they receive a report about the non-consensual distribution of an intimate image from a young person, they have certain steps that they will take to assist the young person, regardless of where they're located in the country.

So the first thing that they'll do is they will provide information about how to go about getting the image taken down. They have found success in that area where the victim approaches Facebook or Twitter or whatever on their own and they have success in that way. But they'll also provide a template for the victim to contact the person who's distributing it, basically a

cease-and-desist letter — take it down, and destroy it.

In Manitoba where this tort also exists, they will provide information about legal remedies. And they've indicated that once our Act is passed and proclaimed, they will provide information to people reporting from Saskatchewan as well about their legal remedies. And then in certain circumstances where they think that there's exploitation or child abuse or threats being made, they will have contact with police and refer the person reporting to the police for assistance. So they're already in that world. They have expertise in that area, and they have for a long time. And they've indicated willingness to work collaboratively with our ministry, including victim services branch, to provide those services in Saskatchewan too.

**Ms. Sarauer:** — Thank you. It reminds me, Mr. McGovern, as you well know there was a change made to *The Small Claims Act*, or the whole small claims Act I suppose was repealed, and now we have a new small claims Act. But one of those changes that happened in the new legislation was the removal of a section that allowed for — and I don't have the specific section in front of me — but it allowed for court staff to be able to assist unrepresented litigants. Is there any thought to how the ministry, in your work with the provincial court, how there could be an assistance to perhaps a victim of this tort that would be trying to seek this remedy through small claims that would be unrepresented?

**Mr. McGovern:** — Well I think that's largely, as was in the case in small claims, it's largely information based and an empowering process in terms of saying, as we've said, you know, a sample statement of claim, a victim service group that's able to describe for you, being able to provide cease-and-desist letters if that's appropriate — we think those are good steps. We think, as you know, in tort law, which typically occurs in the Court of Queen's Bench and could still, if the individual chooses to take that alternative, proceed in that manner . . . What we're doing here is to try and provide another layer that's more accessible, that has different points of contact. And you know, we're interested in seeing how that starts out. I think it's a good step.

**Ms. Sarauer:** — Yes, I was very happy to see that this legislation allows for a claim to be pursued through either small claims or Queen's Bench, whichever the survivor or the victim deems appropriate.

Mr. Forbes, my colleague, was mentioning some of the other provisions that this legislation . . . not the bill that we're talking about, but the legislation that the bill amends. Are there any plans to further update this legislation? Is there anything in the works, bearing in mind that we've already talked about some pretty hot topics around privacy, especially in the online world. So I'm curious to know if there's any other potential changes to *The Privacy Act* in the future.

**Hon. Mr. Morgan:** — The long-term goal is to increase the monetary limit. That's been done, as you're aware, incrementally over the last number of years. That's not on the list to do this year; we're waiting to see what the impact of other changes will have on provincial court. So we're watching as it goes. I don't think there's been any discussion I'm aware of about anything else other than maybe we can hear . . . unless

there's something.

**Mr. McGovern:** — Not per se. I mean it's always an issue at the Uniform Law Conference in terms of which provinces have this privacy Act and which don't, you know, keeping in mind that it has a relative limited scope. It's like a libel and slander piece, you know, in terms of creation of a statutory tort. And it's a relatively narrow piece of the pie.

It has evolved into a hot topic or hot-button name when we say privacy. But you know, the 1978 Act, in terms of what it does, is really about commercial exploitation of your material for advertising purposes, for example. That's kind of where it started. And some provinces have taken that route and some haven't. But as far as an immediate change, as the minister says, on that aspect, not so much. We've very much paying attention to the evolution of some of the other areas of the law though, and I think we will remain actively interested in how that evolves.

**Ms. Sarauer:** — Mr. McGovern, to my knowledge, and please correct me if I'm wrong, this is the only legislation of this type in the country that has the reverse onus provision. Is that correct? And if so, can you explain why the ministry decided to go in that direction?

**Mr. McGovern:** — Yes, you're correct in saying that this would be the first piece of legislation of this type that introduces a reverse onus. I think this is a response to the clear direction from the minister that this needs to be, if we're going to take this route, it needs to be responsive and it needs to be something to be used.

You know, I mention *The Privacy Act*, where it's a full tort with a gowned lawyer coming forward to try and make the evidentiary basis that even though I gave to someone something voluntarily, that they then subsequently can't use it how they want to; and you know, to use a very simplistic example, if I give my partner a brush and then later on we fall out, she can use that brush and she can sell that brush. She can do whatever she wants to, regardless of that.

We're in different territory here. We're talking about personal images. And so what we've done is create a reverse onus that says we don't care if it was given consensually at the time. If we're in a circumstance where it's being distributed, we will reverse the onus and say it's incumbent upon the individual distributing to demonstrate that they had ongoing specific consent to do so.

And so that was something that, in meeting the minister's challenge to say, let's make this useful, that we felt was a very good approach and that the minister agreed to bring forward for us. But it is the first in Canada, and we think it's going to be something that flips the table in terms of saying, if you're distributing this and you are challenged, you then have to bear the evidentiary burden of showing that you had reasonable belief that there was consent to distribute in that fashion.

**Hon. Mr. Morgan:** — As you're aware, Minister Wyant was the minister when this commenced, and it was something that he felt really strongly about at the time. So when he passed the file to me, one of the things that he indicated was that it was

something that he felt really strongly about it, and we had a discussion about it at the time. So the commitment that I made was that I agreed with him and wanted to leave it in.

Notwithstanding that, when we did a cross-jurisdictional scan, it didn't exist anywhere else. I wouldn't be surprised if some of the other jurisdictions would pick up on it in due course.

**Ms. Sarauer:** — I did notice that Mr. McGovern didn't give credit to which specific Minister of Justice did that. So I'm happy, Minister Morgan, that you gave former Minister Wyant his dues.

**Hon. Mr. Morgan:** — Well you know, as you're aware, I initially had the Justice portfolio. Then he did, and now I do again. So at the present time we both have the luxury of blaming our predecessors for anything that's wrong.

**Ms. Sarauer:** — I'll keep that in mind. You mentioned, Minister Morgan and Mr. McGovern, that there are — although the reverse onus piece and its uniqueness aside — there are other jurisdictions that do have similar tort legislation. Can you just provide the committee with the scan of which provinces do? And if there are any major changes aside from the reverse onus, if you could provide that information as well, that would be great.

[19:30]

**Ms. Markatos:** — Sure. Manitoba was the first jurisdiction in Canada to introduce this type of legislation in 2015, followed closely by Alberta. It was a private member's bill introduced in 2016, came into force in 2017. And then Nova Scotia recently took their second turn at it with intimate image and cyberbullying together in October of 2017.

So those are the three jurisdictions right now. The big difference is that Manitoba has an authorized agency that they designate under their Act, and that is the Canadian Centre for Child Protection. The mandate is that they provide information to victims about how to remove the image. It's in section 3 of Manitoba's Act. They provide information in Manitoba; they do that as the authorized agency. But they do it across the country for anyone that reports to them as a minor.

**Ms. Sarauer:** — You mentioned that one of the provinces also included cyberbullying in their legislation.

**Ms. Markatos:** — Nova Scotia has included cyberbullying. They did previously introduce legislation that was struck down, so this is their second attempt at this. It's not in force yet. They're working on their regulations.

**Ms. Sarauer:** — So that wouldn't be through the privacy Act. Would it be through . . . Are they amending it?

**Ms. Markatos:** — It's a separate Act.

**Ms. Sarauer:** — It's a separate Act. Okay, thank you. But it's creating a tort around harassment and cyberbullying in particular.

**Ms. Markatos:** — I can't speak to that. It creates a tort for the

non-consensual disclosure of an intimate image. I'm not sure how the cyberbullying works into it.

**Mr. McGovern:** — I know they are looking through . . . We've had discussions with some of the Nova Scotia people. And some of the public commentary from Nova Scotia commenting on their approach that was proposed in this bill favourably in terms of saying, this is a simpler approach to get it before the court potentially, plus the reverse onus will make it, you know, an easier evidentiary burden. You know, Nova Scotia had a very different, difficult fact pattern to deal with initially on cyberbullying, a tragic case. Their approach was struck down, so they're feeling their way through that particular issue right now. And I don't know that that's . . . It hasn't really matured to an extent where we can really see whether they've made some different choices that'll work.

**Ms. Sarauer:** — No, I agree with you. I don't want to muddy the waters by making this more complicated because we want people to be able to access this and receive the compensation that they should be receiving. It's curious . . . Or it'll be interesting to watch that other piece and see where that can apply potentially in the future in this province.

I was curious if you could provide . . . It had already been mentioned when you were discussing another point with Mr. Forbes, the defence of public interest under section 7.6. If you could give some examples of what that may look like to the committee, that would be great. Thank you.

**Mr. McGovern:** — I think the example that's maybe most accessible would be in a newscast circumstance. So if you're in a situation where someone is in a protest, for example, and, you know, has chosen to be protesting in a manner that would trigger what constitutes an intimate image but has made that political choice to do so. For a news agency then to, as a matter of being a newscaster, to then run that, should provide them with a public interest state if you think of it in a Charter context or freedom of expression.

And so I think 7.6 recognizes that we can concoct fact patterns like that, that I think should act as an appropriate defence without undermining that strong central message of saying, you don't get to do this on your own for a nefarious purpose.

**The Chair:** — Mr. Forbes.

**Mr. Forbes:** — Thank you. Just a couple of questions. One, how many people or how many cases do you anticipate coming forward annually? Or do you have any sense from what's happening across Canada and Manitoba what might the numbers be?

**Mr. McGovern:** — Yes, and I think the answer is no. You know, honestly that's . . . You know, we want to get this message out. We think a very successful result here would be a deterrent as opposed to a plethora of cases, you know. That's not a positive from any perspective. We think this will make things easier, but we don't expect a flood. We hope to, as I say, get out a strong message that the best way to avoid this problem is not to provide these images in that context.

**Hon. Mr. Morgan:** — Success for us would be if there was no

or very, very few applications, but not people that are frustrated, that it served its role as a deterrent. And those that do avail themselves with the Act get the support that they need by way of getting the orders made and the damages. So if there was a minimal number of applications that went forward because of the deterrent effect, that would be the best-case scenario.

**Mr. Forbes:** — I appreciate that. And so how will you get the word out that there is this new process that's available to people who are finding themselves in this circumstance?

**Hon. Mr. Morgan:** — We would want to do some form of a public announcement when the bill comes into force, and look to our partners elsewhere across the province as to how we best might . . . through transition houses and a variety of other places where people might be looking to for support.

**Mr. Forbes:** — Thank you. I appreciate that because it's important. And you're right about, it's great if it's not used in fact but it's a deterrent. But people aren't complaining that there's nothing there, then in fact there is a tool there if they need a tool.

My last question would be more of a general one, but I have raised this several times in some of my adjourned debates, and that is the language around "he" and "she." And I just would appreciate any general comments you have related to this bill or any other Justice bills that we have because that's becoming a new issue. In fact, raised this morning at the Transgender Awareness Week flag raising, and yesterday they raised it as well. And it's one that we know is really out there, the whole issue around pronouns. And what's Justice doing in terms of dealing with that issue?

**Mr. McGovern:** — Legislative drafting is aware of the issue, as we had mentioned previously. And, you know, they're working with their counterparts to develop ways to ensure that inclusive language is used. That's an easier thing to do when you're starting from scratch. And they're monitoring the approach that's taken in some other jurisdictions. In Ontario for example, they use "they" and "their" in various circumstances. It creates a grammatical problem in that in some cases it's simply wrong; it implies plural when it's not there.

Other countries, in Australia for example, we're advised by our legislative drafting team that they try and use terms like "the person" or "the minister" to get away from the use of specific pronouns as much as possible.

But there's limitations in language. So it is something that our chief legislative drafter advises is that they're very much alive with. They're talking to their counterparts both provincially and federally and obviously monitoring the international situation. But, you know, I can't report that they have a silver-bullet solution yet. But it is something that they're very much alive to.

**Mr. Forbes:** — Well I appreciate that. And I know that one time we switched from "thou" to "you" or whatever. We do these things. And I know our prayer, the petition prayer has been updated, but it does take time. And I appreciate that the language has to be accurate as well, so thank you for that answer. And I thank you for the answers given tonight. And I don't know if you have . . .

**The Chair:** — Are there any more questions from the committee? Seeing none, we will continue on. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Privacy Amendment Act, 2017*.

I would ask a member to move that we report Bill No. 72, *The Privacy Amendment Act, 2017* without amendment.

**Mr. Steele:** — I so move.

**The Chair:** — Mr. Steele moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**Bill No. 75 — *The Electronic Communications Convention Implementation Act/Loi de mise en œuvre de la Convention sur les communications électroniques***

**Clause 1**

**The Chair:** — We will now be considering Bill No. 75, *The Electronic Communications Convention Implementation Act*, a bilingual bill. We will begin our consideration of clause 1, short title.

Minister Morgan, do you have any opening comments?

**Hon. Mr. Morgan:** — Yes, I do, Mr. Chair, briefly. I am now joined by Darcy McGovern as well as Mary Ellen Wellsch, Q.C., senior Crown counsel, legislative services branch. For the benefit of yourself and the committee, I can advise that Ms. Wellsch is retiring on Friday, April 13th after 39 years of service with the Government of Saskatchewan. She was a year behind me in law school, obviously did better career choices than I am because she's now able to retire a couple of weeks from now. So I will pass along the congratulations and best wishes from you and from all of the committee members unless you wish to do so yourselves.

I am pleased to be able to offer some opening remarks concerning Bill 75, *The Electronic Communications Convention Implementation Act*. Mr. Chair, we know that a lot of business is conducted electronically, from ordering something online to the formation of complex international commercial contracts. *The Electronic Communications Convention Implementation Act* will assist those businesses in the second category. The Act implements a convention passed by the United Nations Commission on International Trade Law. If parties agree to use the convention in their business dealings, they will have guidance in interpreting and enforcing the contract for matters such as the location where the contract was formed, the time that the contract was formed, how a requirement that a

document be in writing is satisfied.

It is important to note that parties of this type of contract can choose to use the rules in the convention or can establish their own rules for the contract. The Act comes into force on assent, Mr. Chair, but the convention will come into force in Saskatchewan when Canada takes the formal step of acceding to the convention.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 75, *The Electronic Communications Convention Implementation Act*.

**The Chair:** — Well thank you, Minister. And certainly my congratulations go out to you, Mary Ellen, and we hope you have a great retirement. You know, looking at you, you must've started in law school back when you were only in high school. So you have done a great job.

Are there any questions? Ms. Sarauer.

**Ms. Sarauer:** — Since I have the microphone, I, too, want to join the Chair and the Minister in congratulating you, Mary Ellen. I had no idea that you were retiring, and I never would've guessed that you had spent 39 years at the ministry. And I do hope that the minister throws you a very, very, very large retirement party. And, like I've said before, since it's on the record now, it has to happen. It's true. So congratulations, that's exciting. I think it'll be a . . . It's a loss to the ministry, but I know that you've got some great staff that will be able to fill in. But you will be missed, most certainly.

Back to the bill, Minister Morgan. I understand that this — and I don't want to read the whole name of the convention — but the convention was adopted by the UN [United Nations] in 2005. Could you explain to the committee why in 2018, now are we seeing this legislation come forward.

**Mr. McGovern:** — Thank you for the question. I think this has been identified now by the private international law team with the federal government as a priority for implementation by the provincial attorney generals, and I think there's two aspects to it.

You know, one is on its merits as an UNCITRAL [United Nations Commission on International Trade Law] bill. As members will be aware, we have a domestic information and electronic documents Act that is based on the United Nations model law. That's been a very successful uniform Act in Canada across all the jurisdictions. And it's the basis for why businesses have had limited disruption in moving to electronic formats in conducting business domestically and doing things like providing an email as an offer or an acceptance, using various forms of electronic signatures such as PIN numbers [personal identification number] to make that useful.

[19:45]

So on its own substantive basis, it's an appropriate one to try and internationalize. And I think also, you know, there's some big players involved, including China, Russia, United States, and the EU [European Union] are looking at this, but not yet members. South Korea is a member. And I think as well, this is

one where the federal government mentions, because they were very much involved in the initial negotiation, that it's a good opportunity for Canada to show leadership. United Nations of course is a very broad base compared to say, for example, the Hague Conventions. So this is an opportunity to show leadership in terms of modernization in the electronic commerce bill.

**Ms. Sarauer:** — Thank you. Are there other jurisdictions in Canada that have brought forward this legislation yet?

**Ms. Wellsch:** — Province of Ontario introduced it but it hasn't been passed. Isn't that correct?

**Mr. McGovern:** — Sorry, it did get passed now. It was in the middle of that . . . It's at the back of their one of those huge omnibus bills, and so now it's been passed under that process. So it's a little hard to track those entire bills but our understanding is that now it has been passed. And as always, having Ontario take a lead with respect to these does have a certain amount of weight and influence in moving it forward when it's combined with the priority given to it by the federal government.

**Ms. Sarauer:** — Thank you. And was any consultation deemed needed for this bill? And if so, had any occurred?

**Ms. Wellsch:** — Actually it was Mr. McGovern who did the consultation primarily. He talked to the head of the Saskatchewan Trade and Export Partnership, STEP, to advise them. And they advised the board of directors about the bill and what the implications would be, and they were quite pleased by it.

**Mr. McGovern:** — One of the aspects of this that we would, you know, like to put on the record, and why STEP was onside, and that led of course to the Minister's support on the piece, is the respect for party autonomy so that there are no surprises in this piece. You can chose to be involved, you can chose to limit the aspects of the convention, but there's no traps in that.

But if you have people who are dealing with an international context, this provides them with an excellent forum to avoid litigation, to avoid litigating: gee, can you do that by email? What was offer and acceptance in that context? And so in that context I think STEP understanding the flexibility of party autonomy, and that'll only apply to future contracts, felt that that's another tool in their box and something that they can be supportive of.

**Ms. Sarauer:** — So just to further clarify what you had just said, similar to some legislation we were talking about last week, this legislation is completely voluntary.

**Mr. McGovern:** — It's similar in the extent that it applies a little bit differently. In this convention, parties can absolutely vary or contract out with any aspect of it. On the Hague Convention that was considered, that the minister put through, it's actually more of an opt-in, and given that we're dealing with general rules such as the use of electronic commerce does not, you know, void a contract. That's a better approach, that if they want to limit it specifically to paper for a particular reason, then they can do that as opposed to vice versa.

**Ms. Sarauer:** — Yes. Thank you for that clarification.

**The Chair:** — Are there any more questions from the committee? Seeing none we will continue on. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

[Schedule agreed to.]

**The Chair:** — Carried. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Electronic Communications Convention Implementation Act*, a bilingual bill.

I would ask a member to move that we report Bill No. 75, *The Electronic Communications Convention Implementation Act*, a bilingual bill without amendment. Mr. Nerlien moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

### Bill No. 87 — *The Data Matching Agreements Act*

#### Clause 1

**The Chair:** — We will now be considering Bill No. 87, *The Data Matching Agreements Act*. We will begin our consideration of clause 1, short title. Minister Morgan, I see you have a change of officials. Would you like to introduce them and make your opening comments?

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. I am once again joined by Darcy McGovern, director of legislative services; and Maria Markatos, senior Crown counsel, legislative services branch; as well as Aaron Orban, executive director, access and privacy branch.

I am pleased to be able to offer opening remarks concerning Bill 87, *The Data Matching Agreements Act*. Mr. Chair, this is a new Act that allows for the matching and linking of information in one database with information in another database to facilitate fact-based decision making within government.

The Act will create a statutory authority for government institutions and certain prescribed local authorities to enter into data-matching agreements and participate in data-matching projects using personal information or personal health information. The Act will promote co-operation while ensuring the privacy rights of individuals are protected.

Mr. Chair, the Act will establish requirements for the initiation of a data-matching agreement by an initiating organization and also place requirements on participating organizations. The Act will also set out criteria that must be included in a

data-matching agreement.

The new Act creates oversight by the government access coordinator, a new position that will review agreements entered into by government institutions and also receive reports once data-matching projects are completed.

The Office of the Information and Privacy Commissioner will provide general oversight over agreements and also continue to retain all of its investigation recommendation powers under the freedom of information and privacy Act and *The Local Authority Freedom of Information and Protection of Privacy Act*. The commissioner called for this new Act to ensure appropriate privacy protections are in place for personal information and personal health information used in data matching.

Mr. Chair, with those opening remarks I welcome your questions respecting Bill 87, *The Data Matching Agreements Act*.

**The Chair:** — Thank you, Minister. Are there any questions? Ms. Sarauer.

**Ms. Sarauer:** — Thank you. And thank you, Minister Morgan, for those opening remarks. I'm not going to lie to you; you're really going to need to walk me through this legislation. So let's start. Can you explain to me what is actually going on here in terms I can actually understand?

**Hon. Mr. Morgan:** — Sure.

**Mr. McGovern:** — Okay. And I think it is, you know, in its structure and the way it's set up, it is relatively logical in terms of how it plays out.

And if we look at the Act, the minister's mentioned that this is a response to an initiative that the Information and Privacy Commissioner, Mr. Ron Kruzeniski, had suggested. And part of it is to create a clear framework whereby large data banks may be shared and matched to produce results to essentially provide data-based decision making. And of course that is the driver with respect to this process, that rather than guessing what the impact of a decision might be within the justice system or within the health system, that this is intended to facilitate a better data-based decision process.

And if we look at the Act, what it does is set out that with section 4 that if an initiating organization — say a government institution or participating organization; let's say it's StatsCan — performs data matching, each of those parties shall collect, use or disclose information in accordance with this Act.

And then 5 is the before. It says, before you enter into the data matching project, you shall, "(a) prepare a data matching agreement in the form provided by the government access coordinator." Mr. Orban is tagged at this point to be performing that function as we move forward.

And what that does is to ensure that across government there's a consistent approach to what these agreements would look like and to ensure that they meet the other requirements. So it's submitted first to the government access coordinator and,

subsequent to that, to the commissioner so that the Information and Privacy Commissioner can comment on what's being proposed. It's also posted on our website and at that point you can enter into the data matching agreement.

If you look at subsection (3) of section 5, it sets out what that data agreement is meant to address. And it's relatively standard: purpose and scope of the project; prohibition against the use for non-related matters; description of how it's going to be used; procedure for notification of the commissioner and the parties if there was ever a breach of that agreement. And then so that it's clear what the content of the agreements will be, duties of the parties are to be accurate and to maintain those databases in a secure fashion.

There's a retention and destruction provision and then there's a back end, a reporting requirement saying, here's what we did, here's why we did it, here's what we learnt. And then when I mentioned retention and destruction, here's a process so that once it's extant in terms of the agreement and the process that was occurring, that it not be held for and used for other purposes unless it re-enters this scrutiny process.

Section 9 is also important. Subject to the regulations, any individual has a right to obtain the information that's being used about that individual, subject to certain, say, public security or health or related reasons where it might be inappropriate, for example, for you to get that information. But the general rule is, of course, that you're able to see your information and determine how it's used within that context.

The government access coordinator, which is in 10, provides advice to the government institutions for compliance, prepares the agreements, prepares the back end reports, and moves forward with that, all of that under the umbrella of the commissioner. So I think it is . . . it uses some language that we're not yet familiar with. But it's a before process, it's a during process, and it's a back end. It's all under the umbrella of the commissioner, and indeed it's in response to a request of the commissioner.

**Hon. Mr. Morgan:** — We typically try and not to have too much of the silo approach between ministries and between agencies. So we developed some protocols to allow some individual information-sharing on a specific basis. So there were some changes made to the legislation, but there's need for some broader or overarching sharing of information.

So before a ministry or an agency can grant access to, or grant sharing, or grant any kind of a protocol to the thing, this prescribes what process they should do before they go down any of the granting methods that they might otherwise want to develop a sharing protocol. And then it provides the protection for the individual because the individual can or a group of individuals can question or query. It's under the supervision of the Privacy Commissioner, and there's an official that's tasked with it.

So we're hoping that it will give good protection for individuals whose information access has been granted to, as well as the agencies that require it. So it's developed a protocol. I don't know whether you want to add to that.

**Mr. McGovern:** — No, I think that's the picture.

**Ms. Sarauer:** — Okay. So this sort of sounds like some of the changes that were made to facilitate the work that's being done by the hub and COR [centre of responsibility] system. So is this that on a larger scale, or is this the same thing?

**Mr. McGovern:** — Think of it in that, as the minister referenced and you've referenced with the hub, that's more specific to a particular case, and so those regulations are in place. This deals with it with database-level matching of information, so if you're going to match level at the database. As you can appreciate, you know, there's an ability to do that on a de-identified basis, but it's expensive to de-identify and to go through that process, and it may vary the quality of the data that you're looking at. It's fair to say it's like that, but it's at the database level, I guess.

[20:00]

**Ms. Sarauer:** — Okay, so you use the phrase data bank and database, I think, interchangeably. I don't know for sure. Can you give an example of what that would be?

**Mr. McGovern:** — And I can ask Aaron if he wants to speak to that with a little . . . He might not use interchangeable terms.

**Ms. Sarauer:** — It's okay. It's just me trying to figure it out.

**Mr. Orban:** — Sure. So you know, within the Ministry of Justice for instance, some of the information that might be gathered within the court system, the system that tracks that is called ACES [administration collection enforcement support]. There might be information in that, or CJIMS [criminal justice information management system] on the corrections side. So certainly you can pull information out of there and cross-reference it across those two different databases to match up the clients and then try and reach some evidence-based decisions around how you might develop programs for targeted outcomes that are going to improve, you know, the delivery of services and outcomes for those clients.

**Ms. Sarauer:** — So this will give the ability of cross-ministry data sharing for the purposes of developing policy.

**Mr. McGovern:** — You know, three areas for example — like program design, targeted interventions, harm prevention — those are the sorts of, as you say, broader policy levels that this is meant to provide an evidence-based decision-making framework for.

**Ms. Sarauer:** — Does anything like this exist in other provinces?

**Ms. Markatos:** — There are similar provisions in British Columbia and Alberta right now.

**Ms. Sarauer:** — So based on my understanding, before the data matching can occur, there must be an application pursuant to section 5 which would result in something being posted on the website. Will that posting on the website allow us to — and by us, I mean the public — to know what is being shared and for what purpose?

**Mr. McGovern:** — That's the intention, is that the regulations will set out what type of information can be, is to be posted for that purpose. You know, we also have the oversight of the independent Office of the Information and Privacy Commissioner who is able to make specific comment on a proposal, and suggest how best to move forward. And certainly that would include public disclosure in that regard.

**Ms. Sarauer:** — Are there already any plans in place for how this legislation could be utilized?

**Mr. Orban:** — Well I think there's certainly interest in use of the legislation. One of the areas that I think is of keen interest is when you look across multiple ministries at common clients. You know, certainly we have some of the clients in various ministries, be it in Economy, or formerly in Economy, you know, within our system. In terms of the interventions that are being used across those multiple ministries, what are some of the factors that we might be able to use when we combine the data and look at the outcomes to deliver better services?

So again I think that's really what one of the most immediate interests is in using this type of legislation, really to get back to Mr. McGovern's point around evidence-based approaches to planning and delivering services.

**Ms. Sarauer:** — Okay, I'm happy to hear that. I understand that the Privacy Commissioner called for this and is quite happy to see this legislation come forward and that this is working under the umbrella of the Privacy Commissioner, as an independent officer has the ability to monitor and review essentially this particular legislation as well as many other issues around privacy in the work that we do and that government does.

Are there any concerns about . . . Knowing that there is the potential for hacking always in electronic systems, are there any concerns being flagged about any potential data breaches or hacks or anything that could be made more vulnerable as a result of this data matching?

**Mr. McGovern:** — Section 6 speaks specifically to "The parties to a data matching agreement shall take reasonable steps to ensure the security, accuracy and completeness of the information used and generated by the data matching." So, you know, security is absolutely part of the thinking that goes into this process. There's no question that that'll be a priority for the Information and Privacy Commissioner.

And I think when we talk about retention and destruction, having those be on schedules and proceed, that stems from the same issue. You do not have data banks that are forgotten, unused, no longer and not on a retention and destruction schedule. And so that's clear from the start, I think, in this process. But as far as it creating any acute new issues, I don't think that's the approach. I think it's more a matter of making sure that it's an informed, secure approach to the issue from the outside.

**Hon. Mr. Morgan:** — I think whether it's this particular situation where some data is being shared across ministries, I think all of us, whether in government or out, need to be really concerned about taking proper steps to make sure information is

protected and that we're not hacked anywhere. If the point you're making is a concern that the information now is on two databases rather than one, I think it's a valid point, and I think the ministry officials will want to be very mindful of that. So good point.

**Ms. Sarauer:** — Thank you. What about a disaster recovery plan? Are there any plans for that?

**Mr. Orban:** — That, I think, will be part of what will enter into each of the agreements as they come into place. So certainly one of the things that the legislation talks about is doing some of that privacy analysis beforehand. And you know, whether it's a full privacy impact assessment or, you know, something that's more of a short form, that's certainly one of the things that would be considered in terms of having appropriate safeguards in place.

**Ms. Sarauer:** — Thank you. And, Mr. McGovern, you mentioned that pursuant to the legislation, individuals can access their information. Is this expanded from what individuals are already able to receive through any freedom of information request?

**Mr. McGovern:** — It does not displace that. It would be a separate stream. But you know, the wording in section 9 speaks specifically to a data-matching project, so it's a little more specific in that regard.

**Ms. Sarauer:** — So would individuals be able to access not only their information but also why it was . . . or for what purpose it was being utilized?

**Mr. McGovern:** — Well remembering that, you know, it will have already been posted on the website in terms of its general purpose. So you know, I'm going to stop short of saying yes in every case because, as I said, there may be security or health reasons in a particular data matching that might preclude that. But generally speaking, the policy intent is to ensure that individuals have access to information if they're a data subject.

**Ms. Sarauer:** — Thank you. And I thought I was relatively tech savvy until this bill came forward, so I'm worried that I'm missing something. But I appreciate all of the officials' comments so far in walking me through this legislation. I particularly like the piece — mostly because this is so complex and I find technology complex — that there is that mechanism for the reason why the data matching occurs to be posted on a website so that it is publicly available. And there's an ability for the public at large to continue to oversee government and monitor why their personal data is being utilized and for what purpose. Are there any further comments on that particular piece, on the website piece or the oversight piece that any of the officials want to elaborate on?

**Mr. McGovern:** — I don't think so.

**Ms. Sarauer:** — Can you again explain to me exactly what will be posted on the website when one of these applications is approved?

**Mr. McGovern:** — As we have noted, right now what it provides for is that it be posted on the website and the

prescribed information. And so what we'll be doing is in the regulations, of course, prescribed being the term that kicks it to the regs, and working with the Information and Privacy Commissioner through Aaron's ongoing continuous discussions with the Information and Privacy Commissioner, what's agreed to, what information's on there.

It has to be a bit flexible because of some of the concerns I've mentioned before, but I think the general thrust is clear that, you know, if you're going to post something on the website, it should explain what's being done and why.

**Ms. Sarauer:** — Thank you for that, and I know we've mentioned a few times the government access coordinator, the new position. But I believe based on what I'm hearing it's going to be filled by Mr. Orban, someone who already exists. Is there a need for the Office of the Privacy Commissioner for expanded finances, for more money as a result of having to do this additional oversight work?

**Mr. McGovern:** — That wasn't asked for by him, for example, in terms of bringing the legislation forward. We don't know that we're dealing with a floodgate here in any event.

And I think one of the things that having Aaron's group as the government access coordinator — or the GAC [government access coordinator] as I'm trying to get caught on — that Aaron as the GAC would then be able to perform a coordinating function, and by doing that . . . as opposed to each different government institution that brings it forward taking a slightly different slant. By having that central coordinated function, we're able to deal with that in a manner that ensures ongoing input from the Information and Privacy Commissioner and ensures the value added from that position.

**Ms. Sarauer:** — Thank you. And then just to confirm, the Privacy Commissioner made it clear that he wanted organizations to be required to use this legislation, can you confirm that this is required legislation — it's not voluntary?

**Mr. McGovern:** — Unless there is other legislation that specifically provides for this — which off the top of my head, I'm not sure what that would be — this is the governing legislation. It provides that, and it's as simple as section 4: if an initiating organization performs data matching with a participating organization, each of those parties shall collect, use, and disclose information in accordance with this Act.

**Ms. Sarauer:** — Thank you. And now, well I've been thinking about how this legislation works in my head. And I have been only talking about cross-ministry data matching, but this legislation also applies to third parties outside of government. Can you explain how that piece would work?

**Hon. Mr. Morgan:** — If you could have a CBO [community-based organization] that's doing work, doing research — it could be one of the universities, you know, you could mention — there would be a number of other entities that may want to participate. And if they did, then it would of course be bound by the provisions of the legislation as well. I don't know if you want to add . . .

**Mr. McGovern:** — Well I think that's exactly right. We have

the control mechanism that the Information and Privacy Commissioner suggested, where we say the initiating organization's a government institution or a prescribed local authority. And at this point we're talking about government institutions; a participating organization is a broader net. But by ensuring that you have the initiating organization and therefore ongoing involvement of a government institution, that provides both the ongoing input and value-added from the access coordinator, but it also ensures that the Information and Privacy Commissioner has a clear point of contact with that agreement.

**Ms. Sarauer:** — And also that the Privacy Commissioner has authority to oversee what's happening?

**Mr. McGovern:** — Yes, the link to the government institution is the link for the Information and Privacy Commissioner. That's correct.

**Ms. Sarauer:** — Okay. So theoretically a CBO who wishes to participate could get information from a government ministry matched to them for a CBO's study. Is that how that would work?

[20:15]

**Mr. McGovern:** — It would be, the initiating organization would be the government institution who is initiating the program and the extent to which they're working with the CBO in that context. So that's the distinction, with the difference that's being made here by saying that the initiating organization is the government institution rather than a third party coming and requesting information for their purposes.

**Ms. Sarauer:** — Okay, so it would be the opposite. So a CBO could provide information to a ministry.

**Mr. McGovern:** — They could be a participating organization in a particular data matching process, yes.

**Ms. Sarauer:** — Okay. So that's . . . sorry, that's a yes?

**Mr. McGovern:** — Yes.

**Ms. Sarauer:** — Okay. You mentioned that an initiating organization at this point in time could be a ministry or prescribed organization. So is there the potential that that definition, since it is . . .

**Mr. McGovern:** — Right now it says, initiating organization means any government institution or a prescribed local authority, so not a prescribed anybody. Local authority, as you're aware, might be a university, might be a city. The Information and Privacy Commissioner was fairly direct in terms of thinking that it would be appropriate that that be done on a case-by-case basis. And I think from his perspective, the RM [rural municipality] of Dog River is different than the University of Saskatchewan. And so it may be appropriate that rather than saying any local authority, that it only be prescribed local authorities in which there's a level of expertise and sophistication that reflects how seriously we're taking the project, I guess.

**Ms. Sarauer:** — Right. Okay. Okay, thank you.

**The Chair:** — Are there any more questions from the committee? Seeing none, we shall continue on. Clause 1, the short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 17 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Data Matching Agreements Act*.

I would ask a member to move that we report Bill No. 87, *The Data Matching Agreements Act* without amendment. Mr. Francis. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Well that concludes our business for this evening. Minister, do you have any closing remarks?

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. Mr. Chair, I'd like to thank you, and last time I was here I omitted thanking the folks that work at Hansard. I would like to thank them, as well as the members on both sides, the legislative services and staff as well as the ministry officials, both those that are here and those that work over in the ministry and give us great service every day. So I want to thank all of those people, as well as yourself, Mr. Chair.

**The Chair:** — Thank you. Ms. Sarauer.

**Ms. Sarauer:** — Thank you. I'd like to join the minister in thanking the committee for their work this evening, for the ministry staff for their thoughtful answers to my varying range of intelligent and not intelligent questions. To the minister, as always, for his responses; to the committee staff as well for their work this evening; and like always, because I never forget, Hansard for their good work. Thank you.

**The Chair:** — Well thank you, and thank you to everybody for being here tonight. And thank you to all the people who are watching this on television tonight. It's got to be very interesting. Seeing we have no further business this evening, I would ask a member to move a motion of adjournment.

Mr. Nerlien has moved a motion to adjourn. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. This committee stands adjourned to the call of the Chair.

[The committee adjourned at 20:20.]