



STANDING COMMITTEE ON HOUSE SERVICES

FOURTEENTH REPORT

MEMBERS' CODE OF ETHICAL CONDUCT

A Commitment to Protect the Personal Information of Citizens

October 14, 2015

4th SESSION ^{of the} 27th LEGISLATURE

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

Speaker of the
Legislative Assembly



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October 14, 2015

To the Honourable Members of the Legislative Assembly:

HONOURABLE MEMBERS:

I have the pleasure to present herewith the Fourteenth Report of the Standing Committee on House Services. The Committee is authorized by the Assembly to examine such matters as it deems advisable with respect to the rules, procedures, practices, and powers of the Legislative Assembly, its operations, organization, and the facilities and service provided to the Assembly, its committees, and Members.

The objective of this report is to demonstrate a commitment by Members of the Legislative Assembly to the principles of protection of personal information. It is proposed that this commitment be incorporated into the Members' Code of Ethical Conduct.

I want to thank the Legislative Assembly's Information and Privacy Commissioner, Mr. Ronald J. Kruzeniski, Q.C., for his participation and the contributions of his office to the deliberations of the committee.

Respectfully submitted on behalf of the Committee,

Hon. Dan D'Autremont, Chair
Speaker of the Legislative Assembly
Cannington MLA



MEMBERS OF THE STANDING COMMITTEE ON HOUSE SERVICES

Chair: Hon. Daniel D'Autremont, Speaker – Cannington MLA

Deputy Chair: Warren McCall – Regina Elphinstone – Centre MLA

Hon. Ken Cheveldayoff – Saskatoon Silver Springs MLA

David Forbes – Saskatoon Centre MLA

Hon. Jeremy Harrison – Meadow Lake MLA

Paul Merriman – Saskatoon Sutherland MLA

Corey Tochor – Saskatoon Eastview MLA

Doyle Vermette – Cumberland MLA

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I. ORGANIZATION

On August 20, 2015, the steering committee of the Standing Committee on House Services agreed to review a report of the Information and Privacy Commissioner, with specific reference to the collection, use and disclosure of personal information by Members of the Legislative Assembly. The steering committee met *in-camera* four times and reported its conclusions and recommendations to the Standing Committee on House Services on October 13, 2015. The Information and Privacy Commissioner (Mr. Ronald J. Kruzeniski, Q.C.) assisted the review by appearing before both the steering committee and the standing committee.

The steering committee consisted of the Speaker (Hon. Dan D'Autremont), the Government House Leader (Hon. Ken Cheveldayoff) and the Opposition House Leader (Mr. Warren McCall).

II. BACKGROUND

On April 29, 2015 the Office of the Information and Privacy Commissioner undertook an investigation under section 33 of *The Freedom of Information and Protection of Privacy Act* (FOIP) and section 32 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP) in response to a complaint by a citizen. The circumstances of the complaint were the subject of commentary by Members of the Legislative Assembly (MLAs) during legislative proceedings.

On August 17, 2015, the Information and Privacy Commissioner (IPC) released the report of his investigation, entitled: *Investigation Report 092-2015 to 095-2015 Oliver Lodge, Saskatoon Regional Health Authority, Ministry of Health, Office of the Premier* (the report).¹ In the report, the IPC made a series of recommendations directed at various agencies, members of Executive Council and Members of the Legislative Assembly. The recommendations of concern for the Standing Committee on House Services were those that called for the application of privacy protection of personal information to the offices of MLAs through amendments to FOIP and the development of a code of conduct for MLAs. These recommendations were made at paragraphs 108 and 109 of the Commissioner's report.

At paragraph 108, the IPC asked that one or more of three actions be taken for the privacy protection of personal information. Two of the actions come under the purview of the Legislative Assembly. The IPC called for amendments to FOIP to make offices of Members of the Legislative Assembly or Members of Executive Council subject to privacy protection provisions applicable to personal information. The IPC also called for the development of a code of conduct to govern the collection, use and disclosure of personal information by Members of the Legislative Assembly.

Your committee is of the opinion that the matter of legislative amendments to the FOIP Act should be left directly with the Assembly. However, there was broad consensus of committee members to take some immediate steps to demonstrate a commitment to the principles of protection of personal information by MLAs. Your committee agreed that a code of conduct for MLAs for the collection, use and disclosure of personal information would be beneficial.

¹ The report was published on the Information and Privacy Commissioner (IPC) website.

III. REVISIONS TO THE MEMBERS' CODE OF ETHICAL CONDUCT

The IPC was asked to appear before the steering committee on September 17, 2015, to provide a detailed overview of the conclusions and recommendations of the report. The IPC was also asked to suggest a model for a code of conduct to achieve the principles set out in the recommendations of the report. What follows is the model proposed by the IPC for the collection, use and disclosure of personal information by MLAs:

1. *Members of this Assembly must comply with The Freedom of Information and Protection of Privacy Act, Part IV, Protection of Privacy, to the extent possible and as circumstances require.*
2. *Members of this Assembly are committed to the protection of a citizen's personal information or personal health information which comes into their possession.*
3. *Members of this Assembly must, when dealing with a citizen, obtain written consent to collect, use or disclose personal information or personal health information and will determine whether the citizen agrees to share in confidence or in a public way.*
4. *Members of this Assembly must use the consent form outlined in this code with appropriate modifications.*
5. *Members of this Assembly must provide a copy of that consent to other Members of the Legislative Assembly, Ministers of the Crown or public bodies when requesting information or exchanging information.*

The IPC provided a model consent form in accordance with point 4 of his proposed code for MLAs.

The steering committee adopted the model with one minor change and agreed that the five points should be added to the existing *Code of Ethical Conduct for Members of the Legislative Assembly*. The code of conduct was adopted by the Legislative Assembly on June 14, 1993, and is published in the appendices of the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, on the Legislative Assembly website and elsewhere.

The steering committee also adopted the model consent form but with three changes. It was agreed that the consent form include the requirement for an individual's name, address and phone number. Secondly, it was agreed that the consent form also be applicable to caucus staff in addition to the MLAs' constituency assistants. Finally it was agreed that the provisions for transfer of MLA files also apply to Ministers of the Crown. The recommendations of this report reflect those changes.

The revised *Code of Ethical Conduct for Members of the Legislative Assembly* incorporating the five new points concerning the collection, use and disclosure of personal information by MLAs, as well as the associated consent form, were presented to your Committee and adopted for recommendation to the Legislative Assembly on October 13, 2015. At that time the IPC assisted the steering committee's presentation of the proposal by appearing before your Committee. Your Committee is grateful to Commissioner Kruzeniski for his cooperation and assistance through the whole process.

The revised *Code of Ethical Conduct for Members of the Legislative Assembly* and consent form are presented in Appendices of this report.

IV. RECOMMENDATION

That revisions to the *Code of Ethical Conduct for Members of the Legislative Assembly*, as presented by this report in Appendices A and B, be adopted and brought into force effective immediately;

And further,

That upon adoption of this report, the Clerk of the Legislative Assembly shall ensure that *The Rules and Procedures of the Legislative Assembly of Saskatchewan* is revised accordingly and republished as soon as is practicable.

APPENDIX A: PROPOSED REVISION TO CODE OF ETHICAL CONDUCT

CODE OF ETHICAL CONDUCT FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

Preamble

As Members of the Legislative Assembly we recognize that our actions have a profound impact on the lives of all Saskatchewan people. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

Statement of Commitment

To the people of this province, we owe the responsible execution of our official duties, in order to promote human and environmental welfare.

To our constituents, we owe honesty, accessibility, accountability, courtesy and understanding.

To our colleagues in this Assembly, we owe loyalty to shared principles, respect for differences, and fairness in political dealings.

We believe that the fundamental objective of public office is to serve our fellow citizens with integrity in order to improve the economic and social conditions of all Saskatchewan people.

We reject political corruption and will refuse to participate in unethical political practices which tend to undermine the democratic traditions of our province and its institutions.

Declaration of Principles

Members of this Assembly must carry out their official duties and arrange their private financial affairs in a manner that protects the public interest and enhances public confidence and trust in government and in high standards of ethical conduct in public office.

Members of this Assembly must act not only lawfully but also in a manner that will withstand the closest public scrutiny; neither the law nor this code is designed to be exhaustive, and there will be occasions on which Members will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust.

Every Member is individually responsible for preventing potential and actual conflicts of interest, and must arrange private financial affairs in a manner that prevents such conflicts from arising.

Members of the Assembly must carry out their official duties objectively and without consideration of personal or financial interests.

Members of the Assembly must not accept gifts, benefits or favours except for incidental gifts or customary hospitality of nominal value as provided for in legislation.

Members of the Assembly must not take personal advantage of or private benefit from information that is obtained in the course of or as a result of their official duties or positions and that is not in the public domain.

APPENDIX A: PROPOSED REVISION TO CODE OF ETHICAL CONDUCT

Members of the Assembly must not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.

Members of the Assembly must not use, or allow the use of, public property or services for personal gain.

Members of the Assembly, when leaving public office and when they have left public office, must not take improper advantage of their former office.

Members of this Assembly must comply with *The Freedom of Information and Protection of Privacy Act*, Part IV, Protection of Privacy, to the extent possible and as circumstances require.

Members of this Assembly are committed to the protection of a citizen's personal information or personal health information which comes into their possession.

Members of this Assembly must, when dealing with a citizen, obtain written consent to collect, use or disclose personal information or personal health information and will determine whether the citizen agrees to share in confidence or in a public way.

Members of this Assembly must use the consent form outlined in this code with appropriate modifications.

Members of this Assembly must provide a copy upon request of that consent to other Members of the Legislative Assembly, Ministers of the Crown or public bodies when requesting information or exchanging information.

APPENDIX B: PROPOSED CONSENT FORM - CODE OF ETHICAL CONDUCT

Date

TO: _____ Member of the Legislative Assembly of Saskatchewan

FOR THE CONSTITUENCY OF: _____

CONSENT

I _____ of _____,
(Name) (Address) (City, Town)

_____, _____,
(Telephone # Home) (Cell #) (Email)

Saskatchewan consent to you or your staff, collecting or using my personal information and personal health information for the purpose of

and consent to you disclosing this information to another Member of the Legislative Assembly, Minister, their staff or caucus staff, in confidence and consent to that Member of the Legislative Assembly, Minister, their staff or caucus staff collecting, using or disclosing my personal information or personal health information in relation to the above purpose without me giving further consent provided the information is kept confidential.

AND

- ☐ Disclosing this information in the Legislative Assembly, to the public and the media and consent to any other Member of the Legislative Assembly, Minister of the Crown, their staff or caucus staff collecting, using or disclosing my personal information or personal health information in relation to the above purpose without me giving further consent.

AND

- ☐ I further consent to you, transferring my file with all my personal information and personal health information, to any successor to you as a Member of the Legislative Assembly.

OR

- ☐ I direct you, upon your leaving office, to destroy my file including all personal information and personal health information.

Witness

Signature