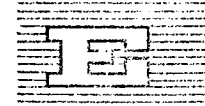


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PERIODIC REPORTS ON HUMAN RIGHTS

Reports on freedom of information, for the period
1 July 1970-30 June 1975, received from Governments
under Economic and Social Council resolution 1074 C (XXXIX)

CANADA

[27 January 1977]

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Foreword

In accordance with Resolutions 1074C (XXXIX) and 1596 (L) of the Economic and Social Council, and at the request of the Secretary-General of the United Nations in his note G/SO 214 (2-4) 1970-1975 of October 31, 1975, the Government of Canada has the honour to present the report of Canada on Freedom of Information, for the period beginning July 1, 1970 and extending to June 30, 1975.

Information on developments that took place between June 30, 1975, and the date of preparation are also provided in this report, generally in footnotes on relevant pages.

FIRST PART: MEASURES TAKEN BY THE FEDERAL GOVERNMENT¹

- I. Concise introductory description of general policies and significant developments during the period from 1 July 1970 to 30 June 1975 with regard to the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers.

During the period under review the federal government has maintained a policy of respect for the principle of freedom of information and related principles such as freedom of expression, freedom of the press and the right to privacy.

Significant developments include:

- the expansion of the communication media, in particular the launching of telecommunications satellites;
- the enactment of legislation for the protection of privacy;
- amendments to the Criminal Code on the subject of genocide and hate propaganda;
- continuing review of the policy concerning public access to the government internal documents;
- and, steps towards the establishment of rules governing the utilization of government information banks, containing personal data.

1. Report prepared by the Department of the Secretary of State.

Northwest Territories

The Council of the Northwest Territories passed two ordinances relating to the availability of information to the public. The first, passed, in June 1975, is the Document Registry Ordinance which established a registry office within the Territories wherein all documentation related to the establishment of corporations, businesses etc. are to be filed. The second ordinance is the Registration of Regulations Ordinance which requires that all regulations which are not from a local authority but have a judicial or quasi-judicial authority must be registered. They will be published from the Registry.

Both of these ordinances make the information available to the public for a fee.

Yukon Territory

The Council of the Yukon Territory has passed an ordinance setting up a Public Archives to collect and control documents. It is also charged with the responsibility of publishing the information it has available to the public. A Public Inquiries Ordinance has also been passed providing Inquiry Boards with the legal authority to demand information on subjects they are investigating.

II. Influence of United Nations instruments on constitutions and legislation adopted and court decisions rendered during the period for the recognition, enjoyment and protection of freedom of information.

The principles enunciated in the United Nations documents on the subject of freedom of information are generally recognized in Canada and embodied in the laws of the country.

Canada is a party to the International Convention on the Elimination of All Forms of Racial Discrimination which it ratified on October 14, 1970 and to the International Covenant on Civil and Political Rights to which it acceded on May 19, 1976.

Canada is also a party to the International Copyright Convention (Berne Convention) and to the Universal Copyright Convention formulated in Geneva in 1952 under UNESCO sponsorship.

III Legislative and other measures adopted during the period, concerning in particular:

(a) The development of the information media;

During the period under review Canada has initiated a communications satellites program. After the successful experience of four scientific satellites launched between 1962 and 1971, Canada's space program entered into a new phase with the launching on November 9, 1972 of Telesat Canada's Anik I which gave Canadians the world's first domestic geostationary telecommunications system.

The Anik satellites - three of them are now in orbit - have made tremendous inroads into easing the isolation of the North by providing colour T.V., telephone, data and other services to dozens of communities. Canada is a rugged climate and vast country with a scattered population. Although the industrialized parts of the country where the population is mainly concentrated were well equipped with communication media, much of the rest of the country, to the North, had remained comparatively isolated prior to the era of the communications satellites.¹

1. Canada has entered into a new phase of this program with the launching, on January 17, 1976, of an experimental new Communications Technology Satellite. The program is a joint venture with the United States of America. Following the satellite inauguration, on May 14, 1976, groups on both sides of the Canada-U.S. border began a two-year program of communications experiments in fields including tele-education, telemedicine, community interaction, the technology of broadcasting, data communications, government administration and operations in remote areas and radio wave propagation at the new, higher frequencies provided by the 200-Watt transmitting tube of the satellite.

The increase in the communication media in Canada brought almost all members of the population within range of electronic and printed information. By 1975, the Canadian Broadcasting Corporation reached 98.8 percent of the population with radio service, and 97.8 percent with television service.

Of the 6,703,000 households, 6,588,000 had radios; 6,488,000 had television sets, over half of these with colour sets. Seventy-five percent of Canadian households received at least one daily newspaper. 6,463,000 households had telephones.

Between 1971 and 1975, the total number of broadcasting stations (radio and television) increased from 1065 to 1475.

Cable television has been regulated since 1968-69 when 87 applications were approved by the Canadian Radio and Television Commission; the following year 232 new applications were approved, and 143 additional applications were approved between 1970 and mid-1975.

In 1972 there were 120 daily newspapers (101 English, 14 French, and 5 other); 1,025 newspapers publishing less frequently (753 English, 130 French, 56 bilingual and 86 other); and 881 periodicals (717 English, 97 French, 37 bilingual and 30 other) published in Canada.

By 1974 there had been an increase in each group: two additional daily newspapers, 20 additional non-daily newspapers and 87 additional periodicals.

Book publishing had also expanded. In 1972 gross sales of English books by publishers in Canada was \$77,449,713; of French books \$16,642,804, and of books in other languages \$188,002. The comparable figures in 1974 were \$123,514,230; \$20,576,135; and \$442,378.

Film production in Canada increased, though an overwhelming proportion of feature films shown in Canada are produced outside the country, mostly in the United States. There are 31 Canadian-made films of feature length in 1972-73; 26 in 1974-75. These were the productions of private companies; the government owned National Film Board also produced films of good quality, largely documentaries but including some theatrical productions.

Government measures to assist this wide development took place under existing legislation establishing and controlling the operations of such agencies as the Canada Council and the Canadian Film Development Corporation. The financial assistance given by these agencies has substantially increased.

Assistance given by the Canada Council to Canadian writers, publishers, art galleries and museums was greatly expanded. In the year 1970-71 grants were made to 16 public art galleries and museums; a total of \$637,000 was spent to assist writers and publishers and an additional \$496,000 to support learned publications in the humanities and social sciences.

Yearly increases in the amount of assistance given by the Canada Council occurred during the period under

review. In 1975 the assistance to writers and publishers (including assistance in translation) amounted to \$3,332,000. The additional funding to learned journals and to support publication of research in the humanities and social sciences was \$1,785,000.

The Council enabled individuals to participate in international gatherings to further the arts and to take part in cultural exchange programs. In September 1970 the UNESCO program within the Canada Council helped to finance an international gathering in Ottawa under the joint auspices of UNESCO and the International Geographical Union. The meeting was concerned with the electronic processing of the masses of environmental data which are being secured both from satellites and other remote sensing apparatus, and in more conventional ways. An international symposium on cultural policy in pluricultural states was held, also under UNESCO auspices, in September 1972.

Assistance has also been given by the Canada Council to innovative theatre productions and to public readings by poets and other writers.

Assistance given by the Canadian Film Development Corporation nearly doubled between the years 1972-73 and 1974-75. In the fiscal year 1974-75, the Canadian Film Development Corporation invested \$8,100,000 in feature film production, or 43 percent of total investment. A Special Investment program has provided funds to allow film makers to demonstrate their talents in their first feature films.

The federal government has played a significant role in cultural development, both through the National Film Board and the Canadian Broadcasting Corporation, and through the agencies which assist cultural expansion. The total cultural budget of the Department of the Secretary of State and affiliated agencies increased from \$234.9 million in 1970-71 to \$469.1 million in 1975-76.

(b) The operation of press and publications, radio-film, television and other media;

Broadcasting:

The Canadian Radio Television Commission¹ reviews applications for the licensing of the broadcasting media. In reviewing the applications, the Commission conducts public hearings. In 1972-73, 14 such hearings were held, involving 600 applicants. Prior to the hearings, opportunities for public examination of application documents are advertised. Interventions in written form may be made to the Commission up to 15 days prior to the hearing, and the writer may appear at the hearing to support his/her intervention.

1. The Canadian Radio Television Commission has been established in 1968. On April 1, 1976, its responsibilities have been expanded by an act of Parliament to cover also the areas of telecommunications. The new name of the agency is the Canadian Radio-Television and Telecommunications Commission.

- (c) The participation of journalists and the public in the ownership or control of the media;

Community broadcasting:

Community participation in radio and television programming has been a marked development during the period under review. The movement has taken root mainly in the 60's and has considerably expanded in the 70's. A significant step towards this development has been the launching in the late 60's of a special program called "Challenge for Change" by the National Film Board of Canada. Crews of the agency initiated community groups to the use of VTR (Video Tape Recorder) equipment for the study of local problems. Series of films have been made in a number of localities by these groups: the films have been used by a number of community groups all across Canada.

During the period under review this movement of using media techniques has substantially entered the phase of the direct use of the broadcasting media (radio, television) by community groups.

Details on a number of these projects can be found in a brochure published in 1974, by the Canadian Radio-Television Commission.¹

1. "A Resource for the Active Community", Canadian Radio-Television Commission. Information Canada, Ottawa, 1974. English and French copies of the brochure are being sent to the Secretary General along with this report.

Designed to assist groups interested in participating in community programming, the brochure is a collection of articles gathered from people who have themselves been involved in community broadcasting. The experiences related in these articles are presented, in the publication, as a possible aid and stimulus to the many community groups across Canada who have been, and are, working to involve the community in broadcasting. In presenting the brochure the Commission expressed the hope "that the articles will increase understanding of the ways in which broadcasting can be used as a resource for the active community."¹

Another measure in favour of the public participation in broadcasting is the requirement that cable television undertakings must designate one of the channels as a community channel. In addition, ten percent of the gross subscriber revenue must be used to support the community channel. The company must actively seek out local interests and provide assistance to groups to enable them to participate. It must also provide programs on the activities of local government councils and school boards, and live coverage of local sports and other events.

Educational broadcasting:

Cable television undertakings are also required to carry any programs produced by a recognized educational authority - usually a provincial government department or agency. Many provinces have in effect developed educational programming.

1. A Resource for the Active Community, Foreword, pageiii.

(d) The professional training of information personnel;

Many Canadian universities offer courses in journalism at various levels. Communication arts, information, radio and television arts and creative writing are offered at about twenty universities and colleges.

There are some scholarship programs for journalists, funded by newspaper interest or such groups as the Canadian Bar Association (for fellowship in legal journalism).

(e) Standards and professional ethics for journalists, and bodies concerned with the implementation of such standards:

Press Councils have been established in the provinces of Alberta, Ontario and Quebec, and in the City of Windsor (Ontario). For details, see pages 34, 35 and 52 below.

IV. Limitations upon the exercise of freedom of information, particularly those pertaining to:

- (a) the protection of the reputation, rights and freedoms of others, including protection against interference with privacy;

During the period under review the Federal Government has concerned itself mainly with the problems caused by the development of computerized data banks and by the interception of private communications.

i) Privacy and Computers:

The wide-spread development of highly efficient computerized data banks gave rise to increasing concern about their potential use for invasion of personal privacy which prompted the Departments of Communications and Justice to establish in April, 1971, a Task Force on Privacy and Computers. The terms of reference of the Task Force were "In general, to consider rights, and related values, both present and emergent, appurtenant to the individual and the issues raised by possible invasions of privacy through the collection, storage, processing and use of data contained in automated information and filing systems." ¹

1. Privacy and Computers, a report of a Task Force established jointly by Department of Communications/Department of Justice, Information Canada, 1972, page 187. Copies of the report of the Task Force in English and in French are being forwarded to the Secretary General along with this report.

The Task Force, which was composed of government officials and outside experts drawn from the universities and industry surveyed the extent of collection, storage and dissemination of personal information in a sampling of government, semi-public and private institutions in Canada and also undertook conceptual analysis of the notion of privacy and reported on the various legal and regulatory devices that could be employed to provide individuals with the means to protect themselves from infringement to their privacy that could occur as a result of personal data gathering and manipulation.

The report of the Task Force was released in December, 1972, and 14 individual studies commissioned by the Task Force were also made available to the public. Upon releasing the report, the Federal Government indicated that it would "be used as a resource document in developing policy on computers and privacy." The Government also announced that it had accepted in principle one of the main conclusions of the Task Force that the first steps to protect the informational privacy of individuals should apply to the government's own data banks, and that specific privacy-protective rules should be developed to regulate the data banks operated by the Federal Government.

Subsequently, on July 21, 1975, The House of Commons gave first reading to Bill C-72 "An Act to extend the present laws in Canada that prescribe discrimination

and that protect the privacy of individuals."¹

ii) Interception of private communications

A "Protection of Privacy Act" has been adopted by the Parliament and was assented to 14th January, 1974.²

The main purpose of the Act was to forbid the interception of private communications and to determine the circumstances where such interception is legal, establishing the procedures to be followed in such circumstances.

The Act creates three indictable offences, that of wilfully intercepting a private communication by means of certain devices; possessing, selling or purchasing those devices knowing that they are designed for surreptitious interception of private communication, and disclosing information obtained from private communications that have been intercepted by means of the devices without consent. The penalties provided are, respectively, a maximum of five, two, and two years imprisonment.

1. Bill C-72 was not adopted before the session of Parliament concluded. Subsequently, on November 29, 1976, a new bill has been introduced into the House of Commons (Bill c-25). Among other things, the bill sets out the rights of access that individuals have to the records on them contained in federal information banks, describes various exemptions, provides for the appointment of a privacy Commissioner and authorizes the Governor in Council to make regulations on the subject. A copy of the Bill is attached.

2. Chapter 50, Revised Statutes of Canada; copy attached.

As an additional punishment, where a person is convicted of wilful interception or possession the devices used may be forfeited. Where there is a conviction for wilful interception or disclosure punitive damages may be awarded up to \$5,000 and where the interceptor is a Crown servant the Crown is liable under the Crown Liability Act.

Exceptions are provided for whereby the interception, possession or disclosure are not indictable offenses, if legal authority has been granted.

The Act makes specific provision whereby legal authority to intercept communications may be granted by a judge and sets out the persons who may apply for that authorization and the criteria that they have to satisfy. The judge must be satisfied that the order would be in the best interests of the administration of justice and that other investigative procedures have been tried, failed and are unlikely to succeed. He must also be satisfied that the matter is so urgent that it would be impractical to use other investigative procedures. The authorization granted by the judge must give details of the interception and cannot be valid for more than thirty days. The judge may also include such terms and conditions as he considers advisable in the public interest. Renewals of the authorization may be given by a judge but each one is limited to a period of not more than thirty days.

Provision is made for an authorization to be given without the necessity of going through the regular procedure in the case of emergency. An application for such authorization can only be made by a designated peace officer to a designated judge and, if granted cannot be for a period exceeding thirty-six hours.

Provision is made for written notification to be given to the person whose communications have been authorized to be intercepted.

Where evidence has been obtained as the result of an interception of a private communication it is inadmissible unless the interception has been lawfully made or unless there is consent to its admission at trial.

The Solicitor General of Canada is required to lay before Parliament a detailed report indicating the usage of the Act which includes detailed information concerning authorizations and interceptions. As the provinces have a role to play in the administration of justice the Attorneys General of the provinces are also required to make public similar reports.

- (b) The protection of national security or of public order or of public health or morals, including suspension of freedom of information in situations of emergency;

The exercise of freedom of information is regulated by various legislation and regulations, for the purposes outlined above.

The Criminal Code, Section 159 (8) defines offensive materials as that which unduly exploits sex or exploits a combination of sex and crime, horror, cruelty or violence. Action is against the publication, by seizing and banning it, and against persons distributing it after it has been declared obscene.

The Criminal Code, Section 164 also provides that: "Everyone commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous..."

The Post Office Act, Section 7 authorizes the Postmaster General to prohibit the use of the mails to any persons whom he believes to be using the Postal Service for illicit purposes.

Also, "treasonable or seditious, immoral or indecent" material may be excluded from Canada under Tariff Regulations: Tariff Item 99201-1 of Schedule C of the Customs Tariff.

Broadcasting regulations:

The Regulations governing broadcasting by radio AM and FM, television and cable television prohibit broadcasts of (a) anything contrary to law; (b) any abusive comment or abusive pictorial representation of any race, religion or creed; (c) any obscene, indecent or profane language or pictorial presentation and (d) any false or misleading news.

The Regulations require that an equitable allotment of time be made to all parties and to rival candidates, in advertisements, programs or announcements of a partisan political nature.

The Regulations govern the proportion of time given to paid advertising. There are restrictions on the content of advertising for beer and wine, and advertising of spirituous liquor is prohibited. Articles which come under the authority of the Food and Drugs Act may not be advertised except with the approval of the Department of National Health and Welfare or the Department of Consumer and Corporate Affairs.

The Regulations also prohibit the showing of a program likely to cause a public disturbance, or a program that is otherwise offensive and objectionable.

Television stations and networks are prohibited from broadcasting advertisements which make use of subliminal devices.

Special restrictions also apply to television advertising directed at children, and these advertisements must be approved by the Canadian Advertising Advisory Board.

- (c) Advocacy of and propoganda for national, racial or religious hatred or racial and religious discrimination;

In 1970, the federal government amended the Criminal Code of Canada by inserting new sections on the subject of hate propaganda.¹

The Act creates three distinct offences: Advocating or promoting genocide, public incitement of hatred and wilful promotion of hatred of an identifiable group which is defined as "any section of the public distinguished by colour, race, religion or ethnic origin."

The advocacy of genocide is an indictable offense punishable by up to five years imprisonment; the two other offences are either indictable offences punishable by two years imprisonment or offences punishable on summary conviction.

(d) Propaganda for war;

(e) Coverage by the press and other media of court proceedings;

In Canada the right to a fair trial prevails over the freedom of the press to cover court proceedings. The media are therefore restrained in their coverage of court proceedings in most cases where unfairness in a trial seems likely to result from the coverage.

1. An Act to Amend the Criminal Code, 1969-70, c. 39, Sections 281.1, 281.2, and 281.3. Copy attached.

The main legal provision regulating coverage of court proceedings is the law of "contempt of court" which derives from the English common law and is a criminal offence not included in the Criminal Code or in other federal statutes. It is an unwritten law, generally defined, with regard to court proceedings, as a conduct likely to prejudice the fair trial of an accused person; it is punishable by fine or by imprisonment.

Several additional restrictions can also be found in the Canadian Statutes.

The Criminal Code s. 467 since 1969 allows an accused person to apply to have newspapers and broadcasters restrained from publishing evidence given at preliminary enquiries. A judge must inform an accused that he or she has this right. S. 470 of the Criminal Code prohibits media references to confessions made at such hearing.

The Criminal Code, s. 442 permits exclusion of the public from the court in certain cases. The judge, justice or magistrate may exclude all or any members of the public from the criminal court room in the interest of public morals, maintenance of order or proper administration of justice.

In civil or administrative proceedings the press is generally barred from cases involving mental incompetents, or regarding deserted wives' and children's maintenance or other family court matters.

It is also a prevailing practice to prohibit the taking of pictures in the courts during the proceedings.

(f) Other considerations

V. Action with a view to ensure that freedom of information and access to information is enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status.

i) Access to information on government programs

The "Report by Canada on Freedom of Information" of August 1971 described on pp. 18-19 the establishment and functions of Information Canada. The agency has been in operation for the entire period under review.¹

ii) Public Access to Federal Government Documents

Public access to federal government documents is restricted in general by the operation of the Oath of Office and Secrecy, by the Official Secrets Act, and by the security classification system. In the cases of specific kinds of information, there are some two dozen federal statutes regulating access, such as the Criminal Records Act, the Income Tax Act, the Corporations and Labour Union Returns Act, and the Statistics Act.

1. On March 31, 1976, Information Canada was disbanded as a part of the government's fiscal restraint programme. Some of its functions were transferred to various other agencies, while the remainder were discontinued. A unit maintaining a capability for responding to general enquiries has been transferred to the Department of the Secretary of State. A part of the responsibilities of the Regional Enquiry Centres which have been disbanded will be carried on by the Consumer Services Branch of the Department of Consumer and Corporate Affairs. The Publishing and Expositions Branches have been taken over by the Department of Supply and Services.

During the period under review the Government and the Parliament have concerned themselves with the problem of greater access to government documents by the Members of Parliament and the public.

In March 1973, the government tabled in the House of Commons a document ¹ providing criteria to guide Ministers as to the production of papers moved for by Members in the House of Commons. The general principle is as follows: "To enable Members of Parliament to secure factual information about the operations of government to carry out their parliamentary duties and to make public as much factual information as possible consistent with effective administration, the protection of the security of the state, rights to privacy and other such matters, government papers, documents and consultant reports should be produced on Notice of Motion for the Production of Papers unless falling within the categories outlined below in which case an exemption is to be claimed from production."

The guidelines list 16 criteria which are to be applied in determining if government papers or documents should be exempt from production.

1. Notices of Motion for the Production of Papers. Copy attached.

In June, 1973 guidelines were issued to implement the policy of making available to the public as large a portion of the Public Records of the Canadian Government as might be consistent with the national interest.¹

The House of Commons has also taken steps to review the question. On December 19, 1974 "An Act respecting the right of the public to information concerning the public business,"² had been introduced into the House. The Bill was referred by all party agreement, along with "Notice of Motion for the Production of Papers," for study by the Standing Joint Committee on Regulations and other Statutory Instruments.³

1. 'Transfer of Public Records to the Public Archives and Access to Public Records held by the Public Archives and by Departments.' Copy attached.

2. Bill C-225 sponsored by an individual Member of Parliament.

3. In December 1975, the Committee reported to the House of Commons that it "approves in principle the concept of legislation relating to freedom of information" and sought a renewal and broadening of its mandate to study this problem. The House of Commons concurred by all party agreement in the report of the Committee on February 12, 1976.

iii) Extension of service of the Canadian Broadcasting Corporation:

1. Accelerated coverage plan;

On February 14, 1974, the Secretary of State announced an accelerated coverage plan for the publicly owned radio and television system, the Canadian Broadcasting Corporation. Over five years, with an additional capital cost of an estimated \$25 million, coverage is being extended to bring reception to about 800,000 people in very remote communities.¹ (Coverage would increase from 97.4 percent television viewers and 98.7 percent radio listeners, to 99 percent of the total population).

Canada's problems are unusual: 31,000 miles of radio network and 13,000 miles of television network are required to reach just over 6 million homes, roughly the equivalent of New York's TV-served households. To achieve its objectives Canada also uses channels on its domestic communications satellites ANIK.

2. Northern Service.

The CBC Northern Service continues to serve the special programming needs of native Indian, Inuit, Metis and non-native residents of the far north. English, French, and ten native languages and dialects are used.

1. The accelerated coverage plan began in July 1975 with installation of a radio transmitter to serve 2,000 residents of the northern Saskatchewan community of La Ronge. By December, 1975 four small communities in northern Quebec and nine in the Northwest Territories had also been brought under the plan.

Time is allotted to broadcast public service announcements from territorial organizations, native groups and government departments. The CBC works closely with native groups and provides training and assistance in community broadcasting in the North.

iv) Special assistance through the Canada Council:

Under Section III (a) of this Report, mention was made of the specific kinds of assistance granted to publications (of research in the humanities and social sciences, for example) by the Canada Council. The Canada Council also buys outright a quantity of books by Canadian writers and makes them available to small libraries to reach increased numbers of the reading public. Rural libraries serving institutions such as hospitals, prisons and homes for the elderly, and other low-budget libraries may apply for kits of 200 books, which may be either in French, English, or a combination of both languages. At the end of 1975, 348 such kits were distributed at a cost of \$600,000 for the current year.

v) The National Library:

The problems which face the National Library of Canada concern not the freedom of access to information, but the logistical problem of access to it in a world which produces overwhelming quantities of print and non-print information. Since July 1, 1970, the Library has made important progress in facilitating this access.

The National Library is continuing to build a resource collection to supplement the holdings of Canadian Libraries; it receives on legal deposit two copies of all books and periodicals published in Canada and acquires by gift, exchange or purchase, material published abroad, including substantial collections of documents published by other governments.

In the context of UBC (Universal Bibliographic Control) the Library has negotiated precedent setting agreements for the exchange of national bibliographic data with Australia, France, the United Kingdom and the United States of America. The Library is moving steadily toward the automation of its bibliographic record files, including the mammoth Canadian union catalogue which identifies the holdings of over 300 major Canadian libraries.

Information is freely available to all Canadians; groups with special needs are sometimes inadequately served and the National Library has made efforts to ameliorate this situation by providing back-up services. A Multilingual Biblio-service was created to circulate to public libraries collections of books in the languages of Canada's many ethnic groups. A Task Group on Library Service to the Handicapped was commissioned to investigate present conditions and to propose a coordinated national program of service to the handicapped.

Facilitating access to information and identifying unmet needs and answering these are major goals of the National Library, and work will continue in these directions.

Northwest Territories

The Department of Information of the Government of the Northwest Territories is responsible for informing N.W.T. residents of the programs and services provided by their government. It is a central agency serving all government departments.

Communications programs include a monthly newspaper in English and Eskimo syllabics, news releases, publications and information papers, radio programming and audio-visual presentations.

VI. Difficulties experienced in ensuring the enjoyment of freedom of information and access to information and methods and measures utilized to overcome these difficulties.

Canada's primary difficulty in the dissemination of information is geographic. To overcome this difficulty Canada uses the most advanced communications techniques, telecommunications stellites in particular.¹

The use of highly efficient computerized data banks for the collection of informations has given rise to concern about their potential use for invasion of personal privacy. The federal government has ordered studies of these problems; and legislative measures to regulate the use of data banks by the federal administration are being examined.²

1. Page 5

2. Page 13-15

The interception of private communications threatens the privacy of individuals. The federal government has enacted the "Protection of Privacy Act" which forbids the interception of private communications except in cases defined in the law.¹

Northwest Territories

The chief difficulty experienced in the Northwest Territories is the diversity of languages of the native peoples. The government is attempting to translate all of its ordinances, at least in summary, into at least one native language.

The Department of Information is coping with the communication problems presented by a multitude of native languages through its Interpreter-Translator Corps. Twenty-three Inuit and Indian translators have been given extensive training and are providing expert interpreting and translating services throughout the N.W.T. This includes simultaneous interpreting at sessions of the Northwest Territories Council.

Yukon Territory

The Yukon Territory has the same basic problem in this area as the Northwest Territories, that is a diversity of native languages.

1. Pages 15-17

SECOND PART: Measures taken by the Provinces

Chapter I¹

Alberta
British Columbia
Manitoba
New Brunswick
Newfoundland
Nova Scotia
Ontario
Prince Edward Island
Saskatchewan

1. Report prepared by the Department of the Secretary of State (federal) on the basis of information received from these provinces. For the report of Québec see Chapter II, pages 45 to 54.

I. Concise introductory description of general policies and significant developments during the period from July 1970 to 30 June 1975 with regard to the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers.

Alberta

The establishment of new communications systems and departments within Alberta have resulted in increased access to government policy and services and more effective dissemination of information by government departments.

Nova Scotia

The province of Nova Scotia has passed several pieces of legislation which have a direct bearing on the issue of privacy. This legislation includes the Nova Scotia Statistics Act, and an Act to regulate the collection of data by credit bureaus.

Saskatchewan

The province of Saskatchewan has adopted a Privacy Act and a Credit Reporting Agencies Act. It has also attempted to develop non-profit, community controlled cable television organizations in Saskatchewan cities.

II. Influence of United Nations instruments on constitutions and legislation adopted and court decisions rendered during the period for the recognition, enjoyment and protection of freedom of information.

III. Legislative and other measures adopted during the period, concerning in particular:

- (a) the development of information media;
- (b) the operation of press and publications, radio, film, television and other media;

Alberta

The Alberta Educational Communications Corporation Act¹ was passed in 1973. This act established the Alberta Educational Communications Corporation or ACCESS which operates broadcasting undertakings primarily devoted to the field of educational broadcasting. It's purpose is to provide a framework within which educational broadcasting and the development, production and distribution of educational materials can take place. ACCESS is funded by provincial government grants. ACCESS operates C.K.U.A. radio - a province wide AM-FM facility as well as ACCESS-TV.

- (c) the participation of journalists and the public in the ownership or control of the media;

Saskatchewan

The Government of Saskatchewan has attempted to develop non-profit, community controlled cable television organizations in Saskatchewan cities. In May 1973, the Government published guidelines to this effect,

1. S.A. Chapter 3, 1973. Copy attached.

stipulating conditions which an organization must fulfill in order to qualify for a discretionary grant of \$5,000 and for a Sask Tel contract when licensed by the Canadian Radio-Television Commission. These conditions stated the organization must:

- be incorporated as a legal entity;
- be participatory and representative in structure;
- co-operate with similar organizations to share resources and facilities;
- provide for a Programming Advisory Council responsible for promoting community participation in program production; and
- have wide community support.

As a result, community associations, incorporated under the provincial Co-op Associations Act, emerged in the four cities of Regina, Moose Jaw, Saskatoon, and North Battleford. Once in operation, the cable television co-operatives proceeded to apply, with the aid of financial assistance given by the provincial government, to the Canadian Radio-Television Commission for licenses to operate Broadcasting Receiving Undertakings in these four communities.

(d) the professional training of information personnel.

Alberta

There are several community colleges and universities within Alberta that offer courses in communications.

- (e) standards and professional ethics for journalists and bodies concerned with the implementation of such standards.

Press Councils were established in the provinces of Alberta and Ontario, and in the city of Windsor (Ontario).

Alberta

The Press Council is a citizen's group in Alberta. Their role is to investigate complaints by the public against the media. It has a membership of five daily newspapers and is made up of one newspaper representative and one representative of the public from each of the five communities served by the member papers.

Ontario

The eight newspapers affiliated with the Ontario Press Council include 55 percent of the readership of the province. The Council is made up of ten professional (newspaper) members, ten members of the public and a chairman. It considers complaints from the public against the affiliated newspapers, through Inquiry Committees made up of three members from the public and two from the press. During its first sixteen months of operation the Council dealt with 33 complaints: five were decided in favor of the public, five in favor of the newspaper, one was not heard because it was identical to an earlier case, and 22 were settled between the parties.

Of concern has been the question of naming persons accused of crimes, before trial. The Council has launched a public debate on this question.

The constitution of the Ontario Press Council was adopted in 1972 and amended in 1974.¹

The city of Windsor maintains a community Press Council, consisting of twelve representatives of the community and two from the Windsor Star. It was organized in 1971. One of its decisions in 1974 was to uphold a complaint by the newspaper against the Board of the Hotel Dieu of St. Joseph for excluding the press from its meetings. Most complaints are from citizens dissatisfied with news coverage or advertising policies.

IV Limitations upon the exercise of freedom of information, particularly those pertaining to:

- (a) The protection of the reputation, rights and freedoms of others, including protection against interference with privacy;

British Columbia

In 1973 the British Columbia Legislature passed the Personal Information Reporting Act² which allows consumers and private citizens access to personal information files kept on them by reporting agencies. The Act covers extensive regulations relating to procedures which must be followed by reporting agencies and the

1. Copy attached.

2. S. B.C. CHAP. 139, 1973. Copy Attached.

rights of the individuals on which data is collected. Other legislation (Bill #38, the Public Officials & Employees Disclosures Act, amended March 1976) relates to the financial holdings of politicians.

Manitoba

The province of Manitoba has adopted a Privacy Act in 1970.¹

The Act makes it a tort actionable without proof of damage, for a person wilfully and without claim of rights to violate the privacy of another person. It places in the prohibited category of offences surveillance and eavesdropping whether or not accompanied by trespass. It also makes actionable the unauthorized use of a name or portrait of another person for advertising property or services. The legislation contains qualifications and exceptions to the main provisions. These exceptions are intended to take account of such considerations as consent to invasions of privacy, the exercise of legal privilege, public interest, and performance of their duty by peace officers and similar officials. The act also sets out the remedies available in cases of violations of its provisions.²

1. The Privacy Act, Statutes of Manitoba, 1970, Chapter p. 125.

2. A similar act had been adopted in 1968 by the province of British Columbia. (Privacy Act, Statutes of B.C., 1968, Chapter 39). An account of this act has been given in the Report by Canada on Freedom of Information, August 1971, pages 7-8.

Nova Scotia

In 1971, the Province of Nova Scotia revised its Statistics Act to bring it into conformity with federal legislation and to introduce the principle of confidentiality of individual schedules. The new Act is comprehensive in that it specifies the creation of an agency, outlines in detail the functions and administration of such a staff group, incorporates the matters of secrecy and protection of returns, outlines the powers of access to information and the requirements for exchange or transmittal of statistical information to other parties, and sets out the offences and penalties for disclosure or nonresponse.

The Province of Nova Scotia also passed on the 6th day of April, 1973, the Consumer Reporting Act, designed to control the manner in which consumer reporting agencies handle consumer report files on individuals, partnerships, co-ops and corporations. Some of the main provisions of the Act are as follows;

1. a consumer reporting agency must be registered as such;
2. a consumer reporting agency can only furnish information from its files in certain specific instances;
3. standards are set out for consumer reporting agencies with respect to the gathering of the most accurate information possible to be included in consumers reports and for the discarding of what is deemed to be old and obsolete information that is not to be included in consumer reports;

4. standards are set out as to the circumstances in which a consumer report may be prepared or procured on a consumer;
5. the right of a consumer is established to look at his or her file and to dispute the accuracy of any information relating to him or to her in the files;
6. exclusions from the operation of the Act are made in the regulations to exempt business transactions that may involve consumer reporting as incidental to such transaction but not as the main aspect of same, and also to exclude police officers conducting an investigation in the ordinary course of their duty.

Saskatchewan

The province of Saskatchewan has adopted a Privacy Act,¹ on May 10, 1974. The provisions of the Act are quite similar to those of the Manitoba Act of which a summary has been made above (page 36).

The province of Saskatchewan has also adopted, in 1972, a Credit Reporting Agencies Act² to ensure the accuracy of credit reports prepared by credit reporting agencies on consumers, to restrict the distribution of such reports and to ensure access to the consumer

1. The Privacy Act, Statutes of Saskatchewan, 1974. Chapter 80.

2. The Credit Reporting Agencies Act, 1972, Statutes of Saskatchewan, Chapter 23. Copy attached.

of his/her credit report. The Act limits freedom of information as follows:

- (1) information must be accurate.
 - (2) individual has right to correct information in his/her credit reporting file.
 - (3) individual has right to know contents of his/her file.
 - (4) derogatory information that is more than 7 years old must be removed from file.
 - (5) credit file information can only be given to authorized persons.
 - (6) individual has right to be advised as to who has received reports on him/her.
- (b) the protection of national security or of public order, or of public health or morals, including suspension of freedom of information in situations of emergency;

Violence in the media

In May 1975 the province of Ontario established a Royal Commission to "study the possible harm to the public interest of the increasing exploitation of violence in the communications industry."¹ It was empowered and instructed:

1. The Commission has published an Interim Report in January 1976. The final report is expected early in 1977.

1. to study the effects on society of the increasing exhibition of violence in the communications industry;
2. to determine if there is any connection or a cause and effect relationship between this phenomenon and the incidence of violent crime in society;
3. to hold public hearings to enable groups and organizations, individual citizens and representatives of the industry to make known their views on the subject;
4. to make appropriate recommendations, if warranted, on any measures that should be taken by the Government of Ontario, by other levels of Government, by the general public and by the industry."

Film Censorship

Most provinces have boards of censor or review in regard to the grading or categorizing of films, which regulate their exhibition. Most of these boards may also prohibit the exhibition of films within those provinces.

In 1971 students of McMaster University in the province of Ontario were charged with showing obscene films under S.150 (now S.159) of the Criminal Code. (Regina v Goldberg and Reitman). The County Judge found them guilty. The verdict was appealed to the Ontario Court of Appeal, but the appeal was dismissed.

In another Ontario case in 1971 (Regina v Times Square Cinema Ltd.) the Appeal Court reversed a lower court conviction of obscenity regarding the public showing of a videotape. The appeal court admitted as evidence surveys designed to establish community standards of tolerance.

In Nova Scotia a private citizen charged that the Board of Censors did not have the right to prevent the showing of a film, "Last Tango in Paris." He established in a case before the Supreme Court of Canada his right as a citizen to challenge the action of the administrative board. He then, in 1975, laid a charge against the Board of Censors. His case was upheld by the Nova Scotia Supreme Court ¹ which ruled that censorship does not lie within provincial jurisdiction. ²

(c) advocacy of and propaganda for national, racial or religious hatred or racial and religious discrimination;

The human rights legislation of all the provinces contain provisions prohibiting any publicity indicating discrimination or an intention to discriminate or which is likely to cause discrimination. ³ The prohibitions are not absolute however as they are generally assorted with a clause providing that they are not to be deemed to interfere with the free expression of opinions. ⁴

1. Copy of the judgement of the Nova Scotia Supreme Court is forwarded to the Secretary General along with a copy of the Nova Scotia Theatres and Amusement Act and regulations.

2. The decision has been appealed to the Supreme Court of Canada.

3. An account of these provisions has been made in an Annex to the Third Report of Canada on the International Convention on the Elimination of all Forms of Racial Discrimination submitted to the Secretary General in March 1976. Additional copies of that Annex are being sent to the Secretary General for his convenience.

4. In Manitoba, legislative amendments to the Human Rights Act in June 1976, further expanded prohibitions of publicity to any which exposes or tends to expose a person to hatred. Section 2 (1) Human Rights Act, S.M. Chapter H 175, Copy attached).

Ontario

The Ontario Human Rights Commission has noted the problem created by adherence to the principle of freedom of speech, in dealing with purveyors of hate propaganda which induces anxiety among the groups being attacked and contributes to community tensions.

The Commission has pursued a policy of (1) alerting the public to the appearance of hate literature and recorded hate messages; (2) encouraging voluntary organizations, church groups, religious and ethnic organizations to articulate their condemnation of all hate propaganda so as to reassure those minority groups which become alarmed because they are the objects of the extremist attacks; (3) maintaining continuing liaison with the Ministry of the Attorney General of Ontario for concerted efforts to provide new legislative powers to cope with the purveyors of hatred, their activities and the instruments they use; (4) advocating creative use of all the relevant provisions of the Criminal Code to attack the problem.

(d) propaganda for war;

(e) coverage by the press and other media of court proceeding;

(f) other considerations.

V. Action with a view to ensure that freedom of information and access to information is enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth and other status.

Alberta

i) PUBLIC AFFAIRS DEPARTMENT

The Alberta Public Affairs Bureau was established by Executive Council (Order in Council 555/73) on April 10, 1973. This order charges the Bureau with responsibility for the promotion of widespread interest in the Province of Alberta... public relations, advertising and information services and related functions required by every department of the Government. Public Affairs is responsible for developing government-wide communication policy and providing services to increase citizen-awareness and understanding of government, for developing and co-ordinating all government communication, for co-ordinating official Alberta Government identification and fostering standardization and compatibility of communications production equipment. Services are provided through Communications and Communications Production.

ii) REGIONAL INFORMATION TELEPHONE ENQUIRIES SYSTEM

The regional information telephone enquiries, or R.I.T.E. network was established in late 1975. It is designed to improve telephone communication between government personnel and departments and to provide citizens of Alberta with a convenient free of charge means of securing information from their government. For provincial employees the R.I.T.E. network provides a province-wide department to department or individual to individual access on government lines.

For Albertans the R.I.T.E. system provides a means to eliminate the delays and frustrations experienced by not being able to contact the right department or individual in government. It also eliminates the costs of long distance calls and need to enter into an exchange of correspondence. Trained information operators in 34 R.I.T.E. centres throughout the province now provide quick access to government for every citizen.

Newfoundland

The government of Newfoundland, in an effort to ensure access to and freedom of information, created the Newfoundland Information Services Branch of the Department of Public Works and Services to co-ordinate and disseminate information on behalf of Government.

Saskatchewan

The Saskatchewan cable co-operatives have enlisted large segments of their communities in support of their efforts to provide cable television services. The Co-ops and their Programming Advisory Councils have a wide range of linguistic, ethnic, religious and other groups in their work, recognizing both the multicultural diversity of our society and the importance of community programming to the preservation of this diversity.

VI. Difficulties experienced in ensuring the enjoyment of freedom of information and access to information and methods and measures utilized to overcome these difficulties.

CHAPTER II:

B - QUEBEC¹

1. Report prepared by the "Commission des droits de la personne" of the Province of Quebec and submitted by the Department of Intergovernmental Affairs of the Government of Quebec.

- I- Brief description of general lines of conduct and important facts that have marked the July 1, 1970, to June 30, 1975, period, respecting the freedom to obtain, receive and disseminate information and ideas via the media, irrespective of boundaries.

For the period mentioned above, the main elements of the objectives of Québec's policy in the information field can be summarized in the following manner:

- the inalienable right, for all Québec citizens, to information according to their cultural, social, economic and political needs;
- the obligation of providing, whether directly or indirectly, the government and its agencies with modern communications systems, permitting them to fully assume their responsibilities towards the population of Québec;
- the promotion and maintenance of a communications system, integrated into systems outside Québec, to facilitate and contribute to the development of all and to the attainment of the objectives of Québec.

In order to accomplish these objectives, the Québec Government created the Department of Communications in 1969. Québec was thus the first province to establish a department of this nature.

Once the principal elements of its overall policy respecting communications had been defined, in 1972 Québec passed the final legislation necessary for implementing this policy.

In 1972, the objective of the Act to amend the Public Service Board Act was to assign the Régie des services publics authority with respect to all communications enterprises coming within the legislative jurisdiction of Québec. It also provided that the Régie must respect the regulations adopted by the Cabinet and advise the Minister with regard to any matter referred to it by him.

In 1972 as well, an Act amending the Québec Broadcasting Bureau Act was passed to modify the composition and structure of the Office de radio-télédiffusion du Québec, to provide it with a board of directors, to redefine its functions while providing that, in carrying them out, it respect the regulations adopted by the Cabinet.

In the same year, the Act amending the Communications Department Act assigned new responsibilities to the Minister of Communications.

Upon completion of the legislative framework, the Government of Québec adopted on September 25, 1973, a regulation respecting cabledistribution public services. This regulation came into force on November 1 of the same year.

On August 20, 1973, the Conseil de Presse du Québec was created. The basic objective of the Conseil is to ensure the public's right to impartial, accurate and in-depth reporting of information in all its forms by defending freedom of the press.

II- Influence of United Nations documents on the constitution and legislation passed, and on jurisprudence during the period under study, respecting the acknowledgment, enjoyment and protection of freedom of information.

Québec authorities have constantly referred to the United Nations documents which constitute the basic frame of reference for drafting legislation in the field of information.

III- Legislative and other measures adopted during the period with respect to the following areas, in particular.

(a) The development of information media

In 1972, the Public Service Board Act (R.S. 1964, chap. 229) was amended in order to confer responsibility on the Régie des services publics for final decisions respecting the location and the conditions for connecting the installations necessary for the operation of a public service. The same Act defines in part a "public service" as being any service the principal or accessory object of which is the broadcast, transmission or reception of sound, images, signs, signals, data or messages by wire, cable, waves or any electric, electronic, magnetic, electromagnetic or optical means.

In exercising its right of supervision over owners of public services, the Régie may make such ordinances as it may deem necessary respecting the quality of the service, equipment, apparatus, extension of works or systems, message routes, reports to be made, rules, regulations, conditions and practices respecting rates, prices, rentals and any other matter within its jurisdiction. The Régie may also decree as to the measures required to protect and assure the functioning of any telephonic, telegraphic or signalling line, in the event of its crossing or parallelling another construction or line under the control of the Régie. It may also make such ordinances as it may deem necessary to assure public safety and advantage and the faithful performance of any contract entailing the use of public property or rights.

This change in the Public Service Board Act of 1964 had become necessary following amendments to the Québec Broadcasting Bureau Act (1969, chap. 17) that stipulate, among other provisions, that the objectives of the Office de radio-télédiffusion du Québec were to establish, possess and operate a service for producing audio-visual material and radio and television broadcasts under the name Radio-Québec. It was moreover stipulated that, at the request of the Minister of Communications, the Office should prepare audio-visual material and radio and television broadcasts for educational purposes in cooperation with the other departments or government bodies. The Office may also, by purchase, exchange or other means, use the audio-visual material, copyrights, trade marks, patents of invention, permits or franchises necessary for the attainment of these projects.

In 1972 as well, the legislation respecting the Bureau de l'Editeur Officiel du Québec (R.S.Q. 1964, chap. 54) was amended in order to enable the Bureau to produce and distribute not only printed documents but also any audio-visual material produced by the government or any department or body under its jurisdiction.

In 1973 the Regulation respecting cabledistribution public services (Regulation 73-498, September 25, 1973) was issued. It regulates cabledistribution public services and for this purpose sets down the following requirements: the production of any cabledistribution public service must be of high quality, make use of local resources, be in French, including vocal music, except in the case of educational programming and community productions in respect of which the use of another language is authorized by the Régie. This production must also promote the creation and dissemination of audio, visual or audio-visual productions of Québec and the arts in general, particularly the theatre, cinema, music and records.

Finally, the Act respecting the cinema was assented to on June 19, 1975 (Bill No. 1). This legislation requires the Québec Minister of Cultural Affairs to promote the establishment and development of the artistic, industrial and commercial organization of a film industry that will reflect and develop the distinctive culture of the people of Québec. Under this legislation, the Minister is also required to promote the development of a first-rate Québec film industry encouraged in and reflecting all regions of the Province. He must ensure freedom of creation and expression, freedom of choice for the viewing public and the development and establishment of independent and financially autonomous Québec firms in the film industry. He must also promote the development of children's cinema and of short film subjects and the preservation and classification of works produced by the public sector.

(b) The functioning of the press and the publishing industry, radio broadcasting, cinema, television and the other media

See above under the heading I

(c) The participation of journalists and the general public in media ownership and control

In 1976-77, for the fourth consecutive year, the Québec Department of Communications has taken action in the community communications sector.

This communication sector is characterized principally by the extent to which it is representative of the community in which it originates and by the degree to which the members of a community demonstrate their willingness to utilize the medium for their own distinctive purposes while contributing their human and financial resources.

This programme is designed to make the communications media and content accessible to the people of Québec, to encourage community use and control of certain means of communication, to develop critical awareness with respect to utilization of the media, and to influence the traditional communication structures.

(d) Professional training of journalists

Laval University, Québec City

Laval University offers three programmes in the communications field.

First, a bachelor's degree in public relations is offered, for which students must complete 30 credits in the journalism and communications sector. Communications are studied from the perspective of public opinion, groups and institutions, the media and government information.

The second programme leads to a bachelor's degree in communications. Successful completion of this programme requires 90 credits for courses concentrated on the techniques of mass communication, the various classes of communications media as well as the media themselves and other communications enterprises.

The journalism programme constitutes the third course of study. A wide range of courses is made available in order to

ensure that future journalists acquire both general and specific journalism training. Students are required to familiarize themselves with such elements of the profession as the rights and responsibilities of information, the economics of the means of communication and the political commentary of the press and so on. These courses cover radio, television and the printed press.

University of Montreal

The University of Montreal offers a very thorough Master of Science programme in communications. This programme has two elements: scientific survey techniques — which covers all the processes of scientific research similar to those utilized in the social sciences and psychology; and community research and development — which includes, for example, the economic planning of communications networks, the development of community television systems, advertising and so on. This is normally a two-year programme and covers all means of communication.

University of Québec in Montreal

The communication module at the University of Québec in Montreal offers a three-year course of study designed to provide people with training which will enable them to analyze and modify communication systems and to elaborate new models in order to ensure the socio-cultural changes required in articulating information. In the second year of the programme, the student studies one or two media in depth (television, audio-visual, journalism, radio, film, etc.). In the third year the student undertakes a field project of his choice.

University of Montreal - Faculté de l'Education permanente

The Faculty of Continuing Education at the University of Montreal offers a diploma in communication sciences.

This course is designed principally for persons whose work entails the dissemination of information. The candidate must successfully complete introductory courses in linguistics, psychology and sociology. This programme requires 30 course credits.

(e) The professional standards and duties of journalists and pertinent agencies

In addition to the legal provisions aimed at protecting the individual (see IV below), the Conseil de Presse du Québec constitutes a "tribunal of honour" to which any individual, group or entity which deems itself injured by the press may submit its case. In making public its decisions, recommendations and criticisms, the Conseil is able to exercise considerable influence on the public and the press.

IV- Restrictions in the exercise of freedom of information especially with regard to the following areas.

(a) The safeguarding of the reputation, rights and freedoms of persons, including their privacy

Press Act- (1964 R.S., chap. 48)

Any person who deems himself injured by an article published in a newspaper may claim damages. The person may also avail himself of the "right of retraction" by asking the newspaper to retract its words on the day following the receipt of such request or on the next day thereafter. In this case, the newspaper must publish its retraction free of charge and in as conspicuous a place in the newspaper as the original article. The newspaper must also publish at its expense any reply which the party who deems himself injured may communicate to it.

Should the newspaper refuse to publish a retraction, legal proceedings for damages may be taken.

Charter of human rights and freedoms

A Bill (assented to June 27, 1975) creating a charter of human rights and freedoms, sanctions the safeguarding of every person's reputation and privacy. This legislation states that every person has a right to the safeguard of his dignity, honour and reputation and to respect for his private life.

(b) The safeguarding of national security and law and order, health and ethics including the suspension of freedom of information in periods of crisis

No comment

(c) The dissemination of national, racial or religious hatred and propaganda supporting these attitudes

Section II of the Charter of human rights and freedom (assented to June 27, 1975) forbids any distribution, publication or public exhibit of a notice, symbol or sign involving discrimination, and no one may authorize anyone to do so.

(d) Pro-war propaganda

No comment

(e) Reports of legal proceedings by the press and other media

The Press Act, mentioned in (a), declares privileged, and therefore juridically unassailable, reports of the sittings of the courts provided they be not held in camera.

/

- V- Measures to ensure freedom of information and access to information for a growing number of persons, without distinction as to race, colour, sex, language, religion, political or other convictions, national origin, social condition, personal wealth, birth or any other status

The regulation respecting cabledistribution in Québec (Regulation 73-498, September 25, 1973) stipulates that the Régie des services publics du Québec, before granting the authorization to operate a cabledistribution public service, must take into account the participation of the community in the ownership of the cabledistribution public service, the programming provided to this community, and the possibility for citizens to participate in the community productions. Moreover, this regulation provides for the subscriber's rights by stipulating that every person residing within an exclusive territory granted to a cabledistribution public service may request the service provided by the latter and that the subscriber must obtain such service as soon as possible after receipt of his request.

APPENDIX

List of documents forwarded to the Secretary General along with the Report on Freedom of Information. a/

1. A Resource for the Active Community, Canadian Radio-Television Commission. Information Canada, Ottawa, 1974.
2. Privacy and Computers, Report of the Task Force established jointly by the Department of Communications and the Department of Justice, Information Canada, 1972.
3. Bill C-25 "An Act to extend the present laws in Canada that prescribe discrimination and that protect the privacy of individuals". (First reading, November 29, 1976).
4. Protection of Privacy Act, Chapter 50, Revised Statutes of Canada.
5. An Act to Amend the Criminal Code (Hate Propaganda), 1969-70, c. 39, Article 281, 1-3.
6. Notices of Motion for the Production of Papers.
7. Transfer of Public Records to the Public Archives and Access to Public Records held by the Public Archives and by Departments.
8. The Alberta Educational Communications Corporation Act, S.A. Chapter 3, 1973.
9. Constitution of the Ontario Press Council.
10. Personal Information Reporting Act, S. B.C. Chap. 139, 1973.
11. The Credit Reporting Agencies Act, 1972, Chapter 23, Statutes of Saskatchewan. Also the Regulation 236/72.
12. Judgement of the Supreme Court of Nova Scotia in Gerald McNeil c. Her Majesty the Queen. S.H. No. 03925.
13. Theatres and Amusements Act, Chap. 304, Statutes of Nova Scotia, and Regulations.
14. Statutes of Nova Scotia, Provisions as to secrecy and comments.
15. Obligations of States Parties under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination - Annex to the third Report of Canada under this Convention.
16. Human Rights Act, S. Manitoba, Chapter H 175.

a/ The documents are available for consultation in the files of the Secretariat.