



**PROGRESSIVE CONSERVATIVE PARTY
OF NEWFOUNDLAND AND LABRADOR**

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The Honourable David B. Orsborn
Committee Chair
Access to Information and Protection of Privacy Act Statutory Review 2020
3rd Floor
Beothuk Building
20 Crosbie Place
St. John's, NL
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January 11, 2021

RE: POLITICAL PARTIES

Dear Honourable Chair:

I write in response to your letter of December 3rd, 2020, outlining the 2020 Statutory Review of the *Access to Information and Protection of Privacy Act, 2015*, SNL 2015, c A-1.2, and submissions received to date.

Of particular note in your letter, as outlined, was a submission from the Office of the Information and Privacy Commissioner, and the recommendation:

Recommendation 8.1: broaden the scope of ATIPPA, 2015 to include political parties by adding "registered political party" to the definition of a public body in section 2; and make corresponding amendments to section 5 to limit the access to personal information collected, access and used by political parties; and make further amendments to section 5 to ensure that only the appropriate privacy sections of the Act apply to political parties.

Our party respects an individual's expectation of privacy in the context of data collection and otherwise, but we feel that the above-referenced recommendation, insofar as treating a registered political party as a public body for the purpose of privacy legislation, is inherently problematic in encouraging and facilitating government oversight of political activities, and is, frankly, impractical, given the lack of resources available to political parties in attempting to ensure compliance with same.

We suggest that one might reasonably presume that the preamble to the recommendation, “*No jurisdiction presently has such legislation*”, is telling in that it begs the question as to why no other jurisdiction has seen fit to introduce such legislation, including jurisdictions with political parties that are significantly more resourced than our local parties. Our understanding is that the reference to the British Columbia legislation should also be distinguished as it pertains to the private sector, whereas the proposal here would be to include any registered political party as a “public body.”

If said amendment were to be introduced, it would create an inherent anomaly as the political parties would be the only entities under this contemplated definition that are not directly funded or directed by the Provincial Government. We believe that introducing this unprecedented level of oversight and access to the inner workings of a party, including membership lists, correspondence, and the like, would introduce more mischief to the privacy equation than that which would be sought to be alleviated by such an amendment.

Finally, in the absence of a clarification as to what is meant by “*to ensure that only the appropriate privacy sections*” are applied, we suggest that any such application of the Act to political parties be taken with the utmost caution and due diligence.

We also query the practical implementation of any such change. We posit that in jurisdictions with political organizations at provincial and national levels boasting multi-million dollar budgets for staffing and information management systems, questions as to the volume and security of collected data might be more pertinent. In Newfoundland and Labrador, the Progressive Conservative Party is one of the two largest political parties in the province. We, at present, do not have the resources to acquire the expertise to implement the required measures as would be expected under the proposed legislative amendment. While there may sometimes be a perception of “too much money” in politics, the local reality is starkly modest.

Except for funding elections, our organization, at present, is 100% volunteer-led and administered. With an annual budget of less than Twenty Thousand Dollars (\$20,000) for our entire organization, and often with legacy debt and financial obligations with which to contend, it would be impractical and financially unfeasible for us to meet stringent reporting guidelines as would be required under the proposed legislative amendment.

We do not have the expertise at our disposal to implement the expected requirements. For example, while we currently have internal protocols for the collection, storage, access and usage of personal information, the proposed legislative change would require:

- protocols for addressing inquiries and complaints;
- trained personnel and resources;
- strict adherence to timelines and deadlines; and
- legal support.

Given the challenges emanating from the current legislation, there is also a probability that such legislation would be used to perpetuate mischief with an aim toward derailing a political agenda. A large volume of inquiries would necessitate

significant human and financial resources, with no provision for any reimbursement to said political parties for expenditures required for compliance with said requests. There is, of course, also, the possibility of targeted requests in times such as elections, or other critical events, to preoccupy party resources so as to circumvent a political party's priorities.

Quite simply, the level of data in question, and data management tools employed, simply lack the sophistication that would be required to ensure compliance with this proposed legislative amendment.


As well, there are many unresolved questions as to the duties to be imposed on members of political parties. For example, personal data held at the party level (membership lists, for example) are often disseminated to local district associations, candidates, leadership candidates, and related volunteers during the normal course of their duties. While there are internal protocols to prescribe the responsibilities of holders of such data, practically, the level to which these can actually be managed and audited by a group of volunteers is questionable.

Finally, our overarching fear with the implementation of such legislation vis-à-vis political parties would be a significant decrease in the level of engagement in the political process by individuals. As a volunteer organization with limited resources, the imposition of additional legal requirements such as those contemplated, in the absence of any additional resources to meet those requirements, may effectively dissuade an already small group of people from further political engagement. The dedicated volunteers currently maintaining membership lists, for example, may be quick to absolve themselves of said responsibilities for fear of potential liabilities.

It is perhaps trite to note that governing parties generally find themselves in stronger financial standing than their opposition counterparts; as such, a governing party would be better resourced to meet the requirements of the proposed legislative amendment. We cannot stand for legislation that would effectively aggravate the political imbalance that often exists between governing and opposition parties.

We appreciate your consideration of our concerns.

Sincerely,



Eugene G. Manning
President
Progressive Conservative Party of Newfoundland and Labrador

cc Mr. Ches Crosbie, Leader