

# Mandate Extension: Case Studies of Ontario's Information and Privacy Commissioner and Integrity Commissioner

Ana Qarri, Ontario Legislature Internship Programme

## ABSTRACT

The existence and function of Independent Officers of Parliament (hereafter "officers", "commissioners") has been a point of academic and public debate. It is suggested that officers are not held properly accountable given their growing powers. This paper examines how these powers have come to be and what role officers have played in their evolution. The Information and Privacy Commissioner (IPC) and the Office of the Integrity Commissioner (OIC) are chosen due to recent attempts at or success with mandate extension.

## RESEARCH QUESTIONS & THESIS

**RESEARCH QUESTIONS:** How and why have the mandates of these two parliamentary officers evolved? What role do parliamentary officers play within this process and what can it tell us about their relationship with the legislature?

**THESIS:** There is no formal process in place for reviewing and revising the mandates of the offices. While officers play a significant role in advocating for mandate extension, their powers are limited by the tools available to them and confined to their establishing legislation.

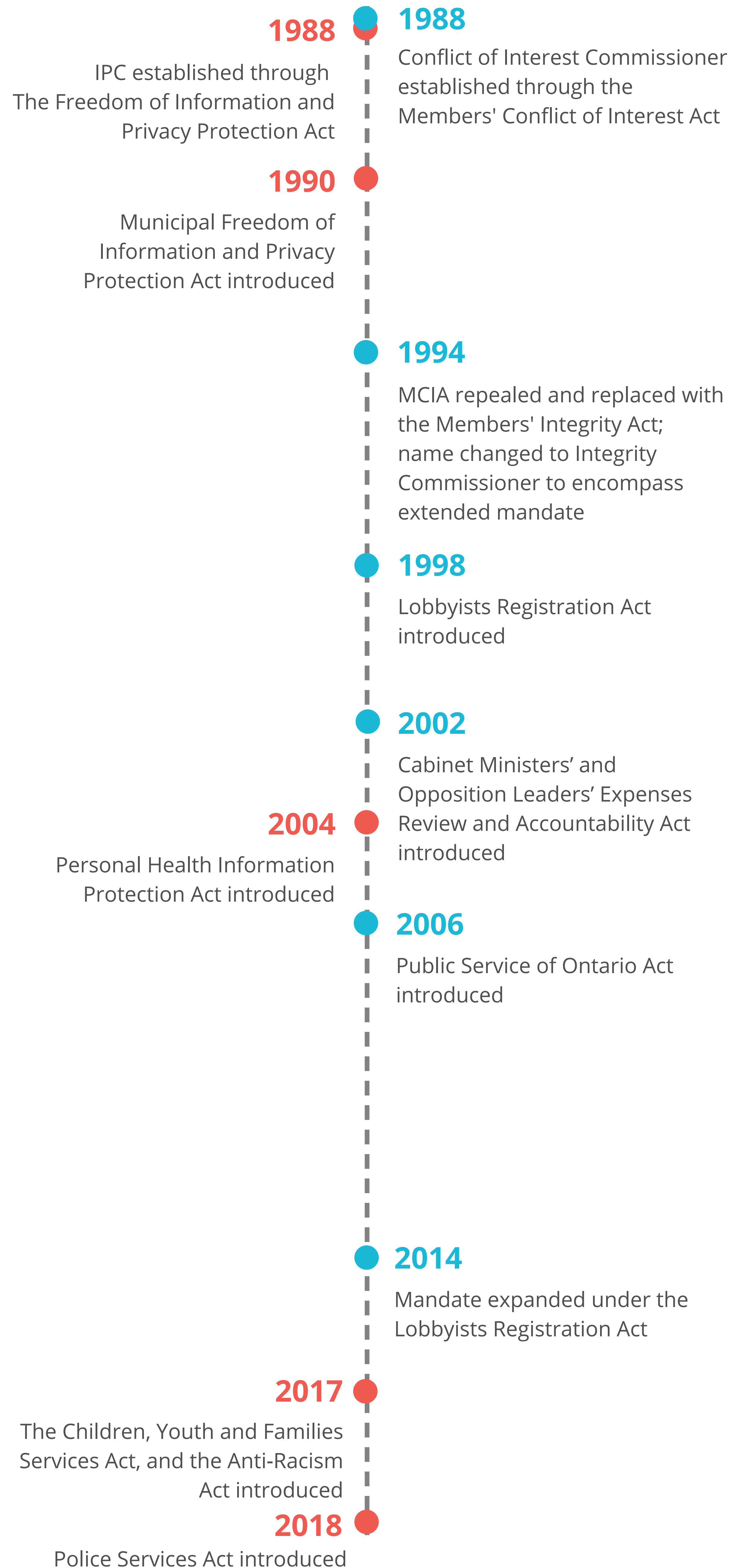
## LITERATURE REVIEW & BACKGROUND

The IPC and the Integrity Commissioner are two of nine parliamentary officers in Ontario. They are creatures of statute, independent of government and meant to supplement the legislature's accountability function. Many scholars have argued that there is a lack of clarity about their defining characteristics (Thomas 2003; Chaplin 2011).

The literature indicates that the mandates of parliamentary officers evolve over time for myriad reasons; however, the mandate review/revision process is understudied. Thomas (2003) argued that the way these reviews are conducted will reflect and affect the relationship between the executive, Parliament and the parliamentary officers.

Several scholars have raised concerns about the increasing powers of officers (Pond 2009, Savoie 2008, Chaplin 2011); more recently, others (Bergman & Macfarlane 2018) have argued that these generalizations are not reflective of all officers.

## Information and Privacy Commissioner Integrity Commissioner



## METHODOLOGY

- Annual reports since the inception of the offices, some news releases, and publicly available documents were collected and analyzed.
- Six semi-structured interviews conducted with staff from both offices and one staff from the Ontario Ombudsman.
- Interviews were used to develop an understanding of the processes that exist to seek legislative reform related to mandates and the Office's relationship with the legislature during these processes.

## FINDINGS & DISCUSSION

### Select Findings / IPC & OIC

**IPC's** current push for a legislative framework for data integration projects originates in requests from the OPS to undertake such projects. **IPC** has played an active role in requesting mandate extensions or legislative reforms to improve effectiveness of the Acts it oversees.

**OIC** has also played an active role and several extensions (LRA changes; MIA review in early 2000s) have come about following their recommendations.

Both **IPC** and **OIC** track their suggestions and internal reviews.

### Advocacy Tools & Relationship with Legislature

Both offices communicate with the OPS when a bill that impacts their mandate is drafted, but have limited access.

**OIC** has a more direct line of communication with MPPs because of mandated annual meetings with Commissioner. Annual Reports are not seen as the most useful tool to push for mandate reform (if the office decides to advocate at all). The varied modes of requesting and achieving mandate reform point to a need for a more standardized review process.

## SELECT BIBLIOGRAPHY

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