



Government of Canada  
Privy Council Office

Gouvernement du Canada  
Bureau du Conseil privé

Ottawa, Canada  
K1A 0A3

Miriam Burke  
Joint Clerk  
Special Joint Committee on the Declaration of Emergency  
Parliament of Canada

Dear Ms. Burke,

On behalf of the Privy Council Office (PCO), I am pleased to respond to the motion adopted by the committee on November 21, 2023, requesting that an index of the documents of the Public Order Emergency Commission (Commission) be made available to the committee, or that an explanation as to why it cannot be provided be given to the committee by December 5, 2023.

The Government of Canada is a strong advocate for the importance of bilingualism in the effective and inclusive operations of government. PCO is currently serving as a custodian of the documents, as they existed at the conclusion of the Commission's mandate, to facilitate the transfer of the records from the Commission to Library and Archives Canada (LAC). As is standard practice, LAC will shortly be assessing which information resources have archival value and will transfer these resources to its digital systems and storage facilities, to allow long-term access and preservation. PCO is currently maintaining the Commission's website (for one year), while LAC prepares a final preservation copy. These records are now subject to the *Library and Archives Canada Act*, the *Access to Information Act*, and the *Privacy Act*.

We appreciate the queries of the committee on the status of the Commission's holdings but would like to underscore that under the *Official Languages Act*, the Commission was not required to translate all

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documents in its possession, but to communicate with the public bilingually and provide bilingual services in certain circumstances in accordance with the Act. The Order in Council (OIC) establishing the Commission also directed that its final report be submitted in both official languages. The Commission produced a thorough and comprehensive report of over 2,000 pages in both official languages, which synthesizes the documents, interviews and evidence considered by the Commission during its proceedings.

The Commission's final report consolidates hundreds of hours of testimony and thousands of pages of evidence in both official languages. The report consists, among other things, of two volumes of analysis, a report summarizing thousands of submissions received during the public consultation process, and a collection of expert policy papers produced for the Commission. While we can appreciate the interest in this source material, we are confident that the final report provides effective visibility into the source material to support the important work of the committee.

Ideally all such material could be translated in a timeframe that would allow the committee to conclude its work in a timely fashion. As indicated by the Clerk of the Privy Council in his letter of November 14, 2023, the total number of records is of significant magnitude, estimated at more than 265,000, with approximately 152,000 unique records. In addition to text documents of various sizes, the records consist of a variety of types such as emails, images, databases, audio-visual files that contain speech, and screenshots of text message conversations. The majority of these records exist in only one official language. Translation in full is estimated to cost more than \$300 million and require multiple years of work.

Given the high volume of information resources, the Commission did not create an itemized file-by-file list of all documents being transferred to PCO, but did provide a high-level inventory of the information, along with details such as security classification. An itemized index, as requested by the committee, would require dedicated resources to create and given the volume of files, may take several months to produce.

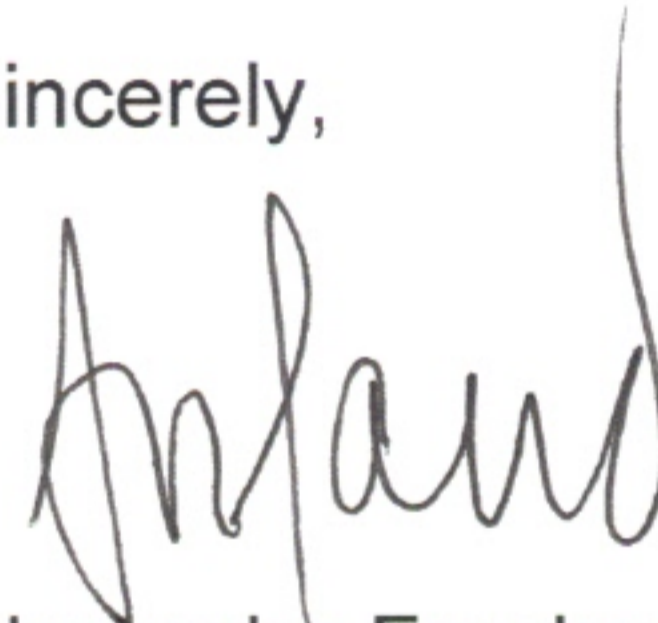
In an effort to offer more transparency to the committee on what the records contain, we have included below two tables of information. Table 1 summarizes the complete set of information resources transferred to PCO at time of Commission's closure. The majority of these records exist in only one official language.

Table 2 represents a sub-set of the records, roughly 6%, outlining the records posted on the Commission website. A small component of these is available in both official languages (left column).

As outlined in the right column of Table 2, there are 56 reports and closing submissions on the Commission website in one official language, as well as approximately 8,800 evidence files. Using an average estimated page count of 14 pages per document, the level of effort required to translate all unilingual documents on the website is estimated at \$16 million and a duration of approximately 12 months. As an alternative to this approach, we submit for the committee's consideration that committee staff could examine the unilingual documents on the website and identify specific files to be translated as a priority for the committee's use. PCO would be happy to continue working with the committee to identify sets of documents that could be submitted for translation in phases.

PCO welcomes an opportunity to further explore ways in which we could support the committee's work, recognizing that any attempt to translate all unilingual documents would not serve the committee's interest in any reasonable timeframe.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexandra Freeland', written in a cursive style.

Alexandra Freeland  
A/Director General  
Data and Information  
Services Directorate

Table 1 – All Commission files transferred to PCO following Commission close-out

<b>Collection</b>	<b>Estimated # of files</b>
Administrative (budget, HR, contracts, etc.)	125 files
Records related to standing and funding	298 files
Communications products (news releases, social media, etc.)	1,444 files
Correspondence: parties with standing, media, public	8,075 files
Agreements and undertakings	384 files
Departmental summaries produced by the Government of Canada	11 files
Formal party productions – party database (information made available to all parties with standing)	24,380 unique*
Formal party productions – multimedia files (video, etc.)	661 unique*
Formal party productions – available to Commission counsel only	62,773 unique*
Formal party productions – from Government of Canada	31,497 unique*
Formal party productions – Top Secret	245 files
Other formal documents, such as the OIC, overview reports, institutional reports, affidavits, and witness summaries	1,137 files
Information created during the public hearings, including exhibits, transcripts, video, summonses, notices, and policy phase documents	17,059 files
Public consultations	4,547 files
Final report of the Commission	27 files

Where indicated as (unique\*), there are image and native file versions of the same record included in the collection, so the estimated total file count was halved. A detailed analysis would be needed to confirm exact file counts.

Table 2 – Commission information published by the Commission on its website

<b>Available on the Commission website in both official languages</b>	<b>Available on the Commission website in the language(s) submitted</b>
Background information, biographies, news, etc.	Institutional reports (20 documents)
Presentations and summary reports (11 documents)	Party evidence (subset of formal party productions that were made available to the public during the hearings) (~8,800 documents, primarily in English)
Hearing webcasts and transcripts (36 days of hearings took place)	Closing submissions (19 documents))
Commission decisions (16 documents)	
Institutional reports – Government of Canada (15 documents)	
Closing submissions – Government of Canada (2 documents)	
Commissioned policy papers (17 documents)	
Final report (5 volumes)	