

A Town Hall Format for Committee Meetings

by Valerie Steeves

Public consultation is crucial to the articulation of appropriate public policy. Laws which are not in line with the public's underlying social values will not be effective. Yet many governments have struggled with exactly how to determine what those underlying social values are. In March 1997, the House of Commons Standing Committee on Human Rights and the Status of Persons with Disabilities conducted a national public consultation on privacy rights. This article describes an innovative form of dialogue between parliamentarians and the public designed to encourage a more meaningful two-way discussion of underlying social values and practical policy options.

Parliamentary committees traditionally interact with the public through formal hearings, where intervenors make prepared statements to the full Committee and then respond to questions from members. When the Human Rights Committee began its privacy study in the Spring of 1996, they held a series of traditional hearings during which they heard from a number of experts in the field. What they heard was disturbing. New technologies, such as advanced surveillance techniques, emerging data matching practices and revolutionary forms of genetic testing are each fundamentally challenging our sense of privacy. The Committee became convinced it was essential to explore these issues in depth, not just with the experts, but with the Canadian public.

To do so, they felt it was necessary to abandon the traditional hearing format. They began to look for a more innovative mechanism for dialogue, one which would allow them to raise public awareness of the issues and solicit public opinion about where to draw the line

between the benefits of these new technologies and the loss of privacy.

Developing the Model

The Chair of the Committee, Sheila Finestone, suggested they hold a series of town hall meetings across the country. Vice Chair Andy Scott was quick to support the idea. He had had a positive experience with town halls both as a member of the Federal Task Force on Disability Issues and within his own constituency in Fredericton, New Brunswick. The members felt that they had to do more than invite an open discussion with the public. Too often, the debate about technology is framed in the language of technology. The Committee wanted to frame the discussion in a way that would focus not on the technologies themselves, but on the practical implications they have on average Canadians.

To do this, the members decided to centre their town hall discussions on case scenarios, and asked the research staff to develop three case studies focusing on advanced video surveillance, smart cards and genetic testing, respectively. The resulting scenarios or stories creatively illustrated the benefits and the detriments of the technologies in the lives of the ordinary Canadians in the

Valerie Steeves is Director of the Technology and Human Rights Project at the Human Rights Research and Education Centre at the University of Ottawa. She was a special advisory to the Standing Committee on Human Rights and the Status of Persons with Disabilities.

stories and placed the issues firmly within the language of human rights.

One noteworthy aspect of the consultation process was the level of consensus achieved and the degree of collaboration among the members. Their commitment to the educational aspects of the process, both for themselves and for the public, had a strong impact on the final result. Another important aspect was the co-operation between the research staff (which consisted of Susan Alter, Nancy Holmes and Bill Young of the Parliamentary Research Branch, of the Library of Parliament) and myself as the outside consultant.

I became involved with the process because of my background as a researcher and lecturer in technology and human rights issues. The Committee was also interested in my experience as a facilitator and teacher. The Clerk of the Committee was Wayne Cole who was assisted by Roger Préfontaine and several administrative support staff of the Committee's Directorate of the House of Commons.

The question was how best to structure the meetings to facilitate the exchange of ideas and promote an informed dialogue between legislators and the public.

The Committee wanted a framework which would provide the participants with an opportunity to participate in an active, two-way discussion with each other and with the Committee members. The actual nuts and bolts of the process were developed with input from a number of sources. The members took a very active role, and asked for suggestions and feedback from the research team, the Office of the Privacy Commissioner of Canada, and the consultants working on the project.

To draw as broad a picture of Canadians' concerns as possible, we identified a number of constituencies we hoped would attend the consultations. Ours was not a scientific approach, but rather an artful one. Given the type of issues we were raising, we hoped to hear from a diverse range of people, including human rights workers, public policy and consumer advocates, bankers, insurance companies, business organizations, Crown corporations, the disability community, disease activists, educators, academics, civil servants, health workers, genetic researchers, trade unionists, lawyers, police officers, journalists, youth, and technology, telecommunications and cable firms. The idea was to have competing perspectives represented. That way, all points of view would be at the table and the dialogue

would be enriched by the diversity of the participants themselves.

We then developed an invitation list for each of the groups. The hearings were held in Ottawa, Vancouver, Calgary, Toronto, Fredericton and Montreal. Accordingly, we wanted to invite people from outlying areas and other provinces as well, particularly in Calgary and Fredericton, to ensure the consultations were regional in nature. We accumulated approximately 400 names by drawing from association lists and making phone calls to individuals and organizations active in the area. In many cases, there was a chain reaction. A call to a contact in Vancouver, for example, solicited about 20 names of people from a wide range of backgrounds. People who were invited often indicated they knew of others who would be interested in attending. In a number of cases, we received calls from people who had heard of the consultation and wanted to participate.

Invitations were made by telephone. Given the numbers involved, we were lucky to have the help of volunteers from the Human Rights Research and Education Centre and the British Columbia Freedom of Information and Privacy Association. Confirmed participants then received a copy of the case studies, with backgrounders on the issues, by regular mail. The material was also posted on the Parliamentary Web site.

The Nuts and Bolts of the Process

Because we were still operating within the House of Commons rules, we adapted the actual meeting to accommodate the traditional formalities. When the participants arrived, they were given an opportunity to mingle over morning coffee. The Chair then called the meeting to order. Members sat at a head table located in front of the participants who were seated in rows. This arrangement hampered our ability to get an accurate flavour of people's opinions and values. Accordingly, the opening plenary was kept as short as possible. The Chair welcomed the participants and provided an overview of the issues the Committee was addressing. The members introduced themselves, and the meeting was then turned over to me as facilitator. Having the meeting moderated by a non-member was highly unusual; but the Committee felt that an outside facilitator would free them to better participate in the discussion, and assist in drawing opinions out from the participants.

I began by explaining the morning's agenda. The participants were divided into small groups of approximately ten people. The groups had been selected to ensure that there were as many different perspectives represented in each group as possible. Given the

demographics, each consultation reflected the character of the region in which it took place. For example, there were more civil servants at the Ottawa meeting and more bankers at the Toronto meeting. Although we endeavoured to have every target group represented in each city (and, to some extent, succeeded), the realities were that bankers, for example, contacted outside Ontario usually referred us to their head offices located in Toronto. Similarly, there were more organizations working with disability issues at the Calgary consultation, given the large number of head offices located in Winnipeg. Accordingly, when we were dividing the participants into groups, we surveyed who was coming, and then divided them up so that labour union reps would be in groups with management, consumer advocates would be with insurance brokers, and so on.

The Chair suspended the formal meeting after our opening remarks, and the participants divided into small groups to discuss the case studies. Because the discussions were not part of the formal meeting, there was no transcription and no interpretation. The lack of an official recorder made many of the participants more comfortable about voicing their opinions. We felt a written record would help in writing the report. Accordingly, we asked student volunteers to take hand-written notes of the dialogue.

Each group discussion was led by a privacy expert, and included at least one Committee member. The expert's role was not to set out or define the issues, but to facilitate the group's exploration of the case studies. The Committee members actively participated in the discussion, and took notes of the major issues raised on a flip chart. This gave the members a prominent role in the discussion while at the same time encouraging them to actively listen to the concerns raised.

After approximately an hour of small group discussion, the formal meeting was reconvened and we held the "town hall" portion of the consultation. We began by asking the Committee members who acted as rapporteurs to summarize the discussion of each group. Next, the experts were given an opportunity to voice their own thoughts and concerns, and then the discussion was opened to the floor. Participants came forward to express their views and some initiated a dialogue with the members and the experts.

Evaluating the Process

The process was a resounding success, and Committee members and participants alike indicated they were highly satisfied with the format of the discussions. Because the Committee members had been so involved

in the development of the format, they came to the meetings with a high level of commitment to the process. Moreover, the fact we travelled across the country in one week allowed them to immerse themselves in the issues, and develop an in-depth understanding of the needs and concerns of ordinary Canadians.

This depth of understanding was reflected in the Committee's report. The members avoided technical, band-aid solutions in response to pressure from special interests. Instead, they called for over-arching framework legislation which would redefine the issues in the broad language of human rights. Their recommendations clearly reflected the paramount concern of the consultation participants that technological development should not be allowed to overshadow the social value of privacy, individual freedom and human dignity. Their call for framework legislation was bolstered by a series of more detailed recommendations which dealt with particular and often urgent issues, such as the importance of safeguarding the use of a person's genetic information from commercial exploitation.

The report also stands out because it sought to capture and record the thoughts and concerns of the participants themselves. The Committee's recommendations flow directly from these concerns, which further validates and legitimizes the members' policy choices.

The participants were most enthusiastic about the small group discussions. Many people, both on and off the record, indicated that the format of the consultation gave them an opportunity to really explore the issues and articulate their own views. The interactive nature of the dialogue left everyone with the feeling that they had not only had their say but had been heard, and the diversity of perspectives created a healthy exchange of information. All the participants, including the experts, felt they learned something new.

Perhaps the most important element contributing to the success of the consultation was the use of the case studies. The stories they contained provided a social and personal context for the dialogue. People did not feel put off by a technical definition of the issues or the use of technical language, but readily related to the day to day impact these technologies had on the lives of the people in the stories. The discussion about smart cards, for example, did not get bogged down in technicalities, but focused on how the participants would feel if the government were tracking whether or not they used their unemployment insurance benefits to purchase cigarettes. The discussion naturally flowed to why they would feel that way. This led the participants to explore the importance that human rights play in their daily lives and how new technologies are truly threatening to

rewrite the balance unless we, as a society, make some meaningful choices about the kind of future we want.

The town hall reinforced our belief that the structure of the dialogue plays a crucial part in the type of public input a Committee will get. Many more people came to the microphones to address the Committee during the town halls in Ottawa and Montreal, which is not surprising, given the number of high level civil servants and public advocates who attended those meetings. However, in no city was the town hall discussion as vital as the small group discussions held earlier in the morning. On the one hand, participants seemed satisfied that their concerns were put on the record during the town hall by the Committee members who summarized the small group discussions, and particularly eloquent speakers often drew a round of applause or shout of approval from the group as a whole. Indeed, the atmosphere of the town halls was often relaxed and collegial. But, on the other hand, the use of microphones and placing the members and the experts at the head table discouraged the active, free-flowing discussion we saw in the small groups.

The town hall also painted a fragmented picture of the concerns raised, as the professionals who participated were more likely to come forward and put their organizational needs on the record. This, to some extent, masked the unexpected level of consensus we saw in the small groups. Indeed, the degree of agreement in the small groups about the need to actively address the social and human impact of these new technologies was astonishing. Even particularly sensitive issues such as the use of genetic information by insurance companies and video surveillance in the workplace did not cause a deep schism.

People strongly felt, en masse, that the government should act to ensure that our social values are not overridden by the need for administrative efficiency or the desire to maximize profits.

The caveat expressed by many was a concern that the process would stop once the committee reported. There was much guarded optimism that, perhaps, it was not too late to stop the loss of privacy in the technological age; however, the participants were most interested in results. Interestingly, groups that were most pessimistic about the government's ability to protect social values from technological erosion were those from the provinces which had no privacy legislation in place. Those from provinces with legislation were more likely to feel that the baby had not yet been thrown out with the bath water. There was a national consensus that action must be taken now, before it is too late.

I was particularly encouraged by the action taken by the participants themselves. An Ottawa union leader, for example, created a committee on workplace surveillance as a direct result of attending our meeting. In like vein, a British Columbia public advocacy group is actively looking for ways to continue the dialogue. Although participants await the government's response to the Committee's report, the consultation exceeded our expectations as an exercise in public education and consciousness raising. I hope that it becomes a model which other policy makers will use and refine, to encourage a more meaningful dialogue between legislators and their constituents.