

## **Canada's rusty freedom of information law fails to meet global standards: report (Access-Denied)**

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**Published:** 21/09/2008

**Source:** THE CANADIAN PRESS

OTTAWA \_ Federal delays in responding to public requests for information have reached a ``crisis level" as Canada lags behind many other countries on the openness scale, says a new report on access laws around the world.

Despite the problem, promises by the Conservative government to overhaul Canada's Access to Information law were consigned to ``the graveyard of needless study" and never implemented, leaving the 25-year-old act far from cutting edge, says the report released Sunday.

``Ironically and inexplicably, Canada appears to be marching in the opposite direction," it states.

The 383-page document, "Fallen Behind: Canada's Access to Information Act in the World Context," (<http://www3.telus.net/index100/foi>) was prepared by Stanley Tromp, a freelance reporter and co-ordinator of the freedom-of-information caucus of the Canadian Association of Journalists.

Under the federal access law, enacted in 1983, Canadians who pay \$5 can ask for government files ranging from audits and briefing notes to correspondence and expense reports.

Journalists and others have used the tool to uncover thousands of stories about risks to taxpayers' money, public health and safety, the environment and national security.

The law helped shed light on the federal sponsorship scandal, Canadian handling of detainees in Afghanistan and the RCMP's use of Taser stun guns.

``It's essential to the public interest," Tromp said in an interview.

But he warns the supply of revealing stories may taper off.

On 12 key points, Canada's act fails to meet the international standards of freedom-of-information law set out in a document drafted by a London-based human rights organization in 1999 and later endorsed by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the report says.

The law also fails to conform to many key recommendations of at least 10 other global political organizations, such as the Commonwealth Secretariat, the Council of Europe, the Organization for Security and Co-operation in Europe and the United Nations Development Agency.

Canada's access act has long drawn criticism as poorly administered, sorely antiquated and riddled with loopholes that keep documents under wraps. Some requests turn up little information of value, and many applications are answered several months late.

Ideally, Canadians are supposed to receive a response within 30 days. Tromp's report says about five dozen laws around the world require shorter response times than Canada, and some have strong penalties for delays.

Delays have ``truly reached a crisis level" in Canada, the report says.

``Some departments are so backlogged that they automatically add extensions of more than 100 days to most, if not all, requests. Other agencies grant themselves a 240 day extension \_ three times the previous average."

The government says the federal record on answering requests has improved under the Conservatives at a time when the number of information applications has steadily climbed.

During the 2006 election campaign the Tories promised a list of reforms to the access regime but most were not fulfilled, including a general provision that would allow more information to be released in the public interest.

The freedom-of-information laws of 38 other nations \_ and all Canadian provinces and territories but one \_ contain much broader public interest overrides than that found in the Canadian law, the report says. These include Mexico, New Zealand, South Africa, Ireland, the United Kingdom, India and most Eastern European nations.

In addition, more than 100 quasi-governmental agencies \_ including bodies dealing with blood services and nuclear waste \_ don't come under the Canadian law.

``It's absolutely incomprehensible why those are not covered," Tromp said.

The Tories handed access reform to a Commons committee for further study. In fairness, Tromp points out, the Liberals didn't carry out major access-to-information reforms either.

In researching the report, he spent a year poring over 68 national freedom-of-information laws, 29 draft FOI bills, 12 Canadian provincial and territorial FOI laws, and the commentaries of 14 global and 17 Canadian non-governmental organizations.

The report was funded by the Canadian Association of Journalists, the B.C. Freedom of Information and Privacy Association, the Canadian Newspaper Association, the Canadian Community Newspapers Association, and members of two Vancouver law firms \_ though the contents don't necessarily reflect the sponsors' views.