

Toronto Sun: What governments hide from you

Requests for information bogged down in bureaucracy

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Is information really free and accessible? The people using the Access to Information Act to get government documents don't think so.

They point to new evidence that shows complaints to the information commissioner doubled last year, and delays responding to requests are longer than ever. New research also shows Canada is more secretive than some less developed countries.

Critics say it's time to replace the 25-year-old law -- which has never been reviewed -- with a more robust act that reflects modern expectations of government.

"It's time to ask if the act has adapted to 2008 realities," says assistant information commissioner Suzanne Legault. "We seem to have gone from a culture (when the act came into force) of having a right to know, to a culture of need to know."

The act was expanded last year to include seven Crown corporations, a number of foundations and some agents of Parliament, including the auditor general's office.

Legault's office faced a backlog of complaints from people seeking information that would have taken until 2010 to clear. In 2007-08, complaints doubled to nearly 3,000 from 1,427 in 2006-07, clogging the pipes further. Former information commissioner John Reid was well-known for his requests for more money to investigate complaints that government officials were refusing to release information. Help is coming though. On April 1, the commission receives a 25% budget boost.

But Legault says access to information and privacy (ATIP) departments at government institutions are also in need of more cash.

"We need to look at the ATIP professionals," Legault says. "We need to decide if they have the right training and what their supervisors are telling them about how to release information."

Legault says there are often too many managers in the approval chain for the release of information and that the system needs to be streamlined across government. The investigations staff in the commissioner's office, for example, didn't even have access to the Internet and e-mail until January of this year.

'CONTROL AGENDA'

Darrell Evans, executive director of the B.C.-based Freedom of Information and Privacy

Association, believes bureaucracy is the problem.

"Bureaucrats think the information is theirs but it's not, it's ours," says Evans. "The government wants to control the agenda, and there's a whole tool kit of methods they use to do that."

Evans says demands for excessive photocopying and research fees, time extensions, and the renaming, re-filing and misplacing of documents cause the majority of complaints.

In 2005-06, for example, a journalist asked the RCMP for 2.8 million computerized criminal records. The RCMP demanded \$1.6 million in fees. After a lengthy complaint process, they released the files for free.

Government departments and agencies have a 30-day time limit to deliver documents, but can get an extension to do research or consult third parties. Extension requests spiked to an all-time high last year, according to a recent review by the information commissioner's office.

The office plans to review the ten worst offenders and will table the report in Parliament in October.

Legault can't explain the surge in extensions, but the NDP's Pat Martin, a member of the Commons committee that deals with ATIPs, thinks he has the answer.

"There has been a noticeable decline in the co-operation with ATIPs since (Prime Minister Stephen Harper's) regime came to power," Martin says. "It wasn't great under the Liberals but there has never been this level of non-compliance."

Stanley Tromp, research director for FIPA, is comparing Canada's ATIP laws to those of 68 other countries. While still in the draft stage, his findings put Canada in the bottom half of the list.

"In general, the rest of the world is moving far ahead of Canada," Tromp says. "Eastern European countries, for example, are very good...their laws are in some cases only a few years old."

Despite delays stretching on for years, the information commissioner's office eventually settles 99% of disputes. The rest go to Federal Court, or sometimes, the Supreme Court. There are currently 11 cases before Federal Court and one before the Supreme Court.