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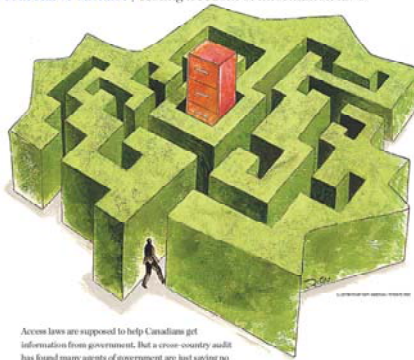
ASSOCIATION
CANADIENNE
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A REPORT ON

A NATIONAL FREEDOM OF INFORMATION AUDIT

National Report

F SECTION
CULTURE OF SECRECY | Testing freedom of information laws



Access laws are supposed to help Canadians get information from government, but a cross-country audit has found many agents of government are just saying no

Access denied

Freedom of Information just an illusion: audit

**Freedom of Information
Newspaper
audit reveals
problems**

A culture of secrecy
Freedom of information audit finds local public sector often reluctant to comply

Just one in
three got
information

Canada's shaky
right to know

Freedom of Information system sucks

"WE DON'T HAVE TO ANSWER THAT..."
NATIONAL UNDERCOVER INVESTIGATION FINDS FREEDOM OF INFORMATION ACT INEFFECTIVE, AT BEST

**Public record requests often
meet bureaucratic brick walls**

Right
to know
in 'failing
health'

ACCESS DENIED

The public's right to know

Audit shows bureaucrats, police, school boards loath to give up public information

Conducted by
THE CANADIAN NEWSPAPER ASSOCIATION

Ottawa, June, 2005

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CNA NATIONAL FREEDOM OF INFORMATION AUDIT

“Access reform is something that the Government of Canada is committed to. It has been a longstanding concern of mine... and which proceeds from two basic principles. First, that freedom of information is a cornerstone of a culture of democratic governance, involving accessibility, transparency and accountability of government. Second, that access, and the Access to Information Act, is itself a pillar of democracy.”

The Hon. Irwin Cotler, Minister of Justice, April 5, 2005
Standing Committee on Access to Information, Privacy and Ethics

Preface

Canadians rightfully expect government to be a glass house. We expect to be able to see the rationale for government decisions. We need to understand government decisions not only because they affect our lives, but also because they are made on our behalf and with our implied consensus.

Transparency is a critical link in the chain of accountability, from government to voter. Absent transparency, the chain is broken. Canadians expect transparency to be the default mode of government, not a discretionary option. It follows then, that government information should be public and in all cases where it cannot be, the onus is on government to show why not.

This is the spirit of Canada’s *Access to Information Act*. Although enacted a full 17 years after the U.S. *Freedom of Information Act*, Canada’s access law pre-dates Britain’s by over two decades. The legislation was seen at the time as something of a trailblazer within the Westminster system of parliamentary democracy. Today it is but one of fifty-nine freedom of information laws at the national level around the world. As in Canada in the early 1980’s, governments the world over have increasingly come to recognize that freedom of information is vital to the democratic process.

Canada’s Supreme Court has designated freedom of information as a quasi-constitutional right, linked to rights of free speech and free expression established in the *Charter of Rights and Freedoms*, under Canada’s *Constitution Act* (1982). In other words, in Canada the glass house of government is recognized, not only in public opinion but also in law as fundamental to the operation of our democratic system.

Canadians can and do accept that in this glass house some areas will need to be curtained off. But to protect the principle of transparency, the boundaries of what then becomes defined as government secrecy need to be strictly limited.

Canada currently has freedom of information legislation at the federal level as well as in ten provinces and two territories. Yet as this study shows, more than twenty years after the nation's first law establishing the public's right to know, attitudes of "why do you want to know?" and "why should we tell you?" prevail in many departments and ministries at all levels of government.

One might expect Canada's federal and provincial access laws to encourage greater accountability and transparency in government operations. However, the Canadian Newspaper Association (CNA) National Freedom of Information (FOI) Audit illustrates that government officials cannot be unequivocally relied on to release public information. Indeed, our study suggests that there are troubling gaps between the letter of freedom of information laws and the actual release of information to the public.

CNA's first national FOI audit exercise achieved an impact well beyond what was initially anticipated. Unconventionally, reporting on the audit and the audit results themselves were combined in one package of newspaper stories. In an extraordinary collaboration among newspapers and ownership groups that typically see themselves as competitors, the same package of stories was distributed and published nationally, in some cases with the bylines of reporters from competing newspaper groups appearing in major papers in the same city.

This resulted in saturation coverage, achieving one of the audit's primary goals, which was to build public awareness of the state of FOI in Canada. With over 200 newspaper reports, numerous radio interviews and a nationally broadcast CBC Radio prime time segment devoted to this issue, more than two thirds of adult Canadian newspaper readers were exposed to the results of the CNA survey within a week of its first appearance. This is in addition to substantial political reaction, detailed in the section of this report entitled *Conclusion and Postscript*.

Rationale

The CNA has been actively concerned with the state of freedom of information in Canada since 1997. Reporters and editors with experience in FOI had long complained of governments restricting information despite legislative guarantees of access. In order to assess the seriousness of the problem, the CNA has set out at various times to gather objective information on the health of Canada's access to information regimes. The National FOI Audit was conducted in this context, against the backdrop of earlier academic studies.

In 1998, the CNA commissioned Professor Alasdair Roberts (formerly of Queen's University's School of Policy Studies and now at Syracuse University) to assess the performance of Canada's access regimes. Relying on interviews with information seekers, his research found a deterioration of response times across the country, which he blamed largely on public sector restructuring. He also underlined complaints about what he called "official adversarialism", which he defined as the attempt by elected and non-elected officials to stretch FOI laws in order to protect departmental or government interests. Adversarialism manifests itself in the liberal use of exemptions and exclusions, exaggerated fee estimates or neglect of time limits. Professor Roberts warned that, without a strong counter-balance, adversarialism can completely undermine the principle of openness.

The following year, the CNA sponsored another research project by Professor Roberts focusing on federal FOI. His research this time was based largely on a review of data collected by federal departments. He found that methods of handling requests had changed significantly over the previous five years, that federal institutions were taking longer to process them, and that fewer requests were likely to result in disclosure. “Evidence of deteriorating compliance,” Professor Roberts wrote, “suggests that a reassessment of the methods used to enforce the Access to Information Act is needed.”¹

The purpose of the CNA’s National FOI Audit was twofold: one, to develop a record of performance data to provide a benchmark with which to monitor improvements or deteriorations over time, and secondly to frame the issue in such a way that the Canadian public could understand what is at stake for the public interest.

In this regard, it was established early on that the information sought in this exercise should be as innocuous as possible, so that any refusals to provide it would not be questionable. The anticipated response among readers learning about denials of access should not be “so what?” or “no surprise there!” but rather, “why on earth would they want to keep that information secret?” The incongruity of insistence on secrecy over such mundane matters as road repair schedules or classroom sizes would underscore the point.

Objectives and Methodology

The National FOI Audit project arose from a proposal presented by CNA Public Affairs to the CNA Board in June 2004 to gather benchmarking data to measure improvements or deterioration in FOI compliance over time. Publishers representing major newspaper groups assigned senior editorial leaders to form a “FOI Working Group.” This working group, led by CNA’s Vice President of Public Affairs, convened in September and held meetings via teleconference through December 2004 to determine the scope and methodology of the project. The Working Group discussed a number of approaches before settling on the audit technique.

FOI auditing is an established technique applied by FOI advocacy groups in the U.S. and actively promoted by the Society of Professional Journalists. Its use has been credited with improved compliance with existing laws as well as legislative change in some cases. The Working Group assigned subcommittees to adapt this technique to Canadian conditions. Final materials were developed in January 2005, and an invitation was extended to CNA member newspapers to participate, which 45 newspapers accepted. While the majority was located in Ontario, all ten provinces were represented. No territorial newspapers participated and in consequence, territorial FOI was not tested.

89 reporters, acting as ordinary members of the public (“requesters”), conducted the audit over a two-month period from February to April of 2005. Information requests were made to federal, provincial, and municipal governments and agencies. On some occasions requesters were eventually required to identify themselves as reporters. In most cases, at least initially, they made requests as members of the general public. Requests were first made verbally and in person and, in a second phase, in writing.

¹ These studies are available for review on the CNA website at www.cna-acj.ca.

The information gathered was collated and analyzed by a team of editors and journalists reporting to the FOI Working Group. As mentioned earlier, the format for the release of the results was unconventional. Rather than produce a report from the data which would subsequently be written up by journalists, instead two journalists and the CNA Public Affairs team worked directly with the data to produce news stories that presented and discussed the results. A third analysis piece was also commissioned. These three stories, with accompanying graphics, were reviewed by the Working Group and then released by CNA for national distribution. The results of the audit were to be published simultaneously by all participating newspapers over a period of days, beginning May 28, 2005. Local stories by participating reporters accompanied the national results, enabling each newspaper to craft its own coverage of this issue. The report presented here was prepared in June 2005, following termination of the study and the first release of findings.

To help prepare all participants for the audit process, the FOI Working Group prepared a User Guide which set out the study's rationale, methods, timetable, coordination framework, and contact points for audit administrators. The document also included advice on how to conduct an information request, how to record the results, and some sample FOI Report Forms. Journalists initially made their requests as private citizens because the test was to see how hard it is for the public to get answers to innocuous questions about everyday government activities that affect the daily lives of individuals.

The following points were emphasized in the guidelines:

1. Participants were asked to be discreet about the occurrence of the audit itself during the time it was underway. Cases have been reported in which word got out about similar audits in some U.S. States, and clerks in these States spread the word between counties that an audit was underway.
2. If any of the reporters were asked to identify themselves or the purpose of their request it was suggested that they reply with "Do you have to know that before you can help me?"
3. Should the answer to that question be "yes", then the reporter could follow with "I don't believe that is required by the Access law."
4. Those requesting information were instructed not to lie about the audit if directly challenged or confronted. Someone might recognize the reporter or guess the nature of the exercise but, in either case, the request was to be explained as a simple request for information as permitted under FOI law.
5. Regarding any further questions about place of work or specifics of purpose for information, the same approach as previously recommended was advised; if pressed, reporters could acknowledge they were employed by a newspaper and that the information was for a story they were working on.
6. In response to any reasons given for delays, reporters were to schedule a follow-up request or ask about the timeline for fulfilling the initial request. Criteria for timeliness were provided (5 working days for verbal requests and 30 days for written FOI requests) and, if these were not met, the request was to be deemed non-responsive.

The FOI Report forms included space for requesters to enter anecdotal detail of their experiences. This information was particularly useful in developing qualitative – as opposed to purely statistical – assessments of the FOI system from the user’s perspective.

Information Requests to Local and Regional Governments

There were two phases to the request process for local and regional governments.

Phase 1 consisted of in-person requests. A standard set of questions (presented in the next section of this Report) was designed to test and compare over-the-counter responses at school boards, police forces, municipal governments and public health boards. These questions were very simple and, as explained elsewhere, were directed at topics that readers could relate to, such as school class sizes, restaurant inspections, or agency budgets. This phase was scheduled to begin on Monday, February 7. Five working days were considered sufficient to produce at least partial responses to requests. Requesters filed their first FOI Reports by email to the CNA in the form of Excel spreadsheets.²

Phase 2 involved written Access to Information requests. Any question that had not been answered after 5 working days was re-submitted in a written form according to local FOI legislation and presented as an Access to Information (ATI) request. These requests were made beginning on Monday, February 14. After 30 days, the standard statutory limit, the second batch of FOI Reports was sent to the CNA. The Audit Committee then took several weeks to collate and analyze the results.

The Audit was designed to produce three global stories that would run nationally, while each participating newspaper would also have a window to tell readers about local reporters’ experiences. Newspapers began publishing stories on May 28. Some newspapers filed multiple stories about various aspects of the Audit results in different sections of the May 28 paper; others did a number of stories on May 28 and on subsequent days focused on follow-up, reactions and in some cases pledges of improved performance from local officials in their communities.³

Information Requests to the Federal Government

The request process for the Government of Canada, conducted by reporters from three Toronto newspapers, and targeting 8 departments, followed identical steps.

Phase 1 consisted of in-person requests to either the Toronto regional offices or Ottawa/Gatineau headquarters of the designated federal departments. As in the case of local and regional governments, in-person requests were made beginning in the week of February 7 and one week from the time of the request was allowed for responses. The first FOI Reports were emailed to the CNA beginning in the week of February 14.

Phase 2 consisted in written Access-to-Information requests when verbal inquiries were not answered. Requests were submitted beginning in the week of February 14, with 30 days from

² CNA conducted a preliminary analysis of these results – see Appendix.

³ Samples of stories produced are provided in the Appendix.

the date of the request allowed for compliance. Beginning March 16, final FOI Reports were emailed to the CNA.

FOI Audit Questions

The CNA did not embark on an exercise in investigative journalism but rather to assess whether private citizens can readily access public information that may be important to decision-making in their everyday lives. The questions posed to public servants centred on “news you can use” such as information about municipal services and city neighbourhoods. The Audit also included questions to test the transparency of governments at all levels regarding the way taxpayers’ dollars are used.

There were four types of questions asked of local and regional governments, in each case regarding basic information specific to a particular agency, all covering topics of interest to the public but none involving issues of national security or personal confidentiality.

Public Health

1. How many tests of drinking water in (this area/region) failed to meet provincial safety standards for drinking water in 2004? May I have copies of the test results showing locations and dates?
2. Is (local restaurant by name) safe to eat in? How many restaurants violated or failed to comply with health and safety standards in 2004, and could you provide a list of them, including all those issued charges and warnings?

Education

1. What are classroom sizes, grade by grade, at (specific local school) as of Jan. 31?
2. How many incidents of violence and bullying have been reported at (same local school) to the school board since the start of the 2004-2005 school year and how does this compare to the average?

City Hall

1. When is the city going to repair (a street in your community)? May I have a copy of the priority list for road-repair projects in (my city/town) for this year?
2. Can I get a full report of sick days in 2004 for all municipal workers, by department and by day of week? How many municipal employees work for the municipality?

Law Enforcement

1. How many complaints were filed against the police force in 2004? How many police officers received suspensions in 2004 - paid and unpaid - and what were the reasons?
2. How many sick days and how much overtime did police officers log in 2004?

Federal Departments

In the case of the federal government, questions were directed to eight senior departments with programs and operations that affect all regions of Canada. These questions were addressed to the following Government of Canada departments:

- Canada Revenue Agency
- Canadian Heritage
- Citizenship & Immigration Canada
- Finance Canada
- Fisheries and Oceans Canada
- Health Canada
- Public Safety and Emergency Preparedness Canada
- Transport Canada

The questions asked were:

1. How much did your department spend in the last budget year (ending March 31, 2004) on sick leave and on temporary personnel?
2. Please state the total number of departmental employees and total payroll.

Results

Criteria for assessing results were designed to be kept as simple as possible. The primary test was, “Did the requester receive the information requested within the period established for compliance, yes or no?” It could be said that in establishing a “National Report Card” comparing results across the country, the project went out of its way to be fair to governments from whom information was being sought, in that full credit was given in all cases where there was even partial release of documents.

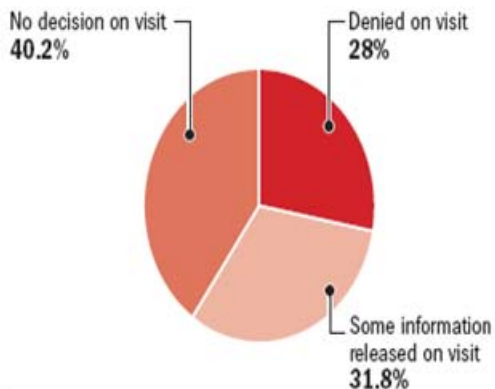
A total of 311 questions were posed in the audit exercise. The experiences of reporters involved in the National FOI Audit revealed that whether requests for information are satisfied depends on who you are, where you live, what you ask and how much money you are prepared to spend to finally get the information you seek. The Audit also suggests that legislated standards for timely responses are rarely respected, regardless of the jurisdiction tested.

Limited success

In person or in writing, getting answers is difficult

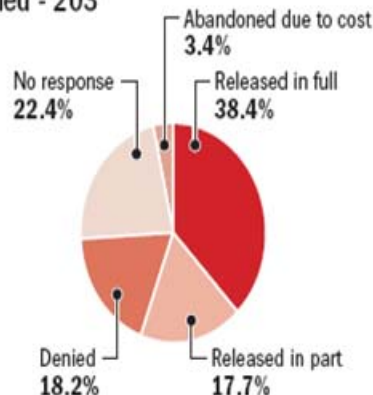
Response to visits

Total requests - 311



Response to written FOI requests

Total filed - 203



SOURCE: CANADIAN NEWSPAPER ASSOCIATION

In-person vs. written requests

When requesters first visited various government offices and asked for information in-person, two out of every three requests were refused. When their initial attempts failed, reporters then filed formal freedom of information requests, using the appropriate federal, provincial or municipal legislation.

Even after filing a formal access request, in a third of cases the information sought was still not provided. In some cases, the deciding factor was how much requesters were willing to spend. In Ottawa, for instance, a reporter was told it could take months and more than \$1,000 in fees to

obtain restaurant inspection records. In Toronto, such information is not only free of charge, it is posted on a website. A total of nine requests were abandoned due to the cost of fees quoted, two in the in-person phase and seven in the written FOI phase.

Reporters found it easier to get information when they made it known they work for newspapers, a surprising result given that information laws across Canada say the identities of those making requests and their reasons for making them should not factor into decisions about the disclosure of public records.

Information released by question			
	Released on an in-person visit	Released on written FOI request	Total percentage at least partially released*
Education classroom sizes	49%	34%	76%
City hall road repairs	48%	36%	74%
City hall sick days and number of employees	33%	42%	67%
Education bullying and violence	38%	32%	65%
Law enforcement complaints and suspensions	28%	42%	61%
Public health water testing	34%	28%	59%
Public health restaurant safety	23%	34%	49%
Law enforcement sick days	0%	47%	47%
Sick leave, temporary personnel (fed.)	0%	25%	25%
Total	32%	36%	62%

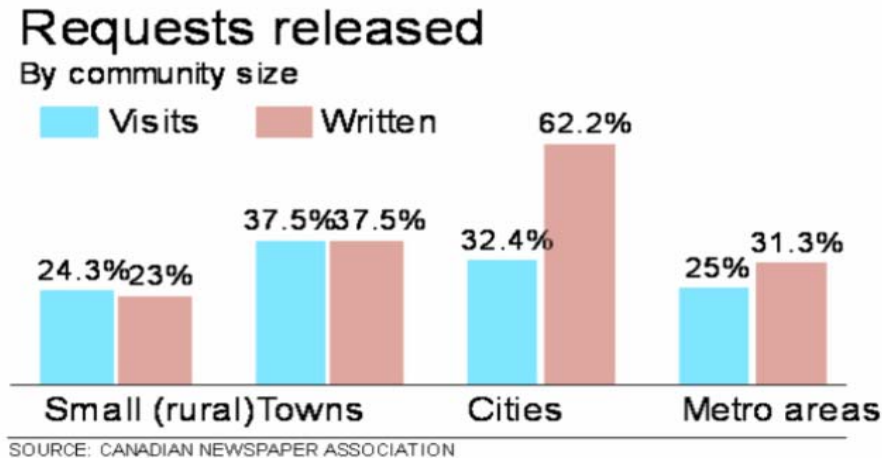
SOURCE: CANADIAN NEWSPAPER ASSOCIATION
Includes full and partial responses to visits and written requests
*In some cases information was released at both stages

Different questions, different responses

The easiest information to obtain was the least controversial. City Halls released information on road repairs to in-person inquiries 48% of the time. Similarly, about half of the requests for information on class sizes were released informally after one or more visits to the public counter at school boards. By comparison, figures on bullying and violence at schools were forthcoming in just 38% of cases of in-person requests. More sensitive issues received poorer response rates. Slightly less than one-quarter of informal requests for a restaurant inspection report produced results. None of the requests for the number of sick days taken by police officers was satisfied through an in-person visit.

Requests released by community size

Reporters found major discrepancies between large urban centres and small town and rural locations.



The results suggest that Canadians in less intensely populated (normally, rural) areas have less than a one in four chance of having their questions answered. The odds are slightly better for those living in a bigger town; the likelihood of receiving the requested information increases to better than one in three. The greatest chance of success is to make a formal written request in a major city, as two out of three times the information will be provided.

Many requesters observed that officials at the local level seemed confused and were frequently unsure of the rules, sometimes leading to outlandish statements. As one example, when asked for information about water test results in Peterborough, an employee of the district health unit responded by saying, “*I’m not interested in giving that up*” and that “*it’s not the health unit’s responsibility to release that information.*”

Provincial performance

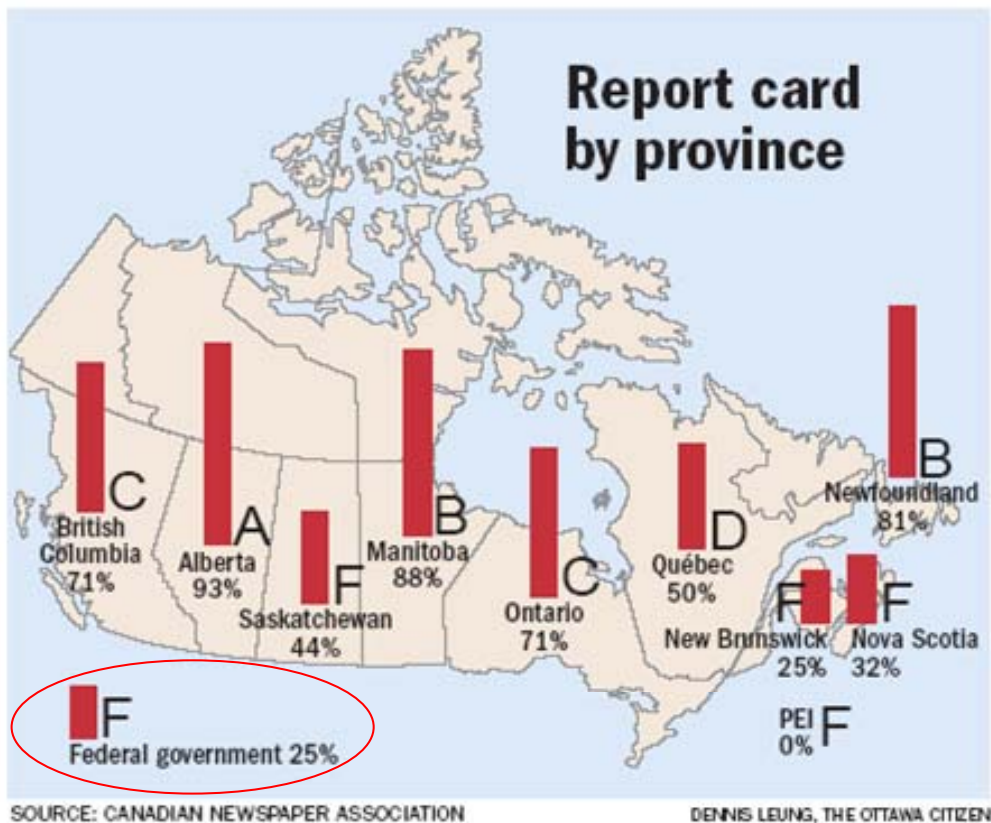
Requesters reported that, in all jurisdictions, officials routinely discouraged, delayed, obstructed and denied information that, by law, should be released to the public. However, they found answers to be more forthcoming in some provinces than others and, with some exceptions, generally better in the west than in the east. Response rates were assessed using a yardstick that ranged from A (first rate) to F (failure). Ratings of less than 50% were considered failures; less than 60% were accorded a “D.”

Report card by province		
	Responses	Grade
Alberta	93%	A
Manitoba	88%	B
Newfoundland	81%	B
British Columbia	71%	C
Ontario	71%	C
Québec	50%	D
Saskatchewan	44%	F
New Brunswick	25%	F
Nova Scotia	32%	F
Prince Edward Island	0%	F
Federal government	25%	F

SOURCE: CANADIAN NEWSPAPER ASSOCIATION
Includes full and partial responses to visits and written requests

Newfoundland and Labrador, one of the last Canadian provinces to adopt freedom of information legislation, nevertheless received high marks for responding to requests. In contrast P.E.I., Nova Scotia and New Brunswick all received failing grades. The two central provinces were about middle of the pack, with Ontario slightly above average and Quebec below average, bordering on failure.

Provinces that have newer laws or have updated them recently tended to score better. Manitoba, Alberta and British Columbia all amended their Access to Information laws in recent years and achieved above average compliance rates.



Federal report card

With just 25% compliance, the federal government received a failing grade. Of eight requests submitted through the *Access to Information Act* only two saw records released within the 30-day statutory period for responses. The other six were deemed non-responsive.

An initial in-person inquiry made at Health Canada’s Ontario regional headquarters on February 17, 2005 by a reporter resulted in an immediate response from federal officials that it would be necessary to file an Access to Information (ATI) request. The formal request was submitted on the same day but there was no follow-up by the department until March 3, when the reporter was asked for clarification about the question. There was no further response to the requester’s inquiry beyond that date.

On February 21, 2005, a reporter went to Transport Canada offices in Toronto and was advised to return a week later. When the requester complied, she was told she would have to submit a formal access request. She sent in the necessary paperwork, along with her \$5 fee, by mail on March 9. Thirty days later, a response had not been received and it was still outstanding two months later.

A Parliamentary bureau reporter went to the Ottawa offices of Finance Canada on March 2, 2005. Security staff at the department sent her to the ATI section of Treasury Board which shares the same building. A \$5 fee was paid and a formal request filed that same day. On a

follow-up visit on March 17 the reporter was told that the department had revised the request, splitting it into three parts. Officials promised to provide the requested documents by April 18 but the files were still outstanding on publication date (May 28).

The experience was similar at the Canada Revenue Agency headquarters building in Ottawa, where a requester made an in-person inquiry on March 2, 2005. In that case, confused security staff eventually summoned someone from ATI who provided a form to be filled out, which the reporter immediately completed. After paying a \$5 fee, she was promised a response within five days and records within 30. As of May 28, the requester was still waiting.

Another reporter visited Fisheries and Oceans Canada on February 17, 2005. The individual was not allowed to speak to a receptionist to make an initial request as security guards prevented the reporter's passage. Eventually, the requester connected with a departmental official on March 4, who requested a letter of clarification about the information being sought. After paying a \$5 fee and providing the required detail in a letter, there was no response to the request for information as of May 28.

At Citizenship and Immigration Canada a reporter filed an access to information request on February 17, 2005 asking for records indicating how much money the department spent in the previous budget year on sick leave and temporary workers. To date, there has been absolutely no response to the request.

One reporter had partial success in receiving the information asked for at Heritage Canada. She tried first at the department's regional offices in Toronto on February 28, 2005 but was referred to headquarters in Gatineau. After paying a \$5 fee and submitting a letter requesting the information on March 2, she was asked to suspend the formal request for records because of the excessive amount of documents the request would produce. In the end, the information was provided in a brief letter, dated April 1 and received on April 5.

The best performance was that of Public Security and Emergency Preparedness Canada. In this instance, after being told by security guards that it would be impossible to enter the building without an appointment, the requester was referred to Finance Canada. The reporter filed an ATI request on February 17. Five dollars and forty-three days later, on March 31, there was full disclosure of the information requested. This was the only department that was judged to be fully compliant, despite the lateness of the response.

Recommendations for change

The results of the audit point to problems of red tape, poor disclosure, prohibitive fees and non-compliance with statutory time limits for responses across all levels of government. More than simply an exposé on poor service to the public, the results strongly suggest that officials routinely evade disclosure of information that is supposed to be public. Most disturbing, the audit strongly suggests that some public servants appear to believe it is acceptable to break access to information laws.

In this regard, the audit provides further evidence of a problem that the CNA had previously documented through sponsored academic research: the public's right to government information that has an impact on the lives of ordinary citizens is in failing health in Canada, and will get worse unless Canadians begin fixing it. Below are key areas where the CNA believes urgent action is warranted.

Leadership

Bureaucracies march to the drum of those who lead them. Bureaucratic culture is determined from the top down. Change will not take place without the active engagement of leaders at the highest levels of the political system as well as the bureaucracy itself.

At no time in recent memory have issues of transparency and accountability in government occupied a more prominent place in national debate than today. Canada's sponsorship scandal has driven calls for comprehensive reforms to provide Canadians with greater accountability through more transparency in the conduct of government business.

The sponsorship affair has been variously blamed for lowering the confidence of Canadian citizens in their political leadership and in their government. Every national political party that competed for power in the last federal election made promises to increase transparency and accountability, including the party that was elected to office with a plurality of seats in Parliament. In so doing, they each responded in their own way to a groundswell of concern from the Canadian public.

This thirst for accountability is not confined to the federal domain. Pressures to widen the ambit of FOI have already made themselves felt in several Canadian provinces. As an example, the Ontario government has recently announced plans to expand freedom of information to embrace non-governmental recipients of government funds, beginning with the province's universities.

It is vital that political actors at all levels take the lead in insisting that governments improve FOI compliance, and that FOI laws be toughened or modernized as required.

Broaden awareness

Educational programs on access to information law, geared to the general public, are needed both to counter the inappropriate actions of government personnel who flout freedom of information legislation as well as to make Canadians more aware of their rights. Canadians need to know that

they are entitled to access to public information in a timely and inexpensive way. Public information campaigns are a useful first step.

Training

The audit found that many government employees simply do not know the substance of their government's freedom of information laws. This can only be rectified with comprehensive training.

Every public employee who deals with public inquiries should be familiar with the process of dealing with access to information requests. All employees who must process such requests should receive training that includes the basic law and regulations regarding freedom of information. The training should involve procedures for vetting requests and complying with the release requirements. Some parts of each jurisdiction's public information repositories are subject to access to information provisions, while some are not. It is essential that employees know which requests they can and must fulfill, and which they cannot. It is also vital they know why certain requests are not actionable. Part of the information being sought may be restricted, but part of it may also be located elsewhere, and therefore accessible by some other individual or group within the government.

In all cases the onus of training should be to ensure that FOI is delivered like any other public service – with an emphasis on ensuring “customer satisfaction.” It would be unacceptable if a third of Canadians who legitimately claimed employment insurance failed to receive payments months and months after filling out the appropriate forms. Whether it's the Passport Office, EI, or even Revenue Canada, most government departments pride themselves on their ability to meet high standards of service delivery.

FOI should be no different.

Performance management

Canada currently has a complaints-driven process whereby if a request for information is responded to in any way and does not generate a complaint, the assumption on the part of government officials is that the request was satisfied. This oddity is exemplified by New Brunswick's official statistics, which clash with the audit's findings. New Brunswick was one of the provinces that failed to adequately respond to questions in the survey yet the government's official statistics show a 98.8% success rate in handling freedom of information requests.

If access to information is to be guaranteed, as required by law, the culture of government information handling and records management will have to be transformed. This will require substantial changes in priorities, policies and programs, with a particular focus on results, benchmarking performance, and a commitment to continuous improvement.

Benchmarking is the management practice of adopting a “best practice” for a process or goal, and then comparing performance against that standard. Performance benchmarking and standards of excellence, along the lines of the Auditor General's performance audits, could help to address problems identified in the audit.

Sometimes performance temporarily improves in the wake of embarrassing revelations, only to revert to sub-standard levels some time thereafter. The knowledge that governments will consistently and aggressively conduct performance audits to ensure that FOI compliance meets the highest possible standards will assist substantially in motivating individuals and departments to improve. We therefore recommend that benchmarking, performance audits and standards of excellence be rigorously applied to FOI regimes in provinces, territories and at the federal level.

Conclusion and Postscript

Editorial writers for the Montreal Gazette reminded readers in publishing the audit's findings that "*Canadians are citizens with rights, not nuisances to be fobbed off with officious excuses.*"

The findings of CNA's first National Freedom of Information Audit suggest, unfortunately, that the public's right to know does not enjoy the respect that it requires to be truly functional in a democratic society.

The CNA has outlined some proposals to address the systemic challenges uncovered in our audit exercise. It is up to the political leaders of this country to act on them.

Postscript

The publication on May 28, 2005 of the results of CNA's National FOI Audit created a national sensation and led to numerous reactions, some of which we will list here.

- 1) Federal Justice Minister promises to bring in reforms to modernize federal Access to Information law – June 2, 2005;
- 2) Federal Opposition Leader Stephen Harper issues strong statement endorsing CNA positions on FOI reform – June 13, 2005;
- 3) CNA FOI Audit results discussed in Parliament – June 15, 2005;
- 4) CNA summoned as witness to report on FOI Audit and federal government FOI performance before House of Commons Committee on Access to Information, Privacy and Ethics, June 16, 2005;
- 5) New Brunswick orders review of provincial FOI after province fails CNA audit;
- 6) City of Fredericton orders "communications strategy" to be developed to ensure FOI is respected;
- 7) Mayor of Sarnia, Ontario, writes letter to Ontario Premier to urge FOI reform and obtains pledge from provincial government that the matter will be taken up.
- 8) Saskatchewan FOI Commissioner calls for reform of provincial legislation, describing FOI laws as "in tatters" after province scores failing grade on CNA audit.

Appendix

1. National FOI Audit Stories

More than 200 stories about the CNA FOI Audit (including follow-up) appeared in Canadian newspapers over the course of a little more than a week. For clarity, this number includes repetitions of the three national stories in newspapers across the country. According to industry standards for measuring exposure, more two thirds of the universe of adult Canadian readers 18-49 will have seen stories about the CNA freedom of information audit in the week results were published. The three stories that are reproduced here are the national stories prepared for distribution across the country. In most cases, these were complimented by stories from local reporters documenting their experiences in dealing with FOI requests in the audit exercise. Further on in the Appendix we provide samples of FOI coverage in some of these papers.

A 'culture of secrecy' blocks public access to information: Government data released in just one-third of cases, audit finds

The Ottawa Citizen

Saturday, May 28, 2005

Page: A1 / FRONT

Section: News

Byline: Robert Cribb and Fred Vallance-Jones

Source: The Ottawa Citizen

Canadians seeking basic government information about class sizes, restaurant inspections or complaints against police are up against a culture of secrecy, a national audit of openness shows.

In the country's first-ever practical test of transparency, 89 reporters from 45 newspapers across Canada visited city halls, police forces, school boards and federal government offices to test how bureaucrats obey laws enshrining the public's right to know.

"The public's right to government information that has impact on our lives is in failing health, and will get worse unless we start fixing it," said Anne Kothawala, president and chief executive of the Canadian Newspaper Association, which launched the audit. "This is documentary evidence of something that newspapers have long suspected to be a fact."

Reporters found a confusing patchwork of policies across the country, ranging from poor disclosure in provinces such as Prince Edward Island and New Brunswick, to a surprising 93-per-cent disclosure in Alberta.

Overall, officials handed over records to just one in every three requests made in person. The rest remained locked in government filing cabinets as reporters were told they had to file time-consuming -- and often expensive -- formal requests under provincial or federal access laws.

Jutta Mason knows only too well the frustrating labyrinth of information laws. Concerned about the lack of maintenance at a park in her west-end Toronto neighbourhood, she and others in her community began asking for an accounting of the city's parks budget more than two years ago.

Ms. Mason wanted to know how the department spends money, why some playground equipment was being removed, and why there never seemed to be any money to pave the pathways where baby strollers, bikes and wheelchairs get stuck in the mud.

At city hall, they were told they would have to file a Freedom of Information request. They've filed several requests since 2003. But most of their questions remain unanswered, says Ms. Mason.

Government freedom of information laws were created to recognize that ordinary citizens, as taxpayers, have the right to get answers to reasonable questions about what their governments are up to. There are some exceptions, such as national security, cabinet confidence and personal privacy, and specific regulations do vary from province to province and across different levels of government, but in general, the public is entitled to ask for, and get, access to government information.

Most formal information requests -- more than three-quarters -- are filed by citizens and businesses, federal statistics show. Media requests account for about 10 per cent and other organizations, such as labour unions, file close to 15 per cent.

In January, the city sent Ms. Mason a bill of \$12,960 for access to records of city spending on playground repairs. Ms. Mason made a formal appeal to have the fee waived in the public interest. The city denied that appeal last month.

"I've been stonewalled repeatedly," says Ms. Mason. "The fact is, they really have been remarkably unco-operative. With massive amounts of effort, you get pretty small results. But you have to get so skilful at asking the questions. If you're just starting out, you're up the creek. You get frustrated and give up."

Suzanne Craig, director of access and privacy with the City of Toronto, said the high fee demanded for the records reflects the workload it places on staff.

"This is an example of someone wanting to get information and an example of our organization following what we have in place," she said. "I put myself in the position of any citizen. Anyone who knows the legislation hopes that life can be breathed into it."

Ms. Mason's experience was typical of the findings from the Canadian Newspaper Association's national audit, made public today.

To test how bureaucrats administer freedom of information laws, the reporters, acting as private citizens, sought public records on such routine information as school bullying incidents to road repair schedules.

Government clerks handed over records in only 32 per cent of in-person visits. Even when the reporters then filed formal access requests, only 62 per cent of the requests were eventually partially released.

As is the case with many citizens who attempt to navigate the complicated and often adversarial process of obtaining public records, reporters were confronted with an array of barriers, from fees that reached into the thousands of dollars, to bureaucratic intransigence, to outright denials.

"There's still a very strong culture of secrecy in these organizations," says federal Information Commissioner John Reid. "They all run on the basis of loyalty and that means not rocking the boat."

The picture varied across the country. If you live in Prince Edward Island, you face a particularly high resistance to disclosing government information, the audit shows. Reporters were unsuccessful in seven of nine attempts to obtain public information on school violence, police conduct or road repairs. Two requests were abandoned when high fees were demanded.

"There must be an easier way to get information that I would think, as both a parent and a reporter, should be available," said one P.E.I. reporter who failed to obtain records on class sizes and incidents of bullying from one of the province's school boards.

"First getting questioned at the school board office about why I wanted the information, then leaving my name and getting no reply and calling again looking for the appropriate person to get me the information I wanted, right down to the (formal) request allegedly going astray."

Alan Kennedy, superintendent of P.E.I.'s Western School Board, says his board tries to be responsive to questions about class sizes.

"I would like to know why you want it. You have to understand the context of school class sizes," he says. "But we try to provide that information."

If you're looking for information on how many police officers have been suspended for misconduct in New Brunswick, best of luck. A police official in Fredericton refused to release information on the basis that "it isn't going to make us look very good."

A New Brunswick Police Commission official later told a reporter that such information is confidential, adding: "I am not prepared, and the commission is not prepared, to give that information out." Your chances of accessing public records are dramatically better if you live in Alberta, where at least some information was provided in 93 per cent of cases. Manitoba officials were almost as forthcoming, releasing at least some records in 87.5 per cent of requests.

The greater openness in western Canada is partly a function of newer laws and greater support among top officials and politicians, says Mr. Reid.

"The western provinces have this concept of populism and whatnot, and that pays off in terms of making things available,"

The results show that provinces that fared poorly in the audit -- such as P.E.I., Nova Scotia and New Brunswick -- are choosing the most expensive way of handling public disclosure of records, says Mr. Reid. It is far cheaper to release records routinely than to process formal requests under the information laws.

"It tells you that Alberta and Manitoba are running very efficient systems and, so therefore, their costs are going to be significantly lower. And Prince Edward Island has opted for the most expensive process. ... The way you make it more efficient is by answering people's questions."

Inconsistencies in how officials followed disclosure rules were evident even within provinces. In Ottawa, for example, a reporter was told it could take months and more than \$1,000 in fees to obtain restaurant inspection records. In Toronto, such information is posted on a website.

Of eight requests submitted to federal departments, all through the Access to Information Act, only two saw records released within the 30-day statutory period for responses. The other six agencies didn't reply.

According to the audit, the easiest information to obtain was the least controversial. About half of the requests for information on road repairs and class sizes were released informally after one or more visits to the public counter at city halls and school boards. On the other hand, slightly less than one-quarter of informal requests for a restaurant inspection report got results. And none of the requests for the number of sick days taken by police officers was satisfied through an informal visit.

When the informal route didn't work, reporters filed formal freedom of information requests, using the appropriate federal, provincial or municipal legislation.

That increased the success rate. But still, less than half of the requests for information on police sick days resulted in the release of any information. Even the least controversial requests, for road repair information and class sizes, were ultimately unsuccessful one-quarter of the time.

Among the audit findings that surprised Mr. Reid was the degree of questioning officials directed at people requesting information, including who they were and why they wanted it.

Information laws across the country say the identities of those making the requests -- and their reasons for wanting information -- should not factor into decisions about disclosure of public records.

"It raises a big flag for me," he says. "There may well be some backside protection going on here... Everybody's law says you're supposed to get it without question. It doesn't matter who you are...The office is there to serve you, not the other way around." The results also reveal differences in compliance between rural and urban areas. Reporters working for papers in small centres and rural areas (weekly circulations of less than 100,000), for example, got their information only 47 per cent of the time. Those from papers in towns, with weekly circulations of 100,000 to 500,000, were successful 65 per cent of the time. Those from larger city papers, with weekly circulations of 500,000 to one million, got records 87 per cent of the time.

The six largest papers, with weekly circulations in excess of one million, got records 57 per cent of the time, but that average was influenced by a relative lack of success with requests to federal agencies, which were handled by the largest papers.

Robert Cribb, a reporter for the Toronto Star, and Fred Vallance-Jones, a reporter for the Hamilton Spectator, wrote this story for the 45 newspapers across the country that participated in the audit.

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About the Report

This Freedom of Information audit, the first of its kind, is the result of a collaboration of newspapers across Canada under the umbrella of the Canadian Newspaper Association. In total, 89 reporters from 45 newspapers requested information from government offices in an effort to determine how well officials were following the laws that give the public the right to know.

For more on the findings, see the Observer, pages B1, 2.

Excuses, denials, hostility; Some public servants unsure of access rules

The Toronto Star

Saturday, May 28, 2005

Page: F1

Section: National Report

Byline: Robert Cribb

Source: Toronto Star

In Kingston, a public health employee tells a person requesting restaurant inspection records that he'll have to go to court first.

A citizen asking for information on municipal employee sick days in Edmonton is told such records are private.

City officials in Summerside, P.E.I., decide information about police complaints and suspensions cannot be released to the public.

In Peterborough, a request for water test results inspires an official to declare "I'm not interested in giving that up."

Time and time again, requests for public records in the country's first national audit of government openness were met with denials, excuses and, in some cases, outright hostility. Yet, in each case the information was supposed to be readily available.

Reporters, who asked for public information as private citizens, faced many barriers in their attempts to access records documenting everything from government spending to schoolyard bullying to police conduct.

Among the most common challenges were

- Outright denials of information that should be routinely available.
- High fees for accessing records that should be available for free or at nominal cost.
- A bureaucratic maze of unanswered calls and unhelpful officials.
- A lack of understanding in many government agencies about public disclosure responsibilities.
- Officials demanding, contrary to law, to know the requester's identity and purpose for requesting the records before agreeing to release them.

Municipal records of restaurant inspection records were among the most difficult to obtain.

In Ottawa, a request for the names of restaurants that had violated health and safety standards prompted officials there to calculate a detailed price for the information \$1,367.50. In Charlottetown, the same question produced a fee estimate of \$850. Saskatoon public health officials rebuffed the question, saying it was only available to those who could provide evidence that they were purchasing the restaurant.

And in Kingston, a city official said the information would not be released without a judge's subpoena.

Tony Button, director of administrative services for the Kingston area health unit, says subpoenas are not required to access eatery inspection records.

"Whoever (said) you need a subpoena is completely wrong," he says. "You need to make a request under (freedom of information law) and the issue can be resolved pretty quickly."

In all, only 23 per cent of requesters received restaurant information on their first visit to a municipal department. That figure rose to 49 per cent after requesters filed a formal freedom of information request.

By contrast, restaurant inspection information is freely posted for diners in Toronto on a city website and in eatery windows - a public disclosure system that launched in 2001 following a Toronto Star investigation into secrecy around food safety inspection records.

Law enforcement records were also difficult to obtain, according to audit results.

Only 28 per cent of visits to police stations across the country turned up records on police complaints and suspensions. Formal written requests lifted that figure to just more than 60 per cent. No police department would provide data on officer sick days when requesters first asked

for the records. After reporters filed official requests, the records were released in 47 per cent of cases.

When a request for records of police complaints and suspensions was denied in Summerside, P.E.I., a reporter filed a formal written request for the information along with a \$5 application fee.

The city's written response was categorical "Please be advised that the municipality of the City of Summerside and its departments, including Summerside Police Services, are not covered by this Act or its regulations, and, therefore, we are not required to release the information you requested."

That response may reflect unfamiliarity with the law, which took effect in 2002. But experts say police records of this nature have a strong public interest and should be made available under routine disclosure policies.

Summerside Police Chief Ian Drummond says he didn't have a problem releasing the information, but was overruled by a city attorney.

"The (city) attorney had some hesitation on releasing that information and in what context it would be used."

P.E.I. fared worst in the national audit with all nine requests for records denied.

"It's just new here," Drummond says. "Maybe that has something to do with the hesitancy. Once we have more experience, we should catch up."

City of Victoria police grilled a reporter looking for complaint and suspension information, asking what she intended to do with it and why.

"The general attitude that you get is that you have no right to this," says Judith Lavoie, the Victoria journalist who made the request. "You're made to feel very unwelcome."

Deborah Taylor, an analyst with Victoria Police Department's freedom of information branch, says the level of personal information requested determines what can be released.

"All the information would have to be presented before a decision could be made."

According to information laws in Canada, the identity of applicants is not relevant to the release of public records.

But many government officials don't understand that, says John Reid, the country's federal Information Commissioner.

"Governments don't spend any time or energy or money training people. (Bureaucrats) don't understand the legislation and don't understand the processes."

Requests for water test results also met a bureaucratic brick wall in most areas of Canada.

Only 34 per cent of applicants obtained any information on a visit to government offices. That rose to 59 per cent following formal requests.

Officials with Ontario's Haliburton Kawartha Pine Ridge District Health Unit told a reporter that water quality tests for the region are private and cannot be released to the public.

"I asked for the public results and (an official) said, 'I could possibly get (a) summary of information, but I'm not interested in giving that up,'" recalls Steve Ladurantaye, city editor of The Peterborough Examiner, who posed the question as a private citizen and later attempted to file a formal request to obtain the records.

"(An employee) told me that she would not accept the (written request), and it's not the health unit's responsibility to release that information to me. I asked repeatedly why I couldn't file a request. She had no answer other than, 'I couldn't.'"

Chandra Tremblay, a spokesperson for the health unit, says the incident stems from confusion.

Water test results are public in the region, northeast of Toronto. But the records are maintained by local municipalities rather than the region.

"It was probably a misunderstanding of someone not knowing what can or cannot be done," she says. "We don't keep that information but we refer people to where they can get it." "It's probably (a staff person) who wasn't familiar with that, which is unfortunate."

Culture of Secrecy: FOI

The Ottawa Citizen

Saturday, May 28, 2005

Page: B1 / FRONT

Section: Saturday Observer

Byline: Ian Macleod

Column: Ian Macleod

Source: The Ottawa Citizen

The public's right to government information is a farce because of political interference and the culture of secrecy within bureaucracies, say leading access experts.

"We need to back up and look at this in another light. Freedom of information is really not working," says Darrell Evans, of the B.C. Freedom of Information and Privacy Association.

Public interest researcher Ken Rubin, one of Canada's top access practitioners, says governments are so adept at undermining access laws, only drastic action can narrow the gap between what citizens are entitled to and what governments actually disclose.

"To yank this whole system, you have to start anew or have a great crisis," he says. The principle of freedom of information is straightforward: government information -- public information -- belongs to the public. Unless governments have a good reason to conceal it, for example harm to national security or personal privacy, people are entitled to get answers to reasonable questions about what their governments are up to. Instead, hidden and highly sophisticated government countermeasures are subverting access laws altogether or turning requests for information into frustrating, time-consuming and expensive ordeals.

The extent to which officials are ignoring even the spirit of the law is evident in the Canadian Newspaper Association audit: the law had to be invoked in more of than a third of the cases before the information was handed over.

Government secrecy is driven by two key groups. Bureaucrats, traditionally sheltered from public probing, often worry that releasing information will complicate their lives. It invites scrutiny of their competency. And it could compel them to defend publicly why they have, or have not, done something. "Very often the reluctance to release information is rooted just in that or the uncertainty about what might happen if they release information. It's all about accountability and accountability is hard work," says Alasdair Roberts, a Canadian access expert at the Maxwell School of Citizenship and Public Affairs at Syracuse University.

Likewise, government politicians want to hide all but the most filtered and managed information. Consider: The first evidence of the federal sponsorship scandal resulted from the dogged application of the federal Access to Information Act by Globe and Mail reporters seeking basic information about how the federal program operated in Quebec. It could be argued that ultimately the access system worked, despite efforts of officials to block it.

But, "if officials are asking, 'why do you need to know?,' or acting as though that's what's motivating them, they've completely missed the point of the law," says Mr. Roberts. "The point is supposed to be, 'why shouldn't I give this information out?'"

A government wide surveillance system exists to protect the political interests of their bosses from the public's right to know. A Toronto Star investigation by reporter Ann Rees into how governments handle information requests revealed public requests for sensitive federal information are flagged, often with colour-coded designations -- amber light, red files, purple folders -- to determine whether it should be sent for closer scrutiny by both communications offices and ministers' political staff.

The former Ontario Conservative government had a similar surveillance operation, called the "contentious issues track." Politically neutral requests followed established protocol. Politically sensitive requests were sidetracked into a communications process designed to protect the government's political interest. At least 600 such requests were diverted into the contentious issues system in 2002.

The federal Public Works Department's access-to-information co-ordinator who handled some of the Globe's access requests told the Gomery inquiry in December she received directions from communications branch officials in 2000 that would have prevented release of highly damaging

records. Anita Lloyd defied her superiors to comply with the law and release records that exposed the Liberal government's questionable sponsorship program.

Only 49 of 246 Crown agencies and corporations, collectively managing about \$70 billion in public assets, are subject to the Access to Information Act. Those excluded include Canada Post, Canadian Blood Services and the new Nuclear Waste Management Organization. Private firms contracted to do government work also are not covered by federal access laws. Yet they are bound by federal secrecy laws.

In 2002, Nova Scotia raised the basic fee for making a request to \$25 from \$5. Requests fell by 27 per cent. The number of applications processed in the allotted 30-day time period also fell.

Federal Information Commissioner John Reid warns that government scrutiny and accountability are threatened by an epidemic of missing memos. For example, Sun Media reporter Greg Weston found government bureaucrats exchanging e-mails headed with "RAD" -- read-and-delete -- directives to thwart the public's right to know what is going on in high places and why. It is also increasingly common practice for bureaucrats not to keep detailed written records of many departmental meetings, says Mr. Rubin.

Municipal officials routinely deny requests for restaurant health inspection reports, drinking water test results and other basic information affecting people's daily lives. "You tend to have people doing it off the side of their desk and they're amateurs and very often their first instinct is to say no, it's just easier," says Ms. Rees.

The federal government replaced the antiquated Official Secrets Act with the Security of Information Act in 2001. Public servants and government contractors are permanently bound to secrecy regarding "special operation information," defined as any information the federal government is taking "measures to safeguard." In other words, whatever the government says is national security information is national security information.

Secrecy has been a default rule of government operations for centuries, says Mr. Roberts.

Revolutions in England (1688) and France (1789) slowly overturned the absolute rule of monarchs and ushered in rights to free speech and the legislative process of lawmaking was opened to public scrutiny. But within the bowels of the bureaucracy, secrecy was still very much the rule, Mr. Roberts writes in a new book, *Blacked Out: Government Secrecy in the Information Age*, to be published in November.

As modern governments expanded their operations and reach, government "clerks" evolved into bureaucrats, with extraordinary new powers to shape the content of government policy. Realizing the tremendous power that lies within bureaucracies, laws were slowly enacted in western democracies to open them to public scrutiny. Today, 59 countries have adopted right to information statutes.

But powerful political forces continue to promote and enforce secrecy. The consequences of that, of not knowing what government is up to, is greater government waste, unsafe and shoddy products and a poorer environment, among other things, says Mr. Rubin. Moreover, democracy is harmed.

"If those in power hoard information," says Mr. Evans, "then it's truly only for the elite and citizens will never have the kind of knowledge they need to be full citizens."

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2. Summary Results Table

Question Subject	Number subject to visits	No decision any visit	Denied on a visit	Released on a visit	% released on a visit	Requests with no visit decision and no FOI request filed	Requests denied but no FOI request filed	FOIs filed	Released in full via FOI	Released partially by FOI	% with at least some release via FOI	Total percentage at least partially released	Denied by FOI	No response FOI	Abandoned due to cost, FOI	Total released in any manner	Total partially released	Number where some info released at both stages	Percent full disclosure FOI	Percent partial disclosure FOI
City Hall Road Repairs	42	11	11	20	48%	2	5	21	11	4	36%	74%	3	3		31	4	4	26.2%	9.5%
City Hall Sick Days & # of Employees	48	13	19	16	33%	4	3	33	11	9	42%	67%	7	4	1	32	9	4	22.9%	18.8%
Education Bullying & Violence	37	12	11	14	38%	3	4	23	6	6	32%	65%	7	4		24	5	2	16.2%	16.2%
Education Classroom Sizes	41	15	6	20	49%	4	3	20	10	4	34%	76%	1	5		31	5	3	24.4%	9.8%
Law Enforcement Complaints & Suspensions	36	18	8	10	28%	4	2	25	12	3	42%	61%	5	5		22	3	3	33.3%	8.3%
Law Enforcement Sick Days	32	19	13	0	0%	4		28	13	2	47%	47%	8	5		15	2		40.6%	6.3%
Public Health Restaurant Safety	35	13	14	8	23%	3		27	7	5	34%	49%	3	7	5	17	7	3	20.0%	14.3%
Public Health Water Testing	32	16	5	11	34%	4	3	19	6	3	28%	59%	3	6	1	19	2	1	18.8%	9.4%
Sick Leave & Temporary Personnel (federal)	8	8			0%			8	2		25%	25%		6		2			25.0%	0.0%
Total	311	125	87	99	32%	28	20	204	78	36	37%	62%	37	45	7	193	37	20	25.1%	11.6%

3. Preliminary Report on Phase 1

The following report is based on the “notes” section of the FOI report forms. It was prepared for the FOI Working Group by Paul Egan, Winnipeg Free Press.

Lots of buck-passing and a strong tendency by public officials – from the clerk right up to department directors – to want to know why public information is being sought before they will release it.

Here are some numbers on recurrence of various responses. After the type of response is listed the number of separate times it was mentioned in the notes column.

- Wanted to know why information was sought: 79
- Wanted to know who was asking or who they represented: 63
- Passed off to a phone number: 34
- Told to file FOI: 31
- Told report does not exist: 28
- Person needed not in/available: 27
- Asked/told to make written request (not necessarily a formal FOI): 25
- Referred to another office/department: 23
- Told information is private/confidential: 18
- Information not releasable (though not necessarily citing privacy/confidentiality): 17
- Report not complete/ready: 17
- Told to wait days/weeks: 16
- Referred to Internet: 13
- Person telephoned never called back: 10
- Report not approved by police board/council: 9
- Would not provide records to back up verbal response: 5
- Told to await cost estimate: 4
- Told to make an appointment: 4
- Referred to public library: 1
- Told getting information would be too much work: 1
- Stopped by security: 1
- Told to get a letter from a lawyer: 1
- And (my personal favourite): Told to “subpoena” information: 1

I counted five instances in which significant FOI costs were cited as a possible deterrent to requesting the information.

Also, 41 instances in which the person seeking the information was “outed” as a reporter, which says something about the level of information the public agencies were seeking from those requesting the information.

It’s also interesting to note the reporters’ descriptions of the public officials’ responses.

There were 12 references to “helpful” and five to “friendly,” but the reporters also found the officials they encountered to be: “angry” (twice); “annoyed” (twice); and “suspicious” (twice), as well as flustered, “very unpleasant,” frustrated, aggressive and secretive.

There is a strong current of officials not knowing whether information being sought is releasable or not, which leads them more often than not to err on the side of not releasing the information.

4. Samples of Coverage

The attached PDFs illustrate the breadth of coverage in the following newspapers:

- Ottawa Citizen (average daily circ. 141,540)
- Cornwall Standard-Freeholder (average daily circ. 15,000)
- Sarnia Observer (avg. daily circ. 40,500)
- New Brunswick Telegraph-Journal (avg. daily circ. 8,500)
- The Record of Kitchener, Cambridge, Waterloo (average daily circ. 68,000)
- Toronto Star (average daily circ. 470,000)

Inside: 30 pages of Homes and your TVTimes SATURDAY Entertainment: Paul Anka sings rock hits, his way, L4

OTTAWA CITIZEN

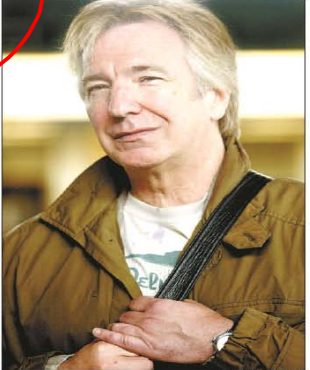
SATURDAY, MAY 28, 2005 ESTABLISHED IN 1845 \$1.87-EST

READY, SET, RUN!
How John Stanton turned us into a nation of runners. **STYLE WEEKLY**
Rite-wrecking heels: Why wearing city shoes is so painful

Love makes you blind
If you take Viagra, your vision could go. **WORLD, A10**
For Peter's sake, the breakup may be a blessing. **OBSERVER, B4**

SPECIAL REPORT
A 'culture of secrecy' blocks public access to information
Government data is not just one of the most guarded secrets, but it is also one of the most valuable.

PROFESSOR SNAPE PATROLS THE CORRIDORS OF RIDEAU HALL



British actor Alan Rickman, known for playing sinister characters in films like *Star Wars* and *Die Hard*, is set to play the villainous character, who is called a 'snare', in Ottawa's Rideau Hall.

New Grit MP one of party's loudest critics

Ex-Métis leader once said federal policies were 'legislated genocide,' accused Liberals of ethnic profiling

By Grant Robertson

When Todd Russell was this week's *Observer* reporter, the industry Liberal gained a crucial vote in the House of Commons, but also vented his frustration with the government and its policies.

Mr. Russell, who will be elected in an MP's seat that includes several areas of his former Liberal constituency, has a long history of criticism of the government.

As leader of the Liberal party, Mr. Russell had a long history of criticism of the government. He has accused federal Indian and Northern Affairs Minister Aler Scott of acting in the "vestibular" of his people's interests.

Mr. Russell also turned heads with Justice Minister Irwin Cotler, accusing the Liberal of "legislated genocide" and "legislated ethnic profiling."

But don't expect any abrupt changes in Ottawa's political scene. Mr. Russell, who has advocated "legislated genocide" and "legislated ethnic profiling" in the past, says he will take all of his constituents into consideration.

"I don't have a political agenda," he said. "I just want to do what's best for my constituents."

See Russell on page A4

PM went on patronage spree before too-close-to-call vote

Plums for supporters of Liberals left pre-election pattern

By Jack Layton

With a snap election hanging over their heads, the Liberals' cabinet members were busy making their political connections before the election.

Mr. Martin's cabinet members were busy making their political connections before the election. Mr. Martin's cabinet members were busy making their political connections before the election.

Mr. Martin's cabinet members were busy making their political connections before the election. Mr. Martin's cabinet members were busy making their political connections before the election.

See Layton on page A2

ABOUT THE REPORT
This report of information is the result of a combination of newspaper reports across Canada under the leadership of the Canadian Newspaper Association. It is not a government report. It is not a government report. It is not a government report.

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THE OTTAWA CITIZEN CANADA SATURDAY, MAY 28, 2005

Audit: Picture varied across the country

Report card by province

How well did the provinces do in their 2004-05 fiscal year? The report card shows that the provinces did well in most areas, but there were some concerns in others.

Response to written request

Province	Response to written request
Alberta	100%
British Columbia	95%
Manitoba	90%
Ontario	85%
Quebec	80%
Saskatchewan	75%
Atlantic	70%

Response to visits

Province	Response to visits
Alberta	100%
British Columbia	95%
Manitoba	90%
Ontario	85%
Quebec	80%
Saskatchewan	75%
Atlantic	70%

The report card shows that the provinces did well in most areas, but there were some concerns in others. The provinces were praised for their efforts in reducing deficits and improving services, but they were criticized for their handling of the environment and social issues.

Russell: Bold statements stem from passionate views

Mr. Russell has a long history of criticism of the government. He has accused federal Indian and Northern Affairs Minister Aler Scott of acting in the "vestibular" of his people's interests.

Mr. Russell also turned heads with Justice Minister Irwin Cotler, accusing the Liberal of "legislated genocide" and "legislated ethnic profiling."

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"I don't have a political agenda," he said. "I just want to do what's best for my constituents."

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SATURDAY OBSERVER



COOL IT, CANADA
We shouldn't get excited when we're praised or criticized.
CHARLES GORDON, PAGE B6

REJECT IT, FRANCE
French voters should say 'non' to the new EU Constitution.
PETER ZIMONJIC, PAGE B7

CULTURE OF SECRECY



The public's right to government information is a farce because of political interference and the culture of secrecy within bureaucracies, say leading access experts.

"We need to back up and look at this in another light. Freedom of information is really not working," says Darrell Evans, of the B.C. Freedom of Information and Privacy Association.



IAN MACLEOD

Public interest researcher Ken Rubin, one of Canada's top access practitioners, says governments are so adept at undermining access laws, only drastic action can narrow the gap between what citizens are entitled to and what governments actually disclose.

"To rank this whole system, you have to start anew or have a great crisis," he says. The principle of freedom of information is straightforward: government information — public information — belongs to the public. Unless governments have a good reason to conceal it, for example harm to national security or personal privacy, people are entitled to get answers to reasonable questions about what their governments are up to. Instead, hidden and highly sophisticated government countermeasures are subverting access laws altogether or turning requests for information into frustrating, time-consuming and expensive ordeals.

The extent to which officials are ignoring even the spirit of the law is evident in the Canadian Newspaper Association audit: the law had to be invoked in more than a third of the cases before the information was handed over.

Government secrecy is driven by two key groups. Bureaucrats, traditionally sheltered from public probing, often worry that releasing information will complicate their lives. It invites scrutiny of their competency. And it could compel them to defend publicly why they have, or have not, done something. "Very often the reluctance to release information is rooted just in that or the uncertainty about what might happen if they release information. It's all about account-

ability and accountability is hard work," says Alanast Roberts, a Canadian access expert at the Maxwell School of Citizenship and Public Affairs at Syracuse University.

Likewise, government politicians want to hide all but the most filtered and managed information. Consider:

- The first evidence of the federal sponsorship scandal resulted from the dogged application of the federal Access to Information Act by Globe and Mail reporters seeking basic information about how the federal program operated in Quebec. It could be argued that ultimately the access system worked, despite efforts of officials to block it. But, "if officials are asking, 'why do you need to know?' or acting as though that's what's motivating them, they've completely missed the point of the law," says Mr. Roberts. "The point is supposed to be, 'why shouldn't I give this information out?'"

- A governmentwide surveillance system exists to protect the political interests of their bosses from the public's right to know. A Toronto Star investigation by reporter Alan Bose into how governments handle information requests revealed public requests for sensitive federal information are flagged, often with colour-coded designations — amber light, red flag, purple folder — to determine whether it should be sent for closer scrutiny by both communications offices and ministers' political staff. The former Ontario Conservative government had a similar surveillance operation, called the "contentious issues track." Politically sensitive requests followed established protocol. Politically sensitive requests were side-tracked into a communications process designed to protect the government's political interest. At least 600 such requests were diverted into the contentious issues system in 2003.

- The federal Public Works Department's access-to-informa-

tion co-ordinator who handled some of the Globe's access requests told the Gossery inquiry in December she received directions from communications branch officials in 2000 that would have prevented release of highly damaging records. Anita Lloyd defied her superiors to comply with the law and release records that exposed the Liberal government's questionable sponsorship program.

- Only 49 of 246 Crown agencies and corporations, collectively managing about \$70 billion in public assets, are subject to the Access to Information Act. Those excluded include Canada Post, Canadian Blood Services and the new Nuclear Waste Management Organization. Private firms contracted to do government work also are not covered by federal access laws. Yet they are bound by federal secrecy laws.

- In 2004, Nova Scotia raised the basic fee for making a request to \$25 from \$5. Requests fell by 27 per cent. The number of applications processed in the allotted 30-day time period also fell.

- Federal Information Commissioner John Reid warns that government scrutiny and accountability are threatened by an epidemic of missing memos. For example, Sun Media reporter Greg Weston found government bureaucrats exchanging e-mails headed with "RAD" — read-and-delete — directives to thwart the public's right to know what is going on in high places and why. It is also increasingly common practice for bureaucrats not to keep detailed written records of many departmental meetings, says Mr. Rubin.

- Municipal officials routinely deny requests for restaurant health inspection reports, drinking water test results and other basic information affecting people's daily lives. "You tend to have people doing it off the side of their desk, and they're amateurs and very often their first

instinct is to say no, it's just easier," says Mr. Bose.

- The federal government replaced the antiquated Official Secrets Act with the Security of Information Act in 2004. Public servants and government contractors are permanently bound to secrecy regarding "special operation information," defined as any information the federal government is taking "measures to safeguard." In other words, whatever the government says is national security information is national security information.

Secrecy has been a default rule of government operations for centuries, says Mr. Roberts. Revolutions in England (1688) and France (1789) slowly overturned the absolute rule of monarchs and ushered in rights to free speech and the legislative process of lawmaking was opened to public scrutiny. But within the bowels of the bureaucracy secrecy was still very much the rule. Mr. Roberts writes in a new book, *Stock of Ours: Government Secrecy in the Information Age*, to be published in November.

As modern governments expanded their operations and reach, government "cleans" evolved into bureaucracies, with extraordinary new powers to shape the content of government policy. Embedding the tremendous power that lies within bureaucracies, laws were slowly enacted in western democracies to open them to public scrutiny. Today, 20 countries have adopted the right to information statutes.

But powerful political forces continue to promote and enforce secrecy. The consequences of that, of not knowing what government is up to, is greater government waste, unsafe and shoddy products and a poorer environment, among other things, says Mr. Rubin. Moreover, democracy is harmed.

"If those in power hoard information," says Mr. Evans, "then it's truly only for the elite and citizens will never have the kind of knowledge they need to be full citizens."

THE HUNT FOR INFORMATION ON PAGE B2



STANDARD FREEHOLDER

SATURDAY, MAY 28, 2005 CORNWALL, ONTARIO 93¢ (GST EXCLUDED)

ACCESS DENIED Freedom of Information just an illusion: audit

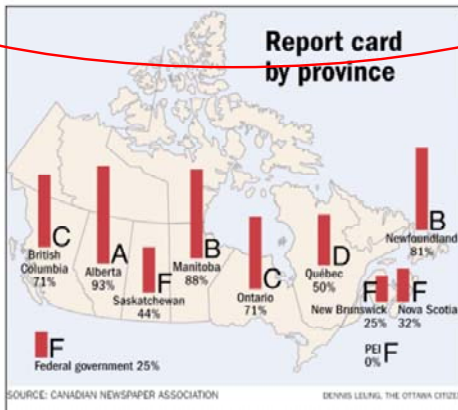
By Ronit Gled and Fred Wilson for the Canadian Newspaper Association

Canadians seeking basic government information about class sizes, restaurant inspections or complaints against police are up against a culture of secrecy, a national audit of openness shows. In the country's first ever practical test of transparency, 89 reporters from 45 newspapers across Canada, including the Standard-Freeholder, visited city halls, police forces, school boards, and federal government offices to test how bureaucrats they have enshrined the public's right to know. The public's right to government information that has impact on our lives is in falling health, and will get worse unless we start fixing it," said Anne Kathawala, President and CEO of the Canadian Newspaper Association, which launched the audit. "This is documentary evidence of something that newspapers have long suspected to be a fact."

Reporters found a confusing patchwork of policies across the country, ranging from poor disclosure in provinces such as Prince Edward Island and New Brunswick to a surprising 80 per cent disclosure in Alberta.

Overall, officials handed over records to just one in every three.

PLEASE SEE EXERCISE PG 21



By Terri Saunders Standard-Freeholder CORNWALL

Public officials in Cornwall performed slightly better than their Canadian counterparts in a national access to information audit held over the past four months.

But their willingness to share statistics and data about things such as restaurant health violations and police department suspensions will have much to be desired.

During a series of in-person visits to a number of public offices — the City of Cornwall, the Eastern Ontario Health Unit, the Cornwall Community Police Service and the Upper Canada District School Board — verbal requests for information were turned down in all but one case.

HIGH COST
Results improved slightly when written requests for information were made, although in at least one case, the cost associated with the compilation of the data — \$30 per hour to find out how many complaints were lodged against police officers in 2004, and how many sick days were paid to officers during the same period — would make an average citizen think twice about following through with the request. On Monday, the Standard-Freeholder will begin publishing a series of stories outlining how each agency responded to requests for public information.

www.standard-freeholder.com

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Group proposes \$150M tourism development

By Kevin Lajole Standard-Freeholder CORNWALL

A group of investors is ready to launch a \$150-million proposal to develop a hotel, waterpark and other amenities in the area of Cryster Park and Upper Canada Village.

The private consortium, which includes several partners including business minister Ed Lunan, Ontario premier Mike Harris, has been working for more than a year on a multi-million dollar proposal that would add several new attractions west of the village and surrounding area.

Aspects of the proposal include a large outdoor water park, an historical-themed "family adventure" park, a 300-400 room hotel and convention center with an indoor water park, a 12,000 seat auditorium and eventually, a "retirement lifestyle" residential development west of the Upper Canada Golf Course.

The proposal also calls for enhancements to the Cryster Park marina and Upper Canada Village, including the addition of a historical "family adventure" park to reflect the cultural and economic role of Canada's aboriginal people.

Early estimates peg the cost of the proposed development at \$150 million. It is expected to create upwards of 1,000 direct new jobs and hundreds of spin-off jobs in the areas of construction, service and support.

The group hopes to have the first phase of the development — which includes the waterpark and family adventure park — completed by the spring of 2008, though there are still a number of study, consultation and approval processes to go through.

Under the proposal, the existing historical cooperatives would work in harmony with the planned new additions, but there would be a clear line between the two. If anything, the consortium believes, the proposal would actually strengthen the historical aspects already in place.

"We have paid extremely careful attention to preserving the historical sensitivity," said

FUN IN THE SUN An artist's conception by Toronto-based design firm Fentec Ltd. shows a proposed waterfront hotel and water park just west of the Cryster Park Marina. The hotel is just one part of a multi-year proposal now being discussed which would see amenities added near Upper Canada Village.

Boderick MacDonald, president of Lumac Development Corp., one of the private investors involved in the plan.

As the land is owned and managed by the 36 Lawrence Parks Consortium, an agency of the Ontario government, the consortium will likely be looking at forming a partnership — better known as a P3 — with the SLPC for the development.

"We can finance this," MacDonald said.

PLEASE SEE WE HAVE PG 45

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THE SATURDAY EDITION



Sports Extra
Some of the best high school track and field athletes are competing in OFSAA regionals



Life
'Existential Gardener' in Sarnia finds inner peace and joy by experiencing nature in lush backyard

Barriers to public documents

NATIONAL AUDIT FINDS ACCESSIBILITY ISSUES EXIST

By STEPHEN HUBBELL
The Observer

Only one in three in power via the internet, a new report says. The higher barriers to accessing information are a lack of familiarity with the "tools" of information systems. Time and costs were also major impediments. Citizens were required, and rights to FOI requests could take up to several months.

The report of the Standing Committee on Access to Information and Privacy, released last week, says that only one in three in power via the internet, a new report says. The higher barriers to accessing information are a lack of familiarity with the "tools" of information systems. Time and costs were also major impediments. Citizens were required, and rights to FOI requests could take up to several months.

For example, the Sarnia Police Service gladly obliged a request for records detailing company checks issued in 2004, as well as the names of officers in that department. However, the request for records detailing company checks issued in 2004, as well as the names of officers in that department. However, the request for records detailing company checks issued in 2004, as well as the names of officers in that department.



Ross McEachran and his son Jon have purchased the former Fiberglas plant site on Kerry Street. They are looking for tenants for the 32.7-acre industrial land.

New industrial park opens

By CATHY DOBSON
The Observer

Two Sarnia businesses have purchased the former Fiberglas site on Kerry Street and are converting it into a 32.7-acre industrial park. The businesses are Ross McEachran and his son Jon. They are looking for tenants for the 32.7-acre industrial land.

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Coast Guard moving to Northgate

LONDON COMPANY BUILDING ON FORMER SEARS STORE SITE

By CATHY DOBSON
The Observer

A major move to downtown Sarnia is under way for the Coast Guard. The London-based company is building a new headquarters on the former Sears store site. The move is expected to be completed by the end of the year.

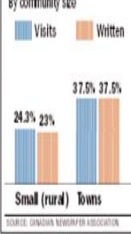
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"WE DON'T WANT TO ASK THEM TO PROTECT US"

NATIONAL UNDERCOVER INVESTIGATION FINDS FREEDOM OF INFORMATION ACT INEFFECTIVE, AT BEST

The new report says that the Freedom of Information Act is ineffective, at best. The report found that the Act is not being used as intended, and that the government is not providing the information requested.

Requests released



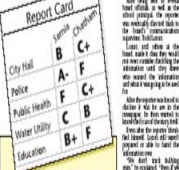
Lack of information hurts u

The lack of information is hurting the public. The report found that the government is not providing the information requested, and that the public is not getting the information they need.

A culture of secrecy exists

Locally, there are issues

A culture of secrecy exists in the government. The report found that the government is not providing the information requested, and that the public is not getting the information they need. The report also found that there are issues locally, and that the government is not addressing these issues.



Whose fault is it, anyway?

Whose fault is it, anyway? The report found that the government is not providing the information requested, and that the public is not getting the information they need. The report also found that there are issues locally, and that the government is not addressing these issues.



TELEGRAPH-JOURNAL

Weekend Edition

SATURDAY, MAY 28, 2005

SERVING THE PROVINCE OF NEW BRUNSWICK

canadaeast.com

Saint John setting national jobs pace

CIBC study shows city leading way in full-time job growth

While the quality of Canadian jobs has been declining throughout most of the country in recent years, economists at CIBC World Markets believe the opposite is happening in the Saint John area. "Saint John is leading the country in terms of full-time jobs as a percentage of employment," says Benjamin Tai, the CIBC's senior economist. Canada's big cities may have higher overall job growth, but St. John is

SATISFACTION!



Babes, beer, N.B. Tourism don't mix

By Nina Chizzelli

Scouted last winter during the festival, just one click away from New Brunswick Tourism's website, I'm not sure if the search engine is the best way to find a date for the weekend. The partnership between Montreal's festival, which was just awarded a spot on the international spotlight, and the province's tourism board is a mixed bag.

Pair charged with first-degree murder

Jonathan Winmill, 30, and Charles Wainwright, 31, charged with first-degree murder of a woman in Saint John.



Province among worst at yielding public information

Ontario, Quebec and Alberta are among the best at providing public information, while New Brunswick is among the worst.



See also: **See also** **See also** **See also**

See also: **See also** **See also** **See also**

See also: **See also** **See also** **See also**

See also: **See also** **See also** **See also**

See also: **See also** **See also** **See also**

There's a pattern here - no answers

What is your name? Who are you? What do you do? These are the questions that Sarah McGinnis, a Saint John human resources manager, asks of her employees. She is not asking for their names, but for their resumes. She is not asking for their resumes, but for their resumes. She is not asking for their resumes, but for their resumes.



One man's story

By Sarah McGinnis. I was a week before the election. I was a week before the election. I was a week before the election. I was a week before the election. I was a week before the election.

Fast facts

Fast facts about the province's performance in providing public information. Ontario is the best, followed by Quebec and Alberta. New Brunswick is among the worst.

INFORMATION: Three New Brunswick papers participated in audit

The City of Saint John's human resources department, staff wanted to know who wanted to know how much time was recorded by newspaper writers the previous year. They discovered it was mostly from the newspaper writers.

Table with 2 columns: Province and Responses Grade. Alberta: 92% A; Manitoba: 89% B; British Columbia: 71% C; Ontario: 71% C; Quebec: 50% D; Saskatchewan: 46% F; New Brunswick: 25% F; Nova Scotia: 32% F; Prince Edward Island: 25% F; Federal government: 25% F.

INSIDE: DON'T TUG ON SUPERMAN'S CAP. The collector finds the good guy again, using the power of his paperweights.

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SATURDAY, MAY 28, 2005 WEEKEND EDITION WATERLOO AND THE REGION

THE RECORD

Local 81: Musical therapist Inspiring minds

Local 81: Memorial Cup Waiting game

Local 81: Devil's deal Almost free

Police chief won't rule out study on racial profiling

By Peter Hume
Waterloo Region
Waterloo Region Police Chief Larry Davis says he won't rule out a study on racial profiling, but he says the police department is not currently conducting one.

Cash targets wait times

2451 additional procedures make

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

How public is public information?

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

Canada's first audit of government openness

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

Local libraries help newcomers find their bearings

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

Look for SUNRISE SHOPPING CENTRE

in the Special Feature Section in Wednesday's paper!

A4 THE RECORD KITCHENER-CAMBRIDGE WATERLOO PUBLIC SECRETS

Public information is yours for the asking - until you ask

Access legislation isn't always understood

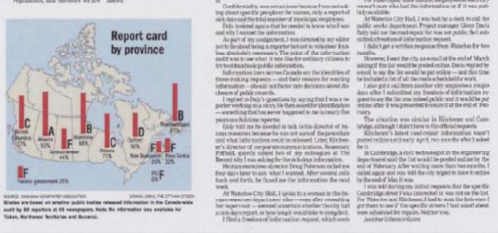
The Access to Information Act is a powerful tool, but it's not always understood. It's not just about getting information; it's about understanding the process.

Questions, deflections and delays

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

Report card by province

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.



THE RECORD KITCHENER-CAMBRIDGE WATERLOO PUBLIC SECRETS

Answers - after two freedom-of-information requests

Who: Waterloo regional police
What we asked and what we learned:
How many complaints were filed against the police force in 2004? Answer: 16.
How many police officers received suspensions in 2004, paid and not? Answer: 16.
How many were suspended? Answer: One, with pay.
How many sick days did police officers log in 2004? Answer: 4,898.4 days.
How many over the 100 police officers log in 2004? Answer: 15.45 officers.

And after the official Googled my name on the Internet...

Who: Waterloo Region District School Board and Waterloo Catholic District School Board
What we asked and what we learned:
How many incidents of violence and bullying have been reported to the board of trustees? Answer: 16.
How many incidents of violence and bullying have been reported to the board of trustees? Answer: 16.

Keys to unlocking information

Waterloo Region Health Services is targeting wait times for 2451 additional procedures, says a report from the Waterloo Region Health Services.

Who: Waterloo Region

What we asked and what we learned:
How many years of funding were allocated to user-generated safety awards in 2004? Answer: 1.
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Who: Waterloo Region

What we asked and what we learned:
How many years of funding were allocated to user-generated safety awards in 2004? Answer: 1.
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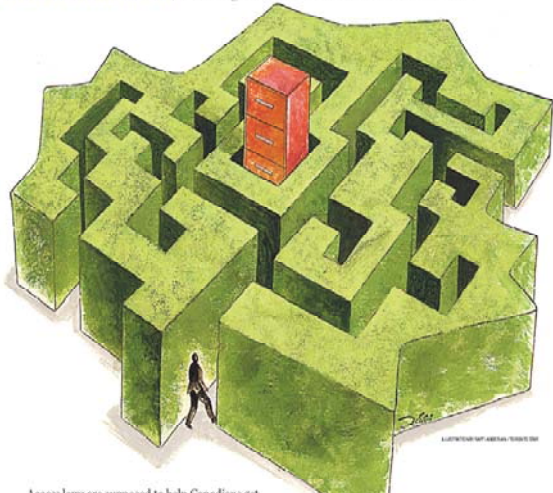


The dismembered statute, F3 / How 'green' is hydroelectricity? F5

National Report

F SECTION TORONTO STAR SATURDAY, MAY 28, 2005 • thestar.com

CULTURE OF SECRECY | Testing freedom of information laws



Access laws are supposed to help Canadians get information from government. But a cross-country audit has found many agents of government act just saying no

Access denied

Excuses, denials, hostility

BY JEFFREY HARRIS

Canada's leading free information act, the Access to Information Act, is supposed to help Canadians get information from government. But a cross-country audit has found many agents of government act just saying no.

The Freedom of Information Act (FOIA) is supposed to help Canadians get information from government. But a cross-country audit has found many agents of government act just saying no.

The Freedom of Information Act (FOIA) is supposed to help Canadians get information from government. But a cross-country audit has found many agents of government act just saying no.

BY JEFFREY HARRIS

Canada's leading free information act, the Access to Information Act, is supposed to help Canadians get information from government. But a cross-country audit has found many agents of government act just saying no.

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Culture of Secrecy

Just one in three got information

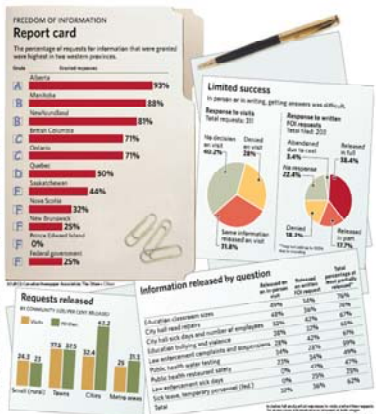
By Audrey Ross

Just one in three people who requested information under the Freedom of Information Act (FOIA) received it, according to a new report from the Canadian Newspaper Association (CNA).

The report, titled "Freedom of Information: A Report Card," shows that only 33% of requests were granted. The remaining 67% were either denied or not responded to.

The CNA says that the low response rate is a sign of a "culture of secrecy" within government departments. It says that many government employees are afraid to release information, even when it is requested under the FOIA.

The report also found that the average time to receive a response was 45 days. This is much longer than the 30-day deadline set by the FOIA.



Editorials & Opinion

Canada's shaky right to know

TORONTO STAR

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Follow Kingston's lead

BY JEFFREY HARRIS

Kingston, Ontario, has become a model for how to handle Freedom of Information Act (FOIA) requests. The city has a high response rate and a short turnaround time.

The Kingston City Council has adopted a policy of releasing as much information as possible under the FOIA. This has led to a high level of transparency and accountability.

Other cities and government departments should follow Kingston's lead and adopt a similar policy. This would help to build trust and confidence in government.

Some public servants unsure of access rules

BY JEFFREY HARRIS

Some public servants are unsure of the rules governing the Freedom of Information Act (FOIA). This can lead to delays and denials of requests.

The Freedom of Information Act (FOIA) is a complex law with many exceptions and exemptions. Public servants need to be well-versed in these rules to handle requests properly.

Training and education for public servants is essential to ensure they understand the FOIA and can provide accurate information to requesters.

Public Health

BY JEFFREY HARRIS

Public health officials are facing a new challenge: how to balance the need for transparency with the need to protect public health.

The Freedom of Information Act (FOIA) allows anyone to request information from government. However, there are several exemptions that can be used to withhold information that could harm public health.

Public health officials must carefully consider these exemptions and provide clear explanations for any denials. This is essential to maintain public trust and ensure the best outcomes for the community.

DARTS AND LAURELS

BY JEFFREY HARRIS

Several individuals and organizations have been recognized for their contributions to the Freedom of Information Act (FOIA) and transparency in government.

The Darts and Laurels award is presented annually to those who have made significant contributions to the FOIA. This year's recipients include several individuals and organizations who have worked tirelessly to promote transparency and accountability.

These individuals and organizations have set a high standard for others to follow and have made a significant impact on the FOIA process.