

National Council of Women of Canada
Brief to the Access to Information Review
Public Service Task Force (ATIRTF)
June 4, 2001

In 1977, the National Council of Women of Canada (NCWC) adopted as policy the right of the Canadian public to information concerning the public business. Since that time, NCWC has urged the Government of Canada to enact legislation that would implement the best methods to improve public access to government information.

NCWC is a volunteer, non-partisan organization dedicated to improving conditions for women, children and families. In order to do this, NCWC requires timely, substantive information to participate meaningfully in the democratic process. From time to time, it is necessary to make "access to information" requests in order to take part in the decision-making process; to monitor policies and programs and to ensure that politicians and bureaucrats remain accountable.

Our own experience is further informed by the work of the Auditor General of Canada, the Information Commissioner of Canada, organizations of journalists, librarians, academics (particularly Professor Alisdair Roberts), researchers, opposition parties, lawyers, Open Government Canada (NCWC is a founding member) and other more frequent users of the access system. With eighteen years of experience of the current access legislation, NCWC welcomes the opportunity to improve public access to government information.

However, responding to the Access to Information Review Task Force is problematic for one fundamental reason. The ATIRTF is a review by the public service. Without question, the evaluations and recommendations of government record managers, information technologists, "access to information" co-ordinators and other senior officials are critical to improving the system. But the same public servants have a conflicting allegiance to an oath of office which requires that they solemnly swear not to divulge any information which comes to their knowledge through reason of their appointment.

It is also troubling to know that the two Government of Canada agencies conducting this review, Treasury Board Secretariat (TBS) and Department of Justice, do not appear to be committed to improving openness. In his Annual Report 1999-2000, the Information Commissioner of Canada singled out these agencies for being unduly secretive and uncooperative and for starving his office of the funds to do the job. He concludes, "Finally, the TBS has not tackled its primary leadership responsibility to be the champion of a culture of openness within the federal bureaucracy." (page 14).

For this reason, only an independent and open Public Interest review can provide legitimacy and credibility and genuinely hope to improve the public's right to know. Before any administrative or legislative changes are made, the ATIRTF's final report needs to be followed by an independent, fully informed public review.

NCWC would further like to see:

- Parliament adopt a strategy designed to integrate openness within the next ten years into the way each and every government agency, including Parliament itself, conducts its business.
- Parliament and government agencies formally adopt, with in a Code of Ethics, values of openness in pursuing their missions.
- a concerted effort to ensure and promote routine disclosure of information in each government agency.
- the principle of “ministerial responsibility” and the responsibility of officials “to disclose in the public interest” clarified.
- the Office of the Information Commissioner strengthened and given the necessary resources to respond to complaints promptly and to monitor systematically the performance of the access to information system..
- the Office of the Information Commissioner given power to order disclosure of information wherever the public interest clearly overrides the potential harm.
- Cabinet documents be subject to disclosure where the records are of a factual nature.
- the scope of the Access to Information Act reviewed.
- the costs of making an access to information application remain affordable so as not to be a barrier to access.

As occasional users of the Act with very limited financial resources for research, NCWC would welcome an open forum with other users and the administrators to work towards solving the complaints of delays and excessive government secrecy associated with the Act.

If Canada is to become a true leader of the transparency movement, a pre-requisite is surely a full, open public review with access to information users on an equal footing with the administrators of the system. It is especially important that the federal government set a high standard of openness for the provinces, territories, municipalities and the non-government community.