

OPEN GOVERNMENT

Secrecy happenings and transparency hopes, Ottawa needs to open up

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OTTAWA—It's a sure sign that it's still secrecy as usual in Ottawa when the Treasury Board wants six months to respond to an access request for records about Trudeau government's transparency work. That's before applying policy advice and Cabinet confidences to the records.

But it's far from the only example. Take the case of the request for the no-fly list records. Public Safety Minister Ralph Goodale indicated changes were needed to prevent minors with the "wrong" names getting on the list. Yet Public Safety denied access to records on what is transpiring on the no-fly list citing national security, law enforcement, and personal information exemptions.

With no real directives or public consultations coming from Prime Minister Justin Trudeau's government for greater transparency, a bold public dialogue, or open, recorded decision-making, Canada is not moving forward to the model of Sweden's 250-year-old information access model that lays out many records for daily public inspection.

Just think of the public having daily access to records on matters like electoral reform, Senate selection, a guaranteed income, or the infrastructure spending underway. The government could release such records ranging from the full life cycle of present and planned military ships, to planes and armaments, to the options for pot regulation and distribution.

Yet four months into his mandate, Trudeau has not indicated his government has up-front priority transparency legislation ready to be tabled. That does not mean, however, that senior central agency officials do not have their own draft protective bills for access to information "modernization" waiting on hand for approval.

Meanwhile, the House of Commons Access to Information, Privacy and Ethics Committee, consisting of mainly newly-elected MPs, is keen to do another study on the Access to Information Act. The committee has already called on Information Commissioner Suzanne Legault to help it out.

Getting nearer the end of her term, Legault made a pitch to the House Access Committee to get her office getting binding order powers to be more effective, and requested it to examine her more than 80 modest reform recommendations made back in 2015 to balance existing secrecy rights of special interests with the public interest. Her testimony included reassurances that many Cabinet confidences and attendant exemptions would still prevail under her modernization efforts.

Her reform proposals, however, make it appear unlikely that Canadians would get much access to ministers' records, records of newly-covered agencies like Nav Canada, or records held by covered agencies such as the Canadian Commercial Corp.

Despite this, some access-to-information advocacy groups who have been trying to put pressure on the Trudeau government see hope or a beginning for change in Legault's limited access reform package but do want even fuller disclosure measures put in place.

Groups who might become covered under access legislation, like the Canadian Legion and Canada Health Infoway, whose spending and decision records are not readily available, are unlikely to be comfortable with any change that results in their being covered.

The Commons Access Committee has its work cut out if it wants to hear from many witnesses and to press the government to table its legislative proposals for everyone to review.

There are yet other approaches to Canadians gaining better transparency. Some unions, for instance, like the Professional Institute of the Public Service of Canada, want an ability via collective bargaining to engage in a better dialogue and be more transparent with the Canadian public. They are a partner Trudeau needs to give more than lip service in a climate where the culture of secrecy runs deep.

One bellweather area on which way transparency is going could be the promised Crown-aboriginal partnership. That new type of relationship could herald a new and open way of dealing more directly with Canadian aboriginals or it could result in yet greater secrecy. To date, records on what that new Crown-aboriginal relations could look like are not forthcoming.

The work done by the Parliamentary Budget Office and the auditor general continue to tell us more about government operations like Shared Services bungled IT efforts and provide alternate assessments on government financial figures on matters like emergency disasters and government claimed surpluses.

Even the Security Intelligence Review Committee has come out and reported on meta data and personal data collection that needs better procedures and protections albeit with much of their findings redacted. Privacy Commissioner Daniel

Therrien has told the Commons Access Committee that his office wants greater privacy protection and more transparency on government surveillance measures.

Parliament and most MPs themselves are awaiting and want better spending data and greater review powers that could help remove transparency roadblocks so prevalent in Ottawa. Opening up the Commons Board of Internal Economy and Parliament has to be part of a changed transparency equation.

Still, expecting better public inspection and access in Ottawa is far from certain when access-to-information requests remain the domain of delays, exemptions, and cannot confirm-or-deny responses.