



ILLUSTRATION JOHN OVERMYER

Unlocking Ottawa's secrets

20 years after passage of Access to Information Act, government still tries to keep public documents from view

KEN RUBIN *Toronto Star July 2/03*

It's been 20 years since the Access to Information Act came into use on July 1, 1983. Ever since, I've been battling its limits and many secrecy avenues.

Many of those thousands of requests are met with fees, delays and denials. Yet, as a public interest researcher and consultant, I've still gotten all kinds of data, from unsafe toys to the behind-the-scenes lobbying by the meat, egg, and dairy industries to get extra servings recommended in Canada's Food Guide.

However frustrating it can be, chipping away at Ottawa's secrecy practices is challenging and necessary. Continuing to be told "No," yet dredging up newsworthy information reminds us just how closed a society we still are.

You'd think on some files Ottawa would have learned. In the '80s, documents that I obtained revealed skyrocketing costs on building national galleries and museums. Yet this pattern of escalating building costs continues with the National Portrait Gallery, new War Museum and a History Institute being pushed forward by Prime Minister Jean Chrétien.

It's my belief that everyone should be entitled to know what Ottawa is up to. That's why I've done requests for an ex-PM on Airbus allegations, even though Brian Mulroney was no friend of Canada's Access act.

That's why I'm currently doing the same for civil liberties groups on why a Canadian of Syrian descent was spirited out of the United States last September en route home to Canada, and is still being held in prison in Syria for alleged terrorist activities.

Recently, I've uncovered costly computer glitches for gun registration and records that expose the current government's rewarding friends with sponsorship and advertising money for doing little work.

Making freeloading politicians look foolish on the front page when they stay at expensive hotels and wear free athletic uniforms, like they did at the Salt Lake City Olympics, gets the point across.

Going after data, however, is not just about government waste and scandals.

For me, it's about matters vital to Canadians' health, safety and welfare. The tobacco file that I've pursued on my own, or, at times, for public health groups, has shown how Ottawa used to develop tobacco crop strains and fooled itself into promoting "safer" nicotine levels in cigarettes. As well, they helped facilitate overseas contacts for tobacco exporters and rented out a part of a public research facility for tobacco research by the industry.

I have also ferreted out contamination levels at some of our pristine parks and other federal sites.

I've probed how Ottawa "looks the other way" when it comes to native reserves' drinking water, substandard housing conditions, and the effect of accumulated pollutants on Inuit in the Arctic. It's meant going to Federal Court dozens of times, with mixed results in trying to get hidden records like meat inspection reports and drug safety studies.

Canada's shaky public safety management practices became more secretive last year when the Justice department got the Supreme Court to agree that completed investigations, even if they are consumer safety inspections, need not be released to the public under the Access act.

That's because of reputed threats to future investigations. This overturned a Court of Appeal decision that I had won on releasing air safety reports. It's made getting to the bottom of safety issues in the next 20 years more difficult without toughening and broadening access legislation.

Ottawa persists in wanting to colour events, even our official history

Documents obtained, for instance, show that Ottawa awarded Newfoundland millions of dollars to celebrate Cabot's landing there 500 years later. The problem was, Ottawa knew nobody had proven Cabot went there.

A big concern is that much data gained through access is being tossed out and lost forever so that official records of events will ironically come back and prevail.

Looking back, the requests I've made, along with many that others have filed, have not made Ottawa dramatically more transparent or any easier to deal with.

Even Canada's third Information Commissioner John Reid no longer talks about the Access act working well.

And the increasing secretive atmosphere goes far beyond post-Sept. 11 security fears. Much time has had to be spent in contesting government legislative proposals that would permit even more secrecy.

One small victory was pushing for an amendment to the Access act establishing penalties and jail sentences for public officials who alter or intentionally hide public records.

That was after Health Canada officials destroyed tainted blood records and National Defence personnel altered some Somalia files.

Still, Ottawa has hardly stopped concealing records or getting around access by simply not keeping written or electronic records.

Therein lies the problem. The act was never really intended to primarily open up government. Yet it has allowed glimpses of goings-on even though Ottawa has much data it would rather forget or at least not make public.

Nobody ever said gaining access would be easy. But by making queries you can make a difference.

Access to information can be a powerful equalizer. But to survive it can no longer be tightly controlled and packaged in a one-sided Access act.

Ken Rubin is an Ottawa-based public interest re-