

# Government transparency is still an elusive commodity

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Canada's Access to Information Act is being stalled and watered down. Meanwhile, the government is further tracking, collecting, and controlling information.



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OTTAWA—Transparency continues to be elusive and in further danger. Recently exposed surveillance information practices in Quebec, where journalists' cell-phone data were surreptitiously tracked and recorded by the

police and some conversations eavesdropped on, are a serious setback to open government.

So is learning via a Federal Court decision that CSIS has wrongfully been retaining meta-data since 2006 on Canadians unrelated to national security through an unknown Operational Data Analysis Centre. The ruling stated that CSIS had misled the court and unlawfully gathered considerable data about individuals not suspected as being threats.

It is no wonder that government pledges to become more open are greeted more and more with suspicion and skepticism. It did not help last month that Treasury Board President Scott Brison provided a superficial short response to the more than 30 Access to Information Act modest reforms suggested by the House of Commons Access Committee. He simply stuck to his often repeated talking points that by 2018, something (although not solid data release) will come to pass.

Finance Minister Bill Morneau in his November fall fiscal update

pledged to offer better public financial account and budget figures and clearer future financial forecasts. But that has been challenged as cosmetic window dressing which will not fix the juggling around of public finance information.

Morneau also repeated assurances that parts of the powerful House of Commons Board of Internal Economy proceedings will be open. But he reinforced that there would be considerable exceptions where many board matters could be held behind closed doors. He also included a promise of a more independent Statistics Canada. But it did not include having Statistics Canada control its own IT services rather than having to rely on the less effective Shared Services Canada IT systems.

The best news was that the government intended to make the parliamentary budget officer an independent officer of Parliament with a wider mandate, to be appointed for a fixed term. In the past, PBO reporting has done much for transparency by disclosing assessments that have challenged official Ottawa's narratives.

Yet even the appointments of new Independent Senators is no guarantee either that there will be more scrutiny of government bills when no reassurances are given that Senators, let alone MPs, will have much more information at their disposal on matters like military missions or trade deals.

Canadian government agencies still are armed with an array of secrecy rules that keep the public from knowing much. Recent denials experienced include:

- the RCMP hiding information about permits it holds that allow



Access to Information Commissioner Suzanne Legault and Treasury Board President Scott Brison. Last month, Mr. Brison provided a superficial short response to the more than 30 Access to Information Act modest reforms suggested by the House of Commons Access Committee, writes Ken Rubin. The Hill Times photographs by Jake Wright

intercept companies to possess and sell surveillance equipment to it and other police forces including stingray equipment.

- Agriculture Canada denying it has any records on its promotion of tobacco exports or on allowing tobacco companies to use its research stations to do testing.

- Innovation, Science and Economic Development Canada refusing to release records it holds related to Bombardier's request for \$1-billion dollars in aid.

- PCO hiding its latest marketing and advertising plans; material that has been released in the past.

The problem of obscuring the facts and a lack of enthusiasm for open government is not limited to the federal scene.

In Ontario, for example, documents that could verify claims that government is reputedly better regulating drug and auto insurance prices are being hidden or blocked from release by the government or by objecting powerful industry groups who benefit the most.

With secretly reached drug price agreements and a none-too acces-

sible system of auto insurance rate setting, it becomes difficult to accept Ontario government assurances that they have become more transparent and accountable and are helping consumers on such key files.

As well, the American presidential election race dramatically put facts and truth on the back burner. The after effects are bound to have repercussions for transparency and for open-handed dealing with Canada.

So at a time when reform of the antiquated Canadian Access to Information Act is being stalled and watered down and government is further tracking, collecting, and controlling information, Canadians' right to know is being put to the test and further disadvantaged.

We are witnessing an uneven clash between forces who want more surveillance and secrecy powers and those who want greater transparency and accountability.

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