

Not much transparency, despite the talk

Public's right to know still hits hurdles, writes *Ken Rubin*.

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Justin Trudeau enticed many with his transparency talk during the 2015 election campaign and as he put forward in his government's released ministerial mandate letters. But at the end of Year 1, his government gets a failing grade on the issue of more open government.

Choosing political appointments such as those for the Senate and Supreme Court are still very much closed-door events. Finding out about ministers and the operations of the Prime Minister's Office still is impossible and will not be greatly improved by the promise that some limited "appropriate" information may in future become available. The public's ability to obtain health, environment and safety data using the Access to Information Act on matters such as controversial drugs, toxic sites and spills is still subject to long delays and sparse responses.

Documents such as those received about the controversial \$15-billion Saudi Arabia arms deal are highly censored. Nothing much is released either on which of the 94 recommendations of the Truth and Reconciliation Commission have been achieved, or on their status.

Even House of Commons order paper written replies on Liberal government expenses provide more data nowadays than we get through access to information requests. In the National Capital Region, matters such as the development of LeBreton Flats or what's being done about 24 Sussex Drive are shrouded in excessive secrecy.

So it was disappointing, but not unexpected, to find out earlier this year that the federal government's proposed update to Canada's antiquated 1982 Access to Information Act will be limited and delayed until 2018.

Many exemptions will remain in place, including records classified as cabinet and policy records — records that will be hidden away for many years. The promise of more "information by default" often means favouring exceptions over release. Significantly tougher time enforcement and penalties for those obstructing information release or altering documents or not keeping records are not in the proposals, either.

Some suggested technical fixes, such as giving the information commissioner order-making powers and enabling some public interest overrides would help but wouldn't end the secrecy. There will still be delays in record release and not much disclosed.

Further, the prime minister and his public safety and Treasury Board ministers are making it clear that they will create more exempt records and cut off independent information commission review in matters claimed as national security. That could mean the public never knowing about what mass surveillance means and what intercept systems are in place.

Expectations for better transparency remain low. For instance, the missing and murdered indigenous women's inquiry can expect little in the way of specific record disclosure and answers. Federal-provincial-territorial discussions on carbon pricing and climate change measures, on future health-care funding and delivery, and on pension reform and funding are hardly being made public.

There are no breakthroughs that allow public employees now to freely discuss government findings or that encourage full-blown public consultations. As well, expectations are low that broken record-information management systems will be fixed to assist in generating regular computer-readable instant disclosures. The latest example: The costly failing of the Phoenix payment system has had devastating effects that have only partly been revealed.

Would it not have been something if the prime minister in Year 1 had introduced meaningful public-right-to-know legislation as his priority? He could have constructively asked Parliament, as well, to review the secrecy barriers to disclosure in other federal legislation and opened an initiative to reach proactive disclosure agreements with the provinces and territories.

Now it will only get harder to change secrecy habits that are so deeply entrenched in existing legislation and attitudes.

Trudeau's first year in power has made many Canadians believe that we are living with a warmer, somewhat more engaged government. But for Trudeau to keep saying he is committed to transparency is deceptive when his government is not releasing many records and not planning to actively disclose much more information.

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