

Transparency Action Plan

Too often secrecy prevails in Canada and half measures at limited public access disappoint and deceive Canadians, making us hostages where we get limited information, contrived consultations and feel powerless. It's time to end such practices that too often say "no" to the public right to know.

The first need is to change to a full disclosure process instead of a government "proactive" sanitized publication effort devoid of substantial broad access. That means automatic, immediate, and full disclosure and where review of not meeting these access rights is subject to review. Those records include health, safety consumer and environmental data. They also include decision and meeting records. It includes all financial transactions and accounts. It means no exclusions for public agencies, for private bodies receiving government assistance, and for those bodies serving a public function. Coverage is for all such bodies, including the offices of the Prime Minister, and ministers.

Second is the requirement for a legal and constitutional duty to document - an obligation of record keeping for documenting organizational operations in a timely manner that is subject to review and strong enforcement. For that to work, several things are necessary:

- strong whistle blower protection
- a duty-to-service obligation that facilitates the public in obtaining full disclosures
- having public sector access to information officials report to an arms length public access authority, rather than to departmental/agency management.

Third is that there be only few, narrow exceptions to public disclosure. That means, for example, no exemptions like the nebulous "policy advice" and no exclusions or overrides. No record should be withheld unless substantial injury can be shown, and then only for the absolutely minimal period of time. All remaining exceptions must be subject to rigorous ongoing reviews, with the default being full disclosures. Any proposals for new exceptions must be subjected to a similar review.

Fourth is that effective access means no delays to rapid, full disclosure and an end to creative avoidance tactics. Without quick, easy access with no fees, reform is not going to happen. It means that access is inclusive, that no one can be held libelous for filing requests and that access rights cannot be suspended.

Finally, we need a truly independent review process with a stronger commissioner office that have broader powers, including the right to issue timely, enforceable orders. At the federal level, we require as part of the independent review process for effective ongoing transparency the creation of standalone parliamentary review committee that reports directly to Parliament.

Twelve Key Points of Transparency

- widespread and full constitutional access rights without conditions, liabilities or suspension
- fullest instant electronic inspection and disclosure of government records
- broader coverage including the offices of the prime minister and ministers and corporate bodies assisted by government
- rapid disclosures with time restrictions and penalties for delay
- a duty to document and machine readable obligation
- a duty to serve obligation protected from reprisals and creative avoidance tactics
- a stronger enforceable independent review process
- narrower and fewer exceptions to disclosure and an end to all exclusions
- elimination of fees
- open meeting requirements
- widespread public education
- an arms-length administration agency dedicated to public disclosures