

Ken Rubin, still on a mission

🕒 December 6, 2018



Ken Rubin has recently been honoured with several awards for his long career as Mr. Access to Information. PHOTO: ELAINE MARLIN

By Randal Marlin

Twenty years ago *Glebe Report* founder (the late) Penny Sanger profiled Ken Rubin as “Mr. Access to Information.” She gave a vivid description of his wideranging activities dedicated to protecting the public interest from assaults by both profit-oriented private companies and government bureaucracies.

Not much has changed with Ken Rubin, a long-time Glebe resident. He is still on the same mission to expose wrongdoings such as misuse of public funds for private benefit. He still has a cheerful countenance belying the doggedness with which he pursues nuggets of information that government officials at all levels are determined to hide. Sanger’s reference to his “designer stubble,” not a beard, is still applicable.

What’s different is the appreciation and recognition he has recently received for alerting journalists to many stories relating to squandering of public funds or other scandals. Canadian Journalists for Free Expression (CJFE) awarded him its first-ever Investigative Award in 2015, given for “significantly advancing” public interest reporting in Canada.

Kathy English, Public Editor of the *Toronto Star*, wrote that Rubin’s research has resulted in “hundreds of stories in Canadian media about public matters governments would have kept secret from the public if not for his digging.” Among these she listed “government misspending, human rights, health, safety and environmental issues.” Tom Henheffer, Executive Director of CJFE, called Rubin’s work “incredibly valuable to the public interest.”

The Office of the Information Commissioner of Canada came into being in 1982, along with Access to Information legislation empowering ordinary citizens to gain access to government records, so long as individuals’ right to privacy was not violated. In theory the philosophy behind the legislation was that information should be provided unless there were good reasons for withholding it. But from the start certain categories of information were made exempt.

Rubin, a long-time advocate of the access legislation, was critical of the scope of these exemptions, which he thinks has expanded over the years, furthering a culture of secrecy that has always appealed to government officials. He also has found that delays and costs have contributed to frustrating the intention of the law. He adamantly maintains that “what you don’t know can hurt you.”

Despite, or perhaps partly because of, his many criticisms of the workings of Access to Information, the Office of the Information Commissioner of Canada in 2016 awarded Rubin the Grace-Pépin Access to Information Award. He shared the award and limelight with the Truth and Reconciliation Commission, and noted that the Commission’s sensitive information gathering illustrated just how such records “can add to and contradict official records and actions.”

Rubin says he aims at penetrating secrecy that stands in the way of betterment in the areas of health and safety, human rights and the environment: tenant problems, powerful developers, lemon cars, a profit-hungry food industry, poverty, unjust and toxic conditions in poorly planned communities and Bell Canada services.

He sees his job as threefold: getting information, getting it publicized and seeing it put to use. The last part can be the hardest. He says his exposé of Monsanto’s faulty genetically engineered crop trials went nowhere. On the other hand, his findings about poor drinking water on Indian reserves led to some improvements and information about rBST growth hormone for increasing milk production led to rejection of Monsanto’s and E. Lilly’s applications.

Locally, he has been involved in tracking expenses of the secretive, sole-sourced Lansdowne development and has a long-term interest in prying open the workings of the National Capital Commission. He also follows the progress of the Light Rail Transit and associated costs.

Today he continues to supply the news media with headline-making material, such as expense accounts of former governors-general, along with helping disadvantaged individuals. Some years ago he helped obtain documents in the case of Maher Arar, notably one that showed he had been beaten while detained in a Syrian jail, and he has recently worked to get information about government treatment of Hassan Diab.

Occasionally he will give workshops to various groups on how to succeed in accessing information. He steers clear of any political affiliation so as not to have his credibility questioned on the basis of political bias.

It can be a lonely and dispiriting business dealing much of the time with people who dearly wish that you would just go away. But Rubin gets a boost from the people he helps, and above all he has a self-sustaining ironic sense of humour. A *Globe and Mail* article by Sean Fine in 1997 quotes Rubin: “The only pats on the back I get are when somebody says, ‘You’re a bastard, you’re a son-of-abitch.’ That’s when I feel what I’m doing is understood.”

Food safety and environmentalism are high on Rubin’s list of concerns and he and his wife Debbie cultivate land in Quebec for organic farming. He sees a parallel between digging in the dirt and digging for hidden information. “Perhaps my battle cry should be ‘Raise hell, raise basil, squash secrecy.’”

For more on Rubin’s work visit his website at www.kenrubin.ca. *Randal Marlin is an adjunct professor of philosophy at Carleton University.*