

Deceit, spin, politics, and an expensive management plan takes the place of calls for greater transparency Ken Rubin Hill Times May 8, 2023

Treasury Board President Mona Fortier showed up, finally, at the House of Commons Access to Information Committee hearings to demonstrate that her government holds the power to resist getting on with transparency reforms.

Her deceitful message, with the chief data and chief information managers at her side, was that it was all a misunderstanding to expect even after any access to information legislative changes. The slow-moving two-and a -half year access review roadshow from mid- 2020 to the end of 2022 was simply, Fortier said, a consultation with the public and indigenous groups to identify “challenges”.

Any possible legislative concessions, if introduced, would have to wait for the statutory five-year review. That means stalling further until at least 2024-25.

But the deception and betrayal did not end there. Minister Fortier slyly said in the interim, months away, she would offer a digital management plan to bolster the same old access administration delivery system. That plan, already underway in secret, includes further digitizing and “refreshing” open government/open data portal platforms, providing newer software to manage access files and more centralized gate keeping training for the cadre of access to information officers in a system already costing 90 million dollars a year.

That management plan would add millions of dollars, benefit some IT and AI companies. It is bringing an access system using data driven technology and artificial intelligence, without t all making changes for fuller disclosure of public records.

The plan is being led by two top Treasury Board technocratic officials Fortier brought along to the access

One, Stephen Burt, is a former chief data officer at DND and former security official; the other and deputy minister is Catherine Luelo, a former top Air Canada and Enbridge Gas executive from the private sector. Both are, behind closed doors, actively working on this further data administration plan that includes using companies with data products to sell.

During her committee testimony, Fortier using talking points provided to her, made claims that access to information was working fairly well.

She stated more than once that contrary to public perception, Canada ranked high among nations in access according to a Global Barometer rating. The ranking however refers only to the minimal open data products that her government produces at great expense. The vast majority of government operational records are not included in that ranking.

As well, Fortier kept insisting Canadian access to information figures showed how good the government was in its releases, and that over seventy per cent of access applications were answered within time limits.

But that figure included lengthy time extensions usually over 120 days and did not mention that many releases had many exemptions applied to them. Most access users wait months or years for replies that have many redactions.

It's ironic then that my recent request at Treasury Board asking for data on time extensions and delays resulted in their taking a three-month time extension.

Fortier did however make some admissions none too helpful for access users.

One, in response to a MP's question was that she has never filed an access request. That could be one reason she cannot see the delays and exemptions and frustrations so many access users experience.

Fortier also admitted that processing access requests during the employee strike would be hampered, and that in any case, access processing should never be considered an essential service. A downgraded access service simply means less obligations to deliver timely responses.

Showing her limited grasp of the access file, she had to correct her misleading statement that government-produced pro-active releases could include cabinet records. Yet she, edged on by Liberal MPs on the committee, promoted the false message that government pro-active sanitized handouts, including from the ministers and prime minister's office, made for better access to government information

What the Access Committee chair, Conservative MP John Brassard, indicated to Fortier, was that the committee was disappointed in her rejection of bringing forth legislative amendments and that the committee will proceed to make their own recommendations for access to information legislative change. Already, Brassard said, their draft report has twenty-six such recommendations.

The Access Committee will do well to start a probe into Treasury Board's digital management transitions plan underway costing millions and millions of dollars. They'll want to try and see the cost benefits and implications for access and privacy that such a data-driven plan brings. Otherwise, the access to information committee will be presented in several months with a data management administration package as a finalized package and a fait accompli.

Behind the scenes at the access committee, there is unfortunately, like elsewhere, partisan in-fighting. The Liberal Party members are content to wait for an action plan that approves of government administrative solutions and only suggests minor changes to the Access to Information Act. Expect dissenting supplementary opinions (the rules do not allow for minority reports) from some of or all of the opposition parties.

Fortier's appearance indicated a government intent on resisting and crushing calls for better disclosure legislation.

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