

You Can Handle the Truth!

The Campaign for Open Government

MEDIA RELEASE
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BC GOVERNMENT CONTINUES 6-YEAR COURSE OF SECRECY

As more Liberal controversies surface daily, freedom of information advocates fear last week's FOI amendments will only lead to more access delays.

VANCOUVER – For the sixth time since 2001, BC's Liberal government has introduced amendments to the province's Freedom of Information and Protection of Privacy Act (FOIPP Act) without making much-needed improvements in public access to information.

The BC government introduced Bill 25 last week claiming that it “will strengthen B.C.'s Freedom of Information and Protection of Privacy Act” and “address recommendations of the Special Committee that reviewed the FOIPP Act.” However, according to the Campaign for Open Government, Bill 25 does nothing to make the process of filing an FOI request easier, less costly or less time-consuming for requesters.

The administration has been very selective in choosing which of the recommendations of the 2004 Special Committee to implement: of the committee's 28 recommendations, not one of the ten picked for action to date has improved the actual FOI request process.

“We have been asking for over a year now that the government implement *all* the recommendations from the Special Committee as the *first step* in reforming their abysmal record on freedom of information,” said campaign spokesperson Darrell Evans.

“The one amendment in Bill 25 that directly affects FOI requests actually impedes them by increasing the ability of officials to stall requesters when a request is transferred from one public body to another” stated Evans (see backgrounder #1, Analysis of Bill 25 at www.opengovernment.ca).

According to the Campaign for Open Government, obstructing access to information is business as usual for the Liberal administration. Since their election in 2001, they have:

- Passed 16 amendments that have made the FOI process more difficult and time consuming – but not one amendment that has improved the process for requesters (see backgrounder #2, Amendments 2001-2006 at www.opengovernment.ca).
- Slashed the portion of the Information and Privacy Commissioner's budget available for oversight and enforcement of the FOIPP Act by 35% between 2002 and 2005. Some funding has been restored recently, but funding for FOI is still not back to 2002 levels (see backgrounder #3, OIPC Budget 2000-2007 at www.opengovernment.ca).
- Failed to restore huge FOI staff cuts made by the anti-FOI administration of Glen Clark. Currently, each FOI officer is handling an estimated 25-30 files when 10-12 would be optimum. Over 40% of requests are not answered within required timelines, and delay skyrockets when a request is considered politically sensitive.
- Extended Cabinet secrecy to several Liberal Caucus committees – a step without precedent in BC history.
- Removed BC Ferries from the scope of the act and refused to include VANOC, the Olympic organizing committee.
- Initiated a highly secretive review of the FOI act by bureaucrats in 2005 which excluded any group

who refused to sign a confidentiality agreement. Most of the submissions made by public bodies are secret, and no written report was delivered to government by the consultant who reported on the process. “We were told he gave his report verbally,” said Evans.

- Failed to respond to urgent calls from the Special Committee, the Information Commissioner and the Freedom of Information and Privacy Association to clarify the highly-abused section of the FOIPP Act relating to policy advice, so that only true advice and recommendations can be withheld, not analytical or factual material or background documents.
- Attempted to pass a bill in 2006 that would have exempted designated contracts and projects with government’s private-sector partners from FOI requirements.
- Have routinely engaged in political interference with FOI requests.
- Have routinely made excessive fee estimates for access to records in order to dissuade requesters. An example of this was brought to light this week when the Information Commissioner’s office ruled that a fee of \$173,000 levied against Sierra Legal for data on polluters was unreasonable, that the Environment Ministry did not even examine the requested records in making its estimate, and that it improperly failed to adequately consider waiving the fee in the public interest.

“The pattern of secrecy continues,” said Evans. “The government recently extended Cabinet secrecy to its new Climate Action Committee despite the fact that the discussions of that body will bring major changes to the lives of every person in BC. So much for the Liberals’ pledge to be ‘the most open, accountable and democratic government in Canada’.”

“The BC Liberals have been a major disappointment on their promises to deliver open government,” said Evans. “In opposition, they were the single biggest user of the FOI Act and they promised to make things better when elected. I have a letter from Gordon Campbell stating, ‘When government does its business behind closed doors, people will invariably believe that government has something to hide.’ This is just as true today as it was when the NDP was in power” (see letter at www.opengovernment.ca).

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The Campaign for Open Government is a non-partisan coalition of groups which includes:

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| BC Civil Liberties Association | Canadian Newspaper Association |
| BC Coalition of People with Disabilities | Canadian Office and Professional Employees Union |
| BC Freedom of Information and Privacy Association | Canadian Taxpayers Association |
| BC Government Employees Union | Canadian Union of Public Employees British Columbia |
| BC Health Coalition | Committee for Racial Justice |
| BC Library Association | Consumer Advocacy & Support for Homeowners |
| BC Persons with AIDS Society | Society |
| BC Teachers’ Federation | Sierra Legal Defence Fund |
| BC Trail Lawyers Association | UBC School of Journalism |
| Canadian Association of Journalists | Western Canada Wilderness Committee |