

NEWS RELEASE

For immediate release
May 7, 2009



New study shows BC's FOI performance is even worse than Info Commissioner's report

People often give up: "They wear you down," says FOI watchdog

Vancouver – A study released today by the BC Freedom of Information and Privacy Association has found that the dire situation of delay and denial outlined by Information and Privacy Commissioner David Loukidelis in February is actually a lot worse.

The new study is called *FAILING FOI: How the BC Government flouts the Freedom of Information Act and stonewalls FOI requests*. It updates the 2006 FIPA report *Access Denied*.

"'Failing FOI' is a pretty good description of what the government is doing," said Campaign for Open Government director Darrell Evans. "They improperly deny FOI requests, flout mandatory deadlines, pass requests back and forth between departments, and generally do their best to waste time while keeping information from the people."

BC's Information and Privacy Commissioner issued a report in February which slammed the government for having only a 71 percent on-time FOI response rate, which means that 29 percent were considered "deemed refusals" of requests:

[http://www.oipcbc.org/investigations/reports/F08-35580_Calendar_2008_Report_Card\(Feb_2009\).pdf](http://www.oipcbc.org/investigations/reports/F08-35580_Calendar_2008_Report_Card(Feb_2009).pdf)

However, the Commissioner's analysis grouped together both 'general' requests and requests by individuals seeking their own personal records. Requests for personal information, which constitute about 68% of requests, are generally non-controversial and the government has a good record of meeting timelines on these.

The FIPA study selects out the FOI requests for general (non-personal) records, which are made in order to scrutinize government policies and actions and hold the government accountable. The government often considers there is more at stake politically with these requests.

FIPA found that, over the three-year period from 2006 to 2008, the rate at which the government violated statutory timelines for general requests was 51.5%. And if the 30-day extension of time a ministry can "award" to itself in extraordinary circumstances were removed, *almost 60% of general requests would have been deemed refusals*.

FIPA also found that the number of FOI requests continued to fall. In 2008 the government received 1793 requests for general information. That compares with 2381 general requests in 2006 (6.6% decline) and 2225 in 2007 (19.4% decline). Based on complaints received from FOI applicants, we conclude this is because the numerous roadblocks that characterize the FOI process are causing people to give up on the system:

Failing FOI is available at www.fipa.bc.ca (See first news item).