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The Campaign for Open Government

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Campaign for Open Government releases list of Top Ten FOI Stories from 2006

Vancouver – The Campaign for Open Government today released the top 10 news stories of 2006 that were broken through the use of BC's Freedom of Information act.

Information obtained through FOI requests in 2006 threw public light on environmental disasters, threats to public health and safety, official misconduct and corruption, bungled government programs, and at least one attempt by the BC government to cover up embarrassing information.

"These few examples are taken from hundreds of reported instances of FOI use," said campaign spokesperson Darrell Evans. "They show that determined citizens, reporters, and public interest groups are still able to use the Freedom of Information Act to shed light on government secrets and keep officials accountable to the public – this in spite of eight years of financial cutbacks to FOI offices and increased barriers to the release of public information."

Five of the top ten stories were broken by journalists, two by the NDP opposition, two by citizen activists, and one by an environmental group.

"It's good to see the Official Opposition is an effective user of the FOI act," said Evans. "When the BC Liberals were in opposition they at their peak accounted for an amazing 30 per cent of all FOI requests for general information."

The act was introduced by the NDP under Mike Harcourt, but the Liberal opposition became the most effective user of the FOI act in the 1990s, and led the way in demonstrating that FOI is one of the mainstays of transparent and accountable government.

Here are the Top Ten FOI stories as chosen by the Campaign for Open Government:

1. School Trustee's FOI requests lead to successful court action against school fees

Victoria school trustee John Young used the Freedom of Information Act to gather evidence for a BC Supreme Court challenge against unfair school fees. By obtaining school-fee schedules from 15 BC school districts, Young was able to give evidence that schools were charging parents hundreds of dollars for things like music instrument rentals, home economics class materials and shop-class supplies. One school in suburban Victoria was charging students \$1,100 to participate in an athletic program. The court ruled in October that British Columbia schools may no longer charge extra fees for school programs.

2. "Kith-and-kin" child-care plan started too early and without training

The BC government rolled out its "Kith-and-kin" program two months early in 2002 despite concerns about potential "glitches" in the system, according to documents obtained through FOI requests by the New Democratic Party in 2006. Within weeks, social workers at an aboriginal agency in Port Alberni used the program, which places children in the care of relatives rather than government foster

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homes, to place 19-month-old Sherry Charlie with a great-aunt and her husband. The man had a long record of spousal abuse, and he killed Sherry three weeks later on Sept. 4, 2002.

3. FOI requests led to investigation of suspicious wins by lottery retailers

FOI requests by the Vancouver Sun revealed that, over the last six years, lottery retailers in BC won 4.4 per cent of all lottery prizes over \$10,000 – a rate from three to six times that of the general public. The figures raised suspicions that retailers may be stealing customers' winning tickets. In response, the Lottery Corporation posted data on its website about the number of major wins by lottery ticket retailers, and Ombudsman Kim Carter announced she would launch an investigation into whether BC lotteries are fair.

4. Attempt to cover up “advice” that contradicted government claims on child deaths

An FOI request from the NDP in November caught the BC government red-handed in an attempt to cover up facts that contradicted Solicitor General John Les' claims about child-death reviews. A hand-written memo mistakenly released with the records contained a top political aide's suggestion to delete politically-sensitive information from the requested documents under the pretext that it was 'advice.' The real reason was that some of the information “contradicts what we have said to this point.”

5. Internal audit revealed “problems” with \$900 million in civic projects

A \$900-million program to build civic projects across BC is plagued by poor business practices, un-tendered contracts and improper expense claims, according to an internal government audit obtained through FOI. The audit of the Canada-BC Infrastructure Program found problems with four of the six projects audited last year. But the BC government opposed its own auditors' advice to require competitive bids and conflict-of-interest rules for contractors. (Vancouver Sun, July 27, 2006)

6. CN rail spill kills “every living thing” in 17 kilometers of river

A toxic spill from a CN Rail car last year ensured a “near complete sterilization” of a large section of BC's Cheakamus River, internal documents show. Several fish stocks killed in the August 2005 sodium hydroxide spill face the risk of extinction in a river that internal reports and e-mails say will take more than a lifetime to recover. The documents, obtained by the Canadian Press through an FOI request, are from the BC Ministry of Environment's assessment of the health of the southern BC river.

7. Environmental group fought successfully for reports on offshore drilling risks

The West Coast Environmental Law Association used FOI and an appeal to BC's Information Commissioner to obtain documents related to an expert report on Offshore Oil and Gas exploration. In the process of obtaining the documents, an important precedent was established: that the government cannot withhold such reports on the basis that they were prepared for it by outside agencies. The Ministry of Energy and Mines had claimed that because these documents had been prepared by an Expert Panel, and not by government employees, they were not “under the custody and control of the Ministry” and so were exempt from FOI.

8. FOI revealed 81 RCMP misconduct cases in BC over two years

Another FOI request by the Vancouver Sun revealed that there have been 81 cases of misconduct by RCMP officers based in BC in the past two years. The cases of misconduct ranged from falsifying expense claims to having sex with a prostitute.

9. Report finds unsafe toxin levels at sewage outfalls

Years of flushing Greater Victoria's toilets into the ocean have created contaminated seabed sites full of unsafe levels of toxins such as copper, mercury and lead, according to a report commissioned by the provincial government. The report, obtained by the Victoria Times Colonist through FOI, found pollution levels around underwater outfall pipes at Macaulay and Clover points exceed provincial guidelines.

10. Kelowna citizen uses FOI to investigate airport safety in Tofino

A man whose son died in a plane crash near Port Alberni earlier this year used the federal Access to Information Act to uncover disturbing information regarding airport safety in the Alberni-Clayoquot region. Jonathan Huggett obtained safety reports documenting incidents at Tofino Airport, which is managed by the Alberni-Clayoquot Regional District. In light of the information Huggett made public, the regional district announced it will review safety measures at the airport. (Alberni Valley Times, Oct. 25, 2006)