

<http://www.cjfe.org/protestlets/2005/09062005prov.html>

Canadian Journalists for Free Expression (CJFE)

June 9, 2005

Dear Premiers of Canada's provinces and territories,

I am writing on behalf of Canadian Journalists for Free Expression (CJFE), a non-profit, non-governmental organization that works to promote and protect press freedom and freedom of expression around the world.

CJFE is shocked by the dismal record of government officials in responding to access to information requests as found by the Canadian Newspaper Association (CNA) in a recent study. While the public's right to access information concerning their government has been enshrined in both Provincial and Federal law, in much of Canada this right seems to exist only on paper.

As part of the study, journalists from 45 newspapers acting as private citizens tested the efficacy of freedom of information legislation by making requests to city halls, police forces, school boards, and federal government offices. In general, they found officials unwilling to divulge information even on simple matters such as class sizes and road repairs. In person requests by reporters garnered results less than one in three times and even after paying fees for formal access requests, only 62% of requests were met with full or partial information.

Civil servants in some provinces were found to be labeling emails "read and destroy" to prevent future scrutiny and the study also noted that officials in the recent Conservative Ontario government actively sought to hide embarrassing information by sending requests on "contentious issues" through different channels to protect the government's political interest. Rather than a right to information of government activities, citizens are often restricted to information that is not considered damaging to civil servants or to politicians.

Some governments have stifled access by hiking up request fees, as in Nova Scotia where requests dropped 27% when the cost per request jumped from \$5 to \$25. Even if access is granted, the cost to obtain information can be exorbitant. One report from Land and Water B.C. cost \$810, restaurant inspection records in Ottawa cost \$1000 (as opposed to Toronto and Vancouver where they are posted online for free) and records of Toronto's spending on playground repair had a price tag of \$12,960. In P.E.I., only two of nine requests were granted to the reporters conducting the study, but both had to be abandoned due to heavy fees.

While overall results are discouraging, the province of Alberta stands out as an example to the rest of the country with 93% of requests resulting in a partial or total release of information. Alberta's reforms to its Freedom of Information and Privacy Act have made it the most transparent in the country, in stark contrast to P.E.I., Nova Scotia, New Brunswick and Saskatchewan, all of which released less than 45% of requested information.

CJFE calls on provincial governments across Canada to take action and ensure that journalists and all Canadians have access to information as guaranteed by Provincial and Federal legislation. Political interference with access to information requests must end and governments must work to promote a culture of openness which would resist the temptation to hide or destroy potentially embarrassing information. Provincial governments that have fared poorly in this review should look to the example of Alberta and regularly review their legislation to make it as effective and efficient as possible. Citizens have a right to know the actions of their government without extreme personal cost and undue procedural hurdles that shield incompetence and corruption.

I look forward to receiving your prompt reply.

Yours truly,

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Executive Director

Case Number: PL05-07

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