

Open government promise rings hollow

By [Ken Rubin](#) Ottawa Citizen, on-line April 1, 2016; in print April 2, 2016

The Liberal government has taken the shine off its transparency promises by doing what the Access to Information Act is famous for: delay.

On March 31, Treasury Board Minister Scott Brison sidestepped Parliament, announcing at a conference billing itself the Canadian Open Dialogue Forum that Canadians must wait until 2018 for the Liberals to produce their version of comprehensive open government legislation. This, despite the fact that the House of Commons Access to Information Committee last month commenced hearings on reforming the antiquated 1982 access act.

What Brison wants to do, however, is have further, drawn-out “consultations.” He did promise that after 2018, the government would review further changes every five years beginning in 2023.

This sounds quite different from the enthusiasm Prime Minister Justin Trudeau expressed for bringing in open government.

Brison’s announcement, regrettably, never once expressed any forthcoming changes for the onerous secrecy provisions of the Access to Information Act. He just mentioned some possible administrative or legislative fine tuning quick-fix possibilities before 2018, such as reducing fees and adding limited coverage of some PMO, minister and court administrative-only records.

He somehow felt, too, that before 2018 his government could grant order-making powers to the information commissioner as part of his cherry-picking patch-up.

But such a change can hardly be done without enacting a comprehensive access bill, and affects many other provisions of the act. Little thought is given to how this change would fit into a regime without pro-active disclosure. Besides, there is no capable delivery system in place, and a new information commissioner would need to be appointed to take on this very different legal mandate.

Brison also promised a bit more open data, referring to the example of accessible car mileage ratings. Yet with secrecy still surrounding car safety data, auto company bailouts, highway infrastructure spending and much more, he will not convince many that his government is any different from others.

Brison is under the illusion that he can shift the culture of secrecy by repeating the mantra of “information by default.”

But then, what is being offered up is thin gruel, such as mandate letters and soon-to-be available, barely disguised “briefing note” media announcements. That’s hardly giving early and continual access to day-to-day government records or routine immediate access to needed consumer, environmental, health and safety records.

Brison’s own Treasury Board has refused several requests for access to briefing notes on his transparency plans, and in my case, has taken a six-month extension where the chances of getting much of anything months later are nil.

Brison, at the open dialogue conference, repeated that his government would engage in more evidence-based decision-making. But he did not commit to the public seeing how such policies are made or even hint that this means opening up cabinet and senior management records.

If he hoped that all his talk about the three pillars of “open government, open data and open dialogue” – which the Harper government used to use too – would be enough to attract more “millennials” to join the federal government and its wearing-down bureaucracy, he’s sadly mistaken.

Further, it’s difficult to expect the next generation of public employees will be unbridled and free to give out information. It was, after all, hard enough to watch on YouTube as Brison read from his talking-point notes.

His overall message was “trust us more,” while acknowledging that government needed to be more open. Yet we already know that Trudeau unfulfilled private member’s bill, C-613, to which Brison referred, delivered little in the way of opening up government records.

Brison said the Access to Information Act was out of date and out of touch. But several months after the Trudeau government takeover, we are left with our information rights and access in tatters, as we bide our time and wait until 2018.

Ken Rubin is a long-time access to information user and commentator and reachable at kenrubin.ca