

Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice

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A. Purpose of the Access to Public Records Chronicle

This is an exploratory research project, and its primary purpose is to serve as an informal pilot study for investigations into the politics behind public access to public records.

By way of brief explanation it anticipated, or hypothesized if you will, that it would be easier to understand the reasons why public access to public records is denied or rendered difficult versus assisted and promoted, if there is substantive documentation about the political aspect of access-related decisions.

However, the open literature is sparse on the politics of achieving public access to public records. And, perhaps more importantly, searches and consultations suggest that open literature is devoid of documentation on the views of individual politicians at different levels of government about citizens having what I regard as the preferred state of affairs for citizens. That is, free, easy, timely and direct online access to public records as a matter of right.

As the reader may have noticed, in the title of the report I refer to best practice and in the text to preferred state of affairs. There are sound reasons for employing both terms in a pilot study, and for the purpose of this investigation it is important to spell out the nature of the relationship between them.

The concept of 'best practice' is employed here as a general term of reference, which is appropriate given the 750,000,000 (approx.) results that arise from using 'best practice' as the keyword phrase in a Google search. Admittedly, Google search engines are by no means the be-all and end-all of literature search capabilities, but a result of 750,000,000 is taken to attest to the acceptance of the concept of 'best practice', and its general meaning.

And that brings us to elaborating the preferred state of affairs for public access, that is, the variables which comprise the concept.

For the purposes of this informal pilot study, the variables of 'free', 'easy', 'timely', 'direct', and 'online' have been used in four preceding publications (identified in section D) to specify what I believe to be basic elements of a best practice standard which is reasonable and plausible on technological, technical, legal, civic, and financial grounds.

The publications have been widely circulated among, for example, members of the public, politicians and appointed government officials, experts in the information field, and members of the media. To date I have encountered general support for the variables proposed, and no alternatives have been advanced.

Further, to this point I have not located findings about the pros and cons of access variables which are derived from methodologically designed research. Consequently, it appears reasonable to base this informal pilot study about transparency and accountability on the proposed access variables of free, easy, timely, direct, and online. And, if something which is deemed better arises, the terms of the preferred state of access to public records can be modified accordingly.

The chronicle is therefore presented as an opening inquiry into measuring how well the responses of public officials measure up against the much-touted claims, assertions, promises, etc., uttered by politicians, politicians' agents, and political parties about politicians' regard for transparency and accountability.

As for the importance of transparency and accountability in governance, and their connection to the matter of access, that assessment is provided by politicians themselves.

In brief, it is standard operating procedure for individual politicians, political parties, and governments at the municipal, provincial, and federal levels to frequently and passionately embrace the terms accountability and transparency in her, his, or their publications or pronouncements.

Moreover, the declarations frequently occur in combination with seemingly earnest pledges to communicate with constituents in a two-way, open manner, almost as if to say,

“Government records are your records, let's talk“.

For the purposes of this research, however, it is prudent to presume that dealing with some, and perhaps even a majority of elected officials, will involve serious challenges when it comes to obtaining answers which are pertinent to the questions asked. An outstanding illustration of this concern, but with a reverse setting whereby a politician struggles to get a Yes or No response from a civil servant, is provided by episode 5, season I, “The Writing on the Wall”, of the BBC series *Yes, Minister*.

(<https://www.dailymotion.com/video/x6l3oz8>)

Therefore, drawing on both experience and advice, the approach to communications with elected officials is as basic and close-ended as I can make it when inquiring about their views on citizens having free, easy, timely, and direct online access to public records.

As a result, in the interests of full transparency and full accountability, scorecards to record responses to questions are designed to put politicians on record with minimal “wriggle room”. This means, for starters, asking straightforward questions which are directed at receiving one response of direct, immediate, green light value, namely,

“Yes, I support the right of citizens to have free, easy, timely, and direct online access to public records.”

Any other responses, including those which are neither no nor yes, identify politicians who, by definition at the time of response, do not support the right of citizens to have free, easy, timely, and direct online access to public records.

It is anticipated that the cut-and-dried approach will readily separate politicians who do, and do not, support the right of citizens to have free, easy, timely, and direct online access to public records.

Then, once positions are determined, examination of the scorecards can begin in order to scope out next steps towards achieving the objective of ensuring that the standard of access to public records in Canada is best practice.

B. Origins of the Project, Public Access to Public Records

The public access to public records project arose as a result of a 2017 presentation, “Thoughts about Creating New Risk Assessment Paradigms to Demonstrate How Geographic Factors Affect the Human Impacts of Natural Disasters.”

(<http://www.wellar.ca/wellarconsulting/RotaryPresentation.pdf>)

In brief, the primary research design question arising from that presentation was how to create of a keyword-based literature search algorithm to use in testing hypotheses involving climate change relationships. Included among the productions that I searched were mainstream media stories, reports posted on list serves and social media, online publications in the GIS field, and as well as reviews of professional communications.

Over the course of the literature search and review process for inputs to the algorithm design, the access to public records issue emerged. In particular, many of the articles, reports, letters, columns, etc., dealt with issues involving lack of public access to public records held by municipal, provincial, state, and federal governments in Canada, the U.S., and abroad.

Moreover, and while it was not explicitly identified as such, many of the items mentioned what I took to be a companion problem.

That is, frequent references were made to issues which fall within the purview of the Access to Information Act and the Freedom of Information Act, and their associated applications, requests, rules, stipulations, conditions, etc.

Seemingly, over the years engaging in the freedom of information (FOI) realm had become part an accepted practice by citizens seeking redress for challenges to their attempts to access government records.

However, analysis of the comments revealed several patterns which led me to discern what some readers might consider an unexpected finding:

FOI legislation could actually be more a part of the access problem and less a part of the access solution than is generally believed.

I hasten to add that this “finding” may already be in the literature, and my apologies to original finders for not encountering their work. It is my overall impression, however, that while there are numerous complaints about FOI shortcomings, they were not translated into arguments which pointed to FOI as an instrument more deigned to prohibit than facilitate citizens’ access to public records.

The next section expands this line of thought, and opens the door to others to contribute to the discourse on the realities of the FOI-access relationship.

C. Freedom of Information Legislation: A Conduit to Public Records, or an Intended Barrier to Public Records?

It appears fair to suggest that freedom of information legislation is widely assumed by the public to be a government-sponsored support system which is designed to assist citizens in their quests to access public records.

And, it also appears fair to suggest that for the public at large the idea of a Freedom of Information Act is not likely to cause deep second thoughts such as, for example, that it might be something other than it appears on its face.

However, my findings indicate that freedom of information legislation in reality is a serious barrier to access, and could well be more of a barrier than a conduit with regard to the public’s access to non-trivial public records.

Two features of FOI limitations are particularly worthy of comment as grounds for the argument that FOI legislation is broken, and that the remedy lies in drastically reducing the need for such legislation by governments doing what is necessary to provide citizens free, easy, timely, and direct access to public records.

First, in many cases the references to freedom of information problems, issues, etc., were accompanied by one or more comments to the effect that the application or request had been denied or delayed.

Or, if a response was received it was unsatisfactory, uninformative incomplete, and so on.

Moreover, citizens were frequently at a loss to understand why the freedom of information request had been unsuccessful.

The overriding problem with freedom of information legislation, in a nutshell, is that on frequent occasions it does not work effectively in the interests of citizens. Put simply, the public does not receive the requested records, which prompts a question:

**What is the operational meaning of the concept,
“freedom of information”?**

In my experience, and having seen no substantive evidence to the contrary, a highly credible response to that core question is the one advanced in an Ottawa Citizen Op-ed article, namely, freedom of information means that citizens have ready access to public records, or, more specifically, free, easy, timely, and direct online access to public records. (<https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records><https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>)

However, since that level of access is rarely the reality of the matter, personal experience combined with results of the searches suggest several possibilities to explain why freedom of information legislation does not effectively serve citizens.

First, and this is a highly appropriate hypothetical for a pilot study, could it be that freedom of Information legislation is not intended to serve citizens in a meaningful way? That is, could it be that the ‘selling’ of freedom of information legislation by politicians and governments is designed to create an impression or expectation on the part of citizens that the legislation is their friend, helping them to access public records.

For a 101 course on how the deception works, see the *Yes, Minister* clip (BBC, 1980a) in the report, “With election ahead, we need to make public records truly public.” *The Conversation*. January 2, 2019. (<http://theconversation.com/with-election-ahead-we-need-to-make-public-records-truly-public-107645>)

Second, as a rule politicians themselves are not held to account for issues involving access to public records. This avoidance of accountability is achieved by attaching conditions and qualifiers to freedom of information legislation, and these conditions and qualifiers provide governments with the administrative means to limit citizens’ access to public records.

That is, and full marks for cleverness whether intended or otherwise, but running FOI matters through administrative hoops means that politicians are not directly accountable for the disposition of FOI applications, complaints, and any other FOI-related exchanges between citizens and their government offices.

Expressions which come to mind to describe the world of FOI where things are not as they seem or are presented, include; “appearances are deceiving”; “one hand giveth

and the other taketh away”; “the devil is in the details”; “what you see is not what you get”; “bill of goods”; and, what might be called a True North Special, “snow job”.

At a basic level, then, since legitimate questions and challenges can be raised about the fundamentals of freedom of information legislation, it follows that legitimate questions and challenges could be raised about the operational aspects of this legislation. And the jury is certainly in on this FOI limitation, given the widespread complaints about the flimsy reasons given to reject or delay FOI requests, as well as complaints that responses are unsatisfactory, uninformative, incomplete, and so on.

I believe that the number and earnestness of complaints amount to a serious “wake up call”. In short, no easy fix is in play. Or, to re-phrase, the current FOI approach is broken and an easy fix is out of the question.

It therefore seems prudent to go back to ‘square one’, and begin at or near the advent of freedom of information principles and practices.

For the purpose of this work, returning to freedom of information roots means asking such fundamental questions as:

Why is there a need for freedom of information legislation?

What purpose is served by freedom of information legislation?

On their faces, these questions could be triggers for a deep philosophical discussion. However, I suggest that we can cut to the remedial chase by focusing our attention on a very popular political term,

Red Tape.

I believe that in the case of freedom of information legislation and practices, ***red tape*** represents a contradiction of such massive, unjustifiable proportions that it may be sufficient to cause politicians to undo the current FOI apparatus and replace it with a system which implements the free, easy, timely, and direct online capability advanced in this report and its companion documents (section D).

That is, freedom of information legislation, applications, requests, appeals, etc., all involve ***red tape***, and to my knowledge no elected official at any level of government in any free and democratic society has ever declared ***red tape*** to be needed, wanted, useful, in the public interest, good value for money, etc.

Rather, and the media is rife with comments to this effect, politicians as a group proclaim to loathe ***red tape*** with a passion, and seemingly call for its demise at every opportunity.

Presuming that the politicians' case against **red tape** has been fairly and sufficiently stated, another question therefore arises in the quest to ascertain the motives behind the identification, adoption, and implementation of freedom of information legislation:

What public purpose is served by the **red tape** of freedom of information legislation, requests, applications, rulings, appeals, etc.?

Or, to re-phrase in effectiveness-efficiency-economy terms, and using Canada as a case in point,

Why have the Government of Canada, the provincial and territorial governments, and municipal governments across the country not done what is necessary to eliminate the need for the **red tape** of freedom of information legislation, and all its expensive **red tape** accoutrements?

The questions asked deal with critical issues, but the reality is that they represent just the tip of the tip of the tip of the inquiry iceberg, a matter which is on the IRB's research agenda to pursue in due course as an interim report topic.

Many more questions will be needed in the process of ascertaining what it will take for individual politicians, political parties, and governments across the country to provide citizens free, easy, timely, and direct online access to public records.

However, putting **the red tape factor** front and center may be one means of shortening the amount of work and time needed to chronicle the use of transparency and accountability as political buzzwords, and as drivers ensuring the standard of access to public records in Canada is best practice.

D. Chronicling Publications, Access to Public Records Project

Background Publications

The decision to proceed with the access to public records project was based in large part on reactions by politicians, citizens, and journalists to three media articles on public access to public records, and feedback from professional and technical experts regarding the value and design of a paper about building a case for citizens having free, easy, timely, and direct online access to public records.

The four background publications (P1, P2, P3, and P4) are listed in chronological order of appearance in the public domain. In all cases an online link is provided.

For the reader's convenience, the texts of the first three publications follow the listing of media publications.

Who will end secrecy at city hall? Letter to the editor, Ottawa Citizen, October 19, 2018, p.A7.

<https://www.pressreader.com/canada/ottawa-citizen/20181019/281621011311069>

We need free, easy access to public records. Op-ed column, Ottawa Citizen, December 3, 2018. p. A9.

<https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>

With election ahead, we need to make public records truly public. The Conversation. January 2, 2019 6.55pm EST

<http://theconversation.com/with-election-ahead-we-need-to-make-public-records-truly-public-107645>

Who will end secrecy at city hall?*

Ottawa Citizen, Letter to the Editor, Oct. 19, 2018, p. A7

News media, candidates' materials, and letters to the editor point out the symptoms of many things that need to be fixed during the next municipal term. However, identifying the causes requires information, and therein lies a major rub: secrecy at city hall.

A chafing issue for many residents in recent years is Mayor Jim Watson, who created a dome of secrecy around city hall to the point that citizens do not have timely, informed access to council deliberations and contracts (for example, LRT, waste diversion, Civic Hospital expansion, Lansdowne redevelopment, road paving and re-paving, pumping stations).

The pitiful City of Ottawa website is brutal to navigate, and its designers have yet to take advantage of advances in geographic information systems. It is more hindrance than help to many citizens.

Moreover, even councilors play the catch-up game, as the mayor makes budgetary, financial, contractual, development, and other announcements based on supposedly public information that he has kept to himself rather than making it readily available.

A critical question deserving of honest answers from candidates is, "What will it take to establish open, online information access at city hall, so that citizens can examine budget proposals, development deals, contracts, and other matters of public business in a timely manner?"

Barry Wellar, Ottawa

* The letter was submitted October 6, and an edited version was published October 19. To see the original letter contact the author by email at: wellar.barry@gmail.com.

Wellar: We need free, easy access to public records*
Ottawa Citizen, Op-ed column. December 4, 2018. p.A9

The 2018 municipal election campaign in Ontario was marked by numerous media reports that faulted municipal governments for failing to provide citizens with free, easy and timely access to municipal records. Examples of records to which access was denied included: budget documents, project contracts, police service reports, and development proposals.

Clearly, freedom of information legislation does not work on behalf of citizens. Its failings include the following: Access to records is limited to what governments provide; making a request and learning its status are often time-consuming and frustrating exercises; the cost can be prohibitively excessive; and, responses are often of inferior quality and utility relative to what inquirers could ascertain if given proper access.

Freedom of information discussions began more than 50 years ago. Two major forces behind the movement were the digital technology revolution, and activist members of society who insisted upon knowing what governments were doing.

The digital revolution began with mainframe computer-based electronic data processing, followed by numerous innovations in computer-communications, remote sensing, and geographic information systems (GIS), with offshoots such as listening devices and tracking capabilities for surveillance.

Freedom of information concerns did not initially focus on the technology, but on the rapid increases in the capacity of governments to acquire and use data, information and knowledge about people, entities and events in an ever-increasing variety of ways and representations.

Thirty-five years ago, technology and freedom of information received popular attention from the British TV series *Yes, Minister*, and *Yes, Prime Minister*, and the movie *Big Brother Is Watching You*, which was based on George Orwell's novel, *Nineteen Eighty-Four*.

“Open Government,” the first episode of *Yes, Minister*, brilliantly dismissed the idea of allowing British citizens to access the central government’s records.

The movie and the phrase “Big brother is watching you” summarize many of the concerns about technologies enabling authoritarian and even totalitarian initiatives, and pre-date current concerns about government “snooping” by some 40 years.

Beyond concerns about technology, activists question how they are being governed, and their advocacy for open government is based on several beliefs: They have a duty to know what governments are doing; they require timely access to government records; and, since government records are “bought and paid for” by citizens and corporate entities through taxes, fees, tolls, fares, fines, levies and purchases of products and services, citizens’ access to records is a matter of right.

These beliefs are pillars of citizens’ open government movements, and point to five conditions that would significantly improve citizens’ access to government records:

- Free access. There is no reason to charge fees for access, since citizens have already paid governments to produce these records.
- Easy access. “User friendly” includes removing time-wasting hurdles. Google, for example, demonstrates how to design intuitive, easy-to use access procedures.
- Timely access. Efficient searches for public records occur when keywords lead to the links for texts, images and other records, including data and information bases. At the municipal level, timely access resides in links to maps and other geographic information system holdings because approximately 80 to 85 per cent of municipal data and information holdings are location-based.
- Direct access. Fifty years ago, banking changed significantly due to automated teller machines (ATMs), with mobile devices leading to still more changes. Banking shifted out of the business of moving money and into the information processing business, and serves as a highly credible precedent for governments to provide citizens direct access to public records.
- Online access. Governments already inform Canadians via websites, and there are many reasons for governments to better serve citizens via online access to public records.

Finally, I believe that “The right to free, easy, timely, and direct online access to public records” is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.

* **Barry Wellar** is President, Information Research Board Inc., Professor Emeritus, University of Ottawa, and was recently appointed Member, Order of Canada, for his contributions to the development and advancement of geographic information science.

With election ahead, we need to make public records truly public

The Conversation -- January 2, 2019

Easy access to government documents is essential to a healthy democracy. As a federal election approaches, Canada needs to do better. (Shutterstock)



Barry Wellar

Professor Emeritus, Geography and Environmental Studies, University of Ottawa, and President, Information Research Board Inc.

Citizens require access to public records in order to become properly informed about the activities of their governments and to provide sound feedback on government policies, plans and programs.

However, many Canadian citizens have learned through experience that freedom of information (FOI) legislation is not properly serving citizens.

As a result, they lack information and informed interactions with their elected representatives, and are reduced to musing about public affairs with other citizens.

As a federal election year dawns, an alternative approach is needed — and soon, because the relationship between citizens and governments is under serious challenge. Claims of “fake news” are too often displacing discussions that are based on evidence.

Read more: [The real consequences of fake news](#)

An alternative approach is readily available, whereby citizens have access to public records in a manner consistent with living in a free and democratic society, and the

principles of transparency and accountability of governments are more than just buzzwords.

Failure to provide access

Let's focus on access to the records of municipal governments, which are often claimed to be the governments closest to the people, and which have the most direct impact on citizens.

The 2018 municipal election campaign in Ontario serves as an excellent case in point. Citizens, journalists and candidates have faulted municipal governments for failing to provide appropriate access to municipal records including budget documents, project contracts, police service reports and development proposals.

Unfortunately, freedom-of-information legislation has proven of little value to citizens.

Access to records is limited to what governments provide. Making a request and learning its status are often frustrating exercises. The cost can be prohibitively expensive for many citizens. Responses are often sub-standard and useless compared to what citizens could ascertain if given proper access or opportunities to analyze files.

To put the failure of FOI legislation in context, and underline the urgent need for a new approach, freedom-of-information discussions began more than 50 years ago.

Two major forces behind the movement were the digital technology revolution and activist members of society who insisted upon knowing what governments were up to.

The digital revolution began with mainframe computers as the base for electronic data processing, followed by numerous innovations in computers and communications, remote sensing and geographic information systems (GIS), with offshoots such as listening devices and tracking capabilities for surveillance.

Freedom-of-information concerns did not initially focus on the technology, but on the rapid increases in the capacity of governments to acquire and use data, information and knowledge about people, entities and events in an increasing variety of ways.



A voter casts his ballot in the New Brunswick provincial election in Dieppe, N.B. in September 2018. Effective freedom-of-information legislation would allow Canadians to make informed decisions when it comes time to vote. *THE CANADIAN PRESS/Darren Calabrese*

The subject of a British comedy

Thirty-five years ago, technology and freedom of information received popular attention from the British TV series [Yes, Minister](#) and *Yes, Prime Minister* and from the movie *Big Brother Is Watching You*, based on George Orwell's 1949 novel, [Nineteen Eighty-Four](#).

"Open Government," the first episode of *Yes, Minister*, brilliantly dismissed the idea of allowing British citizens to access the central government's records: BBC Archives.

The phrase, "Big brother is watching you," meantime, summarizes many of the concerns about technology enabling authoritarian and even totalitarian initiatives almost 70 years after Orwell's dystopian novel was published.



American street artist Shepard Fairey's Big Brother posters are seen in London in 2007.

Tim Rich/Lesley Katon, Flickr

Public activists, on the other hand, put emphasis on questioning how we are being governed, and their advocacy for open government is based on several principles: A duty to know what governments are doing; timely access to government records; and, since government records are bought and paid for by citizens through taxes, fees, tolls, fares, fines, levies, etc., access to records is a right.

These beliefs are pillars of citizens' open government movements, and point to five conditions that I believe are necessary, and readily achievable, to significantly improve citizens' access to government records.

Five requirements

- Free access. Charging fees for access is gouging, because citizens have already paid governments to produce these records.
- Easy access. “User-friendly” includes removing bureaucratic hurdles that waste citizens' time. Google, for example, demonstrates how to design intuitive access procedures that are easy to use.
- Timely access. Efficient searches occur when keywords lead to the links for reports, images and other records, including data and information bases. At the municipal level, timely access involves links to maps and other geographic information because approximately 80 to 85 per cent of municipal data and information holdings are based on location.
- Direct access. Fifty years ago banking changed significantly due to automated teller machines (ATMs), with mobile devices leading to more changes. Banking shifted from moving paper and metal currency into the information-processing business, and is a

highly credible precedent for governments to provide citizens direct access to public records.

– Online access. Governments already inform Canadians via websites, and there are many reasons for governments to better serve citizens via online access to public records.

The right to free, easy, timely and direct online access to public records is a defining feature of a free and democratic society, and represents an invaluable hallmark of Canada's Charter of Rights and Freedoms. It's time that right actually existed.

The fourth background publication, "Building the case that a free and democratic society means free, easy, timely, and direct online access to public records", is a professional paper that was submitted on December 10, 2018 to the Editor of *The GIS Professional*.

The GIS Professional is a publication of the Urban and Regional Information Systems Association (URISA), which is an internationally recognized leader in all aspects of information systems research, development, education, training, applications, and management.

Many of the ideas in the paper are derived from my participation in URISA for more than five decades, and much of the text is deemed pertinent to the activities of thousands of current and future Geographic Information Systems Professionals (GISPs).

As a result, the paper was selected for publication in *The GIS Professional* at the earliest opportunity, which is the issue of January-February, 2019.

Courtesy of Wendy Nelson, Executive Director of URISA, "Building the case that a free and democratic society means free, easy, timely, and direct online access to public records", is posted on the URISA website and is available via the link, <https://www.urisa.org/clientuploads/directory/Documents/The%20GIS%20Professional/2019/JanFeb2019.pdf>

Future Publications

As of this writing, a list of possible publications has been compiled, and friends of the project are submitting topics to be considered. It is anticipated that available resources will allow for a limited number digital publications in the form of interim reports.

E. Chronicling Communications to Municipal, Provincial and Federal Politicians about Public Access to Public Records

This research is at the stage of an informal pilot study. As a result, communications are limited to a selection of politicians at the municipal, provincial, and federal levels of government in Canada. Initial communications are with Mayor Jim Watson and Councillors, City of Ottawa; Premier Doug Ford and selected Cabinet Ministers, Province of Ontario; and Prime Minister Justin Trudeau and selected Cabinet Ministers, Government of Canada, as well as the MP in my federal riding of Nepean.

In the interests of space, only one letter for each group of politicians is reproduced.

Email Letter to Mayor Jim Watson and Councillors, City of Ottawa, Public Access to Public Records Project

Sent: Wednesday, December 19, 2018 10:45 AM

To: Jim.Watson@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; 'O'Connor, M. Rick'

Subject: Access to Public Records- J Watson, City of Ottawa

Jim Watson, Mayor,
City of Ottawa

Re: Op-ed column, *Ottawa Citizen*, 'Wellar: We need free, easy access to public records', Dec.3, 2018. <https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>

Dear Mayor Watson,

I look forward to learning at the earliest moment if you agree with the central thesis of the column, namely that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa. In the event that you agree, I look forward to learning at the earliest moment what you and Councillors are doing to bring about the changes required to provide citizens free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Similarly, I look forward to learning at the earliest moment if you disagree with the central thesis that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access.

In addition, I look forward to learning at the earliest moment if you agree with the proposition expressed in the column that “The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.” In the event that you agree, I look forward to learning what you will do to encourage the Government of Canada to incorporate that clause or a variation of that in the Charter of Rights and Freedoms.

And, in the event that you do not agree with the statement, ““The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.”, then I look forward to learning at the earliest moment the reasons for your disagreement. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access, and explain why satisfying any condition is inconsistent with the intent of the Charter.

I regard this communication to be in the public interest, and you are welcome to circulate it as necessary in order to obtain advice, information, or materials to support your response.

Consistent with the thesis of the op-ed column, please respond via email.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4
CANADA

Email Letter to Ontario Premier Doug Ford and Selected Cabinet Ministers, Public Access to Public Records Project

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Wednesday, December 19, 2018 11:08 AM
To: doug.ford@pc.ola.org
Subject: Access to Public Records- Doug Ford, MPP

Premier Doug Ford
Government of Ontario

Re: Op-ed column, *Ottawa Citizen*, 'Wellar: We need free, easy access to public records', Dec.3, 2018. <https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>

Dear Premier Ford,

As you may be aware, in the Province of Ontario “municipalities are creatures of the province”, which means that the Government of Ontario has the capacity to remove the costly, difficult, time-wasting, and tediously indirect barriers to data/information access which are currently in place in municipalities across Ontario and most notably in the City of Ottawa.

As per the op-ed column published in the *Ottawa Citizen*, I have outlined the reasons for such an initiative by governments in general, including the Government of Ontario. The purpose of this communication is to obtain your response to several particulars as they pertain to citizens having free, easy, timely, and direct online access to public records.

First, I look forward to learning at the earliest moment if you agree with the central thesis of the column, namely that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario. In the event that you agree, I look forward to learning at the earliest moment what you and the Government of Ontario are doing to bring about the changes required to provide citizens free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

Similarly, I look forward to learning at the earliest moment if you disagree with the central thesis that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access.

Second, and in a related vein, I look forward to learning at the earliest moment if you agree with the proposition expressed in the column that “The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.” In the event that you agree, I look forward to learning what you and the Government of Ontario are doing to bring about the changes required to incorporate this clause in the Charter of Rights and Freedoms.

And, in the event that you do not agree with the statement, ““The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.”, then I look forward to learning at the earliest moment the reasons for your disagreement. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access, and explain why satisfying any condition is inconsistent with the intent of the Charter.

I regard this communication to be in the public interest, and you are welcome to circulate it as necessary in order to obtain advice, information, or materials to support your response.

Consistent with the thesis of the op-ed column, please respond via email.

Thank you.

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4
CANADA

Email Letter to Prime Minister Justin Trudeau, Selected Cabinet Ministers, and Ottawa-Nepean MP, Public Access to Public Records Project

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Friday, January 4, 2019 9:55 PM
To: justin.trudeau@parl.gc.ca
Subject: Access to Public Records-Chandra Arya, MP

Prime Minister Justin Trudeau
Government of Canada

Re: Op-ed column, *Ottawa Citizen*, ‘Wellar: We need free, easy access to public records’, Dec.3, 2018. <https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>

Dear Prime Minister,

I look forward to learning at the earliest moment if you agree with the central thesis of the column, namely that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada. In the event that you agree, I look forward to learning at the earliest moment what you and the Government of Canada are doing to bring about the changes required to provide citizens free, easy, timely, and direct online access to the public records held by the Government of Canada.

Similarly, I look forward to learning at the earliest moment if you disagree with the central thesis that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access.

In addition, I look forward to learning at the earliest moment if you agree with the proposition expressed in the column that “The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.” In the event that you agree, I look forward to learning what you and the Government of Canada are doing to bring about the changes required to incorporate this clause in the Charter of Rights and Freedoms.

And, in the event that you do not agree with the statement, “The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.”, then I look forward to learning at the earliest moment the reasons for your disagreement. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access, and explain why satisfying any condition is inconsistent with the intent of the Charter.

I regard this communication to be in the public interest, and you are welcome to circulate it as necessary in order to obtain advice, information, or materials to support your response.

Consistent with the thesis of the op-ed column, please respond via email.

Thank you.

Barry Wellar

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President, Information Research Board Inc.
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CANADA

Two conditions about communications to politicians, that is, to politicians and not to civil servants or to advisors, or office staff, warrant noting to close this section.

First, the focus of this project is on politicians, and their use of the terms transparency and accountability as buzzwords, and as drivers ensuring the standard of access to public records in Canada is best practice. While there is no interest at this time in the views of staff, circumstances could arise wherein communications with staff might be instructive, including those which cases involve politicians offloading inquiries onto appointed officials.

Second, all project communications with public officials regarding the matter of public access to public records are deemed to be part of the public record.

Therefore, having all due regard for transparency, accountability, and best practice, I cannot think of any legitimate reason for access-related communications to and from politicians to require a freedom of information application in order to be processed in a free, easy, timely, and direct manner.

F. Concluding Remarks

The following underlined parts in the title of this project report, “Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada Is Best Practice” are central to defining Canada as a free and democratic society.

However, and I look forward to being disabused at the earliest moment of a false sense of understanding, literature searches did not reveal prior research into the extent to which the terms transparency and accountability are used by politicians as:

- Political buzzwords, and as
- Drivers to sure that the standard of access to public records in Canada is best practice.

To ascertain insights into the politics of the access issue, a selection of politicians in municipal, provincial, and federal governments in Canada are asked in surveys to express their positions – in favour or not in favour – of citizens having free, easy, timely and direct online access to public records.

The next phase of the project includes presenting politicians' responses, analysis of politicians' responses by date of receipt, and discussion of consequences arising during the early days of launching the access to public records project.

G. References

British Broadcasting Corporation (BBC), 1980a. "Open Government". *Yes, Minister*. S1E1. https://www.imdb.com/title/tt0751811/?ref=ttstep_ep1

British Broadcasting Corporation (BBC), 1980b. "The Writing on the Wall". *Yes, Minister*. S1E5. <https://www.dailymotion.com/video/x6l3oz8>

Wellar, B. 2017. *Thoughts about Creating New Risk Assessment Paradigms to Demonstrate How Geographic Factors Affect the Human Impacts of Natural Disasters*. Presentation to the Rotary Club of West Ottawa. <http://www.wellar.ca/wellarconsulting/RotaryPresentation.pdf>

Wellar, B. 2018a. Who will end secrecy at city hall? Letter to the editor, *Ottawa Citizen*, October 19, 2018. p.A7. <https://www.pressreader.com/canada/ottawa-citizen/20181019/281621011311069>

Wellar, B. 2018b. We need free, easy access to public records. Op-ed column, *Ottawa Citizen*, December 3, 2018. p. A9. <https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>

Wellar, B. 2019a. With election ahead, we need to make public records truly public. *The Conversation*, January 2, 2019. <http://theconversation.com/with-election-ahead-we-need-to-make-public-records-truly-public-107645>

Wellar, B. 2019b. "Building the case that a free and democratic society means free, easy, timely, and direct online access to public records". In *The GIS Professional*, January/February, pp.9-13. <https://www.urisa.org/clientuploads/directory/Documents/The%20GIS%20Professional/2019/JanFeb2019.pdf>