

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

Interim Report 10.
Second Survey Asking Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra (Lib.- Nepean): *Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?*

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May 31, 2019

A. Context

The first phase of reports (1-7) are published, and we are now into phase two reports for the project, 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.

Report titles to date and their links are:

- [**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**](#)
- [**Interim Report 1. Using Interim Reports as Part of the Pilot Study Research Design**](#)
- [**Interim Report 2. Responses of City of Ottawa Mayor and Councillors to the Question: Do You Agree that Citizens Are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the City of Ottawa?**](#)
- [**Interim Report 3. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada Is Best Practice, Ottawa Council Score: Political Buzzwords, 87.5%; Drivers, 12.5%**](#)
- [**Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra \(Lib.- Nepean\) to the Question: Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?**](#)
- [**Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%**](#)
- [**Interim Report 6. Responses of Ontario Premier Doug Ford and Selected Cabinet Ministers to the Question: Do You Agree that Citizens Are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by Municipal Governments in Ontario?**](#)
- [**Interim Report 7. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Ontario Cabinet Score: Political Buzzwords, 100%; Drivers, 0%**](#)

- [Interim Report 8. Second Survey Asking City of Ottawa Mayor and Councillors, Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?](#)
- [Interim Report 9. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice: Ottawa Council Rating after the Second Citizen Access Survey–Political Buzzwords, 79%; Drivers, 21%](#)

Interim reports 8-13 discuss the results of the second round of surveys, and provide a basis for designing a template to monitor and analyse responses of municipal, provincial, and federal politicians to questions about citizens having free, easy, timely, and direct online access to public records.

The precedent report for interim report 10 is interim report 4, and the tool for comparative recording and analysis purposes is Table 1 in interim report 4.

It is appropriate to note in closing the first section of this interim report that we are aware of the irony involved in asking politicians about citizens having free, easy, timely, and direct online access to public records, and then witnessing politicians engage in evasive moves to avoid answering, even while proclaiming their deep regard for transparency and accountability.

And, apparently, citizens are also aware of this mixed messaging or, as some put it, double-talk. Feedback on survey one (interim report 4) reveals unanimous agreement that something is seriously wrong when the fifteen (15) federal politicians contacted for the first survey proclaim utmost regard for transparency and accountability throughout their political careers, but do not agree that citizens are entitled to free, easy, timely, and direct online access to Government of Canada public records.

(NOTE. It is possible, unbeknownst to me, that one or more of the surveyed federal politicians has publicly proclaimed that he or she has no regard, limited regard, qualified regard, or something other than utmost regard for transparency and accountability. Upon being advised in that regard by a published, public record, I will tailor future comments to ensure accurate representation of any politicians who are not in favour of transparency or accountability in their practice of governance.)

However, survey one was then, and survey two is now, and politics and politicians being what they are, survey two could reveal a significant change in positions of a number of

federal politicians with respect to citizens' access to Government of Canada public records.

B. Recalling the Results from the First Survey Asking Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra (Lib.- Nepean) : *Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?*

Interim report (IR) 4 presents the results of the first survey which asks the surveyed federal politicians, *Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?*

[Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra \(Lib.- Nepean\) to the Question: Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?](#)

Of the fifteen (15) federal politicians included in the first survey, not one of them responded by agreeing that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

It is appropriate to acknowledge that at the time of the second survey, Prime Minister Justin Trudeau, cabinet ministers, and the Liberal caucus were very much involved in the SNC-Lavalin affair.

The fact remains, however, that such preoccupation is not really what might be termed a 'big deal' in politics, and for good reason, That is, it is understood by all who enter Parliament that uncertainty is the name of the game, so no one surveyed is or should be surprised about changes in the composition of the federal cabinet, or that some of those surveyed might undergo 'career shifts'.

Moreover, and more importantly, that piece of political reality is neither here nor there for this project. We are compiling a record of which politicians proclaim support for transparency and accountability on the one hand, while simultaneously not agreeing on the other that citizens are entitled to proper access to public records created by these same politicians.

To my mind, ways to save and preserve Canada as a free and democratic society should be far more important to all politicians than the fate of their political party, or their own careers. Hence, the SNC-Lavalin affair is regarded as a gross political moral, and ethical blunder but, in the larger scheme of things, it is a distraction relative to the significance that can be attached to a politician's response to the question, *Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?*

As a result, all the politicians who were sent the first email survey are named, for the record, as not agreeing that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada. These politicians and their positions at the time of the survey are:

Prime Minister Justin Trudeau
Minister Scott Brison
Minister Bardish Chagger
Minister François-Philippe Champagne
Minister Kirsty Duncan
Minister Marc Garneau
Minister Karina Gould
Minister David Lametti
Minister Catherine McKenna
Minister Jane Philpott
Minister Carla Qualtrough
Minister Amarjeet Sohi
Minister Jonathan Wilkinson
Minister Jody Wilson-Raybould
Member of Parliament MP Chandra Arya

C. Second Survey Asking Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MPs Arya Chandra, Jane Philpott, and Jody Wilson-Raybould: *Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?*

The first survey was undertaken via emails to federal politicians on January 5 and 6, 2019, and the second survey was undertaken April 9, 2019.

Federal politicians who were in the first survey are included in the second survey, and the core question is the same in both surveys.

Learning lessons from the pilot study process, several changes are made to the instructions contained in the emails. The changes are straightforward, and address the challenge of getting honest answers from federal politicians when they are not inclined to answer, witness their behaviour during Question Period, regardless of which party is in power.

Email 1 regarding survey two was sent to Prime Minister Trudeau, and to cabinet ministers who had received survey one.

Email 1 -----

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Tuesday, April 9, 2019 7:43 PM
To: justin.trudeau@parl.gc.ca
Subject: Access to Public Records Survey 2 Trudeau

Dear Prime Minister Trudeau,

This is a follow-on survey to the first survey on **Access to Public Records** in which you and a selection of ministers and MP Chandra Arya are asked “*Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*”

At the risk of making too fine a point, the words “you” and “your” appear in fourteen (14) places in the original email. They continue to pertain to the question asked, and are underlined and bolded here for double emphasis: “*Do **you** agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*”

Links to the interim reports containing the results of the first federal survey are included here for your information and convenience:

[**Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra \(Lib.- Nepean\) to the Question: Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?**](#)

[**Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%**](#)

For the second survey, the primary question remains the same: *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*

I look forward to receiving your YES or NO response for the second survey regarding access to public records.

In the spirit of research involving transparency and accountability, if a YES response is not received by April 26, 2019, then it will be taken that you do not agree that citizens are entitled to free, easy, timely and direct online access to public records held by the Government of Canada.

It is emphasized that rather than make a decision by inference, a clear-cut YES or NO response is preferred in the interests of both transparency and accountability. This methodology matter is discussed in interim reports.

As you may appreciate, time constraints dictate that we move expeditiously, and it appears fair to say that a sufficient number of working days (12) are provided to deal with an inquiry that should not take more than 10 minutes of considered thought in order to arrive at a reasoned position.

Again, the disposition of your response or lack thereof to the first survey can be found in interim reports 4 and 5 above.

Sincerely

Barry Wellar

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President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4
CANADA
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Email 2 was sent to Joyce Murray, who replaced Jane Philpott as President of the Treasury Board and Minister of Digital Government.

As discussed below, the communication to Joyce Murray involves a twist that might make her wonder about the thinking skills of her cabinet colleagues.

Email 2 -----

Joyce Murray, MP
President of the Treasury Board and Minister of Digital Government
Government of Canada

Dear Minister Murray,

This is a follow-on survey to the first survey on **Access to Public Records** in which Prime Minister Trudeau, a selection of ministers, and MP Chandra Arya are asked “*Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*”

You did not participate in the first survey, but your recent Cabinet appointment makes your opinion especially pertinent to the access topic, so I am very pleased to include you in the second survey.

At the risk of making too fine a point, the words “you” and “your” appear in fourteen (14) places in the original email. They continue to pertain to the question asked, and are underlined and bolded here for double emphasis: “*Do **you** agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*”

Links to the interim reports containing the results of the first federal survey are included here for your information and convenience:

[Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra \(Lib.- Nepean\) to the Question: Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?](#)

[Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%](#)

For the second survey, the primary question remains the same: *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*

I look forward to receiving your YES or NO response for the second survey regarding Access to Public Records.

In the spirit of research involving transparency and accountability, if a YES response is not received by April 26, 2019, then it will be taken that you do not agree that citizens

are entitled to free, easy, timely and direct online access to public records held by the Government of Canada.

It is emphasized that rather than make a decision by inference, a clear-cut YES or NO response is preferred in the interests of both transparency and accountability. This methodology matter is discussed in interim reports.

As you may appreciate, time constraints dictate that we move expeditiously, and it appears fair to say that a sufficient number of working days (12) are provided to deal with an inquiry that should not take more than 10 minutes of considered thought in order to arrive at a reasoned position.

Again, the disposition of your response or lack thereof to the first survey can be found in interim reports 4 and 5 above.

Sincerely

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The twist mentioned above is in a section of the email which was added after the first round of surveys of municipal, provincial and federal politicians.

The word fourteen and the number 14 are focal points:

“At the risk of making too fine a point, the words “you” and “your” appear in **fourteen (14) places** [bold added] in the original email. They continue to pertain to the question asked, and **you** is underlined and bolded here for double emphasis”.

Despite using the words you and your fourteen (14) times in the original email, and repeating that fact again in the second email, with “you” bolded for emphasis, the survey inquiry was forwarded from more than one minister to the President of the Treasury Board and Minister of Digital Government.

The emails to MP Chandra Arya, and to MPs Jane Philpott and Jody Wilson-Raybould who were members of cabinet at the time of the first survey, are the same in text as those sent to the Prime Minister and cabinet ministers.

Email 3 is included to illustrate the kinds of communication one might have with federal politicians when asking them to participate in a survey, including a survey which makes reference to the Charter of Rights and Freedoms:

“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”.

A communication was received informing me that MP Jane Philpott did not wish to participate in the survey.

In the interests of transparency and accountability, and because previous communications stated that all survey-related material would become part of the open ‘literature’, the full email exchange follows.

Email 3 -----

-----Original Message-----

From: Barry Wellar [mailto:wellar.barry@gmail.com]

Sent: Wednesday, April 10, 2019 7:23 PM

To: Jane.Philpott@parl.gc.ca

Subject: RE: Access to Public Records Survey 2 Philpott

Thank you for the reply on behalf of Dr. Philpott, Member of Parliament.

As the second survey communication specifies, there are two and only two recordable responses to the access to public records survey of federal politicians, YES or NO, whereby NO represents anything other than YES. It could be referred to as a surgical approach.

The lead-up to this survey determination is contained in the two interim reports noted in the second survey communication, Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra (Lib.- Nepean) to the Question: Do You Agree that Citizens

are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada? and Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%.

Again, the decline option is assigned to the NO category because it is not a YES.

If Dr. Philpott wishes to revise her response, please advise as per the due date.

Thank you.

Barry Wellar

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Nepean, ON K2H 6T4
CANADA
<http://wellar.ca/informationresearch/>

-----Original Message-----

From: Jane.Philpott@parl.gc.ca [mailto:Jane.Philpott@parl.gc.ca]
Sent: Wednesday, April 10, 2019 11:43 AM
To: wellar.barry@gmail.com
Subject: Re: Access to Public Records Survey 2 Philpott

Dear Dr. Wellar,

Thank you for your email. Dr. Philpott declines to participate in this survey.

Sincerely,
Tammy
Community Relations Manager
Office of the Hon. Jane Philpott
Member of Parliament - Markham-Stouffville

6060 Main Street
Stouffville, ON
L4A 1B8
Tel. 905.640.1125
Fax. 905.640.1184

From: Barry Wellar <wellar.barry@gmail.com>
Sent: April 9, 2019 8:26 PM
To: Philpott, Jane - M.P.
Subject: Access to Public Records Survey 2 Philpott

Dr. Jane Philpott, MP
Government of Canada

Dear Dr. Philpott,

This is a follow-on survey to the first survey on Access to Public Records in which Prime Minister Trudeau, a selection of ministers, including yourself, and MP Chandra Arya are asked "Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?"

I remain very much interested in your opinion on this matter, and I am therefore including you in the second survey.

At the risk of making too fine a point, the words "you" and "your" appear in fourteen (14) places in the original email. They continue to pertain to the question asked, and are underlined and bolded here for double emphasis: "Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?"

Links to the interim reports containing the results of the first federal survey are included here for your information and convenience:
Interim Report 4. Responses of Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Arya Chandra (Lib.- Nepean) to the Question: Do You Agree that Citizens are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the Government of Canada?
<http://wellar.ca/informationresearch/CHRONICLING_INTERIM%20REPORT%204.pdf>

Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%

http://wellar.ca/informationresearch/CHRONICLING_INTERIM%20REPORT%205.pdf

For the second survey, the primary question remains the same: Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?

I look forward to receiving your YES or NO response for the second survey regarding Access to Public Records.

In the spirit of research involving transparency and accountability, if a YES response is not received by April 26, 2019, then it will be taken that you do not agree that citizens are entitled to free, easy, timely and direct online access to public records held by the Government of Canada.

It is emphasized that rather than make a decision by inference, a clear-cut YES or NO response is preferred in the interests of both transparency and accountability. This methodology matter is discussed in interim reports,

As you may appreciate, time constraints dictate that we move expeditiously, and it appears fair to say that a sufficient number of working days (12) are provided to deal with an inquiry that should not take more than 10 minutes of considered thought in order to arrive at a reasoned position.

Again, the disposition of your response or lack thereof to the first survey can be found in interim reports 4 and 5 above.

Sincerely

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To briefly return the matter raised above about the second survey being administered at the same time that the SNC-Lavalin affair hit the news, it is ironic, even bizarrely ironic, that while these emails about transparency and accountability were being transmitted and presumably being brought to the attention of the surveyed politicians, members of the opposition parties were using the terms transparency and accountability in attempts to have government politicians ‘come clean’ about who knew what and did what, or not, regarding the SNC-Lavalin affair.

Interim report 11 deals with how the responses recorded in Table 1 relate to the concepts of transparency and accountability.

Table 1. Scorecard of Responses by Selected Members of Cabinet and Liberal MPs, Government of Canada, to the Second Survey Asking the Question: *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada?*

<u>Contacted Federal Politician</u>	<u>Response</u>
Prime Minister Justin Trudeau.....	NO
Minister Bardish Chagger.....	NO
Minister François-Philippe Champagne.....	NO
Minister Kirsty Duncan.....	NO
Minister Marc Garneau.....	NO
Minister Karina Gould.....	NO
Minister David Lametti	NO
Minister Catherine McKenna.....	NO
Minister Joyce Murray.....	NO
Minister Carla Qualtrough.....	NO
Minister Pablo Rodriguez.....	NO
Minister Amarjeet Sohi.....	NO
Minister Jonathan Wilkinson.....	NO
MP Chandra Arya.....	NO
MP Jane Philpott.....	NO
MP Jody Wilson-Raybould.....	NO

D. Analysis of Responses by Federal Politicians

A context statement for this analysis was published in The Conversation several days before emails were sent to federal politicians to launch the survey process. The title of the article and the link are provided for the convenience of the reader.

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>.

The Conversation article is prescriptive, and is written to advance and support the argument that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Comments on the responses by federal politicians are designed to identify federal politicians who agree, and those who do not agree, that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Fifteen federal politicians are contacted in survey one and survey two, and to a man and woman they are models of consistency within and between surveys.

In survey one no federal politician agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada, and in survey two no federal politician agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Or, to re-phrase, 0% of the contacted federal politicians agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada, and 100% do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Why those numbers are what they are is not something that can be readily ascertained by survey. Rather, questioning the people represented by those numbers is a task that better falls to citizens, as well as to the print, broadcast, and social media.

And, of course, members of the opposition could also raise the matter of public access to public records. This could be done during Question Period while Parliament is still sitting, and well before the next federal election is called. This way, citizens have an

opportunity to weigh their options before politicians hit the campaign trail and, it seems to many citizens/voters, say whatever they think will help them get elected while trying to avoid “dicey questions” at all costs.

It warrants noting, based on pilot study work to date, that we are aware that not all parties and not all politicians in all parties may want citizens to have free, easy, timely, and direct online access to the public records held by the Government of Canada.

That being the case, it is likely that little or no assistance is forthcoming from them in terms of help in ascertaining the thinking of the Prime Minister, contacted cabinet ministers, and contacted MPs, none of whom, 0%, agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

E. Conclusion

The research approach and instruments have evolved as being methodologically sound.

In brief, the email correspondence is not challenged in any way in either the first or second surveys, the assignment of responses in a sharp, binary classification makes the position of any and all politicians perfectly clear, and members of the survey population (federal politicians) have not raised a single, solitary concern, whether of their own thinking or thinking provided by staff.

It therefore seems reasonable to suggest that the pilot study approach and the results of the inquiry can be used by citizens to ask the surveyed federal Liberal politicians, and other federal Liberals for that matter, about their reasons for not agreeing that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Further, for various reasons the focus of the pilot study at the federal level is on the Prime Minister, cabinet ministers and several Liberal MPs. Surveys of politicians from other federal parties would contribute to testing the robustness of the survey instrument and its potential utility as a means to conduct surveys of federal politicians during before, during, and after the upcoming election campaign.

In particular, questions have been raised about conducting surveys that explore the positions of members of opposition parties about the access to records question, and about their views on the responses of federal (Liberal) politicians.

Finally, and as was done with interim report 8 involving City of Ottawa politicians, it is appropriate to close this report by recalling the profound words of the late, great Senator Everett Dirksen (Illinois) who opined, “When I feel the heat I see the light”.

Perhaps by the time of the upcoming federal election, serious heat will have been be applied to all federal parties and politicians, or, perhaps but unlikely, some kind of epiphany will occur, and they will be chafing at the bit to do what is necessary to ensure citizens have free, easy, timely, and direct online access to the public records held by the Government of Canada.