

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 12.

Second Survey of Ontario Premier Doug Ford and Selected Cabinet Ministers: 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?

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A. Background to the Second Survey of Selected Conservative Politicians, Province of Ontario

Three publications provide context for email communications to Conservative Premier Doug Ford and ten cabinet ministers regarding the question,

Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by held by municipal governments in Ontario?

The background publication titles and links are as follows:

- Who will end secrecy at city hall? Letter to the editor, Ottawa Citizen, October 19, 2018, p. A7.
<https://www.pressreader.com/canada/ottawacitizen/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. <http://theconversation.com/with-election-ahead-we-need-to-make-public-records-truly-public-107645>

The first two publications preceded the first survey email sent to Ontario's Premier on December 19, 2018, and to cabinet ministers over the next several days. The third article was published two weeks later on January 2, 2019.

Interim report titles for phase one 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 reports 8-13 present the results of the second survey of municipal, provincial, and federal politicians, and the titles and links of reports published to date are:

- [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 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?](#)

- [Interim Report 11. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada Is Best Practice: Federal Cabinet Score after Second Survey -- Political Buzzwords, 100%; Drivers, 0%](#)

Table 1 (from interim report 6) presents the scorecard from the first survey of Ontario provincial politicians which asks Premier Doug Ford and nine cabinet ministers, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by held by municipal governments in Ontario?*

Table 1. Scorecard of Yes or No Responses by Selected Members of Cabinet, Government of Ontario to the First Survey: *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?*

<u>Member of Cabinet</u>	<u>Response*</u>	<u>Date(s) Received</u>
Premier Doug Ford.....	NR	
Minister Steve Clark.....	NYNN	12/19/29018
Minister Susan Elliott.....	NYNN	02/06/2019
Minister Vic Fedeli.....	NYNN	01/11/2019
Minister Sylvia Jones.....	NR	
Minister Lisa MacLeod.....	NYNN	12/20/2018
Minister Monte McNaughton.....	NR	
Minister Caroline Mulroney.....	NR	
Minister Rod Phillips.....	NR	01/06/2019
Minister Jeff Yurek.....	NR	01/06/2019

***Legend: NO means NO; YES means YES; NYNN means NEITHER YES NOR NO; and NR means NO RESPONSE.**

As shown in Table 1, none of the contacted Conservative Members of Parliament agreed that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

B. Second Survey asking Conservative Politicians, Province of Ontario, *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?*

The first survey was undertaken via emails to the premier and cabinet ministers on December 19 and 20-23, 2018, and January 6, 2019, and emails for the second survey are dated May 3, 2019.

The same text is used for the emails to Premier Ford and the cabinet ministers, nine in survey one, and ten in survey two, respectively.

That is done in part for reasons of preserving instrument consistency and comparability, and in part to ensure that no ‘discomfort’ is imposed upon politicians by introducing any nuance into what is a basic question about politicians regard for citizens right to know via free, easy, timely, and direct online access to public records.

The email to Premier Ford regarding the second survey sent May 3 follows.

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

Sent: Friday, May 3, 2019 10:19 AM

To: doug.ford@pc.ola.org

Subject: ACCESS TO PUBLIC RECORDS, SURVEY 2 D FORD

Dear Premier Ford

This is a follow-on survey to the first survey on **Access to Public Records** in which you and a selection of ministers are asked,

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?

At the risk of making too fine a point, I wish to emphasize that the words “you” and “your” appear in fourteen (14) places in the original email of December 19, 2018. 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 municipal governments in Ontario?*

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

- [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%](#)

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 municipal governments in Ontario?*

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, and with due regard for timeliness on behalf of citizens who have a vested interest in this matter, if a YES response is not received by **May 17, 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 municipal governments in Ontario.

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.

Again, the disposition of your response or lack thereof to the first survey can be found in interim reports 6 and 7 above.

Sincerely

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A similar email was sent to Cabinet Ministers Steve Clark, Susan Elliott, Vic Fedeli, Sylvia Jones, Lisa MacLeod, Monte McNaughton, Caroline Mulroney, Rod Phillips, Bill Walker and Jeff Yurek.

One addition to the emails sent in survey two is to attempt to encourage cabinet ministers to answer for themselves, rather than pass the assignment off to staff, or to another minister:

“At the risk of making too fine a point, I wish to emphasize that the words “you” and “your” appear in fourteen (14) places in the original email of December 19, 2018. 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 municipal governments in Ontario?”*

Table 2. Scorecard of Responses by Premier Doug Ford and Selected Members of Cabinet, Government of Ontario 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 municipal governments in Ontario?*

<u>Member of Cabinet</u>	<u>Response</u>
Premier Doug Ford.....	NO
Minister Steve Clark.....	NO
Minister Susan Elliott.....	NO
Minister Vic Fedeli.....	NO
Minister Sylvia Jones.....	NO
Minister Lisa MacLeod.....	NO
Minister Monte McNaughton.....	NO
Minister Caroline Mulroney.....	NO
Minister Rod Phillips.....	NO
Minister Bill Walker.....	NO
Minister Jeff Yurek.....	NO

And, to underline the spirit of transparency and accountability, as opposed, for example, to engaging in bafflegab or other form of ambiguity, the second addition urges the premier and selected cabinet ministers to provide Yes or No answers.

As previously discussed, using the binary approach of Yes and No brings clarity to discussions about transparency and accountability, whereas non-answers or what are commonly referred to as “mealy-mouthed responses” take us into the realm of inference, to varying degrees.

I believe that the survey fully respects the fairness aspect by informing all those surveyed that anything other than a Yes is recorded as a No.

C. Analysis of Responses by Provincial 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 was 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.

However, the article published in *The Conversation* is generally applicable to provincial governments as well as to municipal governments.

With regard to the provincial component of the Chronicling project, the survey question is not asking Ontario Conservative MPPs about access to Ontario government records. Rather, at this time the selected MPPs are asked if they agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

As noted in the initial email to Conservative MPPs (interim report 6), in Ontario municipal governments are “creatures of the province”, so it is totally within the purview of the provincial government to decree that citizens have free, easy, timely, and direct online access to the public records held by all or some municipal governments in Ontario.

Comments on the responses by provincial politicians are designed to identify those 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 held by municipal governments in Ontario.

The ten provincial politicians contacted in both survey one and survey two, and the additional politician contacted in survey two, are models of consistency within and between surveys.

In survey one, no provincial politician agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario. And, in survey two no provincial politician agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

Or, to re-phrase, 0% of the contacted provincial politicians agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario and, conversely, 100% do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

Why those numbers are what they are is not something that can be readily ascertained by survey. Rather, questioning the politicians 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.

That could be done during Question Period while Parliament is still sitting, and well before the next provincial 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.

D. 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 (provincial 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 provincial Conservative politicians, and other provincial Conservative 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 municipal governments in Ontario.

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 next provincial election, serious heat will have been be applied to all provincial 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 of Ontario have free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.