

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 17.
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 Third Citizen Access Survey – Political Buzzwords, 79%; Drivers, 21%

Barry Wellar

Professor Emeritus, University of Ottawa
President, Information Research Board Inc.
wellar.barry@gmail.com

January 7, 2020

A. Introduction

The pilot study research design anticipated that a minimum of three surveys would be required to obtain vectors which firmly establish which City of Ottawa politicians 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 16 confirms that there have been no changes in the positions of City of Ottawa politicians between survey two and three and only one change between survey one and survey three. The near-absence of change therefore removes the need for more surveys, since the likelihood of gathering useful information is minimal at best.

As a result, 79% of City of Ottawa politicians are confirmed to use the terms transparency and accountability as buzzwords, and only 21% of them use transparency and accountability as drivers ensuring access to City of Ottawa public records is best practice.

In the interests of efficiency, it might seem reasonable to adapt the materials from the previous buzzwords v. drivers report (interim report 9) and move on.

However, between the conclusion of interim report 9 and preparing interim report 16, significant investigations were undertaken to complement the survey. In particular, the pilot study design incorporated a number of communications to City of Ottawa politicians which probed various aspects of their understanding of and regard for principles and practices associated with transparency and accountability.

The design feature of reference is that if a politician agrees to the pilot study proposition, then that politician no longer needs to be on the research design radar. Rather, attention can be focused on the politicians who do not agree, and who often do not want to be transparent and accountable when asked why they do not agree.

The research design therefore includes the survey question which was sent to City of Ottawa politicians for consideration, and after the second survey it added a self-authored aspect whereby attention is focused on the self-proclaimed transparency and accountability materials produced by City of Ottawa politicians themselves.

This approach may be referred to as ‘tightening the evidentiary screws’, and is especially useful when the survey subjects (City of Ottawa politicians in this study) are elusive, evasive, not forthcoming, disingenuous, etc., and doing whatever they can to avoid giving straight answers. Interim reports 14 and 15 cover this topic in detail, and are available online: [Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens’ Conduit to Public Records, or an Institutional](#)

Barrier to Public Records?; and, Interim Report 15. Identifying Tactics Used By Politicians to Restrict Citizens' Access to Public Records.

Further with regard to research design, since this report completes the current phase of surveys of City of Ottawa politicians, and they have already had “two kicks at the can”, it is appropriate for purposes of comparison and contrast to incorporate several pertinent City of Ottawa statements into interim reports 16 and 17. The point of concern is that the survey responses by politicians are significantly different from the City of Ottawa’s own proclamations and documentation, which are statements by these same politicians.

As a result, it is appropriate to relate these statements to the survey outcomes for compare and contrast purposes, and for extracting any contribution City of Ottawa politicians might make to serving and promoting citizen access to public records in Canada.

It is emphasized in closing this section that at first blush there could be a rush to judgement about the 79% buzzword v. 21% driver relationship, a 4:1 ratio, but it is prudent to be cautious in the absence of similar studies in other municipalities in Ontario, and in municipalities in other provinces for that matter.

In the next section we first recall the results from survey two, then present City of Ottawa materials professing all due regard for transparency and accountability, and close the section by presenting the results of the three surveys which are flat-out contradictions of claims made by Mayor Jim Watson on behalf of council, and also are also very far removed from if not outright repudiation of the General Integrity part, City of Ottawa Code of Conduct for Politicians.

B. Evidence of City of Ottawa Politicians Not Being Transparent and Accountable about Their Positions on Transparency and Accountability?

i) Results from the Second Survey

Interim report 8 is the source for Table 1 which contains the first and second survey results from asking City of Ottawa politicians, *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?*

The observation of note regarding Table 1 is the consistency among politicians between the two surveys.

It seems most likely, I hasten to emphasize, that if a politician did not agree with a YES or NO response being recorded for the first survey, that person would have called the

matter to my attention, or made sure that the second survey corrected the matter. No corrections were made, so we take the entries of Table 1 as accurate representations.

What we have from Table 1, then, are two-point vectors for all but one councillor whose scorecard change was from a NO to a YES. All the other NO entries remained the same, and there were no changes in the YES group. Based on Table 1 as the first sign of a pattern, the question that arises immediately is: What happens when the third survey is administered and yields the significantly more robust three-point vector?

Table 1. Scorecard of Responses by Ottawa Council 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?*

<u>Member of Council</u>	<u>Response</u>	
	Survey 1	Survey 2
Mayor Jim Watson	NO	NO
Councillor Steven Blais	NO	NO
Councillor Riley Brockington	YES	YES
Councillor Rick Chiarelli	NO	NO
Councillor Jean Cloutier	NO	NO
Councillor George Darouze	NO	NO
Councillor Diane Deans	NO	NO
Councillor Laura Dudas	NO	NO
Councillor Eli El-Chantiry	NO	NO
Councillor Mathieu Fleury	NO	NO
Councillor Glen Gower	NO	NO
Councillor Jan Harder	NO	NO
Councillor Allan Hubley	NO	NO
Councillor Theresa Kavanaugh	NO	YES
Councillor Rawlson King	----	YES
Councillor Jeff Leiper	NO	NO
Councillor Matt Luloff	NO	NO
Councillor Catherine McKenney	YES	YES
Councillor Carol Anne Meehan	NO	NO
Councillor Shawn Menard	YES	YES
Councillor Scott Moffatt	NO	NO
Councillor Tobi Nussbaum	NO	----
Councillor Jenna Sudds	NO	NO
Councillor Tim Tierney	NO	NO

Source: [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?](#), p. 10.

In the spirit of “tightening the evidentiary screws” approach noted above, the research design was under frequent review in search of ways to ensure that politicians were properly informed about the pilot study methodology. A particular point of emphasis was to ensure that the YES and NO survey findings could not be discredited by substantively characterizing the survey approach as ambiguous, unclear, too complicated, etc.

Towards that end, a research hypothesis was introduced in Interim report 8.

The research hypothesis was published in August 30, 2019, so city of Ottawa politicians had five months to consider the two-pronged research hypothesis (RH) before receiving the third survey:

RH1: Politicians who say yes to the survey question have due regard for the principles of transparency and accountability, and their use of the terms serve as drivers for ensuring that access to public records in Canada is best practice.

RH2: Politicians who do not say yes to the survey question do not have due regard for the principles of transparency and accountability, and their use of the terms as political buzzwords reveal them as politicians who restrict citizens’ access to public records.

It was presumed that since many City of Ottawa politicians regularly encounter issues and make decisions involving relationships, scenarios, and complex processes, a research hypothesis might help to frame their thinking about 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?*

ii) Pro-Transparency, Pro-Accountability Claim by Mayor Jim Watson

We see in Table 1 that only 5 of 24 City of Ottawa politicians agree *that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa.*

However, on September 12, 2019 Ottawa Mayor Jim Watson made this totally contrary statement on CFRA radio:

“... we [City of Ottawa] have the most open, accessible government in, of, any level, fewest closed door meetings, very open, transparent”

Source: Jim Watson interview with Graham Richardson, CFRA, September 13, 2019. The time span for the clip is 1:30-1:40 P.M. https://omny.fm/shows/580-cfra/hour-2-of-ottawa-now-for-september-13th-2019?in_playlist=580-cfra!ottawa-now

Survey two was conducted March 26, 2019, and it is abundantly obvious that there is a massive difference between what Mayor Watson claims in his radio tale in September, and the minority of YES responses and the majority of NO entries shown in Table 1.

While there may be many noteworthy differences between Watson's claim made on CFRA and the YES and NO entries in Table 1, surely one of the more remarkable differences involves Watson himself.

That is, for the first and second surveys, Watson did not agree *that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*, which makes a mockery of his radio claim.

Two immediate questions arise from the mayor's puzzling claim in the face of his seeming lack of interest in supporting steps to create an informed citizenry:

- a) Whether a third survey will reconcile his differences, including an explanation for asserting that "... we [City of Ottawa] have the most open, accessible government in, of, any level, fewest closed door meetings, very open, transparent", while not agreeing that *citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*.
- b) Whether Watson's assertion will inform NO councillors that when it comes to City of Ottawa politicians meeting transparency and accountability tests set by citizens, that YES is the appropriate 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 City of Ottawa?*

iii) Pro-Transparency, Pro-Accountability Claim, City of Ottawa Code of Conduct

It can be argued that there is nothing unusual about the finding that only 5 of 24 City of Ottawa politicians agree that *citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*, and 19 members of council including Mayor Jim Watson do not agree. Indeed, it can be argued that politicians often pay little or no attention to surveys or petitions, ignore community delegations, and can and do ignore phrases like "Here we go again" to describe flip-flops, contradictions, or repeat boondoggles, and even Mayor Jim Watson can take Mayor Jim Watson's claims about transparency and accountability with a grain of salt.

Where things take a decidedly different turn, however, is when politicians play fast and loose with the public interest, and their actions put them in direct opposition to legislation, such as the Municipal Act which governs all municipalities in Ontario, or, closer to home, the City of Ottawa Code of Conduct.

The Code of Conduct is directly and deeply relevant to the pilot study because references to transparency and accountability are a prominent feature in the City of Ottawa Code of Conduct.

Several pertinent clauses are repeated here. Readers may click on the Code of Conduct link below for more details.

Code of Conduct for Members of Council and Related Policies

General Integrity

- 1. Members of Council are committed to performing their functions with integrity, accountability and transparency.*
- 2. Members of Council are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official.*
- 3. Members of Council recognize that the public has a right to open government and transparent decision-making.*
- 4. Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.*

<https://ottawa.ca/en/city-hall/accountability-and-transparency/accountability-framework/code-conduct-members-council-and-related-policies>

Clearly, the pilot study interest in the quality of citizens' access to City of Ottawa public records is fully consistent with the declared interest of City of Ottawa politicians and their staff, as well as that of City of Ottawa staff, in providing citizens the highest order of access to City of Ottawa records.

However, and as shown by the interim reports for the first two surveys, there are signs of a totally contradictory relationship between the promise and performance of City of Ottawa politicians when it comes to access by citizens to City of Ottawa records.

That is, while the words of Mayor Jim Watson and the Code of Conduct paint a rosy, upbeat picture about institutional transparency and accountability, **surveys one and two reveal that a majority of City of Ottawa politicians do not agree that citizens**

are entitled to free, easy, timely, and direct online access to City of Ottawa public records.

What remains to be seen, therefore, is whether the results of the third survey will bring Mayor Watson and the 18 NO councillors into agreement with their transparency and accountability obligations which are detailed in the City of Ottawa Code of Conduct.

iv) Results from the Third Survey

Table 2 presents the results of the three surveys.

As shown, there is not even one change from YES to NO or NO to YES between survey two and survey three, which causes the entries of the NO group to warrant further attention for several reasons.

First, between survey two and survey three, numerous communications about transparency and accountability issues were sent to Mayor Jim Watson and NO Councillors Steven Blais, Rick Chiarelli, Jean Cloutier, George Darouze, Diane Deans, Laura Dudas, Eli El-Chantiry, Mathieu Fleury, Glen Gower, Jan Harder, Allan Hubley, Jeff Leiper, Matt Luloff, Carol Anne Meehan, Scott Moffatt, Jenna Sudds, and Tim Tierney.

Those communications and the many, many hundreds of media items that criticized City of Ottawa politicians and staff about their transparency and accountability failings over the past year are cause for pause about why Mayor Jim Watson and 18 councillors do not agree that citizens are entitled to free, easy, timely, and direct online access to public records.

Second, the claim made by Watson in his CFRA interview, which occurred between survey two and survey three was among the matters brought to the attention of Watson and all councillors.

Neither Watson nor any of the NO councillors in survey two switched to YES in survey three as a result of Watson's claim, so are he and they refuting his claim? Or, are they locked in on the NO position for reasons which are not transparent, and for which they have not yet been held accountable?

Third, the Code of Conduct is clear and explicit in terms of the requirement of City of Ottawa politicians to have due regard for transparency and accountability, which means as transparency and accountability are seen by citizens, and not as they are seen by potentially self-serving or compromised politicians.

However, the results of Table 2 reveal that this obligation is turned on its head and publicly rejected by Mayor Jim Watson and NO Councillors Steven Blais, Rick Chiarelli, Jean Cloutier, George Darouze, Diane Deans, Laura Dudas, Eli El-Chantiry, Mathieu Fleury, Glen Gower, Jan Harder, Allan Hubley, Jeff Leiper, Matt Luloff, Carol Anne Meehan, Scott Moffatt, Jenna Suds, and Tim Tierney.

Table 2. Scorecard of Responses by Ottawa Council 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?**

<u>Member of Council</u>	<u>Response Scores</u>		
	Survey 1	Survey 2	Survey 3
Mayor Jim Watson	NO	NO	NO
Councillor Steven Blais	NO	NO	NO
Councillor Riley Brockington	YES	YES	YES
Councillor Rick Chiarelli	NO	NO	NO
Councillor Jean Cloutier	NO	NO	NO
Councillor George Darouze	NO	NO	NO
Councillor Diane Deans	NO	NO	NO
Councillor Laura Dudas	NO	NO	NO
Councillor Eli El-Chantiry	NO	NO	NO
Councillor Mathieu Fleury	NO	NO	NO
Councillor Glen Gower	NO	NO	NO
Councillor Jan Harder	NO	NO	NO
Councillor Allan Hubley	NO	NO	NO
Councillor Theresa Kavanaugh	NO	YES	YES
Councillor Rawlson King	----	YES	YES
Councillor Jeff Leiper	NO	NO	NO
Councillor Matt Luloff	NO	NO	NO
Councillor Catherine McKenney	YES	YES	YES
Councillor Carol Anne Meehan	NO	NO	NO
Councillor Shawn Menard	YES	YES	YES
Councillor Scott Moffatt	NO	NO	NO
Councillor Tobi Nussbaum	NO	----	----
Councillor Jenna Suds	NO	NO	NO
Councillor Tim Tierney	NO	NO	NO

*Details about the recording survey response scores are presented in numerous previous reports. They are not included here to reduce distraction from the five City of Ottawa politicians who said YES to a question which deals with a fundamental feature of governance in a free and democratic society and the 19 City of Ottawa politicians councillors who chose to not agree that *citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa.*

This seeming disdain for their own Code of Conduct, which is represented by the absence of YES entries in Table 2, raises the question as to whether City of Ottawa politicians are “thumbing their noses” at the Code of Conduct?

Or, could it be that they are they locked in on the NO position for reasons which are not transparent and which thus far have escaped being tested for accountability, regardless of the Code of Conduct which purportedly governs the behaviour of City of Ottawa politicians?

C. City of Ottawa Politicians Usage of the Terms Transparency and Accountability Confirmed at 79% Buzzwords and 21 % Drivers.

Three surveys are sufficient to derive persuasive evidence that 19 of 24 City of Ottawa politicians use the terms transparency and transparency as mere buzzwords.

As a result, it appears fair to say two of the most respected principles of governance are used by these City of Ottawa politicians as vocabulary enhancers at best, with no attached significance whatsoever when it comes to these politicians having actual regard for citizens’ rights to access public data.

As for the notion that the City of Ottawa buzzword faction could contribute to ensuring access to public records in Canada is best practice, not one reason for such hope has emerged since the pilot study began a year ago. The phrase ‘totally forgettable’ comes to mind.

On the other hand, five councillors, -- **Councillor Riley Brockington, Councillor Theresa Kavanaugh, Councillor Rawlson King, Councillor Catherine McKenney, and Councillor Shawn Menard** – emerged as drivers supporting citizen access to public records very early in the pilot study process.

Their engagement in the citizen access field over the year identifies them as City of Ottawa politicians who understand the meaning of transparency and accountability.

And, equally important since we have all heard the phrase, “talk is cheap when it is peddled by politicians”, Councillors Brockington, Kavanaugh, King, McKenney, and Menard show that they appreciate the importance of achieving transparency and accountability of politicians by enabling citizens through free, easy, timely, and direct online access to City of Ottawa public records.

D. Next Steps Involving City of Ottawa Politicians

Conditions contained in the City of Ottawa Code of Conduct and the NO entries in tables 1 and 2 lead to research questions of significant, general relevance to the relationship between transparency and accountability of politicians and the right to know of citizens through free, easy, timely, and direct online access to public records.

E. Conclusion

Interim report 17 differs from interim report 9 as a result of incorporating a claim by Mayor Jim Watson about the City of Ottawa being a model of transparency and accountability. Abundant evidence to the contrary from the pilot study and from numerous media productions creates what at best is an unsettling situation for City of Ottawa politicians since the mayor himself is apparently confused about his own position on 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?*

As for what NO councillors make of the mayor's ambivalence (to put it politely), any earnest councillors among the NO group might be perplexed, but I have seen no evidence from any of the 18 NO councillors that perplexity is giving them cause for pause.

And, interim report 17 differs from interim report 9 as a result of incorporating clauses from the *Code of Conduct for Members of Council and Related Policies*, and relating the survey results to the Code of Conduct clauses.

As shown, transparency and accountability are paramount features in the General Integrity section of the Code of Conduct. And, as shown in this interim report and all the other interim reports dealing with City of Ottawa politicians, the majority of them repeatedly fail to support the proposition of providing citizens free, easy, timely, and direct online access to City of Ottawa records so that citizens can confirm for themselves that their municipal politicians are meeting the performance conditions set out in the City of Ottawa *Code of Conduct for Members of Council and Related Policies*.

Those are important distinctions between interim reports 9 and 17, but it is important to close by highlighting the primary inference of the pilot study. Namely, City of Ottawa politicians who agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa are likely candidates to use the terms transparency and accountability as drivers to ensure that access to public records in Canada is best practice.

Five councillors – Riley Brockington, Theresa Kavanaugh, Rawlson King, Catherine McKenney, and Shawn Menard – measure up in this respect.

In terms of implications, these councillors are the only members of the Ottawa council identified thus far whose views can credibly be employed in research investigating how the terms transparency and accountability can be used as drivers in efforts to ensure that access to public records in Canada is best practice.

Mayor Jim Watson and 18 councillors do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records.

As a result, according to the design of the pilot study, the terms transparency and accountability are used by them as political buzzwords and, consequently, none of these politicians is a credible source of thought about using transparency and accountability as drivers to ensure that access to public records in Canada is best practice.

Finally, the survey instrument worked properly, and as intended. However, application of the instrument in other municipalities would contribute to testing its robustness, and its potential value to surveys of municipal politicians throughout multiple jurisdictions in provincial- and national-scale comparative pilot studies.