

*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 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?**

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A. Background to Survey of City of Ottawa Politicians

Three publications provide context for emails to City of Ottawa Mayor Jim Watson and the City's 23 councillors regarding 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?

The 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 survey email sent to Ottawa's mayor on or about December 19, 2018, and to councillors over the next several days. The third article was published two weeks later on January 2, 2019.

The email is reproduced as context for the scorecard of responses from members of Ottawa city council.

In terms of how long mayor and councillors take to respond, this is a matter to be decided at their discretion. However, there are several conditions which are pertinent to the discretion exercised. That is, the new council was sworn in December 1, 2018 and, very pertinent to their reputations, a number of members of council actually referred to their regard for transparency and accountability in election campaign pitches, and in other representations about their involvement in governance.

Therefore, since it seems that no member of any municipal council in Canada should need more than about five minutes to review the materials and another minute to compose and send an email which could be one word in length, Yes or No, the initial scorecard record of responses is February 14, 2019, which provides ample time for even the most contemplative members of Ottawa's city council.

B. 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

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CANADA

It appears fair to say that this is a very straightforward type of survey. That is, for openers, each member of council is asked if he or she agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa and, if such is the case, then I look forward to learning about efforts to bring about this state of affairs.

Conversely, if a member of council does not support citizens having free, easy, timely, and direct online access to the public records held by the City of Ottawa, then he or she is asked to provide the reasons for his or her position as they pertain to any of the conditions of free access; easy access; timely access; direct access, and online access.

C. Scorecard of Responses by Ottawa Council: *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>	<u>Date(s) of Response</u>
Mayor Jim Watson	NR.....	
Councillor Steven Blais.....	NR.....	
Councillor Riley Brockington.....	YES	12/27/2018
Councillor Rick Chiarelli.....	NYNN.....	12/24/2018
Councillor Jean Cloutier.....	NR.....	
Councillor George Darouze	NR.....	
Councillor Diane Deans.....	NR.....	
Councillor Laura Dudas.....	NYNN.....	12/24/2018
Councillor Eli El-Chantiry.....	NYNN.....	12/24/2018
Councillor Keith Egli.....	NR.....	
Councillor Mathieu Fleury.....	NR.....	
Councillor Glen Gower.....	NR.....	
Councillor Jan Harder.....	NR.....	
Councillor Allan Hubley.....	NR.....	
Councillor Theresa Kavanaugh.....	NR.....	
Councillor Jeff Leiper.....	NR.....	
Councillor Matt Luloff.....	NR.....	
Councillor Catherine McKenney.....	YES.....	1/16/2019
Councillor Carol Anne Meehan.....	NR.....	
Councillor Shawn Menard.....	YES.....	02/08/2019
Councillor Scott Moffatt.....	NR.....	
Councillor Tobi Nussbaum.....	NR.....	
Councillor Jenna Sudds.....	NR.....	
Councillor Tim Tierney.....	NR.....	

*The question was emailed to mayor and councillors on December 19, and 20-23, 2018, respectively.

****LEGEND:** NO means **NO**; YES means **YES**; NYNN means **NEITHER YES NOR NO**; and NR means **NO RESPONSE**. The responses shown on the scorecard are those received as of February 14, 2019.

D. Conclusion

Using the email approach enables confirmation that all communications were transmitted. Further, in the event that anyone listed believes that a response is improperly recorded, the problem of a deemed incomplete file can be readily rectified by re-sending the original email.

I believe the survey by email approach worked as intended, and actually serves as a pilot study test for the email communications to Premier Doug Ford and selected cabinet ministers, Province of Ontario, as well as those to Prime Minister Justin Trudeau

and selected cabinet ministers, Government of Canada, and MP Chandra Arya (Lib.-Nepean).

In particular, given the long history of difficulty in obtaining straightforward answers from politicians at all levels of government, it is prudent to design questions in such a way that a YES or NO binary outcome must ultimately result.

That is, if by means of YES responses politicians support or agree with the proposition advanced, then the YES 'votes' are registered accordingly.

However, if politicians do not support or agree with what is asked by means of YES 'votes', then by definition the default position applies and regardless of what is done or not done, said or not said, written or not written, etc., etc., the only option to YES is NO, and NO 'votes' are registered accordingly.

A future interim report will discuss the results of contacting City of Ottawa politicians for feedback on the YES or NO binary outcome approach.

Finally, there are several types of correspondence between responses from Ontario politicians, federal politicians, and those of City of Ottawa politicians, which validate the design of the scorecard and the YES, NO, NO RESPONSE, and NEITHER YES NOR NO scoring system. This topic will be discussed in a future Interim Report.