

City of Ottawa Mayor and Councillors, 2022-2026: 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? Survey # 1

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*Interim Report 22, Research Project Chronicling the Use of
Transparency and Accountability as Political Buzzwords, or
as Drivers Ensuring the Standard of Access to Public
Records in Canada Is Best Practice*

January 12, 2023

A. Background for Surveys of City of Ottawa Politicians, 2022-2026, about Public Access to City of Ottawa Public Records

The project to chronicle the use of ‘transparency’ and ‘accountability’ as political buzzwords, or as drivers ensuring the standard of access to public records in Canada is best practice, was launched in 2019 ([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](#)). Politicians surveyed were members of council, City of Ottawa, members of cabinet, Government of Ontario, and members of cabinet, Government of Canada.

The same core question was asked of politicians at all levels of government, because questions about transparency and accountability apply to all elected officials:

Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records?

The question sent to each politician was specific to her or his jurisdiction, that is, City of Ottawa, Government of Ontario, or Government of Canada.

In this report we focus on City of Ottawa politicians for the 2022-2026 term of office. Therefore, the most pertinent background materials are the reports dealing with surveys of members of council for the 2018-2022 term.

Ten publications provide context for emails to City of Ottawa Mayor Mark Sutcliffe and the City’s 24 councillors regarding the question,

Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records?

The first three publications provide the context and rationale for the surveys administered to the previous mayor and councillors, City of Ottawa. For such reasons as consistency, comparability, and pertinence, the titles and links are repeated to assist in outlining the context and rationale for surveys of council members for the 2022-2026 term of office.

- Who will end secrecy at city hall? Letter to the editor, Ottawa Citizen, October 19, 2018, p.A7. <https://bellscorners.files.wordpress.com/2018/10/end-the-secrecy-at-ottawa-city-hall.pdf>
- 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>

The second set of publications are reports describing the results from the three surveys, all of which are based on responses or lack of responses to the question,

Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records?

The titles of the seven survey reports are as follows:

- [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 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 16. Third 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 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%](#)

The final set of publications which provide context for surveys of the 2022-2026 council are two op-ed pieces on transparency and accountability that were published during the 2018-2022 council term.

The op-ed pieces were published in the Ottawa Citizen which, it appears fair to say, is read regularly by most if not all members of council as well as by one or more of their staff persons.

The first op-ed, with the headline title of the same name, is based on the question, What happened to Ontario's consultation on improving accountability of municipal politicians? <https://ottawacitizen.com/news/ontario-election/wellar-what-happened-to-ontarios-consultation-on-improving-accountability-of-municipal-politicians>.

In addition to the op-ed piece, my involvement in the provincial consultation included responses to the call for comments by citizens, as well as dozens of consultation-related communications sent to Premier Doug Ford, Municipal Affairs Minister Steve Clark, and Nepean MPP Lisa MacLeod.

As a participant in the consultation and a municipal and provincial taxpayer, I expected to learn in a timely manner about the disposition of my submissions, and about proposed provincial actions to strengthen the accountability of municipal politicians.

By the time of this writing, nearing mid-January 2023, which is almost 18 months after the closing date of July 15, 2021 for public submissions, I have no information on the state of the consultation, nor any news of a consultation report, much less any sign of proposed provincial legislation to strengthen the accountability of municipal politicians.

The second op-ed was published on September 21, about a month before the municipal election day of October 24:

Wellar: City of Ottawa must be more transparent. Only voters can make that happen -- Here are three questions about accountability to ask municipal election candidates at the door. <https://ottawacitizen.com/opinion/wellar-city-of-ottawa-needs-to-be-more-transparent-only-voters-can-make-that-happen>

As suggested by the title, this piece emphasizes that since accountability depends on transparency, and transparency depends on citizens having proper access to public records, previous research findings from the chronicling project contain an important message.

That is, if citizens want proper access to public records, then they must elect politicians who agree that citizens are entitled to free, easy, timely, and direct online access to the public records, including those held by the City of Ottawa.

Finally, it is important to emphasize that current members of council are perceived, as a research term of reference, to be supportive of the proposition that citizens are entitled

to free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Bases of this perception include council members' election campaign materials, broadcast media stories, social media postings, comments made by members during public meetings, as well as communications with community activists and reports by public interest groups.

The general finding is that regard for transparency and accountability was frequently mentioned by candidates during the recent municipal election campaign.

Further, no evidence has been found that any current member of council publicly stated during the campaign that he or she does not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Nor, to be even broader in scope, did research encounter any current member who explicitly stated, implied, or intimated that the member placed any limits on public access to public records which are in the public domain. **(1)**

It appears fair to say, therefore, that there is every reason to expect that all persons elected to Ottawa council for the 2022-2026 term are fully aware that transparency and accountability are generally attested to by citizens, and by politicians themselves, as core principles and practices of good municipal governance. **(2)**

That being the case, it is reasonable to expect that everyone elected to Ottawa council for the term 2022-2026 has had ample time to arrive at an informed position on the question,

*Do you agree that citizens are entitled to free, easy,
timely, and direct online access to public records?*

Section B presents the survey question administered by email to members of Ottawa council on November 17, 2022. Members took the oath of office the day previous on November 16 for the term 2022-2026.

B. Email Letter to Mayor Mark Sutcliffe and Councillors, City of Ottawa, Public Access to Public Records Project, 2022-2026

Emails were sent individually to members of council. This approach ensures that each member of council is contacted directly, and that a digital record is created for each member of council. The same text was sent to each member of council, with the email sent to Mayor Mark Sutcliffe used here for illustrative purposes.

From: wellar.barry@gmail.com <wellar.barry@gmail.com>

Sent: Thursday, November 17, 2022, 9:57 AM

To: Mark.Sutcliffe@ottawa.ca

Cc: wellar.barry@gmail.com; 'George A. Neville' <george.neville@ncf.ca>; douglasarnold' <douglasarnold@sympatico.ca>; 'le hibou' <ottawaowl2@yahoo.ca>; 'Ange Holmes' <ange.holmes@ryerson.ca>; 'Horizon Ottawa' <info@horizonottawa.ca>
Subject: Ottawa Council, 2022-2026, Public access to public records, transparency and accountability survey 1

Dear Mayor Sutcliffe,

Congratulations on your election to office.

As you are aware there are unresolved matters from one council to another, and this is one such matter that I call to your attention at the outset of the 2022-2026 term of office.

During the last council term, 2018-2022, I conducted three surveys of City of Ottawa politicians as part of the transparency and accountability project which is hosted by the Information Research Board.

Mayor Jim Watson and councillors were asked,

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?

For background purposes serving readers, and your information, six reports provide the survey results and analyses, which in turn are inputs to a report reviewing transparency and accountability conditions in the City of Ottawa Code of Conduct for politicians, and two reports on nominating City of Ottawa council for the Code of Silence award.

Those reports and several related reports may be viewed at
<http://wellar.ca/informationresearch/Publications.html>.

Due to the importance of the transparency and accountability project, and its obvious pertinence to measuring the performance of City of Ottawa mayor and councillors, the survey activity is continued for the 2022-2026 term.

(I note it is my understanding that during the recent election campaign, promises of transparency and accountability were among your pledges. If my understanding is in error, please provide a correction at your earliest convenience and I will design Interim Report 22 and other documents accordingly.)

For reasons such as consistency and comparability, the question used for previous surveys of mayor and councillors is used for the 2022-2026 members of council, City of Ottawa.

Mayor Sutcliffe,

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?

Please provide a YES or NO response by return email.

For research scheduling and report production reasons, the due date for responses is December 15, 2022.

Thank you.

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C. Survey Design and Administration Comments

For reasons such as consistency and comparability, it is appropriate that the design and administration of survey #1 of the 2022-2026 council be the same as survey #1 of the 2018-2022 council.

And, further to the important matters of consistency and comparability, no negative or corrective feedback was received about survey #1 from members of the 2018-2022 council, nor were suggestions about needed changes received from external reviewers. Consequently, it is deemed reasonable to continue with that research design approach for the survey(s) of the 2022-2026 council.

As for the research objective and the survey question, no negative or corrective feedback was received about survey #1 from members of the 2018-22 council.

It therefore appears fair to conclude that it was reasonable to assume, based on prior experiences with politicians, that the survey question is clear and straightforward.

Additionally, regarding confirmation of methodology, no suggestions about needed changes were received from external reviewers assisting with the project, which

supported the position to proceed with the same question and the same terms of reference the survey.

However, three newly elected members of the 2022-2026 council, Councillors Carr, Curry and Troster requested discussing the survey, and I responded with communications to accommodate the requests.

For reasons not explained to me, none of the three councillors chose to engage by email or in conversation to resolve their concerns, not did they provide details of their concerns.

Which brings me to the communication from Councillor Curry, and how it is perceived by me and several contributors to this project who also have experience with politicians at different levels of government. **(3)**

The content of the Curry material is consistent with what I and other experienced researchers and community activists have encountered when dealing with politicians who engage in game-playing, stalling, stringing researchers and constituents along, running out the clock at meetings, taking evasive actions, creating diversions and distractions, hiding under a cone of silence, refusing to answer emails, refusing to attend community meetings, and other kinds of steps to avoid answering questions, including questions that are designed to investigate the transparency and accountability records of elected officials. **(4)**

The communications with Councillor Curry are presented in Appendix A, along with brief comments on how her tactics negatively affect administering a survey such as this one, which relies on politicians having due regard for the principles and practices of transparency and accountability the moment they are sworn into office. More will be written on this matter in Interim Report 23.

It is possible that the materials in Appendix A will have a salutary effect on other politicians who may think about playing games when asked a question about transparency and accountability. And, a second salutary effect could surface for some members of council when reading the contents of Interim Report 23, which analyses the responses to survey #1 as a step towards a more robust set of responses to survey # 2.

Further, the approach taken with Appendix A could be useful to other researchers who may be perplexed when dealing with politicians who adopt an attitude that places their personal, political, or other private interests above the public interest on matters of transparency and accountability.

In that regard, this kind of transparency and accountability issue was addressed in previous chronicling project reports, so it is not pursued here. Rather, in the interests of

convenience, several links are provided for the interested reader who may wish to review background materials used for the Curry comments above and in Appendix A.

(5)

Finally, with regard to the design of the question and the Yes tally in Table 1, in the absence of any comments to the contrary to date, it appears fair to conclude that for those who did respond directly the issue is not with the question.

That is, on the evidence, the question satisfactorily defines the terms of access to public records which citizens require in order to ensure that politicians meet the standards of transparency and accountability that are set by citizens.

D. 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?*

The **Yes** and **Not Yes** responses that resulted from administering survey #1 are presented in Table 1.

Table 1. **Yes and **Not Yes** Results from Survey #1 Asking 2022-2026 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?* ***

| <u>Member of Council</u> | <u>Response**</u> |
|-------------------------------------|-------------------|
| Mayor Mark Sutcliffe | Not Yes |
| Councillor Jessica Bradley | YES |
| Councillor Riley Brockington | YES |
| Councillor David Brown | YES |
| Councillor Marty Carr | Not Yes |
| Councillor Cathy Curry | Not Yes |
| Councillor George Darouze | Not Yes |
| Councillor Steve Desroches | Not Yes |
| Councillor Sean Devine | YES |
| Councillor Laura Dudas | Not Yes |
| Councillor Glen Gower | Not Yes |
| Councillor David Hill | Not Yes |
| Councillor Allan Hubley | Not Yes |

| | |
|-----------------------------|---------|
| Councillor Laine Johnson | YES |
| Councillor Theresa Kavanagh | YES |
| Councillor Clarke Kelly | Not Yes |
| Councillor Rawlson King | YES |
| Councillor Catherine Kitts | YES |
| Councillor Jeff Leiper | Not Yes |
| Councillor Wilson Lo | Not Yes |
| Councillor Matt Luloff | YES |
| Councillor Shawn Menard | YES |
| Councillor Stéphanie Plante | Not Yes |
| Councillor Tim Tierney | Not Yes |
| Councillor Ariel Troster | Not Yes |

*The question was emailed to mayor and councillors on November 17, 2022, with a response due date of December 15, 2022.

****LEGEND:** **Yes**, means *agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*; **Not Yes** includes *do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*; *neither yes or no*; and *no response*. **(6)**

In addition to naming the members of council in Table 1, they are also pictured in Figure 1 and Figure 2 to assist readers who prefer identifying politicians by faces as well as by names, and especially because a number of new members of council were elected for the 2022-2026 term.

Figure 1 identifies the 10 members of council who responded “Yes”.

**Bradley, Brockington, Brown, Devine, Johnson, Kavanagh,
King, Kitts, Luloff, and Menard,**

And, Figure 2 identifies the 15 members of council who did not respond in the affirmative.

**Sutcliffe, Carr, Curry, Darouze, Desroches, Dudas, Gower, Hill,
Hubley, Kelly, Leiper, Lo, Plante, Tierney, and Troster.**

Figure 1. Members of Ottawa Council, 2022-2026 Who Did Respond Yes to the Survey #1 Question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records held by the City of Ottawa?*

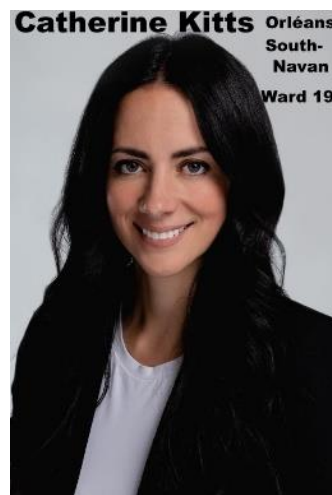
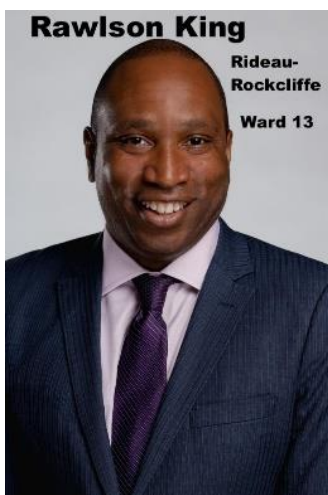
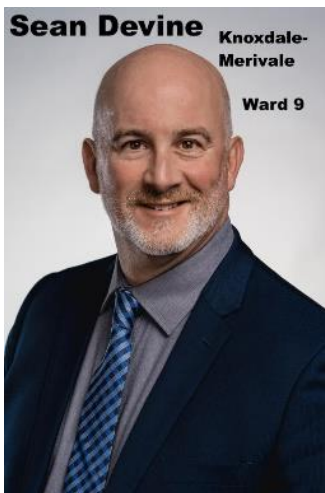
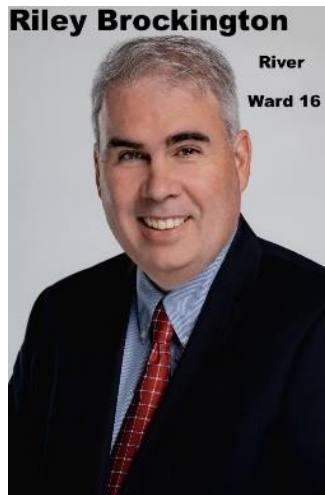
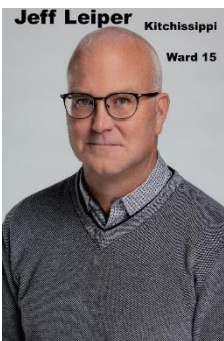
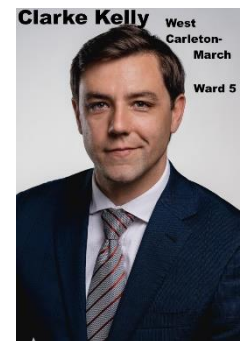
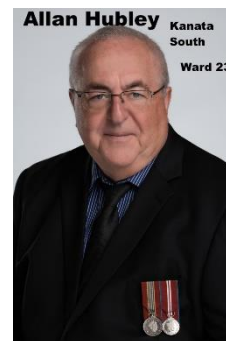
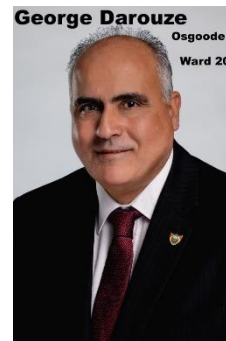


Figure 2. Members of Ottawa Council, 2022-2026 Who Did Not Respond Yes to the Survey #1 Question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records held by the City of Ottawa?*



E. Comments on Results from Survey #1

Analysis of the results of survey #1 is presented in the next production, Interim Report 23. For the moment we offer several general comments to paint a picture which identifies members of council who are on the side of providing citizens with free, easy, timely, and direct online access to public records held by the City of Ottawa, and those who are on the other side of the public access to public records coin.

Further, these comments provide context for the analyses of responses in any future surveys and subsequent report(s).

As shown in Table 1, and pictured in Figure 1, 10 of 25 members of council answered Yes to the question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records?*

And, as shown in Table 1 and pictured in Figure 2, the remaining 15 members of council did not respond either Yes or No, which were the responses requested in the original email sent to each member of council.

The decision to use binary choices such as Yes or No is in the realm of a 'no-brainer' as the saying goes, because the Yes or No condition for survey responses is the essence of transparency and accountability.

And, on the other side of the response coin, qualified responses such as if, maybe, could be, might be, *humma, humma, humma*, and no response are the essence of non-transparency and non-accountability.

Interim Report 23 will explore the possibility that some council members are not aware of this default consequence of making the choice to not respond to the survey question as requested, that is, Yes or No.

Table 2 summarizes the Yes and Not Yes outcomes and provides an early indication of the overall position of mayor and councillors on matters affecting transparency and accountability of council as a whole.

Table 2. Results from Survey #1 which asks City of Ottawa Mayor and Councillors. *Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records held by the City of Ottawa?* (N=25)

Yes = 10

Not Yes = 15

Total = 25

As a case in point about considerations involving council as a whole, one key task of mayor and councillors in their early weeks of office is to make assignments regarding committee chairs, and committee members, who in turn prepare motions for deliberations and decisions by council and actions by staff.

Therefore, where council falls as a group in the Yes and Not Yes camps could be an early signal about where council members are going to fall on being transparent and accountable about council deliberations and decisions, about committee deliberations and decisions, and about instructions to staff on implementing council and committee deliberations and decisions. **(7)**

One important element of context for the survey outcome which is pursued in future reports, is the seeming declared position of all members of council before the municipal election in Ottawa on October 24, 2022, that everyone was in favour of accountability.

And that being the case, there is the associated requirement that everyone was in favour of transparency, which requires that everyone was in favour of ensuring that citizens have free, easy, timely, and direct online access to the public records held by the City of Ottawa. **(8)**

However, a result of 10 Yes responses out of a potential score of 25 reveals that a minority of council is on board in terms of ensuring citizens have free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Questions therefore arise about the regard for transparency and accountability of 15 current council members who did not promptly agree via their survey responses that citizens are entitled to have the means (access to records) to hold elected representatives accountable to a best practice standard.

Because there are already similarities between how the current and previous councils deal with freedom of information, transparency, and accountability challenges, Table 3 presents a comparison of the responses by the past and current councils 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?*

By way of context, it is noted in the op-ed, *Wellar: City of Ottawa must be more transparent. Only voters can make that happen*, that the previous council was roundly criticized for its deep-seated failures to properly inform residents about a number of major issues confronting politicians, staff, and residents.

<https://ottawacitizen.com/opinion/wellar-city-of-ottawa-needs-to-be-more-transparent-only-voters-can-make-that-happen>)

Table 3 may be instructive for residents who wonder about the likelihood that City of Ottawa politicians for the 2022-2026 term will better inform residents about impending big-ticket items such as affordable housing strategies and actions, Official Plan reviews, LRT and transit functions and malfunctions, Ottawa Police Service operations and budgets, Ottawa Police Service Board deliberations, the status of the forest canopy. climate change initiatives, safe streets, waste disposal, property taxes, Bill 23, etc.

Table 3. Comparison of Survey #1 Responses by Former (2018-2022) and Current (2022-2026) Members of Ottawa's Council to the Question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to public records held by the City of Ottawa?*

| <u>Responses to Survey #1</u> | <u>Former Council (2018-2022)</u> | <u>Current Council (2022-2016)</u> |
|-----------------------------------|---------------------------------------|--|
| Yes | 3 | 10 |
| Not Yes | 21 | 15 |

On its face, Table 3 suggests a significant shift with a tripling of members in the Yes camp, and a drop of about 25% in the Not Yes group. Questions therefore arise about the causal factors behind the shift. They are considered in Interim Report 23.

In Table 4, attention is turned to individuals serving on both the former and current councils, and the matter at issue is whether their responses to the survey question is the same or different. Because our primary interest is in Yes responses, any response which is not a Yes is assigned to the Not Yes category. (9)

Table 4. Responses from Councillors Serving on both the Former and Current City of Ottawa Councils 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?*

| Response Pattern | # of Members |
|---|---------------------|
| A. Yes for both surveys | 4 |
| B. Not Yes for prior survey, Yes for current survey | 2 |
| C. Yes for prior survey, Not Yes for current survey | 0 |
| D. Not Yes for both surveys | 6 |

There are 12 current councillors who were also members of the previous council:

Riley Brockington, George Darouze, Laura Dudas, Glen Gower, Allan Hubley, Theresa Kavanagh, Rawlson King, Catherine Kitts, Jeff Leiper, Matt Luloff, Shawn Menard, and Tim Tierney.

Group A members who responded Yes in both surveys and who consistently support best practice access to public records are councillors Brockington, Kavanagh, King, and Menard.

Group B members who changed positions from Not Yes to Yes are councillors Kitts and Luloff. Questions arise as to the cause(s) behind the change.

Group C has no members who changed from Yes to Not Yes, which confirms the consistency among those who might be termed ‘true believers’ in citizens having free, easy, timely, and direct online access to City of Ottawa public records.

Group D members who consistently did not answer the question asking if they agree that citizens are entitled to free, easy, timely, and direct online access to City of Ottawa public records are Darouze, Dudas, Gower, Hubley, Leiper, and Tierney. Questions arise about the reasons for not answering a survey question about transparency and accountability.

Table 5 completes the tabular compilations by presenting the responses from newly elected members of Ottawa council.

This table could be particularly instructive for Ottawa residents, because it reports on the positions of those ‘new to the job’, so to speak, and provides an early look at how they compare to the returnees on the matter of ensuring that citizens have the order of access to public records which is required to achieve the level of transparency needed to hold municipal politicians accountable.

Table 5. Responses from Newly-Elected Members of 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?*

Yes (4) – Bradley, Brown, Devine, and Johnson

Not Yes (9) – Carr, Curry, Desroches, Hill, Kelly, Lo, Plante, Sutcliffe, and Troster

Based on the results of survey #1, less than 1/3 of new councillors support the proposition that citizens are entitled to *free, easy, timely, and direct online access to the*

public records held by the City of Ottawa, and more than 2/3 of new councillors did not respond Yes, including newly elected Mayor Mark Sutcliffe.

E. Conclusion

The email approach enabled confirmation that all communications successfully transmitted to members of Ottawa council, and served as an effective, efficient, and economical survey instrument. In addition, the email approach lends itself to readily incorporating communications into reports, and to dissemination of materials about the project.

Further, if 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.

The survey by email approach again worked as intended.

Further, regarding survey design, given the long history of difficulty that citizens experience in obtaining straightforward answers from politicians at all levels of government, it is prudent to design the survey question in such a way that a Yes or Not Yes binary outcome must ultimately be the logical result. **(10)**

That is, if a Yes response means politicians support or agree with the proposition advanced, then the Yes responses are registered accordingly.

However, if politicians do not support or agree with what is asked by means of Yes responses, then by definition the Not Yes default position applies. As a result, and regardless of what is done or not done, said or not said, written or not written, etc., etc., the only option to Yes in a binary system is Not Yes.

Finally, and especially with a recent municipal election fresh in minds, it is appropriate to again ask whether Ottawa's municipal politicians use the terms 'transparency' and 'accountability' as drivers to ensure a high standard of access to Ottawa's public records, or as political buzzwords that may sound good but signify nothing.

The closing comment was addressed in Interim Report 3 and is next addressed in Interim Report 23.

F. Endnotes

1. Personnel records and records which are protected by privacy and/or confidentiality legal or statutory provisions, such as read, write, view, or modify constraints are not in the public domain and are not part of this access to records research. That said, if personal identifiers or other unique identifiers are removed from, for example, police

records on traffic stops, or the issuance of citations by geographic areas, then there is nothing sacrosanct about police records to exclude them from public access.

2. The significance that citizens and politicians attach to transparency and accountability is illustrated by the frequency of mentions in broadcast and social media mentions, presentations on the campaign trail, community meetings, and feedback from constituents.

Further, council members are informed about the significance of transparency and accountability to good governance, and to their conduct while in office, by the City of Ottawa Code of Conduct for Members of Council. It is therefore deemed reasonable to assume that each member of council is fully aware of the details of City of Ottawa By-Law 2018-400 and any amendments. (<https://ottawa.ca/en/city-hall/open-transparent-and-accountable-government/integrity-commissioner/codes-conduct-and-related-policies#section-0c98fa32-dbbc-4324-9da5-3aa33c7c30e1>)

And, consequently, it is further deemed reasonable to assume that each member of council understands that the member's response to this survey is a measure of whether the member uses the terms transparency and accountability as political buzzwords, or as drivers to ensure that citizens have free, easy, timely, and direct online access to City of Ottawa public records.

3. While at the Ministry of State for Urban Affairs in the Government of Canada, 1972-1979 I occupied various posts, including senior research officer, director, and senior policy advisor, and met with many hundreds of municipal, provincial, state, and federal politicians in Canada and abroad. It therefore comes as no surprise to encounter a newly elected municipal politician who appears to 'blow smoke' so to speak. I return to this matter in Interim Report 23 in which responses are critically analysed.

4. There are numerous examples of politicians at all levels of government using the terms transparency and accountability with a glibness that is notable, and all the more so when it appears evident that these politicians actually have very limited understanding of what the terms mean in principle and in practice. Interim Report 23 critically examines the responses to the survey question with a view to identifying members of council who are 'hoist by their own petards' to put it politely due to a failure to answer a question about transparency and accountability.

5. The following reports are among the number of productions which provide context for comments on the communications involving Councillor Curry and, for that matter, any politician who 'plays games' when asked a reasonable question about regard for transparency and accountability: [Response to Notice about Consultation and Survey: Strengthening Accountability for Municipal Council Members](#); [AN OPEN LETTER TO CHANDRA ARYA, MP \(LIB-NEPEAN\) ABOUT PUBLIC ACCESS TO PUBLIC](#)

[RECORDS OF CANADA'S RESIDENTIAL SCHOOLS HORROR; Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens' Conduit to Public Records, or an Institutional Barrier to Public Records?; Interim Report 15. Identifying Tactics Used by Politicians to Restrict Citizens' Access to Public Records Interim Report 18. Invoking the Code of Conduct to Publicly Oblige City of Ottawa Politicians to Demonstrate Due Regard for Transparency and Accountability; Interim Report 19. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Reports from the Pilot Study 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 20. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Communications to Mayor and Councillors that Received 'The Silent Treatment'](#)

6. Votes by elected officials in Canada are recorded as Aye, Nay, and Abstain, but this survey does not involve casting a vote. Rather, it asks City of Ottawa politicians if they agree that citizens are entitled to free, easy, timely, and direct online access to public records held by the City of Ottawa. Consequently, while Yes and No work when it comes to establishing a politician's view, position, etc., abstain and "no comment" come off as a fence-sitting posture that does not work when the issue involves asking politicians about their regard for transparency and accountability. That said, if a politician does not say "Yes", to a question, then in this kind of survey it is reasonable to take a non-answer as a "Not Yes".

7. During the 2018-2022 term, frequent broadcast and social media mention was made to "The Watson Club", with members of the club being councillors who were perceived to take their marching orders from Mayor Jim Watson, because their comments and votes at committee and at council seemed to rarely if ever differ from the position of Mayor Watson. The watch is already on to see if current Mayor Mark Sutcliffe and a subset of councillors form a similar 'alliance' whereby those councillors take their orders from Sutcliffe. For those who have seen the responses, top of list as candidates to take marching orders from Sutcliffe are the councillors who, like Sutcliffe, did not respond to the survey (Table 1).

8. For the convenience of the reader, this matter was addressed in [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%.](#) That report is the comparative basis for Interim Report 23.

9. Politicians at all levels of government have been asked repeatedly during the chronicling project about how citizens can ascertain that politicians are meeting citizens'

standards of transparency and accountability if citizens do not have free, easy, timely, and direct online access to the public records. Many months have passed since those questions were raised, and no politician, surveyed or otherwise, has answered a question which is fundamental to defining and achieving a free and democratic society. And, I hasten to add, recent statements from the federal government about updating, upgrading, improving, etc., so-called 'freedom of information' legislation has largely been discounted by many citizens as just another bit of game-playing. One argument in support of that cynicism is the failure of any member of cabinet to respond in the affirmative to the survey 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 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%](#))

10. For the purposes of this report, the research design includes responses of No, Neither Yes or No, and No Reply. It is emphasized that our focus is on receipt of Yes responses, hence the aggregation of all other replies into Not Yes responses. However, if finer details are needed by readers, perhaps by constituents, advisory group representatives, public interest groups, or journalists, then they might best be obtained by directly contacting the member(s) of council.

Appendix A

Results of request for discussion from City of Ottawa Councillor Cathy Curry who stated that she does not understand the question asked of 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?*

In the interests of transparency and accountability, Appendix A contains the emails and brief comments on exchanges with City of Ottawa Councillor Cathy Curry regarding the reason that she differs with dozens of other politicians and many dozens of lay people in not being able to respond 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?*

Two emails follow, one dated December 3, 2022, asking Councillor Curry *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?*, and her reply dated December 4, 2022, in which she appears to express an inability to understand the question.

From: wellar.barry@gmail.com <wellar.barry@gmail.com>

Sent: Saturday, December 3, 2022 7:27:57 PM

To: Curry, Cathy <cathy.curry@ottawa.ca>

Subject: Reminder re Survey #1, Public Access to City of Ottawa Public Records, due date for responses December 15, 2022.

CAUTION: This email originated from an External Sender. Please do not click links or open attachments unless you recognize the source.

ATTENTION : Ce courriel provient d'un expéditeur externe. Ne cliquez sur aucun lien et n'ouvrez pas de pièce jointe, excepté si vous connaissez l'expéditeur.

Dear Councillor Curry,

I am aware of the many calls on your time, hence this reminder about the request for your response by December 15, 2022, 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?***

Thank you for your attention to this matter.

Dr. Barry Wellar, C.M., GISP
Professor Emeritus, University of Ottawa
President, Information Research Board Inc
133 Ridgefield Crescent
Nepean, ON K2H 6T4
CANADA
<http://wellar.ca/informationresearch/>

From: Curry, Cathy <cathy.curry@ottawa.ca>

Sent: Sunday, December 4, 2022, 4:55 PM

To: wellar.barry@gmail.com

Subject: Re: Reminder re Survey #1, Public Access to City of Ottawa Public Records, due date for responses December 15, 2022.

Dr. Weller,

I understand that we are trying to set up a time to talk. I do not answer yes or no to something where I don't even understand the whole scenario. And, as an educator myself, I would never ask or teach students to answer in black and white terms to any questions posed with an agenda that is not fully understood. Hence, I asked to talk to

you. You responded that you wanted me to outline additional information. You are the one asking the question.

Let me know if can fit a conversation into your schedule.

Cathy

The approach taken to prepare for the requested discussion was to deconstruct the survey question and base the explanation on core terms which have been part of the public right to know literature for more than fifty years in my experience. The keep-it-simple approach was also suggested by others in the community activist field, none of whom understand the councillor's problem.

And further in that regard, community activists as a group, and the author, are well aware of the futility of following any politician 'down the rabbit hole'.

Curry is no exception, and curiosity arose about which of the core terms are problematic for her. However, she did not pursue her discussion request before or after the due date for responses to survey #1, which is a matter to be visited in Interim Report 23.

And the failure to pursue her seeming wish for clarification is also puzzling due to her claim about being an 'educator'.

In particular, it is a mystery as to why she would have substantive issues with any of the terms, and why, given that they have already been defined in previous chronicling project reports, she apparently did not do her homework before seeking a clarification or whatever it is that she is seeking.

Moreover, her comment that "I do not answer yes or no to something where I don't even understand the whole scenario" suggests that if she truly wanted to understand the whole scenario, then she would have read the chronicling project reports already done, and then perhaps, for starters, read several hundred books on such topics as the public right to know, freedom of information, open government, and information society to get a feel for "the whole scenario".

As the reader may recall, the rationale for including the conditions 'free', 'easy', 'timely', 'direct', and 'online' as desiderata in a citizen-based access algorithm involving City of Ottawa records was presented in several previous reports including, for example, <http://wellar.ca/informationresearch/CHRONICLING%20ACCESS%20TO%20PUBLIC%20RECORDS%20STATEMENTS.pdf>.

For reasons of comparative analysis those conditions must remain in this report, and I await learning what condition(s) Councillor Curry might propose adding to improve citizen access to City of Ottawa public records.

And, further in the comparative analysis vein, whichever operational term(s) in the question may be causes of Councillor Curry's 'misunderstanding', neither I nor anyone else on the review group understands what her problem is or has any idea why she would introduce a term such as 'agenda' into a survey exercise now in its third year of publishing reports on a question dealing with transparency and accountability of municipal politicians.

Finally, if Councillor Curry has other terms to include in the question, then they will be given due consideration. And of course, if she cannot explain her issues with the question, and has nothing to add to the question, then those admissions will be noted in Interim Report 23 which is now in progress.