

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 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?

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A. Background to Survey of Selected Liberal Politicians, Government of Canada

Three publications provide context for the emails to Prime Minister Justin Trudeau, twelve cabinet ministers, and MP Chandra Arya 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 Government of Canada?

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 email sent to MP Chandra Arya on December 12, 2018, to Prime Minister Trudeau on January 04, 2019, and to cabinet ministers on January 5, 6, and 14. The third article was published January 2, 2019, and preceded the mailings to Prime Minister Trudeau and to cabinet ministers.

The email sent to all federal Liberal politicians is reproduced as context for the scorecard of responses from Prime Minister Justin Trudeau, twelve cabinet ministers, and MP Chandra Arya.

The amount of time the prime minister and cabinet ministers take to respond to any public interest issue is a matter to be decided at their discretion. However, there are several conditions which are most germane to deciding upon a cut-off date for the initial tally of responses.

First, it is known, or should be known by all members of cabinet, that federal Freedom of Information legislation (1982 Access to Information Act) has a history of more than 35 years, so it should come as no surprise to any cabinet minister to receive an inquiry asking if he or she agrees that citizens are entitled to free, easy, timely, and direct online access to the public records held by the Government of Canada.

Second, the federal Charter of Rights and Freedoms which came into force on April 17, 1982 also has a history of more than 35 years, so it should come as no surprise to any cabinet minister to receive an inquiry asking if he or she agrees 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.”

Third, it seems most likely that all the contacted federal Liberal politicians would know about the party slogan "Real Change (Now)", and the party position on Quality of Service, namely,

We will establish new performance standards for federal services.

Busy Canadians deserve better service from their government. We will establish new performance standards, including streamlining applications, reducing wait times, and offering money-back guarantees.
<https://www.liberal.ca/realchange/quality-of-service/>

It therefore follows that an inquiry associated with citizens having free, easy, timely, and direct online access to public records as a matter of right would surely come as no surprise to the contacted federal Liberal politicians.

And, fourth, I believe it is highly likely that each contacted federal Liberal politician has at one time, and perhaps many times, publicly embraced the principles of transparency and accountability, so the thrust of the project would not come as a surprise to anyone on the contact list.

As a result, it seems that everyone contacted should need not 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, that is, Yes or No regarding the question about free, easy, timely, and direct online access to the public records held by the Government of Canada, and the proposition 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”.

All things considered, the date of February 14, 2019, which is set for municipal and provincial politicians, seems reasonable as the cut-off date for the initial set of responses from federal Liberal politicians.

B. Email Letter to Prime Minister Justin Trudeau, Selected Cabinet Ministers, and MP Chandra Arya, Access to Public Records Project

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Friday, January 4, 2019 9:55 PM
To: justin.trudeau@parl.gc.ca
Subject: Access to Public Records-Chandra Arya, MP

Prime Minister JustinTrudeau
Trudeau
Government of Canada

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 Prime Minister,

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 Government of Canada. In the event that you agree, I look forward to learning at the earliest moment what you and the Government of Canada 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 Government of Canada.

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 Government of Canada. 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 and the Government of Canada are doing to bring about the changes required to incorporate this clause 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

A similar email was sent to Cabinet Ministers Scott Brison, Bardish Chagger, François-Philippe Champagne, Kirsty Duncan, Marc Garneau, Karina Gould, David Lametti, Catherine McKenna, Jane Philpott, Carla Qualtrough, Amarjeet Sohi, Jonathan Wilkinson, Jody Wilson-Raybould, and Nepean MP Chandra Arya (Lib.). Emails were sent December 12, 2018 to MP Arya, and January 5, 6, and 14 to ministers.

As the reader may be aware, at the time of this writing several recent events are affecting the status of a number of ministers among the group contacted.

It remains to be seen how the affected ministers (arriving, leaving, shuffled) deal with this inquiry about citizens having free, easy, timely, and direct online access to public records, and the proposition this kind of access is a defining feature of a free and democratic society, and would be an excellent addition to Canada’s Charter of Rights and Freedoms.

The scorecard of responses from Prime Minister Justin Trudeau, selected cabinet ministers, and MP Chandra Arya (Nepean), as of February 14, 2019 is as follows.

C. Scorecard of Responses by Selected Members of Cabinet, Government of Canada: 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?

Member of Cabinet*	Response**	<u>Received</u>
Prime Minister Justin Trudeau.....	NR	
Minister Scott Brison.....	NR	
Minister Bardish Chagger.....	NYNN	02/04/2019
Minister François-Philippe Champagne.....	NR	
Minister Kirsty Duncan.....	NR	
Minister Marc Garneau.....	NYNN	01/06/2019
Minister Karina Gould.....	NYNN	01/05/2019
Minister David Lametti.....	NR	
Minister Catherine McKenna.....	NYNN	01/05/2019
Minister Jane Philpott.....	NYNN	01/17/2019
Minister Carla Qualtrough.....	NR	
Minister Amarjeet Sohi.....	NYNN	12/29/2018
Minister Jonathan Wilkinson.....	NYNN	01/06/2019
Minister Jody Wilson-Raybould.....	NYNN	01/05/2019

Member of Parliament

MP Chandra Arya.....	NYNN	12/18/2018
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*The persons named were members of cabinet when contacted in early 2019.

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

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 City of Ottawa council members, as well

as those going to Premier Doug Ford and selected cabinet ministers, Province of Ontario.

In particular, given the record 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 selected federal Liberal 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 validated 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.