

*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 7. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Ontario Cabinet Score: Political Buzzwords, 100%; Drivers, 0%**

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## A.Context

Interim Report 6 contains background materials describing the origins of the access to public records project, and the texts of emails to Ontario Premier Doug Ford and a number of cabinet ministers.

The premier and contacted members of cabinet are asked,

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

The responses to the inquiry are recorded in Interim Report 6, and for convenience they are presented below in Table 1.

**Table 1. Scorecard of Yes or No Responses by Selected Members of Cabinet, Government of Ontario: Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario?**

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

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

## **B. Validity of the Instrument Used to Derive Table 1**

Given that this is a pilot study, it is important to establish the validity of the instrument used to obtain the contents of Table 1.

As the reader is no doubt aware, the instrument is the email communication and, specifically, the statement seeking to ascertain if the contacted politician

“...agree[s] with the central thesis of the column, namely that citizens are entitled to are entitled to free, easy, timely, and direct online access to the public records held by held by municipal governments in Ontario?”

On the evidence, which in this case is actually absence of counter evidence, it is reasonable to find that the line of inquiry is valid and that the responses can be taken at face value because:

- No contacted Ontario Conservative (provincial) politician stated that he or she had difficulty understanding the inquiry;
- There were no mentions of ambiguity; No mentions of lack of clarity;
- No admissions of confusion;
- No requests for definitions of any of the core conditions, that is, free, easy, timely, direct, or online;
- No one declared that he or she misunderstood to whom the communication was addressed; and
- No one mentioned any other concern that could jeopardize either the validity of the instrument or the face value of the responses.

## **C. Scorecard of Yes or No Responses by Selected Members of Cabinet, Government of Ontario to the Question: Do you agree that citizens are entitled to free,easy, timely, and direct online access to the public records held by municipal governments in Ontario?**

In the spirit of “What you see is what I asked for”, there is no good reason to suspect any of the contacted Ontario Conservative cabinet ministers attempted to engage in deception Further, there is no good reason to suspect that anyone contacted had difficulty understanding what is asked, not any difficulty understanding why the question is asked.

Therefore, since everything seems to be in order in terms of methodology, he next step in this interim report is to assess the contribution of the contacted provincial politicians

to 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,

## **D. Analysis of Table 1**

Our primary research interest at this stage is to identify provincial Conservative politicians who agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario, and provincial Conservative politicians who do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

As shown in Table 1, responses by Cabinet Ministers Steve Clark, Susan Elliott, Vic Fedeli, Lisa MacLeod, Don Phillips, and Jeff Yurek are assigned to the Neither Yes Nor No category.

This assigned value occurs, for example, when a politician simply acknowledges receipt of the email, or because a politician refers the communication to staff for response even though the politician is named in the recipient line, and the pronouns “you” and “your” appear fourteen (14) times in the body of the email.

Members of Cabinet Doug Ford, Sylvia Jones, Monte McNaughton, and Caroline Mulroney, did not respond. Therefore, they did not express agreement that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

Consequently, it is appropriate to relegate them and their non-responses to the default position, that is, they do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

By extension, therefore, each of these politicians – Doug Ford, Sylvia Jones, Monte McNaughton, and Caroline Mulroney – is scored as using the terms transparency and accountability as political buzzwords, and not being a credible user of the terms transparency and accountability as drivers ensuring access to public records in Canada is best practice.

As a result of their NYNN responses, Ministers Steve Clark, Susan Elliott, Vic Fedeli, Lisa MacLeod, Don Phillips, and Jeff Yurek fall into the do not agree category, and are scored as using the terms transparency and accountability as political buzzwords, and not being credible users of the terms transparency and accountability as drivers ensuring access to public records in Canada is best practice.

To obtain a sense of the overall position of contacted provincial Conservative politicians, an exam analogy is pertinent.

In brief, a response of Neither Yes Nor No is rated as an irrelevant, extraneous, etc., answer to the exam question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario?*

The appropriate mark for a Neither Yes Nor No answer is a zero.

Continuing the exam analogy, a Non-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 municipal governments in Ontario?*, is equivalent to leaving the answer blank.

The appropriate mark for not answering is a zero.

In terms of the overall scorecard mark, therefore, 100% of the contacted provincial (Ontario) conservatives use the terms transparency and accountability as political buzzwords, and 0% of them use the terms transparency and accountability as drivers ensuring access to public records in Canada is best practice.

## **E. Analysis Implications**

There are several purposes to the pilot study, and lessons learned include the following.

First, the binary nature of inquiry minimized the wriggle room available to provincial Conservative politicians. That is, these provincial politicians either agreed that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario, or they did not agree. There is no in-between landing place.

Or, to re-phrase, attempts at answer-avoidance by such tactics as not responding, or off-loading the communication to staff, are “doomed to fail” due to the default condition.

That is, once the email communication is transmitted, if the agree box is not checked then the default condition assigns the politician to the category of using transparency and accountability as political buzzwords, and removes them from the list of politicians who could credibly use the terms as drivers ensuring access to public records in Canada is best practice.

Second, the terms transparency and accountability have outstanding cachet, in principle, which is why they are used so often by politicians at all levels of government. However, if it turns out that in practice political leaders and/or a substantial proportion of members of political bodies score heavily as users of the terms as mere political buzzwords, then the cachet can vaporize in a hurry.

In the case of the contacted Ontario provincial Conservative politicians, 100% of them – including Premier Doug Ford and Cabinet Ministers Steve Clark, Susan Elliott, Vic Fedeli, Sylvia Jones, Lisa MacLeod, Monte McNaughton, Caroline Mulroney, Rod Phillips, and Jeff Yurek are scored as using transparency and accountability as political buzzwords.

Or, conversely, not one of the ten (10) contacted Ontario Conservative cabinet ministers, including Premier Doug Ford, is a credible user of the terms transparency and accountability as drivers ensuring access to public records in Canada is best practice.

In percentage terms, 0% of those contacted are credible users of the terms transparency and credibility as drivers ensuring access to public records in Canada is best practice.

Third, we are now at more than eight weeks since the Ontario provincial Conservative politicians were contacted, and no reason has arisen to suggest that the inquiry has misidentified Ontario provincial Conservative politicians who agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

And, conversely, no reason has arisen to suggest that the inquiry has misidentified Ontario provincial Conservative politicians who do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by municipal governments in Ontario.

It therefore seems reasonable to suggest that the pilot study approach and the results of the inquiry can be used by citizens to question the contacted Ontario provincial Conservative politicians, as well as ask other Ontario provincial Conservative politicians, about their reasons for agreeing and for not agreeing that citizens are entitled to free, easy, timely, and direct online access to the public records held by held by municipal governments in Ontario.

And, of course, the survey can also be administered to Ontario's provincial New Democrat, Liberal, and Green Party politicians.

## **F. Conclusion**

The primary inference of the pilot study is that politicians who agree that citizens are entitled to free, easy, timely, and direct online access to public records are likely candidates to use the terms transparency and accountability as drivers to ensure that access to public records in Canada is best practice.

No contacted Ontario provincial Conservative politician measures up in this respect. In terms of implications, none of the contacted individuals – Premier Doug Ford

and Cabinet Ministers Steve Clark, Susan Elliott, Vic Fedeli, Sylvia Jones, Lisa MacLeod, Monte McNaughton, Caroline Mulroney, Rod Phillips, and Jeff Yurek – is a credible source on thoughts about 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.

Or, conversely, – Premier Doug Ford and Cabinet Ministers Steve Clark, Susan Elliott, Vic Fedeli, Sylvia Jones, Lisa MacLeod, Monte McNaughton, Caroline Mulroney, Rod Phillips, and Jeff Yurek self-authored their position that they do not agree that citizens are entitled to free, easy, timely, and direct online access to public records.

By doing so, they self-authored their position that the terms transparency and accountability are used as political buzzwords and, consequently, by their own admission, none of these politicians is a credible source of thought on politicians' use of transparency and accountability as drivers to ensure that access to public records in Canada is best practice.

Finally, it is frequently the case that pilot studies undergo adjustments before research projects move to the pre-test phase, and in this regard I recall the final comment in section E, Analysis Implications. That is, the present focus of the pilot study at the provincial level is on Ontario Conservative politicians.

It appears fair to state that the survey instrument worked properly, and as intended.

However, application of the instrument to politicians in other Ontario provincial parties, as well as to politicians in provincial parties in other provinces would contribute to testing its robustness.