

SURVEY SAYS CITIZENS SHOULD ASK MPs HARD QUESTIONS ABOUT THE ACCESS TO INFORMATION ACT (ATIA) REVIEW PROCESS

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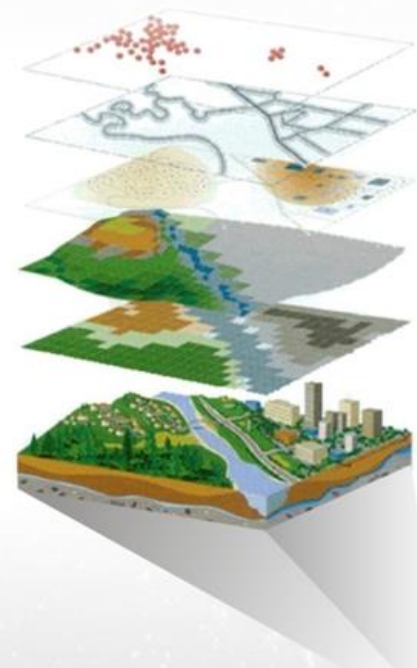
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*Interim Report 24, Research Project
Chronicling the Use of Transparency and
Accountability as Political Buzzwords, or as
Drivers Ensuring the Standard of Access to
Public Records in Canada Is Best Practice*

<http://wellar.ca/informationresearch/Publications.html>

October 23, 2023



1. Background

This is report 29 of the Information Research Board's transparency and accountability project. The terms of reference for this project are presented in [*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*](#).

Previous reports specific to federal politicians are based on the survey question, "Do you agree citizens are entitled to free, easy, timely, and direct online access to public records held by the Government of Canada?":

- [*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?*](#)
- [*Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%*](#)
- [*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%*](#)

Previous project reports which pertain to federal, provincial/territorial, and local (regional/municipal) politicians are:

- [*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*](#)
- [*Thoughts on adding geo-records to the pilot study on best practices for citizen access to public records \(Presentation Slides\)*](#)

In addition, because transparency and accountability principles and practices, as well as citizens' access to public records are part and parcel of governance in a free and

democratic society such as Canada, many of the other transparency and accountability project reports have relevance for federal politicians who are ultimately responsible for the level or quality of access which citizens have to federal records.

Further, and as discussed in research papers for the GIS-Pro 2023 Conference, the level or quality of access provided to citizens is elaborated by variables, characteristics, conditions, etc. which can be measured and evaluated, and then compiled to ascertain, for example, where governments, agencies, or departments place on a scale which provides a relative ranking of practices such as best, better, good, bad, worse, worst or, alternatively, worst, worse. bad, good, better, best. **(1)**

And, conversely, a review of the federal Access to Information Act (ATIA), such as the one completed in 2019 (<https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/reviewing-access-information/the-review-process/access-information-review-report-parliament.html>), is pertinent to all the reports completed to date for the transparency and accountability project.

Moreover, because the research design of this report includes a survey of 65 MPs, it is important to time date the ATIA review as a production which had been brought to the attention of every MP prior to distribution of the survey. **(2)**

Or, to re-phrase, from both the transparency and accountability perspectives it is appropriate to reference a production which seemingly must be required reading for every MP who purports to serve constituents and Canadians with the respect that so many MPs proclaim they deserve.

Exhibit A contains the cover page of the Review PDF, and the link to the PDF.

It appears fair to say that the Access to Information Review submitted to Parliament is one such must-read production, and it also appears fair to say that anyone who understands the Review, including MPs, should have no trouble answering the survey question in a matter of several minutes at most.

The final background comment involves two postulated relationships among the survey question, the conditions of transparency and accountability, and the importance of achieving a standard of citizens' access to public records at a level of best practice.

First, there is the postulated relationship between the conditions of transparency and accountability which are specified in the Access to Information Act, and the elements of free, easy, timely, direct, and online which are specified in the survey question.

As documented in project reports, for citizens to hold governments to levels of transparency and accountability set by citizens, the conditions of access to records must allow and enable citizens to conduct their inquiries in ways and means set by citizens.

While the conditions of free, easy, timely, direct, and online access may not be sufficient to define a standard of best practice, based on feedback to date it is deemed that they are among the core conditions.

Therefore, they are used in surveys of politicians about the features of access protocols, and are proposed for surveys of government agencies and officials directly responsible for implementing access protocols. **(3)**

Second, there is the postulated relationship between politicians' seemingly universal claim to be totally committed to transparency and accountability, and the elements of the survey question which, if all are met, appear sufficient and necessary to address the vast majority of complaints by citizens and by citizen advocates about ATIA shortcomings, and thereby better enable citizens to examine politicians' records of activities.

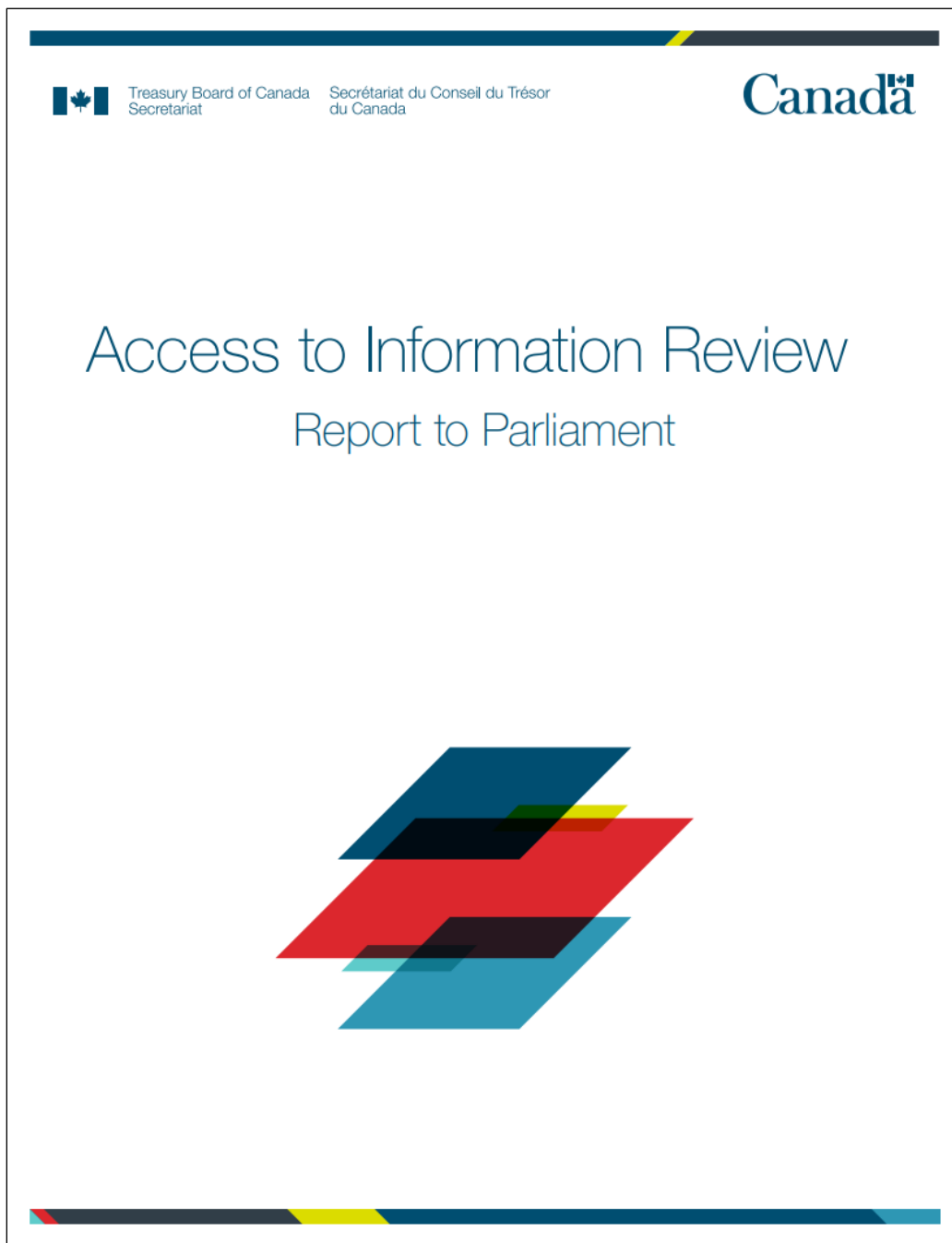
After four surveys of municipal politicians (City of Ottawa), two surveys of provincial politicians (Members of the Conservative party, Province of Ontario), and two surveys of federal politicians (Members of the Liberal party), no comments have been received to challenge this postulated relationship.

Further, no comments have been received which challenge the use of free, easy, timely, direct, and online as core features of a standard of best practice for citizens' access to records of politicians' activities.

On the one hand, then, based on previous research it is prudent to sound out federal politicians early in the post-Review process to ascertain whether citizens should expect real changes being made to the Access To Information Act (ATIA) so that it better serves citizens' access to federal records.

And, on the other hand, a survey designed around citizens having free, easy, timely, and direct online access to public records is a discerning way to ascertain whether transparency and accountability are political buzzwords or are drivers which serve and promote ensuring that the standard of access to federal records for citizens is best practice.

**Exhibit A. Cover Page and Link to the
Access to Information Review Report to Parliament**



Link: <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/reviewing-access-information/the-review-process/access-information-review-report-parliament.html>

2. Contribution of the *Review of the Federal Access to Information Act* to this Report

For six reasons in particular the Review supports publication of *Survey Says Citizens Should Ask Their MPs Hard Questions about the Access to Information Act (ATIA) Review Process*.

First, it is reasonable to expect that after 40 years of thoroughly documented ATIA shortcomings, there should be a common understanding among those producing and those receiving the *Review*, including MPs, about due regard for citizens.

That is, without exception everyone involved should appreciate that the primary mission of the Review is service to citizens, and not to politicians, political parties, departments, agencies, civil servants, or any other elements of the government apparatus.

However, keyword searches seeking identifiers of a citizen priority, focus, emphasis, sensitivity, etc., came up empty, as did general searches seeking even a substantial citizen presence somewhere in the *Review*.

That being the case, why are citizens the forgotten players in the *Review*?

Second, over the past 40 years massive social and technological shifts have occurred which dramatically change what citizens now mean by access, and their rights of access in a free and democratic society.

However, in my experience the *Review* has hardly moved the needle from the mindset of the 1970s decade. **(4)**

Indeed, the authors seem to be unaware or uncaring that the federal government exists to serve citizens, and not the other way around when it comes to access to materials on federal government legislative, policy, program, plan, inquiry, operational, etc., activities.

That being the case, we again ask, why are citizens the forgotten players in this piece?

Third, there are numerous evaluation units in agencies and departments of the Government of Canada, and it is totally reasonable to expect that after decades of criticism about IATA, a major effort would be made in the *Review* to introduce the need, design, and use of a framework of standards of practice – such as worst, worse, bad, good, better, best – to rate and upgrade the quality of access provided to citizens.

That being the case, why does it appear evident that citizens who pay for the federal government to operate are given little more than lip service when it comes to access to government records?

Fourth, after 40 years it is reasonable to expect that all parts of the federal government would have an informed handle on the variables they use to operationalize their concept of 'access', and the principles and practices which they employ in delivering citizens' access to government productions.

Further, it is reasonable to expect that after 40 years the *Review* would pull together the variables as a step towards specifying a standard of best practice to be achieved by all holders of federal government records.

A keyword search for an inventory of specific variables identified by agencies, departments, corporations, etc. in the *Review* came up empty. That being the case, why are specific variables not documented so citizens may know what level of access they are supposed to receive, and can file compliments and complaints accordingly?

Fifth, I was unable to find a definition of the term 'information' which is consistent with the scientific approach that has as its core the data→information→knowledge transform process.

In that process quantitative, qualitative, and visualization methods and techniques of analysis and synthesis are used to derive information from data, and then knowledge from information. **(5)**

Instead of following that rigorous, evaluable approach when using the term information, and referring to productions which contain information as opposed to data, factoids, pronouncements, statements, declarations, rules, etc., it is my perception that the *Review* throws around those terms in the company of information with seemingly reckless abandon, treating all those terms as synonyms.

Sixth, in my experience the *Access to Information Act Review* is far from focussed on information, and the term information is a misrepresentation of the products which are most frequently asked for by citizens and provided by federal departments, agencies, corporations, etc.

Rather, what are most frequently requested are appropriately described as records, and for many requests the quality of access in this technological day and age should be reflective of changes that have occurred over the past 40 years.

My examination of the Review reveals that it is thin when it comes to informing citizens that there is range of difficulty in responding to requests from citizens about government records, with complicated requests requiring analysis and/or synthesis of data to produce information obviously being more difficult than simple requests for data. (6)

And it is my further finding that the reference to information not only overstates what is being provided to citizens, but claims about the difficulty of compiling and providing information are often used to justify access failures when information is not the product sought by citizens.

Those reasons are more than sufficient to support the argument that more of the ‘same old, same old’ will not bring about the changes needed for ATIA to properly serve citizens.

Further, those reasons should be more than sufficient to establish that MPs need a ‘wake up call’ from citizens to move MPs and political parties into a new mindset which recognizes and respects that citizens must be provided the level of access to government records which is needed by citizens to hold politicians at all levels to standards of transparency and accountability set by citizens. (7)

The closing comment on the ‘value’ of the *Review* is that is that the reasons given are more than sufficient to establish that despite countless complaints, federal politicians and federal political parties have not acted to get their house in order and effectively deal with ATIA shortcomings that negatively affect citizens.

What are citizens to do?

The postulate of this report is the six reasons presented establish that citizens must step up and inform MPs of the conditions, characteristics, criteria etc., which citizens regard as necessary for an access protocol to achieve a standard of best practice as seen by citizens.

The next section reports on the question used in a survey of 65 MPs to begin to ascertain the challenge which citizens face when putting the case to MPs that ATIA has been a failure, and that corrective action must be taken well before the next ATIA review.

3. Changes to Administering the Survey Question

Two significant changes are made to the design of this survey of MPs.

First, the survey is administered to 65 individual MPs from all parties, rather than just to the federal Liberal cabinet and several Liberal MPs. The reason for this change is summarized as follows,

As noted in the reports on two previous surveys of Liberal ministers and my MP Chandra Arya (Lib. Nepean), zero responses were received to the survey question,

“Do you agree citizens are entitled to free, easy, timely, and direct online access to public records held by the Government of Canada?”

The one exception of sorts was a communication from then-Justice Minister David Lametti which commented on ATIA matters but did not respond to the question asked. **(8)**

Since questions arise as to whether not responding to a question about public access to federal records is a Liberal thing, a government of the day thing, a political party thing, or an MP thing, this survey is directed at Members of Parliament because citizens directly elect MPs, and not the Prime Minister or Cabinet Ministers.

Moreover, citizens have some expectation of holding their MPs to standards of transparency and accountability set by citizens, whereas they have no direct influence on the selection of cabinet ministers. **(9)**

Second, although the core of the survey question remains unchanged for methodological reasons, it is modified to have specific regard for institutional differences between the federal government situation and provincial and municipal government situations involving access to public records. **(10)**

The question for this survey of federal politicians is,

Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?

The story behind the question is described in the email (Exhibit B) communication to the selected MPs. The email to Anita Anand, MP, and currently President of the Treasury Board which administers the Access to Information Act, is used for illustrative purposes.

Exhibit B. Email to Surveyed MPs

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

Sent: Tuesday, July 11, 2023 7:46 PM

To: Anita.Anand@parl.gc.ca

Subject: INTERIM REPORT 24: Survey of Federal Politicians to Measure What Citizens Can Expect from the 2023 Review of the Access To Information Act (ATIA)

Dear Anita Anand, MP

As part of a research project investigating citizens' access to public records at all levels of government ([*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*](#)), a third survey of selected federal politicians is now in progress.

By way of brief background to put the survey question in context, two previous surveys of selected federal politicians resulted in four reports:

[*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?*](#)

[*Interim Report 5. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice, Federal Cabinet Score: Political Buzzwords, 100%; Drivers, 0%*](#)

[*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%*](#)

As noted in the report titles, the question in the 2019 surveys was:

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?

For the 2023 federal survey(s), the question is expanded for two reasons.

First, a change to the question is necessary to capture critical changes to the social, political, geo-political, cultural, and technological environments throughout Canada and in many other free and democratic societies which directly affect citizens' access to public records, and to public geo-records in particular.

The following reports are among those from the Chronicling project which take into account changes in the public access to public records environment, and which identify key elements in the literature on shortcomings of federal legislation and actions which deny citizens proper access to federal records:

[*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'*](#)

[*Interim Report 21. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Media Stories That Indicate a Code of Silence Has Been Adopted by Members of Council*](#)

[*Thoughts on adding geo-records to the pilot study on best practices for citizen access to public records \(Presentation Slides\)*](#)

[*AN OPEN LETTER TO CHANDRA ARYA, MP \(LIB-NEPEAN\) ABOUT PUBLIC ACCESS TO PUBLIC RECORDS OF CANADA'S RESIDENTIAL SCHOOLS HORROR*](#)

The second reason for expanding the survey question flows in part from the results of the two surveys of federal politicians presented in interim reports 4, 5, 10, and 11 listed above.

And, if flows in part from broadcast media stories and social media blogs and comments about federal government plans to address failures of federal legislation and actions to provide citizens proper access to federal records.

The revised survey question considers the contents of the reports identified above, consultations regarding those reports, current access research investigations, presentations, and consultations about standards for access to public records practices, and media stories about the federal government's plans to address failures of federal legislation and actions to provide citizens proper access to federal records.

The revised survey question seeking a Yes or No response from selected MPs is:

Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?

I look forward to receiving your answer in a timeframe which is consistent with the significance of the public issue, and the length of time that the public issue has been in the public domain.

As you are doubtless aware, in terms of the importance of public access to public records, it is regarded worldwide as a cornerstone of free and democratic societies.

Further, the matter of public access to public records in this country has been in the public domain since the inception of Canada in 1867, and most notably was emphasized by the federal government of the day with the adoption of the Freedom of Information Act in 1983, some 40 years ago.

It therefore appears fair to say that every current federal politician has had sufficient time to become fully apprised of all aspects of public access to federal public records discourse.

Moreover, as testimony to their commitment to the access principle, it appears fair to say that every current federal politician has declared support for citizens' access to public records.

Under those circumstances, and the need to publish survey findings in a timeframe which serves the *Chronicling* project research schedule, August 11, 2023, is the due date for responses by email reply.

To summarize, the survey details are:

1. Respondent name: Anita Anand
2. Survey question: Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access.
3. Survey response: Yes or No
4. Survey response due date: August 11, 2023.
5. Survey reply means: Email to wellar.barry@gmail.com.

Thank you.

Barry Wellar

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4. Record of Responses from MPs to the Question, “Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?”

Previous reports discuss the challenges and opportunities which questions about access to records hold for politicians. Two points should suffice to put the question in context.

First, it appears fair to say that every federal politician has encountered variations of the access issue dozens, hundreds, and perhaps thousands of times in their careers to date, so there is nothing new about access matters, nor is this rocket science.

As a result, if a politician is challenged to answer questions about citizens’ access to public records, the challenge must reside in something other than high methodological or technical degrees of difficulty.

Second, improving citizens’ access to public records is totally within the purview of politicians and their parties, unlike public policy and program domains such as inflation,

acts of terrorism, international money markets and interest rates, climate change and extreme weather events, affordable housing, food prices, tariffs and trade, foreign wars, unstable offshore governments, and dozens of other domains in which federal politicians may have much to say but in large measure have little effect on outcomes.

As a result, improving citizens' access to public records seems to be a 'no-brainer' opportunity waiting to be seized by MPs and parties, and if that opportunity is not seized with alacrity, then citizens may wonder, "Why not?"

With those brief summary remarks about challenges and opportunities, Table 1 reports on the results of asking 65 MPs, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?*

The MPs who were sent emails are listed in alphabetical order, along with their party, riding name, and whether the survey question was accorded a response of Yes or No as requested, or No Response (NR) to the survey was received.

As shown, the survey did not yield a "Yes" or "No" from any of the 65 MPs in response to a question designed to reveal where MPs stand on providing citizens access to records which are needed to establish the transparency and accountability of MPs.

5. What Do We Learn from the Survey?

The strengths and weaknesses of the survey approach are identified in previous Chronicling Project reports, and are copiously documented in the literature, so they are not repeated in detail.

One general bottom line finding of the Chronicling Project is that surveys are efficient, effective, and economical when administered to subjects who are keen to cut to the chase and provide responses in a timely manner.

Conversely, they are not an effective means to elicit answers from those who choose to play games, run out the clock, or engage in other evasive practices that make a mockery of notions of transparency, accountability, and, consequently, trust.

However, in the case of Chronicling Project surveys, non-responses fly in the face of notions of transparency and accountability and, therefore, are just as revealing of MPs positions as Yes and No responses.

Table 1. MP Responses to the Question, Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?

Name	Party	Riding	Yes	No	NR*
Alhabra, O	Lib	Mississauga Centre			X
Anand, A	Lib	Oakville			X
Anandasangaree, G	Lib	Scarborough-Rouge Park			X
Angus, C	NDP	Timmins–James Bay			X
Arya, C	Lib	Nepean			X
Bains, P	Lib	Richmond–Steveston			X
Barrett, M	Con	Leeds – Grenville -			X
Beech, T	Lib	Burnaby North–Seymour			X
Bennett, C	Lib	Toronto–St. Paul's			X
Bibeau, M-C	Lib	Compton–Stanstead			X
Blair, B	Lib	Scarborough SW			X
Blanchet, Y-F	Bloc	Beloeil–Chambly			X
Blanchette-Joncas, M	Bloc	Rimouski–Neigette–Témiscouata–			X
Boissonault, R	Lib	Edmonton Centre			X
Brassard, J	Con	Barrie–Innisfil			X
Cannings, R	NDP	South Okan–West Kootenay			X
Champagne, T-P	Lib	St. Maurice–Champlain			X
Duclos, J-Y	Lib	Québec			X
Fergus, G	Lib	Hull–Aylmer			X
Fortier, M	Lib	Ottawa–Vanier			X
Fraser, S	Lib	Central Nova			X
*NR = No Response					

Name	Party	Riding	Yes	No	NR*
Freeland, D	Lib	University–Rossdale			X
Gould, K	Lib	Burlington			X
Gourde, J	Con	Lévis–Lotbinière			X
Green, M	NDP	Hamilton Centre			X
Guilbeault, S	Lib	Laurier–Sainte Marie			X
Hajdu, P	Lib	Thunder Bay–Superior N			X
Hepfner, L	Lib	Hamilton Mountain			X
Holland, M	Lib	Ajax			X
Hussen, A	Lib	York South–Weston			X
Hutchings, G	Lib	Long Range Mountains			X
Ien, M	Lib	Toronto Centre			X
Joly, M	Lib	Ahuntsic–Cartierville			X
Jaczek, H	Lib	Markham–Stouffville			X
Khalid, I	Lib	Mississauga–Erin Mills			X
Khera, K	Lib	Brampton West			X
Kurek, D	Con	Battle River–Crowfoot			X
Lametti, D	Lib	LaSalle–Étard–Verdun			X
LeBlanc, D	Lib	Beausejour			X
LeBouthillier, D	Lib	Gaspésie–Les Îles-de-la-Madeleine			X
MacAulay, L	Lib	Cardigan			X
Martinez Ferrada, S	Lib	Hochelaga			X
May, E	Green	Saanich–Gulf Islands			X
*NR = No Response					

Name	Party	Riding	Yes	No	NR*
Mendicino, M	Lib	Eglinton–Lawrence			X
Miller, M	Lib	Ville-Marie–e Sud-Ouestle-des-Soeurs			X
Morrice, M	Green	Kitchener Centre			X
Murray, J	Lib	Vancouver Quadra			X
Ng, M	Lib	Markham–Thornhill			X
O'Regan, S	Lib	St. John's South–Mount Pearl			X
Petitpas-Taylor, G	Lib	Moncton–Riverview–Dieppe			X
Poillievre, P	Con	Carleton			X
Qualtrough, C	Lib	Delta			X
Rodriguez, P	Lib	Honoré–Mercier			X
Sajjan, H	Lib	Vancouver South			X
Saks, Y	Lib	York Centre			X
Scheer, A	Con	Regina–Qu'Appelle			X
Singh, J	NDP	Burnaby South			X
St. Onge, P	Lib	Brome–Mississquoi			X
Tassi, F	Lib	Hamilton West–Ancaster–Dundas			X
Trudeau, J	Lib	Papineau			X
Valdez, R	Lib	Mississauga–Streetsville			X
Vandal, D	Lib	Saint Boniface–Saint Vital			X
Villemure, R	Bloc	Trois-Rivières			X
Virani, A	Lib	Parkdale–High Park			X
Wilkinson, J	Lib	North Vancouver			X
*NR = No Response					

In the case of this survey with 65 of 65 MPs not responding, the report title is what could be termed a 'gimme', that is, ***Survey says citizens should ask their MPs hard questions about the Access To Information Act (ATIA) Review process.***

Further, with 65 non-responses from the 65 MPs, there does not seem to be any question about the message to be taken from the survey, and the message for citizens.

It is of course possible that I have not located the production in which all 336 MPs in the House of Commons have in fact already answered the survey question, or a variation of the survey question.

If such a production exists, then citizens across Canada would have access to a production which describes in full detail where MPs stand on the quality of access to federal records to be provided to citizens.

After numerous electronic searches I have been unable to locate such a production, and I have not been apprised of such a production by any professional contacts.

I am therefore led to believe that the message of the title holds; that is, citizens who have issues with the current ATIA regime need to take their issues to their MP, because I see no evidence that MPs individually or collectively have any intention of proactively engaging with citizens on a matter which is generally portrayed as a cornerstone of a free and democratic society.

And I am further led to believe that the survey contributed a useful heads-up about the difficult challenge ahead for those who seek to hold politicians to a best practice, better practice, or even good practice standard of transparency and accountability, even when the subject is the ATIA Review,

That is, there are 336 MPs, and of that number 65 of 65 did not respond to the survey question. Such treatment of the survey seems to be a strong indication that of the remaining 271 MPs most, and perhaps all of them would not respond to a question which directly pertains to any claims by politicians about their regard for the principles of transparency and accountability.

Regarding the difficulty of getting informed answers from MPs, in addition to the experiences of surveying federal MPs, Ontario MPPs, and City of Ottawa politicians, I have queried my MP, Chandra Arya (Lib., Nepean) multiple times on matters dealing with ATIA and access to federal records.

MP Arya has not provided a substantive response to any inquiry, thereby totally negating any claims made or to be made by him about his due regard for transparency and accountability.

As for his householder message to area residents, “Working hard for you”, analysis of householders for the last term and the current term are thin on details as to what he is

doing for his constituents, and to my knowledge he has not held in-person or virtual public meetings at which he could be asked about communications that have gone unanswered. (11)

In the next section I present a post-survey communication to Anita Anand, President of the Treasury Board and the lead on matters involving the Access to Information Act.

6. Communication to Anita Anand, President of the Treasury Board, Regarding a Post-Survey Media Interview and Absence of Mention of ATIA

On September 27, 2023, the Ottawa Citizen published an article by Catherine Morrison titled ‘Accounting for the public: Anand’s Treasury Board priorities’ (cover), and ‘Anand lays out priorities as Treasury head – Spending cuts, union ties and red tape among issues president is focusing on’.

I am pleased to see the word “among” in the article title, because it could mean that while ATIA is not mentioned, it is close to mind as a matter to be actively and diligently addressed during the current government’s term of office. (12)

Towards that end a communication was sent to Treasury Board President Anand which includes the following paragraph:

“In my experience the priority setting stances of political heads of departments, agencies, corporations, etc., involve an element of nimbleness, and I suggest that you immediately make it clear to all MPs and to Members of Cabinet that ensuring citizens free, easy, timely, and direct online access to public federal records is a highest priority for you and for Treasury Board.”

The full email (Exhibit C) follows to provide context, and to register my request in the interests of transparency and accountability to be copied on communications regarding this communication.

At the date of this posting, October 23, 2023, I have not received a response from MP Anand, nor from any MP who is copied on the email to MP Anand, nor from Information Commissioner Carole Maynard who is also copied on the email to MP Anand.

As readers may recall, the phrase ‘cone of silence’ has been used in prior reports to describe situations similar to the solidarity of silence among MPs and federal officials contacted for this survey.

I await communications from Ms. Anand, Ms. Maynard, or any of 65 MPs which establish that the outcome of the survey – no responses from 65 of 65 MPs – cannot be attributed to an explicit or implicit ‘cone of silence’.

Exhibit C. Email communication to Anita Anand re news story, ‘Anand lays out priorities as Treasury head’, Ottawa Citizen, Sept. 27, 2023, p. A6.

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

Sent: Friday, September 29, 2023 9:29 PM

To: Anita.Anand@parl.gc.ca

Cc: omar.alghabra@parl.gc.ca; Anita.Anand@parl.gc.ca; gary.anand@parl.gc.ca; charlie.angus@parl.gc.ca; chandra.arya@parl.gc.ca; parm.bains@parl.gc.ca; Michael.Barrett@parl.gc.ca; terry.beech@parl.gc.ca; carolyn.bennett@parl.gc.ca; marie-claude.bibeau@parl.gc.ca; bill.blair@parl.gc.ca; Yves-Francois.Blanchet@parl.gc.ca; randy.boissonnault@parl.gc.ca; john.brassard@parl.gc.ca; richard.cannings@parl.gc.ca; francois-philippe.champagne@parl.gc.ca; jean-yves.duclos@parl.gc.ca; Greg.Fergus@parl.gc.ca; mona.fortier@parl.gc.ca; sean.fraser@parl.gc.ca; chrystia.freeland@parl.gc.ca; karina.gould@parl.gc.ca; jacques.gourde@parl.gc.ca; Matthew.Green@parl.gc.ca; Steven.Guilbeault@parl.gc.ca; patty.hajdu@parl.gc.ca; lisa.hepfner@parl.gc.ca; mark.holland@parl.gc.ca; ahmed.hussen@parl.gc.ca; gudie.hutchings@parl.gc.ca; marci.ien@parl.gc.ca; melanie.joly@parl.gc.ca; Helena.Jaczek@parl.gc.ca; iqra.khalid@parl.gc.ca; kamal.khera@parl.gc.ca; Damien.Kurek@parl.gc.ca; david.lametti@parl.gc.ca; dominic.leblanc@parl.gc.ca; diane.lebouthillier@parl.gc.ca; lawrence.macaulay@parl.gc.ca; Soraya.MartinezFerrada@parl.gc.ca; elizabeth.may@parl.gc.ca; marco.mendicino@parl.gc.ca; Marc.Miller@parl.gc.ca; mike.morrice@parl.gc.ca; joyce.murray@parl.gc.ca; mary.ng@parl.gc.ca; seamus.oregan@parl.gc.ca; gINETTE.petitpastaylor@parl.gc.ca; pierre.poilievre@parl.gc.ca; carla.qualtrough@parl.gc.ca; pablo.rodriguez@parl.gc.ca; harjit.sajjan@parl.gc.ca; yaara.saks@parl.gc.ca; Andrew.Scheer@parl.gc.ca; Jagmeet.Singh@parl.gc.ca; pascale.st-onge@parl.gc.ca; filomena.tassi@parl.gc.ca; justin.trudeau@parl.gc.ca; rechie.valdez@parl.gc.ca; dan.vandal@parl.gc.ca; rene.villemure@parl.gc.ca; arif.virani@parl.gc.ca; jonathan.wilkinson@parl.gc.ca; wellar.barry@gmail.com; George A. Neville <george.neville@ncf.ca>; 'douglasarnold douglasarnold' <douglasarnold@sympatico.ca>; 'Ange Holmes' <ange.holmes@ryerson.ca>; cmorrison@postmedia.com; Caroline.Maynard@oic-ci.gc.ca

Subject: Re: Accounting for the public: Anand's Treasury Board priorities (cover), and Anand lays out priorities as Treasury head - Spending cuts, union ties and red tape among issues president is focusing on (A6), Ottawa Citizen, Sept. 27, 2023.

Anita Anand. MP
 President of the Treasury Board
 Government of Canada

Re: Accounting for the public: Anand's Treasury Board priorities (cover), and Anand lays out priorities as Treasury head – Spending cuts, union ties and red tape among issues president is focusing on (A6), Ottawa Citizen, Sept. 27, 2023.

Dear Ms. Anand,

I am deeply concerned that the story makes no mention that you are now the federal lead on accounting to the public through the Access to Information Act (ATIA), nor that the recent ATIA Review identified numerous shortcomings that still need to be corrected forty years after ATIA was enacted.

Further, my deep concern about the absence of reference to ATIA in the Citizen profile piece is compounded by the fact that you along with 64 other MPs from all parties, 65 MPs of 65 MPs, a rare circumstance of unanimity among MPs of different parties, did not respond to emails dated on or about July 11, 2023, INTERIM REPORT 24: Survey of Federal Politicians to Measure What Citizens Can Expect from the 2023 Review of the Access To Information Act (ATIA).

To summarize, the bottom line of the survey is to ask you and other selected MPs if you and they agree that citizens are entitled to a level of access to federal records which meets the standard of best practice.

The underlying premise in your case is that in a free and democratic society citizens come first for any federal politician charged with accounting for and to the public on behalf of the government.

And, the underlying premise for all MPs in this regard is that it is likely each and every one of them has on one to many occasions solemnly proclaimed citizens' entitlement to transparency and accountability of politicians which, I believe you agree, can only be ascertained by citizens to the satisfaction of citizens if citizens have a level of access to federal records which meets the standard of best practice.

As will be noted in a forthcoming report about the survey, it has not been ascertained if the Government of Canada has specified the criteria to be met for its standard of best practice. Consequently, the criteria of free, easy, timely, direct, and online which have been derived through IRB research are used as core conditions to be met on a best practices scale.

In my experience the priority setting stances of political heads of departments, agencies, corporations, etc., involve an element of nimbleness, and I suggest that you

immediately make it clear to all MPs and to Members of Cabinet that ensuring citizens free, easy, timely, and direct online access to public federal records is a highest priority for you and for Treasury Board.

Your response to that recommendation is invited.

Finally, I welcome being copied on any of your communications in this regard to interested parties, including MPs, provincial and municipal politicians, offshore governments and institutional agencies, media outlets, professional, business, and technical organizations, and citizens.

Thank you.

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

7. Conclusion

The Access To Information Act (ATIA) has been regarded as dysfunctional throughout its lifetime of 40+ years, and critiques of the latest review contend that little has changed except possibly at the margins, and then only in ways best described as ‘housekeeping’.

In addition to concerns that politicians choose to make it difficult for citizens to access records in the manner needed to hold politicians to standards of transparency and accountability set by citizens, there are also concerns that politicians control the narrative and lead citizens back to the ‘same old, same old’ approach which has failed citizens for more than 40 years.

And, I hasten to add, chasing after the ‘same old, same old’ approach which the government practiced meant that a great deal of extra-government research meant plunging down the rabbit hole in futile pursuit of ways to improve citizens’ access to federal records.

As demonstrated by 28 previous reports, we do not go down the rabbit hole, and instead deal with politicians who are directly responsible for the quality of access which citizens have to public records at all levels of government. ([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)

In this report we present the results from sending a survey to 65 MPs from all parties in which the MPs are asked:

Do you agree that citizens are entitled to free, easy, timely, and direct online access to all federal government records excepting only those records for which citizens are publicly denied access?

In what is a rare example of unanimity among MPs from all parties,

- No MP answered Yes.
- No MP answered No.
- No MP responded to a question which determines whether MPs agree that citizens are entitled to the quality of access to records needed to establish the transparency and accountability of MPs.

Or, to re-phrase, every MP of the 65 included in the survey did not respond to a question which is at the heart of citizens knowing whether the terms “transparency” and “accountability” are political buzzwords or are drivers ensuring that the standard of citizens’ access to federal records is best practice.

Further, in the absence of any response from any of the 65 MPs including MP Anita Anand, nothing was learned about the second part of the question, that is, whether an MP agrees citizen’ are to have access to

“... all federal government records excepting only those records for which citizens are publicly denied access”.

The bottom line for citizens, then, is in the report title, namely:

Survey says citizens should ask their MPs hard questions about the Access To Information Act (ATIA) Review process.

8. Endnotes

1. Publications for the GIS-Pro 2023 presentation include: [*Thoughts on adding geo-records to the pilot study on best practices for citizen access to public records \(Presentation Slides\)*](#); [*Contributions by City of Ottawa Council to Best Practice Standards for Citizens’ Access to Spatial Records Held by Local Governments*](#); [*Panel*](#)

[D, Discussion: Best Practice Standards for Citizens' Access to Spatial Records Held by Local Governments](#); and, [BEST PRACTICE STANDARDS FOR CITIZENS' ACCESS TO SPATIAL RECORDS HELD BY LOCAL GOVERNMENTS \(Presentation Slides\)](#).

2. I believe it is reasonable to expect that all MPs would in good conscience read a production submitted to Parliament which deals with access to public records, and even more so when failures of the Access to Information Act (ATIA) are most notably failures affecting citizens who are represented by MPs. That said, since ATIA failures affecting citizens have been documented for more than 40 years, I may be overly optimistic about the reading habits of MPs, even if the production in question deals with access to public records which is a cornerstone of a free and democratic society.

3. The proposed core elements of free access, easy access, timely access, direct access, and online access have been published in a number of presentations and reports completed as part of the Chronicling Project ([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](#)). At GIS-Pro 2023, an expert panel discussed those core elements in the design of a standard of best practices for citizens' access to public records ([Panel Discussion: Best Practice Standards for Citizens' Access to Spatial Records Held by Local Governments](#)).

4. I was Theme Coordinator, Urban Information, Ministry of State for Urban Affairs, when I reviewed John Crispo's book, *The Public Right to Know*. (Barry Wellar, 1975. Book review. *The Public Right to Know* by John Crispo, McGraw-Hill Ryerson, Toronto, 1975. Published in *City Magazine*, Toronto, pp.55-56.). It was my experience after three years in the Government of Canada that while Prof. Crispo served as a solid citizen advocate for improved access, he 'missed a sitting duck' by not going far enough in establishing beyond any ifs, ands, buts, or maybes that the public right to know encompasses having state of the art access to all federal government records – data, information, knowledge – that were not precluded from the public domain for good, non-political reasons. However, with few exceptions civil servants were not on board about giving citizens better access to records, and MPs seemingly had a sense that federal records were 'owned' by them and not citizens who pay for the records with their taxes.

5. There are thousands of publications on the transform process, most notably in journal and proceedings articles published by the Urban and Regional Information Systems Association. See, for example, slide 3 in [Slides for the Friday Lunch Discussion Club \(FLDC\) Presentation: HOW GEOGRAPHY and GEOGRAPHIC INFORMATION SYSTEMS EXPOSE the MYTH of 'MISINFORMATION'](#).

6. The comment in endnote 5 is pertinent here. It should not require 40 years for the Government of Canada to ‘come clean’ with citizens and sort out the language it uses in communications with citizens. The term “information” is not an umbrella concept in the learned or methodologically based literature on governance, and the ATIA Review must be above treating core terms as if this is a social media exercise. Or, to re-phrase, if a citizen requests a body of data that is not precluded from public access, then the request has nothing to do with information, end of story. It does not appear to be a stretch to suggest that sloppy language which does not distinguish among data, information, and knowledge is partly to blame for many ATIA-related failures over four decades and counting.

7. Because citizens’ daily lives are more affected by municipal and provincial politicians, I use statements by Ottawa Mayor Mark Sutcliffe and Ontario Premier Doug Ford to illustrate the need for citizens to lead the charge in getting better access to public records. As reported in a recent media story, Transparency, communication top new city manager’s agenda, Ottawa Citizen, August 24, 2023, “Sutcliffe said increasing trust, transparency, and accountability was an enormous priority for me.” In an email dated August 30, 2023, Sutcliffe was asked how he was going to achieve that “enormous priority”. It is now October 23, and no response has been received, which causes questions about what Sutcliffe means by “enormous” or “priority”.

For his part, Doug Ford was harshly criticized for massive transparency and accountability failings that led to the infamous “Greenbelt deal”, then a retraction of the deal under public pressure, accompanied by an outpouring of calls for the RCMP to investigate the intended \$8.3 billion windfall gain by vested interests. Premier Ford made numerous profuse apologies, pledging to earn citizens’ trust. However, Ford seems unaware that citizens’ trust follows from politicians meeting accepted standards of transparency and accountability set by citizens, and not by politicians’ buzzword announcements. The RCMP has agreed to investigate the aborted deal, and with that kind of heat Doug Ford may see the light about putting citizens before himself, his party, and vested interests.

The Sutcliffe and Ford examples are illustrative of what many citizens perceive to be revealed by broadcast media scans every day; that is, politicians cannot be trusted to take the lead in assuring their due regard for transparency and accountability. Consequently, citizens must take the lead if they wish to achieve a standard of access to records which is sufficient to ensure transparency and accountability of politicians at levels acceptable to citizens.

8. In the interests of transparency and accountability, it is noted that no explanation was received from anyone as to why he or she or they did not respond. Could the 'cone of silence' syndrome have been a factor?

9. I have personal experience in this regard. I have contacted my MP Chandra Arya (Lib., Nepean) multiple times with no response, as have others, also with no response, and I am also in contact with people and organization leaders who have had similar experiences with their MPs, all of which makes a mockery of the notion of MPs' regard for transparency and accountability when they do not respond to citizens' questions.

10. The core access terms for all governments are free, easy, timely, direct, and online. Several activities later in 2023 are planned to assess whether these five terms are necessary and/or sufficient for a standard of access that is rated as best practice.

11. Emails on policy and program matters to my MP Chandra Arya have been accorded nothing more than "message received" responses. However, I am informed by a reviewer that MP Arya did respond to a post on a community website (Bells Corners Rocks) concerning the issue of dog owners not picking up dog poop on nearby National Capital Commission trails. Reviewers of this draft are also appalled by MP Arya's decision to act on a dog poop complaint over responding to questions about public access to public records, including questions about access to Residential Schools records.

12. As a former senior civil servant I had numerous occasions to participate in deliberations about departmental priorities as well as deliberations about government priorities. One lesson learned repeatedly is that items can move up and down the priority list with great speed at a moment's notice as the urgent take precedence over the important, and issues that involve voter appeal are fast tracked to the top of word bite stories put out by media folk. In a spoofy way, episodes such as 'Open Government', 'Big Brother', and 'The Right to Know' from the U.K TV series of *Yes, Minister*, and *Yes, Prime Minister* provide a witty glimpse into the priority process in general, and government disdain for the idea of informing citizens in general. My hope is that because the ATIA file has had a miserable history over the past 40 years, perhaps reports such as this one will prompt Treasury Board President Anand to move the ATIA file up her to-do list.