



BC FREEDOM OF
INFORMATION
AND PRIVACY
ASSOCIATION

ACCESS DENIED:

**An analysis of the BC Government's
response to freedom of information
requests, 2000 – 2005**

September 2006

BC Freedom of Information and Privacy Association



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INFORMATION
AND PRIVACY
ASSOCIATION

STUDY SPONSORS

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Introduction and Summary

Freedom of information — the statutory right of access to government information — is a fundamental and essential part of democracy and meaningful citizenship. It helps to ensure that a government is operating with the informed consent of its citizens.

More than 46 countries, including Canada, have recognized this and enacted freedom of information (FOI) legislation. Canada's federal government, provinces and territories are all covered by their own version of an FOI act.

Freedom of information exists for the purpose of making public institutions transparent and accountable to the public. When all else fails, it is the citizen's best hope of piercing the veil of obfuscation that so often hides the work of governments, and finding out what is really going on. Knowing the reality, we are better able to take part in public decision-making and to exercise our other responsibilities as citizens.

British Columbia's *Freedom of Information and Protection of Privacy Act* (FOIPP Act) came into force on October 1993. Hailed as the finest act of its kind at that time, it has suffered over the years from amendments that have blunted its original force, and bureaucratic barriers that increasingly are hindering public access to records.

North America's leading academic analyst of FOI policy and administration has stated that BC has developed the most sophisticated FOI tracking system of any government in North America. The Corporate Requests Tracking System (CRTS) allows officials to track information requests from the public, and to flag individual requests that are considered politically sensitive.

An analysis of CRTS data provided to FIPA by the BC government suggests many shortcomings in the administration of the FOIPP Act. Results indicate that response times for information requests are often in excess of legal timelines; that the CRTS is used to flag the requests of particular user groups, based on political sensitivity; that these distinctions can lead to longer response times; and that this discrimination affects the outcomes of requests.

Public use of the Act has declined over a five-year period, in particular requests made by individual users. The main reason for this decline is growing disenchantment of FOI requesters with a process that is increasingly fraught with government resistance, evasion and delay.

An analysis of government funding for freedom of information in different Canadian jurisdictions shows that BC lags behind other provinces in supporting FOI infrastructure. In particular, the Office of the Information and Privacy Commissioner has been undermined by a double blow of funding cuts and assignment of increasing responsibilities. During the same period, funding for discretionary government communications in BC in the form of advertising has increased substantially.

Methodology of Study

The BC Freedom of Information and Privacy Association (FIPA) conducted this detailed study of FOI performance to determine how well the BC public's legally enshrined rights of access to information are being fulfilled. In particular, we wanted to know:

- Is the public able to access documents they have a right to?
- Are the legislated timelines for responding to information requests being respected by the government?
- Are politically sensitive requests, or requests from certain sectors receiving differential treatment?

In order to answer these questions, FIPA obtained a copy of the "Corporate Request Tracking System" (CRTS), a sophisticated database developed by the BC government in the 1990s to manage and individually track all FOI requests.

Dr. Alasdair Roberts, now based at Syracuse University in Ithaca, N.Y., reported in 2004 that the B.C. government is at the forefront of users of new information technology to monitor and control the flow of information under freedom of information.ⁱ

The CRTS provides numerous details on who is making requests, the response times, and eventual outcomes. It also allows each ministry to award a "sensitivity ranking" to each new FOI request. A request is assigned a sensitivity of High, Medium, Low, or None. In addition, the CRTS allows requests to be centrally flagged by the Corporate Privacy and Information Access Branch (CPIAB).ⁱⁱ

While this database is a powerful tool for government monitoring of FOI requests, it also provides the public a unique opportunity to determine how the *Act* is being administered in British Columbia.

The CRTS data FIPA obtained for use in the production of this report provided a wealth of information regarding the use of the *Act*, the response times for requests, and whether the various sensitivity ratings assigned by the government are affecting request outcomes.

This study deals only with “general” FOI requests – that is, requests for general government information, not requests by individuals seeking their own personal records. In addition, certain assumptions were made regarding specific analyses, which are detailed in the endnotes.

This research builds on the important work of Dr. Roberts and we are grateful for his insights in the production of this report. We are also grateful to the BC government for providing a copy of the CRTS database in the spirit of open government and transparency.

The Canadian Newspaper Association’s role in FOI research

The Canadian Newspaper Association is the voice of Canada’s daily newspaper industry and a vigorous champion of journalistic freedom and democratic reform. The importance of its role in initiating and fostering research into freedom of information issues in Canada cannot be overstated.

The CNA commissioned Canada’s first major academic study into government FOI performance: Prof. Alasdair Roberts’ landmark study *Limited Access: Assessing the Health of Canada’s Freedom of Information Laws*, published in 1998. With this present study, FIPA is endeavoring to continue the tradition of excellence in research begun by Prof. Roberts. We thank the CNA for continuing to support this important work.

Who Uses FOI?

A central question in discussing Freedom of Information is “who is using the Act”? Table 1 shows applicant type for “general” requests from 2000 to 2005, totaling 11,930 requests. General requests are those seeking access to records concerning the government, as opposed to “personal” requests, in which individuals are seeking their personal records.ⁱⁱⁱ

Table 1 – Types of applicant and numbers of requests

Individual	5135	43.0%
Media	1748	14.7%
Law Firm	1352	11.3%
Political Party	1206	10.1%
Interest Group	1043	8.7%
Business	865	7.3%
Other Public Body	294	2.5%
Researcher	182	1.5%
Other Governments	105	0.9%
Total	11930	100.0%

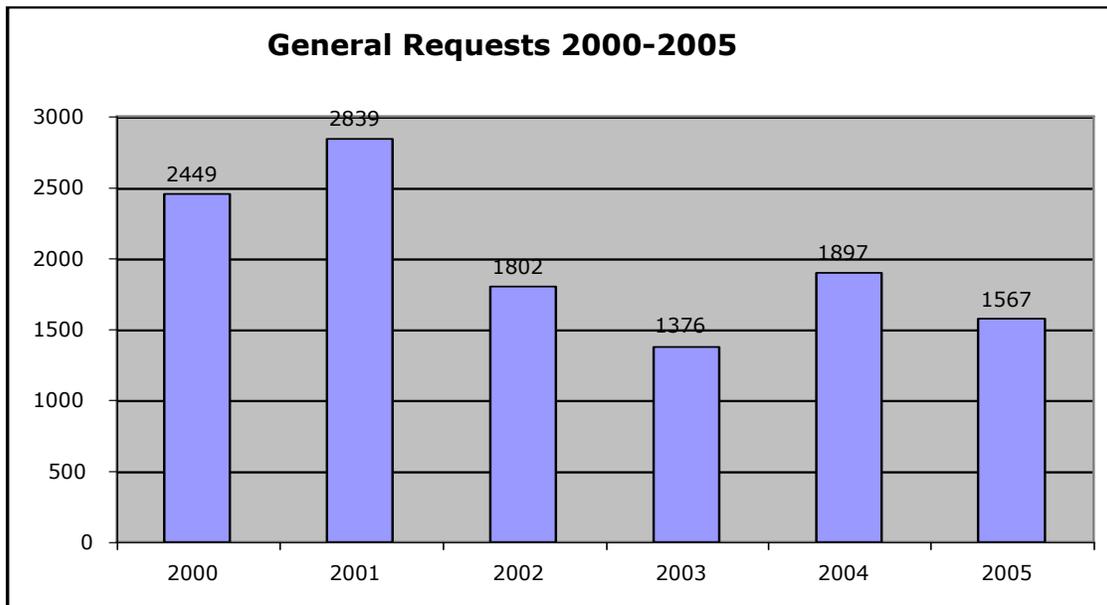
Some observers have maintained that the *Act* is primarily used by political parties and the media. In fact, we can see that the most frequent users of the *Act* by far are individuals – even for general requests. Between 2000 and 2005, individuals comprised 43% of requesters, followed by the media (14.7%) and law firms (11.3%). This illustrates the importance of the *Act* as a democratic tool for transparent government.

Use is Declining

One troublesome trend concerns the number of requests for general records made each year. As seen in Chart 1, in 2005 the government received just 1,567 requests for general information. That compares with 2449 general requests in 2000 and 2,839 in 2001 – a decline of 36% and 45% respectively.

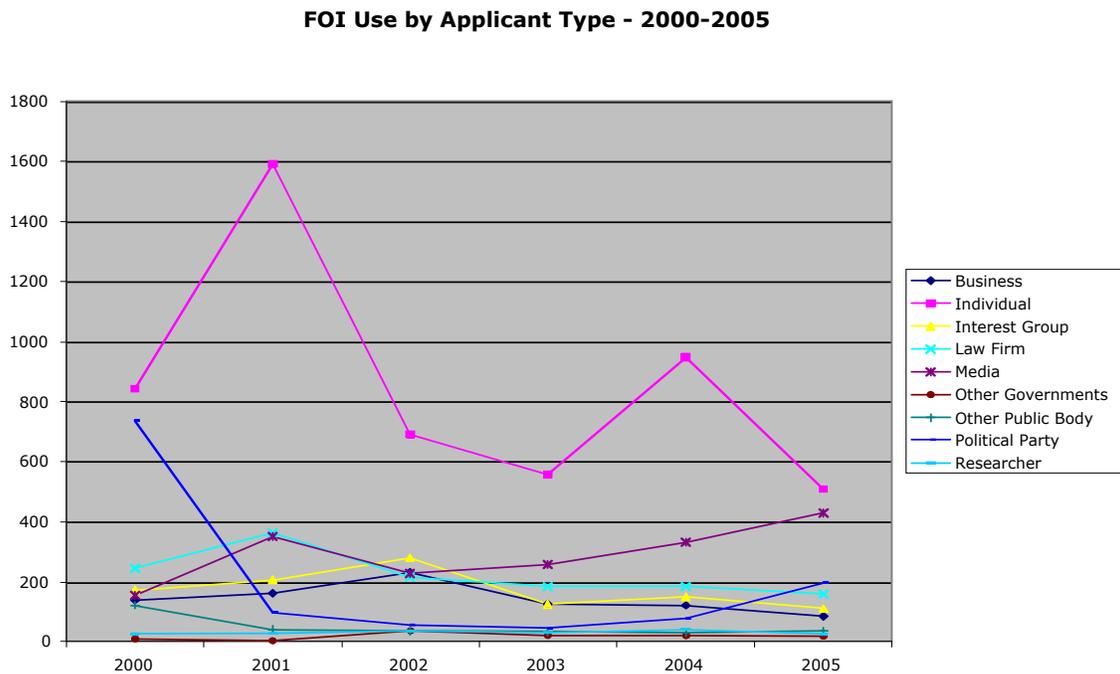
This trend has developed in spite of the fact that the provincial budget and the B.C. population are growing, and the caseload of complaints made to the province’s Information and Privacy Commissioner grew markedly in 2005.^{iv} The latter would seem to indicate that the level of dissatisfaction with the results of FOI requests is growing, not declining.

Chart 1



Looking closer at the data, another disturbing trend emerges. The number of individual users of the Act (as opposed to organizations) showed a disproportionate decline of 40% between 2000 and 2005, and a 68% decline between 2001 and 2005.

Chart 2



It appears that individual citizens seeking access to general government records are abandoning the use of the Act in large numbers – a development that speaks to declining faith in government transparency, which was a founding principle of the Act.

The declining number of individual requesters is not accounted for by any evidence that they are obtaining records by other means, such as the routine release of information. To the contrary, most FOI requesters who contact FIPA express extreme frustration with the process and say they have decreased their use of FOI requests or stopped entirely due to increased difficulty obtaining records.

A similar trend occurred after the Ontario government of Mike Harris introduced measures in 1996 that discouraged the use of that province's FOI law. According to Dr. Roberts, "The reasons for the decline [in public use of the Act] are unclear, but some observers speculate that it is a result of public disenchantment with the law, following years of ministerial resistance, evasion and delay."^v

Numerous anecdotal reports from access applicants, and FIPA's experience, support this conclusion. In addition, a survey of FOI requesters conducted by researchers with the University of British Columbia (UBC) sheds light on the degree of satisfaction of requesters with the administration of the Act. Results of this survey are presented later in this report.

However, the administration of the Act requires a deeper statistical analysis. We used the CRTS to look closer at how FOI requests are being handled in British Columbia in an attempt to see how well the Act is working, and to identify the underlying reasons for declining use by the public of this important legislation.

Response Times are Slower

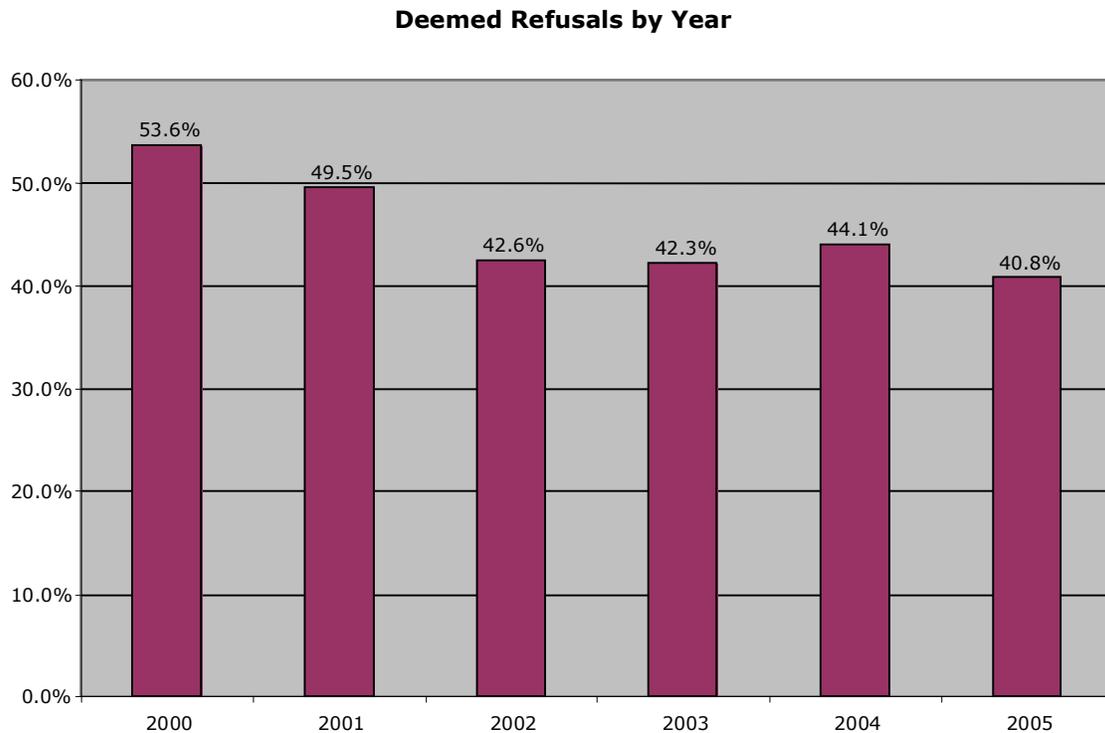
The public needs to have faith that information requests will be dealt with in a fair and timely manner. For this reason, the Act includes a "Duty to assist applicants"^{vi} and mandatory timelines to ensure that the right to information is not undermined by unreasonable delays.

Under the Act, the British Columbia government has a legal obligation to respond to requests from the public within 30 days, with some exceptions. Ministries can grant themselves extensions to these timelines under certain circumstances.^{vii} When the government fails to meet the mandatory timelines for responding to requests it is termed a "deemed refusal". This is violation of the law and is a serious matter. However, in most cases the

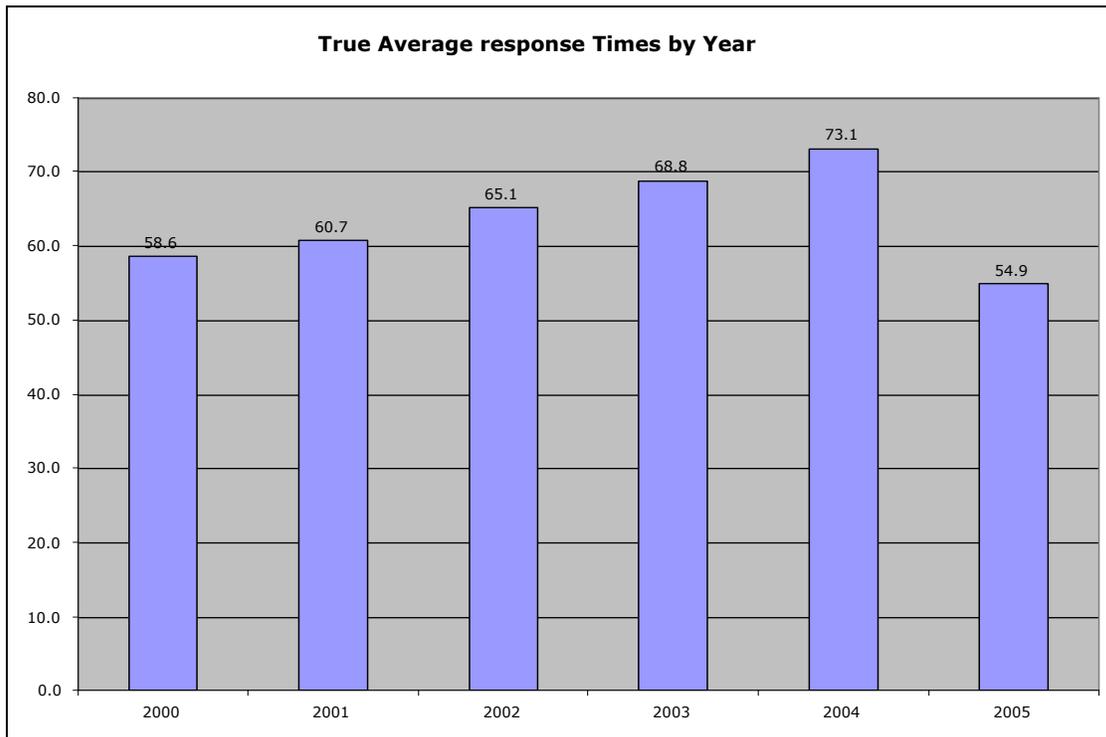
public has little meaningful recourse when the government reneges on these responsibilities.^{viii}

In fact, an analysis of the CRTS shows that on average, 46.8% of all requests over the period of 2000-2005 were "deemed refusals".^{ix}

Chart 3



The percentages of deemed refusals by year are presented in Chart 3. This graph would seem to indicate that compliance with mandatory response times has improved in the period 2000 to 2005^x. However it should be noted that, in 2002, the BC government amended the legal definition of "day" in the Act from "calendar day" to "business day." This significant change means that the government now has, on average, 42 days to respond to requests rather than 30.

Chart 4

Taking this changed definition of “days” into consideration, it can be seen in chart 4 that the true response times have been climbing steadily from 2000 to 2004 – an increase of 25%. The average response time for general requests in 2004 was over 73 days.

The proportion of deemed refusals for 2005 is somewhat lower, but it should be remembered that this figure is biased because **it does not include requests that were filed but not completed** as of December 31, 2005 (all our figures are for ‘completed requests’). These results are all the more troubling given that the number of general requests has declined 36% in the last five years, resulting in a greatly reduced workload for FOI staff. This should have made keeping up with the workload easier.

Disposition of Requests

Table 2 shows the disposition of general requests by year between 2000 and 2005^{xi}. A troubling finding is the number of abandoned requests, which has increased proportionately by over 200% between 2000 and 2005. As of 2005, over 15% of general requests were abandoned.

Many in the public do not realize the relatively small proportion of FOI requests that result in full disclosure of documents. For instance, in 2004 only 17.4% of requests resulted in full disclosure. As of 2005, less than 25% of requests resulted in full disclosure. While these results do not prove that the government is willfully seeking to undermine the Act, it does reveal that the majority of requests fail to produce the results sought by applicants.

Table 2 – Disposition of requests

	2000	2001	2002	2003	2004	2005
Partial Disclosure	35.1%	27.9%	34.5%	34.6%	31.5%	29.1%
Full Disclosure	26.4%	20.4%	23.7%	23.2%	21.9%	23.5%
Records Do Not Exist	15.1%	18.6%	11.7%	12.0%	13.9%	15.5%
Withdrawn	6.5%	17.5%	7.8%	5.0%	7.8%	4.1%
Transferred	6.1%	4.1%	3.1%	5.1%	4.5%	6.4%
Abandoned	5.0%	4.1%	8.3%	11.1%	12.5%	15.3%
Access Denied	4.1%	3.8%	4.9%	5.0%	4.3%	4.4%
Routinely Releasable	1.7%	3.5%	6.1%	4.0%	3.4%	1.8%

Treating ‘Sensitive’ Requests Differently

One of the more worrisome aspects of the way the provincial government handles FOI requests is the way it singles out certain requests for special treatment based on their political sensitivity.

Many frequent requesters are concerned that these designations of sensitivity are affecting how the government processes requests. For instance, Devon Page of the Sierra Legal Defence Fund told a Special Committee of the BC Legislature that conducted a review of the FOIPP Act in 2004 that sensitive FOI requests face delays because of political interference.

[Delays are] not occurring because there are massive amounts of information that they have to go through to try to determine what we’re seeking,” Page told the committee on January 21, 2004.

“They’re occurring because there’s a political review process that adds an extra step to whether or not the information will be released, which we believe is inappropriate.”^{xii}

Dr. Roberts concurs with this assessment, stating that requests marked in this manner concern matters that have ‘high political salience.’ “This may

allow the inference that the...‘sensitive’ ranking is important as a part of a centrally-run, and politically attuned, communications program,” stated Roberts.^{xiii}

We analyzed the CRTS in order to determine how the government is utilizing this database to track requests, what effect sensitivity ratings have on response times and outcomes, and whether trends are emerging over time. The results are troubling for anyone concerned about open government.

Political parties and journalists are more likely to have their requests marked as sensitive than are other types of applicants. In fact, it is the exception, rather than the rule, for a political party or reporter’s FOI request not to be flagged as sensitive by the government’s Corporate Privacy and Information Access Branch (CPIAB). For instance, the B.C. government marked 27 FOI requests filed by a Victoria newspaper in 2003 as “sensitive.”^{xiv}

Who is being flagged?

As seen in Table 3, between the years 2000 and 2005, 75% of requests from political parties were designated as sensitive by CPIAB. Similarly, 65% of requests from the media were designated as CPIAB sensitive and 42% from interest groups. In addition, 39% were flagged at the ministerial level as having a “high” sensitivity, compared to only 3% that were flagged as having a “low” sensitivity.

Table 3 – Sensitivity ratings

	% CPIAB Sensitive	Ministry Sensitivity			
		High	Medium	Low	None
Political Party	75%	39%	4%	3%	54%
Media	65%	35%	17%	2%	46%
Interest Group	42%	24%	19%	9%	48%
Other Governments	26%	20%	19%	18%	43%
Researcher	12%	6%	7%	13%	74%
Individual	14%	13%	9%	12%	66%
Business	10%	8%	12%	20%	59%
Other Public Body	6%	4%	19%	5%	71%
Law Firm	8%	9%	12%	14%	65%

These statistics do not by themselves prove that sensitive requests are treated unfairly. Sensitive requests may be broader or require

consultation between ministries. Requests made by news media or political parties are potentially more complex, since such applicants might be expected to have greater knowledge of the workings of the public body in question. However, these designations raise some obvious questions regarding the administration of the Act.

How are sensitivity ratings affecting response times?

It is perhaps not surprising that these sensitivity ratings appear to have a significant effect on response times. It should be remembered that the government has a legal obligation under the Act to respond to requests within 30 working days, with some exceptions. When the government fails to meet the mandatory timelines for responding to requests, it is termed a “deemed refusal” – a violation of the law.

Table 4 – Response times and deemed refusals by CPIAB sensitivity rating

CPIAB Sensitive?	Avg. Response Time	% Deemed Refusal
Yes	71.2	55.3%
No	59.5	43.3%

Looking more closely at the BC government database, we can see that a “sensitive requests” designation resulted in longer response times.^{xv} Requests that were rated “sensitive” by CPIAB had average response times of 71.1 days, compared to 59.5 days for non-sensitive requests. The proportion of sensitive requests that were deemed refusals was also 10% higher.

Table 5 – Response times and deemed refusals by ministry sensitivity rating

Ministry Sensitivity	Avg. Response Time	% Deemed Refusal
High	80.8	60.4%
Medium	79.9	58.8%
Low	44.4	34.6%
None	57.6	42.5%

Requests that were flagged as sensitive at the ministry level showed a similar pattern. Requests with a “high” sensitivity had an average response time over five years of 80.6 days and over 60% of these requests failed to meet the mandatory timelines set out by the Act. In

contrast those requests that had a “low” sensitivity had an average response time of 44.4 days and only 34.6 % were deemed refusals.

Lastly, it is important to consider the ultimate disposition of requests based on sensitivity, as shown in Table 6. Is there evidence that requests rated as sensitive have different outcomes from those not rated as sensitive?^{xvi} In general, it appears that records that have a high sensitivity are more likely to result in partial rather than full disclosure.

Perhaps the most troubling finding in this study is that records that were deemed sensitive at either the IPPB or ministry level resulted in a higher proportion of instances where “records do not exist”.

In 23.9% cases of CPIAB-sensitive requests, no documents were found, compared to only 11.6% for requests that were not CPIAB sensitive. Likewise, 24.3% of requests flagged as having a “high” sensitivity at the ministry level resulted in no records being found, compared to only 10% with a low sensitivity, and 13.8% that were not flagged. These results agree in general with the data presented by Dr. Roberts in 2004.^{xvii}

The data do not provide answers for why this might be. However, this finding raises troubling questions regarding the disposition of sensitive requests. It is noteworthy that many frequent users of the Act report that, in some cases, records were not provided that they knew existed or even had in hand. This important issue will be dealt with in the following section.

It is important to note that public documents must not be destroyed unless specific conditions are met.^{xviii}

Table 6 – Disposition of requests by sensitivity rating

	CPIAB Sensitive?		Ministry Sensitivity				
	Total	Yes	No	High	Med	Low	None
Partial Disclosure	32.4%	29.6%	33.6%	29.6%	29.6%	33.0%	33.8%
Full Disclosure	23.5%	21.0%	24.5%	19.0%	28.7%	30.5%	22.7%
Records Do Not Exist	15.2%	23.9%	11.6%	24.3%	11.8%	10.0%	13.8%
Abandoned	11.8%	7.3%	13.6%	8.2%	9.6%	9.6%	13.7%
Withdrawn	9.3%	12.7%	8.0%	14.4%	14.0%	9.8%	6.7%
Access Denied	4.4%	3.1%	4.9%	2.8%	3.3%	1.9%	5.5%
Routinely Releasable	3.4%	2.5%	3.8%	1.7%	2.9%	5.2%	3.8%

FOI Case Studies

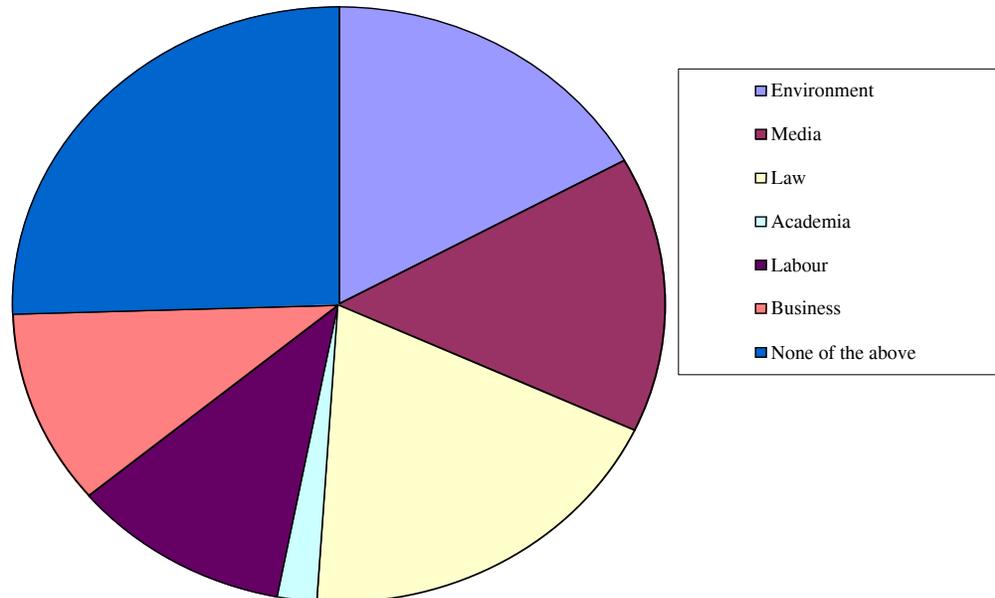
Barriers to Access

What is absent in a statistical analysis of the CRTS database is a clear view of the experiences of individual users of the Act. Ultimately, the FOI Act is a tool of democracy. It allows ordinary citizens, unions, the media, businesses and advocacy groups a degree of access to government information that was formerly enjoyed only by elites favoured by government.

To better understand how the Act works in the eyes of British Columbians, the Freedom of Information and Privacy Association called upon Dr. Martin Dowding of the School of Library, Archival and Information Studies at the University of British Columbia to conduct an anonymous survey of frequent users of the Act.

Over 300 groups were contacted by Dr. Dowding's research team in early 2006, resulting in responses from 59 individuals representing a broad cross section of British Columbians who use the FOI act.

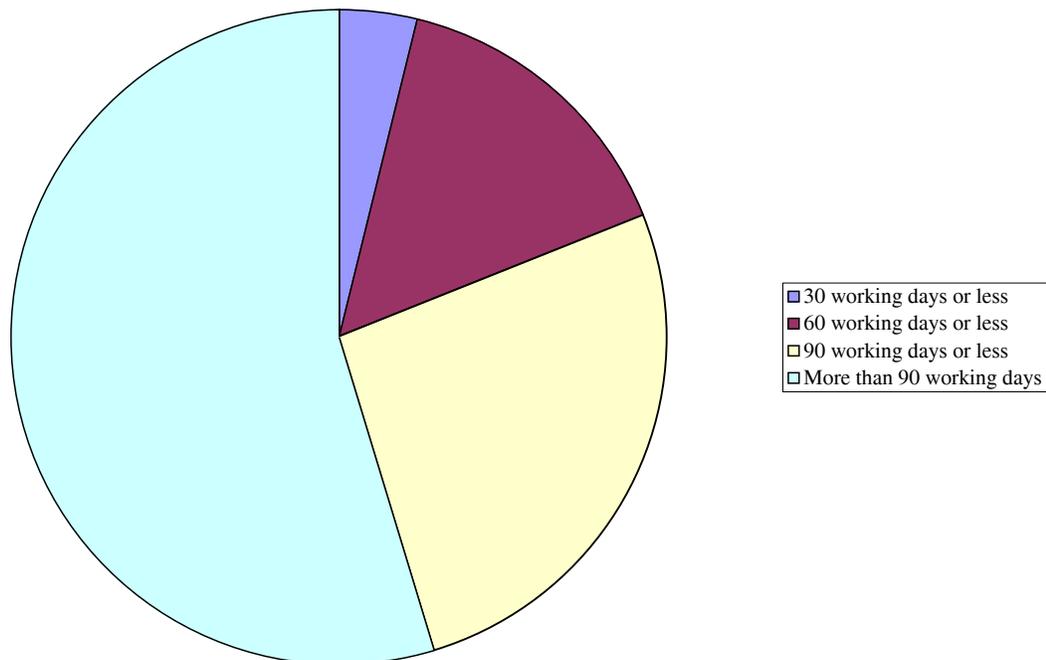
survey respondents by sector



The results are troubling, and illustrate both the importance of the Act to the public and how it is seen by frequent users as being in a state of crisis.

For instance, 63% of respondents were either “dissatisfied” or “very dissatisfied” with the process of making an FOI request. However, fully 79% said they would continue to use the Act in spite of this. While 91% of respondents said they had encountered excessive delays in using the Act, 85% said they usually do not abandon requests due to delays.

what is average response times for requests?



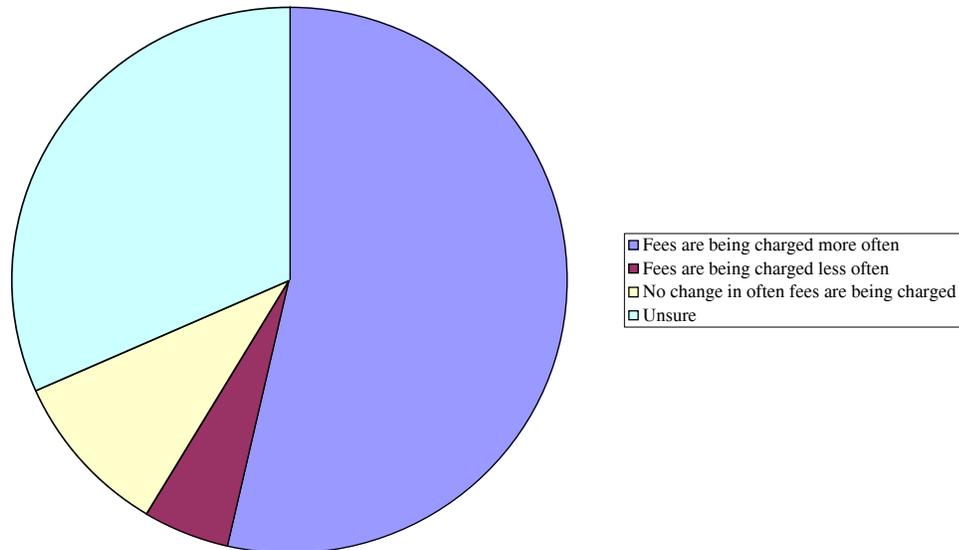
Users were clearly not satisfied with current situation. 81% of respondents said that requests took longer than 60 working days to process, while only 15% felt response times were reasonable. 41% felt response times were getting worse, vs. only 7% who felt they were improving.

Fees are another barrier to access. 65% of survey respondents had been charged a fee to access documents, and 53% felt fee requests were being charged more often in the last five years. While 56% had appealed for a fee waiver, 72% were dissatisfied with the appeal process. At the same time, only 31% had abandoned a request because a fee was charged.

The withholding of information is another major challenge to public access to information from the BC government. 87% of respondents reported having information blocked out from requests, and 36% felt this situation

was getting worse – as opposed to only 2% who felt it was getting better. 76% had documents withheld altogether and 39% felt this situation was getting worse, while 0% felt it was improving. While 61% had appealed to have withheld information restored, 65% were dissatisfied with the appeal process.

Have you noticed a change in how often fees are being assessed in the past five years?



Perhaps most poignantly, 100% of the 59 respondents felt the FOI process could be improved.

These survey results clearly indicate that the public is trying very hard to exercise their legally guaranteed rights of access to information, but is increasingly frustrated with barriers that have resulted in deteriorating government transparency.

“People are passionate about access to government information, and most of them...are upset about the process...Another reason supporting our interpretation that people are passionate about the process of making a freedom of information request is the number of participants who contacted us directly, by telephone or email, to share their stories. In addition to our statistical results, this (unanticipated) story-telling function about government information requests suggests that FOI is vital to democracy... That tells us just how important Freedom of Information legislation is and how much we should cherish it.”

— Dr. Martin Dowding, University of British Columbia

Undermining the Commissioner's Office

The Office of the Information and Privacy Commissioner (OIPC) plays a critical role in ensuring that the public can exercise the information rights to which they are legally entitled. The Commissioner is an independent officer of the Legislature, acts as a watchdog and advocate on behalf of the public, and holds specific legal powers to ensure compliance with both the freedom of information and privacy provisions of the Act.

For instance, if a public body fails to respond to an FOI request within the timelines laid out in the Act, a requester can file a complaint with the Commissioner. Staff in the office process complaints, requests for review and inquiries from the public. If a requester is not satisfied with a public body's final response to an information request, the Commissioner can review the file and, if necessary, order a hearing to settle the matter.

The Commissioner also has the duty to report to the legislature on government compliance with the Act, and a vital public education role on information and privacy rights under the Act.

In short, the Commissioner's office plays a fundamental role in safeguarding transparent and open government.

Yet, since the Liberal government came into power in 2001, the resources available to the Commissioner – and therefore the public – have been steadily eroded. At the same time, the legislative responsibilities and caseload handled by the Commissioner's office have drastically increased.

For instance in 2003, the Commissioners' office handled 2,193 cases with a budget of \$2,130,000 and a staff of 21. By 2005, the caseload had increased by 27%, while the budget was cut by 35%. Four staff were lost as a result. By the end of 2004, the OIPC experienced their the first-ever backlog of cases, with 189 cases carried over into 2005 – the workload of two full-time case officers.^{xix}

The situation was exacerbated by the additional workload resulting from the passage of the *Personal Information Protection Act* ("PIPA") in 2004. In addition, between January 2004 and December 2005, the workload for the Commissioner's office under the FOIPP Act grew by 20% - indicating growing problems with the administration of the Act.^{xx}

It is illuminating to compare the situation here in BC with other jurisdictions. In 2005, the OIPC was handling 155% of the caseload of the OIPC for Alberta, with only 50% of their budget. The comparison with Ontario is even more jarring. The BC OIPC office was handling 122% of the caseload of their colleagues in Ontario, with only 19% of their budget.^{xxi}

On a per capita basis, a recent study showed that provincial funding for BC's OIPC is the third lowest in Canada, ahead of only Nova Scotia and PEI.^{xxii}

In the words of Commissioner Loukidelis in December 2005, "*We are now very concerned about our ability to adequately discharge our statutory duty to provide this arm's-length expert advice and support to public bodies across British Columbia.*"^{xxiii}

Political Spin vs. Freedom of Information

The cutbacks to the Commissioner's office described above are all the more troubling in light of recent increases by the BC government of expenditures for paid advertising. This type of illustration is often used by advocates of freedom of information to contrast what a government spends to get its favored message out, versus what it spends to give citizens the specific information they request under FOI.

In February of 2006, the annual provincial budget included an allocation of \$21.8 million for government advertising. This represents a funding increase of over 100% over the previous year, including increased advertising spending for frontline ministries that have been the subject of recent scandals.^{xxiv}

Reliable figures dealing with the costs of administering FOI in BC are not readily available. However there are some interesting comparisons which can be made. For instance, the Public Affairs Bureau of the BC government now employs 216 staff – up from 202 in the previous year.^{xxv} This figure is over 12 times the number of staff employed by the OIPC.

"When I look at how much money government spends on advertising...I think people are appalled by that. It's not where they want their dollars to go."

- Gordon Campbell, Nov. 2000

This glaring discrepancy of resource allocation between spending on freedom of information and discretionary communications undermines the credibility of current government claims toward transparent and open government.

It is also noteworthy that in 2002, the BC government fired all communications staff employed as public employees and replaced them with appointees hired through cabinet order in council, including all staff currently employed by the Public Affairs Bureau. This was a fundamental change which essentially politicized all government communications staff and means they are employed as contractors at the pleasure of the cabinet.

Conclusion

Freedom of Information is a principle that is critical to the health of our democracy. When we insist on government transparency and invest the necessary resources to make it happen, we are rewarded with institutions that are more open, honest and accountable to the public. Citizens are more able to play a meaningful role in their governance and have greater faith in their democratic institutions.

However like all freedoms, FOI is not without costs. Governments must realize that expenditures on FOI are a necessary investment in the future health of our public institutions. And the public must demand this investment.

This study has revealed numerous ways the BC government tracks sensitive information requests, and how those requests appear to be treated differently as a result. These findings should be of great public concern. History has taught us that excessive control of public information leads to political abuses and scandals, as well as deterioration of our public institutions. On this important point, it has been said that "sunlight is the best disinfectant". It is hoped that this report will be a small contribution towards that cleansing illumination.

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- i Alasdair Roberts, "Treatment of Sensitive Requests under British Columbia's Freedom of Information Law," *Freedom of Information Review*, 109, (February, 2004), pp. 2-4.
 - ii The Corporate Privacy and Information Access Branch, as it was known when the data in this report was provided, is the government's central policy office for FOI and privacy. It has gone through many changes of name over the years. Previously known as the Information and Privacy Branch, it is currently known as the Corporate Policy and Legislation Branch within the Office of the Government Chief Information Officer. It may be found on the Web at <http://www.mser.gov.bc.ca/privacyaccess/>
 - iii Those filed with municipalities, Crown corporations, health authorities, self-governing professional bodies and the like are also not included in this figure.
 - iv Budget Submission to the Select Standing Committee on Finance and Government Services, Office of the Information and Privacy Commissioner, December 1, 2005.
 - v Alasdair Roberts, "The Decline of FOI?" April 5, 2005 (unpublished).
 - vi Section 6 (1). "The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely."
 - vii Extensions can be granted to ministries in cases where there is a large volume of records, or when consultation with other ministries or parties is required. However, in most cases, these extensions are granted by the responding ministries to themselves.
 - viii In cases where the government fails to meet legal timelines as per the *Act*, the public can file a complaint with the Office of Information and Privacy Commissioner. However, this important public body has had its budget reduced by 35% while the case load of complaints has increased by 27% between 2000 and 2005.

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- ix These figures only include requests that were closed as of December 31, 2005. Requests that were abandoned, withdrawn or cancelled were not included. This left 9226 records for analysis. These results were calculated by comparing the number of these requests that had a "end date" beyond the "due date" as listed in the CRTS database.
- x These figures only include request that were closed as of December 31, 2005. Requests that were abandoned, withdrawn or cancelled were not included. This left 9226 records for analysis.
- xi This analysis only includes requests that were closed as of December 31, 2005. For simplicity, requests that were listed as outside consultation, cancelled, partial transfer, annotated, undetermined, outside scope of act, and correction, were also excluded. These dispositions showed no obvious trends in the years considered. In addition, the following categories that contained relatively few entries were aggregated: "access denied section 20" and "access denied"; "full release" and "full disclosure"; "no responsive records found" and "records do not exist", Finally, in 2004, 376 requests were filed within one month of each other, to one of two ministries, and had one of two end dates. All of these requests were all "abandoned". Other years did not show such related blocks of requests. Because this analysis of dispositions is primarily concerned with long-term trends, these records were considered an outlier in the data and were excluded from the analysis. These assumptions left 11003 records for analysis.
- xii Public hearing of the Special Committee to Review the Freedom of Information and Protection of Privacy Act, January 21, 2004.
- xiii Alasdair Roberts, "Treatment of Sensitive Requests under British Columbia's Freedom of Information Law," *Freedom of Information Review*, 109, (February, 2004), pp. 2-4.
- xiv Russ Francis, "Province Flags Monday FOI Requests as 'Sensitive,'" *Monday Magazine*, Feb. 4, 2004.
- xv These figures only include request that were closed as of December 31, 2005. Requests that were abandoned, withdrawn or cancelled were not included. This left 9226 records for analysis.
- xvi This analysis only includes requests that were closed in 2005. For simplicity, requests that were listed as outside consultation, cancelled, transferred, partial transfer, annotated, undetermined, outside scope of act, and correction, were also excluded. These dispositions showed no obvious trends in the years considered. This left 10849 records for analysis.
- xvii Alasdair Roberts, "Treatment of Sensitive Requests under British Columbia's Freedom of Information Law," *Freedom of Information Review*, 109, (February, 2004), pp. 2-4.
- xviii Section 3(1) of the *Document Disposal Act* states that "A document must not be destroyed except on the written recommendation of the Public Documents Committee, which consists of the chief executive officer of the museum or a person designated by the chief executive officer, a person designated by the minister responsible for the administration of this Act, the Comptroller General, and 3 other persons to be named by the Lieutenant Governor in Council.
- xix OIPC Budget Submission for Fiscal Years 2006-2007 through 2008-2009, dated December 1, 2005.
- xx December 2, 2005 letter from Commissioner David Loukidelis to Maurine Karagianis, Deputy Chair, Finance & Government Services Committee
- xxi Ibid.
- xxii Keith Reynolds, "Behind the Numbers – How does BC rank on openness and accountability? The Government's Approach to the Auditor General and Access to Information". 2006. Not that New Brunswick and Manitoba were not included in this comparison since in these jurisdictions, the work normally carried out by the OIPC is done by the Office of the Ombudsman.
- xxiii OIPC Budget Submission for Fiscal Years 2006-2007 through 2008-2009, dated December 1, 2005.
- xxiv <http://thetyee.ca/Views/2006/02/23/SpinYourePayingFor/>
- xxv <http://thetyee.ca/News/2006/02/22/budgetnuggets/>