

# More than \$124,000 of taxpayers' money spent on secrecy fight

BY ROB SHAW,  
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The B.C. government has already spent more than \$124,000 in legal fees fighting to keep secret parts of a contract it signed with IBM.

The real cost to taxpayers, though, is likely double that amount and set to rise further as the case goes to B.C. Supreme Court.

Legal fees between 2006 and October 2011 were \$124,522.48, but that does not include ministry staff time or the time of in-house government lawyers.

The province's privacy commissioner ordered the government to release a full copy of the 535-page contract in 2010, after an appeal from the B.C. Freedom of Information and Privacy Association. The IBM Workplace Services contract provides technology support to civil servants.

The government refused, saying the IBM contract, worth \$300

million, contained sensitive information that could threaten government security. It requested a judicial review in B.C. Supreme Court, which should take place in the first week of March.

"It's just such a waste of time and money and resources," said Jordan Bateman, B.C. director of the Canadian Taxpayers Federation, which received the legal fee information through a Freedom of Information request.

"Don't throw good money after bad, let's disclose it and get on with it."

The B.C. Freedom of Information and Privacy Association first asked for a copy of the deal in 2004, and has been fighting appeals and legal battles ever since. The association is a non-profit society established in 1991 for the purpose of advancing freedom of information, open and accountable government, and privacy rights in Canada.

The Office of the Information and Privacy Commissioner, which must now defend its ruling against the government in court, has likely

spent an equal amount in legal fees since 2004 an office spokesman said.

That means the true bill to taxpayers is almost \$250,000 with the issue still unresolved.

"I think in this case, we believe so strongly that we need to protect network security and individual people's personal privacy," said Labour, Citizens' Services and Open Government Minister Margaret MacDiarmid.

The government has released more than 90 per cent of the contract but is holding back information related to things like network server names and addresses that could make government operations vulnerable to hackers, said MacDiarmid.

<http://www.timescolonist.com/news/More+than+taxpayers+money+spent+secrecy+fight/6029863/story.html>

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**The Hook.** POLITICAL NEWS, FRESHLY CAUGHT. A TYEE BLOG

## BC has spent \$125,000 fighting to keep IBM contract secrets

By Andrew MacLeod  
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The British Columbia government has wasted nearly \$125,000 on legal bills to keep a contract with IBM secret, according to the Canadian Taxpayers Federation. "I was disappointed," said Jordan Bateman, the CTF's B.C. director. "It's not about the IBM contract, it's about proactively disclosing these contracts."

The Freedom of Information and Privacy Association requested the contract seven years ago. The Information and Privacy Commissioner's office has said it should be released and the [government lost](#) a 2009 court decision that affirmed that order.

FIPA recently held a birthday party marking the seventh year the organization has been seeking the IBM contract. Bateman said that while he was at that event he wondered how much the government has spent on the case,

so he filed a freedom of information request.

The \$124,522.48 the documents show doesn't include the commissioner's court expenses, nor government staff time working on the file, he said. If they were, the amount would likely double, he said.

"What a waste of money," said Bateman. "We're calling for the government to abandon this silliness."

The contract with IBM is worth \$300 million and ends in two years.

Bateman said that all contracts signed on behalf of taxpayers should automatically released, preferably on a website where they are accessible to the public.

In a joint press release with the CTF, FIPA Executive Director Vincent Gogolek said fighting the release of the contract is outrageous coming from a government led by Premier Christy Clark who claims to be a champion of open government.

**Update, 5:15 p.m.:** Over 90 percent of the contract has been released and portions of only a few pages were redacted, said Labour, Citizens' Services and Open Government Minister Margaret MacDiarmid. "It is for security reasons," she said.

The records include the names and locations of government computer servers, she said. "The concern is if that was made publicly available our government servers could be vulnerable to hackers . . . There is a concern about people's personal privacy."

She acknowledged that the government has a difference of opinion with the Office of the Information and Privacy Commissioner, but said she didn't know why.

The government recently posted a contract with Telus and as time goes on will publish more such agreements as a matter of course, she said. "We are absolutely committed to opening government up and providing people with this kind of information."

FIPA's Gogolek said the commissioner's office considered the government's security argument, but found it speculative and not persuasive. The decision found the disclosure would not reasonably lead to the kind of risk the government fears, he said.

"We're not buying it and the commissioner's office didn't buy it either," said Gogolek. "I hope they see reason before the court makes them see reason again."

<http://thetyee.ca/Blogs/TheHook/BC-Politics/2012/01/19/LegalBilled/>

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