



October 12, 2011

The Honourable Hillary Rodham Clinton
Secretary of State
United States of America
Washington D.C.

Dear Secretary Clinton,

RE: Canada's application to join the Open Government Partnership

We are writing to you regarding the application to join the Open Government Partnership made by Canadian Foreign Minister John Baird. We feel it is important to share with you some information which was not included in the Minister's letter of September 19.

In that letter, Minister Baird did not provide a full picture of the state of Access to Information and government transparency in this country. Given the poor state of Canada's federal access-to-information system, this is not surprising.

Minister Baird noted that Canada passed its *Access to Information Act* ("ATIA") more than 30 years ago. He claims that the 2006 *Federal Accountability Act* "significantly expanded" coverage by ATIA. Minister Baird neglected to mention that his government has refused to implement the other seven promises they made in 2006 (attached for your review). Even the promise to cover "all Crown corporations, Officers of Parliament, foundations and organizations that spend taxpayers' money or perform public functions" is a hollow one, since his government has since created new bodies which are not covered by ATIA, including the \$1.2 billion P3 Canada.

Ministers' offices are not covered by the ATIA, and Mr. Baird's government appears to be more than happy to preserve a situation where those offices have become a black hole for information, and the people who work in them are a class of people above the ATI law.

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In other transparency developments, government members on the House of Commons' Public Accounts Committee voted to move their proceedings in camera in order to hold a vote to prevent open committee review of a number of reports by the Auditor General of Canada. This was the most egregious of a number of other cases where Parliamentary committees are conducting their business in secret at the behest of government members.

Since that incident happened only last week, Mr. Baird can hardly be blamed for not mentioning it in his letter to you.

Taken together, these facts do not set out a picture of openness and transparency, They provide a stark contrast to the sunny picture painted by Minister Baird.

Canada's international ranking in terms of its access to information system has slid precipitously during the past three decades under governments of various political stripes. It seems our federal government is not prepared to admit that we have a problem despite it having been pointed out by international experts, parliamentary committees and several Information Commissioners. We would be happy to refer you to a large number of studies and reports to confirm this.

In light of the foregoing, perhaps you may want to urge that Canada take part in the "New Country Guidance" process. The Peer Engagement Process planned for December 2011 could be helpful in providing Canada with the guidance needed to bring this country up to the international standard for access to information and transparency of government operations.

Sincerely yours,

John Hinds
President
Newspapers Canada

Vincent Gogolek
Executive Director
B.C. Freedom of Information
and Privacy Association

cc. Mr. Steven VanRoekel
U.S. Chief Information Officer

<p style="text-align: center;">Conservative Party 2006 Commitments regarding Access to Information Reform</p>

- To implement the Information Commissioner's recommendations for reform of the Access to Information Act.
- To give the Information Commissioner the power to order the release of information.
- To expand the coverage of the act to all Crown corporations, Officers of Parliament, foundations and organizations that spend taxpayers' money or perform public functions.
- To subject the exclusion of Cabinet confidences to review by the Information Commissioner.
- To oblige public officials to create the records necessary to document their actions and decisions.
- To provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government.
- To ensure that all exemptions from the disclosure of government information are justified only on the basis of the harm or injury that would result from disclosure, not blanket exemption rules.
- To ensure that the disclosure requirements of the *Access to Information Act* cannot be circumvented by secrecy provisions in other federal acts.