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October 30, 2009

The Rt. Hon. Stephen Harper
Prime Minister of Canada
Parliament Buildings
Ottawa KIA 0A6

Dear Prime Minister Harper,

RE: Reform of the Access to Information Act

We are writing to you regarding the response of your Justice Minister, the Hon. Rob Nicholson, to the Eleventh Report of the Standing Committee on Access to Information, Privacy and Ethics, entitled *The Access to Information Act: First Steps Towards Renewal*. A copy of that response, tabled last Friday, is attached for your information.

The recommendations for reform that he, on behalf of your government, so cavalierly dismisses were made by all members of the Committee representing all parties in the House, including your own. They were the product of months of hearings and undoubtedly a great deal of soul searching on the part of all members of the Committee in the quest to reach a consensus.

It is clear from the dismissive tone and content of your minister's response that your government has no intention whatsoever of making the desperately needed changes to the *Access to Information Act*.

During the 2006 election campaign, you and your party made a number of express commitments regarding the need for open and accountable government, including much needed reform of the *Access to Information Act*. We have set out your commitments below in case they have lapsed from memory:

- 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.

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- 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.

Since Minister Nicholson speaks for your government, it seems very clear that you have no intention of ever carrying out these promises. Your government's response is contemptuous of the members of the Committee, including the members of your own party, and reflects similar contempt for the right of Canadians to have access to government records in order to hold their government accountable.

The most constructive thing Minister Nicholson is able to suggest in terms of improving an access-to-information system that is verging on collapse is "enhanced guidance and training", which he suggests "can be equally effective to realize continued improvements." Not only is this incorrect – because, in the absence of political will, there never will be a positive change in the access regime – it is also a cynical evasion of any real effort to improve access to information.

We urge you to reconsider your government's abandonment of what we thought was a sincere belief in the public's right of access to information in a modern democracy, and we ask you to renew your government's commitment to modernize and reform the *Access to Information Act*

Sincerely yours,

Kevin Gaudet
Federal and Ontario Director
Canadian Taxpayers Federation

John Hinds
President and CEO
Canadian Newspaper Association

Darrell Evans
Executive Director
B.C. Freedom of Information
and Privacy Association