

“Freedom of Information” is one of those government catch-phrases that most people often ignore. Yet even after decades of debate over the benefits of open and transparent government, it is surprising how many barriers can be put in place to access the information that pertains to our tax dollars and the work of our elected representatives.

There have been many high profile examples in the past few years to clearly demonstrate the dangers of a closed government – from the federal government’s spending millions of dollars on consultant reports that it never received (or cannot find), to the province’s outrageously lavish compensation packages for the (now former) Hydro One chief executive, to a number of issues right here in Hamilton. One recent example was the overpayment by the City for an expired patent with regard to operating the SWARU incinerator, a situation that was discovered not by the City, but instead by the Spectator’s review of the available information. In Toronto, millions of dollars were lost to overpayment under a computer lease contract, a situation which now involves legal cases and police investigations, again discovered when outside eyes took a look at the deal and the costs involved.

The problem, however, is that most public institutions still make accessing such information by the general public difficult, if not nearly impossible. Regardless of the examples of fraud and waste that public scrutiny has uncovered, governments at all levels would still rather keep their mistakes and misdeeds buried deeply, away from prying eyes.

In 1990 the Province of Ontario passed the “Freedom of Information and Protection of Privacy Act”, which governs the province and municipalities in releasing information requested by the general public. While usually used by the media and special interest groups, this approach to obtaining information is actually available to any individual. But don’t expect it to be a quick process – even though the first sentence of the Act says that “information should be available to the public” and “necessary exemptions from the right of access should be limited and specific”, it seems to be an automatic reaction for governments to circle the wagons and try to find reasons to deny such access.

My own test of the local Freedom of Information process started in September 2001, when I put in a request with the City for a copy of the current computer supply contract, an agreement worth millions of dollars, awarded to an out-of-town firm earlier that year. The City responded with information on who had bid and who was awarded the contract, but all details of the contract itself were withheld as “confidential information” that was not subject to release. Needless to say, that is not the answer I was looking for when it involved the spending of millions in taxpayer’s dollars.

The next step was to appeal the City’s rejection to the Information and Privacy Commissioner of Ontario, which is the central arbiter for resolving such cases. Unfortunately the City seems to prefer such cases to be resolved by attrition, as it took months of submissions and counter-submissions before it finally got to a point where a ruling could be made. The out-of-town supplier even piped up at the end with some stalling tactics to try to avoid the information release; however, in October, 13 months after my original application, the Commissioner issued a six page ruling eloquently titled “Order MO-1559” that ordered the City to disclose all the information I had originally asked for.

The problem with this process, other than the unreasonably long delay, is the fact that it puts up so many hoops to jump through that it discourages all but the most persistent requesters. Clearly government bodies expect most individuals to give up their request; certainly the

information becomes much less pertinent by the time it is finally released. City Councillor Larry Di Ianni recently wrote a public letter defending the City's withholding of certain studies on the Red Hill Creek from public inspection, pending "updating" with new information. This is not the way to treat public information, paid for by taxpayers and owned by the citizens of this community, and this is also not the way to ensure full disclosure and debate on any given topic. In fact, it sounds somewhat Orwellian, suggesting that the government should only release the information that it deems fit for public consumption, and even then edited into a sterile form.

We should all insist that our elected representatives – at all levels of government – reverse this trend and work towards making public information truly public. Except for information directly related to national security and personal privacy, it is incumbent upon the government of an open society to make its own actions truly open and accessible.