

“Don't Tell Anything to Anybody”

By Carol Goar

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As a former Liberal cabinet minister, former opposition backbencher and former lobbyist for a powerful national association, John Reid thought he knew what he was getting into when he was named Canada's Information Commissioner, seven years ago.

He was wrong, Reid now admits.

He had no inkling that senior bureaucrats reached top-level decisions verbally to avoid leaving a paper trail. He never expected to fight an all-out court battle for access to something as innocuous as the Prime Minister's daily schedule.

Most of all, he did not realize how hard it was for ordinary Canadians to get scraps of ostensibly public information, gathered on their behalf with their tax dollars.

"I did not understand the depth of the culture of government secrecy," Reid said, looking back on his turbulent term. "The watchword is, 'Don't tell anything to anybody.'"

His appointment ends on June 30.

Reid would like an extension to finish two last pieces of business: Canada's 22-year-old Access to Information Act badly needs updating. And the Information Commissioner's Office needs to be brought under the financial control of Parliament — not the government of the day — so it can't be starved if it probes too many dark corners.

The 68-year-old commissioner is unlikely to get his wish.

He's an inconvenient watchdog for Prime Minister Paul Martin to keep around: too inquisitive, too outspoken and too independent minded.

Reid's final report to Parliament, released last week, was typically biting. He accused politicians and bureaucrats of reflexively thwarting the public's right to know. He complained that a "deep distrust" of the Access to Information Act pervades Ottawa. And he criticized MPs for their "knee-jerk" acquiescence to requests by federal officials to deny Canadians access to government documents.

"Vigilance by users, the media, academics, the judiciary, information commissioners and Members of Parliament must be maintained against the very real pressures from governments to take back from citizens the power to control what — and when — information will be disclosed," he warned.

Reid singled out Ottawa's new whistleblower bill as an example of excessive secrecy. The legislation, introduced in the wake of the sponsorship scandal, protects the identities of public servants who report wrongdoing within their departments. But it also gives the government the power to withhold their disclosures from the public for up to 20 years.

This means political leaders need not tell Canadians what kind of malfeasance was going on, what was done to correct it or what disciplinary action was taken against the perpetrators.

"Intended or not, the only purpose of a new exemption of this breadth (to the Access to Information Act) is to offer the government a legal means to engage in cover-up and damage control," Reid says.

Although he cannot claim to have pushed back the veil of government secrecy, Reid does point to progress in several areas: Bureaucrats are responding somewhat more quickly to information requests. When Reid took office, half of the complaints he received concerned government foot-dragging. That has now dropped to 21 per cent.

Certain departments have become more forthcoming. Reid gives top marks to Revenue Canada, Correctional Service Canada and Human Resources and Skills Development Canada (chastened by the job grants scandal) for compliance with the Access to Information Act. He gives failing grades to the Privy Council Office (the bureaucracy that supports the Prime Minister) and the Department of Foreign Affairs and International Trade.

The government has adopted an information management policy that requires its employees to make written records of their decisions, actions, deliberations and transactions. The directive is not widely followed, Reid admits, but at least it exists.

Finally, although Reid failed to persuade the government to provide training for those handling information requests, the University of Alberta took up the cause, launching the world's first accredited program in information and privacy rights. "That is a real ray of hope," he says.

Reid does not envy his successor, trying to keep the people's window on government open as public-private partnerships proliferate. Nor does he think Canada's next information commissioner will have any easier a time than he did convincing ministers and bureaucrats that accountability requires candour.

"It's never boring," he says. "But you feel like Sisyphus in the Greek myth, pushing the stone upwards and knowing it will fall back down when you reach the top of the hill."