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Treasury Board of Canada Secretariat  
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### **Comments on Canada's Action Plan on Open Government 2016–18**

To whom it may concern:

The BC Freedom of Information and Privacy Association (FIPA) 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. We serve a wide variety of individuals and organizations through programs of public education, legal aid, research, public interest advocacy and law reform.

Although we are based in British Columbia, FIPA has maintained an active role on the federal scene as well. We thank you for this opportunity to participate in the consultation on Canada's Action Plan for Open Government 2016-18.

In this brief submission, we argue that although initiatives in the field of 'open data' are important for transparency, they cannot take the place of action to repair our seriously crippled Access to Information (ATI) system. We discuss ATI reform in greater depth in our submission to the Treasury Board's consultations on the *Access to Information Act (ATIA)*, and in our recent presentation to the House of Commons Access to Information, Ethics and Privacy Committee (ETHI).

FIPA is supportive of efforts to increase routine disclosure of information by government and public bodies. Public democratic engagement and policy development can be helped by making more—and better— information available to everyone. As we have written before, FIPA holds that 'Open Government'—defined as the enhanced availability of data to the public through electronic means— can allow for better research, better input to public consultations, and improved representations of members of the public to government. However if not properly considered, open government does have its pitfalls. For one, since public officials are the ones choosing what to publish, it is possible for government to publish only favourable or non-controversial content, or to publish in manners that are inaccessible, unmanipulable, or otherwise difficult to use.

As we submitted in 2011<sup>1</sup>, “no one wants to head toward a dystopia where governments push out information electronically which no one uses or trusts, while occasional Wikileaks-type document dumps raise the risk of serious damage to legitimate state, business, or personal interests.”

A more robust access to information system would go a ways toward mitigating this. While routine disclosure—the push of information from government to citizens—should be the primary method of information release, access to information plays the crucial role of providing citizens with the ability to pull information from government in a way that balances information rights with legitimate requirements for confidentiality in certain clearly defined, limited circumstances.

The government’s announcement of its intention to release information in user-friendly formats wherever possible is a useful initiative, and we welcome it.<sup>2</sup>

As we make long-overdue moves toward routine release of information, we must ensure that Canadians have a functional system to request access to specific information that may otherwise be left out – especially when that information puts a check on state power or use of public funds, or when it is in the public interest.

With respect,

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<sup>1</sup> ‘Open Government’: FIPA’s Submission to The House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI). February 2011. Retrieved from:

[http://fipa.bc.ca/library/Reports\\_and\\_Submissions/FIPA\\_Sub\\_to\\_ETHI\\_Committee-Feb\\_2\\_2011.pdf](http://fipa.bc.ca/library/Reports_and_Submissions/FIPA_Sub_to_ETHI_Committee-Feb_2_2011.pdf)

<sup>2</sup> Interim Directive on the Administration of the Access to Information Act <http://news.gc.ca/web/article-en.do?nid=1061499&tp=1>