

June 30, 2016

Voices-Voix is a non-partisan coalition of Canadians and Canadian organizations committed to defending our collective and individual rights to debate and dissent. Voices-Voix is stewarded by a small group of volunteers including human rights lawyers and representatives of the organizations in the coalition. More than 230 organizations have subscribed to the Voices-voix Coalition by endorsing our Declaration.

We believe that an open government is essential in allowing members of Canadian society, particularly civil society actors who often rely on less resources than private sector actors, to participate in important public policy debates and make informed decisions – whether at election time, during government consultations or in their personal lives.

We are therefore very interested in the government's plan for improving its position as an Open Government, and are pleased to take this opportunity to provide thoughts on the latest plan on Open Government.

The new plan on **Open Government for 2016 – 2018** is a positive step forward for the Canadian government to engage Canadian citizens, civil societies, and other stakeholders. It is vital to engage the public with policy making process, and more importantly, to ensure the process is transparent and open for recommendations. There are several aspects of this plan that we applaud, including Open by Default, greater training across the public service, and your commitment to consulting with the public and civil society. However, there are aspects of these commitments in their current form that require further amendments to be more effective, which we would like to address.

Regarding **Commitment 1**: There remains some confusion in the Liberal Government's various announcements of initiatives around reform of the Access to Information Act. Minimally we seek clarification of the timelines for the total review called for by Information Commissioner Suzanne Legault in her through report to Parliament of March 2015, "Striking the Right Balance: Recommendations to Modernize the Access to Information Act." In that report the Commissioner built on the recommendations of her predecessors and on a number of previous parliamentary studies in her convincing demonstration of the inadequacies of the 1983 legislation which has only been amended in minor and generally limiting ways in the subsequent 33 years. While we applaud the Liberal Government's pledge to proceed to such reform, we note that Minister Brison has suggested that this may not occur until 2018. This is inadequate as has been pointed out by both the Globe and the Star in editorials of 4/4/16 and 20/6/16 respectively. Similarly, the initial recommendations of the Common's Standing Committee on Access to Information, Privacy and Ethics contain some positive initiatives, but there are also items of concern, such as the clause to allow the refusal of requests deemed vexatious or frivolous.

Commitment 14 takes an important step in ensuring the accessibility of government data and public science. We welcome the announcement that the government has committed itself to create the office of a Chief Science Officer. However, we would like to see this office established through an act of law. The office of the previous Science Adviser was eliminated by the Government of Canada in 2008 by the simple expedient of not renewing his contract. We need to

avoid such easy elimination of the new position. To do so, we need a Chief Science Advisor who is responsible to Parliament, and not the Prime Minister or the governing party only.

Commitment 20 plays an important role in ensuring Canadian citizens' voices are heard and considered. However, this commitment lacks specific details for Canadian citizens, domestic civil society organizations, private and public stakeholders, and other interest groups to actively engage in and provide feedback on international trade agreements. For instance, the Trans-Pacific Partnership (TPP) agreement negotiations has been heavily criticized by a broad range of organizations for taking place in private and without the input of either parliament or civil society. It is of utmost importance that if Canada is to enter into wide-ranging trade agreements, that the negotiations are conducted as openly as possible. This is especially true due to the areas that modern, comprehensive trade agreements touch upon.

For instance, it has been pointed out that the TPP contains several clauses that undermine domestic laws. An example is the provision to make e-commerce easier contradicts with British Columbia and Nova Scotia laws that aim to keep personal information and health data confidential.¹ Other provisions such as copyright changes and possibility for foreign takeovers of Canadian businesses have also been highlighted as being problematic to Canadians, civil society and private interests.

These concerns demonstrate the importance of ensuring transparency applies not only to domestic policies, but to international ones as well. The general public and civil society organizations should be able to make suggestions and give input on agreements that have such far reaching impact. More importantly, the empowerment of civil societies would allow them to better support the Canadian government, and by extension, our interests. We therefore suggest that this point be amended to include the government of Canada committing to openness and transparency in the negotiation of trade agreements at each step of the discussions, including ensuring that parliament has access to the necessary information to make an informed decision on whether such trade agreements are in the public interest, and that individual Canadians are consulted on the provisions of these agreements from the earliest stages – and especially before being signed.

Commitment 21 will certainly help bolster Canadian influence in the international discourse. The government has indicated its commitment to work “with international partners in government, civil society, private sector, and academia to support the principles of openness and transparency around the world.”² We recognize that there is an engagement in point 19 to consult with domestic civil society organizations regarding Open Government. However, we feel that the approach in section 21 lacks necessary input and suggestions from domestic civil society, private, and public sector stakeholders. There are various domestic organizations that engage in international policy analysis, and could play an important role in supporting Canadian interests at the international stage, alongside government representatives. Furthermore, these domestic groups are often advocacies for specific communities and organizations that may be in the minority or in marginalized positions. Including their policy suggestions and input at the international level will

¹ Erin Obourm, “Critics cry foul as new Trans-Pacific Partnership details emerge,” *CBC*, Nov. 06, 2015. Accessed on Jun. 23, 2016. <http://www.cbc.ca/news/business/trans-pacific-partnership-details-1.3308248>.

² “Draft New Plan on Open Government 2016-2018,” *Government of Canada*, Jun. 23, 2016. Accessed on Jun. 23, 2016. http://open.canada.ca/en/consultations/canadas-new-plan-open-government-2016-2018?utm_source=referral&utm_medium=email&utm_term=ogt&utm_content=draftconsult2016&utm_campaign=newplan#toc5-4-1.

encompass clauses that support and extend the rights of these marginalized groups both domestically and internationally.

We applaud the steps outlined in the *Draft New Plan on Open Government 2016-2018*. The announced efforts towards engaging Canadians and the world are promising and the commitments laid out are strong ideas. However, we believe that in order to be as robust as possible, the current plan requires additional details regarding civil society engagement. We would be more than happy to continue this conversation should you be interested, or should there be further opportunity for consultation. For any follow-up, please contact Tim McSorley, Voices-Voix Coordinator, at communications@voices-voix.ca or at 514-561-9919.

Thank you for this opportunity to share our thoughts on building a more open and transparent Canada.