

Freedom of information helps Ontarians open the veil

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You have a right to know what government organizations are doing. And, you have a right to know what personal information about you is held by government organizations and to have that information corrected if it is wrong. You have these rights because of freedom of information legislation.

The value underlying freedom of information laws is quite simple — open, transparent, accountable government. These laws reflect a change in the philosophy of information sharing by government. You no longer are limited to just whatever information your governments decide to share. You have a right, by statute, to decide what information you want.

Before retiring from the Supreme Court of Canada, Justice Gerard LaForest addressed the underlying value of freedom of information laws in the case of *Dagg vs. Canada*. In speaking to the practical reality of government in a modern democracy, LaForest said: “The overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry.

“Parliament and the public cannot hope to call the government to account without an adequate knowledge of what is going on; nor can they hope to participate in the decision-making process and contribute their talents to the formation of policy and legislation if that process is hidden from view. Access laws operate on the premise that politically relevant information should be distributed as widely as possible.”

As LaForest points out, freedom of information laws are based on a presumption that information will be made widely available and accessible to the public.

Most legislation, including Ontario’s *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, embed this presumption into a purpose clause that overlays the operation of the statutes. Section 1 of both Ontario Acts are virtually identical. The provincial statute reads, in part:

“The purposes of this Act are,

- (a) to provide a right of access to information under the control of institutions in accordance with the principles that,
 - (i) information should be available to the public;
 - (ii) necessary exemptions from the right of access should be limited and specific; and
 - (iii) decisions on the disclosure of government information should be reviewed independently of government.” (The Office of the Information and Privacy Commissioner/Ontario (IPC) is the independent oversight body.)

Inherent in this statutory framework is a basic assumption that disclosure of records that reflect the operation of government is in the public interest.

Filing a freedom of information request is very straight-forward. First, you determine which government organization has the record or records you want copies of (say, the Ministry of Environment or the Waterloo Regional Police Service). Then fill out an application form (available on the IPC’s Web site, www.ipc.on.ca/english/forms/form-2e.htm), or describe in a letter exactly what you are looking for (we recommend you do both).

Then you mail these and a cheque for \$5 to the Freedom of Information Co-ordinator of the government organization you are making the request to. An IPC brochure, *Access to Information under Ontario’s Information and Privacy Acts*, outlines the basic process. It is available at: www.ipc.on.ca/english/our_role/faq/faqacc.htm.

The government organization is required (except in limited circumstances) to respond to you within 30 days of receiving your request. If some or all of the information is not provided, the response letter will cite the exemption or exemptions being claimed. The letter will also explain that you can appeal the government organization’s decision to the Office of the Information and Privacy Commissioner/Ontario. The IPC, if it finds the government organization erred in its decision, has the authority to order the information released to you.

Public interest in freedom of information has been increasing significantly in recent years. The 22,761 access requests filed across Ontario in 2001 is the highest total since 1995.

Starting in 1996, the number of freedom-of-information requests fell each year for three straight years after legislative changes by the Ontario government, which included the introduction of user fees and moving some labour relations records outside freedom of information.

The number of appeals to the commission also reached its highest level in 2001 since the new fee regime was put in place in 1996. The 950 appeals received last year was an increase of 11 per cent from 2000.

After the launch of a major educational campaign by the IPC, the number of access requests and appeals has been climbing for three straight years.

If you have any questions about your rights or on where you can find specific information, contact the IPC’s communications department at 1-416-326-3333 or 1-800-387-0073. ■