

News release

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Ministries should live up to Premier's position on FOI, says Commissioner Ann Cavoukian

Ontario Information and Privacy Commissioner Ann Cavoukian today urged Ontario ministries to embrace the comments of Premier Dalton McGuinty and cabinet ministers Gerry Phillips and Michael Bryant on the importance of openness and freedom of information to the democratic process.

“We have noted new trends recently where ministries claim discretionary exemptions in cases where it appears they were claimed automatically on a technicality because they were simply available,” said the Commissioner. “And there are ongoing problems. For example, despite the clear guidance provided by my office, some government ministries still refuse to disclose government contracts for the provision of goods and services. In my view, the routine disclosure of the details of government expenditure is critical if there is to be any level of transparency and accountability for the use of taxpayer’s money.”

The Commissioner stressed that she was referring to the disclosure of information across the provincial spectrum, not the government’s response to a specific order. “As a matter of policy, I do not comment on individual orders, as our orders speak for themselves.”

Since 1994, the Commissioner’s office has been urging government organizations to embrace routine disclosure and active dissemination (RD/AD). Among three IPC papers on this topic, *Enhancing Access to Information: RD/AD Success Stories* provides examples of how various government organizations have successfully used RD/AD – active disclosure rather than passively waiting for a request.

Commissioner Cavoukian praised Premier McGuinty’s quick response to her call on June 15, 2004, when she released her 2003 annual report, for the Premier to issue an open letter to all ministers and deputy ministers similar in style and substance to the freedom of information memorandum issued by then-U.S. President Bill Clinton and his Attorney General the previous year. That same day, the Premier sent a memorandum to ministers and deputy ministers, asking them to “strive to provide a more open and transparent government.” The Premier’s letter also emphasized the importance of the *Freedom of Information and Protection of Privacy Act*.

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That December, ministers Gerry Phillips (Minister of Government Services) and Michael Bryant (Attorney General) issued a follow-up memorandum that emphasized the importance of FOI legislation to the democratic process. They noted that although exemptions from disclosure will sometimes be necessary, discretionary exemptions should not be claimed solely on the basis that they are technically available; instead, they should be claimed only where there is a clear and compelling reason to do so.

Just a few months ago, the Premier reiterated his commitment to freedom of information. “Our government,” he advised the Commissioner, “is committed to openness and transparency, including the timely processing of access-to-information requests.”

“Those messages, however, do not appear to have gotten through to the people making the decisions,” Commissioner Cavoukian said today. “I am urging all provincial government organizations to live up to the Premier’s comments and truly ‘strive to provide a more open and transparent government.’”

The Information and Privacy Commissioner is appointed by and reports to the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as the *Personal Health Information Protection Act*, and helping to educate the public about access and privacy issues.

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