

Osgoode debates

Open gov't...

Jonathan Mann

Canadians are the victims of excessive and ambiguous government secrecy legislation.

This was the unanimous consensus of an Osgoode panel on open government, national security, and the management of intelligence. The discussion was the final session of Osgoode's 'Open Government and the Freedom of Information Debate' last Friday.

Among the panel members was Professor Stanley A. Cohen of Montreal's McGill University law school. Cohen blasted Canada's "Official Secrets Act" as a "needlessly tough authoritarian instrument," bestowing unjustifiably broad police power. The act, according to Cohen, does not substantially protect national security, is vague, and "makes no distinction of kind or degree."

A second panel member reported that Canadians are also in the dark about how documents come to be classified. Classification procedures, reported Carleton professor D.C. Rowat, are themselves "the subject of considerable secrecy."

According to Rowat there is a lack of detailed control over classification and screening procedures. As a result, officials are often in doubt as to whether particular documents ought to be classified. In such cases they tend to classify documents needlessly. Even the Royal Commission on Secrecy has held that overclassification is a problem in Canada. It is currently unknown, declared Rowat, just how many officials are empowered to classify documents in Canada.

Later in the discussion another panel member, McGill's Richard French, charged that classification of documents is often the work of government secretaries.

Allan Adler, of Washington's Center for National Security Studies, added an interesting American perspective to the discussion. He spoke of the efforts being made to draft a charter which would govern

information gathering and dissemination by the FBI. There is currently a dearth of regulation concerning how the FBI may operate. Adler and his colleagues are trying to specify acceptable investigative techniques for the organization.

According to Adler the FBI is

resisting these efforts, insisting that regulation would hamper their activity. As well, an effort is being made to legislate for access to FBI files. Currently, not even the U.S. Congress has complete access to their documents.

Left untouched by the panel was why Canadians do not demand a more open government for their country. This is, of all the outrages mentioned in the discussion, the most surprising and least forgivable.

...and secrecy

Debbie Bodinger

A public aware of their rights, aware of how information can be put to use, or used against them, would be in a better position to press for intelligent privacy and information. That was the conclusion of a workshop held here recently.

Called "The Canadian Human Rights Code, Part Four" — the number referring to the parts of the Code — this workshop was associated with the conference on open government which took place last Friday at Osgoode Hall.

The first three parts of the Code deal with the protection of minority groups against discrimination, but the fourth part — the section dealing with an individual's right of access to information — was the subject of the Workshop. (This is different from the Freedom of Information Act, which deals with the public's right to information concerning the government itself, e.g. government projects, spending, etc.)

Discussion was led by Inger Hansen, the commissioner responsible for administering the code. She explained it is her responsibility to make certain all individuals have fair access to documents concerning themselves. In the case of "closed data banks" (files that are not accessible for reasons of national security or the prevention or investigation of crime), Hansen may examine the data to determine whether or not a person has been dealt with fairly

and correct the situation, if need be. She may now, however, disclose the basis on which her decision has been made.

Commentary was provided by Prof. David Flaherty, of the University of Western Ontario, who has recently completed a book that examines issues concerning privacy and data banks from an international perspective. Prof. Flaherty's remarks concentrated on the question of how well the code is working. (For example, how many people are aware that every post office is supposed to have an index of all federal data banks, and any person may examine it and request to see their own files?) In addition he advocated using the recent British report on the use of computerized data banks as a model for Canadian policies on privacy and information.

Discussion centered around several related topics. Should a single identification number for each individual be adopted? When may information be passed from one agency to another? What type of consent is needed to use data for research?

In each case the problem is to word legislation in such a way that it protects the privacy of the individual and allows collected data to be used in beneficial ways.

These issues, the workshop concluded, could be more readily resolved if the public were better informed.

Postcard power

Lydia Pawlenko

The week-long Ontario Federation of Students' postcard campaign petitioning Bette Stephenson and the Ministry of Colleges and Universities has drawn responses from an estimated 100,000 students across Ontario.

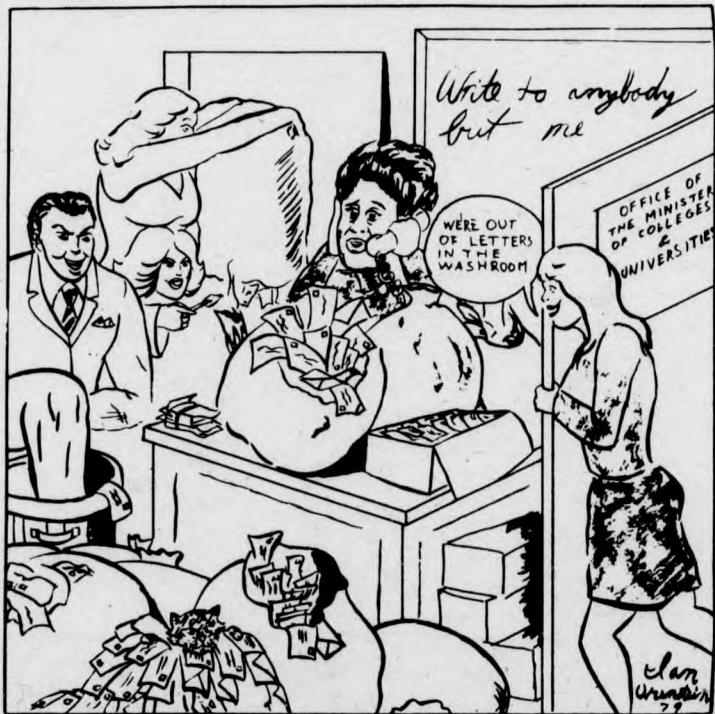
Directing efforts to inform students of the sever cutback situation, the OFS has been aiming to stimulate reactions in order to gain a massive student support.

"The response at York has been very good, especially in the residences," said Barb Taylor, Vice President for External Affairs on CYSF. "We especially wanted to reach first year students."

About 150 postcards a day were signed in Central Square, she claimed.

The campaign was conceived during the OFS conference in May to focus attention on improving access to higher education, increasing funding and encouraging long-term planning.

"The OFS is calling for the formation of a select committee



"Tell them to Stop"

in the legislature to approach cutbacks in a planned way," explained Taylor. A brief arguing for "An Act to Amalgamate the Ministry of Colleges and Universities and the Ministry of Education" was presented by the

York Student Federation to the Standing Administration of Justice Committee. It called for a comprehensive plan for the future of the entire educational system.

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