

Government Secrecy: Non

By TOM RILEY
for Canadian University Press

The government is cloaked in secrecy. The light of day and the eyes of the public have difficulty penetrating it.

The government considers public information its private property. It passes along only what it thinks the public should know. Civil servants are not obliged to tell anyone anything unless directed to do so by superiors and some estimates have the government withholding 80 per cent of its information.

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Recently, a producer of a radio talk show was looking for a very simple bit of information about a piece of land owned by the government. After talking to 12 people in the department concerned she finally got the admission that, yes, the government did indeed own the land. If she had the stamina to press the issue further she still might have come up cold. There is no legislative recourse for her to appeal a decision made by a bureaucrat.

To make a rational decision it is necessary to have all the facts. To marshal them, the people must have free access to information.

All levels of society, in dealing with the government, experience the secrecy syndrome. In the spring of this year residents of Port Hope, Ont. attempted to find out how much radioactive waste was being dumped into Lake Ontario. They were met with official silence.

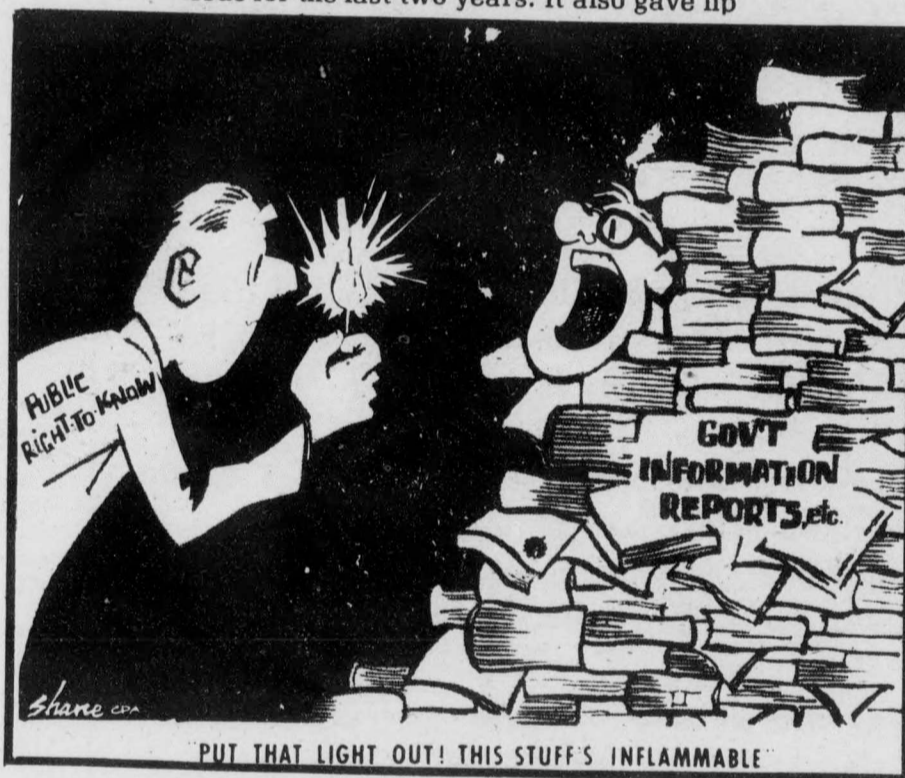
When Prime Minister Pierre Trudeau announced his wage and price controls last fall, many people wondered why he reversed his stand from the 1974 election when he so adamantly opposed such measures. What reports or facts or studies caused the change? The reasons for implementation were never made fully clear. The supporting documents have been well guarded.

Secrecy in areas like food inspection pesticide residue levels, and pollution control standards

In June the Consumers Association of Canada (CAC) passed a resolution supporting an Act respecting the right of the public to information concerning public business. It guarantees the "public's right to know". The association is concerned because secrecy in areas like food inspection, pesticide residue levels and pollution control standards may be hazardous to consumers. It is literally a matter of life and death to withhold such vital information.

To make a rational decision it is necessary to have all the facts. To marshal them, people must have free access to information. Information carefully selected and channeled by the government is propaganda.

A number of interest groups have been calling for freer access to government information. The government responded in last month's Speech from the Throne by stalling and trying to appease its critics with rhetoric. It didn't propose any legislation, but simply promised it would present a policy paper to an official committee which has been studying the issue for the last two years. It also gave lip



service to the policy of greater access to information by the public.

Support for freedom of information is growing across the country as concerned individuals and groups form committees to lobby for strong legislation on federal and provincial levels. The type of legislation forthcoming (if and when it does come) and how information will be made available is still the vital question.

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One of the controversies arising is the question of final decision in cases of dispute. For example, if an individual goes to Department X and is told the information requested is not available because it is secret of confidential, what then?

A civil servant said recently: "If a senior official or a deputy minister wants to keep back information all he has to do is refer to the Privy Council Guidelines of the Government Motion for the Production of Papers which outline the four types of classified information. He then classifies documents as Top Secret, Secret, Confidential or Restricted. It then comes under the umbrella of the Official Secrets Act and effectively stops any information

going out."

Retiring Government House Leader Mitchell Sharp said the final decision in cases of dispute should rest with the minister involved. He advocated an information ombudsman to review cases of contention or denial, with the minister of the department retaining the right to deny the release of a report. If the minister feels the information requested is at all sensitive or could hurt the government, the secrecy lid remains on.

Others feel the final decision should rest with an independent body - the courts or

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an independent complaints board with the powers of a civil court.

The most radical Act, in the opinion of most experts in the field, would be one that simply stated all information is freely available to the public, as part of its basic "right to know".

There would be clearly-defined exemptions. This would mean amending the Official Secrets Act and perhaps other Acts which currently prohibit disclosure of information, especially in the area of national security.

Canada's information laws led a Conservative member of parliament who attended an international conference on Freedom of Information in Austria to comment that "Canadians, along with the British, have the most antiquated laws concerning release of government documents in the free world (sic)."

There are currently two freedom of information models to draw upon, the U.S. and Sweden. The U.S. first passed a freedom of information law in 1966, but the spirit of the Act was not being followed. In 1974, stiff amendments were passed which gave a citizen the right to take the case to court if a request for information was turned down. The case automatically takes precedence, goes to the top of the court list and is dealt with as quickly as possible. It is recognized that information is perishable.

There are also penalties for a U.S. civil servant who wilfully withholds or denies an information request. The penalty is paid by the civil servant responsible.

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In addition the U.S. has a Government Data Privacy Act which allows an individual to inspect and correct personal files.

In Sweden, free access to government information is embodied in the Constitution which dates to 1776. People have the right to all documents except those exempted by the clearly-written Secrecy Law of 1936. It is up to the civil servant to decide on the spot what is or is not secret. When the private citizen disputes the classification