

## Decision-making process questioned cont.

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judicial recourse as a last resort if unclassified material is being withheld. In general terms he is calling for legislation that will provide access for the public, not loopholes for denying the public's right to information; a concern shared by other experts in this area.

Professor Robert T. Franson, who was engaged by the Law Reform Commission of Canada to do a study into freedom of information at the government agency level, also emphasizes the undesirable effects of extending secrecy into areas where confidentiality is not absolutely essential.

In his study paper, entitled, "Access to Information-Independent Administrative Agencies". Franson states that he would recommend "legislation giving any member of the public a right to access to information in agency files. . . Under such an approach agencies would be required to

disclose any information in their files that could be released without causing harm even though the requester might have no particular interest in the subject matter or in any matter before the agency."

A major factor in the debate about what constitutes beneficial freedom of information legislation for this country has been the effect of the United States' thirteen year-old freedom of information legislation.

For instance, the likelihood of the pending Canadian legislation including pervasive exemptions for information relating to the competitive economy is quite high due to the problems that the U.S. has had in this area.

The prime users of government information made public by the American bill have been large corporations trying to gain insights into the internal operations of their competitors.

But, just as the shortcomings of the American legislation must be avoided, proponents of strong freedom of information legislation in Canada point out that the American legislation left relatively few areas of protected secrecy. Consequently public pressure groups have been able to force important changes in the marketplace and in government bureaucracy with their new sources of information.

The removal of red dye number 2 from supermarket shelves, the exposure and eventual correction of dangerous automobile defects, and the exposure and correction of mismanagement in the Federal Housing Administration in the United States might never have taken place if strong freedom of information laws did not exist.

According to Baldwin, the Conservative government now has an opportunity to institute strong freedom of information legislation that hasn't existed

for the past decade and might not be here in a few years. Baldwin feels that because the Conservative government made freedom of information one of the cornerstones of their election campaign and because they are new to power, there is a real possibility the pending legislation will affect government secrecy.

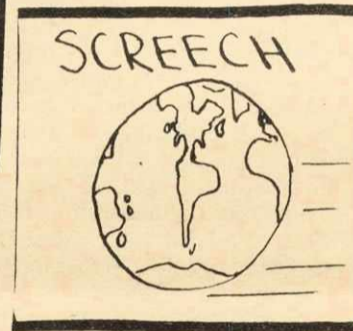
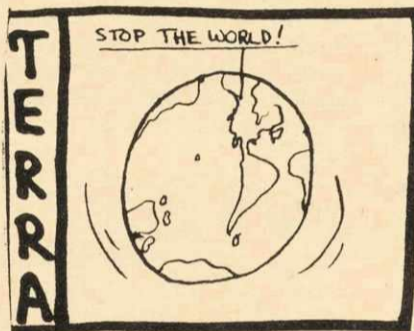
"There isn't the great need to hide potentially embarrassing disclosures because we are such a new government, says Baldwin and he and other supporters of strong legislation are hoping that will make it possible for the Conservative cabinet and then the House of Commons to support strong legislation as well.

The costs of expanding access to government information is of course a factor. Federal ministries and the larger administrative agencies

will likely have to hire extra personnel to handle the paper work involved, but according to Franson's two year study cost is no longer thought to be as much of a factor as it was when the Liberal government drew up estimates for their proposed legislation.

According to Franson, the smaller government agencies in the United States have been able to absorb the increased costs into already existing budget categories and a cost-benefit analysis of the legislation's effect on the larger agencies has, to his mind, reaffirmed its worth.

"The disclosure provisions that we are suggesting," he says "can be expected to add little cost. I believe the benefits to be gained by disclosure—greater understanding of the administrative process and more democratic control of it—far outweigh the cost that will result."



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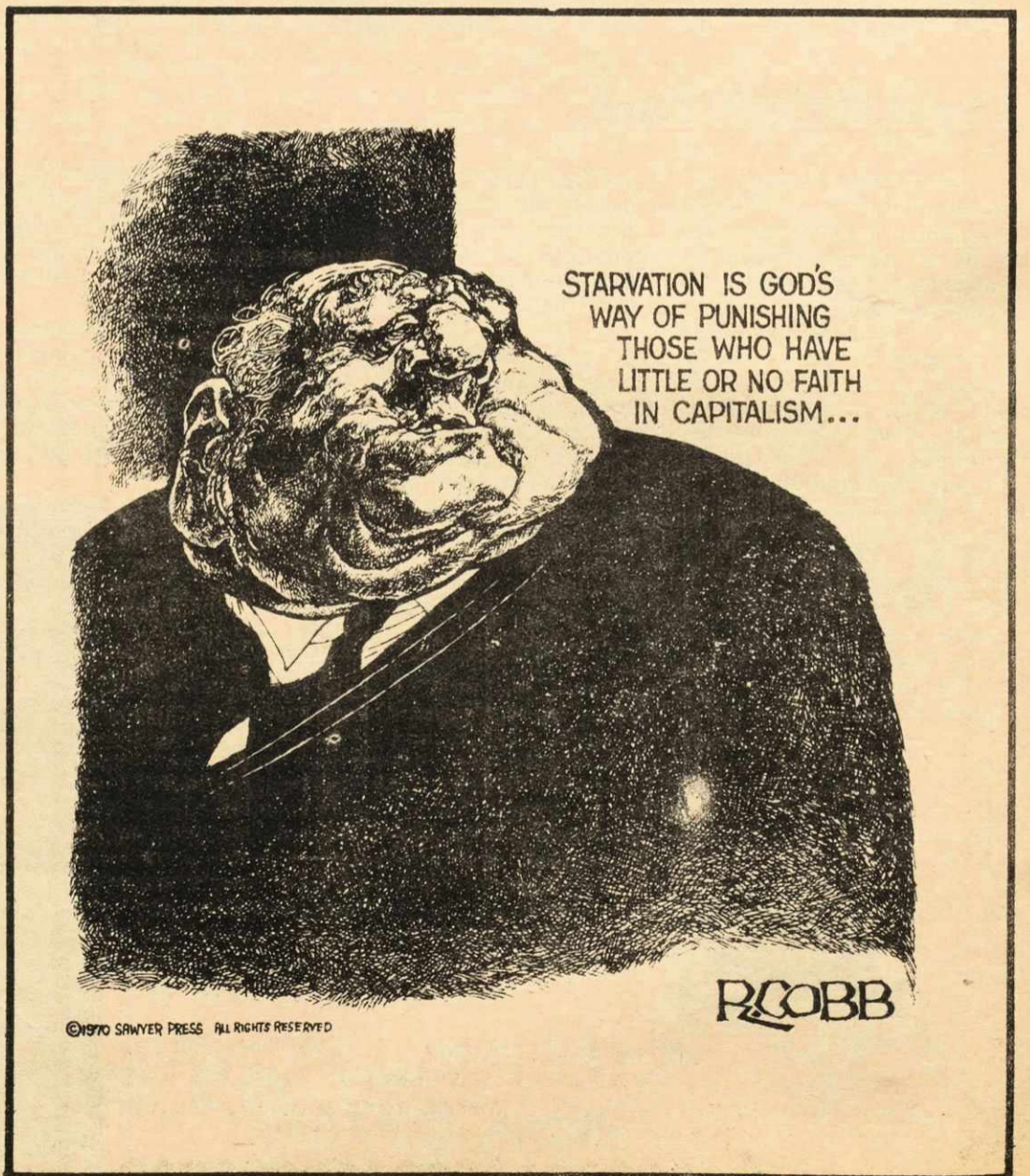
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