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Right to Know Day: You Have the Right to Know That Access to Information in Alberta is Terrible

By: Drew Yewchuk

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Last Monday was apparently the beginning of ‘[Right to Know Week](#)’, “which aims to advance and celebrate the public’s right to access information from governments.” This is also the 25th anniversary of the *Freedom of Information and Protection of Privacy Act*, [RSA 2000, c F-25](#) (*FOIP*). I have complained about the serious problems with *FOIP* before ([here](#), [here](#), [here](#), and [here](#)). The timelines for record delivery are routinely ignored, absurdly high fees are charged for spurious reasons, the administrative review body is about a year behind, and the redactions are so vague and broadly worded that government bodies can hide almost whatever they want. In short, if the government wants to lie or cover something up, *FOIP* is an ineffective tool to stop them.

This post takes a lighter tone and discusses some of the hilarious abuses of *FOIP* I’ve seen from my work with the *FOIP* requests.

- In one request, the public body indicated they had hundreds of pages of records relating to the topic and took months to sort through them, but the records they delivered were *entirely* news e-mails updates generated by the Alberta Ministry of Communications and Public Engagement (CPE). CPE generates these e-mail updates by searching for any global news stories mentioning Alberta. They include no reactions or comments on the news articles from any government employee. The public body had taken months to deliver hundreds of pages of news clippings!
- In another request, the public body searched their e-mail for two key words and then used the number of hits to estimate the size of the record for the fee estimate. That estimate over-estimated the size of the records by more than 400%: the difference between no fee and a fee of more than \$300. A public body faces no penalties for using inflated estimates to deter *FOIP* requests.
- A public body used section 24(1) of *FOIP*, which protects the advice government employees give to government decision makers, to redact the advice given to the public body by industry groups in a private invitation-only meeting. The public body representative at that private meeting with industry had promised to keep the meeting notes secret despite that not being permitted by *FOIP*. At that point *FOIP* had been in force for 20 years, which seems to show *FOIP* has not ended the culture of government secrecy.

- In one instance, a public body claimed that a report prepared by biologists and hydrologists about the habitat needs of a species at risk contained no scientific information. I later obtained a summary of the report through a separate process, and discovered they took this position because the report was clear proof the public body had ignored their own scientists. The full report has still not been released through *FOIP*.
- In another instance, a statistic that showed that the public body had engaged in discriminatory practices contrary to the *Alberta Human Rights Act*, [RSA 2000, c A-25.5](#) was redacted as “personal information” in the initial *FOIP* release. To their credit, the public body reversed this decision upon being informed it had no plausibility.
- In another request, documents were redacted under section 21, titled “Disclosure harmful to intergovernmental relations”, because releasing the document would have been grounds for a judicial review of a federal government body. Apparently section 21 is being interpreted to allow the province to hide documents showing misconduct by the federal government. The federal government and provincial government have plenty of disagreements, but they seem to have no problem working together to keep records away from the public.

A strong and efficient access to information system is essential to democratic accountability. Perhaps one day Alberta will have such a system.

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