

## Open Letter to the Prime Minister of Canada to fulfill commitments to transparency

April 9, 2021

The Right Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada  
Langevin Block  
Ottawa, Ontario  
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Dear Prime Minister:

We write to you today as an alliance of groups deeply concerned about your government's increasing neglect of transparency, especially during the current pandemic.

The Right to Information Alliance Canada was recently formed out of our common alarm about the deterioration of openness, specifically in the areas of access-to-information, whistleblower protection and the proactive disclosure of health and safety data, among others.

Our alliance brings together news media, civil liberties, consumer, health, environment and Indigenous groups, each of which need a free flow of government information to fulfill their mandates; to keep Canadians reliably informed on matters of public concern; and to hold ministers to account.

Your support of transparency dates to the first bill you introduced in the House of Commons after becoming Liberal leader. Your private member's bill, C-613 or "The Transparency Act" of 2014, said that withholding information from Canadians should be "rare."

Sadly, in the years since you formed government, withholding information has become only too common.

- According to a 2019-2020 Treasury Board report, one of every three requests under the Access to Information Act is now in "deemed refusal;" that is, no information at all is provided as legislated deadlines are ignored. The pandemic has made things worse.
- The law to protect whistleblowers from reprisals remains seriously defective, discouraging public servants from exposing serious wrongdoing.

Canada's whistleblower protection legislation was ranked worst in the world in a recent international ranking by the International Bar Association and the U.S.-based Government Accountability Project.

- Amid heightened concern about the life-threatening pandemic, ministers have repeatedly failed to share vital health and safety information with Canadians.

As transparency evaporates, your government is slow-pedaling any potential fixes. A promised review of the Access to Information Act has plodded along for almost a year with no public input, and with no report planned until next January.

You have publicly declined to fix Canada's whistleblower law. And basic information about Canada's response to COVID-19, including vaccine contracts, remains buried and inaccessible.

Indigenous Nations face numerous barriers in obtaining the very data they require to substantiate historical grievances, defend their title and rights, and to protect their members.

We therefore call on you to fulfill the commitments to transparency that you have been declaring repeatedly since 2014, specifically:

- end the bureaucratic stall over access-to-information reform by initiating substantive engagement with Indigenous Nations and their representative organizations, and accepting public input now and releasing a report this fall;
- make ministers' offices subject to requests under the Access to Information Act, as you promised in 2015, and remove blanket protection for cabinet documents;
- reverse the growing number of public institutions exempt from transparency laws by bringing them back to public accountability;
- greatly expand the list of documents that must be routinely made public, with legislation that includes sanctions for failure to do so, including health and safety records that provide Canadians the information they need to protect themselves;
- impose a duty to document in order to thwart secretive oral government;
- end the culture of delay in access-to-information by imposing penalties on institutions that fail to meet legislated deadlines, and by providing adequate resources to serve requestors;
- ensure that digitized, searchable records such as databases are made available in their original formats to Canadians who request them under the Access to Information Act, rather than converted to analogue, non-searchable formats prior to release

The COVID-19 pandemic has repeatedly exposed the fracture lines of your government, not least of which has been an accelerating loss of transparency. Any effort to “build back better” must begin now with a transparency repair program that will restore to Canadians their fundamental right to know.

Yours sincerely,

Meghan McDermott  
Interim Policy Director  
BC Civil Liberties Association

Jason Woywada, Executive Director  
Mike Larsen, President  
BC Freedom of Information and Privacy Association

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Cc: Erin O'Toole, Leader of the Official Opposition  
Jagmeet Singh, Leader of the New Democratic Party  
Yves-François Blanchet, Leader of the Bloc Québécois  
Elizabeth May, Leader of the Green Party's Parliamentary Caucus  
Annamie Paul, Leader of the Green Party of Canada  
Jean-Yves Duclos, President, Treasury Board of Canada