

Author: Paul Kelly

Title: Information is power

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Freedom of Information (FOI) regulations are only as effective as powerful – and semi-powerful – people want them to be. All too often, the desire is to make them as weak as possible.

The Mike Harris government was an ultra-Conservative movement that governed Ontario (Canada's most populated province) from 1995 to 2002. Elected under the mantra of the "Common Sense Revolution" the Harris government was characterized as being anti-welfare state, anti-union and pro-business. Not really such a bad reputation to have at the time.

But, perhaps most of all, the Harris government soon became the target of massive FOI requests asking about ministerial spending and the exclusive awarding of lucrative consulting work.

As with most fortresses, when the questioning started, the drawbridge was cranked up. Sometimes too late as wretched excesses were uncovered. Other times, the requests were denied outright or killed in their infancy by a standard of operational procedure that encouraged the destruction of records.

Having worked in the Harris government for its entire reign for two cabinet ministers through four different ministries – with access to four cabinet committees as a Senior Policy Advisor – I can assure you that I was the very model of FOI efficiency.

I kept no records. If you had come to my office – which was about 18' by 24' – you would have wondered if anyone worked there at all. It was devoid of any personal affects or decorations. It had a desk with a computer and a chair – period.

There were no stacks of paper on top of the desk and there were no briefing notes or binders. It was empty. It was legendary in fact.

As someone with an extensive background in politics, I subscribed to the G. Gordon Liddy M.O. – be prepared to be shot on a street corner at any time. Carry all your information in your head, that way no one can get at it.

Very early on in 1995, all staff where given presentations on FOI. Basically, we were told that any thing you have can be accessed. So keep nothing. I took that to the extreme. We were permitted to keep our own separate, personal notes in a small workbook or pad. This could not be FOI'ed because it was personal and reflective of our own thoughts – not government.

Everything else, I shredded or deleted – I kept no emails.

I have to this day, about 12 small blue or black workbooks detailing everything I did in government. Trust me, taking note at a meeting unnerves a lot of people but ensures your personal safety and job security. "You know where the bodies are" was something I heard quite often.

So my job was quite simple when it came to FOI. The FOI officer would come to my door to ask if I had any records.

I was required to look – for billing purposes. A search fee was another roadblock – and then we would chuckle and end the game. I looked after my own shop.

In one instance – an internal dispute about land surveyors – I turned over hundreds of documents. I wanted much of it released into the public record and it made our office look good. So the system could be used very effectively for your own purposes.

But that was a rarity indeed. Overall the aim was to thwart FOI at every stop. How so? Well, let me count the ways:

Mistakes in the Request: a very strict, literal reading of the request. If the requester makes a mistake in a title, or date or any other matter – “No such document exists”.

Nixonian Attempts to Rewriting History: the Harris government spent a lot of time – as Nixon did in transcribing tapes – going through the soon-to-be-released information getting people to pay back money billed for meals and other treats. It failed in its attempts as the spending became an issue and the attempts to cover-up did too.

Cabinet notes and briefing notes are covered under “Advice to Minister” – which is not FOI-able. There are legal ramifications – based on a lawyer-client premise but I saw stuff which was not mind-blowing or secretive – but newsworthy.

Contract work is also covered by “Advice to Minister” – and under government guidelines contracts under \$25,000 can be sole sources by a ministerial staff member to another person without tender – repeatedly. So seven ministries could contract

one person at \$6,000 for 6 months work (never completed) and have it never appear in government accounts or be FOI'ed.

Outright direction to destroy all documents: Currently in Ontario there is an investigation into the Harris government's handling of the Indian occupation of Ipperwash Provincial Park. An Ontario Provincial Police Officer killed a native. The investigation centers around whether the government directed the police to take aggressive action. Obviously, government should not direct police on how to handle demonstrations.

Central to the current investigation are notes kept by a public servant at a meeting between Premier Harris, several cabinet ministers and police the day of the shooting. Those notes are accessible to the public because a public servant took them.

However, on two occasions, I was directed, as were other staff that worked for the provincial parks minister to destroy any and all records we may find in our files on Ipperwash. Briefing notes prepared for the meeting, personal notes of previous staff, everything.

I had none so it was not a matter for me. If others did, they would have done as directed in the interest of career advancement. My own secrecy oath does not cover illegal activity and I think such a direction would be illegal but certainly improper.

So in many ways, information is power but first you need a place to plug into it. My own opinion is that there is no end to the ways you can thwart legitimate requests for information to avoid bad headlines and public relations. My fear is that eventually the requesters may give up. That would be a sad day indeed.

Paul Kelly writes for the Ottawa Sun and between 1995-2002 was a Harris government as a political staffer

Contact <http://www.positivelypaulkelly.ca/>