

September 30, 2009

The Manitoba Government: FOI Report Card

Information Commissioner - GRADE D

In 1999 and on several occasions since, the NDP said it would appoint an Information Commissioner as a practical and relatively inexpensive enforcement mechanism. and was the only alternative to enforce Manitoba's Freedom of Information legislation.

In 2009, instead of an independent commissioner with order power, the NDP is about to proclaim amendments that would allow for an information and privacy adjudicator who will only be allowed to act if so directed by the Manitoba Ombudsman.

Cabinet Confidences – GRADE C

In 1999, the NDP said it would work with interested groups to define a more reasonable period than the 30-year ban on cabinet confidences, giving Manitobans access to cabinet documents faster.

In 2009, the NDP is about to proclaim amendments that would allow release of cabinet documents after 20 years.

Note: British Columbia and Alberta release cabinet documents after 15 years.

Third Party Contracts – GRADE F

In 1999, in a pre-election survey on access to information, the NDP criticised the Filmon government's secrecy surrounding the infamous frozen food deal. "Private-sector partners doing business with the Government of Manitoba under an NDP government would have to understand that where there is public expenditure there must also be public accountability," wrote the NDP in a pre-election survey. "That includes public disclosure of contracts, subject to normal and reasonable commercial clauses designed to protect trade secrets and intellectual property."

In 2009, the NDP has changed nothing regarding third party contracts and is every bit as secretive about public-private partnerships, land deals and bids.

Public Interest over-ride of discretionary exemptions – GRADE F

In 1999, the NDP said it would establish an information and privacy commissioner as is the case in other jurisdictions. “We believe that this office, in addition to the Ombudsman’s office, would have dealt more effectively with the public interest in the disclosure of information,” wrote the NDP.

So far, the NDP has done nothing and there appears to be few cases where the public interest has trumped privacy concerns.

Advice to Government – GRADE F

In 1999, the NDP said it would consider how to change the definition of “background information” provided to politicians on hot policy topics.

In 2009 the NDP has made no changes to the definition and the “advice to government” clause is still routinely used to deny access to key documents that would shed light on policy development.

Conclusion

In 1999, the NDP criticised the Filmon government for its poor access to information record. “The Filmon government has exhibited a culture of secrecy that is anathema to the spirit of FIPPA,” said the NDP.

In 2009, there have been only spotty improvements to the province access to information regime. While more information is proactively posted online, the legislation and practices are still unduly restrictive and delays are endemic. Under the NDP, the government’s rate of response to FIPPA requests within the 30-day period dropped to an all-time low of 55% in 2007 and 57% in 2008. Citizens deserve better.

Prepared by: The Provincial Council of Women, the Canadian Association of Journalists and the Canadian Taxpayers Federation, based on publicly available data, legislative amendments and a survey on access to information policy completed by Paul Vogt on behalf of the NDP just prior to the 1999 election.

