

Session title: Government transparency: Enhancing or Impairing Our Safety and Security?

Moderator/Panelists: Mary E. Schwind, Moderator and Managing Director and Associate General Counsel, Freedom of Information Commission of Connecticut
Nancy Bélanger, General Counsel, Director Legal Services, Office of the Information Commissioner of Canada

Pierre Craig, Journalist, Radio-Canada, President of the Federation of Professional Journalists of Quebec

Jean Chartier, President, Commission d'accès à l'information du Québec

Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory

Date and time: Monday, December 9 2013, 10:25 am

Rapporteur: Patrick Giasson

Session Summary

The working session began with Ms. Bélanger's presentation on the role of the Information Commissioner of Canada. It should be noted at the outset that the federal and provincial governments collaborate closely on this issue in Canada. A two-tiered system of independent review is outlined in Canada's Access to Information Act: the filing of the request before the Information Commissioner and complaints made before the Federal Court of Canada. Moreover, the Canadian Security Intelligence Service Act includes certain exemptions with regards to the disclosure of information. These exemptions are essentially discretionary in nature.

Next, Maria J.K. Everett presented the broad outlines of Virginia's access-to- information legislative framework. She emphasized the fact that an important exemption exists for national security reasons. Exemptions that are allowed in the name of national security are treated in a discretionary manner on a case-by-case basis. Ms. Everett stressed the importance and sensitivity of the notion of equilibrium between the different principles that guide access to information.

Jean Chartier then made a presentation on the role of the Commission d'accès à l'information du Québec, which was created 10 years ago. He wanted to make it clear at the outset that the operations of the entity that he represents are unique by virtue of the fact that it is an administrative tribunal. When a citizen files a request with a public body, in disputed cases the request is filed with la Commission d'accès à l'information. Mr. Chartier also mentioned the fact that the Commission has an obligation to promote access to information. This often leads to delicate situations, which require that the principles governing the disclosure of information be taken into account in a balanced way.

Finally, Mr. Craig made a presentation on the Lac-Mégantic tragedy in order to raise the issue of the transparency of authorities with respect to citizens. In particular, he highlighted the fact that the mayors of Quebec municipalities have not had access to information concerning the transportation of hazardous materials. Since this past November 20, transportation companies must disclose the content of hazardous

materials to municipalities three times per year, pursuant to a federal government directive.

The session ended with a question and discussion period. Discussions touched mostly upon a supposed increase in government opacity; on the motives that justify access to citizens' personal information by authorities with an investigative power; on authorities' surveillance of citizens' private lives; and on access to certain public interest information, including, for example, water-quality inspection reports.