

A L B E R T A
P R E S S C O U N C I L

PRESS RELEASE

June 6, 2011

Joan Scott, acting chair of the Alberta Press Council, is pleased to announce that Sarah K. Feutl is the winner of the 2011 Essay Competition. A Grade 12 student at Victoria School of the Arts in Edmonton, she receives \$2,000 towards her studies at the University of Alberta.

Sarah's essay, titled *Access Denied: Alberta's Secrecy with Public Information and the Implications for the Press*, was judged to be the winning essay on the topic: "Are privacy laws being abused to keep information of public interest from the Press?"

Thirty-two essays from Grade 12 students across the province were read and carefully ranked by the committee, comprised of David Forbes, chair, public member, *Medicine Hat News* readership area, and Gerald Gauthier, press member, *Lethbridge Herald*.

"Because there were so many well-written essays, this year's task was challenging," said Forbes. "The winning essay was the one that best reflected the criteria of creativity, style and content. We appreciate the effort made by those who showed a keen interest in the essay topic."

Access Denied: Alberta's Secrecy with Public Information and the Implications for the Press

by

Sarah K. Feutl

The role of the press should be simple. In its most basic form, it aims to truthfully report the facts of a story, devoid of personal opinion or outside influence. It transmits information to the public, and should be allowed access to reports and statistics which influence the way our world operates. The Canadian Association of Journalists holds “promoting the free flow of information: exposing crime or wrongdoing, protecting public health and safety, and preventing the public from being misled”¹ as one of the standards in its code of principles. Unfortunately, privacy laws put in place to protect personal freedom are being manipulated to prevent the press from seeing this information.

Alberta is developing a reputation for being a secretive province. In his 2009 – 2010 annual report, information and privacy commissioner Frank Work publicly criticized Premier Ed Stelmach for being guarded with public information. He called the government’s attitude toward privacy laws “the difference between a culture of secrecy and a culture of openness”.² He especially rebuked the Stelmach administration for the amount of information inaccessible to the news media. Work wrote that even in cases when the media should have the right to

¹ *Statement of Principles*, Canadian Association of Journalists. 2002. Page 5.

www.caj.ca/principles/principles-statement-2002.htm. Web. (accessed February 17, 2011).

² Work, Frank. *Message from the Commissioner*, January 13, 2011: Pages 2-3. Web.

http://albertadiaryfootnotes.files.wordpress.com/2011/01/oipc_ar_2009_2010.pdf. Accessed February 15, 2011)

see a file, there are plenty of “refusals... and requests for extensions” (ibid). He goes on to state that this should not happen. In a functional, open society, Work believes that “there should be no discrimination with respect to access requests by the media”.

However, Alberta’s restrictive information laws are not unusual in Canada. The country is being left behind in the growing trend toward data accessibility. In the spring of 2008, federal information commissioner Robert Marleau was forced to hire an additional nine-person team to help deal with the massive backlog of complaints regarding access requests and the manner with which they were dealt. Marleau was not satisfied with the laws of the time and “suggested giving priority service to MPs and the media”³. In June 2009, the commissioner resigned, citing personal reasons. Despite much speculation that he resigned as a protest against the pace of change, Marleau remained silent.

When the privacy commissioner of a country quits after completing only two years of a seven-year term, that indicates a serious problem. Archie McLean, chair of the Grant MacEwan University journalism program, said that “the laws as they stand have a number of loopholes”⁴ and that the “onus is on the government to be as open as possible” (ibid). He mentioned an appeals process for an access request he made as a journalist that lasted for three or four years. After this much time passes, an event has generally lost newsworthiness. He believes this is a, perhaps unconscious, government strategy for controlling the flow of information.

³ Beeby, Dean. “Information watchdog is tackling secrecy, but he’s not saying how”, *Apathy Is Boring*. The Globe and Mail, May 12, 2008. Web. Accessed February 21, 2011.

⁴ Archie McLean, interview, February 27, 2011.

So why are reporters being targeted? Perhaps it is that government opinion is against them. The First Minister of Northern Ireland, Ian Paisley, claimed in 2007 that “requests are of a wide ranging and detailed nature that require many hours of research, and are sent in by lazy journalists, who will not do any work, but who think that we should pay them and give them the information that they want”⁵. Furthermore, when the first federal Access to Information Act was being passed in the 1980s, Conservative MP John Crosbie predicted that the ATIA would be used to “embarrass political leaders and titillate the public” (ibid). Many politicians anticipated the laws being abused.

We must not forget why privacy laws were instituted in the first place. Although the public generally deserves access to information, there are some conditions in which it is inappropriate to broadcast data. For example, personal information should generally be kept private. Additionally, in the case of disasters and tragedies, it is necessary to protect the victims: for instance, rarely would confidential medical records be exposed. Individuals in these instances should be sheltered from unwanted media encroachment or manipulation. However, in the Canadian Association of Journalists’ code of ethics, reporters vow to “maintain the dignity of the subject as much as possible”⁶. Moreover, before issuing a story, photo or video, the writers promise to “consider who might be hurt by the publication”(ibid). The Alberta government should take into account the fact that the code of ethics already accounts for privacy protection. As Archie

⁵ Tromp, Stanley L. *Fallen Behind: Canada’s Access to Information Act in the World Context*, September 2008: Page 45. Web. <http://www3.telus.net/index100/report> Accessed February 17, 2011.

⁶ Snow-Capparelli, Shauna. *Journalism Code of Ethics and Professional Practices*, May 2009: Page 31. Web. <http://www.calgaryjournalonline.ca/pdf/EthicsCode09.pdf> Accessed February 17, 2011.

MacLean points out, they “should err on the side of releasing more info”⁷ although they often “err on the side of censoring” (ibid).

Although the provincial government falls short on releasing information, there are steps they can take to rectify the problem. The place to start, says Alberta’s privacy commissioner, is with an “open government”. Open government is a term coined by British Columbia’s Campaign for Open Government, which aims to have administrative information made available on all topics and for all people. Sometimes referred to as Government 2.0, one of the cornerstones of the movement is freedom of the media. Supporters argue that the level of transparency of a society can be gauged by the strength of its press.

If the Alberta government wishes to shake off its bad reputation regarding information accessibility, it must begin by speeding up its responses to access requests. A four-year wait time for an event which could become a news article is simply unacceptable. A report by a group of journalists released in September 2008 cited numerous stories which would not have been possible without ATIA files, on topics as diverse as nuclear energy reactors, foot-and-mouth disease and RCMP in-custody deaths⁸. This vital information may not have been released without Freedom of Information laws that enabled the press to read the reports and make the contents publicly known. However, if politicians continue to side-step, postpone or ignore the media’s attempts to find out the facts, countless other important stories might be lost.

⁷ Archie McClean, interview, February 27, 2011.

⁸ Tromp, Stanley L. *Fallen Behind: Canada’s Access to Information Act in the World Context*, September 2008: Page 45. Web. <http://www3.telus.net/index100/report> Accessed February 17, 2011.

A government must be accountable to its people. This means that any decisions, plans or documents which affect the people should generally be made public. As the open government doctrine states, “citizens who wish to play an active role in their governance must equip themselves with accurate information about government and its activities.”⁹ Most of the population gets its information from the news. This means that the Alberta government, in order to fulfill its duty to the public, must also be accountable to its media. Knowledge is power. Only a policy of openness, transparency and accessibility will ensure that the balance of power stays in the hands of the people.

⁹ *Campaign for Open Government*. <http://www.opengovernment.ca/content/view/13/34/>. Web. Accessed February 21, 2011.