

Reed's report from Queen's Park

By JULIAN REED, MPP
Halton-Burlington
FREEDOM OF
INFORMATION

Liberal MPP James Breithaupt (Kitchener) introduced a Private Member's Bill May 4 on Freedom of Information. In essence, the Bill highlighted the Williams Commission proposals as outlined in Volume I of its report:

Freedom of Information
1. A general public right of access to government-held information;
2. A list of specific exemptions from this general right to protect the legitimate needs of government for confidentiality;
3. Independent review of government decisions to release or withhold information.

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Individual Privacy
1. Encourage restraint and fairness in the collection of personal data by government;

2. Ensure that the public is aware of the existence and nature of government information systems containing personal data;

3. To give individuals the right to examine and correct records containing personal information about them, subject to certain exceptions;

4. To allow individuals to participate in decisions about the use and dissemination of personal information about them;

5. To establish data management standards to protect the integrity and security of personal information held in government records.

In his Bill, Jim Breithaupt made a determined attempt to incorporate the most up-to-date knowledge on the important and sensitive issue of freedom of information, and the protection of individual privacy. That does not mean, as he has pointed out, that it is "the very last word" on the question.

A copy of the Private Member's Bill was mailed to some 1,000 people known to be interested in the issue. The response was overwhelmingly positive.

During debate on the legislation, Jim Breithaupt emphasized the need for urgency on this important question. As he said, we have waited far too long for freedom of

information legislation to be enacted.

In 1977, the Williams Commission was established to study and report upon the many complex aspects of freedom of information. The Krever Commission on Confidentiality of Health Information was struck that same year.

In August, 1980, the Williams Commission submitted its final report to the Ontario Legislature, preparation of which had cost approximately \$1,700,000. Ontarians were promised draft legislation by the end of 1980.

A further six months elapsed before, Sept. 29, the minister announced, not legislation, but the

establishment of a Task Force to draft a position paper with accompanying legislation, at an anti-



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dated cost of \$130,000. The people of Ontario were told

a White Paper would be issued by Dec. 15, 1981, and that the Minister hoped to hold hearings throughout the Winter of 1981-82 with a view to tabling legislation by Spring, 1982.

Spring, 1982, arrived. There was no White Paper. There were no hearings. There was no legislation.

April 23 Jim Breithaupt questioned the minister in the Legislature. The minister expressed his regrets that he was unable to "speak more freely about our position because our position has not been reached at this particular time".

In view of the government's apparent reluct-

ance to deal with the question of freedom of information, Jim Breithaupt decided to table his Private Member's Bill, with the sincere hope and intention that its introduction would encourage public debate on the issue, both in the Assembly and elsewhere, with a view to giving to the people of Ontario the freedom of information legislation which they so richly deserve.

The Bill was debated by the Ontario Legislature May 27, at which time it was blocked by government members.

Freedom of speech and of choice tend to be taken for granted as the hallmarks of a democratic

political system. Equally important, although perhaps less widely recognized, is the principle that a democratic government is a government run not only for the people but by the people. The notion of participatory democracy is generally accepted, yet the practice of modern governments suggests it is a notion which is all too easily bypassed. To the extent that governments become entrenched so also do they become closed and secretive. Closed government conflicts with the principles of free, democratic government. Moreover, it alienates and isolates the people it is intended to serve.

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