

Hello, Bonjour, Tánishi (Michif):

Thank you for this opportunity to comment on the Government proposals to revitalize access to information.

As an individual Métis citizen the ideas and opinions expressed herein are my own.

I hope, I leave behind a great digital legacy, a light but forever footprint on our path road called humanity.

As I always say: "As we paddle forward together, our voyage to our highest potential is only as fast as the last canoe." Author, John D. Hamilton, Métis.

Thank you, Merci beaucoup, Marsé (Michif).

Sincerely and in my opinion

Métis specifically,

John D. Hamilton, Métis

Open Government

<http://open.canada.ca/en/consultation/submit-detailed-proposal>

submit your proposal on other ways to improve the Access to Information

<http://open.canada.ca/en/consultation/more-information-on-access-to-information>

More information on access to information

Open by default and modern, easy to use formats

<http://open.canada.ca/en/consultation/open-by-default-and-modern-easy-to-use-formats>

Yes, data “open by default”, I agree 100% !

<http://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html#h-2>

The purpose of the ATI Act:

...”provide a **right of access** to information in records under the control of a government institution in accordance with the principles that government information should be available to the public”...

In this, our age of social media, an app for everything, in order for the federal government to provide **fair and equitable access** to such information.

I propose that **we need**:

1. An option to login into ATI website, **our own ATI homepage**, as well as, **an ATI app**, in all three : Google - Android, Microsoft - Windows and Apple platforms.

Repository of:

login, password (ability to change), your profile (name, address, contact info, etc what you need and want to share), requests, downloads in PDF .pdf format, requests in progress, payments (basic fee), history, ability to share, security, etc, ...

And naturally “subject only to limited and specific exceptions, such as national security, privacy and solicitor-client privilege.”

<http://open.canada.ca/en/consultation/open-by-default-and-modern-easy-to-use-formats>

Actually, I wouldn't mind our own **Open Government homepage**, as well as, **an Open Government app**. That would have login, password (ability to change), your profile (name, address, contact info, etc what you need and want to share), requests, downloads in PDF .pdf format, requests, consultations in progress, payments (basic fee) if any, history, ability to share, security, invite friends or groups, livestream, webinars, etc, ...

Fees

“Eliminate all fees, except for the initial \$5 filing fee.”

Yes, I agree 100% !

Does the ATI data tell us if language differences or other challenges are resulting in applicants having Access to Information Request Forms filled in by third parties who in turn charge them a fee or receive a benefit?

The Access to Information Request Form in all formats should ask (just like our Canadian income tax and benefit return requests) if a fee was charged in preparing or counselling the applicant in filing the request form *and* the name of the person(s) counselling and/or benefitting/charging for the advice.

I want to ensure that no one is profiting from charging a fee or receiving a benefit for preparing or counselling an applicant in filing an ATI request form which under the ATI “Act” access is ensured by all citizens on an equal playing field.

Written explanation to requestors

“When information cannot be released, provide requestors with a written explanation.”

Yes, I agree 100% !

To the point summary explanation, a concise explanation is better than self speculating, less stress.

Discretion for frivolous and vexatious requests

Yes, I agree 100% !

And as stated “careful oversight to ensure the authority is properly exercised.”

That is why an **ATI homepage**, as well as, **an ATI app is good.**

An app is more personalized and has the ability to adapt to change.

As well, for ATI security.

If there was an ATI information request that someone wanted stalled until after a particular date, then what better way than to cyber attack ATI with tons of frivolous or carefully planned focussed requests?

Order-making powers for the Information Commissioner

“the power to order the release of government information.”

Yes, I agree 100% !

I believe it to be better than a Federal Court referral.

Expanding the scope of the Act

“Ensure that the Access to Information Act applies appropriately to the Prime Ministers and Ministers' Offices, as well as administrative institutions that support Parliament and the courts.”

Need to replace with **clearer language** and **more inclusive.**

Need to replace and state:

“Ensure that the Access to Information Act applies appropriately to the Prime Ministers and Ministers' Offices, as well as administrative institutions that support Parliament and the courts,” as well as, **all Members of Parliament and Senators** accompanied by appropriate protections.

Five-year review of the Act

“a full – and soon to be mandatory – five year review of the Act no later than 2018.”

Yes, I agree 100% !

No later than 2018 !

Strengthen performance reporting

“This data is also available on open.canada.ca.”

Good !

“The Government could focus on key statistics in measuring the performance of the program. These could be presented in a "dashboard" format that would allow Canadians to track how well the program is meeting its objective of providing timely access to government information.”

I agree 100%, if in a “dashboard” format, that includes the ability of ATI department personnel, even the minister, as well as, open to citizens to **login, comment, feedback, dialogue !**

I am only familiar with dashboard on the:

<http://letstalkclimateaction.ca/ideas> login, comment, feedback, dialogue

<http://www.letstalksustainability.ca/intro> and
<http://fdds-sfdd.ca/index.html#/en> where one can comment only.

Which is **your “dashboard”** format suggestion?

Login, submit idea, feedback, people can comment, there is dialogue
or
just comment only with no feedback?

<http://www.tbs-sct.gc.ca/hgw-cgf/oversight-surveillance/atip-aiprp/sr-rs/2015/bulletin38bpr-eng.asp>

Info Source Bulletin 38B - Statistical Reporting, 2014-15

“The annual bulletin presents metrics such as:
Number of requests received and responded to
Time required to respond
Pages processed and disclosed
Reasons for time extensions
Fees collected and costs of operations”

Reading them over, I couldn't help but notice the **monochromatic tone**.

...Requests received and closed; sources of received disposition and time required to close; disposition of closed; time required to close; five-year comparison of time required to close; relevant pages processed and disclosed regarding closed; other considerations regarding complexity of closed; reasons for deemed refusals; status of closed access; reasons for extensions and disposition.... **and so on...**

...to me very **good statistical information** on ATI requests.

Don't get me wrong, that's good, but **is that the best it could be?**

It could be **so much more!**

For me statistical reporting, in my respectful opinion, **needs to tell a story**, it needs themes !

What types of information are being requested?

Maybe discover a **pattern**, where there is an issue or challenge in the type of information at a particular department or ministry?

Maybe a systemic challenge that could be evaluated and changed to reduce the frequency and costs associated with access to information requests?

What story is the data telling us, the federal government, the average citizen?

Imagine a lawyer, teacher or professor teaching a class of learners.

Every year the students ask the same questions.

As a professor, one evaluates and thinks, what are their questions telling me about my teaching, my lessons, the strengths and challenges of my students?

They would ask: “What can I do to help the learners understand better on these particular learning challenges?”

To improve the curriculum.

As an ATI person, one evaluates and thinks, what is this ATI data on information requests telling us about the federal department, the ministries in order to provide improved service to our clients and possibly reduce costs associated with access to information requests?

To improve the government systemic infrastructure.

If the same general thematic ATI request is asked for year after year?

Is it based on language?

Misinterpretation of the “jargon”?

Do the words need visual graphic representations to tie the meaning together?

Are ATI requests needing a costly third party to bridge the language or challenge gap?

Is there a simple fix or more challenging fix?

How much will this fix reduce the costs of ATI requests?

I know that the following is for web sites but maybe Google could help?

Need ATI analytics.

There must be an app for that?

Google:

"Explore new ways to see what's working and fix what's not."

"Google Analytics helps you analyze visitor traffic and paint a **complete picture** of your audience and their needs."

Need to read the narrative of the data, read between the lines, a story waiting to be told.

Can't get blood from a stone so moving on...

"PROPOSAL FOR REVITALIZING ACCESS TO INFORMATION LEGISLATION" by **Michel Drapeau**, Professor, University of Ottawa, Faculty of Common Law

proposal_for_revitalizing_access_to_information_[legislation.pdf](#)

Really interesting !

It goes without saying, but I must say it, **a very insightful, professional, well thought out** proposal.

Clear, precise, logical, easy to follow and it made sense.

I didn't agree with everything, but it made sense to me.

Thank you for your submission, it made me think and that is always a good thing.

In my respectful opinion.

PART IV CONCLUSION

...”urgent to have **all Members of Parliament and Senators** subject to the Access to Information Act.”...

I am in 100% agreement !

...”ATI Coordinators need the status, independence and authority which flow from a G-I-C appointment in order to properly perform their onerous duties to the Canadian democracy.”...

I am in 100% agreement !

...”the Commissioner also needs to remain an Ombudsman (as an Officer of Parliament) and not become the head of an administrative tribunal.”...

I disagree.

Points from the pdf that made me think:

...”in my respectful opinion the ministerial intention to give the Information Commissioner order-power controverts these views”...

...”Granting the Information Commissioner with order-power would come at a steep price. First, it would strip the Information Commissioner of her status as an Officer of Parliament with the assumption of quasi-judicial functions the Commissioner would become duty-bound to “act judicially” instead of carrying out her work under the guidance and direction of

Parliament and report to a Parliamentary Committee.”...

...”Parliamentarians have not played their leading role in examining the need for reforming this important legislation and making proposals for change”...

...”this role has effectively been deputized to the Information Commissioner, 3 who has advocated that her role and function be transformed from that of an Officer of Parliament (an Ombudsman) to one which would be vested with quasi-judicial powers.”...

...”3 It is rather unusual to have an office-holder more or less proclaim as unfit a statutory regime which she is duty bound to respect and implement in its current configuration – and, then propose reforms. In a working democracy, such a delicate task is normally left to an independent body [i.e. a Law Reform Commission] set up by a government to conduct law reform; that is, to consider the state of laws in a jurisdiction and make recommendations or proposals for legal changes or restructuring.”...

...”current Commissioner insists, however, that Parliament as a whole no longer play any part in the administration of the Access to Information regime. She argues that she should be provided with order-making power and transformed into a quasi-judicial body.”...

...”The Office of the Information Commissioner (OIC) is currently not structurally staffed to respond, in a timely fashion, to the growing appetite of the Canadian public”...

Do any of our Canadian federal government Officers of Parliament have order-making powers?

If they don’t maybe they should as well?

<http://open.canada.ca/en/consultation/order-making-powers-for-the-information-commissioner>

In the **Background** webpage:

...”Some jurisdictions have combined order-making powers with the principle of ministerial responsibility. They do this by providing for a ministerial or Cabinet override of a Commissioner's order to release

government information. In other models, the government can ask for review by a court if it disagrees with a Commissioner's order to release government information.”..

So there is a possible **check and balance** on the potential power of the Office of the Information Commissioner (OIC).

I propose:

“government can ask for review by a court if it disagrees with a Commissioner's order to release government information” **be implemented**

and

“providing for a ministerial or Cabinet override of a Commissioner's order to release government information” **not implemented.**

Maybe parliamentarians should take a greater role?

I propose:

to give the Information Commissioner the power to order the release of government information, **be implemented**

as well as

to give a special all-party committee the power to order the release of government information, **be implemented.**

Independent **special all-party committee** with composition *based upon democratic electoral reform.*

If not “either or both” then who?

I really don't want a “Law Reform Commission set up by a government to conduct law reform; that is, to consider the state of laws in a jurisdiction and make recommendations or proposals for legal changes or restructuring”.... For me too lengthy, costly, etc...

Remarks by the Information Commissioner of Canada
before the Standing Committee on Access to Information,
Privacy And Ethics on the Special Report "Striking the
Right Balance for transparency: Recommendations to
modernize the Access to Information Act"
February 25, 2016

http://www.oic-ci.gc.ca/eng/media-room-salle-media_speeches-discours_2016_2.aspx

Point that made me think:

“Let me give you a few concrete examples of issues that require a legislated solution....

5. In terms of strengthening oversight, the commissioner’s ability to issue orders (i) would ensure that the processing of request would be more timely, (ii) would instill more discipline and more predictability, (iii) would provide an incentive for institutions to make comprehensive and complete representations to the Commissioner at the outset, (iv) would create a body of precedence that increases over time and (v) requesters and institutions would then have a clear direction as to the Commissioner’s position on institutions’ obligations under the Act.”

I agree with the 5 reasons to give the Information Commissioner the power to order the release of government information. Reasonable, logical, practical rationale.

Remarks by the Information Commissioner of Canada
Standing Committee on Access to Information, Privacy
And Ethics
Access to Information Act

May 19, 2016

http://www.oic-ci.gc.ca/eng/media-room-salle-media_speeches-discours_2016_6.aspx

“Parliament

Parliament is not covered by the Act, but the combined budget for the House of Commons, Senate and the Library of Parliament in 2014-2015 was more than \$500 million.

Ministers’ offices

Ministers and their parliamentary secretaries, ministers of state and the Prime Minister are public office holders who make decisions that impact Canadians. These decisions also impact how tax dollars are spent.

Ministers (and their staff) need to be accountable in disclosing information relating to the administration of their departments or other responsibilities.

Recommendation 1.2

The Information Commissioner recommends extending coverage of the Act to the Prime Minister’s Office, offices of ministers and ministers of State, and parliamentary secretaries.

Recommendation 1.3

The Information Commissioner recommends creating an exemption in the Act for information related to the parliamentary functions of ministers and ministers of State, and parliamentary secretaries as members of Parliament.”

I don’t agree with 1.3, no exemptions.

I would want to see **valid and reliable justifications** for such an exemption.

Replace Recommendation 1.3 with:

The Information Commissioner recommends **extending coverage** in the Act for information related to the parliamentary functions of ministers and ministers of State, and parliamentary secretaries as members of Parliament, **accompanied by appropriate protections.**

“Recommendation 1.4

The Information Commissioner recommends extending coverage of the Act to the bodies that support Parliament, such as the Board of Internal Economy, the Library of Parliament, the Conflict of Interest and Ethics Commissioner and the Senate Ethics Commissioner.

Recommendation 1.5

The Information Commissioner recommends creating a provision in the Act to protect against an infringement of parliamentary privilege.”

Needs: Clearer language to include all Members of Parliament and Senators subject to the Access to Information Act !

“Public interest override

A public interest override allows for the competing interest of the public’s right to know to be balanced against the interest the exemption protects. Considering the public’s interest should be an automatic reflex when determining if non-disclosure is appropriate and necessary.

I also recommend a list of factors to consider in weighing the public interest in disclosure. These include the government’s commitments on open government as well as environmental, health or public safety implications. This list is non-exhaustive and could also include other important factors, such as the rights of indigenous people.”

Needs: Not “could also” but **shall also** include the rights, duty, fiduciary duty to consult and accommodate on a Nation to Nation standing First Nations, Métis Nation, Inuit, Non-Status Indians, all Indigenous peoples.

100 % agree.

First Nations, Métis Nation, Inuit, Non-Status Indians, all Indigenous peoples.

For me specifically:

Métis National Council, (MNC), President Clément Chartier QC and fellow members of the MNC Board of Governors.

Duty, a fiduciary duty to consult and accommodate, Nation to Nation.

Elders, values, beliefs, culture, traditional knowledge, section 35 Aboriginal rights, collaborative partnership, full inclusion, full participants.

MNC represents the Métis Nation in Canada at national and international levels.

Métis, as one of the three Aboriginal peoples in Canada, recognized as such in s. 35 of the Constitution Act 1982, are likewise included in the term “Indians” in s. 91 (24), confirming that it is Parliament and the federal government which has legislative and constitutional jurisdiction as well as a fiduciary duty for Métis people.

“It is a paramount that this omission in the Act be corrected to ensure the proper balance between competing interests.

I therefore recommend, as a priority, that a public override be included in the Act.”

I agree 100% !

Also, **I agree** with the rest of recommendations of the Information Commissioner of Canada.

They come from *first hand* experience and knowledge of what is needed and what will work.

As an individual Métis citizen the ideas and opinions expressed herein are my own.

I don't even own a cell phone nor have I ever used one, just a laptop and tablet, both borrowed, not mine.

I love this digital world which is maturing into virtual reality.

I hope, I leave behind a great digital legacy, a light but forever footprint on our path road called humanity.

As I always say: "As we paddle forward together, our voyage to our highest potential is only as fast as the last canoe." Author, John D. Hamilton, Métis.

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Thank you, Merci beaucoup, Marsé (Michif).

Sincerely and in my opinion

Métis specifically,

John D. Hamilton, Métis