

BYLAWS

City's approach to access to information 'appalling'

Former alderwoman who led fight decades ago for Vancouver to adopt transparency rules says it's worse than ever

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The author of a grand dream nearly 40 years ago to offer the public open access to the City of Vancouver's records says the system is being used by bureaucrats and politicians to frustrate that goal.

Marguerite Ford, a former city alderwoman who was awarded the Freedom of the City for her civic service, said Friday that Mayor Gregor Robertson's Vision Vancouver administration has turned her idea of access to information upside down.

"It is very hard to get any information out of city hall and I think it is deliberate. They just don't want you to know what is going on," she said, adding staff are being muzzled. "It is certainly worse at city hall than it was ever before, there is no doubt about that. The fact that individual employees can't even talk to the public is appalling."

Ford initiated the idea of freedom of information legislation shortly after she was first elected in 1976. Over a period of two years the city sent resolutions to the Union of B.C. Municipalities asking then-municipal affairs minister Bill Vander Zalm to create provincial access to information legislation.

When Vander Zalm said he wouldn't do so until Vancouver brought in its own information bylaw, Ford rose to the challenge.

"So I said, OK, we're going to do something," she said Friday.

The civic administration of late mayor Jack Volrich wasn't



Vancouver's freedom of information bylaw — dating back to 1982 — was the first of its kind in Canada. But the former alderwoman who created it says city hall has turned her original idea upside down.

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interested, and it wasn't until Michael Harcourt was elected in 1980 that the new TEAM-dominated council took up the challenge. The city hired two University of B.C. law students to help draft a freedom of information and protection of privacy bylaw, which council adopted in October 1982.

"I was trying to make sure that not only did we have a freedom of information bylaw but Vander Zalm didn't have an excuse for not having one," Ford said.

The city's bylaw, bereft of the cumbersome language that now fills B.C.'s Freedom of Information and Protection of Privacy Act, considered only three reasons why the public couldn't see government documents: health

records, personnel records and real estate transactions while they were under negotiation.

It was the first municipal bylaw of its kind in Canada and it preceded the federal Access to Information Act by a year. Some provinces brought on provincial legislation at that time.

In a twist of historic irony, however, Vander Zalm never followed through. It was left to Harcourt, when he was elected as premier under the New Democratic Party, to bring in the provincial act in 1992. Ford's bylaw was eventually brought into compliance with the new provincial act.

The administration of the act has since become bogged down under heavy bureaucracy and a

culture of secrecy. On Oct. 22, almost 33 years to the day that Ford's municipal bylaw was passed, Elizabeth Denham, the provincial information and privacy commissioner, issued a damning report highlighting serious violations of the B.C. act by provincial bureaucrats who "triple-delete" emails rather than furnish them to the public.

Last week, Denham informed Vancouver she will conduct an audit of the city's administration of the act. It is the first municipal audit by her office.

When Robertson was re-elected last year with a reduced majority, he pledged to be more transparent. He also lifted some restrictions on who media could call for information.

Ford said she has conveyed to the legislature's special committee reviewing the act that she believes the spirit of the legislation is being subverted.

"I think they should open it more. Why are they afraid to let people know what is going on? Generally speaking, if you inform people, most of them behave fairly reasonably," she said.

Vincent Gogolek, the executive director of the B.C. Freedom of Information and Privacy Association, said the city's early bylaw was founded on the belief that people should have access.

"When you have what is more or less a code just saying that, 'Citizens of Vancouver, you are entitled to these documents, come and get them,' and if city hall is open, then it works," he said. "The problem is when you have people who don't want that coming out. This bylaw works as long as people at city hall are pro-open. But when you have to actually insist and say you have to give this to me, then that is when you need something like the (B.C.) act, which has the enforcement mechanisms to do that."

Ford's bylaw had a dispute resolution mechanism. Appeals could be made to the city clerk, who would then negotiate with the particular department head. If no agreement could be reached, the matter could then be referred to a council committee for resolution.

In the bylaw's nine-year history, however, no dispute ever reached that level.

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