



HOUSE OF COMMONS

October 31, 2005

Hon. Gerard V. La Forest

Review of Role of Information Commissioner
Suite 600, Frederick Square
77 Westmorland Street
Fredericton, N.B. E3B 5B4

Dear Mr. La Forest:

The administration of the *Access to Information Act* at the Department of Fisheries and Oceans (DFO) has been severely politicized. The Act is administered at Fisheries in a manner designed to protect the government from embarrassment.

DFO administers the Act so as to allow the (i) Legislation and House Planning Branch of the Privy Council, (ii) the Minister's Office, (iii) the Executive Secretariat that supports the Minister, and (iv) the department's Communications branch to track and intervene in the handling of information requests in a manner designed to protect the government from embarrassment rather than to dispassionately provide the public access to departmental records.

DFO's computerized records chart the handling of each information request on an "activity sheet." I have received from the department the computerized records covering my information requests in 2004.

1. The activity sheets show that my information requests were routinely categorized as "sensitive." Requests that are categorized as sensitive receive heightened scrutiny. Such heightened scrutiny reflects not a special case management system to protect national security but one to address concerns that if certain departmental records were made public the Minister might be politically embarrassed.
2. The activity sheets reveal that the Legislation and House Planning Branch of the Privy Council Office generally monitors and tracks my information requests to the department. Some of the notations on the activity sheet imply that Legislation and House Planning were actually involved with what was to be released.

3. The activity sheets show that the Executive Secretariat at Fisheries was directly involved in tracking and monitoring my requests and more importantly was involved in decisions as to what was released.
4. The activity sheets show that the Minister's Office is directly involved in the information requests I made to Fisheries. Copies of the various versions of the release package are provided to the Minister's Office throughout the release process.
5. Finally, the activity reports show my information requests are monitored and tracked by the Communications branch of the department.

The computerized tracking of my information requests under the *Access to Information Act* reveal a process organized to protect the political interests of the Minister and the Prime Minister rather than dispassionate administration of the Act.

The strengthening of the powers and independence of the Access to Information Commissioner and his control and authority over the administration of the Access to Information Act would guard against the politicization of the administration of the Act as has occurred at DFO.

The work of the Information Commissioner in ensuring that I have access to government documents is essential to my job as a Member of Parliament. I believe his independence and his control over the administration of the *Access to Information Act* needs strengthening not weakening.

As you know I do not believe that the job of Information Commissioner should be merged with that of Privacy Commissioner. The politicization of the administration of the *Access to Information Act* at Fisheries and Oceans provides yet another reason for strengthening the powers and independence of the Information Commissioner rather than merging two essentially incompatible offices.

I look forward to your report on the administration of the *Access to Information Act* and the possible merger of the Office of Information Commissioner and Privacy Commissioner.

Yours truly,



John Cummins, M.P.
Delta-Richmond East

cc. Hon. John Reid, Information Commissioner of Canada

Enclosure: Response to DFO Information Request A-2004-00385