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Newfoundland: Amendments Would Significantly Weaken Openness

At a time when the right to information is being strengthened around the world, the government of Newfoundland's Bill 29 would be a major step backwards for government transparency according to an assessment by the Centre for Law and Democracy (CLD).

CLD has analysed Newfoundland's law using its RTI Rating methodology, a tool it has used to assess the strength of all national access to information laws (see http://www.law-democracy.org/?page_id=1003). The current law scored 101 points out of a possible 150, putting it in top place among the seven Canadian jurisdictions rated so far. With the amendments, that score would drop to just 93 points.

The main problem with the amendments is that they very significantly expand the regime of exceptions, including the blanket exclusion of a vast range of documents under the so-called cabinet exception. On exceptions, the amended law would earn just 14 of a possible 30 points, making this a clear Achilles heel of the new regime. Other serious problems with the amendments include ousting the jurisdiction of the Information and Privacy Commissioner in relation to cabinet documents and granting expanded and discretionary powers to public bodies to reject requests which are 'systemic' or 'trivial'.

"Globally, there is a clear trend towards greater openness," said Toby Mendel, Executive Director of the Centre for Law and Democracy. "These changes would drop the Newfoundland law behind countries like Bulgaria, Peru and Moldova. The people of Newfoundland deserve better, and to know what their elected government is up to."

The analyses were conducted in the context of a broader comparative study of provincial access to information frameworks which the Centre for Law and Democracy is currently undertaking, and which is due to be released this fall.

The full analyses are available at: <http://www.law-democracy.org/?p=2054>.

Media coverage of CLD's comments regarding the proposed amendments is available at: <http://www.cbc.ca/centralmorning/episodes/2012/06/13/the-morning-show-podcast-for-june-13-2012/> and <http://www.cbc.ca/news/canada/newfoundland-labrador/story/2012/06/13/nl-atippa-global-ranking-613.html>.

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