
February 20, 2003

Mr. Peter O'Brien, Chair
FOIPOP Review Committee
c/o Nova Scotia Department of Justice
PO Box 7, 5151 Terminal Road
Halifax, N.S.
B3J 2L6

Dear Mr. O'Brien:

**RE: FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT REVIEW
COMMITTEE**

Thank you for the opportunity to comment on this subject. Looking at the topic more widely, it seems to me that the 'Government', generally, has come to treat 'the people' in an adversarial manner. The interaction of the people with their government has become a WE v. THEY situation. THEY have levied fees designed to discourage so-called frivolous applications - or (it could be argued) applications of any kind. THEY are going to our courts to keep us from having our information!

The people of this province and country own every scrap of paper in every file drawer in every government office. We own the chairs and computers. We own every bit of information that is gathered. It is WE and not THEY to whom everything belongs.

As Mr. Fardy, the *Act's* review officer, is quoted as saying (*Chronicle Herald*, 15 February, 2003) in response to suggestions that the increased fees would dissuade frivolous applications, "*I never thought there were any nuisance ones*". How right he is! Who, indeed, is to say what is worthy and what is not? The terms 'public servant and civil servant' are rarely used these days but perhaps they should be re-introduced to remind us all that every person in a government job whether voted in or hired on is, indeed, the employee of the public. To have 'the servant' dictate to 'the master' what is and is not foolish or a nuisance is inappropriate.

As I have said, we the people, own everything. Needless to say (to any thinking person), there will be occasions when it is not prudent to make every thing available to every applicant. These instances, however, should be the exception. Far from finding ways to withhold information from 'the masters',

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'the servants' should be looking for ways in which to be accommodating. Rather than branding every piece of paper with the sacred hand of lawyers in order justify withholding documentation, only a very few specific documents should be so protected.

Mr. Fardy is right again when he states (*Chronicle Herald*) that the advisory committee on the subject should not have included government employees. Should the fox be charged with arranging things to the advantage of the chickens?

Mr. Samson's recommendation that the fees be rolled back is appropriate. It would seem reasonable to me to allow citizens free access to documents until such time as it becomes clear that the petitions are unreasonable and/or very time consuming. In a well run office a document can be easily pulled from a file. IF responding to a request becomes more cumbersome, then is time enough to consider the cost of retrieval, with explanations to the petitioner.

The *Act* has been in place long enough for government departments to see a pattern in what kinds of things are requested of them. It should be an easy matter to keep a file of favourites (electronic or paper) at hand, cutting retrieval time to nearly zero. If accurate data does not already exist, and while initiating a moratorium on fees for a year, more difficult requests should be logged to track time spent on retrieval and scrutiny to give an accurate picture of man-hour costs. Why was it difficult to comply with a request? Where can the bumps be smoothed? Lastly, by making government less secretive, and by extension, having fewer documents classified as holy, we the people, will be better served.

Recommendations:

- roll back the fees to zero
- maintain a strong appeals process
- legislate civil servants/public employees to accommodate and not thwart those they serve

Sincerely,



Mary Bowen

Cc: Michel Samson, Liberal MLA
Graham Steele, NDP MLA
Darce Fardy, Review Officer