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**Strategies to Create a Culture of Openness: A Multifaceted Approach –  
Different Actors, Different Roles and Responsibilities, Different Tools  
and Resources**

**ABSTRACT:**

In Canada, the Freedom of Information legislation first saw daylight in the late 70s. The legislation did not and still does not address the roles of multiple stakeholders in creating a culture of openness. While such an omission might be expected in legislation, there is unquestionably a need to foster such a culture, not the least because a culture of openness is precisely what was envisioned with the passage of FOI legislation. We now recognize that governments, commissioners, universities, NGOs, civil servants and citizens all have roles to play in reaching the legislation's objective. We also recognize that training and education are important in the mobilization and animation of these actors, and to creating and sustaining a culture of openness. This understood, there are important questions to address when contemplating the training and education dedicated toward fostering open government: What are the different components included in the term 'training' and what are the tools and technologies available for the delivery of such training? Who should be responsible for the different aspects of training and what should be done if one fails to step up to the plate? And how to make sure the training is objective and presented in a comprehensible manner so that the public policy intentions of the legislator can be achieved? This paper intends to address these questions.

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## CHAPTER I. INTRODUCTION

On December 2<sup>nd</sup>, 1766, Adolphus Frederick proclaimed the world's first freedom of information law: "Freedom of Writing and of the Press (1766)".<sup>1</sup> Anders Chydenius played a crucial role in creating the new law.<sup>2</sup> Juha Manninen wrote:

Already in his essay on the causes of emigration Chydenius emphasized that in a free state wide learning and knowledge is needed because the majority must settle matters. A free people could not entrust its matters to the few. The more numerous the subjects participating in the deliberations are, in some way or other, thought Chydenius, the better shall they represent society, and the less possible is it to silence them with threats, the less possible it is to bribe them.<sup>3</sup>

Two hundred and forty one years later, many laws, recognizing a right of access to government's information have been adopted but, as advocates of open government have discovered, legislation alone does not ensure open government.<sup>4</sup> A good piece of legislation is only one component, a very important one in attaining a truly transparent and open government. In 2006, former Information Commissioner of Canada, John Reid, said: "A strong, freedom of information law is essential, but insufficient in itself, to the task of changing an entrenched bureaucratic culture of secrecy. As well, there must be tangible, clear leadership from the elected and non-elected heads of government in support of openness".<sup>5</sup> More recently, in 2007, the new Information Commissioner of Canada, Robert Marleau, said "Ultimately, leadership responsibilities for the implementation of the Right to Know rest with all of us."<sup>6</sup>

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<sup>1</sup> Juha Mustonen, *The World's First Freedom of Information Act: Anders Chydenius' legacy today*, (Kokkola: Anders Chydenius Foundation, 2006) at 8.

<sup>222</sup> *Ibid.* at 4.

<sup>3</sup> *Ibid.* at 37: Juha Manninen, *Anders Chydenius and the Origins of the World's First Freedom of Information Act*.

<sup>4</sup> *Ibid.* at 5.

<sup>5</sup> Information Commissioner of Canada, *Introductory Remarks for the Workshop on Strategies for Changing Bureaucratic Cultures – 4th International Conference of Information Commissioners*, (Manchester, England, June 14, 2006) <[www.infocom.gc.ca/speeches/speechview-e.asp?intspeechId=127](http://www.infocom.gc.ca/speeches/speechview-e.asp?intspeechId=127)>.

<sup>6</sup> Information Commissioner of Canada, *Right to Know and a Culture of Openness in the 21st Century : A Matter of Leadership*, (Right to Know Seminar, Ottawa, Ontario, October 3, 2007) <[www.infocom.gc.ca/speeches/speechview-e.asp?intspeechId=148](http://www.infocom.gc.ca/speeches/speechview-e.asp?intspeechId=148)>.

How can we be leaders and understand the right to access information if there is no training? As Chydenius said learning and knowledge is needed. This is even more important when it comes to creating a culture of access. As the title of this paper indicates, creating a culture of openness requires a multifaceted approach. Training is one of the components and training in itself means a lot of things.

Taking a step back and considering the broader, somewhat more political issues that affect all jurisdictions, I propose in the next pages, based on my experience with the Canadian system, to provide strategies and discussions that answer the following questions:

What are the different components included in the term ‘training’ and what are the tools and technologies available for the delivery of such training? Who should be responsible for the different aspects of training and what should be done if one fails to step up to the plate? And how to make sure the training is objective and presented in a comprehensible manner so that the public policy intentions of the legislator can be achieved?

## **CHAPTER II. TRAINING AND DELIVERY**

In this chapter, I intend to provide an overview of the many components of training and to propose tools to deliver training in the field of access to information.

### **A. DIFFERENT ASPECTS OF TRAINING AND DELIVERY METHODS**

Many stakeholders mention ‘training’, but do not always refer to the same thing. What, then, is meant by ‘training’? For the purpose of the discussion, I will be focusing on those who administer the access to information and protection of privacy legislation.

Education and training can be supplied in many ways. Based on my research, I have prepared the following list summarizing the many types of training methods.<sup>7</sup>

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<sup>7</sup> Treasury Board of Canada Secretariat, *FIS Training Framework*, <[www.tbs-sct.gc.ca/fin/sigs/FIS-SIF/tl/lf/framework/FISTraFra3\\_e.asp](http://www.tbs-sct.gc.ca/fin/sigs/FIS-SIF/tl/lf/framework/FISTraFra3_e.asp)>; John Mihall and Helen Belletti, *Adult Learning Styles and Training Methods*, February 16, 1999 <[www.adr.gov/workplace/pdf/learsty1.pdf](http://www.adr.gov/workplace/pdf/learsty1.pdf)>; Business Link, *Fit the training to your needs* <[www.businesslink.gov.uk/bdotg/action/layer?topicId=1074447749](http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1074447749)>.

1. Instructor-led/classroom training	7. Moderated discussion group
2. Seminar/networking	8. Reading
3. Workshop	9. Audio/video conference
- Group	10. Integrated Internet based methods
- Individual	11. Simulation
4. Computer based training (CBT) (ex. CD-ROM)	- Structured exercise
5. Web based training (WBT)	- Role play
6. On the job (OTJ) training	- Demonstration
- Mentoring	12. Job aids
- Simulation	13. Help desk/hotline
- Job shadowing	14. Facilitated Group Discussion
- Coaching	15. Case Study

The method chosen should include a mix of both active and passive learning, so that people of both learning styles learn with their preferred way.

Let us look at three training delivery methods: In-house training, distance learning and external delivery.<sup>8</sup>

#### a) In-House Training

A qualified and knowledgeable employee should be responsible of the knowledge development for a given department, so as to suit its particular needs, and adapt to them. Although the use of external contracted experts might be less expensive in certain circumstances, this arrangement is usually better adapted to the contextualized learning needs of the departmental organization with the condition, of course, that this teacher is well-trained. An internal employee, committed to open government can also press from within to foster better understandings of the value of information access laws and practices. Someone with both a lot of knowledge in the field, and good teaching methods should be chosen.

The challenge with this system is to insure cohesion among the different parties and keep the same standards everywhere. Likewise, while the potential for the in-house trainer to advocate for open government exists, it is also true that as a departmental employee the

<sup>8</sup> Business Link, *Fit the training to your needs*  
<[www.businesslink.gov.uk/bdotg/action/layer?topicId=1074447749](http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1074447749)>.

same individual is open to sanction and isolation if efforts to promote open government go against the departmental culture, the departmental leadership, or that of the government.

### **b) Distance Learning**

Such methods include study books, internet and computer based tools, and audio and video presentations reinforced by student tutorials and seminars.

Distance education, using Internet, possesses extraordinary capacity to expand the reach of formal education and training (and most particularly education). To the extent that promulgating a uniform general body of theoretical and factual information is important, and it clearly is important, distance education and training using asynchronous communication modalities is very useful.

In Canada, study books and CD-Rom tutorials have been created at the University of Alberta. These include audio sound and short videos. Such multimedia devices can be quite practical, but they must be updated regularly.

The new technologies can provide an important avenue for acquiring usable information and knowledge about access to information. At the University of Alberta, we experimented with use of this technology through two demonstration projects: the CD-ROMs and the Internet (Glossary). Our experience revealed the potential of the new media but also provided a cautionary note concerning the costs and difficulties of producing such resources. They are costly to produce, and can often date quickly. If educators and organizations are prepared to invest sufficient resources, and are prepared to continue their investments, the new media provide an important means to promote understandings of information access and privacy protection. Additionally and importantly, the new technologies provide opportunities for online discourse and citizen information sharing. On balance, this is for the good, although it also opens prospects for loads of misinformation (a general and significant problem with the Internet).

### **c) External Delivery**

An external training source, provided by an academic institution like a university or college, a private training organization or by a commissioner's office or by different access and privacy associations can be a way to give employees different views and opinions on a same topic.

The U.S. Department of Labor provides a description of the training managers and specialists roles.<sup>9</sup>

### ***Training managers***

Training managers provide worker training either in the classroom or onsite. This includes setting up teaching materials prior to the class, involving the class, and issuing completion certificates at the end of the class. They have the responsibility for the entire learning process, and its environment, to ensure that the course meets its objectives and is measured and evaluated to understand how learning impacts business results.

### ***Training specialists***

Training specialists plan, organize, and direct a wide range of training activities. Trainers respond to corporate and worker service requests. They consult with onsite supervisors regarding available performance improvement services and conduct orientation sessions and arrange on-the-job training for new employees. They help all employees maintain and improve their job skills, and possibly prepare for jobs requiring greater skill. They help supervisors improve their interpersonal skills in order to deal effectively with employees. They may set up individualized training plans to strengthen an employee's existing skills or teach new ones. Training specialists in some companies set up leadership or executive development programs among employees in lower level positions. These programs are designed to develop leaders to replace those leaving the organization and as part of a succession plan. Trainers also lead programs to assist employees with job transitions as a result of mergers and acquisitions, as well as technological changes. In government-supported training programs, training specialists function as case managers. They first assess the training needs of clients and then guide them through the most appropriate training method. After training, clients may either be referred to employer relations representatives or receive job placement assistance.

Planning and program development is an essential part of the training specialist's job. In order to identify and assess training needs within the firm, trainers may confer with managers and supervisors or conduct surveys. They also evaluate training effectiveness to ensure that the training employees receive, helps the organization meet its strategic business goals and achieve results.

Depending on the size, goals, and nature of the organization, trainers may differ considerably in their responsibilities and in the methods they use. Training methods include on-the-job training; operating schools that duplicate shop conditions for trainees prior to putting them on the shop floor; apprenticeship training; classroom training; and electronic learning, which may involve interactive Internet-based training, multimedia programs, distance learning, satellite training, other computer-aided instructional technologies, videos, simulators, conferences, and workshops.

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<sup>9</sup> U.S. Department of Labor, *Human Resources, Training, and Labor Relations Managers and Specialists* < <http://stats.bls.gov/oco/ocos021.htm> >.

Finally, knowledge obtained from education and training must be regularly updated. Additionally, in countries, where there is more than one official language, for example in Canada (French and English), I have found it is quite important that the training material be produced and made available in both languages. An inability to do this segregates people, and from a philosophic perspective insults the very concept of information access.

## **B. TRAINING TAILORED FOR PARTICULAR DUTIES AND FUNCTIONS**

In Canada, there is an ongoing project to define the role and functions of the “Information and Privacy Professional (IPP)”. In the first phase report of CAPA-CAPAPA’s Professional Standards and Certification Project, the authors have elaborated a list of obligations and tasks for each of three principal roles identified for this vocation: administrator, executor and advisor.<sup>10</sup>

The first and most important aspect of the training is selecting the general objectives required for each functions. These objectives can be later divided into theoretical knowledge and the practical skills or “know-how”, that will form a qualified and skilful staff needed to administer the law.

For example, the administrator has to, among other things identify issues, the executor must interpret rights, and the advisor focuses on advocating the principles of access to information and protection of privacy. There are theoretical, factual knowledge and practice knowledge aspects to each of these key tasks, and therefore education, training, and knowledge strategies that can develop practitioner understandings. Transcending all these roles, and practice within each, are moral and ethical standards and problem-resolution challenges that can be addressed through education and training.

Stakeholder knowledge requirements of information access and privacy protection theoretical, practical and contextual particulars will differ. Information access and privacy protection administrators, for example, require substantial exposure to theoretical and practice (or technique) knowledge, which appropriately involves a combination of

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<sup>10</sup> Canadian Access and Privacy Association and Canadian Association of Professional Access and Privacy Administrators, *Professional Standards/Competencies*, Professional Standards and Certification Project, Phase 1, Report, p. 22  
<[www.capa.ca/PSCP%20Professional%20Standards%20Report%20Mar%2027%202007%20\\_4\\_.pdf](http://www.capa.ca/PSCP%20Professional%20Standards%20Report%20Mar%2027%202007%20_4_.pdf)>.

formal theoretical and procedural education, training in practice particular, and a steady diet of information on particulars and developments in the field of practice.

For lawyers, librarians, information technologists and other professionals some measure of theoretical education is useful in addition to specific professional practice development through a combination of education, training and information.

Business sector privacy administrators, politicians and engaged members of the general public, as well as business sector and NGO administrators also possess different learning and informational claims and requirements.

Politicians and the members of the public require understandings that principally build appreciation of access and privacy legislation, and an appreciation of the substantive ideas behind the legislation and the idea of open government. Presumably, the knowledge requirements deepen the more involved politicians and advocates become in championing open government.

Private sector and NGO employees responsible for administering access and privacy matters within their organizations need more than passing familiarity with key knowledge elements, and general managers in these organizations require passing familiarity. Similar to other stakeholder cohorts, there will be differences in requisite knowledge levels and the focus of knowledge requirements depending on the roles that these employees adopt.

Thus, education, training and information dissemination objectives will differ depending on the stakeholder cohort.

### **CHAPTER III. WHO'S RESPONSIBLE FOR THE TRAINING?**

Training is the responsibility of all the stakeholders. Governments, universities, commissioners, NGOs, professional associations and private sector organizations all have a role. If one of these actors fails to do its share, it is their responsibility of the others to step in and provide such training.

## **A. GOVERNMENTS/ADMINISTRATIONS**

In Canada, at the federal level, the *Access to Information Act* (R.S.C. 1985, ch. A-1, ss. 5 and 70) is very short on words with regard to the training of civil servants. Since its coming into force, it has been Treasury Board's responsibility.

### **CASE STUDY: Canada – Federal Level and Provincial Level (Saskatchewan)**

Treasury Board of Canada Secretariat offers some workshops during the year.<sup>11</sup> The Canada School of Public Service offers a one 3-day course on access to information.<sup>12</sup>

In Saskatchewan, an on-line training course, on access and privacy, is available for employees in departments, boards, commissions, and agencies of Executive Government. The course takes about 2 hours to complete.<sup>13</sup> Out of 5 modules, one deals with the right to access government information.

## **B. COLLEGES/UNIVERSITIES**

Colleges and universities have a very important role to play. In addition to providing academic programs or courses on different topics related to access and privacy, they should aim at establishing institutes or research centers which will produce research, policy analyses and provide information services and learning opportunities that add to the general stock of scientific knowledge on access to information. Such academic centers will aid policymakers, access to information administrators and others in their considerations and practices.

Some of the function and purposes of these specialized institutes would be to:

- Establish strong links with the information and privacy commissioners, governmental administration responsible for access to information and civil society organizations;
- Link the University's community of scholars with national and international networks of scholars, programs, centers and institutes (university-, government-, and civil society-based) that focus on access to information issues;

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<sup>11</sup> <[www.tbs-sct.gc.ca/atip-aiprp/index\\_e.asp](http://www.tbs-sct.gc.ca/atip-aiprp/index_e.asp)>.

<sup>12</sup> <[www.cspc-efpc.gc.ca/corporate/list\\_e.asp?loid=237](http://www.cspc-efpc.gc.ca/corporate/list_e.asp?loid=237)>.

<sup>13</sup> <[www.justice.gov.sk.ca/privacyEG](http://www.justice.gov.sk.ca/privacyEG)>.

- Bring science and constructive discourse to the great and continuing debate over access to information's "willed future";
- Promote a culture of openness among government and civil society leaders, and the general citizenry in the consideration and debate of access to information issues;
- Promote understandings of freedom of information goals, purposes and reasons to be; and
- Conserve a record of scientific research, discourse, policy analysis and relevant data.

### **CASE STUDY: The University Of Alberta's Information Access And Protection Of Privacy (IAPP) Certificate Program**

In 2000, the Faculty of Extension at the University of Alberta, played a pioneer role in the development of an academic program for Information Access and Privacy Professionals. At the time, Dr. Edward C. LeSage Jr., Director of Government Studies, had already developed extensive programs for municipal/local administrators, and had just begun an initiative that would see all course instruction provided over Internet. Coincidentally, the municipal sector was coming under the jurisdiction of the Province of Alberta's *Freedom of Information and Protection of Privacy Act*, legislation passed in 1995. Hence, an introduction, Internet-based, freedom of information and privacy protection course was inaugurated as part of the municipal/local administration program. Soon Dr. LeSage and a group of stakeholders realized that the demand was much more generalized than the municipal sector; surprisingly, no formal university-based program of study existed in Canada for information access and privacy protection administrators, even though the Federal and provincial governments had legislation 20-25 years of age.

The first course "Information Access and Protection of Privacy Foundations" was offered in January 2001. Since, the University now offers a 5 course certificate, composed of 4 core courses and 2 optional courses. Each course requires about 65 hours of study and takes one semester to complete. For more information consult [www.govsource.net](http://www.govsource.net).

The IAPP Program provides participants with theoretical and practice-oriented knowledge pertinent to the administration of information access and protection of privacy legislation. To achieve this, GS has codified and otherwise accumulated and organized core theoretical and practice knowledge relevant to this emerging field within the IAPP Certificate Program. IAPP boasts some of the nation's leading experts in information access and privacy protection as course instructors and subject matter experts.

Currently, six courses are offered (Information Access and Protection of Privacy Foundations; Privacy in a Liberal Democracy; Privacy Applications: Issues and Practices; Information Access in a Liberal Democracy; Information Access Applications: Issues and Practices; Health Information Access and Privacy). The six courses are designed for online learning. There are six modules per course and 30 pages per module of original material written by a wide range of Canadian experts. Each module contains an average of 35 pages of complementary readings, a list of optional readings, definitions of key terms/words, and a list of study and discussion questions.

The delivery of these courses is done through the Internet using Web-CT. This asynchronous learning, which accommodates all the time zones, is assisted by an experienced instructor and one or two markers depending on the number of students. One course takes one semester to complete. Term papers are submitted online and the exams are done online.

This program alone has made some significant improvement on the managers' perception of the access to information functions in a department. For example, one student wrote: "On a personal note, I am pleased to inform you that my job description was revised with a new title (FOIP & Records Administrator) and higher classification level. My organization's wish to consolidate IAPP responsibilities to my position and my willingness to work towards IAPP certification are the two major factors for this great new opportunity for me. Certification (and working towards it) DOES make a difference for anyone who would like to seriously pursue a career in IAPP." In the last 3 years, job descriptions for FOIP coordinators include a requirement for some specialized training in access to information from a recognized university or college.

## C. ASSOCIATIONS/NGO'S

Professional associations also have an important role to play in providing continuing education, practical training, awareness tools and fast information communications to their members.

However, the question is what might they offer? It depends on the circumstances of the educational provider network among other things. This said, public (legal) education on information access and privacy protection is an area in which NGOs might do an especially good job of offering training and information.

Professional associations can offer tailored training session to meet their memberships' particular needs.

### **CASE STUDY: Association Sur L'accès Et La Protection De L'information (AAPI) – Québec, Canada**

In the province of Québec, since 1991, the *Association sur l'accès et la protection de l'information* has been very active in the access and privacy community. This association is composed of private and corporate membership. Every two months, it publishes a bulletin to inform the members on various events and developments in the field. The association also holds an annual conference during which prizes are given to organizations and individuals who have demonstrated leadership in the field.

The Association offers some awareness training tools on its website and also offers more than 6 courses as part of its training program. In 2005, the Association has published a comprehensive practical guide for access and privacy administrators: "Guide pratique sur l'accès et la protection de l'information". And in 2008, the Association will launch a more comprehensive training program based on the Guide. For more information: [www.aapi.qc.ca](http://www.aapi.qc.ca).

## D. COMMISSIONERS/OMBUDSMEN

First, it must be kept in mind that commissioners like ombudsmen are created by the legislation, hence their powers and competencies are those expressly listed in the act and any that follows to accomplished them.

Providing training to help the public in their exercise of their right to know is an area in which commissioners might make direct efforts. But, given their mandates, this is also an area in which those who possess expertise in public legal education can make a significant contribution. Commissioners support would be useful, but it is also important to understand that public legal educators, like academics, should also work independently from commissioners, and commissioners should support this independence. Simply put, there will be times when these external organizations will be honestly at odds with government organizations (even commissioners), and this is not necessarily a bad thing. In any event, external organizations will be able to reach persons that the commissioners might not be able through networks and processes that they have developed. This does not obviate a public outreach role for commissioners (this should exist and be aggressively exercised); rather, there is a complementary and (even) potentially dynamic relationship that can develop.

#### **CASE STUDY: Saskatchewan IPC – Office of the Information Commissioner of Canada**

Information commissioners can play an active role in the training and education of public servants, individuals, and politicians. In 2003, the Information and Privacy Commissioner of Saskatchewan published an access and privacy guide aimed at members of the legislative assembly and their staff.<sup>14</sup> This guide is available on the Internet and provides in less than 20 pages a good overview of what access and privacy legislation entails in practice.

At the federal level, after experiencing significant difficulty in recruiting qualified persons to occupy investigator positions, the Office of the Information Commissioner of Canada created an investigator training program for individuals who have the potential to progress to middle and senior level investigator positions. The program involves individual coaching, training, tutoring, developmental assignments, and testing, all designed to provide career progression from PM-02 to PM-05 level without intervening competitions. Twelve to 18 months, approximately, will be required at each level.<sup>15</sup>

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<sup>14</sup> Information and Privacy Commissioner of Saskatchewan, *Saskatchewan MLA Constituency Office : Access & Privacy Guide*, (November 2003, revised January 2006) <[www.oipc.sk.ca/Resources/ConstituencyOfficeGuide2006.pdf](http://www.oipc.sk.ca/Resources/ConstituencyOfficeGuide2006.pdf)>.

<sup>15</sup> Information Commissioner of Canada, *2006-2007 Annual Report*, p. 17 <[www.info.com.gc.ca/reports/2006-2007-e.asp](http://www.info.com.gc.ca/reports/2006-2007-e.asp)>.

The Office of the Information Commissioner of Canada also decided to make available to all other government institutions, and interested members of the public, the office's manual used to train and guide investigators in understanding the exemptions contained in the Act and assessing whether or not they have been properly invoked by government.<sup>16</sup> The Commissioner hopes that this manual, titled 'GRIDS', will assist ATIP administrators across government.<sup>17</sup>

## **E. PRIVATE SECTOR**

Private sector is a very wide term which can include, private training institutions, law firms, associations, and so on.

Private training provides can offer significant products, and among these academic educators would be preferable for more extended and ambitious programs assuming, of course, that there is a culture of outreach and engagement within the post-secondary system. However, if the Canadian experience provides anything it is that the active support and continuing interest of Commissioners are essential to promote such programs. When working with private sector contractors, this support and interest likely should be most directed; liaisons and working relations with universities necessarily will be less prescriptive, but these will also involve longer-term and deeper engagement (assuming that the academic institution will be developing more complete and rigorous materials and programs, and that all involved in are it for the longer term).

## **CHAPTER IV. HOW TO FIND THE RIGHT BALANCE?**

### **A. COLLABORATION AMONGS THE STAKEHOLDERS**

Is the best training something that helps officials see both the requester and the commissioner's perspective on the legislation as well as that of the department and the minister?

Some of the best training will help officials to see both the requester and the commissioner's perspective on the FOI legislation as well as that of the department and

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<sup>16</sup> Information Commissioner of Canada, *2006-2007 Annual Report*, p. 17  
<[www.infocom.gc.ca/reports/2006-2007-e.asp](http://www.infocom.gc.ca/reports/2006-2007-e.asp)>.

<sup>17</sup> Information Commissioner of Canada, *2006-2007 Annual Report*, p. 17  
<[www.infocom.gc.ca/reports/2006-2007-e.asp](http://www.infocom.gc.ca/reports/2006-2007-e.asp)>; <[www.infocom.gc.ca/grids/default-e.asp](http://www.infocom.gc.ca/grids/default-e.asp)>.

the minister. But this brings us back to Chapter 2, in which we addressed the important question concerning the definition of what constitutes training.

It is best, as discovered, to conceive of ‘training’ as something manifold and layered. It is also useful to think of it as continuing. For example, the core program at the University of Alberta was conceived as professional education for individuals who were practicing in the field but required a theoretical education that could be tested and applied as they worked in information access and privacy protection administrative positions in government and other sectors. It is quasi-professional education, dedicated to covering (and sometimes codifying) the foundation knowledge metes and bounds of the growing field. However, the University of Alberta developed and provides products such as an annual conference that served to bring new developments, other information, and critical perspectives to a broader community of information access and privacy protection practitioners. Training with governments and industry provides additional educational and training opportunities that focus appropriately on the particulars of sectoral context and policy specifics, and on the often-divergent interests and purposes of those working within those sectors. In short, like almost all education and training directed at those who practice from a complex knowledge base, what is and should be offered necessarily will be complex and nuanced and offered through a number of venues, and by a number of providers.

## **B. ACCEPTANCE**

To the extent that these ministers are members of parliament, given that most information commissioners work for parliaments and not governments, presentations and reports to parliaments provide important avenues through which to communicate the value and importance of information access. Presentations to parliamentary committees, as well as public speeches that are covered by the media, are other important means to distribute the message.

Ministers and senior policy makers will accept, in their guts (not only their heads) that openness is in their own self-interest as well as in the public interest if: they are exposed to the thought, they have the resources and techniques to take action on the thought, they have the mandate to take action on the thought, they are willing to act (and if not, what would seem to prevent them from doing so), and if they are willing to learn from the consequences of their actions (in other words, to be continually attentive).

Training only addresses aspects of this sequence of positive action. More significantly, perhaps, enlightenment, while important and ideal, may not even be a necessary factor in getting officials to act. Political pressure, and concerns over public reactions to government failure to be open, may be at least as important. Thus, when considering training or education, one should be careful to not place too much bearing weight on its efficacy. Training and education are clearly important co-determinants in developing public-regarding and rule-regarding behavior. However, the force of law, political pressure within the parliamentary and extra-parliamentary political domains, and pressure by the press are essential levers to pry information out of governments and to ensure the system is 'gamed' as little as possible. True, and importantly, education and training of these external entities can advance the purposes of the legislation. Whether such education and training can and should be provided by commissioners is something to think about.

Some education (elucidation) should be directed at the press, providing information and building understanding amongst members of the Fifth Estate so that they can fulfill their important roles in this business. But, commissioners are the last agencies to be doing this. Education and training should also be extended to the legal and other professional communities (e.g., librarians and information specialists) that have a natural interest in open access.

### **C. WHAT TO DO IF EVERYTHING FAILS?**

One could ask: If all the training fails to bring about a change in culture, is it time for Commissioners to get tough with the sanctions available to them?

Indiscriminant or heavy-handed use of sanction powers that commissioners do possess might have unwelcome consequences if the public administration culture sees information access legislation (and the commissioner's office) as illegitimate. Sanctions must have a scintilla (or more) of legitimacy in the minds of those upon whom they are laid. A certain delicacy in their application is required in circumstances where the work of commissioners is not regarded as important or legitimate. This suggests that commissioners consider using sanctions to 'educate' administrators and politicians on the wisdom of access, and the wisdom of parliament's laws that pertain to information access. Sanction powers provide a means to enter into serious discussions with officials

concerning the logic of information access. Graduated responses to failures to properly and openly administer information access legislation also seem in order; with this said, it should be understood that a graduated response entails a willingness to use full sanctions if officials are incorrigible.

### **CASE STUDY: Office of the Information Commissioner of Canada**

This excerpt of the 2005-2006 Annual Report of the Information Commissioner of Canada shows a good example of a measure that could be taken when faced with a non-compliant administration.<sup>18</sup>

For several years, a number of institutions were subject to review because of evidence of chronic difficulty in meeting response deadline. In his 1996-1997 annual report to Parliament, the former information commissioner [John Grace] reported that delays in responding to access requests had reached crisis proportion.

In 1998, at the beginning of this Information Commissioner's term [John Reid], the "report card" system was commenced. Selected departments were graded on the basis of the percentage of the access requests received that were not answered within the statutory deadlines of the Access to Information Act. Under the Act, late answers are deemed to be refusals. Initially, the report cards were tabled in Parliament as specials reports; since 2001-01, they have been included within the commissioner's annual report.

With the introduction of the report cards, the Information Commissioner initially observed a dramatic reduction in the number of delay complaints: from a high of 49.4 percent in 1998-99 to a low of 14.5 percent of complaints in 2003-04.

## **CHAPTER V. CONCLUSION**

In conclusion, training must be conceived as something manifold, layered and continuing. Nowadays, many tools and mediums exist for the training to reach employees, citizens, managers and officials; the choice of the tool or medium will depend on the objectives to be attained by the particular training program.

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<sup>18</sup> Information Commissioner of Canada, 2005-2006 Annual Report, p. 19  
<[www.infocom.gc.ca/reports/pdf/oic05\\_06E.PDF](http://www.infocom.gc.ca/reports/pdf/oic05_06E.PDF)>.

To create a culture of access and provide training in the field of access to information, every stakeholder must be involved and ready to do its part. If one fails, it puts more pressure on the others, who will have to be creative and develop tools or program to reach those who are left with no training.

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