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FOR IMMEDIATE RELEASE

COMMISSIONER FAULTS GOVERNMENT'S FOI PERFORMANCE

Victoria—Information and Privacy Commissioner David Loukidelis has criticized the provincial government for its failure to tackle the chronic problem of delay in responding to freedom of information requests. In his first annual report on FOI performance, "*Timeliness of Government's Access to Information Responses*", released today, Loukidelis describes what he calls "an unacceptable pattern of government-wide failure to respond to access requests in as timely a fashion as it should."

Citing his failed attempts over a period of almost 10 years to prompt successive administrations to act, Loukidelis said the "time had clearly come for a more direct approach through annual reporting", adding, "This report is the first of what will become annual reports on government's performance in meeting its openness and accountability obligations under our FOI law. This first report clearly shows that government has to do a better job of responding to access requests."

In his report, the Commissioner concluded that, overall in calendar year 2008, the government responded to access requests within the permitted times only 71% of the time. "Access to information is a key tool for holding government accountable," the Commissioner stated, "yet almost one third of the government's responses were late. And when they were late they were overdue an average 37 business days. This just isn't good enough." Disturbingly, government's on-time compliance rate dropped to just 49% if the request was from media, 53% if it was from a political party and 57% if it was from a special interest group.

Loukidelis praised government FOI staff "for their professionalism and dedication", noting that the report identifies the main causes of delays as systemic—under-funding, cumbersome sign-off and inter-ministry consultation processes and a need for better records management practices across government.

The government has committed to changing its approach and improving its performance. In its response, included in the report, the government has also agreed to guarantee wherever possible the anonymity of access requesters and

abandon the practice by some ministries of assigning “sensitivity” ratings to requests made by certain kinds of applicants. “Any difference in timeliness for access requests from political parties, media or interest groups is inconsistent with open government and must stop”, Loukidelis stated, adding, “I welcome Minister Iain Black’s acknowledgement of the delay problem on behalf of government and the government’s promise to improve compliance meaningfully.” The Commissioner also expressed “cautious optimism” that the government’s new centralized approach to responding to FOI requests will address the problems identified in his report. He has offered assistance to government as it moves ahead with solutions.

The full text of the report can be found at www.oipc.bc.ca, under What’s New.

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