ACCESS IN THE ACADEMY

Bringing ATI and FOI to academic research

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on behalf of:

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FOREWORD

Have you ever read a news media article that referenced 'documents obtained by' a media organization and wondered how they obtained the records in question, and how you might do the same?

Have you searched through publicly available government records looking for information on a topic of interest to you, but been unable to find it?

Have you come across a government document and wondered about its origins and the discussions that took place during its drafting?

Would you like to work with data sets from an internal government database?

Freedom of Information (FOI) and Access to Information (ATI) laws can be employed in any of these scenarios, and many more. Compared to the scope of the information that they collect and retain, the amount of data that is proactively made publicly available by government bodies represents the tip of the proverbial iceberg. If you are looking to dig deeper and obtain records that are otherwise beyond reach, exercising your formal information rights under ATI/FOI laws can be an effective and rewarding method of inquiry.

The purpose of ths text is to provide readers with guidance on how to use ATI/FOI mechanisms as tools for academic research and inquiry. The text is geared toward students, academics, and others interested in employing the B.C. *Freedom of Information and Protection of Privacy* (FOIPP) *Act* and/or the Canadian *Access to Information Act* (ATIA), but most of the content of *Access in the Academy* is applicable to other Canadian access laws as well.

Over the following pages, you will find a description of the ATI/FOI process, instructions and tips for formulating and filing ATI/FOI requests, advice for troubleshooting requests-in-progress, and an overview of challenges, problems, and appeals processes.

Introduction to Access to Information & Freedom of Information

I: INTRODUCTION
Access to Information &
Freedom of Information

For a variety of reasons, many public records of interest to academic researchers are not routinely disclosed by the government agencies that create and control them. Informal requests for these records may meet with success, but this is by no means guaranteed. Access to Information (ATI) and Freedom of Information (FOI) laws are intended to provide formal mechanisms with which members of the public can require government agencies to release public records. Effectively employing ATI/FOI mechanisms as part of a research strategy can be challenging and rewarding, providing invaluable access to "backstage" documents and records that would otherwise be unobtainable. Despite the demonstrable usefulness and complexity of ATI/FOI research, and the increasing scholarly interest in Access to Information, Canadian social science and humanities research methods texts have yet to incorporate dedicated sections on ATI/FOI procedures. As a consequence, members of the growing Canadian ATI/FOI research community tend to learn to navigate ATI/FOI processes through trial-and-error, the sharing of experiences, and collaboration with allies in the legal and journalistic fields[1]. The objective of *Access in the Academy* is to refine experiential knowledge of ATI/FOI research methods into a detailed and organized guidebook for Canadian researchers.

This text has been prepared with users of the British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPP Act) and the Canadian *Access to Information Act* (ATIA) in mind. These Acts apply to requests for B.C. provincial government records and Canadian federal government records, respectively. Each province and territory has its own

Freedom of Information legislation and associated policies, procedures, and offices, and it is important for researchers to become familiar with the particularities of the law that applies to their jurisdiction of interest (See Table 1).

The general guidelines and methodological principles provided in *Access in the Academy* apply to ATI/FOI research in general, and should be of use to all Canadian researchers – undergraduate, graduate, and faculty.

TEXT BOX 1:
Objectives of ATI & FOI Legislation

ACCESS TO INFORMATION ACT ,RSC 1981, C.A-1
1. The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.
2. This Act is intended to complement and not replace existing procedures for access to government information and is not intended to limit in any way access to the type of government information that is normally available to the general public.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1983 C.5, S.1
1. The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by
    (a) giving the public a right of access to records,
    (b) giving individuals a right of access to, and a right to request correction of, personal information about themselves,
    (c) specifying limited exceptions to the rights of access,
    (d) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and
    (e) providing for an independent review of decisions made under this Act.
2. This Act does not replace other procedures for access to information or limit in any way access to information that is not personal information and is available to the public.

In addition to providing an overview of research methods, this guidebook advances a number of arguments about the nature of ATI/FOI research. First, it proposes that ATI/FOI mechanisms facilitate both the disclosure of records and the preservation of government secrecy, meaning that social research that employs the systematic use ATI/FOI mechanisms is, in addition to its substantive focus, also participatory research about the politics of secrecy and access to information. Second, it emphasizes the negotiated nature of ATI/FOI research and proposes that the outcome of requests often hinges on requester–analyst interactions. Third, it argues that because successful requests involve the 'making-public' of government records, ATI/FOI research can be understood as a form of public interest research. These ideas are developed throughout *Access in the Academy*.

The organization of this text follows the various stages of the research process, beginning with the preparation and filing of a request (part 2), followed by the navigation of the 'access brokering' process (part 3)[2], and dealing with barriers, challenges, and complaints (part 4).

TABLE 1: Current Canadian ATI & FOI Legislation

JURISDICTION	LEGISLATION
Alberta	*Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 (1995)
British Columbia	*Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (1993)
Manitoba	*Freedom of Information and Protection of Privacy Act*, CCSM c F175 (1997)
New Brunswick	*Right to Information and Privacy Act*, SNB 2009, c R-10.6 (2010)
Newfoundland & Labrador	*Access to Information and Protection of Privacy Act*, SNL 2002, c A-1.1 (2005)
Northwest Territories	*Access to Information and Protection of Privacy Act*, SNWT (Nu) 1994, c 20 (1996)
Nova Scotia	*Freedom of Information and Protection of Privacy Act*, SNS 1993, c 5 (1994) *Municipal Government Act*, SNS 1998, c 18 (1998)
Nunavut	*Access to Information and Privacy Protection Act*, SNWT (Nu) 1994, c 20 (1999) [Amended form of NWT Act]
Ontario	*Freedom of Information and Protection of Privacy Act*, RSO 1990, c F. 31 (1997) *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990 c. M.56 (1987)
Prince Edward Island	*Freedom of Information and Protection of Privacy Act*, RSPEI 1988, c F-15.01 (2002)
Québec	*An Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, RSQ, c A-2.1 (1982)
Saskatchewan	*Freedom of Information and Protection of Privacy Act*, SS 1990-91, c F-22.01 (1992) *Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c L-27.1 (1992)
Yukon	*Access to Information and Protection of Privacy Act*, RSY 2002, c 1 (1985)
Canada (Federal)	*Access to Information Act*, RSC 1985, c A-1 *Privacy Act*, RSC 1985, c P-21

WHAT ARE ATI & FOI MECHANISMS?

All access to information and freedom of information laws share a number of features. First, they operate on the presumption that, by definition, public records (understood to include any documentary material, regardless of medium or form) belong to the public and should – with limited specified exceptions – be available upon request. Second, they reflect and operationalize the idea that public access to information is a means to the ends of transparency, accountable government, and participatory democracy. Third, they operate through a request–response process that is intended to complement but not replace existing procedures for access to government information (See Text Box 1).

It is important to note that when referring to ATI/ FOI mechanisms, the term *request* is not synonymous with the term *ask,* as it is often understood in common parlance. An ATI/FOI request is an invocation of information rights, and government bodies covered by ATI/FOI legislation are legally obligated to respond – again, subject to limited specified exceptions – and release applicable records.

Employing an ATI/FOI mechanism typically involves submitting forms or a letter that describe the nature and scope of the records being sought. Depending on the jurisdiction, requesters may have to pay a small processing fee for each request ($5 for a federal *ATIA* request, for example). Additional search and reproduction fees may be assessed while a request is in-progress.

These requests are received by government workers – hereafter called analysts – whose job it is to identify and contact the government office(s) that have control over the records being sought (known as the Office(s) of Primary Interest or OPIs), receive the records that are responsive to the request, and process materials in accordance with the law.

Analysts occupy positions in a relatively new layer of government bureaucracy that is concerned with the administration of the 'right to know.'[3] ATI/FOI research often involves interactions between the requester and the assigned analyst. These interactions may take the form of requests for clarification or negotiations regarding the scope of a request. In

practice, depending on the nature of the request, the dynamics of the brokering process, and various other factors, requests may be completed before the statutory deadline (30 days) or be subject to short or lengthy extensions and delays. Requesters may elect to receive copies of the processed records or to examine them at a government office. Choosing the latter option can allow researchers to sort through the release packages and pick and choose which records to photocopy, potentially reducing reproduction fees. Release packages may contain redactions – blanked-out text – or excluded pages, corresponding to various clauses within ATI/FOI laws that allow for the withholding of certain information.

After a short period of time, a summary of the completed request will generally be published on the website of the respondent government agency. In some jurisdictions, including B.C., this summary may be accompanied by a downloadable PDF copy of records released. This means that while the processing of an original request may require considerable back-and-forth negotiations, delays, or other complications, once the records have been released, they enter the public domain and usually may be accessed by other interested parties with relative ease.

The terms 'freedom of information' and 'access to information' may be used interchangeably. In Canada, 'access to information' (ATI) is often used to refer to requests made under the federal *Access to Information Act*, whereas 'freedom of information' (FOI) is often used to refer to requests made under the various provincial acts. This text uses the term 'ATI/FOI mechanism' to describe the combination of laws and procedures involved in a given request process – in other words, the way in which one 'does' ATI/FOI research.

At a still broader level, we can use the term 'access regime' to capture "not only the statutes but also the machinery that governments and public bodies create to meet their obligations" related to the facilitation of the 'right to know.'[4] This includes complaints and oversight bodies and processes and political forces that influence the operation of ATI/FOI mechanisms.

To clarify, the British Columbia *Freedom of Information and Protection of Privacy Act* (*FOIPP Act*) provides the legal framework for FOI in B.C. The forms, processes, and interactions involved in the everyday application of the B.C. *FOIPP Act* (the 'doing of FOI') constitute the B.C. ATI/FOI mechanism. The B.C. access regime encompasses the *FOIPP Act*, the ATI/FOI mechanism, and the broader political and administrative context that shapes the 'right to know' in B.C. These distinctions are important, as a strong ATI/FOI law may be undermined by a weak access regime, and vice-versa.

> "THE OBLIGATION FOR GOVERNMENTS TO PROTECT PRIVACY TRUMPS AN INDIVIDUAL'S RIGHT TO REQUEST COPIES OF RECORDS PERTAINING TO ANOTHER PERSON."

GOVERNMENT RECORDS & PERSONAL RECORDS

Access in the Academy focuses on requests for general government records – public records of a non-personal nature that are under the control of government bodies subject to ATI/FOI law. It is important to note that researchers are also able to request copies of their personal records through similar processes. At the federal level, the *Privacy Act* governs the collection, use, disclosure and retention of personal information and gives all individuals in Canada access to information about themselves. This legislation is separate from the *Access to Information Act*, and is part of a federal privacy regime that includes a separate ombudsperson – the Office of the Privacy Commissioner of Canada. In practice, the federal access and privacy regimes overlap, and the same offices – Access to Information and Privacy Units – receive and process requests under both Acts. The mechanics of filing a federal *Privacy Act* request are similar to the mechanics of the ATI/FOI process.

At the provincial/territorial level, access and privacy regimes are essentially coterminous and governed by the same legislation. The B.C. *Freedom of Information and Protection of Privacy Act*, for example, provides the legal framework for both general and personal records requests. Provincial/territorial ombudspersons also have dual roles, and are generally referred to as Information and Privacy Commissioners.

The obligation for governments to protect privacy trumps an individual's right to request copies of records pertaining to another person, meaning that personal records not pertaining to the requester are not accessible through federal or provincial ATI/FOI mechanisms unless formal permission is obtained. Requests for personal records can form an important part of a research strategy. For example, in his short chapter "What's in My File? Reflections of a 'Security Threat,'" Canadian historian Larry Hannant (2000) provides an interesting commentary on his efforts to obtain a copy of his file from the Canadian Security Intelligence Service (CSIS)[5].

Jeffrey Monaghan and Yavar Hameed make a compelling case for the use of *Privacy Act* requests, where applicable. In their 2012 chapter "Accessing Dirty Data," the authors describe a multi-pronged research strategy for a study of RCMP records pertaining to Monaghan. After obtaining some records through the federal ATI mechanism, Monaghan filed a *Privacy Act* request, with surprising results. As the authors note, "… the second request under the *Privacy Act* resulted in a significantly greater volume of material."[6] Although the *Privacy Act* request was intended only to release materials redacted for privacy exceptions in the original ATI request, it in fact produced a much greater number of records.

WHY INCORPORATE ATI/FOI INTO ACADEMIC RESEARCH METHODS AND DESIGNS?

The selection of a research method is, in part, a reflection of the types of research questions one is pursuing. Certain research methods are suited to answering particular types of research questions. So what kinds of research questions can ATI/FOI mechanisms provide responses to?

Questions that relate to:
- The internal dynamics and everyday work of government organizations
- The historical context associated with institutions and practices
- The production of knowledge about populations by governments, including statistical data
- The representation of government activities through strategic communications.

At a more general level, it is fair to say that the use of ATI/FOI mechanisms can be fruitfully incorporated into just about any research project that is concerned with documented government practices.

ATI/FOI mechanisms are particularly well suited to exploring the 'backstage' of government through the examination of records that were not prepared with an intended public audience in mind. Most of these records are not proactively or voluntarily released by government agencies. In some cases, they are deliberately concealed because their revelation could be discrediting to certain government actors. Social problems researcher Gary Marx describes this category of records as 'dirty data–' data that reveal wrongdoing or cover-up and may precipitate scandal and sanctioning[7]. The disclosure of dirty data has the potential to disrupt carefully maintained official accounts, providing a window into misconduct, corruption, or at the very least hypocrisy. ATI/FOI research targeting dirty data is closely related to the notion that ATI/FOI mechanisms act as vehicles for the pursuit of government accountability.

Most ATI/FOI research is not concerned with 'dirty data', though – in part because discrediting practices are often kept beyond the reach of public records requests through careful concealment or the non-production of records. Where ATI/FOI mechanisms really excel is in facilitating access to the records that constitute the everyday business of government. Walby and Larsen describe ATI/FOI requests as a means of gaining access to the 'live archive', "mounds of text detailing how government agencies at federal, provincial, and municipal levels do what they do, added to each day by civil servants"[8]. Through ATI/FOI mechanisms, researchers can obtain copies of the emails, memoranda, reports, briefing notes, budget documents, public relations scripts, slide shows, text messages, data files, handwritten notes, and other functional artifacts that, taken together, constitute the bulk of the documented activities of government agencies. This 'live archive' tends to be off-limits to researchers who have not negotiated insider access to the organizations and agencies in question, meaning that ATI/FOI mechanisms may be the only means to obtain certain records.

Several conditions of the contemporary socio-political context make ATI/FOI research methods particularly valuable – though also often more difficult to employ – at this point in time. First, the continued development of information and surveillance societies means that government agencies are increasingly absorbent; they are gathering, analyzing, storing and exchanging more information about the public than ever before. The pool of information is expanding and undergoing important transformation in format. The proliferation of databases and spreadsheets containing 'structured data' has opened up new possibilities for ATI/FOI research.

Second, the activities of government agencies are increasingly integrated and collaborative. Interdepartmental working groups, integrated special units, joint task forces and partnerships articulated through unpublished memorandums of understanding are commonplace at and between the federal, provincial, and municipal levels of government – and between government and the private or non-governmental sectors. One of the strengths of ATI/FOI mechanisms is their ability to facilitate the 'mapping' of the networks of organizations and actors

involved in these practices. Finally, the dominant role of communications offices in contemporary governments means that official publications and remarks are increasingly packaged and politicized. Records that reflect internal conflicts and alternative viewpoints are suppressed in the name of 'message discipline'. ATI/FOI mechanisms can allow researchers to penetrate this carefully constructed official paradigm or, at the very least, reveal the communications machinery in action.

EXAMPLES OF ATI/FOI IN CANADIAN SCHOLARLY RESEARCH

1 In a 2009 study published in the *Canadian Journal of Law and Society*, Larsen and Piché use a series of federal ATI requests to piece together the circumstances surrounding the emergence of the Kingston Immigration Holding Centre (KIHC), a 'prison within a prison' constructed on the grounds of a federal penitentiary for the purpose of holding security certificate detainees. Dissatisfied with the minimal details about the facility released proactively by the federal government, Larsen and Piché filed multiple ATI requests with the Correctional Service of Canada, Canada Border Services Agency, and Public Safety Canada for briefing notes, correspondence, memorandums of understanding, media relations documents, institutional rules, and detailed financial information regarding the KIHC[9].

2 In their 2010 text *The Canadian War on Queers*, Gary Kinsman and Patrizia Gentile combine interviews with the analysis of 'security regime texts' obtained through ATI/FOI mechanisms to chronicle the social construction of gays and lesbians as national security threats during the Cold War era. Kinsman and Gentile's study is rich in detail, and they approach their research questions from multiple vantage points. The examination of texts offers insights into the construction of the 'Canadian War on Queers' from above, as documented by the government agents directing it. This is juxtaposed against the experiential narratives of interview participants, many of whom were 'outed' as security threats[10].

3 Canadian criminologist Akwasi Owusu-Bempah has used the Ontario *Freedom of Information and Protection of Privacy Act* (*FOIPP Act*) to obtain data regarding Ontario jail populations. His research forms the basis for the 2013 *Toronto Star* investigative series "Unequal Justice," which examines the racialized demographics of incarceration in Ontario. Series authors Jim Rankin and Patty Winsa note that "Blacks and aboriginal people are overrepresented in Ontario's youth and adult jails, with some staggering ratios that mirror those of blacks in American jails"[11]. This collaborative project illustrates the affinity between ATI/FOI methods and public interest research. By using the *Toronto Star* as the platform for communicating his research findings, Owusu-Bempah was able to reach a diverse public audience, engage in analysis and commentary, and make the data he obtained through the *FOIPP Act* available for other researchers to analyze.

PART TWO:

Preparing and Filing ATI & FOI Requests

Preparing & Filing an ATI/FOI Request

Researchers from any discipline may find filing one or two ATI/FOI requests to be a beneficial addition to a broader research strategy. While *Access in the Academy* is written with a more sustained and systematic approach in mind, the tips and information contained in this section should be of use to casual and in-depth researchers alike. It is helpful to break the research process down into four main phases.

Phase 1: Preliminary Research

This phase involves identifying the agencies most likely to have control of the records being sought, seeking out and examining previously-released ATI/FOI materials, and making informal requests for publicly available information.

Phase 2: Request Preparation

This phase involves the formulation of one or more clear and concise formal public records requests that are manageable in terms of their complexity, scope, and depth.

Phase 3: Brokering Access

Some ATI/FOI requests may require no interaction between requester and the responding government body after the initial filing. In other cases, guiding a request through to completion may require you to work with the ATI/FOI analyst assigned to the file. This may be a straightforward process, or it may involve negotiation, contestation, revision, and navigation around sources of delay and potential dead ends.

Phase 4: Record Analysis

This phase involves the analysis of release packages. The analytical approach will depend on the broader research design, and is not discussed in detail in this text. Depending on the outcome of the request, the researcher may also elect to file follow-up requests and/or file a complaint with an Information Commissioner.

Large research projects may involve multiple active requests in different phases at any given time. For these projects, it is important to regard these four research phases as cyclical, as opposed to sequential.

The analysis of a release package (phase 4) will often give rise to ideas for new requests, thereby feeding back into the preliminary research process (phase 1). For example, an ATI/FOI request may lead to the release of an internal report that refers to a series of interviews. A follow-up request may target the transcripts of these interviews.

Alternatively, a release package for records from 2010-2012 might reveal that activities of interest to the researcher actually commenced at an earlier date, prompting the filing of a follow-up request for records from 2009. Often, a request for records held by a given agency will reveal that other agencies are involved in a given activity, prompting follow-up requests for records held by these agencies. Through cyclical requests along these lines, a researcher can steadily build a base of knowledge.

This part is organized around subheadings corresponding to important stages in the preliminary research and request preparation phases. While the stages are presented in a suggested sequential order, readers should feel free to skip or re-order stages according to their needs (preliminary research, for example, may be entirely unnecessary in some cases).

ATI/FOI laws in British Columbia and Canada simultaneously empower both access and secrecy.

Obtaining records is a multi-step process with many telling contingencies that should be of value to social science researchers.

PRELIMINARY RESEARCH

Determine if you are interested in provincial or federal government information:

Canada has distinct provincial and federal ATI/FOI regimes. Provincial FOI laws cover both provincial and municipal bodies. A given research project may involve multiple federal ATI requests and provincial FOI requests, but as access laws are jurisdiction-specific, it is important to match requests to the appropriate level of government. Collaborative activities involving federal and provincial government bodies are best researched through a combination of federal and provincial ATI/FOI requests.

Determine which government body (or bodies) is most likely to have control over the information:

One of the characteristics that most experienced ATI/FOI researchers share is an effective working knowledge of the structure of governments, the mandates of ministries, departments, and agencies, and the general division of labour within the public service. For some research projects, the 'target' public body will be obvious. For others, it will be necessary to create a working 'map' of the government bodies involved in a given practice. Government websites and previously released records can be helpful here.

Review publicly available information, including previously completed requests:

Before filing a formal ATI/FOI request, researchers may wish to first seek out and review information of interest that is already available to the public. Government websites, libraries and archives, and other data portals should be canvassed. It may be the case that the information being sought is already available.

University librarians and archivists can be valuable allies and resources during the preliminary research phase. Librarians specializing in government information are particularly well-positioned to provide guidance regarding searchable collections of government records accessible online or through university library portals.

A review of publicly available records on the same general topic as the information of interest will often also provide ideas – keywords, dates, department or office names, etc. – that will be useful in formulating a formal request.

For several years now, federal departments and agencies and B.C. provincial ministries and government bodies have been providing information about previously completed ATI/FOI requests on their websites. As a general rule, the B.C. government has committed to releasing more information – in the form of completed FOI requests and proactively released government data sets – online than the federal government.

British Columbia

Material released by the B.C. government and its Ministries and Central Agencies under the B.C. *FOIPP Act* is often available through the Open Information Initiative. Researchers can run keyword searches for documents released through FOI and Minister and Deputy Minister Travel Expenses using the 'Search for Gov of BC General records' resource. Results can be sorted according to publication date and month (dating back to 2011). For information on how to find the Open Information Initiative online, see 'Links and Referrals' in Section 5.

Records identified through Open Information searches can be downloaded as PDF files, at no cost to the researcher. This resource is excellent for identifying and obtaining copies of previously completed FOI requests sent to B.C. government ministries and some agencies. For entities listed in Schedule 2 (public bodies) or Schedule 3 (governing bodies of professions or occupations) of the B.C. *FOIPP Act*, researchers seeking copies of previously completed FOI requests must consult the public body/governing body directly.[12]

Copies of previously released FOI materials can also be obtained through the websites of some municipal government bodies. For example, researchers interested in records released by the Vancouver Police can consult their 'Published Freedom of Information Requests' webpage and find a (non-searchable) list of records by year.[13]

Researchers interested in electronic data, as opposed to documents, can consult the Data BC website and the province's Open Data Initiative (data.gov.bc.ca):

> "Every year, the Province of B.C. produces and maintains thousands of datasets. These datasets represent a broad range of quantitative information about natural resources, the economy, education and many other subjects. Created as a result of running government programs and services, the data also helps develop policy and inform business decisions.
>
> In July 2011, B.C. launched the first provincial Open Data program in Canada. Citizens can now access thousands of government datasets that are open, machine-readable, searchable and free for anyone to use or repurpose under BC Open Government License."[14]

A growing collection of useful data, including geospatial datasets, is available through this portal, and searchable via an online catalogue. Separate datasets are available through Ministry websites. For example, the JusticeBC Dashboards are an initiative of Data BC and the Ministry of Justice, currently in the beta test phase. Through the dashboards, researchers can access geospatial and trend data regarding courts and corrections in B.C.. Using the dashboard (which operates by processing extracted datasets), a researcher could quickly develop a graph of adult admissions to provincial custody, customizable according to institution, gender, marital status, ethnicity, and age.

While it is an important vehicle for transparency and a valuable resource for researchers, it is important to note that open data is neither synonymous with nor an alternative to a meaningful ATI/FOI regime backed by a strong legal framework. The proactive release of data by governments is always partial and selective. Data sets, which are increasingly regarded as important sources of information for investigative journalists and other researchers, are not always made available to the public. Unreleased data sets can be accessed through ATI/FOI mechanisms.

Canada

The federal government's Open Data portal (data. gc.ca) now includes a searchable database of ATI summaries. Users can search by organization and release date. The portal provides the request

summary, file number, and number of pages released. Information about previously completed ATI requests can also be found by consulting government department and agency websites and looking for links to "transparency" and/or "Completed Access to Information Requests". It may be necessary to do some digging around the website, as these links are not displayed prominently. At present, federal public bodies do not provide downloadable electronic copies of release ATI packages online. Instead, researchers will find a list of requests completed by month since 2011, with file numbers, summary descriptions, request disposition (all disclosed, disclosed in part, does not exist, all exempt), and number of pages released indicated.

For example, the Department of Fisheries and Oceans entry for March, 2013 includes the following entries:

> **Request Number:** A-2012-00361/RC
> **Summary:** RECORDS THAT SHOW THE 55 LOCATIONS WHERE SHUSWAP LAKE INTEGRATED PLANNING PROCESS HAS PLANNED SHORELINE RESTORATION PROJECTS FROM JANUARY 2011 TO SEPTEMBER 2012
> **Pages Released:** 168
> **Disposition:** Disclosed in Part
>
> **Request Number:** A-2012-00364/AL
> **Summary:** RECORDS RELATING TO THE CONTRACT WITH PROVINCIAL AIRLINES LIMITED PROVIDING INFORMATION ON THE NUMBER OF HOURS SPENT ON SEAL HUNT ACTIVITIES FROM JANUARY 2011 TO JUNE 2012
> **Pages Released:** 175
> **Disposition:** Disclosed in Part[15]

Having been processed through ATI, the records pertaining to these requests are now publicly available. Researchers interested in obtaining such records should follow the instructions provided on the government website in question.

Note that the policy for providing copies of previously released records differs between public bodies. For some departments and agencies, an informal request sent via fax or email will receive an immediate response. For others, the request is

treated as a request under the *ATIA* (albeit with no processing fee), and the recipient public body takes the statutory 30 days to respond. Researchers should always contact federal public bodies directly and inquire about their policies regarding the release of completed records.

When submitting such a request via email, mail, or fax, researchers should request that their communication be formally acknowledged. Some public bodies do not provide a notice of acknowledgement as a matter of course, making it difficult for researchers to know whether their request for copies of previously completed records has been received.

Researchers may wish to comb through lists of previously completed records before filing new requests. This avoids duplication and can provide a valuable pool of records that can inform further requests. For requests processed prior to 2011 (when the federal policy of posting summaries kicked in), researchers should contact the ATIP Unit for the public body and ask for a list. If the public body is not forthcoming, lists can be obtained by filing a formal ATI request.

TIP:

Reach out to other researchers working in the area you are interested in and see if you can share ATI/FOI records. The Canadian ATI/FOI research community is generally open and collaborative.

The Government of Canada also operates an Open Data portal (data.gc.ca). This resource underwent an expansion in 2013. In addition to its database of ATI summaries, the portal features datasets on a range of topics, including citizenship and immigration, agriculture, natural resources, and elections. The datasets can be browsed by department or agency, and can be downloaded as 'comma-separate values' (CSV) files. The portal also provides links to a selection of user-developed applications based on federal datasets.

Government websites undergo frequent updates, and lists of published records can be incomplete. In some cases, it can be fruitful to contact a department or agency directly and simply ask for assistance in locating publicly-available records pertaining to a topic of interest. This can serve as an intermediary step between research and the filing of a formal ATI/FOI request. Readers should note that an informal query does not impose the same obligations on a government body as a formal ATI/FOI application, and such queries are not substitutes for the exercise of one's legal information rights

Some researchers have written about successful informal requests for information that do not invoke ATI/FOI laws. For example, University of Victoria sociologist Sean Hier describes informal requests and rapport-building as important aspects of his research on Canadian streetscape surveillance.[16] Conversely, York University researcher Tia Dafnos notes that a number of factors have a bearing on interactions between researchers and government personnel, including the nature of the information being sought and the identity of the researcher, and these factors may make informal requests difficult or impossible in some cases.[17]

Federally, the Government of Canada operates a toll-free information hotline at 1-800-622-6232. Generally, it is better to contact the department or agency directly, and preferably by telephone. Researchers can follow the 'contact us' instructions on the relevant public body websites or, alternatively, contact federal ATIP Coordinators directly.

The Treasury Board of Canada Secretariat provides an online list of Access to Information and Privacy Coordinators for all federal institutions, with full contact information. For assistance in locating B.C. Provincial information, researchers can contact Enquiry BC at 1-800-663-7867 (TDD: 1-800-661-8773).

After completing preliminary inquiries, researchers can move on to the second phase in the research process - preparing and filing a formal ATI/FOI request.

REQUEST PREPARATION & FILING

Obtain a request form or draft a letter:
Under the B.C. *FOIPP Act*, is is not necessary to use an official form to submit an FOI request. Provided that the request is in writing, contains the necessary information, is sent to the right address, and makes reference to the *FOIPP Act* it will count as a formal request.

This being said, there are fillable FOI request forms available through the Ministry of Technology, Innovation and Citizens' Services. Researchers may use a 'print and fill' PDF form: http://www.gov.bc.ca/citz/iao/down/access_request_form_general.pdf

Or you can use an electronic form that can be filled and submitted online: https://extranet.gov.bc.ca/forms/iao/foiform/index.html

For federal requests under the *ATIA*, the Treasury Board of Canada Secretariat website provides downloadable forms in RTF and PDF format: http://www.tbs-sct.gc.ca/tbsf-fsct/350-57-eng.asp

When preparing formal requests, researchers should always be sure to keep completed copies of all forms. Fillable forms and electronic submission portals do not allow users to save completed copies, so it is important to print an extra copy of the form for future reference. Formal federal requests may also be submitted by letter.

TIP:
If your location or status makes it difficult or impossible to file an ATI/FOI request in a given jurisdiction, seek out an ally who is able and willing to file the request. Offer to reciprocate.

Canada's *ATIA* can be used by Canadian citizens, permanent residents, and individuals and incorporated entities present in Canada. This means that persons who are neither in Canada nor Canadian citizens cannot file requests under the *ATIA*. B.C.'s *FOIPP Act* allows persons who are not residents of B.C. to file FOI requests. This applies to other provincial FOI legislation as well, meaning that researchers can file provincial FOI requests in multiple jurisdictions.

Multi-jurisdiction requests can be an excellent vehicle for comparative research. For example, Newspapers Canada publishes a yearly 'FOI Audit' to assess the effectiveness of Canada's various access regimes. The 2012 Audit, coordinated by Fred Vallance-Jones, was based on over 400 requests. The same requests were filed in multiple jurisdictions, and the processing and outcomes of these requests were tracked and analyzed by a team of student researchers.[18] Researchers who are able to file ATI/FOI requests must also determine whether or not the target public bodies are subject to ATI/FOI legislation. The B.C. *FOIPP Act...*

"Covers all provincial government public bodies, including government ministries and most government agencies, boards, commissions and Crown corporations.

The *FOIPP Act* also covers what is referred to as local public bodies such as municipalities, universities, colleges and school boards, hospitals and health boards as well as designated self-governing bodies of professional organizations such as the College of Physicians and Surgeons, the Law Society of British Columbia, etc."[19]

At the federal level, the right to know does not extend to public bodies by default. Instead, departments, agencies, Crown corporations and public bodies must be added to the schedule of government institutions subject to the *ATIA*. For a list of these institutions, consult Schedule 1 of the *ATIA* at http://laws-lois.justice.gc.ca/eng/acts/A-1/page-31.html#h-31

Researchers will find that most federal public bodies are covered by the *ATIA*, but not all. The Courts Administration Service[20], for example, is not presently covered by the *ATIA*, and it could only be brought under the *Act* through an act of Parliament.

When submitting a request by letter (under the *FOIPP Act* or *ATIA*), researchers should be sure to provide:

- A description of the records being requested and a reference to the applicable access law (ex. "Pursuant to the *FOIPP Act*, I am requesting copies of the following records …");
- The name of the target public body;
- An indication of whether it is preferable to receive copies of the records in question or to view the originals in the government office where they are located;
- Full contact information, including name, street address, telephone numbers, and, if desired, email address;
- The date; and
- For federal *ATIA* requests, a cheque for the application fee

Printable ATI/FOI forms generally contain a small box in which to describe the request. If this space is too small, researchers can append an extra page. Generally, though, a request that is considerably longer than the space provided will tend to be too complex to be processed smoothly. It is advisable to break large and complex requests down into several focused requests for specific records.

TEXT BOX 2:
How much will it cost?

Application fees for ATI/FOI requests differ considerably across Canada.[21] There is no initial fee for filing a request under the B.C. *FOIPP Act*, though, as the next part of this text discusses, some requests will be subject to fee assessments during the record search phase.

For requests under the federal *ATIA*, there is a $5 application fee, payable by cheque or money order to the Receiver General of Canada and - with a few exceptions - not to the recipient public body. Note that an ATI request fee can be paid through a cheque from a third party.

As a general tip, costs associated with seach fees can sometimes be avoided by breaking large, complex requests into several smaller, more focused requests.

TIP:

Under the BC FOIPP Act, an applicant may make an oral request for a record if 1) their ability to read or write English is limited, or 2) they have a physical disability that impairs their ability to make a written request.

Identify the types of records of interest:

There are two general types of ATI/FOI requests – requests for machine-readable electronic data (structured data), and requests for documents, photographs, maps, and other records (unstructured data).[22] Most ATI/FOI requests fall into the latter category, but with the exponential growth of the 'database state', more and more important information is being stored in spreadsheet and data file format and requests for manipulable data are on the rise. Unstructured data includes digitized copies of emails, memoranda, notes, briefs, reports, and a wide range of other record types. It is often unhelpful to request "all records related to x", because the scope of the request will be so wide that extensions, fees, and frustration will likely ensue.

One of the most important steps in preparing an ATI/FOI request, then, is to make a list of the types of records most likely to contain the information being sought. Previously completed requests (and request summaries) and correspondence related to informal requests can provide vital clues about the types of records available. For general information on the information holdings of a federal department or agency, researchers should consult the Government of Canada Info Source website: http://www.infosource. gc.ca/index-eng.asp. Info Source provides a list of 'Sources of Federal Government and Employee Information', organized by institution. For each institution, the Info Source entry provides the official background and responsibilities, a list of institutional functions, programs and activities, and document types and internal record numbers.

FOCUS ON:
Accessing Data Through FOI
A CONVERSATION WITH ANN REES & CHAD SKELTON

Mike Larsen: Could you describe what is meant by 'data' as distinct from documents? Why should researchers consider using FOI mechanisms to obtain data?

AR: We often think of ATI/FOI as a means of obtaining copies of contentious government documents, but this is only part of the picture. Governments collect and store vast amounts of information about the public. Much of this information is not inherently contentious, and much of it is - increasingly - stored in spreadsheets and databases, as opposed to documentary format. Almost every public service maintains databases of information, about inspections, budgets, client profiles, services, demographics, etc. A great deal of this information is not proactively released by governments, but it is obtainable through FOI. Data requests are invaluable for research on trends - for example, yearly changes in registered prescriptions for stimulant drugs, indexed by region and demographics.

CS: Essentially, any database or spreadsheet a government agency has is subject to an FOI or ATI request. Datasets are subject to the same exemptions in the Act as paper records, chief among them restrictions on the release of personal information. But redacting information from databases is often easier for agencies than from paper records. In many cases, it simply requires the agency to remove certain columns in a spreadsheet (like the name of a crime victim) before releasing it.

Generally speaking, the kinds of data you're not likely to see show up on government open data portals are those that are controversial and/or could make an agency look bad. Inspection data -- whether of apartments, daycares or nursing homes -- is a good example of data that often falls into this category.

ML: What should researchers/users bear in mind when drafting requests for data?

AR: In some cases, researchers can request copies of portions of existing databases; in other cases, you can go after tables or other records and create your own spreadsheet to organize the data. If an organization has the data you are seeking but does not keep it organized in an accessible manner, you can ask them to prepare records that will meet your needs. I have had success with this in the past, especially when I have framed my research as a matter of public interest. Academics interested in obtaining government data should be sure to specify their preferred record format - for example, Excel files or PDFs, as opposed to printed copies.

CS: Requesters should be very clear in their request that they want the records in a structured data format like Excel or Access and that paper records or scanned PDFs just won't do. You should be prepared for the agency to fight back and give you all sorts of reasons why they can't provide the records electronically. Be persistent and, if possible, ask to speak to the person at the agency who actually manages the data (rather than the FOI coordinator, who may not know). The data manger will have a much better sense of how much work is involved to export the data (generally speaking, it's a lot easier than the FOI coordinator thinks).

The federal *Access to Information Act* is actually very clear that agencies must "provide timely access to the record in the format requested" [Sec. 4(2.1)]. The B.C. *FOIPP Act* doesn't have such clear language. But the provincial Information Commissioner has been very clear in several orders (chief among them Order F10-16 http://www.oipc.bc.ca/orders/962) that agencies are required to provide records in electronic format if they are able to do so.

ML: Can you provide an example of successful FOI research project related to government data?

CS: A highly successful example from B.C. has been *The Vancouver Sun*'s FOIing of daycare [http://www.vancouversun.com/news/daycare-ratings/index.html] and nursing home [http://www.vancouversun.com/news/nursing-home-ratings/index.html] inspection data from the Vancouver Coastal and Fraser health authorities. This data -- the "inspection priority ratings" for each facility -- gave readers a clear sense of which daycares and nursing homes posed the biggest problems for inspectors. This was data that was not previously publicly available. Our searchable database of daycare ratings has received more than half a million page views to date.

Since we began publishing the inspection data, the health authorities have begun posting more inspection records on their own websites. This shows, I think, how FOIing data can push government agencies to be more transparent.

Ann Rees is a former investigative reporter and an Instructor in the Journalism program at Kwantlen Polytechnic University.

Chad Skelton is an investigative reporter with the *Vancouver Sun*. He specializes in data journalism and FOI requests. Chad is also a Journalism Instructor at Kwantlen Polytechnic University.

For example, the Info Source entry for Public Safety Canada contains the following entry regarding the First Nations Policing Program:

First Nations Policing Program

Description: Public Safety Canada is responsible for the management and administration of the First Nations Policing Program (FNPP), which provides financial contributions towards dedicated and responsive policing services in First Nation and Inuit communities to supplement provincial and territorial policing services. These financial contributions are provided via funding agreements between the federal government, the provincial or territorial government, and the First Nation or Inuit community.

Document Types: Reports, emails, correspondence, policies, briefing notes, memoranda, agreements, contracts, decks, financial statements, directives, travel claims, estimates, audits, reviews, procedures.

Format: Photographs

Record Number: PS CSP 032

Notes: The First Nations Policing Program was formerly known as the Indian Policing Program. In addition, the Band Constable Program and the Aboriginal Community Constable Program are also managed under the umbrella of the First Nations Policing Program.[23]

The information contained in this entry can be used to formulate an ATI request for particular documents of interest. Note that while Info Source can be a helpful resource, it is not necessary to refer to it or cite record numbers when preparing a request. The following (incomplete) list of record types may provide some ideas:

Briefing notes and memoranda: These documents often contain important information regarding policy, institutional positions, emerging areas of concern, or changes in institutional practices.

Executive summaries: Condensed overviews of information on a given topic, intended to inform management decision-making.

Background papers and reports: Reports prepared by or for a public body. Some reports are prepared on a routine basis, while others are 'one-off' documents prepared in response to a topical issue or as the outcome of an evaluation.

Decks: A 'deck' is a printout of a slide show presentation, often with speaker notes included.

Photographs, videos, diagrams, and maps: 'Record' is a broad and inclusive category that is not limited to textual materials.

Incident reports and other forms: Some public bodies use standardized reporting tools for tracking incidences.

Memorandums of Understanding (MOUs) and contracts: MOUs set out the working relationships between public bodies and/or between public bodies and third parties. These records can prove invaluable for researchers interested in integrated and collaborative practices.

Media lines, Q&As, and other communications products: The increasingly scripted nature of government messaging is managed through a range of specialized communications products. Media lines and Q&As provide official responses to anticipated questions about a given issue. These records can be valuable both as evidence of 'message discipline' and because they often contain answers to questions that have not been asked in a public forum.

Emails and texts: Emails and texts pertaining to government business are covered under ATI/FOI law. Obtaining copies of email 'chains' can allow a researcher to track the development and handling of an issue within and between agencies, and to identify the principal parties involved.

Budgets, receipts, and other financial documents: It is possible to obtain copies of budget documents, spending breakdowns, and estimated, projected, or proposed costs associated with a specific program or area of funding. When considering the date range for a request, note that financial records are often organized by fiscal year, as opposed to calendar year.

Meeting agendas, minutes, and handouts: Many government meetings produce a range of records that can provide insight into institutional practices.

Handwritten notes: While records of all types are now produced electronically in many cases, some handwritten documents are still used. Police notebooks are particularly useful sources of information.

Determine the date range corresponding to the records of interest:

In addition to identifying the types of records being sought, a request should also specify – where possible – the date range that corresponds to the information of interest. For example, a request may specify that it pertains to "Records from November 1, 2012, to the present …". As a general rule, a focused request with a clear and narrow date range will be processed more quickly and efficiently than a broader request with a wider date range. It is often advisable to break down a request that covers several years into several requests, each covering a shorter date range.

The importance of selecting an appropriate date range cannot be overstated, and this variable is one of the most common points for negotiation or 'brokering' during the processing of a request (see part three of this text). Sometimes, the date range of interest will be obvious. In other cases, it will only become clear after reviewing previously completed requests and engaging in informal correspondence. Requests that specify a date range of more than a few years may be complicated by government document archiving and destruction policies.

Consider request phrasing:

Having identified the institution, record types, and date range of interest, it is time to draft a formal request. Researchers should always seek to draft the most clear and concise request possible and be prepared to provide clarification once the request is in-progress. The B.C. Freedom of Information and Privacy Association provides some important notes on request focus:

> "Determine what information or records you want and try to limit your request to exactly that. Carefully consider how you can narrowly and accurately describe in writing what you are seeking. This will improve your chances of getting the information you need, rather than an exorbitant fee estimate for a lot of records that may have little value to you. Don't make the mistake of thinking that by asking for everything a public body will unwittingly disclose an undetected smoking gun. Records being prepared for release are reviewed line-by-line and word-by-word by

well-paid professionals and their work is reviewed by upper management and often by political and public relations staff. Chances of scoring a hit with a widely-cast net are almost zero. Keep your request simple, clear and focused.

Try to avoid clauses like "any and all records". Instead, hone in on specific examples, suggest from whom or where they may be gathered or found and provide a time period during which you think those records were gathered or created. This helps to speed up the process.[24]

TIP:
Some records are not accurately 'date stamped'. You can ask for records that are - or likely have been - date stamped between dates x and y.

The most effective ATI/FOI requests are focused, provide a clear description of the types of records of interest, and specify a manageable date range. When starting out, it is advisable to consult ATI/FOI analysts and more experienced users of ATI/FOI mechanisms when drafting requests. As discussed in part three, analysts are points of contact between the researcher and the internal offices of the public body. They convey requests to the Office of Primary Interest (OPI) tasked with locating the relevant records. This means that a request should be phrased in such a way that the analyst can clearly determine the OPI and identify the specific records of interest to the researcher.

TEXT BOX 3:
Sample ATI request

Use the wording of previously completed ATI/FOI requests, like this one, as a source of ideas when drafting a new request. As well, it can be very helpful to open a request by providing an agency with information about the topic you're investigating, then asking for further information. This can be particularly helpful if the records being sought are relatively obscure.

> "Records from November 1, 2009, to the present (April 13, 2010) concerning the federal review of the security certificate regime. I am interested in memos as well as any executive summaries (1st draft and final versions) prepared by or for senior officials and the Minister. I would also like to receive the final versions of any background papers and reports. I would appreciate receiving an interim copy of all records that do not contain any information that could be considered for consultation or exclusion pursuant to the *Access to Information Act*."

Some other tips to bear in mind when phrasing and formulating your request:

- Consider whether or not you would like copies of draft documents. Many records go through several iterations before they are finalized. Draft documents often show comments and markup that can be relevant to a researcher. On the other hand, including drafts may contribute to extensions and delays. If you are not interested in drafts, consider noting in your request that you are looking for "final or last drafts only".

- When formulating a request, keep in mind the types of records that are not accessible through ATI/FOI law. Consult the legislation for information about exempted record types.

- You can also specify the types of documents that you are not interested in obtaining. For example, you could ask for "records related to x including reports, briefing notes, and memoranda, but excluding email correspondence".

- Add a note indicating that if some of the records identified in response to your request are subject to consultations with other government bodies or third parties, you would appreciate a partial or interim release of the remaining records when they become available.

- Add a note to the end of your request indicating your preferred mode of communication and any preferences related to the format of the release package. Many provincial and municipal bodies are able to provide records via email. A sample note could read:

  > "Please note that I would prefer to receive records in CD format. Should you have any questions about my request, please contact me via email at …"

- Indicate that you are an academic conducting research that you consider to be in the public interest, and request that any fees assessed during the processing of your request be waived. This is optional, and it may not work, but it is worth noting.

Submit request:

Requests made under the B.C. *FOIPP Act* can be submitted by mail, fax, in-person, or (for government ministries and many agencies) electronically. Researchers not using the fillable e-form can consult the information and privacy unit of the public body for contact information. For federal *ATIA* requests, the request and application fee should be placed in an envelope and sent to government department or agency, "Attn: ATIP Coordinator". When submitting by mail or fax, don't forget to sign your request. Many public bodies refuse to accept unsigned requests.

What comes next?

Once a request has been received, the ATI/FOI coordinator responsible for the file will prepare and send a form letter acknowledging receipt and providing the file number that has been assigned to the request. Researchers should allow for some 'in-transit' time, but if a letter is not received within a reasonable time period (two weeks), it is worth calling the ATI/FOI Coordinator/Manager and checking in. For some requests, the initial letter of acknowledgement will be the only correspondence between the ATI/FOI analyst and the researcher until the request is completed.

If a request does not require clarification, and if the public body does not claim an extension on the request deadline or require additional fees to be authorized, the researcher can expect a copy of the release package and a letter of completion within 30 business days of the request start date. For many requests, though, the process is more interactive, involved, and interesting. Part three of this resource deals with negotiations, interactions, and the dynamics of 'access brokering'.

A final note: ATI/FOI requests can be subject to delays of varying length. While experienced researchers can sometimes make an educated guess about whether and to what extent a given request will be delayed, the process is characterized by uncertainty.

It is advisable to take the possibility of extensions and delays into consideration when planning a research strategy, and to budget time accordingly. On a similar note, it is advisable to file requests as close to the start of a research project as possible, especially if a cyclical ATI/FOI research process (where the results of one request inform the preparation of the next) is envisioned. Other research activities can be undertaken while ATI/FOI requests are working their way through the system.

FOCUS ON:
Completed ATI/FOI Requests

CASE ONE: THE MANAGEMENT OF LYME DISEASE
Gwen Barlee, Policy Director
The Wilderness Committee

Lyme disease is a serious tick-borne infection carried by black-legged ticks. The management, diagnosis and treatment of Lyme disease has been a controversial issue in B.C. and indeed across North America. I was clinically diagnosed with Lyme disease in 2006 but couldn't get treatment in B.C. for my late-stage infection. My experience led me to engage in advocacy regarding the management of Lyme disease in B.C.. Part of my advocacy work included filing FOI requests.

The most significant request I filed was a request to the Ministry of Healthy Living and Sport in the fall of 2010. The request was worded as follows:

> All documents pertaining to the management of Lyme Disease in British Columbia from January 2006 to August 19, 2010. Specifically, any records, including sticky notes, e-mails, briefing notes and draft documents, that are related but not limited to, the Provincial Strategy for Managing Lyme Disease, tracking, surveillance, media coverage, reporting, accuracy of testing, diagnosis and transmission; and any and all documents relating to the Lyme Disease Survey conducted by the B.C. Centre for Disease Control which was sent to B.C. doctors in 2008.

The request was assigned the file number FOI - HLS-2010-00047. It took 6 months to process. The records were due to be released to me December 30, 2010 (after an initial extension by the public body). I did receive some very heavily severed records (phased release) in late 2010 early 2011, which prompted me to complain to the Commissioner's Office on the severing that had been applied to those records. Additionally, the public body did not release the majority of records to me by December 30th, 2010 which meant I also complained to the Commissioner's Office in mid-January 2011 regarding the "deemed refusal" of the remaining records.

I finally received the records in mid-February 2011. It is worth noting that records which had been previously been very heavily severed had much lighter severing.

The request revealed that the B.C. government had commissioned an internal report on Lyme disease which recommended better diagnostic procedures and treatment for Lyme disease patients as well as improved management of the disease in B.C. I released the FOI to the *Vancouver Sun* which resulted in a front page story on March 29, 2011 (http://blogs.vancouversun.com/2011/03/30/lyme-disease-the-confidential-report-is-here/) as well as considerable additional media coverage. The following day the B.C. government announced the creation of a complex chronic illness clinic (http://www2.news.gov.bc.ca/news_releases_2009-2013/2011HLTH0019-000315.htm), which included treatment for Lyme disease.

CASE TWO: PERSPECTIVES ON THE SECURITY CERTIFICATE REGIME
Mike Larsen, Instructor (Criminology)
Kwantlen Polytechnic University

I have been filing regular ATI requests about security certificates since I started looking into this topic in 2006. The certificate regime is often described as a 'secret trial' process, and it involves the detention-without-trial and, in some cases, the deportation of persons deemed inadmissible to Canada by virtue of secret information. It is a controversial and highly contested aspect of Canadian policy and it is characterized by government claims regarding national security confidentiality.

Below is an annotated example of one of my requests under the federal *ATIA*. The first point worth noting is that this is a 'follow-up request'. The idea to file the request emerged while I was reviewing a package of documents released through a previous ATI request (file number A-2009-00186) with Public Safety Canada. The first request

sought copies of the final report of the 'Evaluation of the Security Certificate Initiative' – an internal evaluation study that looked at some of the security certificate procedures that emerged following revisions to the *Immigration and Refugee Protection Act*. Having obtained a copy of the evaluation report, I went through it carefully and took notes on ideas for further ATI requests. The report mentioned the evaluation methodology, and noted that the evaluation team had conducted a number of in-depth interviews with key government officials involved in the certificate regime. It also noted that the evaluators had reviewed a selection of media articles. I decided to file another ATI request to obtain these records. Many of my requests begin as a list of 'follow-up notes' taken during a careful review of other records.

Here is the wording of my application under the *ATIA* to Public Safety Canada:

> The release package for a previous ATI request with Public Safety Canada (A-2009-00186) includes records indicating that the 2009-2010 Evaluation of the Security Certificate Initiative involved 39 interviews and a review of selected media articles.
>
> Pursuant to the *Access to Information Act*, I am seeking copies of the transcripts and summaries of the thirty-nine (39) interviews conducted during the 2009-2010 Evaluation of the Security Certificate Initiative. Additionally, I am seeking a copy of the list of media articles supplied to the evaluation team for inclusion in the study.
>
> Should any clarification be required, please contact me via email at mike.larsen@kwantlen.ca

I also indicated that I preferred to receive copies of the original documents in electronic (PDF) format. This makes it easier for me to annotate, archive, and share the records I obtain. Many agencies will release records in this format by default, but it is always important to make your preference known.

Some notes on the phrasing of the request:
- It begins by providing the analyst with a note about the previous request. This establishes that the records that I am interested in do exist, and that they are mentioned in other documents. It also gives the analyst some direction regarding where to search for the records of interest.
- The request is as focused and precise as possible. It specifies the types of records of interest – transcripts, summaries, and a list of media articles.
- The request does not indicate a date range, due to its specificity. In most cases, I would include a note that "the date range for this request is x – y".
- The request provides my preferred mode of contact, which in this case is email.

The request was assigned the file number A-2011-00008. Public Safety Canada did not respond to the request within the statutory time limit under the *ATIA*, and the file went into 'deemed refusal' status. It was assigned to a new analyst in 2013, and this analyst worked diligently to complete the request as soon as possible. In retrospect, I should have filed a complaint with the Office of the Information Commissioner of Canada as soon as the file was overdue.

In April 2013, I received a CD containing a 255-page interim release package, as well as a letter outlining the sections of the *ATIA* that had been applied to 'sever' (redact or exclude) portions of the records and advising me of my right to file a complaint with the Office of the Information Commissioner of Canada.

The release package proved to be full of information that was relevant to my own research and of interest to others. I circulated copies of the files to advocates, lawyers, and journalists. The Canadian Press used some of the records as the basis for a June 2, 2013 story entitled "Future top Mountie Paulson declared security certificate process 'off the rails'" (http://www.cbc.ca/news/politics/story/2013/06/02/pol-cp-bob-paulson-declared-security-certificate-process-off-the-rails.html).

A final note: You could contact the ATIP Unit at Public Safety Canada, cite the two ATI file numbers mentioned above, and request copies of the release packages. This would be a comparatively straightforward process, as the unit would not have to conduct an original search or review the records for purposes of severing content.

Requests-in-Progress: ATI & FOI as Interactive Methodology

ATI & FOI as Interactive Methodology

INSIDE THE "ATIP SHOP:" HOW ARE REQUESTS RECEIVED & PROCESSED?

Once an ATI/FOI request has been received and formally acknowledged, the analyst responsible for the file drafts an email to the Office of Primary Interest (OPI) – the office, or offices, within the public body deemed most likely to have control of the records in question. The job of the OPI is to gather together the records considered 'responsive' to the request, and to do so in a timely fashion. If the OPI has questions about the request, he or she corresponds with the analyst, who in turn corresponds with the requester. Analysts may also decide that it is necessary to transfer a request to another government body if they deem that body better-positioned to respond to the request. The identities of applicants for general government information under federal or provincial access laws are legally protected and confidential. Analysts do not disclose the identity of applicants to OPIs or other parties.

Both the federal *ATIA* and the B.C. *FOIPP Act* contain language outlining a public body's duty to assist applicants throughout the request process. As a principle, the duty to assist requires ATI/FOI analysts (acting on behalf of the head of the government body) to make every reasonable effort to assist applicants, and to provide complete and timely responses to requests. For full details on the interpretation of the duty to assist, readers should consult the websites of the Information Commissioner of Canada and the B.C. Information and Privacy Commissioner.

When the analyst receives the compiled records from the OPI, he or she goes about contacting any other government bodies or third parties who have a direct interest in the records in question, and initiates a consultation process, where applicable. This may (and often does) involve claiming an extension on the time limit for the request.

TEXT BOX 4:
On 'unobtrusive research'

ATI/FOI research involves obtaining and analyzing existing government records. It is tempting, therefore, to regard this approach as unobtrusive - a method of studying social behaviour without affecting it. Unobtrusive methods are often contrasted with more interactive methods, and the latter are subject to comparatively greater scrutiny from university research ethics boards. There are several reasons to resist this categorization of ATI/FOI research as unobtrusive, though:

- The outcome of a request is often shaped by interactions between the requester and the analyst responsible for the file. Rapport-building and dialogue are essential components of effective access brokering.
- ATI/FOI mechanisms are often perceived by government bodies as unwelcome, intrusive forms of surveillance, and this has an impact on the work of personnel within departments and agencies. Surveillance is an exercise of power, and power always implies resistance. Public servants working in an area considered contentious or subject to scrutiny through ATI/FOI are likely to govern their behaviour - and their production of records - with an awareness of the potentiality of disclosure in mind.
- ATI/FOI requests are often subject to 'communications reviews', whereby the processing of the request occurs alongside the drafting of a department or agency message strategy intended to manage any implications arising from the disclosure of the records.

Rather than regarding ATI/FOI research as unobtrusive, then, researchers should consider ATI/FOI requests as a means of accessing existing records and simultaneously as a form of action that may produce reactions within government bodies.

The analyst also reviews the records and applies any exception/exemption clauses deemed applicable. The OPI is not responsible for redacting records.

At present, there is a paucity of published research on the internal dynamics of ATI/FOI units ('ATIP Shops'), and this is certainly an area that warrants further exploration. It is clear that the inner workings of these units vary considerably between organizations, for a number of reasons. Units experiencing high request volume and processing backlogs may hire private sector contractors to assist with requests. Sometimes dedicated units and personnel will have the full-time responsibility for managing ATI/FOI

requests, and in other cases, employees will coordinate and respond to requests in addition to other duties.

ATIP shops may operate in an organizational environment where 'right to know' principles are embraced by management, or they may operate in environments characterized by organizational cultures that are particularly resistant to transparency. Many ATIP shops experience a high rate of staff turnover, and the federal ATI regime as a whole has faced budget cuts in recent years.[25] As a general rule, backlogs, turnover, and budget cuts have a negative impact on the ability of ATIP shops to process requests effectively and in a timely fashion.

COMMUNICATION, RAPPORT-BUILDING & REQUESTS FOR CLARIFICATION

A carefully-worded and specific ATI/FOI application may be (and often is) processed in a timely and comprehensive fashion that reflects the spirit of the law and the aforementioned duty to assist, without requiring any follow-up conversations between the applicant and the analyst. In other cases, though, seeing a request through to completion may involve a series of check-ins, questions, and other interactions between the requester and the analyst, during which original requests can undergo transformations in phrasing and scope. Larsen and Walby refer to this phase of the research process as 'access brokering', in recognition of the negotiations, trade-offs, and contestation that characterize it.[26]

Access brokering can be beneficial to the researcher, offering an opportunity to refine the wording and scope of a request so as to achieve the best possible results. It can also be frustrating and detrimental to the research effort, especially when researchers opt to refine requests in ways that limit their scope and depth. ATI/FOI analysts may contact researchers for several reasons, including:

Clarification regarding request wording and intent:
ATI/FOI analysts are intermediaries between the requester and the Office of Primary Interest (OPI). Analysts send an email to the OPI advising them of the nature of the request and the timeline to respond. Sometimes, the OPI will respond to the analyst with

a question: "When the requester says X, does he or she mean XYZ?" or "What does the requester mean by Z?". In these cases, the analyst will contact the requester for clarification before proceeding. Sometimes, the analyst will not understand the initial wording of the request, and will require clarification before contacting the OPI.

Clarification/negotiation regarding request scope:
Researchers may be contacted and asked to clarify the scope of a given request. ATI/FOI analysts may also recommend revisions to the request scope. Negotiations of this nature fall into two broad categories: those based on the request date range and those based on the record types being sought. Researchers are under no obligation to revise a given request. Generally, the purpose of negotiating – by narrowing a date range or specifying certain types of records to include or exclude – is to render a request more manageable.

Being open to some revisions may facilitate a shorter request processing period. As a researcher, the key is to strike a reasonable balance between comprehensiveness of scope and ease of processing. On the other hand, too much revision may result in the exclusion of records that would be meaningful to your research project. Some negotiations regarding request scope may relate to issues such as search fees, extensions, or inter-agency consultations.

Researchers should try to build rapport with ATI/FOI analysts. This can make the difference between an access brokering process characterized by delay and brief, to-the-point communications and a process characterized by active dialogue, quick follow-up, and in-depth correspondence. It is generally easier to build rapport with an analyst over the phone than it is by email.

KEEPING AN EFFECTIVE RESEARCH JOURNAL

Effective social research should be systematic and well-documented. For access brokering, this means keeping an accurate documentary record of all important stages in the life cycle of a given request. Keeping a detailed and up-to-date research journal is a necessary precondition for effectively brokering access, as it allows the researcher to track request timelines and changes to request wording and scope.

The processing of a given request may itself produce a number of records, including letters from ATI/FOI analysts, emails, and notes regarding telephone conversations. Losing track of these materials can inhibit both access brokering and the eventual analysis of records. In addition to being pragmatic, Walby and Larsen argue that keeping detailed records of interactions with analysts and notes on personal reflections and insights related to the research process is essential for maintaining reflexivity. They note that:

"the general meaning of reflexivity is that the researcher provides an account of how they produced his or her data and the knowledge resulting from a study (see Mauthner & Doucet, 2003). There is (or should be) a self-critical mirror facing the researcher in all phases of the project, from the formulation of a research question, to data production, to data analysis, through to writing and audience reception and response related to a publication.

Reflexivity [is] a tool that researchers constantly use to assess how they do what they do in terms of knowledge production."[27]

This sort of journaling is particularly important for investigations that treat the ATI/FOI process as a form of participatory research that explores the politics of secrecy and access to information. When the access brokering process itself is regarded as a site of contestation between actors with competing interests, interactions – and reflections on interactions – become important sources of data.

TABLE 2: Sample Research Journal Template

File Number:			
Recipient Agency:			
Date Sent:	Date Received by Agency:		Date Request Completed:
Request Due Date:			
Original Wording:			
Analyst & Contact Information:			
Interaction Date:	Notes:		

EXTENSIONS AND FEES

Both the B.C. *FOIPP Act* and the federal *ATIA* indicate that public bodies in receipt of an ATI/FOI request must provide a response within 30 days of the date that the request is received. 'Response', in this case, means a release package containing the records responsive to the request. However, many requests take longer than 30 days to complete because the public body opts to invoke one of several extension clauses found in the legislation.

An extension may be claimed because the ATIP shop, acting on the authority of the head of the government institution/public body, deems it necessary to clarify the wording of a request, or because the request involves a large number of records requiring a lengthy and involved search process, or because it is necessary to consult with other government bodies or third parties before releasing certain records.

The length of extensions will very depending on the scope of the search and/or number and complexity of consultations involved. When an extension is invoked, the researcher will receive a form letter explaining the reason, with reference to the relevant sections of the Act. Requesters have a right to complain about extensions (see Section 4: Challenges and the Complaints Process).

Extensions may be an opportunity for brokering and negotiation. For example, a researcher may be able to work around an extension related to search time by agreeing to narrow the scope of a request – perhaps by reducing the date range or cutting out a certain category of record.

Researchers need to make pragmatic trade-offs between comprehensiveness and timeliness. When faced with a lengthy extension, researchers should always request an 'interim release package' of already-processed records. Some public bodies have a policy of not providing interim releases, while others deal with such requests on a case-by-case basis. Establishing a good rapport with an analyst can be a means to obtaining an interim release package. Consider the following exchange of emails involving a complex federal ATI request...

TEXT BOX 5: **Sample interim release correspondence**

EMAIL EXCERPT 1:

Good afternoon Mike,

I'm making good headway into the file. In my initial triage/cursory review I have come across portions of information which would require consultation/certification with Privy Council for exclusion under s.69 [Cabinet Confidence]. As I am sure you are aware, references to Cabinet Confidences are excluded from the Act; however, require certification with Privy Council.

There does not appear to be much of this, just snippets of information.

Option: I can redact those portions (obvious Cabinet Confidences) as not relevant and avoid the certification process? Let me know how you would like me to proceed. Happy to answer any questions you may have.

Regards, [Analyst]

EMAIL EXCERPT 2:

Hello [Analyst],

Thanks for this update. It would be ideal if we could arrange for an interim release of the records that do not require consultation. I would then be happy to wait for the rest of them to go through the always-lengthy PCO consult. Is this a possibility?

Best, Mike

EMAIL EXCERPT 3:

Sure.

I will do my best to get a partial by my original target date of April 30th - I'm still optimistic about April 30th (for a partial at the least). As always, I will keep you posted if there are any unforeseen delays pushing a release beyond this date.

Cheers. [Analyst]

FOCUS ON:
Extensions in Legislation

B.C. *Freedom of Information and Protection of Privacy Act:*

10 (1) The head of a public body may extend the time for responding to a request for up to 30 days if one or more of the following apply:

(a) the applicant does not give enough detail to enable the public body to identify a requested record;

(b) a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body;

(c) more time is needed to consult with a third party or other public body before the head can decide whether or not to give the applicant access to a requested record;

(d) the applicant has consented, in the prescribed manner, to the extension.

(2) In addition to the authority under subsection (1), with the permission of the commissioner, the head of a public body may extend the time for responding to a request as follows:

(a) if one or more of the circumstances described in subsection (1) (a) to (d) apply, for a period of longer than the 30 days permitted under that subsection;

(b) if the commissioner otherwise considers that it is fair and reasonable to do so, as the commissioner considers appropriate.

(3) If the time for responding to a request is extended under this section, the head of the public body must tell the applicant

(a) the reason for the extension,

(b) when a response can be expected, and

(c) in the case of an extension under subsection (1) (a) to (c), that the applicant may complain about the extension under section 42 (2) (b) or 60 (1) (a).

Federal *Access to Information Act:*

9. (1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,

(b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or

c) notice of the request is given pursuant to subsection 27(1)

By giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

In addition to extension notices, requests can be complicated by the imposition of additional fees. A request under the B.C. *FOIPP Act* comes with three 'free' hours of search time, after which additional search fees will be assessed on an hourly basis. Fees may also be assessed for record preparation, shipping and handling, and copying. A federal *ATIA* request comes with five 'free' hours of search time, after which time fees may be assessed.

Importantly, fees do not take the form of an unexpected bill, but rather a formal estimate. Upon receipt of such an estimate, the researcher must formally accept the fee and pay a deposit (generally 50% of the estimate) before the request proceeds. As with extensions, fee assessments may be an opportunity for negotiation. In fact, the possibility of fees is often raised by ATI/FOI analysts as an invitation to revise the scope and depth of a request. Researchers may elect to modify a request in the hopes of avoiding fees, or, alternatively, to request a fee waiver. Again, this involves making an informed decision about trade-offs, this time between cost and comprehensiveness. When faced with a fee estimate, researchers should endeavor to learn as much about their in-progress request as possible before making a decision. Asking about the types of records being found, the number of records responsive to the request, and the relevance of the records to research objectives can help the researcher to make an informed decision. For more information on fees see "FOCUS ON: Processing & Copying Fees" (p. 31).

A note on research ethics:
Does an academic project that employs a series of ATI/FOI requests as its primary research method require Research Ethics Board (REB) approval in accordance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*? This is a common question for academics starting out with ATI/FOI research. It is always important to carefully consider the ethical implications of a research strategy, and to consult with your REB where applicable.

This being said, applications under ATI/FOI laws involve the exercise of quasi-constitutional information rights, and they do not require REB approval. Some requests involve a series of exchanges or conversations with ATI/FOI analysts. Despite the interactive nature of these exchanges, analysts carrying out their duties do not occupy the status of research participants as they are not themselves the focus of the study. They interact with users of ATI/FOI law in their official capacity, and they are obligated to apply the law impartially and to provide reasonable assistance according to the spirit of the duty to assist. Reflections on the 'access brokering' process – including details regarding interactions with analysts – can be treated as sources of data in their own right, again without requiring REB approval. Additionally, material released pursuant to the federal *ATIA* or B.C. *FOIPP Act* is considered to be in the public domain – indeed, this is precisely what ATI/FOI law accomplishes – and can be circulated and published without seeking aditional permissions.

PRINCIPLES FOR ACCESS BROKERING

1 KNOW YOUR FILE: When you file your initial request, you will receive a letter confirming receipt. This letter will contain three important pieces of information: (1) the official 'date received' for your request, which is the 'day zero' from which your request deadline will be measured, (2) the file number for your request, which should be cited in all future correspondence, and (3) the name of the analyst working on your file and his or her contact information. Upon receipt of your confirmation letter, you should identify the approximate 'due date' for your request. Be sure to keep track of any changes to this date due to extensions or pauses.

2 KEEP DETAILED NOTES: Keep a research diary that tracks every stage of the request process, from formulation, through brokering access to the conclusion of your request. Your notes should provide an account of all interactions with ATI/FOI analysts and your impressions about the request process.

3 REQUESTS MUST BE INTERPRETED: There are multiple moments of translation and interpretation associated with the processing of a given request. When drafting a request, you use language that you feel best captures your objectives. This request must be interpreted by the analyst, and then conveyed to the Office of Primary Interest (OPI). Queries from the OPI must be interpreted by the analyst and then passed along to you. There are opportunities for misinterpretation and uncertainty built into this process. When communicating with an analyst, be sure to take the time to clarify concepts and clearly explain your intent. Make sure that you are on the same page.

4 DON'T RUSH IT: If you speak to an ATI/FOI analyst over the telephone (or communicate via email), be sure to take your time to clarify what is being asked of you, and to ask follow-up questions of your own. Ostensibly, the job of ATI/FOI analysts is to facilitate your quasi-constitutional right to know and assist you in the navigation of the request process, so use them as a resource. If you are asked about your purpose or intentions, be honest – explain the nature of your research project and discuss your options.

5 BE PERSISTENT: If you contact a ATI/FOI analyst with a question about your file and you do not hear back promptly, follow up. Remember: analysts are often working on many files at the same time, each at a different stage in the request process. Requests sometimes migrate to the bottom of the 'to-do' stack. One way to ensure that your request is handled in a timely fashion is to be an active and persistent participant in the process.

6 GET IT IN WRITING: Insist that all proposed changes in the wording of your request be sent to you via email. This will help you to know your file and to track its evolution. It will also allow you to compare and contrast your original objectives with the outcomes of your request. If your ATI/FOI analyst proposes new/revised wording for your request that you understand and agree with, tell them to proceed, but ask that they send you an email describing the revised wording. If your ATI/FOI analyst proposes new/revised wording for your request that you *do not understand fully*, ask them to send you an email describing the proposed wording. If you are still uncertain, check with a trusted ATI/FOI expert before proceeding. Whenever you authorize a change to a request, ask your ATI/FOI analyst to explain whether and how it will alter the request timeline.

7 FOLLOW THE 'HOT POTATO' PRINCIPLE: *Bearing all of the above points in mind*, all queries regarding your request should be treated like a 'hot potato' – your objective is to pass the potato back to the recipient agency as soon as possible. Do not 'hold onto' queries or requests for clarification. Answer questions promptly. Respond to messages. Where possible, never let any correspondence go unanswered for more than a few hours. In many cases, requests for clarification also function as 'pauses' or 'stopped clocks' in the life cycle of a request. When an ATI/FOI analyst sends such a request, the timeframe for the processing of the request is paused until a reply is received. This means that the longer you take to reply, the further back you push the deadline for the agency to respond to your request.

FOCUS ON:
Processing & Copying Fees

B.C. *FOIPP Act*

Section 75 of the *FOIPP Act* deals with fees. Fees may be assessed for locating, retrieving and producing a record; preparing the record for disclosure; shipping and handling the record, and providing a copy of the record.

The head of a public body has the authority to excuse an applicant from paying all or part of fees for services, on the grounds that the applicant cannot afford to pay and/or on the grounds that the record relates to a matter of public interest. Requests for fee waivers should be submitted in writing, and may be submitted when a request is filed (preemptively) or when a fee notice is received. Researchers should note that the 30-day statutory time limit for responding to an FOI request is effectively suspended during the processing of a fee waiver request. This means that requesting a fee waiver - while potentially advantageous and recommended by many experienced users of the B.C. *FOIPP Act* - can extend the processing period for a given request.

Applicants in receipt of a fee notice may also complain to the Information and Privacy Commissioner of B.C. regarding the reasonableness of the fee.

Schedule 1 of the B.C. Freedom of Information and Privacy Regulation outlines the maximum fees for service associated with the B.C. FOI mechanism. The full schedule can be viewed at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/155_2012

Of note, for non-commercial applicants, the maximum 'management fee' for locating and retrieving a record is $7.50 per half-hour after the first 3 hours (which are free). The same rate applies to preparing a record for disclosure. The schedule also includes a list of record copying fees, with rates varying according to record type.

Canadian *ATIA*

Section 11 of the *ATIA* deals with fees. Fees may be assessed for search time and/or record creation, preparation, or reproduction.

The head of a government institution has the authority to waive all or part of a fee, and/or to issue a refund for a fee that has been paid. Applicants may request a fee waiver.

Applicants in receipt of a fee notice may also complain to the Office of the Information Commissioner of Canada regarding the fee amount.

The Access to Information Regulations outlines the fee structure for requests under the *ATIA*. The full text of the Regulations may be accessed here: http://laws-lois.justice.gc.ca/eng/regulations/sor-83-507/

For non-computerized records, in addition to the standard $5.00 application fee, search and preparation fees of $2.50 per half-hour may be assessed after the first five hours. The regulation includes a list of reproduction fees. Note that for machine-readable records, processor and programming fees may also be assessed.

Challenges and the Complaints Process

Challenges & The Complaints Process

THE LIMITS OF ATI/FOI

While ATI/FOI requests have the potential to produce valuable data for many research projects concerned with government practices, there are some definite limitations to this method. The general attitude among members of the ATI/FOI research community is that Canadian access regimes are flawed (some more so than others) and that users must find ways to succeed both within and despite the system.[28] Some major limiting factors are discussed below. Researchers are encouraged to regard these factors as important issues to bear in mind before and during ATI/FOI research, as opposed to reasons not to file requests.

A reliance on records

The reach of ATI/FOI mechanisms is circumscribed by the limits of government record-keeping. ATI/FOI mechanisms do not provide access to information in general, but rather a means to access records of all types, subject to various exemption and exclusion clauses. Larsen and Walby propose that ATI/FOI mechanisms should be understood by researchers as components of "a legal regime that allows for mediated record retrieval".[29] While ATI/FOI requests can be an invaluable means of exploring the internal dynamics of government, their reach extends only as far as the scope of recorded practices. If government activities are not recorded, or if records are not properly maintained, information about these activities will not be accessible through ATI/FOI. Researchers employing ATI/FOI methods need to carefully consider whether and to what extent important aspects of a given government practice take place 'off the record'.

In some cases, the absence of records reflects a deliberate effort to render government practices opaque. Scholars of ATI/FOI processes, journalists, right-to-know advocacy groups and Information and Privacy Commissioners have repeatedly drawn attention to a range of practices – from conducting government business through personal email accounts[30] to the use of removable sticky notes to annotate paper records[31] to the use of transitory communications (emails saying "call me" or "let's meet")[32] – that are employed to reduce or eliminate paper trails. Several of Canada's Information Commissioners, representing a number of jurisdictions, have been outspoken in their opposition to 'oral government' and its advocacy for a robust 'duty to document'.[33]

Process problems

Some of the most consistent sources of limitations associated with ATI/FOI research are related to the processing of requests (as opposed to limitations associated with the contents of release packages). ATI/FOI requests can be subject to lengthy delays and extensions for a variety of reasons. For many experienced users of ATI/FOI mechanisms, having a request completed within the 30-day statutory timeline is the exception, as opposed to the rule. Extensions of 60 and 120 days are commonplace. Canadian academic and journalism professor Fred Vallance-Jones describes chronic processing delay as a 'quasi exemption' that effectively inhibits access to information.[34] The Information Commissioner of Canada, in a special 2010 report to Parliament, identified systemic delay as a problem that was (and still is) threatening to undermine the Canadian access regime.[35]

The author's own experiences involve a request that was in 'deemed refusal' status (meaning overdue with no legal extension) for over 500 days, and another that was subject to a 510-day extension for the purpose of conducting consultations. In addition to extensions associated with search time, request processing, or consultations, systemic delays and backlogs can make the outcome of a given request uncertain. This can

make it challenging to incorporate ATI/FOI methods into a research design that involves set milestones or deadlines. It is particularly challenging to effectively employ ATI/FOI methods as part of action research involving issues that are currently 'in play'.

Extensions and delays related to lengthy inter-agency consultations illustrate the growing mismatch between Canada's access regimes and the increasingly integrated and collaborative nature of contemporary government practices.[36] When a department or agency receives an ATI/FOI request and deems it necessary to consult another department or agency in order to comply with the request, the responding agency can give the requester notice of an extension. Where multiple agencies are consulted according to this provision, the overall request will move at the pace of the slowest agency involved. Depending on the nature of a research project, delays associated with lengthy consultations can become routine. For example, research on interdepartmental working groups, integrated task forces, information-sharing, and ad-hoc interagency collaborations will almost certainly be subject to consultation-related delays.

Exclusions and Exemptions

For researchers considering becoming active users of ATI/FOI mechanisms, it is worth taking some time to become familiar with the exclusion and exemption clauses found in the relevant ATI/FOI Act(s). As noted earlier, ATI/FOI laws have dual functions; they facilitate both transparency and secrecy. Access laws contain sections that address exemptions – grounds that may or must be invoked by government agencies to withhold certain types of records – and exclusions – categories of records that are exempt from release. Some exemptions are discretionary, while others are mandatory.

Division 2 of the B.C. *FOIPP Act* deals with exceptions. Section 12, for instance, deals with Cabinet and local public body confidences, most of which the heads of public bodies in receipt of FOI requests must refuse to disclose. There are limits to this exception clause – for example, for records over 15 years old. At the federal level, section 69(1) of the *ATIA* excludes Confidences of the Queen's Privy Council for Canada (Cabinet Confidences) from ATI

for at least 20 years. In practice, these clauses mean that the records of federal and provincial cabinets are routinely withheld. Reflecting on section 69(1), CBC investigative journalist and ATI/FOI researcher David McKie notes that

> "[u]nder the law, a department can withhold a document if it's deemed to be one that cabinet uses to make a decision. This exemption has been likened to a loophole the size of a Mack truck, into which governments can throw all kinds of records, some of which may simply run the risk of embarrassing a minister if made public".[37]

While many requesters file complaints regarding records excluded as cabinet confidences, it is important to note that the Information Commissioner of Canada does not have the authority to review this category of record, making it difficult to determine of the spirit and letter of the *ATIA* are being upheld.

Other exception/exemption clauses commonly encountered by researchers include policy advice or recommendations and legal advice prepared for a government body or minister.

Both the B.C. *FOIPP Act* and the federal *ATIA* include a range of exception/exclusion clauses whereby the head of the responding public body may refuse to disclose information on the basis of an expectation that disclosure could result in harm or injury, broadly conceived. For example, records that could be harmful to law enforcement, intergovernmental relations, or public safety may be withheld.

The *ATIA* includes an exemption category (s. 14) regarding "information the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs", and a broad exemption category regarding international affairs and defence (s. 15).

Personal information is also protected and exempt from disclosure to an unauthorized party under both the B.C. *FOIPP Act* (s. 22) and the federal *ATIA* (s. 19). Confidential third-party information, including information that could be harmful to business interests, is subject to exclusion under both federal and provincial Acts.

TABLE 3: **Exemption, Exception and Exclusion Clauses**

EXCEPTION/EXEMPTION CLAUSES	B.C. FOIPP ACT SECTION	FEDERAL ATIA SECTION
Cabinet and public body confidences	s. 12	-
Policy advice or recommendations	s.13	s.21, s. 22, s. 23
Legal advice	s.14	s.23
Disclosure harmful to law enforcement	s.15	s.16
Disclosure harmful to intergovernmental relations or international affairs and defence	s.16	s.13, s. 14, s.15
Disclosure harmful to the financial interests of a public body or the economic interests of Canada	s.17	s.18
Discosure harmful to the conservation of heritage sites	s.18	-
Disclosure harmful to individual or public safety	s.19	s. 17
Information that will be published or released within 60 days (B.C.) or 90 days (federal)	s.20	s.26
Disclosure harmful to the business interests of a third party	s.21	s. 20
Disclosure harmful to personal privacy	s.22	s.19

FEDERAL ATIA EXCLUSION CLAUSES	SECTION
Material that is already public	s. 68
Information under the control of CBC (with exceptions)	s. 68.1
Information under the control of Atomic Energy of Canada (with exceptions)	s. 68.2
Cabinet and Queen's Privy Council confidences	s. 69
Certificate issues under s. 38.13 of the *Canada Evidence Act*	s. 69.1

Making sense of the nature and application of exceptions and exclusions – and determining whether they have been applied reasonably in relation to a given request – can be challenging. Requesters who feel that their rights under the *FOIPP* or *ATIA* have been violated through the inappropriate or heavy-handed application of exclusions can file formal complaints. Some experienced users have adopted a policy of challenging the application of exceptions as a matter of course. Formal complaints can take a long time, but they often result in the release of additional records.

When a request is complete, the requester will typically receive a letter from the responding agency that clearly identifies the exception/exemption clauses that have been applied to the release package, often accompanied by copies of the relevant sections of the Act. For example, the release package for a request with Public Safety Canada regarding the evaluation of the Canadian Security Certificate Initiative was accompanied by the following list of exception/exclusion clauses that were applied.

Access to Information Act Sections

13(1)(a)   government of a foreign state
15(1) - Int'l   International Affairs
15(1) - Subv   Subversive or hostile activities
16(2)(c)   methods employed to protect buildings, structures or systems
19(1)   personal information
21(1)(a)   advice or recommendations
21(1)(b)   consultations or deliberations
21(1)(d)   plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation
23   solicitor-client privilege information
69   Confidences of the Queen's Privy Council for Canada

FIGURE 2:   **Exceptions applied to an ATI request submitted to Public Safety Canada**

It is recommended that researchers consider complaining when they receive heavily redacted documents. For additional information about exemption/exclusion processes, consult the websites of information ombudspersons (see Section 5 of this text).

Format
Researchers used to working with searchable text files may find the analysis of records obtained through ATI/FOI to be challenging. For requests for documents,

the default format for release packages is a scanned PDF or a printed hard copy. Records released in PDF format are essentially photographs of printed texts, and they cannot be searched without the aid of Optical Character Recognition (OCR) software. Even then, the low-res quality of most scans makes OCR partially effective at best. It is not unusual to receive a release package containing hundreds of pages of records that must be sorted and coded manually.

It is recommended that researchers set aside sufficient time to work with unsearchable text files or printed records. Researchers who require an alternative record format should indicate this at the initial request filing stage.

Request Misinterpretation, or, "This isn't what I was looking for…"
The contents of release packages may not match the wording of an ATI/FOI request. In some cases, this is the result of the application (or over-application) of exemption and exclusion clauses, as discussed above. In other cases, this may be the result of misinterpretation by the analyst in charge of the request file or the Office of Primary Interest (OPI) on the receiving end of the records request. It may also be the result of a failure on the part of the requester to accurately explain the nature and scope of the request during the brokering process.

It is recommended that researchers maintain an open dialogue with the analyst in charge of a given request file and ensure, to the extent possible, that the 'official' interpretation of a request matches the intended interpretation of a request. Researchers who believe that a request has been misinterpreted may file a formal complaint.

Expense
Search and processing fees can add up. Agencies seeking to charge fees must obtain requester approval and a deposit before proceeding, and while this means that requesters will never be obliged to cover unexpected costs, it can serve as a disincentive to proceeding with a request or a powerful incentive to narrow the scope of a request. Veteran *Toronto Star*

reporter Jim Rankin advises that requesters challenge fees and seek waivers, especially for requests dealing with electronic (structured) data.[38] Researchers may opt to challenge fee estimates and request waivers as a matter of course. When doing so, it is important to note that the processing of fee waivers will 'stop the clock' on a request, adding to the total request processing time. It is recommended that researchers keep potential fees in mind when developing research budgets. Search fees may be effectively circumvented by collaborative research projects involving multiple requesters, as several individual requests will often be covered by 'free' search time whereas a single large request for the same information may be subject to additional charges.

Resistance and Obstruction

Finally, and perhaps most importantly, researchers should note that the very concept of a meaningful 'right to know' runs contrary to the political and bureaucratic cultures of secrecy that characterize Canadian governments. In its 2012-2013 review of the Canadian federal ATI regime, the group Canadian Journalists for Free Expression notes that:

> "Part of the problem is simply the lack of political will to respect the fundamental rights of citizens to hold their government to account. But another part of the problem is that the *Access to Information Act* (ATIA) is now 30 years old, and its age is showing—it is desperately in need of reforms for the digital age to reduce delays and diminish censorship".[39]

This statement neatly sums up two major challenges faced by ATI/FOI researchers – political resistance to the spirit and letter of ATI laws and the failure of legislators to ensure that ATI/FOI mechanisms keep pace with ongoing transformations in government information architectures.[40]

For many government departments and agencies, ATI/FOI requests create the potential for 'disruptive disclosures' that may contradict carefully crafted official messages. For this reason, requests are often treated as sources of risk and uncertainty. Requests deemed to be potentially contentious or politically risky are subject to internal review, and government agencies routinely develop 'communications products' while requests are being processed in order to maintain message discipline.[41] The Canadian scholarly

literature on ATI/FOI processes includes a number of articles and texts that focus on issues of contestation, obstruction, and resistance.[42]

Rather than regarding cultures of secrecy and instances of resistance and obstruction to be external factors that limit the effectiveness of ATI/FOI mechanisms, researchers may opt to consider them as important aspects of the research process itself – and as sources of data. Requests involve contestations around the differential ability to control access to information, and they act as microcosms for broader tensions between the politics of secrecy and claims to transparency and accountability. Walby and Larsen propose that the fact that government workers produce records with an awareness of their potential for disclosure through ATI/FOI in mind implicates our requests in a dynamic cycle of information management, and that this "invites us to situate our understanding of texts in relation to the processes through which they are produced as well as the mechanisms that govern their disclosure".[43]

Complaints and Reviews

The Offices of the Information and Privacy Commissioner for B.C. and the Information Commissioner of Canada receive and follow up on requests for reviews and/or complaints regarding the processing or outcome of ATI/FOI requests. Similar offices exist across the other provinces and territories. While these offices have comparable mandates as ATI/FOI ombudspersons, they have different powers and abilities.

There are two general categories of grievances that can be made in relation to provincial or federal ATI/FOI requests: process grievances, which relate to the way that an agency is processing an active request, and outcome grievances, which relate to the nature of the eventual response (or lack thereof) to a request. It is possible to lodge a multifaceted complaint that relates to more than one problem with the processing or outcome of a request. It is always advisable to attempt to resolve any concerns with the processing or outcome of an ATI/FOI request with to the responding agency directly before initiating a formal complaint with a Commissioner's office. Some issues can be resolved in this way.
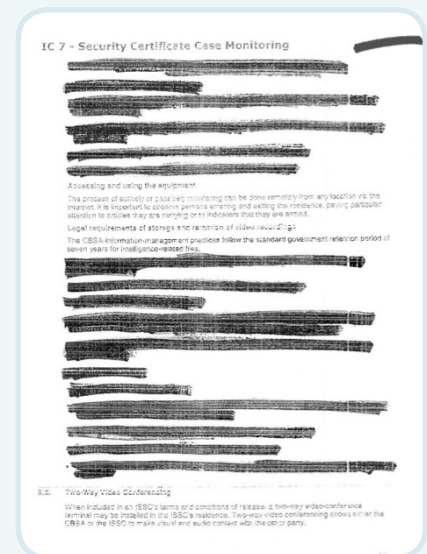
FOCUS ON: Redactions

Increasingly, the processing of ATI/FOI requests is being shaped by dedicated access software – technology designed to manage every stage of the ATI/FOI system. This software is described by its designers and users to be a means of efficiently coordinating a process, but it also alters the appearance of records in meaningful ways – that is, it changes the nature of the data that is produced through ATI/FOI mechanisms. For many requests documents, by the time the 'responsive record' is released, it will have morphed from its original format into a 'flattened' black-and-white printout or image-based portable document file (PDF).

The conversion of text into image renders documents un-searchable without the aid of specialized Optical Character Recognition software, and once-dynamic spreadsheets and databases (with accompanying formulas) may become static snapshots of data. Images, graphs, and photographs tend to be reduced to low-resolution, high-contrast blobs. ATI/FOI technology has always subtly transformed the content of records, and we can gain insights in to the operation of an access regime by studying the tools that it uses to produce and modify data. For example, consider the various methods for redacting or 'severing' records...

POSITIVE REDACTIONS

The traditional image of the redacted text is still the blacked-out document. Originally, this meant that redacted content was crossed out with a black marker. Later, special highlighters were used so that redacted text would be still be visible on the original, but would appear black when the document was photocopied. Some software inserts black boxes over redacted lines of texts. Why call this positive redaction? Because the redaction itself is visible and identifiable. Content may be obscured and unreadable, but a black line or box still indicates its existence. Black redacted space stands out against the white background that is used for the vast majority of texts. This is not simply a matter of aesthetics: it is the most obtrusive form of redaction – one that necessarily acknowledges the presence of text at the same time that it obscures its content.

NEGATIVE REDACTIONS

Even though the blacked-out text is still the archetypal image of redaction, it is increasingly an artifact of ATI/FOI history. Several generations of ATI/FOI software have employed white space redaction as a default setting, and this is the standard in the Canadian federal government and many provincial and municipal agencies. The industry standard AccessPro Case Management software suite and its predecessor ATIPFlow replace redacted content with white spaces. This is done digitally, by the ATI/FOI analyst, and the procedure is streamlined and user-friendly.

Why call this negative redaction? Because it may render redacted content indistinguishable from the blank background of the doument. Although the software allows the user to insert a marginal annotation indicating the paragraphs of legislation used to authorize exemption, this doesn't reveal the extent of the redaction. This creates uncertainty about the discrepancies that exist between an original document and the image of that document that is produced through the ATI process. Does this white space account for a missing line, or a missing paragraph, a missing table or a missing image? Was half of the page originally left blank, or is half of the page absent due to redaction? In contrast with blacked-out text, white-space redaction can be unobtrusive – a means of withholding content that is itself secretive. This enhances the opacity of the document.

Filing a complaint or request for review involves providing the relevant Commissioner's office with a detailed rationale for the complaint and all supporting documentation, including a copy of the original request, copies of all formal letters from the responding public body or agency (including the response to the request, where applicable), and copies of any correspondence between the requester and the agency in relation to the request.

This is where keeping a detailed research journal pays off. The intake analysts responsible for receiving and processing requests for reviews and complaints are knowledgeable regarding the scope and limits of ATI/FOI mechanisms, but they are – initially, at least – outsiders in relation to the history and dynamics of a given request. It is essential to construct clear and concise complaints that make the connections between a given request and relevant sections of the Act. In some cases – for example, deemed refusals – this is a straightforward process. In other cases – lengthy consultations or excessive redaction – it is worth taking the time to 'make the case'. The websites of the Commissioners contain summaries of investigations pertaining to various sections of the Acts and systemic investigations regarding broader problems with compliance, and these materials can provide guidance and useful language that can help with the formulation of a complaint.
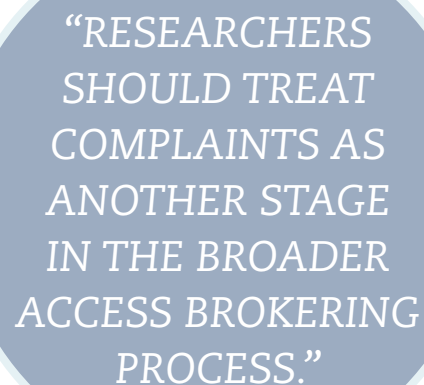
The Office of the Information and Privacy Commissioner for B.C. can receive requests for review or complaints via letter or email, and the Commissioner's website contains fillable forms. Note that while the request itself may be submitted via email, all supporting documentation must be received before the request can proceed. Requesters who are unable to make a written complaint may also file a complaint via telephone.

The Office of the Information Commissioner of Canada cannot receive complaints electronically. Complaints must be submitted in writing, by mail or fax. Researchers should treat complaints as another stage in the broader access brokering process, and continue to document all interactions accordingly. Even if an investigation does not issue a finding favorable to the researcher's position, the process offers important insights into the politics of information control and management. Once a complaint has been filed and reviewed, it is assigned to an investigator in the Commissioner's office. As with an ATI/FOI request, complaints or requests for review are assigned a file number.
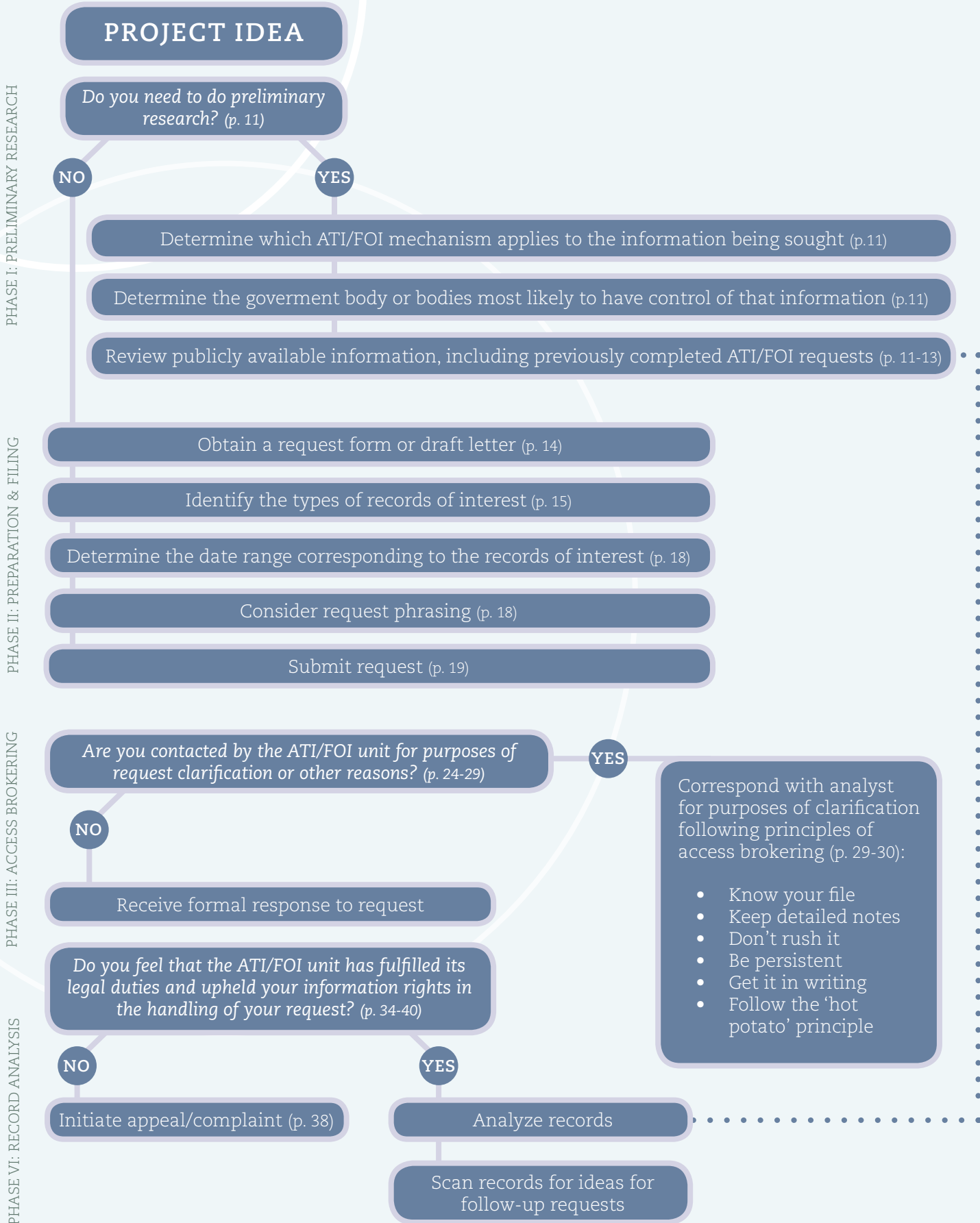
The investigator will contact the responding agency or public body and make an effort to address the complaint informally through a mediated resolution. For reviews of requests completed under the B.C. *FOIPP Act*, the Office of the Information and Privacy Commissioner may initiate a formal inquiry and, if the Office deems that additional information should be released, issue a legally-binding order to the responding agency or public body. This is possible because the Commissioner has order-making powers – the ability to compel government bodies to release information that has been unreasonably withheld – under the B.C. *FOIPP Act*.

At the federal level, the Information Commissioner of Canada does not have order-making powers. A formal investigation by the Commissioner's Office can result in a finding that a government department or agency acted inappropriately and failed to meet its obligations under the *ATIA*. The head of the department or agency is not obligated to release information in response to a finding. To compel such a release, the requester and/or the Office of the Information Commissioner must initiate federal court proceedings. Researchers considering filing lawsuits related to ATI/FOI are encouraged to read Matthew Yeager's article "The Freedom of Information Act as a Methodological Tool: Suing the Government for Data", which documents some of the benefits and challenges of taking this step.[44]

"RESEARCHERS SHOULD TREAT COMPLAINTS AS ANOTHER STAGE IN THE BROADER ACCESS BROKERING PROCESS."

MAPPING THE REQUEST PROCESS:

PROJECT IDEA

Do you need to do preliminary research? (p. 11)

NO   **YES**

PHASE I: PRELIMINARY RESEARCH

Determine which ATI/FOI mechanism applies to the information being sought (p.11)

Determine the goverment body or bodies most likely to have control of that information (p.11)

Review publicly available information, including previously completed ATI/FOI requests (p. 11-13)

PHASE II: PREPARATION & FILING

Obtain a request form or draft letter (p. 14)

Identify the types of records of interest (p. 15)

Determine the date range corresponding to the records of interest (p. 18)

Consider request phrasing (p. 18)

Submit request (p. 19)

PHASE III: ACCESS BROKERING

Are you contacted by the ATI/FOI unit for purposes of request clarification or other reasons? (p. 24-29)

YES

NO

Receive formal response to request

Do you feel that the ATI/FOI unit has fulfilled its legal duties and upheld your information rights in the handling of your request? (p. 34-40)

NO   **YES**

Correspond with analyst for purposes of clarification following principles of access brokering (p. 29-30):

- Know your file
- Keep detailed notes
- Don't rush it
- Be persistent
- Get it in writing
- Follow the 'hot potato' principle

PHASE VI: RECORD ANALYSIS

Initiate appeal/complaint (p. 38)

Analyze records

Scan records for ideas for follow-up requests

Conclusions

V
Conclusion: The 'Making Public' of Information

"The overarching purpose of access to information legislation is to facilitate democracy by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and bureaucrats remain accountable to the citizenry".

-Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R. 403

Access to Information and Freedom of Information laws are 'dual purpose' devices with complicated legacies and implications. They operate in the service of transparancy and accountability, and in so doing, as Justice LaForest notes, they facilitate democracy. But they also circumscribe the limits of transparency by codifying a range of exemptions and quasi–exemptions that curtail access and legitimize government secrecy. ATI/FOI mechanisms regulate the interactions between groups with competing interests and reflect what philosopher Sissela Bok refers to as the politics and ethics of concealment and revelation.[45]

Some Canadian ATI/FOI regimes are reasonably effective from a public interest standpoint, while others are so out–of–date or dysfunctional that they can reasonably be described as "broken". From the standpoint of an academic, though, ATI/FOI mechanisms of all types can be incredibly useful – and despite growing interest, they remain underutilized by the Canadian scholarly community. [46]
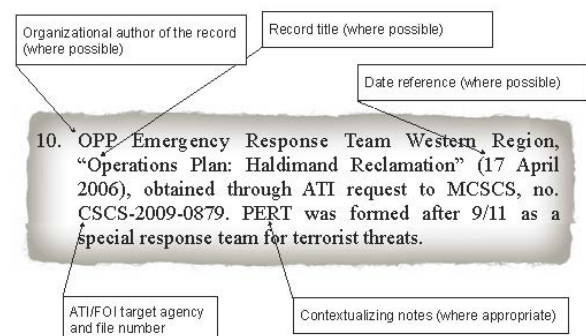
Individual researchers can use ATI/FOI mechanisms to gain access to otherwise unobtainable "back stage" government records, but in so doing, they – we – also make these records accessible to others and contribute to the broadening of the pool of publicly-accessible information. In this sense, all ATI/FOI research, regardless of whether and in what form the results are published, leaves a mark in the public domain. Researchers cannot claim ownership of data obtained through general requests for public records, and even though original requesters have exclusive access to newly–released records for a short window of time, after this passes, they become accessible to others.

This lends ATI/FOI research a refreshingly egalitarian dynamic and facilitates collaboration through the "making public" of records that may be of interest to a wide range of academics and other interested parties.

Researchers wishing to embrace the collaborative and collegial aspects of ATI/FOI research can help by ensuring that all ATI/FOI requests used in the preparation of a written work are clearly identified. There are no citation guidelines that apply specifically to ATI/FOI records, but researchers should strive to follow two principles:

1. Be consistent: Adopt a single approach to referencing ATI/FOI content and use it throughout a written work
2. Facilitate follow-up: Adopt an approach that will provide your reader with enough information to a) make sense of the essential details of the record(s) you are referring to and b) follow–up by filing a request for previously released records

For an example of ATI/FOI record referencing, consider the elements included by Canadian researcher Tia Dafnos in a chapter on the policing of aboriginal activism. Another researcher interested in these records is provided with enough information to file a follow-up request with the Ontario Ministry of Community Safety and Correctional Services (MCSCS):[47]

Organizational author of the record (where possible)

Record title (where possible)

Date reference (where possible)

10. OPP Emergency Response Team Western Region, "Operations Plan: Haldimand Reclamation" (17 April 2006), obtained through ATI request to MCSCS, no. CSCS-2009-0879. PERT was formed after 9/11 as a special response team for terrorist threats.

ATI/FOI target agency and file number

Contextualizing notes (where appropriate)

Some members of the Canadian ATI/FOI research community, and especially investigative journalists, have begun posting full copies of ATI/FOI records obtained through their research online. While this can be challenging (owing to the large file size of many PDF release packages), it can also enhance the usefulness of the publication by giving readers a chance to work with the 'raw data' without having to seek it out elsewhere.

LINKS & REFERRALS

1 Helpful Organizations

B.C. Freedom of Information & Privacy Association
103-1093 West Broadway
Vancouver, BC V6H 1E2
P: 604.739.9788 | E: fipa@vcn.bc.ca

B.C. Civil Liberties Association
900 Helmcken Street 2nd floor
Vancouver, BC V6Z 1B3
P: 604.687.2919 | Toll-free: 866.731.7507

Canadian Civil Liberties Association
215 Spadina Avenue, Suite 210
Toronto, ON M5T 2C7
P: 416.363.0321 | E: mail@ccla.org

2 Commissioners & Information Ombudspersons

Office of the Information and Privacy Commissioner
for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria B.C. V8W 9A4
W: oipc.bc.ca | P: 250.387. 5629
E: info@oipc.bc.ca

Office of the Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street, 7th Floor
Ottawa, ON K1A 1H3
W: oic-ci.gc.ca | P: 613.995.2410
Toll-free: 1.800.267.0441 | E: general@oic-ci.gc.ca

Office of the Privacy Commissioner of Canada
Place de Ville, Tower B
112 Kent Street, 3rd Floor
Ottawa, ON K1A 1H3
W: priv.gc.ca | P: 613.947.1698

3 Other Government Resources & Portals

BRITISH COLUMBIA:

Enquiry BC
   Victoria: 250.387.6121
   Vancouver: 604.660.2421 (TDD: 604.775.0303)
   Toll-free: 1.800.663.7867 (TDD: 1.800.661.8773)

B.C. Open Information Initiative
   w: openinfo.gov.bc.ca

B.C. Laws (free public access to full text of BC laws)
   w: bclaws.ca

Ministry of Technology, Innovation and Citizens' Services
   PO Box 9594 Stn. Prov. Govt.
   Victoria, BC V8W 9K4
   w: gov.bc.ca/citz

Print & Fill FOI Request Form:
   http://www.cio.gov.bc.ca/local/cio/priv_leg/documents/foippa/access_
   request_form.pdf

Online FOI Request Form:
   https://extranet.gov.bc.ca/forms/iao/foiform/index.html

FEDERAL:

Government of Canada Toll-Free Information Line:
   P: 1.800.622.6232

Government of Canada InfoSource
   w: infosource.gc.ca

Treasury Board Secretariat
   w: http://www.tbs-sct.gc.ca/tbs-sct/index-eng.asp

Listing of Federal ATIP Coordinators:
   http://www.tbs-sct.gc.ca/atip-aiprp/apps/coords/index-eng.asp

ATI Request Forms:
   http://www.tbs-sct.gc.ca/tbsf-fsct/350-57-eng.asp

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13. Vancouver Police Department (2013). *Published Freedom of Information Requests.* [https://vancouver.ca/police/organization/public-affairs/freedom-of-information.html]

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Note that sticky notes are considered records and are technically covered by ATI/FOI laws. In practice, there is no way to guarantee that all such notes have been retained when records are processed.

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