



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 045 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Wednesday, February 16, 2011

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Chair

The Honourable Shawn Murphy

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• (1530)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I would like to call the meeting to order. Welcome, everyone.

In the first hour of the meeting we're going to hear from Mr. Gary Bass via teleconference. Mr. Bass is the executive director of OMB Watch, which is the Office of Management and Budget. He has some opening remarks.

Can you hear me fine, Mr. Bass?

Mr. Gary Bass (Executive Director, OMB Watch): I can hear you just fine.

The Chair: That's great. We appreciate that. I think everything is working well.

We certainly welcome you, Mr. Bass, and want to thank you very much for assisting this committee. As the clerk has pointed out to you, we are doing an ongoing study, a fairly extensive study, on open government and the merits of the Government of Canada adopting an open government strategy similar to what the Obama administration has adopted and partially implemented in the United States.

Having said that, I'm going to turn the floor over to you for your opening comments, and then once your comments are concluded, we'll entertain questions from members of the committee.

Mr. Gary Bass: Thanks, Mr. Chair and members of the committee.

As you said, I'm Gary Bass, and I run an organization called OMB Watch. For roughly 30 years we've been focused on trying to promote open government and transparency, so you can imagine that it was with great delight that we heard President Obama, on his first day in office, talk about a theme, a set of principles, that would guide government, which included three points: transparency, participation, and collaboration.

I must say, from the perspective of a non-governmental organization that has been tracking this issue, it is remarkable how much change has occurred in the two years since the President announced those principles. By the same token, I wouldn't be representing an advocacy organization if I didn't say that we have a long way to go still.

What I'm hoping I don't do today is really assess that open government initiative; instead, what I'm hoping to do is to pull from it some lessons that may be helpful to you as you pursue open government initiatives, and they should be reflected as a perspective

from a non-governmental organization rather than from an insider of government.

For me, there are three striking things about how the Obama administration has pursued open government. I'll put them into three categories: policy changes, technology changes, and cultural changes. You have my written brief, which goes into much greater detail, so I'll just summarize some of the key points. Then I'll try to conclude with some points I would take out of problems that still have to be addressed with open government, as well as some suggestions about strategies that might be helpful to strengthen open government.

For the Obama administration, one area of approach was to address the policy changes. We have just, in this country, come through a previous administration that held the viewpoint that where you could withhold information, you should. Of course, this occurred in the aftermath of the 9/11 terrorist attacks, and there was a growing increase in secrecy. President Obama came in, and one of the first things he did was set in place a guidance strategy for changing the policy on our Freedom of Information Act laws. In essence, he reversed the "wherever you can, withhold" model to one that said "where you can disclose, you should" and actually had a policy plan that said that to the extent that you can affirmatively disclose—that is, voluntarily disclose—information, the agency should do so. That was a huge policy change.

He put in place many other policy changes. One example would be the change in policy about disclosure of who visits the White House. You can now go online and pull up visitors to the White House to identify who they visited, and by doing that at least get a sense of the general purpose. It doesn't list the purpose of the meeting, but from the identification of the individual you get a sense.

In addition, it isn't just about all the domestic disclosures. The President also changed policy in the area of national security policies. For example, he put in place a new kind of policy on declassification of information, arguing that no information should ever be permanently classified, that ultimately all information should be declassified at some point.

So the policy changes were quite significant, quite important, and quite needed.

The second area they moved on was the technology front. There are lots of jokes that could be made about a government that lives in the 20th century even as we're in the 21st century in terms of technology. The Obama administration came in and couldn't really use very many social media tools; technology was behind the times. It was a struggle, especially for a President who lived with two BlackBerrys on his belt. So they quickly moved on the technology front, and I think the legacy that we live with in the United States—a permanent change in the heavy use of technology—is that public access now always will equal online access. That's a permanent change that we'll never go back on.

● (1535)

This administration jumped in very quickly on the technology front with such things as Data.gov, which was to be a repository of significant data holdings from the agencies. It jumped in with an information technology dashboard, which has yielded savings in the information technology management area whereby the public could look at benchmarks to see whether or not IT performance was really occurring. Today we see agencies moving forward with mobile applications, whereas, as I mentioned, two years ago we were still wrestling in some respects with improving fax technologies.

So there is very rapid change on the technology front, and from the agency's point of view, it is a very exciting time.

The third area includes really the cultural changes, and in fact these are probably the hardest. We all know that even if you have the best of policy changes and they are complemented with the best of technology tools, unless you change the culture or the viewpoint within the government around open government, you're going to be presented with many challenges.

The Obama administration took on the cultural issues in several ways. They immediately moved to create an interagency working group that put the focus on the agencies and their method of implementing some of the open government policy changes. This came through something called the Open Government Directive, which came out December 8, 2009. It was a directive that told agencies to pursue a set of steps to move forward on with creating web pages, creating open government plans, and placing high-priority information on the Internet.

In addition to this kind of interagency working group, the President complemented it with the creation of a leadership team within the White House. It's the first time ever in this government that we have had a White House team focusing on transparency issues. It really has served as inspiration for the agencies, because they see at the highest of levels that the President is serious about these endeavours.

I will say that another very helpful piece is that the leadership team, along with the interagency working group, worked very collaboratively with such groups as OMB Watch and other public interest organizations. That helped to create a very different kind of environment. Complementing all of that on the cultural front, the Office of Management and Budget has issued guidance to the agencies to better maximize awards for transparency—giving rewards, if you will, for that kind of behaviour. At least in this government, for civil servants there is basically only a penalty for disclosure. There's a sort of “gotcha” kind of environment, such that

if you put out the wrong information, there is a penalty to pay. Rarely are there accolades or positives for the disclosure. So this idea of presenting awards or incentives was very important.

I will say that one thing missing on this front is the notion of incorporating performance reviews of civil servants and incorporating the notion of disclosure within those evaluations. From our perspective, if it's an important enough issue to be a national mission, then it should be woven into the evaluation of the workers within government.

In any case, these three areas of policy changes, technology changes, and cultural changes are vitally important and work hand in hand in the strategies that the Obama administration brought.

When we move into a more interactive component here, I can go into details on any of those pieces, to describe more in detail what they have done. What I'd like to do, though, is take a few seconds to talk about difficulties within this open government initiative.

● (1540)

I want to mention four examples of challenges. The first is the huge gap between putting in place useful or positive policy and the implementation of those policies.

An example is our Freedom of Information Act. The President, as I mentioned, has shifted gears to say “where possible, disclose information”: have an affirmative disclosure or a voluntary disclosure model whereby agencies should proactively disclose to the public. There's been a huge gap between that policy framework and its actual implementation. We will find out in another month or so the latest data on either problems or the movement toward solutions in dealing with backlogs of requests under the Freedom of Information Act.

But by and large, I think many of us outside of government still see a huge gap between that and the effective implementation of the concepts behind the policy, and that's something that needs to be addressed. That's one type of challenge that will always exist but is vitally important to figure out how to tackle.

A second kind of problem that may exist is that under the open government directive I mentioned, and the emphasis for disclosing information, many of the agencies.... The strength of that model was that it was controlled, by and large, by the agencies, as opposed to the White House. The disadvantage of that is exactly the same, which is that each agency determined what information to be disclosing. The net result of it has been a very heavy emphasis, a much heavier emphasis, on what I'll call mission-driven disclosure. There are specific kinds of disclosures that meet the mission of the agency's fundamental purpose.

What they're not as good at and have not been as prominent on is disclosure about the agencies' activities: things like data and information around accountability and influence of special interests. Those kinds of procedural components have been left largely unattended to, while the focus has been mission driven.

From our perspective, both types of information—the type that's needed for accountability as well as the type that empowers the citizenry—are needed in an open and transparent system. That's the second kind of hurdle.

The third that I want to mention deals with data quality. Obviously, if you have information that is of poor quality, it is going to make the transparency much less valuable. We're fortunate that over the last number of years there has been a much greater emphasis on, say, federal spending transparency, to better track who's getting how much money and for what purposes.

Under our recovery act, which dealt with stimulus spending, we have a Recovery.gov website that has been remarkable in adding disclosure around spending of the recovery act dollars. Similarly, we have a USAspending.gov website that tracks general government spending. The problem is that if the information available through those websites is not accurate and there's no way to verify its accuracy, it diminishes the value of that.

Now, the open government directive knew about this problem and addressed it by having a component that said we have to find ways to improve data quality. This is an ongoing struggle, and one that I would draw to your attention as Canada thinks more about open government initiatives.

There's a last point I would make in terms of a challenge, and that is having the right building blocks for making disclosure really work well. For example, where I was just talking about spending disclosure, what we would ideally want to do in today's Internet age is to be able to mash up disparate data sets so we can bring data from one kind of database, such as regulatory compliance, say, in with spending data.

One ideal would be to know whether government contractors are complying with laws and regulations of the land. Well, to do that, you need to have a key identifier that links data sets. In this country, we do not have, and we haven't employed government-wide, the right kinds of identifiers to make that kind of linkage.

• (1545)

That's what I call a building block. Until you address those fundamental issues—and they're not glamorous issues, by any means, they're very thorny—we will always face difficulties in the transparency arena.

My last comment is to make four points of suggestion as you think about moving forward in Canada on open government issues. I think many of the points I've made should certainly be utilized. I think the Obama administration is an excellent model for moving forward, notwithstanding any criticisms I may have. I think it's a wonderful model. As I said, it was a remarkable achievement within two years.

My first point would be that I think one of the elements that worked extremely well is the collaboration between the government agencies and the non-governmental and private companies as we've

moved forward on this openness initiative. That collaboration has bred greater trust. It has created new and innovative approaches, and it has taught us more about the concerns and difficulties that agencies may face in going forward.

The second thing I would say is important to think about going forward is tools for the public to hold the government accountable. Having key benchmarks or measures or metrics are essential to know whether progress is made. It's essential to break down the broad agenda of transparency into discrete sizes so that the public can judge whether or not you have made progress.

The third point I would make in terms of suggestions is to allow for evolution of what you mean by open government and transparency. It's always going to be an evolving tool. As we have better technology, as we have better policies, as we have newer ideas, the notion of what can be done will always change. I think your policies and the structures underlying those policies need to be permissive of an evolving process.

The final point I would make is that I think one of the more successful elements of the Obama administration's effort has been having a leadership that has a dedicated and demonstrated concern for openness. It comes from the President himself. It comes from the White House staff that I was mentioning, the team. It comes from the interagency working group. Demonstrating this leadership is not simply symbolic; it is very real in moving the agenda forward.

With that, I'll stop. I know I've thrown out a number of things. I apologize for throwing so many things out so quickly.

Thank you.

• (1550)

The Chair: Thank you, Mr. Bass.

That was extremely helpful.

We're going to go now to the first round. We're going to hear from Mr. Wayne Easter. He's a member of the official opposition, the Liberal Party of Canada.

Mr. Easter, you have seven minutes.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chairman.

Thank you, Mr. Bass, for the overview and the papers you've provided as well. It's extremely helpful.

In regard to your last point first, if you're going to go anywhere in open government, you need leadership that is dedicated to openness. We're going to have a tough time getting started here, from where we currently sit.

In any event, these are two different systems of government. You have the White House and the various agencies, the Senate and the Congress. Ours is a parliamentary democracy, a different kind of structure, really, to a great extent. I imagine you understand both. Do you see any difficulties from that perspective in terms of us going to open government here?

Mr. Gary Bass: I think the differences are significant, and in some respects, at a broadest level, no, I don't think there's much difference. That is, to set aside a general thrust and a general belief that the public has a right to know should exist in any form of government, whether in a parliamentary or a bicameral system, as we have.

In specific issues, yes, there are quite large differences—for example, on spending transparency. In the United States, we have a system where the President proposes a budget and then Congress has to dispose of that. So the disclosure system allows for much greater participation by the public in the budget process. It's not simply a transparency issue; it's also a participation issue, to strengthen the democratic process.

In a parliamentary system, that isn't quite a parallel structure, so you would want to probably think through, in a parliamentary structure, where are the opportunities for participation, but also simply where transparency can be useful for an accountability point of view.

One of the ideals in a parliamentary structure as well as in the United States' structure would be if we could tie together the spending data with performance data. Then we could begin starting to talk about not just simply who got how much money but whether or not the money is used wisely. It would be an opportunity to talk about how to make government better. That transforms across all different forms of government structures, I think.

Hon. Wayne Easter: Thank you. You've kind of indicated, or I thought you did, that under the Recovery Act spending there were some problems with that disclosure. I've looked at that, and from where I sat I thought it was quite informative.

So in terms of information that I could access, I thought it was good. You're saying there's a problem with it. Where are the problems that you see, in terms of the Recovery Act spending that's been posted?

Mr. Gary Bass: I think that's actually a great question. I think what I should do is explain that I'm a huge fan of what we have. It's called, nonetheless, a RAT board. It's a bad acronym, but that's the Recovery Accountability and Transparency Board. I think they've done a great job, and I think Recovery.gov has really been a game changer in how transparency works in this country.

The criticism I have is much more about the implementation phases of that. For example, what I think is a paradigm shift in this country is that through the Recovery Act, for the first time ever, we had the recipients of federal awards report online in a timely fashion around what money they received and what they were doing with it. Under the Recovery Act, the key issue is about jobs. Another key issue involved certain equity issues. So those kinds of data were reported on a quarterly basis for the first time ever from the recipients, and on top of that, if the state received the money and

sub-awarded the money to someone else, the sub-recipient had to report. This is a huge change.

The weakness, and our concern, is that it stopped there. The ultimate recipient of the dollar did not have to report. It was only the first two tiers. In addition, there is no check on the data quality. There is only a quick look at whether or not the entity reported and whether or not the numbers looked bad. What we should be doing is tying that data with what the cheques are that the treasury cuts, so that we have an accountable structure.

I'm now at the level of really detailed implementation of what the Recovery.gov site has done, but I think it is a great effort. It is enormously important for long-term agendas in this country I think, and it's also becoming a model in many others right now, at least European countries.

I should add, by the way, just one quick aside. I also had the good fortune, if you will, way back in the days of yore, 2006, of working with then Senator Obama and Senator Coburn to create legislation that required a searchable website of all government spending, which I mentioned is called USAspending.gov. This was, if you will, on our political axis, left and right. I didn't think we could get the legislation done, so we built a website called FedSpending.org that approximated what the bill would have done, and it became a huge success—huge. And in fact the government ended up simply just taking our website and using it as the vehicle for moving forward.

So I'm a huge fan of what the recovery board has done.

• (1555)

Hon. Wayne Easter: Thank you.

Do I still have some time, Chair?

The Chair: You have 50 seconds.

Hon. Wayne Easter: I have just a quick question. You had talked earlier about the right identifiers that link data, I think you said. What do you mean by that, and how do you suggest it be done? In order to get the information, you have to be talking the same language.

Mr. Gary Bass: It's a complex issue that will quickly devolve into having technology experts supercede all of us in this room and your room.

But let me highlight one of the problems. If we don't have corporate ownership identifiers, we will never know whether the ACME company in database 1 is the same ACME company in database 2. We have to find the tool that ties those together so we know what are the linkages to the same data sets.

Similarly, if we think broader than just in terms of corporate identifier, in many cases, on regulatory kinds of databases, the key compliance issue may not be a company name but may be a geography issue. It may be other kinds of identifiers.

We're all sort of living the Web 1.0 world right now, and social media has moved us into Web 2.0. There is also a lot of discussion of a Web 3.0, which is called the semantic web. That's the place where you get these mashups of data. But that's where you're going to have to have these multiple intersections, and we're going to have to rely on technology experts to help us do that.

To the second part of what you were suggesting, you also implied a very important point about data standards. For example, there are standards like XML, extensible markup language. There is also one for financial called XBRL, for business kinds of relations. These data standards are the essential tools for managing data and distributing data so that we're not in the old school notion of everyone having to replicate a database one by one, but rather having one database and having web services call into that database.

I don't know if that answers your question.

The Chair: Thank you very much, Mr. Easter.

The next member of the committee, Mr. Bass, is Madame Carole Freeman. Canada, as you know, has two official languages, and those questions will be posed in French. But I understand you have the English feed there, so you'll be okay.

[Translation]

Mrs. Freeman, you have seven minutes.

• (1600)

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good afternoon, Mr. Bass. Thank you for your presentation; I found it most interesting.

You listed the three major aspects: policy and leadership; technology and information; and the culture of transparency. Here, the indication is that we have neither leadership nor policy and, unfortunately, it seems that we have not yet developed a culture of transparency.

You also talked about the problems you had to deal with in terms of the Access to Information Act. As I understand the situation in your country, you are on the verge of having access to data online. That is where you are heading. But when you cannot get information online through the normal channels, you have to make use of your Access to Information Act. But there seems to be a major backlog with it. That being the case, how are you handling the problem? Your managers get performance incentives when they do their jobs well; but, when you don't get information, you realize that there are shortcomings with your Access to Information Act. How can you come to terms with that problem? I see a kind of contradiction.

You say that each agency determines the information it will disclose. Who in the agencies makes that decision?

You also talk about the quality of the data. Could you tell me more about the problems with that?

According to what you are telling us, public participation is key. You have entrepreneurs, private companies, non-governmental organizations like yours, the government, and the public. I would like to know how the American public communicates with the agencies to make the system better.

Those are some questions. I could ask more, but I only have seven minutes.

[English]

Mr. Gary Bass: And they're all outstanding questions, every one of them.

I want to be clear about the backlog issue, to start with. When I was mentioning backlogs, I was really referring to backlogs that exist under the Freedom of Information Act, which is the core backbone for public access in the United States. In some respects, this is an outmoded model whereby the citizen has to file a request to the government, and the government, through appropriate legal channels, determines whether it meets the law's standard for disclosure of the record.

Those requests coming from the public have accelerated over the years, and as a result there is a huge backlog. The agencies were given a mandate by the President to reduce those backlogs by 10% by this year. We will see in another month, based on data coming out, whether the agencies have achieved it. That's what I was referring to by way of backlogs.

But I think your point is still a good one, which is that there is a tendency for government.... If agencies are told to disclose, the natural proclivity is to throw the doors wide open on everything. As a result, having so much may mean that you have nothing, because you can't get through it all; it's just an overwhelming amount of information. The real trick is to get to what I would call high-priority information; that is, the information that key stakeholders of the public as well as Congress—the whole range of stakeholders—have an interest in knowing about.

This is where some of the new social media tools and new technology may prove useful for the interactive process of involving the public and other stakeholders, in helping to determine what the key pieces of information are that agencies should be disclosing voluntarily, without this kind of formal freedom of information request.

The Obama administration tried to move in this direction with something called Data.gov. It has been an extremely useful tool, but it hasn't quite gotten us to that level, because agencies are throwing all kinds of data onto Data.gov. Some of the weaknesses relate to your question about data quality. On Data.gov, it is not unusual, if I open up a file, to have no headers across the row. Think about an Excel spreadsheet without any headers; all you have is numbers. It won't tell you how to use the file. You don't know what the column letters are and you don't get a data dictionary.

If you don't have the metadata and the metadata is sloppy, then the data itself is not all that useful to the public. That's one kind of data quality issue.

The other kind is what I was talking about, cases in which the data itself is just flat out wrong; it just needs to be improved.

Then there's a third kind: missing data. On the Recovery.gov website that I was mentioning, for "place of performance"—where the money was actually spent—sometimes people put in a post office box. That's no place of performance. So there's that kind of data quality.

The last thing I want to mention to you, which is a very exciting prospect that this administration is exploring, is using something called ExpertNet. It's a way of allowing interaction by the public with various experts within the agencies around specific subjects. This is a brand new enterprise that was just proposed by the administration, and they just finished about two weeks ago taking public comments on the structure of this kind of ExpertNet.

That may be a new way. In truth, we are experimenting with ways of engaging in democracy now. We're going to have some failures along the way here.

• (1605)

[*Translation*]

The Chair: Thank you, Mrs. Freeman.

Mrs. Carole Freeman: That's it? I had so many other questions.

Thank you very much, Mr. Bass.

[*English*]

The Chair: The next member of the committee is Mr. Bill Siksay, a member of the New Democratic Party.

Mr. Siksay, you have seven minutes.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Dr. Bass.

This has been very helpful, both the information in your brief ahead of time but also what you have presented today.

I want to ask you a little bit about the structure in the Obama administration for driving this. We know that the President gave his strong endorsement of this process. You have mentioned a number of places, both the team in the White House...but I think you also talked about an interagency team. In your brief, you also mentioned the creation of a chief technology office and a chief information officer as well.

Can you tell us a bit about what sort of seniority those people have, how the function is structured, and what their responsibilities are?

Mr. Gary Bass: It's the first time in this country that we have a chief technology officer, CTO, who is Aneesh Chopra. That has made a huge difference, not only again in terms of symbols, but because the President wanted a chief technology officer, it sent a signal all the way through the agencies that this is an important player. So the CTO is part of that White House team, and that person sits in the executive office of the President, sits in the Office of Science and Technology Policy, which is one of the units within the executive office of the President. So they come with a technology and science background, and they're perceived in that vein to be a helpful tool to what are called chief information officers in the agencies. Each agency has a chief information officer.

In addition to that role, the Office of Management and Budget, which is an other office within the executive office of the President, has always had a chief information officer. What the President did was to have that continue but also make that person the chief information officer throughout government. So all those chief information officers within the agencies I mentioned now work through and with...the person is Vivek Kundra.

The combination of having Mr. Kundra and Mr. Chopra has really been a breath of fresh air, if you will, to the agencies. Suddenly all these worker bees in the agencies who felt there was no leadership either on the technology side or on the information policy side have a friend in the White House actively working on this. So again, this was much more than a symbol; this was very real.

The two of them also do not necessarily just control the White House team. If it were so, it would be just a technology-driven enterprise, but instead they've been met with the head of the Office of Information and Regulatory Affairs, who is Cass Sunstein. He sits also within the Office of Management and Budget and does policy work along with.... The President designated—coincidental with your committee's title—the ethics czar, who was the one who also had transparency responsibilities because of the concerns around special interest influence.

So the White House had a policy team to combine with this technology team. That also sent a very big signal to the agencies.

• (1610)

Mr. Bill Siksay: Thank you for that overview.

There are so many things we want to ask you about. You also mentioned that there was a reward system put in place through the Office of Management and Budget. Can you just expand on what you told us before and tell us a little bit more about that and the intent and what the rewards look like, that kind of thing?

Mr. Gary Bass: The open government directive that I mentioned had multiple parts. One was to try to change the culture of openness in government. One of the items that was expressly identified was to ask the associate director for the Office of Management and Budget, who is Jeffrey Zients, to do a memo to all the executive agencies to identify a reward system. It actually was a financial reward system. Each agency was to nominate various players within its agency for transparency efforts. It is under way now. We haven't actually had this yet. I think it was one of the rare times in government that civil servants were being asked to do something and then told they would get a reward if they did it well.

Mr. Bill Siksay: Just one other thing that I wanted to ask you to expand on a bit was the absence of performance reviews for public servants who work in this area. Can you just expand on your thoughts there and how that's an ongoing problem?

Mr. Gary Bass: I'm not an expert on personnel management or how to alter the assessment process. It strikes me in general that if something is a national priority, one would expect that your civil service staff is evaluated somewhat on that criterion. Instead the current system is a disincentive structure. That is, if you put something out and it turns out to be inappropriate, you only get penalized. If you put something out and it's really good, you don't get a pat on the back; you get ignored.

So it would strike me that you want to have some kind of structure in terms of pay scales and performance reviews that are also incentives, not just an award system.

Mr. Bill Siksay: Do I have more time, Chair? I'd love to ask another question.

The Chair: You have one minute, Mr. Siksay.

Mr. Bill Siksay: Maybe you could reinforce the point you were making in your brief about how the Freedom of Information Act combines with this greater openness. You called it the core backbone. Maybe you can talk about the importance of maintaining and improving that system as well as doing this other work.

Mr. Gary Bass: The Freedom of Information Act in most countries is a vital “right to know” tool.

I am obviously a huge fan of the Freedom of Information Act. At the same time, I think it's outmoded today; I think what we want to achieve, as I tried to articulate in the brief, is a “right to know” mindset. What we really want to do is create the right kinds of standards or floors or mechanisms whereby all of our federal agencies are required to voluntarily disclose certain types of information. Then the Freedom of Information Act becomes the safety net whereby if there is a problem with that voluntary disclosure system, there is a legal pathway through which citizens can redress their government, and there are judicial checks on that system.

So I am a huge fan of freedom of information, but I think that in today's age we want to create an even broader “right to know” agenda that is much more active, wherein the citizenry doesn't have to go item by item and request it.

The Chair: Thank you very much, Mr. Siksay.

Mr. Bass, the next member of the committee will be Mr. Harold Albrecht. He's a member of the government, the Conservative Party.

Mr. Albrecht, you have seven minutes.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thank you, Mr. Bass, for sharing your expertise with us today.

Our committee, as you know, has spent a number of weeks looking at this issue of open government and doing a study of it. We've received some extremely helpful witness information, including yours today, so I thank you for it.

I think you'd find general agreement around this table that we all want to move forward on this. My opposition colleagues today implied that we're not moving forward on it, but I need to set the record clear. Five years ago our government introduced the Accountability Act, and we actually gave access to information from a number of crown corporations that up until then were not open to access to information.

In fact, Mr. Chair, we still have some of these crown corporations dragging their feet.

I do not share the pessimism of my opposition colleagues. I just wanted to get that on the record.

One thing I really appreciate about your testimony today is your presentation of what I would call realistic expectations. Too often we hear that once we open up government and get this data out to the public, everything will be fine. You've presented some very real obstacles that you have faced; you've been honest in indicating that there are still gaps that need to be addressed, and I appreciate that.

On that point of the gaps and the challenges, you highlighted three different areas. One was policy direction and implementation: the policy direction is there, but the implementation has not followed at the proper speed. The third one, you said, was data quality.

I want to come back to the second one, in which you indicated that it is the agency that now decides, if I understood you correctly, what is disclosed. You said this has created a bit of a problem. I wasn't able to follow your line of thinking on that. If you could expand on this point, it would be helpful.

• (1615)

Mr. Gary Bass: Before I do, I want to also restate your first point, which is.... I think we have to understand—at least, it's my personal belief—that open government and transparency are tools for a purpose. They are not solely solutions. They are tools to strengthen democracy, to empower people. There are a whole range of tools. I think one of the key ones is accountability.

The reason I give this preface is because I think it relates to the second point of your question. Under the Open Government Directive, which is really the vehicle by which agencies are trying to do the voluntary disclosure model, it is left totally to the agencies what they put out to the public. It's very important to do this. I'm not diminishing the value of this, but they tend to move more towards what I'll call mission-driven disclosure. For example, at our Environmental Protection Agency, they will put out more data about pollution. At Transportation, they'll put out more information about highway issues or other kinds of transportation issues. That is very essential.

By the same token, they have not put out very much information around transparency within their own agency, that is, to bring greater accountability to the agency itself. How is the agency working? Is spending influenced by special interests? Are we going to get disclosure of government contracts to know whether or not the contracts are really properly being executed? Those kinds of issues are being left undone. Inspector General reports are not disclosed regularly. Communications with our Congress are not. Schedules of our high-level officials are not. There is a range of these kinds of accountability issues that are central to making a government that is trusted by its populace.

That's what I was really trying to drive at—that we need multiple kinds of openness. For that reason, the public interest community has come together over the last year or so to create a set of standards that we think all agencies must follow—every agency, not just one versus another. That standard is going to evolve. As you all looked at our standard, you'd probably say why isn't X part of that? That's fine. That's part of a process. That's great.

Mr. Harold Albrecht: Thank you very much. I think I get a better understanding now. It's really important that our committee hears that, because again, it's too easy for us to sit here north of the 49th parallel and think the U.S. has totally addressed this issue, when in fact, as you've pointed out clearly, multiple times today, you're moving ahead but you've got many challenges still to address. I really appreciate that honesty.

I just want to come back to another question that has been asked at different times of different witnesses in terms of the risks, in terms of security and privacy. Sharing information on the web to the people of Canada or the U.S. is one thing, but in an Internet world, that information is available to everyone worldwide. Are there any international risks? I'm not so much talking about government to government as I am about the person who lurks online for information that may....

For example, you said everyone who visits the White House is now registered. Are there any risks in that? Are the visits to congressmen and senators also listed? Those are questions that I think would be helpful.

•(1620)

Mr. Gary Bass: This is just a quick answer. No, members of Congress do not disclose who they meet with. All the transparency I'm talking about is executive branch, not legislative branch.

Mr. Harold Albrecht: It's important as well, because there's continuing pressure on all of us to open up everything about everything in our lives. That could be a challenge.

Mr. Gary Bass: I think you're asking a very tough question about the downsides of transparency, but let me break it into two parts: the privacy side versus the security side.

Too often we do privacy versus openness, privacy versus transparency. Instead, a good model of openness and a good model of transparency incorporates principles of privacy. It is not a "versus"; it is a part of a system. Therefore, any kind of open structure you have should respect individual privacy.

We will probably debate till we're blue in the face whether corporations deserve individual privacy rights. So there are going to be lots of grey areas where we'll always have some disagreements. But I think the fundamental principle of protecting an individual's personal privacy is a critical first principle of openness. So let's put that aside and go to the harder one, in my mind, which is security and national security.

If I could just tell you a story, it may convey to you why I think I tend to favour disclosure.

Around where I live in Washington, D.C., we have the Potomac River, and just on the other side of the Potomac is a water treatment facility. It's called Blue Plains. We had a railcar of chlorine, because they use chlorine in the treatment facility. It became widely known that this 90-ton railcar was sitting there.

This is a blueprint for terrorists. They could come and disrupt that railcar of chlorine, and virtually every worst-case scenario showed it going over the White House and Congress. I suppose partisans would say that's a good thing, but we would say it's a bad thing. The whole notion is it's a danger. So the solution was they moved the railcar or hid it. That's not a solution. Instead, what Blue Plains ultimately did, after *The Washington Post*, our local newspaper, covered this, is they used a different chemical from chlorine, which was a safer substitute. As a result there's now no danger to the community. It was through the disclosure by *The Washington Post* that this 90-ton railcar was sitting there that the treatment facility modified it and went to an alternative.

Democracy breeds risks. With any kind of disclosure system, there are always going to be risks. I'm not going to say there aren't. But when you weigh the notion of disclosure, I think that openness can breed safety and security. There are always going to be secrets, and there should be secrets, but we have to have a better definition of what that is and make sure it's a narrow classification system. This President, President Obama, has also said not everything that is classified should be classified permanently. We have to also come up with the construct for a declassification system.

Those are some of my quick responses.

Mr. Harold Albrecht: Thank you.

The Chair: Thank you, Mr. Albrecht.

We have limited time on this, colleagues. I'm going to allow each party three more minutes to get any final points that you have on the record, because we do have an hour for this, and he's got a scheduled commitment too.

Dr. Bennett, three minutes, and then we're going to move to Ms. Davidson.

Hon. Carolyn Bennett (St. Paul's, Lib.): The Obama directive had some timelines associated with it, is that correct, in terms of the expectations of each government department? What were the consequences of not meeting those targets, other than, obviously, it gets in your performance appraisal? I think that's something we desperately need here.

The other question is, in terms of open data, I understand that even the geospatial data in the U.S. that is available here at Stats Canada—but you have to pay—is available for free in the United States. As Liberals, we've obviously been putting out open data, access to information, and accountable spending as three minimums that you would need for websites. You took down the website that was there.

Could you just tell us how you incent this sort of change? Obviously, you've told us from the beginning it comes at the top. It wasn't there with Bush; it is there with Obama. How do you accelerate the progress?

•(1625)

Mr. Gary Bass: On the timelines, they were very prescriptive in the Open Government Directive, and that was extremely helpful, because it also created this kind of high-energy movement by the agencies to meet this very tight timeframe. It was extremely useful. By the same token, there are no penalties for missing the deadline.

This is a difficult thing. What would be the penalties? What do you do? Dock an agency's pay? There are no simple solutions to this. Do you put a gold star for those that are on time and give no stars for agencies that are not on time? If we could come up with a better structure for creating the kinds of enforcement mechanisms that are needed, that would be wonderful. But I do think that without this timeline, we would not have gotten as far we have gotten. That's incredibly important to have.

To be honest with you, I could talk to you forever, but I don't know the answer to your second question. I think in the process we're going through in the United States this is always going to be a give and take about getting the right information in a timely manner, in a timely and accurate matter, and pushing the agencies to do more. A central element, though, is that it must be timely. It needs to be accurate, it needs to be findable, and it can't be coming with cost unless there is some strange, very unique need.

The Chair: Thank you, Dr. Bennett.

Ms. Davidson, you have three minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks very much, Mr. Bass, for your presentation here this afternoon. It's been extremely useful.

I have just two quick questions. You talked about the fact that agencies were originally determining what they were disclosing themselves, and there were some issues with what was being disclosed. You said that now somebody's putting together a standard policy so that people are.... Who is this someone? Who is doing that?

The other question is, what coordination or collaboration did you have with other countries, such as the U.K. or Australia, when you were putting your process together?

Mr. Gary Bass: I should be much clearer about that floor or standard I was talking about.

That is what many of us outside of government have come together on to encourage the Obama administration to begin doing, because of this concern we have that while valuable information is being released, we want to see other high-priority information. Who did it? It's a unique, if you will, coalition. It's one of the first times ever outside of the government world that journalists and the advocacy community and the academic community have come together to propose this kind of standard or floor. It cuts across political axes, that is, left or right, because almost everybody supports transparency regardless of political ideology. You may want to use it for different purposes, but you want the right to the same kind of data.

In terms of the international, I think there's an interesting effort. You may know that the President of the United States spoke to the UN in September and raised this notion that a year from then, which will be September 2011, many of the countries should come together to talk about stretched efforts to create openness. There is this international open government initiative that is starting to form with multiple countries.

It is at its infancy at this moment, but it would be a great effort to take a look at. I don't know if the U.K. and...I didn't hear what the other country was that you're interested in.

Mrs. Patricia Davidson: It's Australia.

Mr. Gary Bass: I believe Australia is involved because of a lot of their performance efforts. I don't know if the U.K. is. There are a number of countries, from Brazil, India, China, and down the line, that have all been interested, and as you can imagine with the list I just gave, they're very diverse kinds of countries.

• (1630)

Mrs. Patricia Davidson: Thank you very much.

The Chair: Thank you, Ms. Davidson.

[*Translation*]

Mrs. Thi Lac, you have three minutes.

Mrs. Ève-Mary Thài Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good afternoon. Thank you for being with us.

I will be quick because I want to share my time with Mrs. Freeman. She still has some questions for you. A lot of them, actually.

You mentioned Mr. Obama's political will to implement this policy of transparency. If the will had not come from the president, would open government have been a lot harder to put into place? Would you say that the initiative has been made possible in large part because of the Obama administration's political will?

My colleague will ask the second question.

Mrs. Carole Freeman: You can answer, Mr. Bass.

[*English*]

Mr. Gary Bass: Okay.

I do think that a great amount should be attributed to the President's commitment to openness. It started with the inaugural address and was completed, as I mentioned, on the first day of office when he not only gave those principles of transparency, participation, and collaboration but issued the freedom of information policy change and another one on presidential records. It was quite a full day focused on transparency.

I agree that had we not had that, the picture would have been far different today; there is no question. The real issue that maybe you should ask is what happens when this administration leaves. Is the barn door now open and you can't close it? Could another administration come in with a different set of policies, more secrecy-oriented or centralized?

This is where I think our Congress has to jump in and think about whether or not codification of some of the policies that the Obama administration has been going through is merited. I think many of us outside of government need to also start to wrestle with what has worked and what has not, to share with our Congress our views around what to codify.

[*Translation*]

Mrs. Carole Freeman: Are you telling us that you are afraid that, post-Obama, open government may lose a lot of its steam in your country?

[*English*]

Mr. Gary Bass: It was more of a question that I raised; that is, given that this President has placed a high priority on openness, let's assume another President comes in and puts less emphasis on it. If it isn't a law, but rather an administrative practice of this President, what happens?

[Translation]

Mrs. Carole Freeman: Your fear is that the openness you are seeing at the moment could be reduced when another president is elected. So you are taking nothing for granted. For us, the open government that we are seeing everywhere, in a number of countries, is a global event. There is no going back. With all the new technologies, it is unthinkable that there will be a sudden desire to contain information.

With everything that has happened thanks to the new social media technologies, there can be no going back. To me, it seems strange that you are saying it could be done. The will of the people is now taking hold around the world. There is still resistance here in Canada, but we will have to see how long that lasts.

[English]

Mr. Gary Bass: I would hope you're right. That's why I asked, is the barn door now open and you can't shut it? By the same token, if you don't have in the next administration, say, a White House team that is pushing aggressively, or you don't have detailed timetables like the Open Government Directive, or you don't have an emphasis on the use of technology such as by creating a Data.gov, the question is, do you still have the same energy to push the envelope to go further? Maybe we will stay as we are now, which in many respects will then be not moving forward.

So I don't know the answer to that; I'm just raising it as a question, and one I think our legislative branch really needs to take a look at, to determine whether or not legislation to continue the practice is warranted, regardless of what administration and who comes in.

[Translation]

The Chair: Thank you, Mrs. Freeman.

[English]

Mr. Siksay, you have up to three minutes.

•(1635)

Mr. Bill Siksay: Thank you, Chair. I'll just ask one question.

Dr. Bass, maybe you could expand on what your preliminary thoughts are or what your thoughts right now might be about what that legislation might look like, if we needed to go down that road. What would that codification look like?

Mr. Gary Bass: Again, I will just speak for OMB Watch, rather than for a broader set of groups that have been meeting on this.

For me, the number one issue is bringing the Freedom of Information Act into a modern-day model that promotes a voluntary disclosure requirement, which tells agencies that they must affirmatively disclose. Frankly, I would put in certain standards that deal with accountability, with mission purposes, with empowering the public to better understand how a government operates, and I would have very specific elements as a floor, not as a ceiling. But that's me.

The Chair: Thank you, Mr. Siksay.

There are a couple points I want to raise with you, Mr. Bass. Again, I want to thank you for your testimony.

First of all, there has been some evidence here in Canada, coming from the cities, that once they embarked upon an open government

format, the number of inquiries they had come in under their access to information act decreased. In fact, one city has indicated that the decrease has been 50%.

I know it may be preliminary evidence on this question, but is there any evidence coming from the States that because of the additional information being posted online, the number of access to information requests may be decreasing?

Mr. Gary Bass: I don't have data like that, but I will say you raise an incredibly interesting point.

Under our Recovery Act that I was mentioning, and our Recovery.gov website, the model caused all of our states to create state-level recovery websites that are relevant to that state's data. There was no funding for that. I think what has happened is we've created this momentum that is both exciting and potentially informative.

To the extent that the Recovery Act information is posted online, it may mean that groups don't have to file state openness requests because it's already available.

So yes, it could actually be a savings of dollars. Many states are thinking about that—California, for one.

The Chair: Mr. Bass, my suspicion is that the committee members may have other questions, but we do have limited time. Would you entertain questions via e-mail, if the clerk were to send them to you?

Mr. Gary Bass: I would love it. Not only can OMB Watch be helpful to you, but I would be happy to circulate them to other groups who have been working on this in the U.S. to get their perspectives.

The Chair: Okay. We appreciate that.

Again, if any members do have any inquiries, they can submit them to the clerk. The clerk can process them and have the answers translated and circulated to all committee members.

My last question is what are you doing for the next year? Perhaps you'll come to Canada to help us.

Mr. Gary Bass: I grew up right next door to Canada. I grew up in Detroit, Michigan, and I used to go over to Windsor. I love Canada.

I should say, by the way, that I'm extremely impressed with the study you're undertaking. I hope I can learn from what you're doing. This is a very exciting time. You're wrestling with an important subject, and it's a very exciting endeavour.

Whatever you come up with, I think you should be sharing it with other countries. I think it's very exciting.

The Chair: On behalf of everyone present, I want to extend our sincere thanks. Your help has been tremendous, and certainly we will be in touch in the future.

Thank you very much.

Mr. Gary Bass: Thank you, Mr. Chair. Thank you, all.

The Chair: I'm going to suspend now for one minute; the technology has to be reformatted. We'll reopen in about two minutes in camera.

[Proceedings continue in camera]

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