

Studying Access Regimes

9 May 2024 | Government Information Day | Spencer Izen



Land Acknowledgement

- I live and research on the traditional, ancestral, and unceded territory of the x^wməθk^wəy̓əm (Musqueam), Sk̓wx̓wú7mesh Úxwumixw (Squamish), and səlilwətał (Tsleil-Waututh) Coast Salish peoples.



About FIPA

- The BC Freedom of Information and Privacy Association (FIPA) is a non-partisan, non-profit society that was established in 1991 to promote and defend freedom of information and privacy rights in Canada. While we are based in BC, our membership extends across Canada, and we regularly partner with organizations throughout the country.



About Me

- Legal and social researcher at FIPA
- Affiliate at Center for Information, Technology & Public Life at the University of North Carolina and Secrecy, Power, and Ignorance Research Network in the UK.
- Sociological methods to study the intersection of law, public administration, and the information sciences



My Research

- How are rights to access to government records mediated by access regimes under the *Freedom of Information and Protection of Privacy Act* and *Information Management Act* in British Columbia?

Background on Laws

- *Freedom of Information and Protection of Privacy Act*
 - Statutory right to government records in 2,900 public bodies
 - Open by default subject to certain exceptions
- *Information Management Act*
 - Concerns the management of government information in approx. 60 public bodies



Theory

- Methodological pluralism is at the heart of this research.
- We seeking to observe “access regimes” — the people, policy, and devices of FOI. We contend they are socio-technical *and* socio-legal systems.
- Actor-Network Theory and Street-Level Bureaucracy Theory
- Analysis will use Institutional and Trace Ethnography



Method

- Theories demand research design goes beyond *outcomes*
- Some specific *process* questions:
 - How do public bodies organize their obligations to keep records?
 - What is in the job description of a records manager?
 - What fields of metadata must be entered into which documents?
 - Who authorizes the use of exceptions?
 - How are users enabled to search an Electronic Documents and Records Management System ?



Method (cont.)

- Pozen's (2020) call for a "sociological turn"
- "...to gain greater purchase on how transparency policies operate, scholars must move beyond abstract assumptions and drill down to the specific legal, institutional, historical, political, and cultural contexts in which these policies are crafted and implemented."



Method (cont.)

- Studying public bureaucracies is challenging!
- Phillip Abrams: state is a "remarkably elusive object of analysis" (1977)
- This research seeks to respond to research questions qualitatively, using freedom of information requests



Data

- Period of exploratory requesting took place last year
- Interested in building administrative literacy and familiarity with contexts
- Currently filling a series of systematic requests aimed at 25 - 30 records across 66 public bodies



On the Value of the "Live Archive"

- Term from Walby & Larsen (2009):
 - “...conceptualizing the ongoing production of texts inside government agencies as a dynamic field of organization and contestation” (625).
- Can also borrow from sociologist Dorothy Smith:
 - “...texts are to be seen as they enter into people's local practices of working, drawing, reading, looking and so on. They must be examined as they coordinate people's activities” (abstract)



On the Value of the "Live Archive" (cont.)

- A metric such as timeliness does little to inform us of why an access regime performs the way it does
- *Fast but procedurally unfair* outcomes are obviously unwanted
- *Fast but incomplete* document searches are also unwanted
- Using organizational texts to infer how practices and implementations are coordinated will help us understand the *how* questions



Knowledge Products

- We have an extensive body of impressionistic and outcome-focused knowledge about freedom of information
- We do not have an extensive body of knowledge focused on the practices that produce those outcomes
- This is a social study of law, technology, and bureaucracy *in action*



Your Data
Your Rights



On Records:

- The theory, method, and units of observation in this study are very much concerned with the **power and production of information in records**
- Bureaucracy closely tied to recordkeeping as an assurance of power (i.e. census, taxation, etc)



On Records (cont.):

- “...the public [official] realizes that his life’s work depends on following carefully ordained channels through a giant bureaucracy that is held together by paper. His reverence for paper is not surprising. The bureaucrat owes his very existence to the piece of paper which created and defined him. He turns invariably, for his every action, to written authority. When he finds it, he is ready to pop up and face the world.
- - *Paperland: The Bureaucrat Observed* (1979)



Thank You

Contact: s dot izen [at] fipa dot bc dot ca
Twitter: @spencerizen

9 May 2024

FIPA Website: fipa.bc.ca

FIPA Twitter: @bcfipa

