

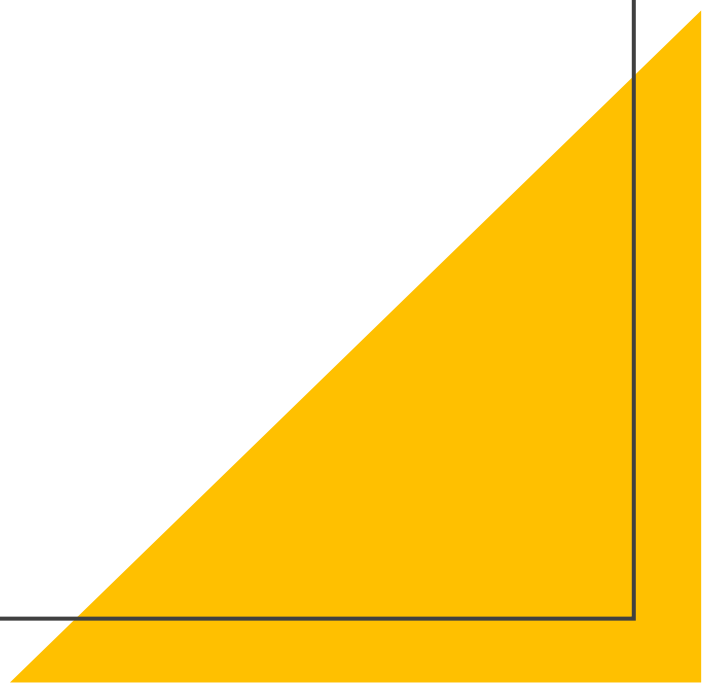
# Freedom of information laws and the academy:

*Where are we at in 2020?*

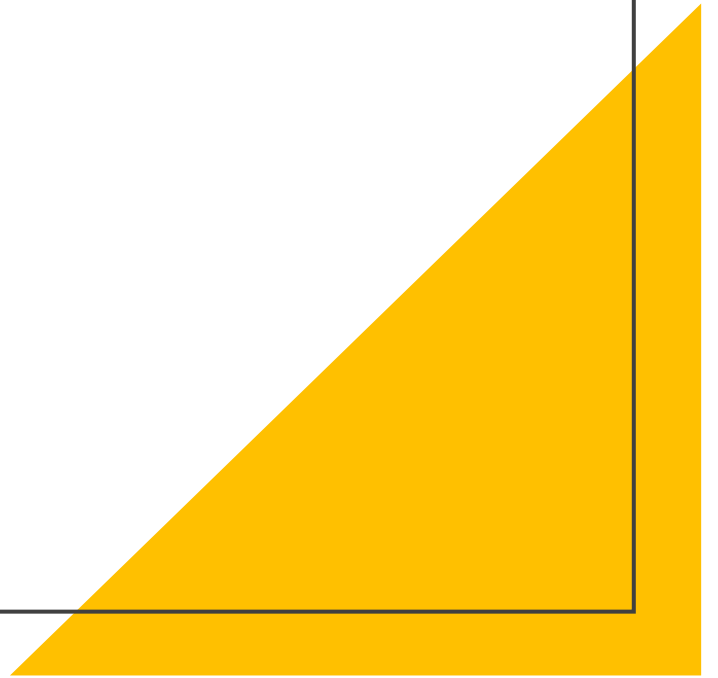
December 17, 2020

Mark Weiler , MLIS, PhD

mweiler@wlu.ca



What are  
freedom of  
information  
(FOI) laws?



# What are freedom of information (FOI) laws?

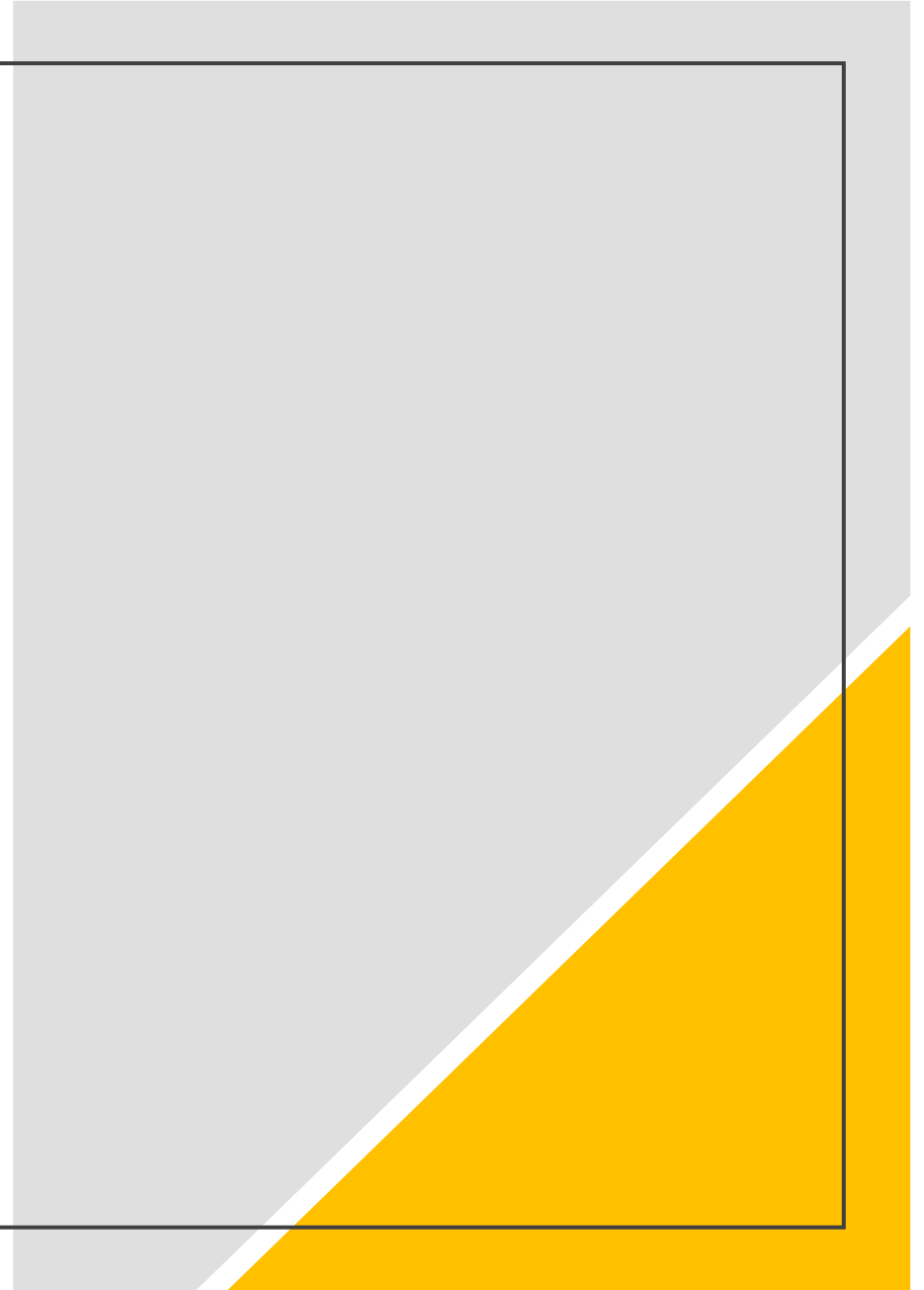
- Laws that give access to unpublished records held by governments
- It is a quasi-constitutional right (needed to exercise freedom of expression)
- FOI laws help people contribute to the well-being of society

To avoid  
confusion...

# To avoid confusion

- Freedom of information laws are different than proactive disclosure
- The difference pivots on: who has authority
- Under proactive disclosure
  - governments have the authority to decide what will be made available
- With freedom of information laws
  - individuals have the authority to decide what is made available

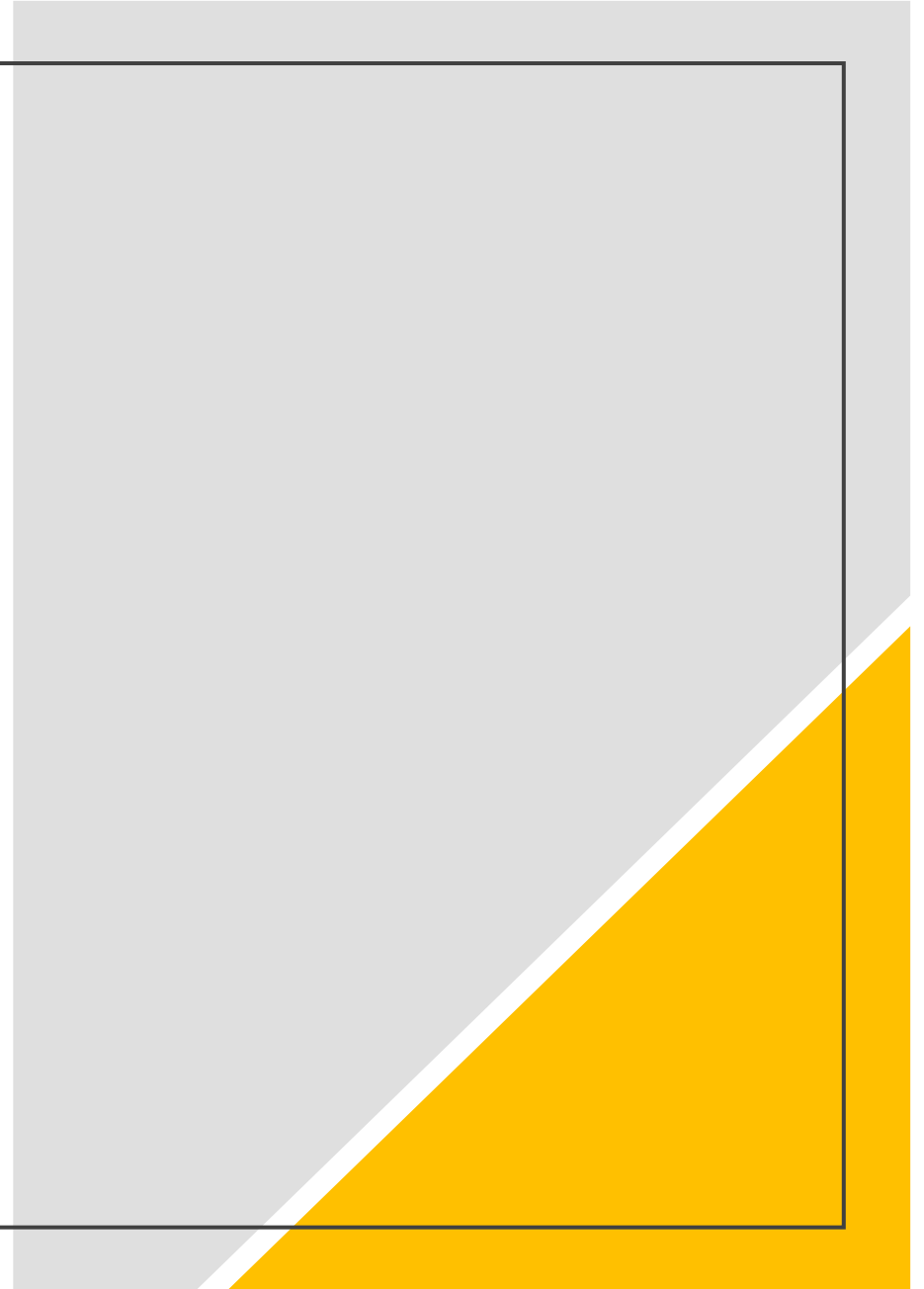
# FOI laws and academic research



# FOI laws and academic research

- Used by historians for access to unprocessed archival material
- Used by social researchers to access documents and data
- Used by scientists
  - Sartori et al. (2020). Signals of adverse drug reactions communicated by pharmacovigilance stakeholders: protocol for a scoping review of the global literature. *Systematic Reviews*, 9.

# Usability of FOI by people with disabilities





# Potential sources of obstacles

## **Access to Information Act (ATIA)**

- Alternative formats limited to sensory disability rather than print disabilities
- A minister can decide if an alternative format is necessary for the user
- Time limits given to users to respond

## **ATIA Procedures**

- Some departments delivery printed files rather than electronic
- Documents provided in inaccessible PDF

# Question: Is the Office of Information Commissioner prepared to engaged with people with disabilities?

**From:** Natalie Bartlett  
**Sent:** 8 Mar 2019 15:17:49 +0000  
**To:** Jocelyne Dunn  
**Cc:** James Ellard  
**Subject:** RE: ATI request A-2018-00060

Hello Jocelyne,

We do not have a list of disability groups or disability specialists that we reach out to for our outreach activities.

Thanks,  
Natalie

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Natalie Bartlett

Gestionnaire, Communications et Services linguistiques/i  
Commissariat à l'information du Canada  
[natalie.bartlett@ci-oic.gc.ca](mailto:natalie.bartlett@ci-oic.gc.ca) / Tél. : 819-994-1068

A/Manager, Communications and Linguistic Services  
Office of the Information Commissioner of Canada



# Centre for Access to Information and Justice

University of Winnipeg



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# Centre for Access to Information and Justice

The Centre for Access to Information and Justice (CAIJ) promotes public interest research using freedom of information (FOI) and access to information (ATI) law. The CAIJ is built for social sciences and humanities scholars, as well as access advocates, investigative journalists, and legal professionals from across Canada and beyond.

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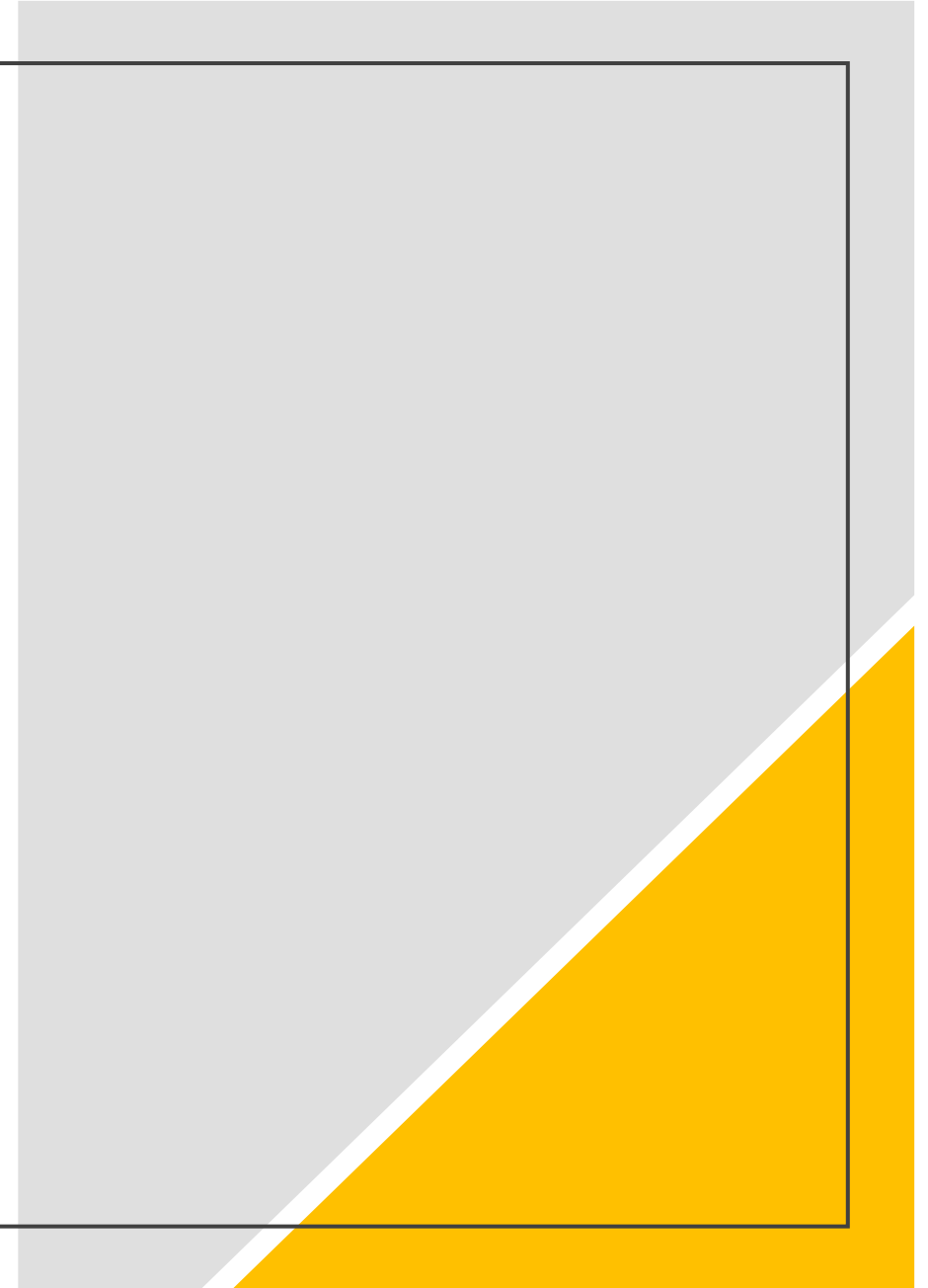
**Copies of Access to Information and Social Justice for free!**

How much is the  
Canadian government  
making available?

# Level of federal document output

- In 2019, the Access to Information Act
  - was used 15,339 times
  - about 780,000 pages were provided without redactions
- In 2020, the Access to Information Act
  - was used 7,865 times
  - about 158,000 pages were provided without redactions

Where are  
academics  
looking for  
documents?



# ATI's for departments (October 2018 to June 2020)

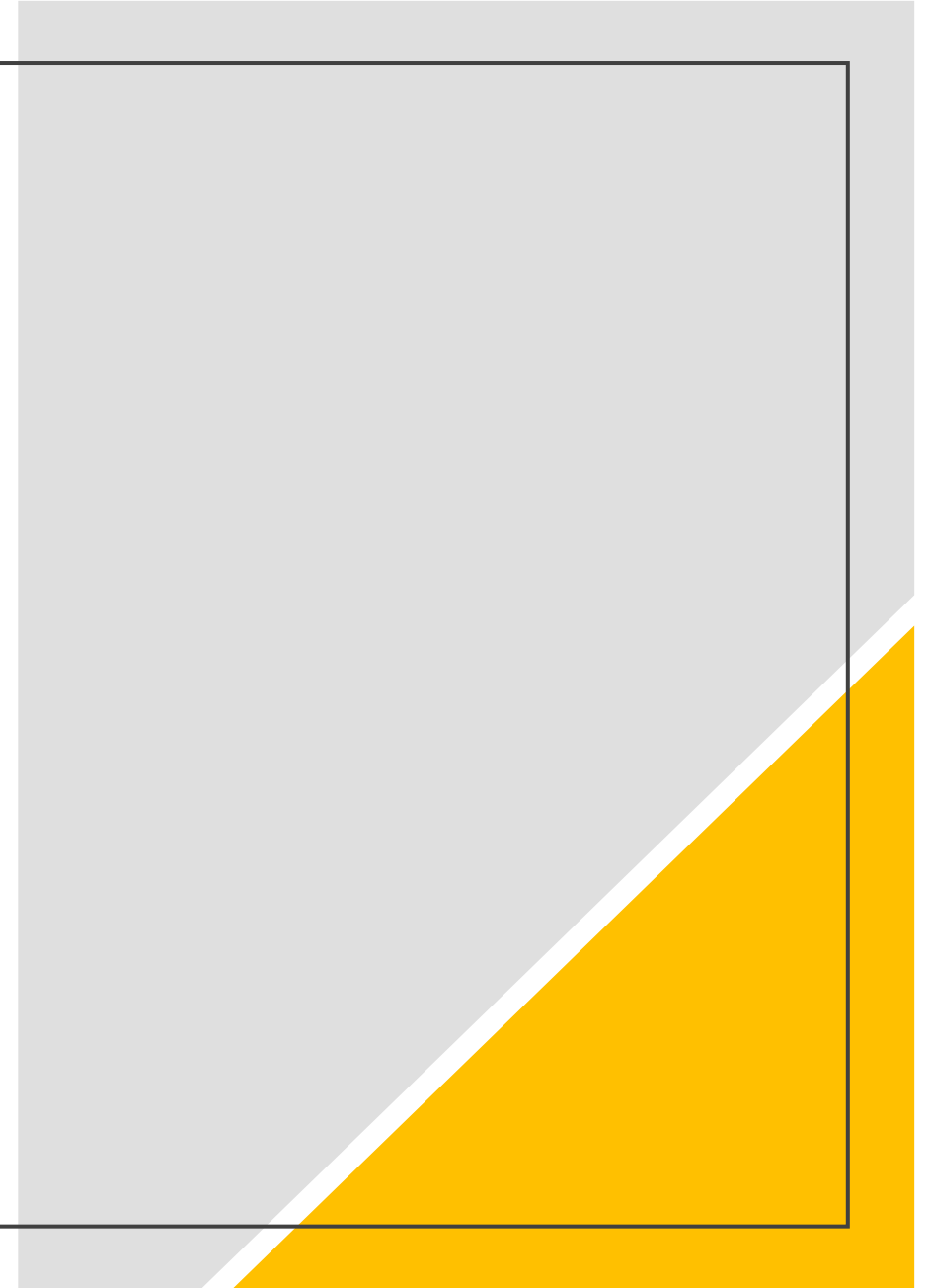
Federal Department	Academia	Business (private sector)	Media	Member of the public	Non-government institution
Indigenous Services Canada	76	23	175	87	8
Global Affairs Canada	71	34	362	139	29
Privy Council Office	37	17	196	87	17
Department of Justice Canada	22	17	73	67	8
Natural Resources Canada	21	65	72	48	57
Crown-Indigenous Relations and Northern Affairs Canada	20	42	69	68	10
Canadian Heritage	20	42	128	66	9
Innovation, Science and Economic Development Canada	19	80	232	64	19
Treasury Board of Canada Secretariat	17	31	84	82	22
Environment and Climate Change Canada	16	828	113	85	50



## Data table: ATI's for departments (October 2018 to June 2020)

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Recent publications  
and other additions  
to the academic  
record



# 2020: Articles

- Laurin, Patrick (2020). **Gerrymandering the National Security Narrative: A Case Study of the Canadian Security Intelligence Service's Handling of its Bulk Metadata Exploitation Program.** *Surveillance & Society*, 18(3), 370-386
- Roziere, Brendan, & Walby, Kevin. (2020). ***The duty to assist in Canadian Freedom of Information law.*** Canadian Public Administration,
- den Elzen, Ellen (2020). **Between Borders and Bodies: Revealing the Architectures of Immigration Detention.** *Journal of Architectural Education*, 74(2), 288-298.

# 2020: Data

- Denton, William (2020). [York University Libraries eresource costs.](#)  
Scholars Portal Dataverse

# 2020: Dissertations

- Brassard-Dion, Nikola (2020). **The Small Worlds of Multiculturalism: Tracing Gradual Policy Change in the Australian and Canadian Federations.** (Doctoral dissertation) University of Ottawa
- McDonald, S. (2020). **Applying Geographic Information Systems to the Study of Honey Bee Diseases and Pests** (Doctoral dissertation) Dalhousie University.
- Rayment, Erica Jane (2020). **Women in the House: The Impact of Elected Women on Parliamentary Debate and Policymaking in Canada.** (Doctoral dissertation) University of Toronto.

User guides: Books &  
articles for academics

# Key books and articles

- Brownlee, Jamie, and Walby, Kevin (2015). **Access to Information and Social Justice : Critical Research Strategies for Journalists, Scholars, and Activists**. Winnipeg, Manitoba: ARP Books.
- Bronskill, Jim, and McKie, David (2014). **Your Right To Know: How to Use the Law to Get Government Secrets**. Vancouver: Self-Counsel Press.
- Walby, Kevin, and Larsen, Mike (2012). **Brokering Access : Power, Politics, and Freedom of Information Process in Canada**. Vancouver: UBC Press.
- Walby, Kevin, and Larsen, Mike (2012). **Access to Information and Freedom of Information Requests: Neglected Means of Data Production in the Social Sciences**. *Qualitative Inquiry* 18(1), 31–42.
- Walby, Kevin, and Luscombe, Alex (2017). **Criteria for Quality in Qualitative Research and Use of Freedom of Information Requests in the Social Sciences**. *Qualitative Research* 17(5), 537–553.
- Walby, Kevin, and Luscombe, Alex (2018). **Ethics Review and Freedom of Information Requests in Qualitative Research**. *Research Ethics* 14(4), 1–15.