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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

*The Information Commissioner of Canada
Place de Ville, Tower B
112 Kent Street, 22nd Floor
Ottawa, Ontario
K1A 1H3*

April 8th 2014

Dear Commissioner,

I am writing you regarding the disturbing information that officials in the Department of Defense appear to have obstructed the release of information in order to save the present government political embarrassment. That the Access to Information Act was interfered with is a serious breach of the basic principles of accountability and the fact that this e-mail was in relation to an unofficial gag order against Canadian soldiers is even more disturbing in terms of the political culture or obfuscation and interference that appears to have taken root in Ottawa.

The facts of this case relate to a Canadian journalist who requested a copy of a letter written by Lt-Gen Marquis Hainse, which, warned soldiers that giving information to the media without permission was in violation of military regulations.

Senior public affairs officials in the army, in the Strategic Joint Staff at National Defence Headquarters, and in the Defence Ministry wanted to deny this request, thereby forcing the journalist to request these documents through the Access to Information Act.

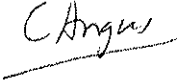
Doug Drever, an individual civilian public affairs advisor for the Canadian Army, made the decision that the release of this information was within the guidelines of the Access to Information Act. However, officials told him to refuse the journalist's request. In response, Mr. Drever stated that denying the journalist's request would be in violation of the spirit of the Access to Information Act, would only be a delaying tactic and would unnecessarily antagonize the public. The army relented on his request but then appeared to change their minds in deciding again to refuse the documents. The army then appears to have found someone other than Mr. Drever who agreed to refuse to release the documents.

It is edifying that Mr. Drever refused to be bullied into interfering with the right of journalists to obtain information. However, the credibility of Access to Information Act should not have to rest on the willingness of individual bureaucrats to defy their superiors. This Act has a quasi-constitutional nature that must be respected by both government and civil servants. Unfortunately, we are seeing a pattern within the Department of Defense in their refusal to respond in a timely matter to reasonable requests for disclosure.

This information does not belong to the Conservative government or the department. It is information that under the Laws of Canada should be accessible to the public.

As you recently stated in late 2013, the Access to Information system is failing Canadians and in need of comprehensive reform. I believe this case further highlights the deficiencies in the act, specifically the glaring need for proactive disclosure. I would like to ask you to undertake an examination into the events detailed in this letter and issue a report with recommendations.

Yours sincerely,

A handwritten signature in cursive script that reads "C Angus". The signature is written in dark ink and is underlined with a single horizontal stroke.

Charlie Angus MP
Timmins-James Bay