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HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Tony Clement
Confederation Building Room 278
House of Commons
Ottawa Canada K1A 0A6

January 19th 2015

RE: Systemic deletion of governmental electronic records

Dear Minister Clement,

In relation to electronic government records you stated on October 8th 2013 that, *"I nevertheless acknowledge that nontransitory records of business value, which are the exception in non-email text-based messaging, must be preserved, for example by being forwarded into the email system. I will therefore take steps to reinforce this obligation with all those to whom wireless devices are issued who are subject to the Act."*

Yet, Canada Revenue Agency has publicly confirmed that in August it directed Shared Services Canada to destroy certain types of its employee's electronic records and to disable logging of these electronic records in the future. Not only did the department not verify if it had any process in place to determine whether these records were of any business value but the automatic deletion of records ensures that there are no protections in place to secure documentation of business value in the future.

Furthermore, the CRA has publicly stated that the government would disable the logging of all electronic instant messages across all departments and agencies once it adopts a new email system. This systemic deletion of certain types of records raises serious questions as to what information and evidence is being hidden from the Canadian public and covered up by the government, such as the CRA's audits of charitable organizations that are accused of being politically motivated.

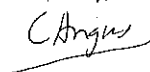
Furthermore, these actions appear to breach the Access to Information Act and to violate Canadians' quasi-constitutional right of access to records under the control of a government institution at the time it receives an access to information request. Section 67.1(1) of the Act states that *"no person shall, with intent to deny a right of access under this act (a) destroy, mutilate, or alter a record."*

This Conservative government's words and commitments to ensure transparency and accountability appear once again to be proven hollow. The Conservative government has failed to implement reforms to the access to information system that it promised ten years ago in its 2006 platform. Your government even voted against its own promises in NDP MP Pat Martin's private members bill. After ten years of failed Conservative promises, the Access to Information System is now in crisis and the Information Commissioner's office is nearing a budgetary crisis.

The deletion of records and potential covering-up of government scandals is a disturbing pattern of behaviour set by this Conservative government. There are countless examples such as the attempt to delete the email records of a PMO senior legal staff in a scandal that saw the Prime Minister's Office being investigated by the RCMP and a sitting Conservative Senator charged for taking a bribe from the PMO.

I am writing you to simply ask, will you stand by your commitment on October 8th and ensure that records of business value in non-email text based messaging must be preserved and take steps to reinforce this obligation or will you once again fail to meet your commitments and breach not only the Access to Information Act but Canadians' quasi-constitutional rights thereby making it easier for your government to hide from Canadians and cover-up its own scandals?

Sincerely,

A handwritten signature in cursive script that reads "C. Angus". The signature is written in black ink and is positioned below the word "Sincerely,".

Charlie Angus
MP Timmins-James Bay