
An Evidence-Based Approach to Access Reform

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Abstract. *In August 2000, the federal government began an internal review of the Access to Information Act (ATIA). The ATIA gives Canadians a qualified right of access to records held by federal institutions. Decisions about reform should be based on good evidence about the operation of the Act and the likely impact of proposed reforms. This paper describes how data on ATIA operations is collected by federal institutions and provides a guide to academic researchers interested in conducting empirical research on the operation of the law. It constructs a small dataset that describes the processing of a sample of 663 requests received in 1999, and uses this dataset to illustrate the potential of an evidence-based approach to ATIA reform. The dataset can be downloaded from <http://evidence.foilaw.net>. The project was supported by a \$4,800 grant from the Principal's Development Fund of Queen's University awarded in May 2001. Comments should be sent to the principal investigator, Alasdair Roberts, at roberts@policystudies.ca.*

INTRODUCTION

The Access to Information Act (ATIA), adopted by the Canadian Parliament in 1982, gives Canadians a right of access to records held by federal departments and agencies.¹ This right of access is qualified in several ways. Some important organizations are not subject to the law; some records may be withheld if the informa-

tion within them is caught by certain exemptions within the law; and individuals may be required to pay fees before their information requests are processed. The ATIA was one of the first right-to-information laws adopted in the Commonwealth, and has not been comprehensively reformed since 1982. Non-governmental organizations complain that parts

of the law are too restrictive or have proved unworkable in practice. Some officials complain that the law impairs the operation of public institutions without producing commensurate public benefits.

In August 2000, the Minister of Justice, who is responsible for the policy incorporated in the ATIA, announced her intention to review the law. The current review has serious defects. It is being undertaken by an internal committee of central agency officials according to a work plan that has been reviewed by another panel of senior public servants.² There has been no significant opportunity for individuals outside the federal bureaucracy to influence the reform agenda, and key internal documents — including the committee's research plan — have not been publicly disclosed. Nevertheless, the internal review seems likely to produce significant proposals for amendment of the ATIA in Fall 2001.

Proposals for reform of the ATIA should be based on solid evidence about the operation of the law and the likely effect of reforms. This basic proposition has often been neglected in earlier discussions about the law. Debates about the advantages and disadvantages of proposed reforms of access rules have been undertaken without good evidence about the frequency with which contested rules are invoked or the circumstances in which they are invoked, the actual severity of problems caused by current rules, or the benefit that would be produced by the adoption of new rules.

This is a serious but avoidable weakness in current discussions about ATIA reform. Federal institutions operate databases that contain extensive information on their handling of ATIA requests. Our purpose is to describe these databases,

and to show in a preliminary way how data drawn from these databases can be used to improve our understanding of the ATIA. We also discuss how basic questions central to reform debates could be answered through analysis of information contained in these databases. This study was necessarily limited in scope. Nevertheless, it demonstrates that sound empirical research — promoted in other parts of government as “evidence-based policy making” — could easily be undertaken in the area of ATIA reform.³

WHAT IS EVIDENCE-BASED POLICYMAKING?

The concept of evidence-based policymaking emerged in the 1990s in response to a perception that governments needed to improve the quality of their decision making in a world typified by rapid change and scarce resources. Critics of traditional approaches argued that policy decisions were too often driven by inertia or short-term political pressures, and “without clear reference to the best available research-based evidence” (Lewis and Naylor 1998).

Evidence-based policymaking promises to improve the policy process by providing decision makers with access to data and research resources that were previously overlooked or unavailable. The United Kingdom Cabinet Office's Strategic Policy Making Team has elaborated on what the commitment to evidence-based policymaking implies:

Good quality policymaking depends on high quality information, derived from a variety of sources — expert knowledge; existing domestic and international research; existing statistics; stakeholder consultation; evaluation of previous policies; new research, if appropriate; or secondary sources, including the internet. Evidence can also include analysis of the outcome of consultation, costings of policy options and

the results of economic or statistical modelling (Strategic Policy Making Team 1999: Paragraph 7.1).

The collection and interpretation of evidence needed by decision-makers is often undertaken by specialists outside of government. As a consequence, efforts to promote evidence-based policymaking often emphasize the building of closer relationships between the public service and broader research communities.

Many nations recognize the need to promote a “culture of evidence-based policymaking” within their public sectors (Paris21 Secretariat 2000). One of the most prominent has been the government of Prime Minister Tony Blair. In its 1999 white paper on modernization of government, the British Cabinet Office promised that the Blair government would treat policy formulation as a “process of continuous learning and improvement” that made “better use of evidence and research” rather than merely responding to short term pressures (Cabinet Office 1999: 16-17). An observer says that Blair’s commitment to evidence-based policy must be “[taken] to mean that policy initiatives are to be supported by research evidence and that policies introduced on a trial basis are to be evaluated in as rigorous a way as possible” (Sanderson 2000: 1, quoting I. Plevis). The government’s new Centre for Policy and Management Studies is expected to lead a “drive toward more, and better grounded evidence-based policy” (Centre for Management and Policy Studies 2001).

The concept has gained popularity in Canada as well. In 1996, a committee of senior federal public servants noted their concern about the erosion of “policy capacity” within government, and a need for “increased rigour in the articulation of

expected outcomes of policy options.” The committee urged federal institutions to build closer ties to the policy community outside government, observing that “a vibrant external policy research community is a major asset for government and it can make a unique contribution to public debate.” (Deputy Ministers’ Task Force on Policy Capacity 1996, p. 39-40).

Other initiatives sought to remedy weaknesses in federal policymaking. A new Treasury Board policy on review of government programs was developed to meet the need for “timely and relevant information on what is working and on the impact of policies and programs to support decision making.” It was government policy, the review said, that federal institutions should make better use of reviews and other performance information in program management (Treasury Board Secretariat 2001: Chapter 1.1). At the same time, a new project — the Policy Research Initiative — was established to improve internal policy capacity and build “stronger linkages” between policy makers and the broader research community. The Initiative concluded that it was essential for government to send “a clear signal to all members of the community that they are partners in the policy research process ... [and] inform community members about what decision-makers need and what they think the issues of the future might be” (Policy Research Initiative 1999).

Evidence-based policymaking and access reform. The aim of this study is to apply the goals of evidence-based policymaking to deliberations about the reform of access-to-information law. In the past, such discussions have rarely been undertaken with good data about the day-to-day operation of the law. Debates have often hinged on the drafting and interpretation of the law itself, or subordinate

legislation. What has been missing is good evidence about the ways in which statutes, regulations and policy directives have been applied in daily practice. As a consequence, discussion sometimes suffers from two difficulties. The first is a preoccupation with aspects of the law which seem problematic on paper but which, in daily practice, are rarely invoked.⁴ The second is a neglect of barriers to access that arise in the course of daily operations, such as problems of delay or over-reliance on exemptions or exclusions.

Debate often emphasizes statutory drafting and interpretation because legal instruments are easily accessible, while operational data is more difficult to obtain and interpret. Indeed, in some jurisdictions data is completely unavailable, because of shortfalls in record-keeping within public institutions. For example, David Clemens recently found that his attempt to study New Zealand's Official Information Act was thwarted by the failure of government institutions to collect basic statistics on the handling of FOI requests. He observes:

This statistical void represents a fundamental oversight and lack of evaluative planning by government. It is difficult to see how any effective ongoing review of this key piece of legislation can be undertaken without basic data on what information is being requested from particular agencies (Clemens 2001: 11).

This problem is encountered in many other nations, but fortunately not in Canada. As we shall show in the next section, central agencies and other major federal institutions have installed software for managing ATIA requests that is capable of generating a substantial amount of data on the operation of the access law.

DATA COLLECTION WITHIN THE ATIA SYSTEM

Two major software programs are used by federal institutions to administer ATIA requests: the Coordination of Access to Information Requests System (CAIRS) and ATIPflow. Although the two systems were designed for different reasons, both collect data that can be used by researchers to examine the operation of the ATIA. In order to determine how the databases might be used, it is useful to first identify why the systems were designed and the information that each contains.

CAIRS. The proposal for a new computer system to coordinate ATIA requests was accepted by Cabinet in the Fall 1988 and announced formally by the Secretary of the Treasury Board in July 1989. The Coordination of Access to Information Requests System (CAIRS) was designed to "address a perceived need for a better system of coordination for access to information requests that are interdepartmental in scope or involve major legal or policy issues."⁵ By January 1, 1990 the system was fully operational.

Each request entered into CAIRS may include up to thirteen fields of data. One of these is the text of the request itself. In addition, there are four mandatory and eight optional fields of information about the request. These are summarized in Table One. The CAIRS program allows the production of a limited variety of reports, each including a predefined selection of fields. These report options are described in further detail in the CAIRS manual. Reports can be generated in print and electronic formats and can be obtained by making a ATIA request to the Department of Public Works and Government Services, which manages CAIRS.

TABLE ONE
DATA FIELDS WITHIN THE CAIRS DATABASE

<i>Field Name</i>	<i>Information Contained in Field</i>
DEPT	Acronym for the institution to which the ATI request was made.
REQ#	File number assigned to the request by the department or institution to which the ATI request was made.
ORG	Organizational status of the requester (first letter of "Academic," "Business," "Media," "Organization," "Public," or "Unknown").
COORD	Whether the ATI request requires coordination between institutions (Y/N).
INIT DATE	Date on which the request was received by the institution.
CAIR DATE	Date on which the request was entered into CAIRS database.
COMP DATE	Date on which the ATI request was completed.
TEXT	Text of the ATI request.

Participation in CAIRS was supposed to be mandatory for all federal institutions. Institutions that received forty or more ATIA requests in a year were required to submit data about ATIA requests electronically to the CAIR Central System using CAIRS workstations located within each of those institutions. Institutions that received less than forty requests per year were permitted to supply the same information on paper within twenty-four hours of receipt of an ATIA request.

Nevertheless, one of the difficulties with the CAIRS system is non-participation by many institutions. In Spring 2001, several major institutions were individually contacted and asked about the software they use to manage ATIA requests. Most reported entering all requests into CAIRS either through the original CAIRS upload function, through third-party software such as ATIPflow, or by submitting paper copies to Government Telecommunications and Informatics Service, a component of the Department of Public Works and Government Services (see Table Two). However, in many cases there are large discrepancies between the number of

requests that institutions report receiving in their annual reports to Parliament,⁶ and the number of requests logged in the CAIRS database. To obtain an estimate of the degree to which institutions were underreporting, we compared the average number of requests received by major institutions fiscal years 1999 and 2000 (drawn from institutions' annual reports to Parliament) with the number recorded in CAIRS for the calendar year 1999. The comparison suggests that a substantial number of requests are never recorded in CAIRS (Table Three).

CAIRSWeb. The Government Telecommunications and Informatics Service is currently completing work on new software designed to replace CAIRS and increase compliance with reporting requirements.⁷ The new CAIRSWeb database will include all of the information that is currently available in CAIRS and four additional fields: 1) the name of the institution to which a request has been transferred; 2) the status of the request (open, abandoned, refused, closed, or on hold); 3) the reason for a hold being placed on a request; and 4) whether

TABLE TWO
REPORTED USE OF CAIRS AND ATIPFLOW BY MAJOR INSTITUTIONS

	<i>CAIRS</i>	<i>ATIPFLOW</i>
Agriculture and Agri-Food Canada	No	Yes
Atlantic Canada Opportunities Agency	Yes	Yes
Canada Mortgage and Housing Corporation	No	No
Canadian Food Inspection Agency	Yes	Yes
Canadian Heritage	Yes	Yes
Canadian Security Intelligence Service	Not available	Not available
Correctional Service of Canada	Yes	Yes
Environment Canada	Yes	Yes
Finance Canada	Yes	Yes
Fisheries and Oceans Canada	Yes	Yes
Foreign Affairs and International Trade	Yes	Yes
Health Canada	Yes	Yes
Human Resources Development Canada	Yes	Yes
Indian and Northern Affairs Canada	Yes	Yes
Industry Canada	Yes	Yes
Justice Canada	Yes	Yes
National Archives of Canada	Yes	Yes
National Capital Commission	No	Yes
National Defence	Yes	Yes
Natural Resources Canada	Not available	Not available
Privy Council Office	Yes	Yes
Public Works and Government Services Canada	Yes	Yes
RCMP	Yes	Yes
Solicitor General Canada	Not available	Not available
Statistics Canada	Yes	No
Transport Canada	No	Yes
Transportation Safety Board of Canada	Not available	Not available
Treasury Board Secretariat	Yes	No

TABLE THREE
ESTIMATES OF UNDERREPORTING IN CAIRS DATABASE

<i>INSTITUTION</i>	<i>Average Requests, 1999-2000</i>	<i>Requests in CAIRS, 1999</i>	<i>Unreported Requests</i>
Citizenship and Immigration Canada	3748	0	3748
National Archives of Canada	2042	170	1872
National Defence	1047	265	782
Revenue Canada	538	0	538
Royal Canadian Mounted Police	618	182	436
Immigration and Refugee Board	394	0	394
Public Works and Government Services Canada	707	516	191
Veterans Affairs Canada	180	0	180
Indian Affairs and Northern Development	369	224	145
Privy Council Office	267	136	131

The second column shows the average of the number of requests recorded by institutions in their annual reports to Parliament for Fiscal Year 1999 and Fiscal Year 2000. The third column is the number of requests entered into CAIRS in calendar year 1999.

coordination with another department is required, and that department's name (Government Telecommunications and Informatics Service 1999: 4-5). The new software was expected to be operational in the summer of 2001.

ATIPflow. The second program frequently used by federal institutions is ATIPflow. Unlike CAIRS, which is primarily designed to promote oversight and interdepartmental coordination, ATIPflow's primary purpose is to improve workload management within federal institutions. ATIPflow was developed by MPRSYS, an Ottawa-based firm that sold the system to many government institutions in the late 1990s.⁸ Of the twenty-four departments we contacted in March-May 2001, twenty-

one reported that they had started using ATIPflow sometime within the last four years (see Table Two).

One of the advantages of ATIPflow is that it can be programmed to automatically upload data to the central CAIRS database. As a consequence, fewer than five percent of federal institutions are reported to be using the original CAIRS workstation (Government Telecommunications and Informatics Service 1999: 7).

ATIPflow also collects more detailed information about the processing of ATIA requests. A summary of fields included in the ATIPflow database is provided in Table Four, and a sample report generated by the software is included in Appendix 1. We

TABLE FOUR
FIELDS IN ATIPFLOW DATABASE

<i>Field Name</i>	<i>Information Contained in Field</i>
Request Number	Number assigned to the ATI request by institution.
Reviewed/Released	Number of pages that were reviewed in response to the ATI request / the number of pages that were released to the requester.
Requestor	Organizational classification of the requester (Same classifications as CAIRS).
Date Initial Request Received in ATIP	Date on which the request was received by institution to which the request was made.
Category	"Routine" or "Sensitive."
CAIR Consultation	Whether consultation is required (Yes/No).
Coordination	Whether coordination with other departments is required (Yes/No).
Full Request	Text of the request.
Number of Days Extended	The number of days that the response has been extended under three categories: "Search" (more time is required to search for the requested information); "Third Party" (more time is required because a third party must be contacted before the information can be released); and "Consultation" (more time is required to consult with other departments).
Date Closed	Date on which the request was closed.
Disposition	"Disclosed in part," "all disclosed," or "abandoned."
Fee Screen	Fees associated with the ATI request: "fees assessed," "fees waived," and "fees collected."

note some interesting features of the ATIPflow database later in this paper.

CONSTRUCTION OF OUR SAMPLE

To explore the potential for empirical research on the operation of the ATIA, we constructed a dataset that includes information on the handling of 663 ATIA requests received by the federal government in 1999. This section explains how the sample was constructed. Interpretation of data in this dataset is provided in the next section. The dataset itself can be downloaded from <http://evidence.foilaw.net>.

We began constructing the dataset by obtaining monthly “Full-Text Reports” generated by the Coordination of Access to Information Requests System (CAIRS) for all of 1999. The reports were obtained by making a request to the Department of Public Works and Government Services under the Access to Information Act. These text files were manipulated to generate a single Excel file containing three fields: the code for the institution that received the request, the file number assigned to the request by the institution, and a description of the request. We then selected every tenth request from this file, producing a sample of 663 requests. Readers should note that this sample is not entirely representative of the whole population of requests received by federal institutions, because of the problem of underreporting in CAIRS noted in the preceding section.

We next requested an “Organizational Report” generated by CAIRS for all of 1999, again through an ATIA request to the Department of Public Works and Government Services. This report provided a fourth field: the organizational classification of the individual making the request.

Using institutional codes and file numbers to match records, we added this field to our sample dataset.

We then contacted all but three of the federal institutions included in our sample to request further information about the processing of these requests. (Three institutions had only one request in our sample; for economy, these three requests were removed from the sample.) We asked for information about fees initially assessed, fees collected, the number of pages reviewed in response to the request, and the number of pages eventually collected. We made formal requests for this information under the Access to Information Act. Thirteen institutions responded this request informally, and sixteen treated our inquiry as a formal request under the ATIA. All institutions provided data within two months of our request. Several departments appeared to rely on ATIPflow as a source for this information, and some simply provided printouts from the ATIPflow software.

Finally, we added two more fields to the sample dataset, based on our own coding of each request. Requests were classified by subject-matter — that is, the character of government activity that was the object of the requester’s interest, or the character of the activity which generated the information sought by the requester. Institutions receiving requests were also classified by sector, based on a commonly used Statistics Canada classification of government institutions.⁹ More information about subject-matter and sector classifications is provided in a codebook that can be downloaded from <http://evidence.foilaw.net>.

A better approach? Midway through this project we realized that there may be an alternative method of constructing a

dataset that avoids some of the defects of the approach we have just described. Several institutions responded to our request for information by providing copies of reports for each request generated by their ATIPflow software. (A sample report is provided in Appendix 1.) ATIPflow reports provide all of the data contained in CAIRS “full-text reports” and “organizational reports.” An alternative method of collecting data would be to ask major institutions to provide ATIPflow reports for a specified sample of requests. Because some institutions adopted ATIPflow recently, it is not clear that this method would have worked for a sample of requests from 1999, but it may be a preferable route in the future. Use of ATIPflow reports, rather than CAIRS reports, would avoid problems caused by institutional underreporting within CAIRS. We also realized late in this study that ATIPflow databases contained fields that would have been of interest to us, such as judgements by ATIP offices about the “routine” or “sensitive” character of the request, or processing time for requests. We discuss potential avenues for further research later in this paper.

FINDINGS FROM THE SAMPLE

For exploratory purposes, we performed statistical calculations on our sample dataset. There were a number of limitations on what could be achieved by analyzing the data. The sample was small (N = 663) and data was often unavailable in specific fields for a significant percentage of cases within the sample. These limitations notwithstanding, the findings in this section provide useful insights into the operation of the ATIA and suggest further lines of inquiry that may be undertaken.

Tables Five to Seven illustrate who uses the ATIA and the purposes for which they use it. Table Five displays the distribution

of requests by category of requester and subject matter. The following categories are used in the CAIRS database to classify requesters: Academic, Business, Media, Organization, Public, and Unknown. Because of the small number of requests in some of these categories, we collapsed Academic, Public and Unknown requests into a single “Other” category. We collapsed several of our subject-matter categories into one “Other” category for similar reasons.

The tables show that there are several distinct patterns of usage within the ATIA. The differences are most clearly illustrated in Tables 5(a) and 5(b), which shows how the subject-matter of requests differs by kind of requester. Almost seventy percent of requests from businesses fall into two areas: information about procurement, or information about inspection, regulation and licensing (Table 5(a)). Almost two-thirds of requests received in these two areas are sent by businesses. By contrast, the interests of other users are more diverse. Media requesters, for example, are much less likely to request information on procurement or regulation, but almost five times more likely to ask for information about research and policy development. More than 60 percent of requests about research and policy development are generated by media or organizational requesters.¹⁰

Table 6 shows that there is also substantial variation in patterns of activity across organizational sectors. (We could have used the names of specific institutions for this part of the analysis, but our small sample size would have made it impossible to draw solid conclusions from the analysis.) Indeed, it is noteworthy that the modal category of request — that is, the single most common category of request — differed in four of the five sectors. In other words, the day-to-day operation of

TABLE FIVE
DISTRIBUTION OF REQUESTS, BY REQUESTER AND SUBJECT-MATTER

(a) Summing to 100 % by type of requester (N=663)

	<i>Business</i>	<i>Media</i>	<i>Organization</i>	<i>Other</i>	<i>TOTAL</i>
Personnel management	1 %	3 %	4 %	11 %	5 %
Procurement	32 %	6 %	21 %	4 %	17 %
Budgeting and financial control	7 %	12 %	15 %	12 %	11 %
Grants and contributions	2 %	8 %	17 %	5 %	6 %
Inspection, regulation & licensing	37 %	13 %	6 %	14 %	21 %
Policing, criminal prosecutions & corrections	4 %	13 %	3 %	13 %	8 %
Research and policy development	5 %	24 %	21 %	8 %	11 %
Other	12 %	21 %	14 %	32 %	20 %
TOTAL	100 %	100 %	100 %	100 %	100 %

(b) Summing to 100 percent by subject-matter of request (N=663)

	<i>Business</i>	<i>Media</i>	<i>Organization</i>	<i>Other</i>	<i>TOTAL</i>
Personnel management	6 %	9 %	12 %	73 %	100 %
Procurement	67 %	5 %	20 %	8 %	100 %
Budgeting & financial control	23 %	18 %	23 %	37 %	100 %
Grants & contributions	12 %	19 %	43 %	26 %	100 %
Inspection, regulation & licensing	64 %	10 %	5 %	21 %	100 %
Policing, criminal prosecutions & corrections	17 %	26 %	6 %	52 %	100 %
Research & policy development	14 %	33 %	30 %	22 %	100 %
Other	22 %	16 %	11 %	51 %	100 %
TOTAL	36 %	16 %	16 %	32 %	100 %

the Act differs as much for the institutional recipients of requests, as it does for requesters themselves. Table 7(a) shows how the client profile differs between institutional sectors: for example, institutions in the area of economic services administration (such as Fisheries and Oceans Canada, Industry Canada, Environment Canada or Transport Canada) are four times as likely to deal with business requesters than institutions in defense or protective services, but roughly one-third as likely to deal with media requesters. Readers can get a better sense of the substance of requests sent to various institutions by manipulating the database itself, available at <http://evidence.foilaw.net>.

Information such as this can be useful for a variety of purposes. It illustrates the point that the community of request-makers and request-receivers is varied, and that one-size-fits-all reforms may sometimes be ill-advised. It suggests possibilities for easing pressure on the ATIA, by converting certain areas of information flow (from specific sectors to specific classes of requester) to modes of routine dissemination outside the ATIA. It could also provide guidance to overseers such as the Information Commissioner of Canada, by allowing them to class together institutions with similar usage profiles for the purposes of performance reporting and enforcement.

Complexity of requests. We also attempted to determine whether

TABLE SIX
DISTRIBUTION OF REQUESTS, BY SECTOR AND SUBJECT MATTER

(a) Summing to 100 percent by sector of government (N=663)

	<i>Defence & protective services</i>	<i>Labour, employment, & immigration services</i>	<i>General administration</i>	<i>Human resource administration</i>	<i>Economic services administration</i>	<i>TOTAL</i>
Personnel management	9 %	0 %	8 %	1 %	5 %	5 %
Procurement	9 %	11 %	31 %	13 %	19 %	17 %
Budgeting & financial control	6 %	28 %	21 %	5 %	7 %	11 %
Grants & contributions	1 %	0 %	3 %	12 %	7 %	6 %
Inspection, regulation & licensing	5 %	6 %	0 %	39 %	29 %	21 %
Policing criminal prosecutions & corrections	35 %	6 %	1 %	2 %	4 %	8 %
Research & policy development	11 %	6 %	13 %	9 %	14 %	11 %
Other	23 %	43 %	22 %	18 %	13 %	20 %
TOTAL	100 %	100 %	100 %	100 %	100 %	100 %

(b) Summing to 100 percent by subject-matter of request (N=663)

	<i>Defence & protective services</i>	<i>Labour, employment, & immigration services</i>	<i>General administration</i>	<i>Human resource administration</i>	<i>Economic services administration</i>	<i>TOTAL</i>
Personnel management	30 %	0 %	33 %	9 %	27 %	100 %
Procurement	9 %	4 %	36 %	23 %	28 %	100 %
Budgeting & financial control	10 %	18 %	39 %	15 %	17 %	100 %
Grants & contributions	2 %	0 %	10 %	60 %	29 %	100 %
Inspection, regulation & licensing	4 %	2 %	0 %	59 %	35 %	100 %
Policing, criminal prosecutions & corrections	70 %	6 %	4 %	7 %	13 %	100 %
Research & policy development	16 %	4 %	24 %	25 %	32 %	100 %
Other	19 %	15 %	22 %	28 %	16 %	100 %
TOTAL	16 %	7 %	20 %	31 %	25 %	100 %

TABLE SEVEN
DISTRIBUTION OF REQUESTS, BY SECTOR AND REQUESTER

(a) Summing to 100 percent by sector of government (N=663)

	<i>Defence & protective services</i>	<i>Labour, employment, & immigration services</i>	<i>General administration</i>	<i>Human resource administration</i>	<i>Economic services administration</i>	<i>TOTAL</i>
Business	11 %	28 %	36 %	43 %	45 %	36 %
Media	31 %	19 %	16 %	10 %	13 %	16 %
Organization	5 %	11 %	19 %	21 %	18 %	16 %
Other	53 %	43 %	30 %	26 %	24 %	32 %
TOTAL	100 %	100 %	100 %	100 %	100 %	100 %

(b) Summing to 100 percent by type of requester (N=663)

	<i>Defence & protective services</i>	<i>Labour, employment, & immigration services</i>	<i>General administration</i>	<i>Human resource administration</i>	<i>Economic services administration</i>	<i>TOTAL</i>
Business	5 %	5 %	20 %	38 %	32 %	100 %
Media	32 %	9 %	20 %	19 %	20 %	100 %
Organization	5 %	5 %	23 %	40 %	28 %	100 %
Other	27 %	9 %	19 %	26 %	19 %	100 %
TOTAL	16 %	7 %	20 %	31 %	25 %	100 %

conclusions could be reached about the relative complexity of requests, classified either by type of requester or subject-matter. As a measure of complexity, we used the number of pages reviewed by the ATIA office in the institution that received the request. This assumed that one important dimension of complexity was the range of documents covered by the request.

Of course, this is not the only measure of complexity. Other measures might include the perceived sensitivity of the request; the difficulty of conducting a search for requested records; the need for consultation with other departments or govern-

ments; or the need for third party notice to businesses. Measures for these other dimensions of complexity could easily be developed from ATIPflow databases but were not calculated during this project.

Data on the average number of pages reviewed per request, classified by requester and subject-matter, are shown in Table Eight. On average, about 250 pages of material was reviewed for the ATIA requests included in our sample. The table suggests variation in the average number of pages reviewed when classified by type of requester and subject-matter. However, regression showed that these differences were not statistically significant.

TABLE EIGHT
AVERAGE NUMBER OF PAGES REVIEWED PER REQUEST

	<i>ALL (N = 561)</i>	<i>250</i>
<i>By subject-matter</i>		
Personnel Management		63
Procurement		176
Budgeting & financial control		133
Grants & contributions		173
Inspection, regulation, & licensing		175
Policing, criminal prosecutions & corrections		268
Research & policy development		374
Other		450
<i>By type of requester</i>		
Business		325
Media		192
Organization		257
Other		186

Disclosure practices. We also attempted to determine whether disclosure practices varied by type of requester, subject-matter, or institutional sector. We calculated a “disclosure rate” for each request, equal to the number of pages released as a percentage of pages reviewed. (For example, the overall disclosure rate for requests in our sample was 60 percent.) This is not the only possible measure of disclosure practices, but is more subtle than the most common alternative, which considers whether records have been entirely released, partially released, or entirely withheld.

We found no significant relationship between the disclosure rate and requester type or institutional sector. However, a regression model that used the disclosure rate as a dependent variable and subject matter as independent variable found significant results and had substantial face validity. The results are presented in Table 9. Requests in the areas of personnel management, procurement and regulation and licensing seemed to have higher disclosure rates. Areas with lower disclo-

sure rates included budgeting and financial control, policy research and development, and policing and defence services.

Collection of fees. Our dataset also enabled us to examine the fee collection practices of federal institutions. The ATIA permits federal institutions to collect a five dollar application fee. Institutions may also charge a fee of twenty cents a page for photocopying, and an hourly rate of ten dollars for time spent on searching for records and preparing them for release, after the first five hours.¹¹ We did not include application fees in the following analysis.

We began by examining the distribution of fees paid for the processing of ATIA requests. In almost eighty percent of cases, requesters paid no fees, other than the five dollar application fee, for processing of their ATIA request (Chart One, following page 24).

There is wide also variation in the relative frequency of “no-fee cases” by category of requester (Table Ten). Particularly striking is the difference between

TABLE NINE
PERCENTAGE OF PAGES RELEASED BY SUBJECT MATTER

A multiple regression was run using the “personnel management” classification as a base level to compare other subject matters in analyzing the percentage of pages released as a percentage of pages reviewed. The average disclosure rate for requests on personnel management was 94 percent. Coefficients for other subjects represent deviations from this base value.

	<i>Coefficient</i>	<i>Level of Significance</i>
Personnel management (Base value)	94 %	.000
Procurement	-6 %	.396
Budgeting & financial control	-16 %	.040
Grants & contributions	-11 %	.203
Inspection, regulation & licensing	-7 %	.346
Policing, criminal prosecutions & corrections	-16 %	.070
Research & policy development	-22 %	.008
Other	-18 %	.014

TABLE TEN
PROPORTION OF CASES IN WHICH NO FEE IS COLLECTED

	<i>ALL (N = 402)</i>	<i>79 %</i>
<i>By subject-matter</i>		
Personnel management	96 %	
Procurement	82 %	
Budgeting & financial control	88 %	
Grants & contributions	78 %	
Inspection, regulation, & licensing	35 %	
Policing, criminal prosecutions & corrections	95 %	
Research & policy development	84 %	
Other	92 %	
<i>By type of requester</i>		
Business	64 %	
Media	96 %	
Organization	83 %	
Other	87 %	

requests filed by the media and those filed by the business community. Media requests involve no final fee assessment in 96 percent of cases, compared with 65 percent for business requesters.¹² It is important to note, however, that these measures involve no control for the size and complexity of requests filed by the two categories of requesters. Our sample was too small to refine the analysis in this way.

Table Ten also indicates that there is also a significant difference in the final fee assessed by the subject matter of request. Requests about personnel and policing issues were least likely to be assessed a fee. In contrast, a large proportion of regulatory and inspection requests resulted in collection of additional fees.¹³ Again, the variation could be explained by differences in the size or complexity of requests filed in different areas.

We also performed multiple regressions to examine fee collection practices. As Table Eleven shows, there were statistically significant relationships found between the amount of fees collected and the category of requester. The data suggests that organizations paid the highest fees, and the media the lowest, not controlling for the size or complexity of requests. However, we found no statistically significant relationship between collected fees and the subject-matter of the request.

It should not be inferred from these results that fees do not impose a potentially significant barrier to access. A related question is the behaviour of requesters when presented with high initial estimates of fees for processing ATIA requests. (The ATIA permits departments to present an estimate and request a deposit before processing a request.¹⁴) We found a statistically significant relationship between the amount of initial fees assessed and the probability that requests would be abandoned (See Chart Three, following page 24). For instance, in cases where the initial fee assessment was ten dollars or less, the abandonment rate was about five percent; the rate increased to ten percent in the \$11-\$200 bracket and to 35 percent when the initial fee

assessment exceeded 200 dollars. (It should be noted, however, that we are uncertain about the reliability of our data on the amount of fees initially assessed.¹⁵)

Waivers. The large number of “no fee” cases in aggregate is probably attributable to decisions by ATIA coordinators within institutions to waive fees that could be collected under the law. The ATIA gives institutions a broad discretion to waive fees for processing requests.¹⁶ Treasury Board Secretariat, which provides guidance on administration of the law, suggests that institutions should waive fees if the amount payable is less than twenty-five dollars.¹⁷

However, the exercise of discretion appears more complex in daily practice. To explore waiver practices, we calculated the amount that could have been charged for each request for photocopying alone. (The rate is twenty cents per page; we multiplied this by the number of released pages in each request. Requesters can avoid this charge by inspecting records in a government office, but our impression is that this is done only rarely.) We did not calculate the additional charge for search and preparation time, since we did not have data on time spent on each request. Photocopying fees thus represent a

TABLE ELEVEN
AVERAGE FEES COLLECTED BY CATEGORY OF REQUESTER

A multiple regression was run, with business requesters used as a basis of comparison for other requesters in measuring fees collected. The average fee collected from business requesters was \$25.16. Coefficients for other requesters represent deviations from this base value.

	<i>Coefficient</i>	<i>Level of Significance</i>
Business (Base value)	\$25.16	.000
Media	-\$18.07	.078
Organization	\$18.11	.119
Other	-\$17.50	.048

conservative estimate of potential fees in each case. We then compared potential photocopying charges against fees actually collected in each case. The results are shown on Chart Two, following page 24.

The chart has three interesting features. First, there is a large population of cases distributed along the bottom of the chart, showing that fees are often waived even when potential fees exceed twenty-five dollars. There is a second distinctive cluster of cases in which the amount of fees actually collected is exactly equal to photocopying charges — even when photocopying charges are *lower* than twenty-five dollars. There is a third cluster of cases in which fees are clearly based on some mix of photocopying charges and hourly rates.

The chart suggests that the levying of fees is more complicated in practice than Treasury Board policy might suggest. Fees are waived when they could be collected, and collected when they could be waived. We attempted to determine what distinguished these two groups of requests, but were hampered by a small sample size. Further research could easily be done on this subject, to determine what criteria ATIA coordinators within institutions appear to use in making judgements about the levying of fees. Even when fees are assessed, however, there appears to be a strong tendency to limit fees to photocopying charges alone. It may be that in all of these cases, institutions never expended more than five hours of labour; alternatively, institutions may prefer to limit charges to an objectively verifiable amount — that is, based on the number of pages released — rather than including a charge based on their estimate of hours of labour expended. Again, this could be easily investigated in further research.

At the moment, however, the data appears to suggest that fee policy is applied in two distinct stages. Initial fee estimates appear to be a useful tool with which coordinators manage complex or broad requests for information. Once this hurdle is overcome, coordinators appear to be more liberal in waiving fees than is suggested by Treasury Board policy. Fees appear to be calculated in ways that avoid disputes about the abuse of discretion: either by waiving fees entirely, or by basing fees on an objectively verifiable measure, such as photocopying charges alone. We emphasize that this is a rough impression and that a more complete dataset is needed to reach more reliable conclusions on this subject.

Nevertheless, these observations bolster an important but neglected point about fee policy. Much debate about fee policy in Canada and other jurisdictions addresses statutory or regulatory rules regarding the imposition of fees. To some degree, this may be inadvisable. Statutory requirements and regulations certainly matter, as does the policy guidance provided by Treasury Board Secretariat. However, the exercise of discretion by front-line coordinators — that is, the ways in which coordinators apply rules and guidance to specific cases — is equally important.

In this case, the formal policy appears to be liberalized in the context of day-to-day decision-making. Coordinators may have good reasons for being more generous. They may believe that the benefit gained by collecting fees is outweighed by the possibility of a complaint to the Information Commissioner regarding fees; or they may wish to avoid the ill-will that would be caused by levying a fee that is, in the context of departmental budgets,

relatively small. They may also believe that it is irrational to impose fees if the immediate cost of collection exceeds the amount owed. Incentives to collect fees are also diminished because revenues are not retained by the ATI office itself.

These considerations must be borne in mind in any discussion about reform of legal or regulatory rules on fees. Any new fee schedule is likely to include a waiver rule similar to that included in current policy. While government could take steps to limit the discretion of front-line staff in interpreting rules,¹⁸ the operational realities of daily administration might still lead coordinators to waive fees frequently, thereby undoing efforts to impose higher fees through law or regulation.

OPPORTUNITIES FOR FURTHER RESEARCH

Our purpose in the preceding section was to illustrate how information collected within federal databases could be used to improve discussion about ATIA reform. This project was constrained by a modest budget. We were also unaware, at the start of the project, of the range of data collected by federal institutions through their ATIPflow software. In short, this paper has examined only a small proportion of the territory that might be subject of careful empirical analysis. In this section, we outline some areas in which further research might be conducted:

What causes delay? Data generated by ATIPflow software includes the date on which requests for information were received, and the date on which each file is closed (See Table Four and the sample printout generated by ATIPflow software in Appendix 1). It is possible, therefore, to calculate possible processing time for each request, and to examine how

processing time varies for different kinds of requests; for different types of users; or when internal consultations or third-party consultations are required. It is also possible to create a profile for requests that are most likely to be subject to extensive delays. This information could be useful in targeting reforms to improve ATIA response times. Suppose that delay proved to be a particularly serious problem for certain kinds of requests: institutions could define new procedures focused on such requests, and the Office of the Information Commissioner could give extra attention to institutions' performance in that area.

Are sensitive requests handled differently? Information Commissioners and users of FOI laws often complain that sensitive requests for information are handled differently, with longer processing times and more restrictive disclosure practices (Information and Privacy Commissioner of Ontario 2001: 4-6; Information Commissioner of Canada 2001: iv-v). This subject could easily be explored using data collected by departments in ATIPflow databases. ATIPflow software asks coordinators to classify requests as either "routine" or "sensitive" (See Table Four and Appendix One). Researchers could describe the type of request that is most frequently regarded as sensitive, and which type of user is most likely to submit this sort of request. Differences in the processing of sensitive and routine requests — in terms of processing time, disclosure practices, and fees assessed — could also be examined. (Although we did not collect information on the classification of requests for this study, such information was provided by one department, Natural Resources Canada. The very small sample of requests from this department suggested a distinct difference in processing. On average, routine requests

were completed in 41 days. Both sensitive requests were considered abandoned, on average 166 days after submission of the request.)

Do different users receive different treatment? Journalists sometimes complain that their ATIA requests are treated differently by federal institutions, with longer delays and more restrictive disclosure practices. This question could easily be explored using data collected by federal institutions. We noted earlier that average processing times for different types of requesters could easily be calculated. It is possible to refine this calculation by controlling for type of request and other variables. It is also possible to determine whether, all other things being equal, requests from journalists are more likely to be classified as “sensitive,” and what effect this classification has on the handling of the request.

Are frivolous requests a serious problem? Governments sometimes complain that individuals abuse their access rights by filing requests for information that are intended to harass officials or waste administrative resources. The Ontario government recently responded to such complaints by amending its freedom of information laws to include a proscription on frivolous and vexatious requests. Journalists and non-governmental organizations complained that this new rule gave too much discretion to provincial institutions and unduly restricted the right to information. Nevertheless, it has been suggested that a comparable rule might be included in federal law.¹⁹

Controversy over such rules is fueled by misunderstandings about what constitutes a “frivolous and vexatious” request. However, this confusion is easily resolved. It should be possible for institutions to

draw on the CAIRS database, or their own ATIPflow databases, for examples of requests that are frivolous and vexatious. It should also be possible to provide evidence about the administrative burden imposed by such requests. On the other hand, evidence might show that current rules (such as the capacity to make large initial fee assessments) already provide effective mechanisms for dealing with frivolous requests.

MODELING THE EFFECT OF PROPOSED REFORMS

Research could also consider the likely effect of proposed reforms to the ATIA. In fact, our findings in this paper could be used in this way. For example: A persistent complaint among users of the ATIA has been the slowness of federal institutions in responding to requests for information. The powers currently given to the Information Commissioner have proved inadequate in dealing with problems of delay. In response, the Information Commissioner has suggested a new sanction for unjustified delay: that federal institutions should be prohibited from charging any fees in such circumstances (Reid 2000).

Our dataset suggests that this sanction is likely to be ineffective. As we noted earlier, in almost eighty percent of the cases for which data was available, institutions collected no fees beyond the five dollar application fee (Chart One, following page 24). Total fees (excluding the application fee) were less than fifty dollars in over ninety percent of cases. No institution will be deterred by the prospect of losing such small amounts.

Other proposed remedies for delay could also be examined. The Information Commissioner has suggested that federal institutions should lose the right to invoke

discretionary exemptions in cases of unjustified delay, as well as the right to collect fees. Data collected by ATIPflow software would allow researchers to determine the likely effect of this proposal. Research could show which exemptions are most frequently invoked in cases of substantial delay, and consequently what interests might be adversely affected by the proposal.

Fee reform. One area of reform that will merit close attention is policy regarding fees for making and processing requests for information. Research undertaken after the imposition of new fees under Ontario's freedom of information law showed that higher charges caused dramatic changes in the flow of requests to provincial institutions (Roberts 1999). However, research can also be undertaken *before* fee policy is changed, to anticipate how new charges are likely to be distributed in practice, and how requesters might respond.

Because the Task Force appointed to review the ATIA has not released its research plan, it is difficult to know what models for fee reform it may be considering. As a consequence, we chose to examine a proposal for fee reform made by the Australian Law Reform Commission (ALRC) in its 1995 review of Australia's Freedom of Information Act (Australian Law Reform Commission 1995: Chapter 14).²⁰ The Commission proposed eliminating a fee schedule that was roughly comparable to the Canadian schedule. This would be replaced with a new schedule, that levied a per-page rate — in addition to photocopying charges — intended to reflect the cost of search and retrieval for documents. For illustrative purposes, the Commission suggested a fee of about one dollar per page. The Commission suggested that the new

system would be simpler and easier to administer, avoiding disputes about the abuse of discretion in calculating fees. Using our dataset, we examined what might happen if the Canadian government chose to adopt a similar model. In our model, we applied an arbitrary rate of fifty cents a page.

The results of this rough simulation are shown on Table Twelve. The average cost per request under such a model (assuming no changes in the pattern of requests) would be about \$79.²¹ This would be a sharp rise from average fees under current law: our sample suggested the average fee collected for ATIA requests was now only \$19. On the other hand, these two figures are not directly comparable: as we noted earlier, institutions often waive fees, thereby lowering overall average charges. We adjusted the ALRC model to consider the impact of a waiver policy. We examined the impact of two variants: one in which fees were waived if they amounted to less than \$50, and another in which fees were waived if they amounted to less than \$100. Our simulation suggested that these policies would reduce average costs to about \$73 and \$63, respectively.

Emphasizing average costs can be misleading, because the distribution of costs among requesters is highly skewed. (Under the ALRC model, costs are a simple multiple of the number of pages released. The distribution of pages-released-per-request in our sample of ATIA requests is shown in Chart Four, following page 24.) Another way to consider the impact of our hypothetical waivers would be to calculate the proportion of requests that would be exempted from fees as a result of the waiver. As we noted earlier, no fees (other than the application fee) were collected in 79 percent of cases in our sample of ATIA requests. The number of "no-fee" cases

TABLE TWELVE
EFFECT OF ALRC FEES PROPOSAL

	<i>Business</i>	<i>Media</i>	<i>Organization</i>	<i>Other</i>	<i>ALL</i>
<i>Average cost per request</i>					
(1) Under ATIA	\$25.17	\$ 7.09	\$ 43.27	\$ 7.67	\$18.95
(2) 50¢/page rate, no waiver	\$70.88	\$59.34	\$134.84	\$79.24	\$79.44
(3) 50¢/page, \$50 waiver	\$61.11	\$52.32	\$130.11	\$72.97	\$71.88
(4) 50¢/page, \$100 waiver	\$51.08	\$43.58	\$126.30	\$63.97	\$63.21
<i>Proportion of "no-fee" cases</i>					
(1) Under ATIA	64 %	96 %	83 %	87 %	79 %
(2) 50¢/page rate, no waiver	13 %	26 %	29 %	24 %	21 %
(3) 50¢/page, \$50 waiver	72 %	71 %	71 %	68 %	70 %
(4) 50¢/page, \$100 waiver	85 %	84 %	77 %	82 %	83 %
<i>Percentage of requests abandoned</i>					
(1) Under ATIA					6.5 %
(2) 50¢/page rate, no waiver					10 %
(3) 50¢/page, \$50 waiver					9 %
(4) 50¢/page, \$100 waiver					8 %
(5) 50¢/page, \$50 waiver, non-waiver cases only					39 %

drops substantially under the basic ALRC model, to 21 percent; under the basic model, fees would be avoided only when no pages were released at all. However, the number of "no fee" cases rises sharply to 70 percent with a \$50 waiver, and 83 percent with a \$100 waiver.

Price changes will also induce changes in behavior on the part of requesters. One crude approach to anticipating behavioral changes would be to consider how the overall abandonment rate changes as fees increase. Earlier in this study we developed three rough abandonment rates for requests, each one corresponding to a distinct cost-category (See Chart Three, following page 24). Assuming these rates hold constant, the overall abandonment rate would increase from about seven percent under current policy to about ten percent under the basic ALRC model.²²

The overall abandonment rate would decline somewhat when waivers are introduced.

A more precise method of anticipating behavioural effects is also available. With a \$50 waiver, a substantial majority of requests would be unaffected by the new method of calculating fees. (To put it another way: if no fee is to be levied because a waiver, requesters will be indifferent about the formulas that could have been used to calculate fees.) The remaining requests can be identified, and the new fees compared with the old. In our dataset, for example, the effect of a change in policy for requests *not covered by the waiver* would be to increase the average cost from \$47 to \$243. As a consequence, the abandonment rate for this group of larger requests would jump dramatically, from twelve percent to 39

percent. It is this dramatic change in abandonment rates for larger requests that accounts for the more modest increase in the abandonment rate for the whole population of requests. A good database, able to generate more reliable statistics, would also allow researchers to anticipate more precisely what class of requester, or what subjects, would be most affected by such a change in fee policy.

We do not mean to suggest that the ALRC's proposal should be adopted or that this analysis of the impact of the proposal is definitive. On the contrary, more detailed analysis of this proposal would clearly be merited before decisions about adoption were taken. (For example, it would be important to consider whether coordinators would enforce the new policy firmly, and if not, how they might alter the policy in their day-to-day decision-making.) The central point is that models can be constructed to anticipate the effect of such proposals, and that decision-makers should expect to receive good, evidence-based analyses of the likely effect of reforms before they are asked to make decisions about adopting reforms.

CONCLUSION

This study was limited in three ways. Our budget precluded us from building a more extensive dataset that could provide more robust conclusions about the operation of the ATIA. In our planning for this study, we also did not realize that ATIPflow software was so widely used by federal institutions, or appreciate the range of data that would be available from ATIPflow reports. Consequently our dataset contained fewer variables than it might have. A third constraint was the lack of publicly available information about the research agenda of the internal

committee appointed to review the ATIA. Had this committee been forthcoming about its research priorities, it would have been possible to tie our empirical work more directly to questions of interest to decisionmakers.

Despite these constraints, we believe that we have shown that careful empirical analysis of issues relating to ATIA reform is possible. Software used by federal institutions — CAIRS and ATIPflow — generates a substantial amount of data on the operation of the law. This data can be used to assess the dimensions of purported problems and the likely impact of anticipated reforms. The collection of this data is not difficult, and the methods required to analyze the data are not complicated. Legislators and non-governmental stakeholders should expect that proposals for reform of the ATIA that are put forward by the government in Fall 2001 will be accompanied by good empirical research. This is what a commitment to evidence-based policymaking requires.

In the longer-term, it would be useful to consider constructing a larger, publicly-available dataset that could be used by researchers to examine the operation of the law and provide a foundation for modeling the effect of proposed reforms. The dataset could be similar to the one used in this study, but with a larger number of cases and a broader range of variables. A publicly-available dataset would be a valuable resource for academics and students and would be an effective method for building knowledge about the actual operation of the law. Periodic updates of the database would allow researchers inside and outside government to assess how the use and administration of the law has changed over time.

Such a dataset could be produced at modest cost — certainly much less than the \$62,000 which Treasury Board Secretariat spent in 1999-2000 on its study of administrative costs associated with the ATIA.²³ The Treasury Board study concluded that the annual cost of administering the law exceeded \$25 million (Consulting and Audit Canada 2000: Appendix C). A productive program of ongoing research on the operation of the ATIA could be sustained for a minute fraction — perhaps one-tenth of one percent — of that annual cost. This small investment would improve public understanding about the realities of the ATIA, reduce misunderstandings between officials and stakeholders, and improve the quality of decisions on access policy.

NOTES

¹Access to Information Act, R.S.C. 1985, c. A-1, as amended.

²Information about this committee can be found at <http://www.atirtf-geai.gc.ca>. The principal investigator for this study also maintains a webpage about the review: <http://review.foilaw.net>.

³We are grateful to the Principal's Development Fund, Queen's University, for a \$4,800 grant provided in May 2001 to support this research. We also wish to thank the ATIA offices of 29 federal institutions, who provided data on their handling of ATIA requests; and in particular the ATIA office of the Department of Public Works and Government Services, which provided the CAIRS reports that served as the foundation of this study.

⁴For an illustration of this point, consider the debate in Ontario over the adoption in 1995 of a ban on "frivolous and vexatious" requests: see (Roberts 1999).

⁵(Public Works and Government Services Canada 1990: 1). The *Guide* can be downloaded from <http://evidence.foilaw.net>.

⁶Section 72 of the Access to Information Act requires each institution to submit an annual report to Parliament containing basic aggregate statistics on the operation of the law. Spreadsheets containing data drawn from these reports can be obtained from <http://www.foilaw.net>.

⁷According to its creators, the new system will "provide for consultation amongst departments, improved report generation capabilities, potential public access, and a method to determine non-compliance": (Government Telecommunications and Informatics Service 1999: 2). This document can be downloaded at <http://cairsweb.foilaw.net>.

⁸The firm's website is located at <http://www.mprsys.com>. A brief overview of ATIPflow software is provided at that location.

⁹The classification is drawn from 1980 SIC Division N (Government Service Industries), Major Group 81 (Federal Government Service Industries). <http://www.statcan.ca/english/Subjects/Standard/sic/N.htm>.

¹⁰These variations were found to be statistically significant using a chi-square goodness-of-fit test with a five percent level of significance

¹¹Access to Information Regulations, SOR/83-507, as amended, section 7.

¹²This variation was found to be statistically significant using a chi-square goodness-of-fit test with a five percent level of significance

¹³This variation was significant for the chi-square goodness-of-fit test at a 5 percent level of significance.

¹⁴Access to Information Act, section 11(4).

¹⁵We are also uncertain about the reliability of our data on the amount of fees initially assessed. The software program used by most federal institutions, ATIPflow, does not appear to record data on initial estimates of processing fees. In many cases — particularly simple requests where no deposit would have been requested — institutions appear to have reported the final fee figure, before a fee waiver was applied. A second approach to this question would require a better understanding of administrative procedures used within ATIA offices and data collection practices, as well as a substantially larger sample of requests.

¹⁶See section 11(6) of the Access to Information Act.

¹⁷"In view of the costs involved in administering fees, government institutions should consider waiving the requirement to pay fees, other than the application fee, if the amount payable is less than \$25.00": (Treasury Board Secretariat 2001: Chapter 2.5, Section 3).

¹⁸For example, coordinators in Ontario are told to waive fees only if the amount owing is five dollars or less. Freedom of Information and Protection of Privacy Act Regulations, R.R.O., Reg. 460, as amended, section 8(2).

¹⁹Treasury Board Secretariat internal memo, "Note on possible approach to resolving ATI issues," no date. Released in response to TBS ATIA request 2000-0186, November 27, 2000. This document can be downloaded from <http://review.foilaw.net>.

²⁰The ALRC's proposal has attracted attention in Ottawa. It is discussed in a 2000 study completed by Consulting and Audit Canada for Treasury Board Secretariat: (Consulting and Audit Canada 2000).

²¹For these calculations, we excluded one request that resulted in the disclosure of 10,145 pages. This single value skewed our results substantially.

²²For simplicity, we assumed an abandonment rate of 5% for requests costing \$0-10, 10% for requests costing \$11-200, and 35% for requests costing \$201 or more. For comparability, we applied these rates to cases in the sample used for this part of our analysis, rather than reporting the actual abandonment rates in the whole sample.

²³Letter from R. Braendli, Consulting and Audit Canada, regarding proposed ATIA costs study, September 20, 1999. Released by Treasury Board Secretariat in response to ATIA request 1999-0269, May 2000. The letter can be downloaded from <http://review.foilaw.net>. This study was itself an update of a similar 1995 study of costs associated with ATIA administration.

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