**By Fred Vallance-Jones and Emily Kitagawa**

Once again we have got most of the way through a federal election campaign without the government's woeful record on access to information becoming much of an issue. In a way, that's not terribly surprising; compared to pocketbook issues, or the emotionally charged one of the niqab, it can be hard to explain why an arcane law that is used directly by few citizens and precious few journalists, is a matter of national importance.

But it is. One of the most troublesome aspects of the Conservative government of Stephen Harper has been its iron-clad control over the flow of information, with the Prime Minister's Office often acting as the gatekeeper for what the public will be told and when. Answers to reporters are given via pre-packaged "media lines" that are evacuated of any meaningful content; government scientists are barred from speaking about their work; and even cabinet ministers need the OK from the PMO to speak publicly.

The 32-year-old Access to Information Act ought to be a means by which Canadians can bypass some of these controls, and find out what the government isn't telling them. It gives any Canadian and anyone living in Canada the right to obtain any government record, be that briefing notes for ministers, records of government expenditures, or electronic information held in vast databanks. The supreme court has said the law's overarching purpose is to facilitate democracy, and the law makes it an obligation for the government to respond.

The law has never quite lived up to its promise. Not only does it contain enormous exemptions and exclusions to access, but it is increasingly difficult to get even those records to which the public has a right.

The law requires that government departments and agencies respond to access requests within 30 days, which in today's instant-on world already seems an eternity. But provisions in the act permit officials to extend that time limit nearly indefinitely, on the grounds that a request is creating too much work for a department, or that they need to consult with other departments. Extensions that run nine months, a year or more are not the rarities one might expect, and in her most recent annual report, information commissioner Suzanne Legault reported that complaints from requesters for administrative matters such as delays and fees were up by 54 percent, on top of a 42 per cent increase the year before.

Departments have little motivation to move quickly; there is no real penalty for sluggish responses, and time extensions can sometimes look like diversion tactics. In one request, filed by a University of King's College graduate journalism student in the later winter of 2014, the Department of Foreign Affairs, Trade and Development sent out its first response more than a year after the request was filed. The letter rather brazenly inquired if the requester was actually still interested in receiving the records, and proposed to dramatically narrow the request. The letter went on to

state that if the requester didn't respond within 30 days (irony of ironies here), the request would be deemed abandoned. And indeed, the department cranked out a letter little more than a month later confirming the request was now terminated.

This wasn't even a case of a department asking for an extension; it simply didn't respond and then when it did, it sent the ball sailing back into the requester's court.

A wider perspective on this problem is provided by the 2015 Newspapers Canada freedom of information audit, which we ran over the summer, along with two King's students, and was released Thursday. Once again, the federal government earned a grade of F for the speed of its responses, and a C for how much information it releases when it actually gets around to it. The audit shows that when asked for identical information, municipal and provincial governments release more and move much more quickly. In one case, Environment Canada took two months to provide a list of its public Twitter user names; some municipalities provided the same information in a day.

The audit also finds that the federal government is often reluctant to release data in machine-readable formats. Data released on paper or as PDF image files is virtually unusable. It simply isn't data: computers can't easily or reliably interpret it, and manually re-typing the data is completely impractical and error-prone. The vast majority of requests to the federal government for machine-readable data were denied in part or in full or not released by the end of the audit period. In the digital age, this is unacceptable.

This woeful federal performance contrasts with that of Newfoundland and Labrador, which thoroughly revamped its access law this year after a near public rebellion over previous attempts to tighten up access, and a resulting public review chaired by former Premier Clyde Wells. While the new law is not perfect and still provides plenty of ways for the government to say no, the province is now praised by the Centre for Law and Democracy for having the best law in the country.

This shows that this is an issue the public will engage with when it feels its rights are under assault. There is hope that, one day, the mess that is access to information at the federal level will be cleaned up, and that citizens will actually be able to use it, effectively, as a counterweight to the natural inclination of governments to control the message and show themselves in the best possible light.

Canadians need the opportunity to take back the reins and keep the federal government accountable. After all, Canadians should be able to obtain information on decisions that are made for them by departments that are working for them.