

Ferries spending \$1 million fielding FOI requests

By VAUGHN PALMER 7 FEB 2011

B.C. Ferries is looking at an annual cost in excess of \$1 million to field requests for information, now that the corporation has been brought under the provincial freedom of information and privacy legislation.

So says ferries boss David Hahn.

"The cost to B.C. Ferries is probably, this year, in the \$800,000 range," Hahn told me during an interview on Voice of B.C. on Shaw TV. "Next year it'll be about \$1.2 million."

Hahn said the high cost is owing to the volume of requests, many of them from the provincial news media. Each request necessitates a thorough search of the records, then vetting to ensure that the release won't violate the privacy provisions under the legislation.

"We've got six staff now handling it," he said. "I would hope that over time it diminishes, but that's the cost. I think it will (diminish.)"

He made those comments in the context of a defence of his controversial handling of media requests under the access to information legislation. Ferries has been posting those requests on the corporate website as soon as they come in, and likewise posting the information on the same site as soon as it is vetted for release.

Journalists have protested the policy as a deliberate attempt to discourage enterprise reporting. It tips rival organizations to the stories they are working on. And the blanket release of information precludes exclusivity in terms of breaking stories.

But Hahn defended the practice as an application of the principle of openness underlying access to information.

"I think it's open and transparent to the extreme. I find the complaints pretty childish. I mean, you've got people from different organizations saying that they believe in openness and transparency, and at the same time they say, "But not that open and transparent." I don't get it."

Childish? Here's Sean Holman, proprietor of the Public Eye Online website, expressing his concern about the ferries policy:

"B.C. Ferries recently adopted a new freedom-of-information policy, which sees it release FOI responses not just to the person who requested them but the whole, entire public. Now, I think that this is really just meant to spoil reporters' days, ensuring that they don't get the exclusive information that they're looking for. I know your company has disagreed with that statement, but come on. Really? This is about frustrating FOI requests."

Not so, said Hahn.

"I totally disagree. I think what it reflects is a world that's changed. The Internet has changed everything, period. The last ten years -- the expansion of it, the accessibility of it -- has changed the whole way you communicate. I'd rather have the public at large interpret an FOI request than a reporter that may have a certain angle, positive or negative.

"I think that the days of government not posting it are pretty much over. I think they're going to find that they need to do it, that it's going to clean things up. If you're talking about a really open and transparent process, then why not let the public decide for themselves? They're smart enough in British Columbia to read these things and interpret it themselves, and they don't need a particular bent. "

Could other branches of government follow suit?

"I think they could," he replied. "It's not hard. I think it was costly years ago, but there's too much technology now that allows you to do this. The original intent of the FOI was for the public to have access to the information, not to provide a news person with a scoop. There's been a little bit of divergence from what the original intent was. I have no sympathy for the reporters -- but on the other hand, if we're going to run an open and transparency process, then let's do it all the way up."

By an amazing coincidence, it looks as if the government will be following suit at least in part. Here's the lead on the report by my colleague Chad Skelton, as published in The Vancouver Sun Friday, the day after the interview with Hahn.

"The B.C. government says it will soon begin posting records it releases in response to freedom of information requests on its website -- a move it says will increase transparency but critics fear could discourage requests."

Hahn also took a swipe at The Sun on the issue of costs. I mentioned a case where the paper had asked for a sizable release of information and ferries had fired back with a bill on the order of \$12,000.

Would Hahn consider waiving that levy in the interest of making the information available to the public?

"No."

Why not?

"We have to look at what is Postmedia, the owner of the Vancouver Sun. They're owned by Golden Tree Asset Management, which is a Wall Street hedge fund...I don't know why people that ride on B.C. Ferries should be subsidizing a Wall Street hedge fund. They bought and own Postmedia. It's fine that they do that. If you go to the Postmedia webpage, they'll tell you that their mission is to maximize the return to the shareholders...I don't see why we would ever want to give money to them, period."

Over to the travelling public on that trade-off.

But perhaps the independent commissioner on information and privacy will have something to say about the impact of Hahn's policy on the issues of fairness, equity and access.

As for the \$1 million plus cost, I wonder if the ferries could reduce the number of requests by adopting a broader policy of routine release of information.

Of course, the bill for FOI is not the most controversial \$1 million line item in the ferry budget.

That would be Hahn's annual salary. But for all the controversy associated with it, there's no practical way to eliminate it.

He's on contract to 2013. And as the Liberals discovered when they tried to break the contract with the hospital workers, the courts take a dim view of contract breaking.

So any attempt to reduce his salary would doubtless result in a severance settlement that would be at least as expensive as paying him to the end of the contract.

By the same token, there'd be no savings from breaking the contract with the ferry workers either.

And, as more than one ferry worker has pointed out over the years, staffing levels on the ferries aren't determined by the union or the corporation.

They are determined by national safety standards, which are rigorous and unavoidable.

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Further to the above, see the latest post from Chad Skelton.

<http://communities.canada.com/vancouver/blogs/papertrail/archive/2011/02/07/bc-ferries-quot-transparency-quot-comes-with-an-expiry-date.aspx>