

ENVIRONMENTAL RIGHTS IN ALBERTA: Access to Environmental Information

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Access to Environmental Information

The Environmental Law Centre is publishing a series of educational materials concerning legal rights related to environmental quality. This work is in support of enacting laws that will foster environmental quality for future generations of Albertans.

Information is power. To obtain information is a basic human right.

Information is crucial to enjoy and make use of other basic human rights such as the right to freedom of speech and the right to public participation. Only access to information allows for freely forming an opinion and participating in public debates. The right to obtain information is essential for a healthy economy and social development. The right to access to information as it belongs to the corpus of human rights is a precondition for a democratic society and good public governance. Citizens' right to access to information ensures that governments' actions will be transparent and governments will be held accountable for their actions.

A strong access to information regime should be based on the following key design features:

- maximum information disclosure and transparency of governmental (and sometimes private) information,
- narrow, limited and justifiable exceptions to deny access to information,
- access must be free of charge or at reasonable cost,
- access provided within a reasonable time, and
- remedies for denial of access to information.

In our latest publication [ENVIRONMENTAL RIGHTS IN ALBERTA: A RIGHT TO A HEALTHY ENVIRONMENT – Module 4: Access to Environmental Information](#), we recommend the following improvements in Alberta's *Freedom of Information and Protection of Privacy Act* (FOIP) with regards to the right to access to (environmental) information.

Recommendation #1: Fundamental Right

Alberta should give the right to access to information a status of a fundamental right under the

Recommendation #2: Access to Environmental Information

Environmental Information

The right to access to information should explicitly include environmental information. Environmental information should be defined broadly as all information concerning the physical elements of the environment (such as air, atmosphere, water, landscape, biological diversity); information about activities, administrative measures, agreements, policies, legislation, plans, and programs likely to affect the environment; and the state of human health, safety and conditions of life.

Information vs. Records

In order to provide maximum information disclosure the right should entail access to information and not only to records. Information is a broader term than records. Alternatively, the FOIP should reduce its comprehensive list of exceptions of what does not constitute a record.

Recommendation #3: Reduction of Exemptions and Exceptions to Disclosure

Alberta's FOIP contains too lengthy lists of exceptions to the disclosure of records. Exceptions should be narrow, limited and justified. We recommend a reduction in the exceptions, along with insertion of an explicit interpretation statement into the FOIP that requires exemptions and exceptions to be interpreted in a very restrictive manner.

Recommendation #4: Appropriate Costs

The access to environmental information should be free of charge or costs should be at least appropriate. The current applicable fees are not appropriate (too many different fees and above commercial rates) and thus constitute an obstacle to make use of the right to access to information.

Recommendation #5: Timeliness

The FOIP's theoretical framework with regards to the response time after receipt of an access request compares with international standard. However, in reality the time extension requests by government bodies have skyrocketed over the past years. Another issue is the trend of increased non-response. Government bodies must adhere to the provisions of the FOIP by responding to all access request and improving their time management.

Recommendation #6: Duty to Document

An essential aspect of the right to access to information is that government bodies are documenting decisions, actions, plans and so forth. The recommendation by the Information Commissioners of Canada, including that in Alberta, to introduce an obligation to document into the FOIP should be followed.

Download [ENVIRONMENTAL RIGHTS IN ALBERTA: A RIGHT TO A HEALTHY ENVIRONMENT – Module 4: Access to Environmental Information](#)

The Environmental Bill of Rights Program:

*Phase 1 of the Environmental Law Centre's **Environmental Bill of Rights Program** examines the current state of environmental rights in Alberta and several other jurisdictions, and makes a number of recommendations. Module 2 discusses issues around third party oversight and Module 3 delves into the need for and challenges of citizen enforcement. Phase 2 and future modules will consider costs of environmental rights, access to information and access to justice.*

[ENVIRONMENTAL RIGHTS IN ALBERTA: PHASE I: DO WE HAVE THE RIGHTS WE NEED?](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 1: SUBSTANTIVE ENVIRONMENTAL RIGHTS](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 2: THIRD PARTY OVERSIGHT AND ENVIRONMENTAL RIGHTS](#)

[ENVIRONMENTAL RIGHTS IN ALBERTA: MODULE 3: CITIZEN ENFORCEMENT FOR ENVIRONMENTAL QUALITY](#)

The ELC would like to thank the Alberta Law Foundation for its support of the ELC's *Environmental Bill of Rights* program.



The Environmental Law Centre (ELC) believes that law is the most powerful tool to protect the

environment. Since it was founded in 1982, the ELC has been and continues to be Alberta's only registered charity dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in the Province of Alberta. The ELC's mission is to educate and champion for strong laws and rights so all Albertans can enjoy clean water, clean air and a healthy environment.

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