

## **Alberta news stories made possible by FOIP Act requests**

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The value of a strong Alberta *Freedom of Information and Protection of Privacy Act* is better demonstrated than just asserted. Despite flaws in the statute and its process, it is still heartening to see the Alberta news media and others have at times made effective use of the law. As a supplement to my 2010 report on needed *FOIP Act* reforms ([The Hallmarks of Fairness](#)), here are summaries of 50 Alberta news stories dating from the enactment of the law in 1995 to July 2010.

Subjects as diverse as public health, safety, governmental waste, policing, security, and environmental risks are covered here. They all share two common features: all reveal issues in the public interest - that is, not merely topics the public “might find interesting” - and all were made possible through Alberta *FOIP Act* requests (although some stories are based on requests made by other, non-journalistic applicants).

These texts require a second look, for when they appear in a daily newspaper they might be forgotten within days, but many should not be, because we could be living continuously with the unresolved problems that they have raised. Not every FOI story necessarily reveals a scandal, but can still be valuable in educating the public on the scope of a little-known issue, and on how the government operates.

While these are valuable indeed, imagine how much more could yet be achieved with a *FOIP Act* reformed up to global standards, and the potential loss of such stories if the system would deteriorate with high fees, prolonged delays and overbroad exemptions. One might also wonder if more stories by the lowest income small media might result if the \$25 application fee was dropped. If the question is raised, “Why should the public care if we have effective FOI laws?” - the answer is suggested below.

- Summarized by Stanley Tromp, July 2010  
<http://www3.telus.net/index100/foi>

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## **Health and Safety**

Repeated delays in the opening of Edmonton's lauded Mazankowski Alberta Heart Institute may have embarrassed the government, caused potential harm to patients and cost Alberta millions of dollars and key medical recruits, according to documents obtained by The Journal through FOI.

The documents outline prolonged bickering and growing frustration between Capital Health and EllisDon construction about the delays, each pointing fingers at each other about the more than 1,300 construction changes made by Capital Health during the project. Construction changes cost Albertans \$60 million, with another \$300,000 to \$500,000 in monthly fees for any delays after March 31, 2009.

- From *Heart institute still has no pulse; Officially opened nine months ago, Mazankowski centre mired in delays*, by Jodie Sinnema. Edmonton Journal, Jan. 27, 2009

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Syphilis in Alberta is no longer confined to high-risk groups such as sex- trade workers and their customers. It now infects teens as young as 15 and seniors as old as 86, as well as college students, married couples and members of Calgary's gay community. The data comes from an internal 2007 report prepared by Alberta's former chief medical officer of health, Karen Grimsrud, in which she warned the province that syphilis had spread into the general population. More than a year later, the outbreak hit every health region in the province and the Northwest Territories.

The internal Alberta Health documents, obtained by The Journal through FOI, stand in stark contrast to comments by Alberta's Health Minister, Ron Liepert, who repeatedly depicted syphilis as a disease primarily linked to prostitution and transient oilfield workers.

- From *Province hushed up syphilis outbreak; Liepert dialed back public health announcements, even though disease numbers were rising*, by Paula Simons. Edmonton Journal, Nov. 11, 2008

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The Alberta government received a torrent of vitriolic messages from the public in November 2009 in the wake of news that the Calgary Flames had a private H1N1 vaccination clinic set up for them, according to hundreds of documents obtained by CBC News through FOI.

A registered nurse with 25 years' experience wrote to the premier's office: "It really isn't that hard, and if you can't get these immunizations out to every Albertan (and not just egotistical hockey players), perhaps you need to go back to the farm." The documents also reveal the flurry of emails between officials at Alberta Health Services who conducted an investigation within 48 hours of learning about the Flames clinic. That investigation resulted in the dismissal of two employees.

- From *Alberta got earful over Flames H1N1 scandal. Hundreds of emails, calls, letters sent after news of team's private flu shot clinic*. CBC News Alberta, with files from the CBC's Kirk Heuser. Apr. 19, 2010

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An independent report commissioned by the province to examine Calgary's planned south hospital found the city's medical infrastructure lagged behind demand from its booming population, creating "one of the most strained regions in Alberta." The report, obtained by the Herald through FOI, suggested local hospitals are stretched for space and operating at an average 91 per cent occupancy, well above the optimal rate of about 75 per cent.

Consultants McKinsey and Company said expansion plans, including a new hospital in the southeast corner of the city, will temporarily ease pressures in Calgary's health system, but cautioned continued growth in demand could again strain capacity. Opposition parties said the findings of the McKinsey review reflect the bed shortages and lineups in emergency rooms that have been growing since three city hospitals were closed during public sector cutbacks in the 1990s.

- From *Report details hospital crisis; Review for province finds city's facilities severely strained*, by Michelle Lang. Calgary Herald. Aug. 11, 2008

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The province will consider changing some small hospitals into walk-in clinics or senior-care centres, Health Minister Ron Liepert said, echoing an audit that suggested several rural Alberta hospitals should be converted to other uses. The Alberta government hired consultants Deloitte Inc. to conduct efficiency audits of the province's nine health regions and released the reviews following FOI requests from the Calgary Herald and Edmonton Journal.

The \$2.2-million review of health care in rural Alberta, commissioned for the provincial government, questions the efficiency of at least nine hospitals that either serve small numbers of patients or are near larger cities. The same audit identified myriad problems in the health system, ranging from conflicts between doctors and administration to physician apathy and fragmented regional decision-making.

- From *Rural hospitals facing conversion to clinics*, by Michelle Lang. Calgary Herald, June 7, 2008

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Using Alberta's FOI law, Journal reporters Karen Kleiss and Charles Rusnell gained unprecedented access to nearly 100,000 inspection records from Capital Health. They found numerous stomach-churning violations and an inspection system that fails to enforce safety standards, many of which are highlighted in a three-part series.

In many other North American cities, citizens have easy access to information about the cleanliness of the restaurants where they eat. In Toronto and at least 50 other cities across

the continent, a restaurant's inspection results are posted in the front window. In Vancouver and Los Angeles, the results are posted online. Yet in Edmonton in 2006, Capital Health officials said there was no public demand for this crucial health information, and they did not advocate for diners to have access to it.

- From *Behind the kitchen door: Who's keeping Edmonton's restaurants safe Series*, by Karen Kleiss and Charles Rusnell with files from Scott Hornby. Edmonton Journal, Oct. 1, 2006

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A CBC-TV report showed the provincial government ignored warnings about compulsive gamblers when it introduced VLTs back in 1991. Documents obtained through FOI showed that the Western Canada Lottery Corp. repeatedly warned Ken Kowalski, then minister responsible for lotteries, that VLTs would attract the compulsive gambler and could be socially damaging.

"The issue of compulsive gambling will not die," the earliest report in July 1990 said. The report also noted how the media in South Dakota repeatedly bashed the lottery commission there over the compulsive gambling issue after that state started operating a VLT system in 1989. The lottery corporation "will have to treat the media very carefully if it were to implement VLTs," it added.

- From *Province warned of VLT woes, CBC says*, by Andy Ogle. Edmonton Journal, Oct. 15, 1998

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The belief that gambling is evil grew in Alberta as new games of chance, particularly video lottery terminals, flourished in the province, government polls suggested. Comprehensive tracking polls done for Alberta Lotteries between 1993 and 1995 found tolerance for gambling appeared to begin declining at about the same time as VLTs became fixtures in the province's bars.

The polls, obtained by The Canadian Press as part of an FOI request, suggested a strong warning to governments increasingly addicted to revenues from lotteries, casinos, VLTs and other games: public tolerance for gambling has limits.

- From *More think gambling's an evil as gaming grows, poll suggests*. Canadian Press NewsWire. June 9, 1996

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## The Environment

The *Open Conservation Biology Journal* revealed in 2009 that in addition to the well-known 1,600 dead ducks, 164 animals were killed between 2000 and 2008 on operations in the Alberta tar sands. Independent scientist Kevin Timoney, using FOI, obtained material from Alberta Sustainable Resource Development (SRD). This information covered three oil companies and showed reported deaths of 27 black bears, 67 deer, 31 red fox, 21 coyote, as well as moose, muskrats, beavers, voles, martens, wolves, and bats.

A provincial scientist accused Dr. Kevin Timoney and Peter Lee of “lying” and withholding data in their study citing serious public health concerns caused by oilsands production in terms of water, land and air quality. But following a counterattack by Timoney and Lee, the government scientist was forced to issue a retraction and apology and pay \$1,000 in legal fees.

- From *Oilsands glass house takes a stone or two*, by Bill Kaufmann, Calgary Sun, June 24, 2010

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Equipment used to monitor air quality in the Athabasca oilsands region repeatedly failed tests, and many of the problems could be caused by improper maintenance, according to audit results obtained through FOI by The Journal.

In addition, the hourly air quality objective for hydrogen sulphide in the area was exceeded 361 times in 2007, a dramatic increase from the 36 occurrences three years earlier. The stations measure a variety of air pollutants, including ground-level ozone, hydrogen sulphide, nitrous oxides and another smog component called particulate matter.

- From *Air-monitoring equipment in oilsands area found inadequate; Audits repeatedly uncover hydrogen sulphide levels above accepted levels*, by Hanneke Broovmans. Edmonton Journal, Sept. 13, 2008

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The City of St. Albert must release an environmental inspection report on the leak of an orange discharge from a former landfill site into the Sturgeon River in 2004, an adjudicator with Alberta's privacy commissioner ruled. St. Albert environmentalist Elke Blodgett launched the move to obtain the report through the *FOIP Act* in 2004. At the time, she was conducting a private prosecution against St. Albert over the discharge. The federal government eventually took over her investigation.

- From *Ruling releases findings on dump leak*, by Jeff Houbitsky. Edmonton Journal, Apr. 13, 2006

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In 2003 the government changed how it issues reclamation certificates. The province said its 18 inspectors could not keep up with the number of wells being retired across Alberta. Oil companies grumbled about the time it was taking to get their reclamation certificates. Under the new program, companies hired consultants to inspect the sites and clean them up, if need be. Government officials would check the resulting report and, if it is in order, issue the certificate. The government pledged to audit 15 per cent of the reclamation claims.

A package of 36 audits from Oct. 1, 2003, to Oct. 1, 2004, obtained by The Journal under FOI revealed Alberta Environment was running pilot tests of contamination audits after it started the new program. This means it was experimenting with a testing system after launching the program.

- From *Fewer old well-site audits disturb analyst*, by Hanneke Broovmans. Edmonton Journal, July 10, 2005

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TransAlta's proposed Keephills expansion would pollute at twice the rate of Epcor's competing Genesee power project unless regulators impose changes, said the Pembina Institute. The claims came as the Alberta Energy and Utilities Board launched hearings on TransAlta's plans for a \$1.8-billion expansion at its coal-fired Keephills plant, 70 kilometres west of Edmonton.

Mary Griffiths, Pembina environmental policy analyst, said a report which Alberta Environment released after Pembina requested it under FOI shows "much lower" emissions are possible for Keephills if TransAlta switches to other technology. Allan Chambers, an Alberta Research Council coal researcher, did the report for the government. He confirmed Griffiths' understanding of his report, at least as far as reducing sulphur dioxide and nitrogen oxide emissions.

- From *Keephills power plant 'could be much cleaner': Genesee project will produce far fewer emissions*, by Duncan Thorne and Larry Johnsrude. Edmonton Journal, Oct. 30, 2001

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Alberta is dragging its feet on a proposal to establish a \$35- million fund to finance alternative energy sources as part of its battle against global warming, said David Pollock, executive director of the Pembina Institute and a board member of Climate Change Central, an agency set up by the government to seek ways of reducing greenhouse-gas emissions.

The \$35-million Alberta Environmental Energy Advantage Fund is one of several initiatives being proposed for reducing the emission of carbon dioxide and other greenhouse gases believed to cause global warming. Other proposals include reducing

speed limits for truckers, giving motorists rebates for driving energy-efficient vehicles and converting diesel trucks to run on natural gas. They are contained in an internal Climate Change Central action plan document obtained by The Journal through FOI.

- From *Gov't stalling on greener energy sources – critic*, by Larry Johnsrude. Edmonton Journal, Dec. 26, 2000

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Alberta's ombudsman was asked to investigate the province's decision to approve a logging road. Information obtained under FOI showed “there's no basis for the decision” to give the road initial approval, Martha Kostuch of Friends of the West Country, said. “All the experts recommended against construction of the logging road.”

The 50-member Friends of the West Country argued that the 41-kilometre road would damage wildlife habitat, the watershed and 21 streams important for fisheries. Rocky Mountain House Mayor Lou Soppit said the Friends are a voice in the wilderness. Fourteen of 15 people on the Sunpine advisory group want the road, with only the Friends opposing it, he said.

- From *Logging-road OK sparks request for ombudsman*, by Vicki Barnett. Calgary Herald, Feb. 14, 1996

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Alberta Environment ignored the recommendations of its own conservation agency when it approved logging in the Oldman River headwaters and construction of an industrial road into the Upper Oldman, said local environmental groups. Government documents also showed a conflict of opinion between NRS and the Lands and Forest Service, another branch of Alberta Environment.

The Alberta Wilderness Association, Castle-Crown Wilderness Coalition and the Kananaskis Coalition revealed government documents obtained under FOI that showed the Natural Resources Service (NRS) recommended against approving the road. NRS made the recommendation because the area is prime grizzly bear habitat, said Kananaskis Coalition spokeswoman Vivian Pharis.

- From *Wildlife groups pan road*, by Phil Novak. Calgary Herald. Aug. 3, 2000

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Environmental watchdog Martha Kostuch performs a useful public service in light of government cutbacks to monitoring and should be given forestry documents at no cost, Alberta's information commissioner said. Bob Clark ruled that Alberta Environment should turn over Sunpine Forest Products' annual operating plan to Kostuch.

Alberta Environment wanted Kostuch to pay an estimated \$5,833 for Sunpine's logging plan and accompanying maps. Department officials denied her request for a fee waiver. The government approves logging on public land, so it is obliged to put forestry company plans on an Internet Web site, in regional forestry offices or public libraries, Clark said. He acknowledged he has no authority to change departmental policy but strongly urged Alberta Environment to accept his recommendation.

- From *Forestry documents released to environmental watchdog*. Canadian Press Newswire, Oct. 8, 1999

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Senior forestry bureaucrats subverted Alberta Environment Minister Ty Lund's wish that they consider an expansion of Elbow- Sheep Wildland Park into foothills wilderness west of Calgary, an environmental group alleged. Lund lent his support in 1996 to annexing four slices of wilderness that is an important wildlife habitat and a popular recreational area for Calgarians, said Alberta Wilderness Association spokesman Stephen Legault.

This caused a stir among senior department officials, Legault said, and as a result, Forget-me-not Ridge which greets visitors as they enter Kananaskis Country from Bragg Creek remains excluded. The bureaucrats apparently did not feel Lund and his advisers had taken energy and logging interests sufficiently into account, Legault said, and that his association uncovered the differences between Lund and his officials in correspondence it obtained under FOI.

- From *Green group alleges bureaucratic meddling*, by Brock Ketcham. Calgary Herald. March 6, 1999

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The Alberta Fish and Game Association blasted a decision by the province's information commissioner to publicly release the names of hunters who received licences in 1998 to shoot grizzly bears. Disclosing the names of hunters who successfully bid for the much-coveted bear licences would expose them to persecution from opponents to the annual grizzly hunt, said Dave Powell, the game association's president.

Commissioner Bob Clark ordered the provincial Environment Department to release the names of the 148 Alberta residents who received the licences. The department had refused a request by CBC TV for a list of the names on the basis that it amounted to an invasion of privacy.

- From *Gov't under fire for releasing grizzly hunters' names*, by Larry Johnsrude, Edmonton Journal, Jan. 17, 1999

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Leaking landfill liners at the Swan Hills hazardous waste treatment plant are threatening groundwater, said government documents obtained under FOI. They showed that Ralph Klein was informed of the landfill leaks in late 1992 when he was environment minister and just months before he became premier.

There was no engineering solution to the problem, except indefinite pumping out of water for treatment at the plant. An explosion, company reporting of PCB levels lower than those found by provincial officials and intermittent troubles handling heavy rain runoffs are detailed in the documents. Klein did not appear to have publicly discussed the leak problem, although a memo in October 1992 advised him that “given the sensitivity of the issue, it could receive some public attention.”

- From *Swan Hills threat to water, papers show*, by Dennis Hryciuk, Edmonton Journal. March 5, 1997

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Under a controversial plan to bury hazardous wastes at Ryley, 70 km east of Edmonton, Laidlaw Environmental Services would expand its existing sanitary landfill operations at Ryley to accommodate low level hazardous wastes such as road tar, paint solids and gasoline contaminated soils.

Bovar Inc., the owners of the Swan Hills waste treatment plant which already handled such waste along with other more highly toxic materials, believed it would be at a competitive disadvantage if Laidlaw is allowed to go ahead. That view appeared to be supported by a report, released under FOI, by the government-owned Alberta Special Waste Management Corporation. Environmentalists were also concerned about the proposal, and Information Commissioner Bob Clark criticized Alberta Environment for withholding some documents relating to the Ryley proposal.

- From *Ryley waste plan faces hearing; Proposal to bury hazardous materials opposed by competitor, environmentalists*, by Ed Struzik. Edmonton Journal, Jan. 20, 1997

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A Calgary environmental group won its fight for the release of a study into the impact of oil development on the health of cattle. Alberta Environment Minister Ty Lund turned over a copy of the 845-page report to the Rocky Mountain Ecological Coalition on the order of the province's information commissioner.

The study, which pitted Alberta's two largest industries against each other, found that chemicals given off by the petroleum industry can harm cattle. Environmentalists had accused the government of suppressing the study to protect the petroleum industry. One of the report's authors said the industry doesn't want to admit its pollutants can threaten animal and human health.

- From *Alberta to release study on oil, cattle*. Star-Phoenix, Saskatoon, Jan. 4, 1997

A proposal for a 22-kilometre-long strip mine near Jasper National Park had serious flaws and left unanswered questions about the project's impact, said federal and Alberta bureaucrats. In documents obtained by The Canadian Press through FOI, government ecological and wildlife specialists outlined a litany of deficiencies with an environmental-impact assessment prepared by Cardinal River Coals.

The documents showed serious concerns about the impact on bears, other carnivores, ducks and fish - and fears that the company's plans for mitigating the damage won't work. "What if it all fails?" asked a memo by Eldon Bruns, a wildlife manager with the natural resources branch of the Alberta environmental protection department. "What will the 'real' compensation be 100 years later?"

- From *Government reports query strip-mine plan near Jasper: Federal and Alberta scientists have concerns about the impact on wildlife and say the company's study is flawed*, by Jennifer Ditchburn. Vancouver Sun, Oct. 21, 1996

## **Taxpayers' money, and the Economy**

Alberta's new health board could be on the hook for more than \$1 million in severance pay after one of the top executives of Alberta Health Services was laid off after less than a year in the position. Paddy Meade, who was paid \$515,000 in salary and benefits, received notice that her role of executive operating officer of the new Continuum of Care Division was disappearing as part of a "flattening of the organizational structure."

According to a June 2008 contract document obtained by the Alberta Liberals through FOI, Meade would receive two years' salary and benefits, plus two times the average annual bonus if she was terminated without cause.

- From *Health board shakeup could be pricey*, by Jodie Sinnema. Edmonton Journal, Mar. 21, 2009

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Sustainable Resource Development Minister Ted Morton said e-mails exchanged between his constituency office and the Alberta Lottery Fund in 2008 were misunderstood when Alberta Liberals obtained them under FOI. The e-mails were tied to a funding announcement in Morton's southern Alberta riding.

Written about a week before the last election was called, one note said Morton and Children's Services Minister Janis Tarchuk "want to announce it next week - for obvious reasons." Liberals pointed to the correspondence as another sign the province's lottery revenue - distributed to communities to pay for big projects - is little more than a slush fund for government MLAs.

Premier Ed Stelmach said he was offended anyone would accuse government MLAs of turning lottery grant funding into a political piggy bank. "First of all I do take offence to the word, 'slush fund,' " he said. "Before any lottery dollars are allocated to any particular project there's a very thorough vetting of the process."

- From *E-mails prove lotteries used as slush funds: Grits*, by Trish Audette. Calgary Herald, Mar. 19, 2009

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A Texas-based day-care provider pushed behind the scenes in 2008 for a major public-private partnership with the province to build up to 80 day-care centres with 14,000 spaces. The Canadian Child Care Education Property Fund, which registered in Alberta in August 2008, first met Sept. 26 with the Department of Children's Services.

The string of memos were obtained by Public Interest Alberta through FOI. The documents show the company was pushing ahead through the fall, looking at potential day-care sites, meeting with mayors in three cities and urging the government to make a quick decision about the proposal.

- From *U.S. day-care firm got cold response to building proposal*, by Sheila Pratt. Edmonton Journal, March 6, 2009

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The Swan Hills Treatment Centre handled about half the waste it did in 2005, while costing the province double the amount in operating expenses, according to government statistics. Part of that increased cost is the decision to set aside more money for reclaiming the facility and site once the plant is shut down, said Stuart Elson, a spokesman with Alberta Infrastructure.

The ministry boosted contributions to the reclamation fund because a consultant's report in 2008 showed it could cost up to \$71 million to clean everything up. That is more than double the amount estimated in 2002, and it is double the amount set aside to date for the job. The report, obtained by The Journal through FOI, shows that leachate in parts of the landfill has penetrated past primary liners. Groundwater recovery would be needed in some areas, and some soil and pond sediment at the site would need to be treated for PCB contamination, the report said.

- From *Swan hills burns up cash; Treatment plant handles less hazardous waste as operating costs double in four years*, by Hanneke Broovmans. Edmonton Journal, Feb. 6, 2009

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Alberta Energy told the provincial government in 2004 the province was missing out on billions of dollars in resource revenue, documents show. In a 2006 report, the department estimated that since royalty rates were capped at certain price levels, Alberta had lost between \$1.3 billion and \$2.8 billion in "uncaptured economic rent" for natural gas alone in 2003 and 2004, or between \$700 million and \$1.4 billion a year.

The documents, released to environmental activist Martha Kostuch through FOI, show key information about the royalty regime had been held back in documents released previously to opposition parties and the media. An Alberta Energy spokesman said the department was justified in "severing" information, and that the release to Kostuch of uncensored information was a mistake. "There was information in that document that was severed when it was previously requested because it was deemed to be advice to a former minister."

- From *New documents show royalties loss was billions; Alberta Energy mistakenly released secret information*, by Darcy Henton. Calgary Herald, Jan. 5, 2008

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Premier Ralph Klein's entourage spent more than \$8,000 on a car service on a four-day trip to New York and \$2,600 on a briefing dinner for a dozen people in Mexico in 2002. The documents were obtained through FOI by the Alberta Liberals. In all, the Klein government racked up at least \$1.1 million in out-of-province travel expenses since the election in March 2001. During that time, Klein, his ministers and MLAs and their staffs went on 122 domestic and international trips, visiting every continent other than South America and Antarctica.

- From *Liberals blast Klein travel bills: 'Careless' spending on foreign trips*, by James Baxter. Calgary Herald, Feb. 18, 2004

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Premier Ralph Klein's government spent nearly \$1 million on a pre-election advertising campaign to promote its controversial auto insurance policy, the Canadian Taxpayers Federation says. Freedom of Information officials then delayed release of the advertising cost of \$864,103.37 until two days after a provincial election to prevent it from becoming a campaign issue, said John Carpay, the federation's Alberta director who filed the FOI request.

- From *Pre-election insurance ads 'propaganda,' MLA says: Campaign's cost withheld: watchdog*, by Tom Barrett. Edmonton Journal, Dec. 22, 2004

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## Government Accountability

This year, about 1,900 Alberta employers have been flagged with substandard safety records, a figure that's surged by a third in the past 10 years. The Workers' Compensation Board rejected the Herald's FOI request for names of companies paying a surcharge because of high injury claims. The board contends disclosing their identities could encourage some employers to break the law and not report worker injuries. The board also notes it's obligated under provincial law to protect the business interests of employers.

"Publishing the names of poor performing employers is of little value to improving safety on a work site," states an internal WCB media strategy obtained by the Herald through a second FOI request. "It's more beneficial to work with these employers to encourage and reward improved safety performance." Alberta's information commissioner is considering whether to hold an inquiry into the board's decision to withhold its poor performers list.

- From *Naming Names; Alberta's Employment Minister Vows To Identify The Worst Safety Performers, But Behind The Scenes, The Province Is Still Fighting To Keep This Information Secret*, by Renata D'Aliesio, Calgary Herald, June 25, 2010

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Almost three-quarters of employers of temporary foreign workers inspected by the province in the past year violated employment standards, according to government inspection reports obtained by the NDP through FOI.

According to documents, government officials found 74 per cent of employers that were inspected had violated the province's labour code. In the previous year, 56 per cent of employers were found to be in violation. Half of all violations were for failing to pay workers properly for overtime, vacations and statutory holidays, NDP MLA Rachel Notley said. She called on the province to eliminate the temporary foreign worker program and allow those workers already here to stay.

- From *Temporary foreign workers treated poorly, NDP charges*. CBC News Alberta, March 17, 2010

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Alberta Transportation ordered the removal of anti-nuclear signs in the Peace River area after the local Conservative MLA raised the issue with the minister and the department's regional manager, internal government documents obtained by CBC News through FOI showed.

The records include an Aug. 26, 2009, e-mail from the department's Peace River regional manager, Wayne Franklin, to the assistant deputy minister. Franklin describes statements

made by Peace River Tory MLA Frank Oberle during a meeting at a public function in Peace River. "Frank's comments were that we don't seem to have taken any action against the 'no-nukes' signs," the e-mail states.

Many of the no-nukes signs were subsequently torn down because Alberta Transportation said they were illegal. But as a CBC investigation confirmed, other signs that violated provincial regulations on where they could be placed were ignored. In fact, in some cases, highway workers walked right past other illegal signs to tear down the no-nukes signs.

- From *'No nukes' sign removal politically motivated: critics. Government e-mails obtained by CBC indicate political interference.* CBC News Alberta, Apr. 13, 2010

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Alberta government employees - including senior bureaucrats and cabinet ministers - racked up at least \$74,000 in parking and traffic tickets over two years, according to documents obtained by the Herald under FOI. The vast majority of those tickets were for speeding. And from 2006 to 2007, the number of tickets for driving too fast jumped to 332 from 223 - an increase of almost 50 per cent. The Department of Sustainable Resource Development is the worst offender. Government employees must pay the fines themselves.

"If you're asking me if I'm surprised, the answer is no," said Dr. Louis Francescutti, an Edmonton emergency room physician. "They are setting the example for the rest of the province," he said. Alberta's Wild West culture makes "people think they can get away with it," adding there will be no serious leadership on this issue from a government whose transportation minister doubts the effectiveness of a cellphone ban for drivers.

- From *Government cars racking up tickets; Drivers nailed for speeding up 50 per cent,* by Kelly Cryderman. Calgary Herald, May 5, 2008

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In an attempt to restore its damaged credibility, the Energy and Utilities Board scrapped the two-person security unit that hired private investigators to spy on landowners. Alberta's privacy commissioner and a former judge criticized the spying in separate reports. A 500-kilovolt power line was proposed between Calgary and Edmonton, and landowners living near the proposed route were concerned about possible health effects.

The EUB hired plainclothes investigators to monitor concerned citizens at regulatory hearings this spring in Rimbey and Redwater. The Liberals released documents through FOI that show the government agency spent \$22,879 for undercover security at the hearings. One investigator also listened in on a landowners' conference call. Former Court of Queen's Bench Justice Del Perras called the investigators' phone eavesdropping "repulsive."

- From *EUB scraps security unit; Board-hired investigators spied on landowners*, by Jason Markusoff. Edmonton Journal. Sept. 25, 2007

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A radio ad campaign that attacked the former Liberal government's climate change policies and participation in the international Kyoto Protocol during the 2006 election campaign was funded through "research" accounts at the University of Calgary, said an internal university audit obtained by Canwest through FOI.

The ads "were paid for from the accounts," and "may be considered third-party advertising under the Elections Act," said the audit, which also revealed the accounts, which received money from a fund at a community charity organization, collected more than \$500,000 in donations. The money was spent to promote the activities of the Friends of Science, a Calgary-based group of academics and former oil industry insiders that questions scientific evidence about whether human activity is causing global warming.

Several sections of the audit were blacked out by the university on the grounds that they may "harm an ongoing law enforcement investigation." After the story broke, the University severed its relationship with the Friends of Science.

- From *'Research' at U of C paid for attack ads*. The Calgary Herald April 15, 2008

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Two Journal reporters filed a FOI request with Alberta Infrastructure, asking to see copies of the flight logs detailing the use of government planes by Premier Ralph Klein and his cabinet ministers. After six months of wrangling and nearly \$900 in fees, The Journal gained access to 17 months of flight logs for the government's fleet of four aircraft on Nov. 24, 2004, two days after the provincial election.

It complained about the delays, and "an information commission adjudicator officially ruled the department purposely manipulated the timing of the release of the documents for political reasons," i.e., until after the election, the Journal reported.

The information was not supposed to be confidential. Indeed, a month before The Journal filed its application, Klein (a former journalist) had actually invited the press to go through the logs, but then the government abruptly cut off access to the documents. Much later, Premier Ed Stelmach promised his government would post all its flight logs online.

- From *Klein's machine undermined civil service; It's time to demand of our new premier a new political culture*, by Paula Simons. Edmonton Journal, June 28, 2007

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Alberta's opposition party, utilizing FOI, brought forward government e-mails they say show the province secretly OK'd water for a controversial megamall project near Calgary. Rocky View is looking for 5,000 cubic metres of water daily for the project, which will feature a dozen anchor tenants, more than 180 specialty stores, 5,000 parking spaces, a movie theatre, a bowling alley, a veterinary college, a casino and work for more than 4,000 people. The province has called it the largest project outside of the oilsands.

Liberal Leader Kevin Taft said the correspondence involving high government bureaucrats and ministers indicate the province was treating the proposed water licence for the \$1-billion project as a done deal even though the final decision is still up to staff in Alberta Environment. Premier Ed Stelmach rejected the claims.

- From *Alberta* Liberals table e-mails they say prove fix was in on megamall project, by Dean Bennett. Canadian Press NewsWire, May 28, 2007

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Rod Love, once Premier Ralph Klein's chief of staff, billed four Alberta ministries \$106,027 in 2003-04 and \$30,860 in 2004-05. The ministries were Energy, Finance, Gaming, Health & Wellness, and Municipal Affairs. According to the opposition Liberals, who obtained two out of seven invoices through FOI, Love provided no hourly breakdown and scant information as to the nature of his services - not for \$46,164 in invoices sent to Finance and not for his \$27,500 in invoices billed to Gaming.

- From *Those who pay should have a say: Billings by Klein's ex-aide lack detail on mandate, value.* Calgary Herald, Apr. 12, 2006

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The United Nurses of Alberta was the first major union to challenge the impartiality of the Alberta Labour Relations Board and the validity of Bill 27. In an application filed with the labour board, the UNA accused the board of bias based on the contents of internal LRB e-mails, obtained by The Journal through FOI.

The e-mails appeared to show that board vice-chairman Les Wallace helped draft the regulations that formed Bill 27. They showed Wallace consulted not only with the government lawyer who drafted the legislation, but also with a lawyer whose firm represented health authorities that employed workers affected by the legislation.

- From *Nurses union accuses LRB of bias*, by Charles Rusnell. The Edmonton Journal, Dec. 8, 2005

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Councillor Ron Hayter asked Alberta's privacy commissioner to investigate why someone within the Edmonton Police Service accessed his personal information in a restricted police database. Hayter, an outspoken critic of the police in relation to the Overtime Stakeout incident, learned through an FOI request that his name had been run through the Canadian Police Information Centre (CPIC) database four times.

The police service's FOIP office was swamped with requests from people after it was revealed that EPS members had run through CPIC the names of then police commission chairman Martin Ignasiak, Sun columnist Kerry Diotte, high-profile criminal defence lawyer Tom Engel, CHED reporter Byron Christopher and other lawyers and journalists. Privacy commissioner Frank Work informed both Engel and Diotte that public inquiries would be held into their complaints.

- From *Police won't reveal who initiated queries*, by Florence Lovie. Edmonton Journal. Dec. 10, 2005

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Internal e-mails between the Edmonton Police Commission's executive director, its chairman and the acting police chief raise doubts about the commission's independence, a municipal expert suggests. The e-mails, obtained by The Edmonton Journal through FOI, show executive director Doug Tupper and chairman Brian Gibson consulted with acting chief Darryl da Costa about how to limit media scrutiny.

- From *E-mails appear to cast doubt on independence of Edmonton Police Commission*. Canadian Press NewsWire. Nov. 4, 2005

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The Alberta government manipulated the public by releasing selected documents related to Stockwell Day's defamation lawsuit, said a senior judge who ordered Alberta to disclose records that it wrongly kept secret for nearly three years. In his ruling, Justice Terrence McMahon of the Court of Queen's Bench ordered the government to release dozens of records to the *Globe and Mail* - which made two FOI requests in January 2001 - saying they should never have been kept hidden. The province had claimed exemptions of solicitor-client privilege and invasion of third-party privacy.

Justice McMahon appeared to express frustration with the scope of Alberta's FOI law, saying it is rife with "impediments." Moreover, "Vesting in the head of the public body, in this case the minister of justice, the discretion to disclose or not to disclose in the context of these broad provisions permits government to manipulate public knowledge by the selective release of documents, as occurred here. That process has however received legislative sanction."

- *Judge says Alberta manipulated public in Stockwell Day suit, says Globe*. Canadian Press NewsWire. Oct. 6, 2003

Some treated pine shakes tested in the province in 1999 did not meet Alberta's building code, government documents stated. Documents obtained by Liberal labour critic Hugh MacDonald through FOI said that shakes from four companies - Shakemaster, Skyline, Cowley, and Majestic - failed to meet the province's building code in independent testing ordered by Alberta Labour in early 1999.

Only Shakemaster met the standard for grading, which is the quality of the wood in the shake. None of the companies met minimum standards for the retention or penetration of anti-rot chemicals. One of the companies argued that the shakes met building standards at the time of manufacturing. Testing samples were too small, said the company, and the person conducting the tests was not an accredited inspector.

- From *Treated pine shakes fail tests, documents say: Liberal critic chides Alberta gov't for not telling consumers*. By Charles Rusnell. Edmonton Journal, Nov. 2, 2000

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The Alberta government appeared to ignore the advice of its own senior officials by promising private liquor stores more tax breaks. The Conservative government's so-called "revenue neutrality" policy, which resulted in two tax cuts at the wholesale level, may be producing higher profits for manufacturers instead of price breaks for the drinking public, government documents obtained through FOI suggested.

That prompted senior bureaucrats to wonder whether it isn't time to shelve further tax breaks and make the fledgling liquor retail industry survive without price guarantees. "The policy issue is: Does the government want to continue the principle of revenue neutrality with the liquor store owners indefinitely?" deputy treasurer Al O'Brien asked in a letter to Treasurer Stockwell Day. That letter was prompted by one in which Day cited concerns by liquor-store owners that tax breaks have benefited the distillers and brewers.

- From *Drinkers not getting tax break; Government seems to ignore advice from civil servants*, by Larry Johnsrude. Edmonton Journal, Sept. 20, 1997

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## **Youth and seniors**

Some of the troublesome situations cited in reports from Alberta's child and youth advocate, including three teens placed for two months in a facility for younger children, occurred when the province was reconfiguring its group home system in Edmonton, a report revealed. In early 2006, the Alberta government retendered all of its group-home contracts in the provincial capital due to concerns the network wasn't meeting the needs of children in government care.

But in the transition period, several children were temporarily left in less-than-ideal situations, a government report tabled in the legislature by Children and Youth Services Minister Janis Tarchuk showed. The report was assembled in response to an FOI request by the NDP for advocate John Mould's quarterly reports, after a long delay in the release of the annual reports to the minister.

- From *Reconfiguring group homes blamed for Alberta problems*, by Renata D'Aliesio. Calgary Herald, Oct. 28, 2008

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The Alberta Adolescent Recovery Centre boasted of a success rate unheard of in the addictions field - with more than 80 percent of its grads said to be “clean and sober.” That claim is based on what AARC’s website calls an “outcome evaluation,” which it says was “completed” by Dr. Michael Patton, a leading U.S. professional evaluator of programs. But Dr. Patton told *the fifth estate* his involvement was largely limited to supervising a graduate student who crunched the data - data gathered by people associated with AARC. “I did not conduct the study. They conducted the study. I oversaw the analysis,” he said.

AARC described the study as an “independent outcomes validation study,” according to an AARC funding submission document sent to the Alberta Alcohol and Drug Abuse Commission, which *the fifth estate* obtained through the province’s FOI law. The CBC obtained a version of the 2003 study and showed it to three psychology professors who specialize in addiction, and all three listed flaws about the way the study was carried out

- From *About AARC's "80% Success Rate,"* CBC TV, the fifth estate. Originally aired Feb. 13, 2009

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The agency that runs a group home for youth in Strathcona County is losing money and getting help from the government, three months after two teens who lived at the home were charged in a double homicide. "At the moment we are running a \$295,000 deficit," said Gus Rozycki, executive director of Bosco Homes, a non-profit agency.

In early June, two youths who ran away from the home were charged in the deaths of Susan Trudel, 50, and Barry Boenke, 68. According to government documents obtained by CBC News through FOI, the provincial government was aware of problems at the group home in 2007. Many residents at the facility were youths with complex needs, including some with Fetal Alcohol Spectrum Disorder, with many who were chronic runaways.

- From *Bosco Homes in debt after group home changes.* CBC News Alberta. Sept. 1, 2009

The company that runs the nursing home where an elderly woman died after being lowered into a scalding bathtub must release a report to the Edmonton Journal outlining other complaints and investigations about three of its facilities, the Court of Queen's Bench ruled. The Journal won a legal battle with Qualicare Health Service Corporation, the company that runs Jubilee Nursing Home, where Jennie Nelson, 90, died in 2004.

The Journal applied for the information in 2004 under FOI, but Qualicare objected, arguing the information could cause economic hardship and harm investigations under the Protection of Persons in Care Act. In 2005, the privacy commissioner ruled the company had to release the report, saying it hadn't given adequate evidence to prove harm. Qualicare took the commissioner to court for a judicial review, but lost under the new ruling.

- From *Nursing home operator must release report on complaints and investigations, court rules*, by Jodie Sinnema. Edmonton Journal, July 14, 2006

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An investigation published in The Edmonton Sun, from records obtained through FOI, showed that drivers in the government vehicle fleet routinely flouted the law. Half the cars in the governments 70-car executive fleet, for cabinet ministers and senior mandarins, received photo-radar or red-light camera tickets in two years.

Statistics disclosed by the Sun showed 551 photo-radar and red-light tickets were issued to Alberta government vehicles in 2002 and 2003. The worst offenders were those from the Childrens Services Department, which had 95 tickets issued to its 210-vehicle fleet, worth \$4,969. More egregiously, almost half of those tickets were issued for violations in school zones and playground zones.

- From an editorial from the Red Deer Advocate by Joe McLaughlin. Canadian Press NewsWire, June 23, 2004

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More than 75 workers, mostly young people, filed complaints with Alberta Labour over five years against Buffet World restaurant, which was investigated by the Justice Department for possible contraventions of the Employment Standards Act after media coverage by The Edmonton Journal and the CBC.

An FOI request by Liberal MLA Hugh MacDonald turned up a variety of complaints by Buffet World employees dating to 1993. They include allegations of failing to pay during training periods, charging waiters "spillage fees," lack of pay records, firings without cause and not paying for shifts worked. Wage claims range from \$25 to over \$600.

- From *Workers' rights should be taught in school, says mother*, by Mike Sadava. Edmonton Journal, Dec. 13, 1998