



TRANSPARENCY AND ACCOUNTABILITY IN PUBLIC-PRIVATE PARTNERSHIPS

Central to privatizing public services using the Public-Private Partnerships (P3) model is the notion of secrecy. This model wishes to operate as a private corporate entity which releases to the public only the information that it is legally required to share. There is no commitment to the ideas of transparency and accountability to the public even though public funds and assets are very much part of this process.

This has been seen in both Britain and Ontario. It has been challenged in both jurisdictions. The most recent example in Ontario is the ongoing court case by labour and community groups to have the true costs of the Public-Private Partnership (P3) applied at the William Osler Centre in Brampton released to the public.

There is an earlier example which illustrates the commitment of the Ontario government (both Conservative and Liberal) to secrecy and not to transparency.

In 2003, the Ontario Federation of Labour (OFL) was involved in the issue of home care, in particular the deliberate policy of the Conservative government to destroy the existing system and replace it with a for-profit model. The OFL made the decision to seek all relevant information from one local Community Care Access Centre (CCAC) on how this particular policy was being implemented. If successful, the same kind of information would be collected from all CCACs across Ontario to give a province-wide perspective on the impact of this policy.

On May 26, 2003, the OFL, using the *Freedom of Information and Protection of Privacy Act*, requested both the Kingston, Frontenac, Lennox and Addington Community Care Access Centre and the Ontario Ministry of Health and Long-Term Care to provide copies of:

- a) service directions issued to the CCAC by the Ministry;
- b) any provincial templates for production or requests for proposal (RFP) documents by the CCAC;
- c) any provincial templates for production or requests for qualification documents by the CCAC;

- d) any service agreements between the CCAC and the Government of Ontario;
- e) any requests for qualification issued by the CCAC and the responses received from any home care service providers to those requests for qualification;
- f) any requests for proposals issued by the CCAC and the responses received by the CCAC from any home care service providers to those requests for proposal.

In their June 9 response, the CCAC pointed out that since it was “not an ‘institution’ as defined by the regulations of the *Freedom of Information and Protection of Privacy Act*, and therefore will not be providing the information you requested.”

The Ministry of Health and Long-Term Care responded to this request on October 9, 2003. The material was finally received by the OFL on December 19, 2003. The information received was not what was asked for and was of limited value.

Of more interest was the political response to the OFL request for information. On July 9, 2003, the OFL wrote to Ernie Eves, Premier of Ontario, making him aware of the June 9 response from the CCAC and made the point that the “...people of Ontario are entitled to know how their health care dollars are being spent. Could you therefore direct the Ministry of Health to release the requested information?” No response was received from Ernie Eves whose government was defeated by the Liberals under Dalton McGuinty on October 2, 2003.

On October 6, 2004 the OFL wrote to Dalton McGuinty with “a simple, straightforward request: make the home care sector subject to the *Freedom of Information and Protection of Privacy Act* . . . We believe that Ontario residents have the right to know how much of their money is spent where, and on what, for home care services. Will you change the legislation to allow this to happen?” On November 10, 2004, a response was received from Dalton McGuinty stating that “Your concerns are important to me” and “I appreciate the issue you raised. As it would be best addressed by the Honourable George Smitherman, Minister of Health and Long-Term Care, I have passed along a copy of your correspondence to him so he can respond to you directly.” In a response received on November 26, 2004, the Manager of the Corporate Correspondence Unit of the Ministry of Health and Long-Term Care notes: “Although this Ministry is responsible for the Community Care Access Centre that you mentioned, the Ministry is not responsible for the *Act*. As a result the Ministry of Health and Long-Term Care can not review your request to amend the *Act*.” Gerry Phillips, Chair of Management Board of Cabinet who is responsible for the *Act*, responded on December 15, 2004. He wrote that the Government “is committed to transparency and accountability and will continue to support and work to enhance the access and privacy rights of Ontarians” but said nothing about the need to amend the *Act* in light of the OFL experience of asking for information on home care from a CCAC.

On November 1, 2004, Shelly Martel MPP (NDP) introduced Bill 140, Freedom of Information and Protection of Privacy Amendment Act, 2004 for first reading. She stated that “my Bill would ensure that CCACs are subject to the provisions of the Act so that important information regarding home care and home care delivery is made available to the public.” This particular Bill went no further than first reading.

Given the unwillingness of the McGuinty government to address this issue of transparency, one should not be an optimist and assume that they will act to ensure that any Public-Private Partnership (P3) initiative in Ontario is transparent. If they won't do it for home care, why should we assume that they'll do it for any other sector?

Ontarians must challenge and defeat allowing profit making into public services through the Public-Private Partnership (P3) model and governments who embrace them. Transparency, not secrecy, must be a governing principle in Ontario.