Book Review

Larsen, M. and K. Walby. 2012. *Brokering Access: Power, Politics and Freedom of Information Process in Canada*. Vancouver: UBC Press.

400 pages. Paperback \$34.95 (CAN). ISBN: 0-978-077482323-4

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Brokering Access is essential reading for anyone contemplating research that requires the use of access to information (ATI) legislation in Canada. It should also be the first book handed to a graduate student who is considering a project that depends on restricted government material.

ATI legislation attempts to strike a difficult balance. The state, of course, has a legitimate interest in and, in fact, an obligation to protect certain information. However, every ATI statute is founded upon the assumption that citizens have a right to access public documents. More than 120 countries around the world have ATI laws. Canada's federal *Access to Information Act* came into force in 1983, and since 2002 every other jurisdiction has introduced ATI legislation. And yet too few scholars are acquainted with ATI, even though it provides access to array of original sources. Any study of security and information control, surveillance, border security, policing and many other topics are enriched through ATI.

Mike Larsen and Kevin Walby's edited collection is universally critical—few of the authors have anything positive to say about Canada's ATI legal regime. The diversity of authors in this collection of thirteen articles is a testament to the broad reach of government restrictions on public documents. Among the contributors are journalists, academics and private researchers who study airport security, local and national policing, intelligence gathering, immigration, municipal video surveillance, public health crises, criminal records, terrorism, aviation, national security, prisons, social movements and government practices. Taken together, these articles document an array of obstacles: delays (up to several years), fees, exemptions under the law (particularly the executive branch), extensive redactions that are highly subjective, denying the existence of documents, a culture of secrecy, bureaucratic obfuscation, changing government structures, political interference as well as understaffing, turnover rates and poorly trained staff. Fees are especially insidious practices designed to discourage researchers, and can range from hundreds to thousands of dollars (one author was quoted \$1.5 million). There is also a concern that government officials are circumventing the access regime through oral communications and refusing to put information in writing. Almost every chapter laments the current federal government's failure to honor its promise to create a more open access regime as well as the inability of oversight agencies to police restrictions. Moreover, ATI legislation suffers from a failure to specify what materials should be restricted: most jurisdictions have created a blanket prohibition. One of the goals of the book is to debunk the myth that ATI legislation is designed to promote transparency in government. If anything, these laws have served to ensure greater secrecy.

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Still, as Larsen and Walby emphasize in their introduction, ATI is worthwhile for academic researchers (especially sociologists and criminologists) if they have the wherewithal and patience to use the system. Each chapter provides advice for submitting requests under ATI legislation including, among other things, tendering large numbers of small requests; rejecting initial estimates for delays or costs; negotiating with access personnel; applying to multiple agencies for the same documents to compare redactions; how to prepare complaints to oversight agencies (information commissioners or ombudsmen); how to frame a request; the benefits of asking for *ATIP Flow* logs; how to respond to common strategies for denying access; and so on. There are also two chapters that discuss litigation, albeit readers will be largely dissuaded from litigation as a tactic for gaining access to restricted materials (primarily because of costs and delays). At the same time, as one author notes, ATI can have unexpected beneficial results for researchers. Their study of municipalities' use of video surveillance on city streets shifted from a focus on social control to governance as a result of the documents they secured through ATI.

The book is weak on recommendations for addressing shortcomings in ATI, and focuses perhaps too much on the federal regime. At least one province, British Columbia, has initiated a process of inspecting individuals' homes and offices as a prerequisite for using ATI legislation, including historians working on such benign topics as labor policy in the 1970s. We also learn little about uneven access across provincial and territorial ATI regimes in practice. Most of the contributors are sociologists or journalists rather than historians who also depend on ATI. Nonetheless, *Brokering Access* is one of the only books available to researchers on the use of freedom of information legislation in Canada. The collection includes chapters that provide detailed analysis of federal and provincial ATI legislation as well as statistics on delays, fees and access requests. Several chapters also explore the concept of systems of exclusion (and governmentality) as well as the essential function of ATI in democratic societies. Despite its authors' frustrations, the book provides practical advice on how to maneuver the opaque practices of federal and provincial access regimes. It is an invaluable resource for established scholars or journalists as well as new scholars.