

July 7, 2014

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ATIPPA Review Committee Office
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Dear Committee Members:

I am a former journalist who was elected as a municipal councilor for the first time in 2013. During these initial nine months in office the greatest challenge I have encountered is determining what information can be released to the public and, when it is released, assessing what details must be redacted or partially obscured from the public.

Here are some broad examples of information I am privy to, but which the rest of the public is not, unless they submit official requests to the Town's information officer:

- Development applications from individuals or businesses are presented to the Town's Planning and Development Committee (of which I am a member) without names attached to our agendas. We typically see the names, via a video projection of handwritten application forms, but at no point is this information disclosed to the public.
- Applications for subdivisions are similarly presented to the Planning and Development Committee without maps attached to our agendas. The maps are usually displayed via a video projector and sometimes blueprints are provided for reference. The public is allowed to view these maps and blueprints solely within the confines of the Town office, but copying and public disclosure of them is forbidden. In addition, the names of the development companies who have made applications are not released.
- I routinely receive correspondence (generally emails) addressed to Council on a range of matters, yet according to interpretation of the province's privacy legislation, these documents generally cannot automatically be tabled at public council meetings unless the author expressly requests, in writing, that this be done. Council can decide to table some correspondence, but without disclosing the author's identity unless he or she provides permission, in writing.

To this last point, I draw your attention to a recent example that involved me. It illustrates "the law of unintended consequences" of the province's privacy legislation, and why public disclosure of information is necessary in our democratic society.

In May 2014, I was the only council member to vote against submitting a re-zoning application that largely involved a portion of Neary's Pond Road. I argued that much of

the land would be automatically re-zoned once the Department of Municipal Affairs completed its review of the Town's municipal plan, which in fact occurred in late June. I was also uncomfortable with circumstances surrounding this re-zoning, the details of which are not relevant to the ATIPPA Review Committee's work.

What is relevant is that a member of the public, who lobbied heavily for the re-zoning, wrote a letter to the Department of Municipal Affairs requesting that I be removed from Council because I live on Neary's Pond Road and therefore had a vested interest in the re-zoning. Council received a copy of this letter and, during an in-camera session, decided that the claim had no merit since I live half a kilometer away from the area being re-zoned.

Council was required to publicly disclose its decision, which occurred on July 4; however, neither the letter nor its author was revealed. I was informed that Council could vote to table the letter, but that the complainant would need to provide permission, in writing, to be publicly identified.

This situation places me in an awkward position because, although I am exonerated by my peers on Council, I am unable to directly address my accuser and his or her claims against me. This is unfortunate since there is a widespread impression amongst the public that municipal politicians are "in it for themselves."

The province's privacy legislation, or its interpretation at the municipal level, therefore unintentionally abets such attempts at besmirching the reputations of municipal politicians. If a council decides not to table such correspondence, and an accuser opts to remain anonymous, it becomes difficult for the public to assess the merits of a claim. The public requires access to all relevant information when such cases arise.

I request that your Committee recommend all correspondence and development applications presented to municipal councils be publicly disclosed with limited exemptions, which includes staffing, some legal instances, and ongoing contractual matters. When such exemptions are granted, I suggest councils be required to disclose their existence in a timely manner and to broadly document the nature of the exemptions.

Thank you for providing this opportunity to contribute to your Committee's work.

Sincerely,

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