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To: [Info RSO](#)
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Attachments: [GovernmentAsBusiness.docx](#)

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Review Team:

Thank you for the opportunity to have input into the review process, and to have my thoughts on government's governance, i.e. the rules which an elected government must follow, adjudicated by a former judge, a current lawyer and a political scientist. I have been particularly annoyed at how a government can change the rules that govern them. After all, President Putin and other dictators form legitimate governments because, among other things, they make the rules which say so. I understand the "chicken and egg" problem of forming governance structures, but I still have philosophical difficulties with it.

Notwithstanding my own difficulties, and acknowledging the accepted belief that for a democracy, an informed populace is the egg from which the chicken grows, and mutates. Thus, real transparency is paramount.

From this then flows the fundamental question on government's governance: Who owns the government's data and information? Is it the government's, or the citizens'? Legal constructs and processes then follow from the notion of ownership once the question is answered. Careful thought has to come down on the side of the citizens.

Now comes the messy part, which you are charged with.

A few years back, I put together some thoughts which might help your work. An edited version was published in The Telegram at the time. The original work is attached.

Not mentioned in the article is how easily documents are handled with today's technology. Newfoundland and Labrador has leaders (Verafin and others) in AI who I can imagine would love to see their technology applied to applications flowing from the concepts described. What's needed technically is a "front end" to the work already being done in the various government departments, and a paradigm shift in thinking about the rights to government data.

I enjoy feedback, and would make myself available for discussion should you think it helpful to your work.

Good luck,

Everett G. Fancey, Retired P. Eng and Educator

Government Transparency A Business Analogy

For a democracy, the citizens are the business owners, and the government are employees of the citizens. Everyone knows this analogy to be true, but the practice is vastly different. Our government is run as if, with every election cycle, we elect owners, not employees. No wonder some politicians will do anything to become temporary owners of our resources.

Fundamental to the operation of any business, is that the owners have complete access to the books. Owners who do not keep an eye on the books, run the risk of losing or impairing their business. Examples are many.

To run government like a business, citizens must have easy access to the books of government. Transparency is buzz word. Can the books of government be made transparent and accessible?

To date, we have relied on the government to provide that access with rules developed by the government. In other words, the employees are telling the owners what they can see. Just the opposite of what happens in business, i.e., the onus is on owners to ask for the information. The default condition now for the information is "hidden" and the owners must apply to make it transparent. To be like a business, we must reverse the onus and change the default.

What does this mean and is it practical?

It means that the natural state of the citizens' information is transparent, and the government must request to hide any specific information.

Is it practical? I think so. With a few simple rules and understandings, and with today's technology, a simple and efficient structure can be put in place. Analogous and supporting structures already exist.

A suggested framework might look something like this.

A registry of all government transactions which involves government finances and assets is maintained. These documents already exist, and new ones are created daily. The documents in question are the final, legal, binding documents which commit the owners (citizens) to some action or asset transfer. It would include such things as salaries, contracts, licenses, and asset transfers. This registry would be online and searchable by the public. No database design is involved since the complete document is registered. The document must be complete. This is the instrument which will be put before the courts and oblige citizens to live up to its contents. Existing search engines can easily handle the document searches. Professionals, with appropriate accountability, within the public service would be responsible and accountable for maintaining the registry. Ideally the transactions are illegal until registered.

If the government feels that a given document should not be available publicly, then the onus would be on the government to make application to keep it confidential. The adjudication of the application can be handled by the judiciary or some form of citizen representation.

A major understanding with the system is that to do business with government means to do business **IN** public. No redactions for privacy and commercial sensitivities without reference to citizens' representation. Privacy legislation is reserved for protecting the privacy of citizens (not government) and has other applications.

Such a system would be quite liberating. Citizens and businesses trying to understand and take part in the business of government have easy and instant access to it. Politicians and employees will know the rules. Objections of course will be made by those benefiting from the opaque and cumbersome system which now exists, but most of the business community should have no problem getting behind something like this.

We cannot rely on politicians to provide transparency. It is not really their problem. It is the citizens' problem. Politicians promise transparency though because they know how important it is to democracy. Neither can we rely on trust. Businesses do not rely on trust. They use documents. Fundamentally, it does not make sense to have employees decide on access to information for owners. In a constitutional democracy, the right should reside within the constitution. I'm not a constitutional expert. Maybe it does. Maybe it needs to be tested with the courts. While I make the case that it isn't the politician's problem, they can do a lot to make things better. They are citizens also, and must, even within the existing framework, work towards maximum transparency. Acknowledging the inherent transparency rights and respecting them is a good start.