

WHAT WE'RE FACING:

In August 2006, a reporter from the Toronto Star requested the database of information from routine inspections of Private Career Colleges.

The ministry withheld access to Incident ID fields which included routine inspections and student complaints. The requester appealed the ministry decision to withhold these fields. During the appeal the ministry determined to continue to withhold records relating to student complaints but that records of routine inspections were required to be disclosed. In final representations delivered to the Information and Privacy Commission on July 18, 2007, the ministry indicated these records would be delivered shortly.

The information to be provided, inspections from June 2005 (when the database was launched) to August 8, 2006, has 344 total entries, involving 233 PCCs. Of these, 109 entries are marked 'unresolved'. (The actual status of unresolved entries is not clear since it is recognized that inspectors have made inspections and follow up their priorities while administrative duties are not up-to-date..) The database does not include the follow up reports on serious cases where the ministry has taken action against a PCC (although six of the schools on the report are now closed and one has been suspended.)

The Star has run a number of stories recently focused on the effect of lapses of due diligence/enforcement by government.

Considerations:

Analysis of the information to be provided to the reporter indicates that of the 344 records, 109 are listed as unresolved. The unresolved records involve 90 schools, six of which have closed and one which has been suspended since August 2006. The types of issues described on the database fall into seven categories, the most serious of which would invoke more options for enforcement under the new act.

The ministry has committed to keep the database up to date for all new inspections.

Recommendation:

Fulfill the request as soon as possible, particularly since the reporter was told on July 18, 2007 that the information would be available 'shortly'. The optics of being ordered by the Privacy and Information Commission to release the information are extremely negative and could become part of the story. In a June 15, 2004 memo to all ministers and deputies, the Premier stated he wants ministries to "strive to provide a more open and transparent government".

In addition, in December 2006, the ministry received an FOI request from a member of the media, asking for "any complaints against, as well as the outcomes of the investigations and/or inspections by the Ministry of Training Colleges and Universities" to 12 career colleges in the GTA. The records of some schools were withheld under s.14 (Law enforcement), as these were not routine inspections. Of the schools remaining, the requester appealed the third parties' argument to withhold. During mediation, three schools permitted their inspection reports to go out but not student complaints. The requester's appeal and the appeal of two schools are still in adjudication but no order has yet been issued.

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