

Mounties drop probe into federal Tory aide cited for censoring documents

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OTTAWA - The Mounties have dropped their preliminary probe of a former Tory aide who was cited for political interference in an access-to-information request.

An RCMP spokeswoman said Monday there will be no further investigation into Sebastien Togneri, who ordered an internal Public Works document withheld after it was ready to be sent to The Canadian Press.

"It was determined that a criminal investigation into this matter was unwarranted," said Const. Suzanne Lefort. She declined to comment further on the decision by the force's "A" Division, which launched the initial inquiry in March.

Canada's information commissioner ruled earlier this year that Togneri clearly interfered with the Access to Information Act request when he had no legal authority to do so.

Internal email showed that Togneri, a political aide to then Public Works minister Christian Paradis, ordered senior public servants to "unrelease" a document that was already in the mailroom for delivery. The document was an annual report on how well the department manages its massive real-estate portfolio.

Information Commissioner Suzanne Legault referred the case to Public Works Minister Rona Ambrose, who called in the RCMP.

Togneri publicly admitted his "mistake" at a House of Commons committee last year. He later quit his post as senior aide to Paradis after published reports of his alleged interference in other access-to-information requests.

Togneri joined the campaign of the Tory candidate in Edmonton-Strathcona for the May 2 federal election, but was quickly removed when his new role became public.



Minister of Industry Christian Paradis during question period in the House of Commons on Parliament Hill in Ottawa on June 23, 2011. The Mounties have dropped their five-month probe of a former Tory aide who was cited for political interference in an access-to-information request. Sebastien Togneri admitted his "mistake" at a House of Commons committee last year and soon quit his post as senior aide to cabinet minister Christian Paradis.

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The affair marks the second time the Mounties have declined to lay charges in a high-profile case in which aides or public servants were alleged to have interfered in the release of documents requested under the federal information law.

Last fall, the RCMP decided no charges were warranted after a two-year investigation into the deliberate destruction of emails at the National Gallery of Canada.

That case, arising from a bitter personnel dispute, was first referred to the Mounties in 2008 by National Gallery officials. Legault also weighed in last year when her separate investigation determined that public servants had been counselled to destroy sensitive records.

Both the Togneri and National Gallery cases appeared to fall under

Section 67.1 of the Access to Information Act, which provides penalties of up to two years in jail and a \$10,000 fine for destroying government records — or even for counselling someone to conceal them from a requester.

No charges have ever been laid under the section, which was added in 1999 after military records about Somalia and documents from the Red Cross were shredded to prevent embarrassing disclosures.

In a statement Monday, Togneri was highly critical of the information commissioner, accusing her of "grandstanding."

"I am troubled in the way the investigation was conducted by the office of the information commissioner," he said, saying investigators did not give him the "fair consideration" the Mounties provided.

"It is also my belief that there was an attempt to grandstand due to the publicity surrounding my situation... It is my hope that in the future, Ms. Legault and her office will demonstrate caution and understand the consequences of grandstanding against a political staffer.

"Although they may have garnered media attention, this behavior has failed to address any underlying problems within the access to information processes of government departments."

Although the information commissioner found evidence of an offence being committed, her office can only refer matters to the attorney general or to ministers for possible criminal investigation. Togneri said Ambrose should never have called in the RCMP.

Legault's office is also conducting wider probes into alleged political interference in access-to-information requests at several departments, including Foreign Affairs, National Defence and Public Works. The

findings are expected over the next year.

A spokesman for the B.C. Freedom of Information and Privacy Association, which promotes transparency and openness in government, said Monday's RCMP decision raises major concerns about the effectiveness of the federal law.

Vincent Gogolek said if the Mounties decided Section 67.1 cannot be used to prosecute ministerial aides, then the law "essentially creates a class of

people who are able to interfere" with information requests.

Legault appeared to raise the same issue in a spring report to Parliament.

"The law was drafted such that it is very difficult for the information commissioner to ensure that political staff members are held accountable for interference with the Act," she wrote.

A spokeswoman for Legault declined comment Monday on the RCMP decision.

"The RCMP is an independent entity and follows its own

procedures," Therese Boisclair said in an email. She noted the commissioner has already called on Parliament to consider legislative changes to the Act.

Togneri called the investigation "difficult and arduous," saying "I am closing this chapter in my life and looking ahead to the future."

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