

EYES ON EVIDENCE

A FRAMEWORK FOR EVALUATING
EVIDENCE USE IN CANADA

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for
Democracy

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Evidence for Democracy is the leading fact-driven, non-partisan, not-for-profit organization promoting the transparent use of evidence in government decision-making in Canada. Through research, education and issue campaigns, Evidence for Democracy engages and empowers the science community while cultivating public and political demand for evidence-based decision-making.



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Executive Summary

Transparency is a fundamental element of a robust democratic process. A healthy democracy must function in such a way that citizens are able to hold elected officials accountable for the decisions that impact their lives. Elected representatives are tasked with distilling information and considerations from countless sources, measuring risk, gauging impact, weighing conflicting demands, and so forth. Ultimately, they must make decisions and implement policies that best serve the needs of the people.

Given the complexity and volume of considerations that influence this process, accountability is mission critical. In order for the public to hold a government to account, it must be able to discern if and how evidence is contributing to decisions. This demands that transparency is prioritized throughout the policymaking process.

While transparency in government decision-making takes many forms, when it comes to the transparent use of evidence in policy, there currently exists a knowledge gap. To strengthen overall public knowledge of policymaking, we need accessible mechanisms to address evidence-use in policy. To address this, a framework for assessing how evidence informs policy, originally developed in the United Kingdom, was adapted and tested in the Canadian context. This framework assesses whether the public can find the evidence used to inform a policy, as well as how that evidence was used in the process. The framework was tested on a sample set of policies and was informed by supplemental research into the policymaking process in Canada, including how and where policies were announced, the types of policies created by the government, and the types of evidence cited in these policies.

KEY RESULTS:

- » A framework to assess the transparency of evidence in policy was successfully adapted for the Canadian context
- » The framework assesses policies at first announcement to the public in four categories: diagnosis, proposal, implementation, and testing and evaluation
- » The framework assesses whether the evidence used to inform the policy exists and if the policy explains how it was used
- » The framework does not assess the quality of the evidence
- » Policy announcements occurred primarily on departmental websites, although they were also found in different areas
- » Policies were introduced in a variety of formats including regulations, consultation announcements, Acts of Parliament, and funding announcements
- » Evidence that informs policy included a diversity of sources including peer-reviewed academic literature, government reports and data, and consultations, amongst others
- » A series of best practices was created for using the framework and also for making policy announcements in a way to effectively highlight how evidence was used to inform the policy

- » Increased focus from departments should be applied to citing evidence used to inform decisions and explaining how uncertainty in the evidence base was managed when formulating a policy
- » In 2021, the framework will be applied systematically to assess the transparency of evidence occurring across government departments



1. Introduction

The Canadian federal government is responsible for creating and implementing the policies that guide and shape the lives of people living in Canada. With the diversity of factors that must be included in the design and enactment of these policies, it can sometimes be difficult to understand why certain decisions are made. This difficulty has been newly apparent during the COVID-19 pandemic, during which governments have had to quickly make colossal (and often unpopular) decisions to curb the spread of the virus. The fast-paced and wide-reaching nature of this crisis has brought forward the transparency challenge governments face in effectively demonstrating the relationship between their decisions and the best available evidence, including the chain of reasoning behind how evidence was used (or not used) along the way.

The policymaking process is complex. Policymakers must consider input from numerous stakeholders, a range of evidence sources, and must often find ways to reconcile competing views (Girling and Gibbs, 2019). As such, contradicting information, uncertainty, and different priorities must be reconciled. Since these policies impact and are funded by the public, it becomes important for the process to be transparent so that the public can understand what considerations contributed to a decision and why.

1.1 What is transparency?

Government transparency is a broad topic. It is a hot topic for election platforms and a persistent challenge to put into practice, with calls for transparency occurring in everything from government scandals (CTV Toronto, 2019; Duran, 2019) to vaccination plans (Gilmore, 2020; Fieber, 2021). But the core tenet of government transparency pivots on the accessibility of information (Sol, 2013). Specifically, government transparency refers to the release of all “the acts of government and its representatives to provide civil society with relevant information in a timely, useful and comparable way and in an accessible format” (da Cruz and Michel, 2015; da Cruz et al., 2016).

The benefits of transparency are many. Strong government transparency can lead to increased public participation in the political system, improved fiscal management, (Cucciniello, Porumbescu and Grimmeliikhuijsen, 2017; De Simone et al., 2019), increased accountability within the government itself, and higher levels of public trust in democratic institutions (Glauser, 2020). The importance of government transparency and its ability to help build public trust in institutions is particularly clear during crises such as the COVID-19 pandemic (Moon, 2020), as higher levels of trust in health and government agencies may lead to greater adherence to public health recommendations (Blair, Morse and Tsai, 2017; Devine et al., 2020; Mohammed, Johnston and van der Linden, 2020).

1.1.1 Transparency and evidence-informed decision making

Evidence-informed policy cannot exist without transparency. Transparency in evidence-informed decision-making requires the disclosure of exactly how evidence was used to inform a policy. Without this, it becomes impossible to know if a government is engaging in evidence-informed decision making by not allowing an informed public to adequately evaluate the process. This includes transparency

around how decision-makers reconcile competing priorities, deal with contradictions and uncertainty in the evidence base, and what evidence they use to gauge the effectiveness of a policy. The process should be transparent from the outset, allowing public engagement to begin immediately upon the announcement of a policy. The goal of this project is to develop a framework to assess transparency as it relates to the use of evidence in the policymaking process.

1.1.2 Transparency in Canada

While discussions around transparency in Canada’s federal government have covered a wide range of topics and have been ongoing for many years (see boxes), they have not focused specifically on how evidence translates to policy. For example, a popular focal point for research and commentary regarding government transparency has been on the release of internal government documents and the difficulties of obtaining them via the Access to Information Act (ATIA) (Gilbert, 2000; Access to Information Review Task Force, 2002; The Toronto Star, 2017). The Act is largely concerned with reactive government disclosure of information, often long after the relevant policy has been released and implemented. In our view, the release of evidence for a policy should instead be proactive and occur before the policy is put in place, allowing the public to fully understand how and why a policy was developed. Another focal point has been open data and open science initiatives (GOC, 2020b), in which datasets and research conducted by the government are made public (Roy, 2016). While providing data to the public is important, it is separate from understanding how those data are used to inform policy. Additionally, government data is not the only source of evidence that contributes to federal policy, which often draws on a wide variety of sources and information streams.

While these issues are key pieces of government transparency as a whole, there still exists a knowledge gap around transparency, and more specifically, around how evidence informs policy. There is currently no metric or method for assessing what evidence is used to inform a policy or how evidence is used throughout a decision process. This is a critical gap in transparency at the federal level. In an attempt to close this gap, we set out to adapt a method used to assess the transparency of evidence-use in the United Kingdom to the Canadian context.

1.2 Steps toward improved transparency in the United Kingdom: Sense About Science’s “Transparency Framework”

To address a similar gap in transparency regarding evidence-use in policy in the United Kingdom, the Institute for Government (IfG) created an “Evidence Transparency Framework” for evaluating if the evidence contributing to policy decisions could be found by the lay public (Rutter and Gold, 2015). The framework aims to provide a method to test for transparency of evidence in policy that can be applied rapidly, does not require subject matter expertise, and allows for comparison between different policy areas (Rutter and Gold, 2015). Importantly, it does not directly assess the quality of evidence, but instead acts as a first step to enable a later assessment of the quality of evidence in a decision (Rutter and Gold, 2015).

The first report to come out of this project, *Show your Workings*, outlined the development of the framework and how it was tested (Rutter and Gold, 2015). The framework was further refined in a report released by Sense About Science (SAS) in 2016. In this report, the framework was used to assess a set of policies and to provide

advice on improving transparency in government departments (SAS, 2016). Areas of concern emphasized a lack of sharing of evidence and poor referencing of evidence, as well as room for increased consideration of alternative options and improvements in plans for testing and evaluation (SAS, 2016).

A follow-up report further developed the framework and systematically completed a spot-check of policies put in place by the United Kingdom between July 2016 to July 2017 (SAS, 2018). The 2018 report provided grades to departments and concluded that it is possible to attain high standards of transparency. They also noted that there had been some improvement in the sharing and referencing of evidence since the last report, although there was still room for improvement in the availability of testing and evaluation plans (SAS, 2018).

1.3 Current study

Canada has a track record of legislating transparency; however, it remains unclear how these initiatives translate to benefits to the public. Today, there is no metric to determine how open the government is in their decision-making, and specifically with how evidence informs these processes. The purpose of this report is to address this transparency gap by adapting and testing the UK framework to apply it to the Canadian context. In addition, different considerations of how the framework fits into the Canadian policymaking procedures are highlighted, as are paths forward for using the framework in future assessments.

Open Science and Open Data

“Open Data” refers to the publishing of datasets that would have previously been stored internally and viewed as proprietary (Roy, 2016). The worldwide Open Government Partnership, which seeks to secure “solid commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance” (GOC, 2019b), was initiated in 2011, with Canada releasing their first action plan in 2012. In conjunction with this initiative, the Harper government launched a series of projects, including the Open Government Initiative, Open Data Pilot Project, and the Directive on Open Government (GOC, 2019a). These projects launched the open government online portal and created the Open Government Licence, among other outputs. Since the 2015 election, these steps were expanded to also include “Open Science” initiatives, which expand the focus to include the release of science conducted by the government (GOC, 2018a, 2020b). The Roadmap for Open Science applies to “fundamental and applied natural, physical, biomedical and social science, as well as engineering and mathematics” (GOC, 2020b). In addition, the federal approach to supporting Indigenous data strategies was outlined in the Data Strategy Roadmap for the Federal Public Service (GOC, 2018b).

Transparency in the Harper Era

In the 2006 election, the Conservative Party of Canada, led by then Prime Minister Steven Harper, based their campaign on a core platform of government accountability (CPC, 2006). Upon being elected, the government passed legislation that revolved around increasing transparency and accountability for government spending, lobbying, and ethics. This included the Federal Accountability Act, which subsequently led to the creation of the Conflict of Interest and Ethics Commissioner and Public Sector Integrity Commissioner, followed by the Commissioner of Lobbying in 2008. The government also began the transition to open data and science (GOC, 2019a). However, over the course of their years in power, the Harper government was often criticized for a lack of transparency (Boesveld, 2011). Prominently, they did not allow scientists to communicate with the media (Westwood, Walsh and Gibbs, 2017), exerted excessive control over the communication of public sector employees (Blanchfield and Bronskill, 2010), and did not provide transparency on judicial appointments or government spending (Harper, 2014), among other issues.

Transparency in the Trudeau Era

In response to the Harper government, in their 2015 election campaign the federal Liberals narrowed in on issues of transparency and evidence-based decision making, making a series of related campaign promises. After being elected, a series of actions was completed to increase transparency around government science and data, including repealing the communication directive to scientists, progressing on open data and open science (Box 2), and making Ministerial mandate letters public. With the appointment of the federal Chief Science Advisor (CSA), model science-integrity policies were created for all science-based departments and agencies, which included requirements for transparency, and the Roadmap for Open Science was released (GOC, 2020b).

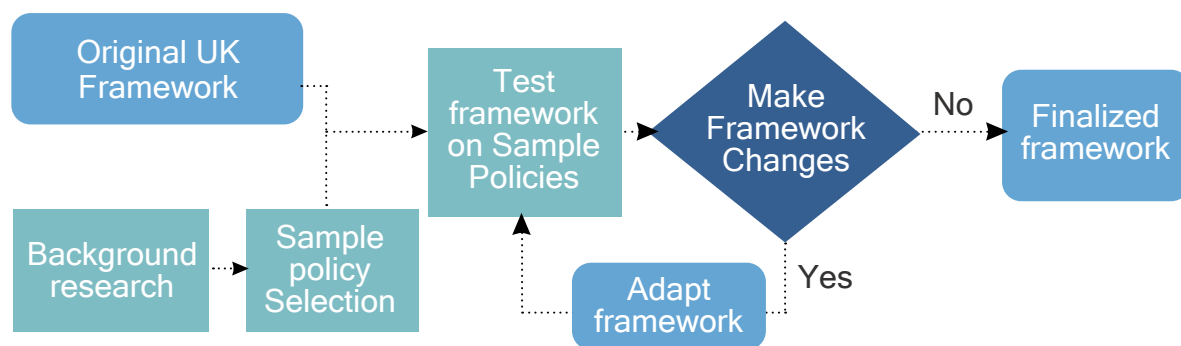
However, transparency within the Trudeau government has also been criticized. Criticism has focused, in part, on not achieving campaign promises with regards to transparency (The Toronto Star, 2017), for their changes to the *Access to Information Act* (Legault, 2017; Beeby, 2020), unclear use of evidence in decision-making (Linnit, 2016), and a lack of transparency regarding multiple ethics inquiries that have occurred on their watch (Thompson, 2019; Walsh, 2020).

During the COVID-19 pandemic, there have been concerns about reduced transparency, due to the majority of departments shutting down ATIA and transparency procedures and the suspension of proactive disclosure regarding government contracts, as well as a lack of transparency on the use of government funds (Carney, 2020; Pinkerton, 2020; Thompson, 2020).

2. Methods

To test if the existing framework can be applied to the Canadian context, a set of policies from science-based departments and agencies (SBDAs) were selected as case studies. We began by using the original framework that consisted of four categories: diagnosis, proposal, implementation, and testing and evaluation. The categories have four assessment levels, in which a policy is assigned a score from 0 to 3 based on the criteria for meeting each category's requirements.

Figure 1. Flow chart outlining framework adaptation process.



2.1 Definition of Policy

To determine how the framework will be used in a Canadian context, the first step was to clearly define policy. The UK framework defined policy as a “specific intervention to change the status quo at a level that is intuitively characterised as ‘a policy’ by the public, politicians and the media” (SAS, 2018). We have chosen to use the same definition as it allows for a range of federal policies to be included and helps streamline the evaluation of policies. This definition includes both primary and secondary legislation, including bills, regulations, funding announcements, and management plans, among others. For the purposes of our research, evidence was defined as any type of data or analysis, including both qualitative and quantitative data.

2.2 Sample policies and framework testing

Seven specific policies were chosen (Table 1) to determine if the process of assessing a policy would be possible and to identify any concerns about the process. The policies chosen were all announced in 2019 and were chosen to cover a range of policy types including bills, management plans, funding announcements, and regulations. This selection was not intended to be representative of all policies, but instead as a sample for testing the framework. The chosen departments and agencies were notified that their policies were selected and outreach was conducted. To complete the assessment, we determined the point of first announcement and collated any supporting documents to the policy

that were released and linked to the announcement. From there, the documents were examined and assessed using the criteria from the original UK framework presented by SAS (2018). Based on concerns or challenges that occurred in using the framework, an iterative process took place to allow different changes to be tested, until a final framework was developed.

Table 1. List of sample policies used to adapt and test the framework. A full list of the supporting documents used in the assessment is provided in Appendix A.

Department	Policy
Canadian Food Inspection Agency	“Regulations Amending the Food and Drug Regulations”
Crown-Indigenous Relations and Northern Affairs Canada	“Northern Abandoned Mine Reclamation Program”
Environment and Climate Change Canada	“Energy Savings Rebate Program”
Fisheries and Oceans Canada	“The Steelhead action plan”
Health Canada	“Vaping Advertisement regulation”
Indigenous Services Canada	Bill C92
Innovation, Science and Economic Development Canada	“Stelco Steel Investment”

Similar to the UK framework, the assessment was developed to evaluate policies upon first announcement. While we are aware that policies are subject to refinement after an initial announcement, the first release of a policy is when the public, as well as the media, stakeholders, and other elected officials, have their first opportunity to examine the policy. To encourage informed engagement, this stage should include information about how evidence was used (SAS, 2018).

In addition, policies from all government departments were examined to understand:

- » Where policies were announced
- » Where evidence was presented
- » The type of policies available
- » Examples of best practices

This process should not be considered exhaustive, but rather as a method to collect supplementary information.

Finally, the framework requires that evidence not only be cited properly and at the appropriate in-text location, but crucially, that the citation is “able to be found”. In the context of the framework, this requires that citations link directly to the corresponding resource, either in text or in the reference list and for those links to be active and direct towards the correct resource.

3. Results

3.1 Where policies were found

From our research and consultations with government, a variety of locations for policy announcements were considered and cross-referenced. Department websites often provided most of the policy announcements and linked to the relevant news release and/or documents. At the same time, policy announcements were also found in other locations (Table 2). Supporting

documents that were included in assessments were those that were linked from the initial announcement. This included backgrounders, proposed bills or regulations, press releases, and announcements for consultations.

For future evaluations, a list of all policies provided by departments would be ideal, similar to the dataset received by SAS (2018). If not achievable, it is possible to collate a set of policies based on the above sources for evaluation.

Table 2. Based on our sample research, the following table outlines the various locations of policy announcements.

Announcement location	Description and content
Department websites	Contains all activities conducted by departments, as well as news releases
Department social media accounts	A source of information for the activities conducted by each department. Useful to cross-reference with information on departmental websites and can be a source of policy announcements.
Canada Gazette	A “magazine” where statutes, new and proposed regulations, administrative board decisions and public notices are collated. It contains three parts: Part 1 deals with notices and proposed regulations; Part 2 with official regulations; and Part 3 with Acts of Parliament
“Consulting with Canadians”	Website with announcements of upcoming, ongoing, and finished consultations. Can be the site of announced policies undergoing consultation (primarily amendments and regulations) and will often link to a respective Canada Gazette entry.
LEGISinfo	Government website where information can be found on activity in the federal legislature. Primary source for introduced bills and surrounding documents.
Forward Regulatory Plans, strategic plans, and other departmental plans	There exists a variety of forward-looking departmental plans, which vary in format between departments. These primarily contain future plans for policies, which can be useful to crosscheck with other policy announcement sources.

3.2 Types of policies found

Primary types of policies are categorized as:

- » Bills/Acts of Parliament
 - Acts are a form of written law made by Parliament. Introduced as bills in the Senate or the House of Commons, all three sections of the Canadian Parliament must approve a bill before it becomes law (Privy Council, 2001).
- » Regulations
 - Laws not made by Parliament, instead made by persons or bodies to whom Parliament, through Acts, has delegated authority. Usually regulations state rules that are applied generally, as opposed to specific persons or situations (Privy Council, 2001).
- » Funding announcements or programs
 - Broadly, any policies that announce contributions or grants to different causes, communities, or companies
- » Consultations
 - Policies can be announced with a formal request for public comment or engagement, usually through the centralized “Consulting With Canadians” webpage.
- » New initiatives, programs, and plans
 - Generally, overarching announcements that can contain multiple smaller, related policies

Common supporting documents found were “backgrounders”, consultation summaries, and news releases.

3.3 Types of Evidence

Government documents focus on a variety of sources of evidence, including, but not limited to:

- » Academic literature (e.g. peer-reviewed publications)
- » Government reports
- » Data collected and analyzed both in and outside the government
- » Results of consultations, including submissions from stakeholders and results of engagement with Indigenous groups

3.4 Adapted Framework

From the iterative process of assessing policies, an adapted framework was developed for the Canadian context. The framework categories were unchanged from the UK framework, as the four categories (diagnosis, proposal, implementation, testing and evaluation) were considered appropriate, intuitive, and able to be assessed. The framework assesses whether the evidence used to inform a policy is clear, as well as how it was used, on a scale from 0-3 based on criteria (Figure 3). The policymaking process in Canada varies widely across different types of legislation and the framework benefits from being general enough to be used across departments and policies.

		0	1	2	3
<p>Diagnosis:</p> <p>What do policymakers know about the issue (e.g. causes, effects and scale)?</p>	<p><i>Can you see what evidence has been used and the role it has played?</i></p>	Not enough for level 1.	Evidence is mentioned, with explanation of how it has been used	As in level 1, but the supporting evidence is linked to the relevant parts of the policy, properly cited, and able to be found.	As in level 2, but the evidence base is also assessed, with consideration of uncertainties and contradictory information.
<p>Proposal:</p> <p>What is the government's chosen intervention and why was it chosen?</p>	<p><i>Can you see what evidence has been used and the role it has played?</i></p>	Not enough for level 1	Evidence is mentioned, with explanation of how it has been used	As in level 1 but the supporting evidence is linked to the relevant parts of the policy, properly cited, and able to be found.	As in level 2, but the evidence base is also assessed, with consideration of alternate options, uncertainties, and contradictions
<p>Implementation:</p> <p>How will the chosen intervention be rolled out and why was this method chosen?</p>	<p><i>Can you see what evidence has been used and the role it has played?</i></p>	Not enough for level 1	Evidence is mentioned, with explanation of how it has been used	As in level 1 but the supporting evidence is linked to the relevant parts of the policy, properly cited, and able to be found.	As in level 2, but the evidence base is also assessed, with consideration of alternate options, uncertainties, and contradictions
<p>Testing and evaluation:</p> <p>"How and when will we know if the policy has worked?"</p>	<p><i>Can you see what evidence will be provided and when it will be provided?</i></p>	Not enough for level 1	Success measures (or process for developing them outlined), with no plans for testing/evaluation (or explanation for why inappropriate)	As in level 1, but with plans for testing/evaluation, including timetable (or explanation for why inappropriate)	As in level 2, with explanation of why these testing/evaluation methods are chosen, with linked evidence properly cited and able to be found.

3.5 The four components of a policy

To use the framework, policies were divided into four component parts. As an example, we show how one policy was broken into its component parts (Table 4). The policy used is the “Energy Savings Rebate Program”, with the first announcement occurring on June 20, 2019, with supporting documents including a news release and a document explaining the program (ECCC, 2019). Table 4 shows how the policy was split up to address each question and how the questions were applied to the specific policy.

Table 4. Breakdown of the policy “Energy Savings Rebate Program” into its component parts.

Section	Question	Energy Rebate Program
Diagnosis	“What do policymakers know about the issue (e.g. causes, effects and scale)?”	Issue: Climate Change and contribution of energy use to climate change
Proposal	“What is the government’s chosen intervention and why?”	Intervention: Funding of approximately \$200 million over two years to make energy-efficient appliances more affordable Other options: Different amounts of money, different products, etc.
Implementation	“How will the chosen intervention be rolled out and why was this method chosen?”	Roll out: Rebate program to eligible retailers Considerations: How were the criteria for eligible retailers developed and why? Other options: Direct payout to customers, money to reduce prices proactively, etc.
Testing and Evaluation	“How and when will we know if the policy has worked?”	Possible Metrics: How many have applied for the rebate; how much impact this has had on climate change; on what timeline will we find out

3.5.1 Diagnosis

The first step identifies the issue that needs to be addressed and assesses the presence of evidence used to answer “*What do policymakers know about the issue (e.g. causes, effects and scale)?*”. Supplemental questions to consider include:

- » What is the evidence base and how was it formulated?
- » How have policymakers assessed the strengths of the evidence base?
- » How have policymakers dealt with uncertainties and contradictory information in the evidence base and why have they made those decisions?
- » Is the evidence linked to the relevant part of the policy, properly cited, and able to be found?

3.5.2 Proposal

The second step of the assessment deals with the government’s chosen intervention to address the identified issue. It assesses the presence and use of evidence that was used to answer “*What is the government’s chosen intervention and why?*”. Supplemental questions to help address this question include:

- » Why was this intervention chosen?
- » What evidence informed this decision?
- » What were the alternative options and why were they not chosen?
- » How has this intervention worked in the past?
- » How have policymakers dealt with uncertainties and contradictory information in the evidence base?
- » Is the evidence linked to the relevant part of the policy, properly cited, and able to be found?

3.5.3 Implementation

The third step of the assessment deals with how the intervention will be implemented. It specifically assesses the presence and use of the evidence used to answer the question “*How will the chosen intervention be rolled out and why was this method chosen?*”. Supplemental questions to help address this question include:

- » Why has this method for delivering the intervention been chosen?
- » What evidence informed this decision?
- » What were the alternate methods and why were they not chosen?
- » If the way to deliver the intervention is still being decided, what is the process for deciding?
- » How have policymakers dealt with uncertainties and contradictory information in the evidence base?
- » What are the costs and benefits estimated to be and what are the assumptions behind those calculations?

3.5.4 Testing and Evaluation

The final step assesses the presence and use of the evidence used to answer the question “*How and when will we know if the policy has worked?*”. This step addresses whether plans to test the efficacy or outcomes of the policy are outlined. It allows for accountability on the efficacy of the policy and can include updates and contingency plans. Supplemental questions to help address this include:

- » What are the plans to measure the impact or effect of the policy?
- » Which specific outcomes will be measured?
- » Why were these outcomes chosen and what evidence was this based on?
- » What is the timeline for the evaluations?
- » When will the results be published and where?

3.5.5 Changes to framework language and structure

In general, the framework structure was not specific to the UK context and was able to be applied to the Canadian context without modification. No changes were made to the original assessment categories, as and based on our experiences, the structure adequately covered the necessary components of transparency being studied, and were easily

understood and intuitive. Changes were made to the specific language within the levels, primarily to create definitive boundaries between assessment levels. The wording of the assessment levels for the “Testing and Evaluation” stage was also changed to emphasize how it relates to the main theme of assessing the use of evidence at each of the four stages. The largest changes from the UK approach was in the procedure for finding policies and the types of policies assessed.

3.6 Results of Sample Policy Assessments

Table 1: Results of assessment of sample policies.

Policy	Diagnosis	Proposal	Implementation	Testing and Evaluation
#1	0	1	0	0
#2	2	3	3	0
#3	0	1	1	0
#4	1	1	0	1
#5	1	1	0	1
#6	2	3	3	0
#7	1	1	0	1

3.6.1 Achieving High Assessment Scores

The highest assessment scores were given when policies dealt with contradictions or uncertainty in the evidence base. This included the consideration of alternative methods and explanations for why they were not chosen.

Importantly, this includes explaining why some evidence was prioritized over others or why certain evidence was not employed. An example of dealing with competing methods in the formation of a policy is shown in Figure 2. Here, the evidence base is linked in the form of consultation results and followed by responses to suggestions of alternative methods and other concerns.

Figure 2. Segment of a policy (CFIA, 2019) which explicitly deals with concerns and alternate methods suggested during consultations, with a link to the consultation results.

During these consultations, consumers and industry indicated general support for changes that increased the usefulness, clarity, and accessibility of food label information. These changes included the following:

- Adding the year to date marking and including date marks on more foods;
- Providing additional contact information for a food product;
- Enhancing legibility of labelling information (with varying views on how to achieve this);
- Expanding the requirements for indicating the country of origin of imported foods; and
- Indicating on the label when flavours are present in addition to the named ingredient.

A detailed summary of this most recent round of consultations, including areas of support and suggestions for changes, can be found in the phase III [“What We Heard Report.”](#)

Concerns

This section provides an overview of the areas of stakeholder concern for all of the FLM amendments.

1. Alignment with Health Canada regulatory labelling initiatives

Stakeholders noted the need for coordination of the CFIA’s FLM labelling changes with those of Health Canada (e.g. the recent changes to nutrition labelling and lists of ingredients, and changes that could result from the healthy eating initiative, such as front-of-package labelling).

CFIA Response

The CFIA and Health Canada recognize the need to coordinate labelling changes to facilitate implementation. With this goal in mind, the CFIA would endeavour to phase in these FLM requirements in a manner that is aligned with Health Canada’s label changes.

Another common method of dealing with uncertainty was the use of cost-benefit analysis, shown in Figure 3, where the analysis of different proposed methods was shown along with assumptions and sensitivity analysis to assess uncertainty in the projections. It should be noted that the full cost-benefit analysis does

not need to appear in the assessed documents if it is properly cited and referenced in the document itself. Addressing uncertainty need not be lengthy. Found in the background research, Figure 4 is an example of how uncertainty in the evidence base was addressed concisely and with the relevant source.

Figure 3. Snippet of results of cost benefit analysis, comparing the proposed regulation costs and benefits to a “baseline scenario” in which no action is taken. This analysis was supplemented with a methodology detailing assumptions, parameters, and sensitivity analysis to deal with “the uncertainty that is inherent with predicting the future” (CFIA, 2019).

Table 14: Cost-benefit statement (in Canadian dollars [Can\$], 2017 prices)

A. Monetized impact		Year 1	Year 3	Year 7	Year 10	Total Present Value [±]	Annualized Value [±]
Costs							
Food and non-alcoholic beverage industry	Purchasing new printing equipment	0	59,314,988	0	0	48,418,699	6,893,733
	Purchasing printing plates	0	54,976,981	1,671,118	0	45,918,281	6,537,730
	Graphic design	0	13,900,323	0	0	11,346,804	1,615,530
	Information collection	0	3,851,088	1,136,347	0	4,050,425	576,689
	New printing equipment installation	0	3,983,509	0	0	3,251,730	462,973
	Modifying existing printing equipment	0	1,289,605	0	0	1,052,702	149,881
	Managing communication with consumers	0	114,948	114,948	114,948	599,520	85,358
	Total costs for the food and non-alcoholic beverage industry	0	137,431,443	2,922,414	114,948	114,638,161	16,321,895

Low assessment scores were given where the primary questions were not addressed, or the evidence used to support claims was not mentioned. In general, improved citation and linking practices would help raise the scores of policies receiving assessments of 1. For testing and evaluation, few policies had explicit mechanisms for testing with timetables outlined.

Background research identified that testing and evaluation of government plans does occur, for example Fisheries and Oceans Canada (DFO) “Evaluations” page (DFO, 2020b); however, timetables or plans for testing and evaluation were not able to be found at first announcement, although the search was not exhaustive.

Figure 4. Example of a concise statement dealing with uncertainty in the evidence-base, with included source. Also an example of the use of an in-text hyperlink to cite a source. From a Fisheries and Oceans information page on “Asian Carp” (DFO, 2020a).

Another unknown threat involves the potential of introducing new diseases and parasites from Asian carps. Asian carps host a variety of parasites, such as the Asian Tapeworm. We don't yet know the specific hazard these parasites might pose to native fish species.

For more information on the ecological threat, please see the [2012 Binational Risk Assessment](#) (CSAS resdocs - 2011/114).

Transparency during COVID-19

During the COVID-19 pandemic, concerns have been raised about reduced transparency in government decisions. Proactive disclosure, the mandated release of documents recently put into place by Bill-58, was not completed on schedule for government contracts during the early part of the pandemic (Lum, 2020). The government claimed the delay was due to matters of national security; however, there are questions around these claims being used inappropriately (Lum, 2020). In addition, during the pandemic, an estimated 70% of departments shut down their Access to Information Act (ATIA) and transparency procedures (Pinkerton, 2020). This contributed to concerns from the Information Commissioner and members of the Standing Committee on Government Operations and Estimates on how decisions were being made during the pandemic, the information available to the public, and how that may influence trust in government at such a critical time (Carney, 2020; Information Commissioner, 2020). Other concerns were raised around a lack of transparency with how the government was distributing funds in the pandemic (Thompson, 2020).



Access to Information Act (ATIA)

The earliest legislation around transparency in Canada is the *Access to Information Act (ATIA)* that came into law on Canada Day, 1983 (Kazmierski, 2011) and was most recently amended in 2019, via Bill-C58. The ATIA allows for the public and media to obtain information from the government and lays out the procedures and guidelines that the government must follow after receiving a request for information (Roberts, 2006). It also created a new Information Commissioner position that investigates complaints about non-compliance (Roberts, 2006). Since its inception, criticism of the ATIA has been extensive, with reviews from independent commissioners outlining flaws in the bills and recommending updates to modernize the Act (Gilbert, 2000; Access to Information Review Task Force, 2002; Roberts, 2005). Flaws included response delays, fees, need for modernization, and inconsistency of application of the Act, with the Information Commissioner in 2002 perceiving “a deeply entrenched culture of secrecy in government, and a lack of commitment to the principles of the Act” (Access to Information Review Task Force, 2002). Large scale updates to the bill did not occur, despite attempts throughout different parliaments, until Bill C-58 received Royal Assent in 2019. As part of the recent amendments, a mandatory review of the Act was initiated in 2020 (GOC, 2020a).

Bill-C58 provided updates to the act to address previous suggestions; however, the bill has been criticized for leading to less transparency and for not meeting the 2015 campaign promises of the Liberal government (Legault, 2017; Beeby, 2020). Among the updates, the bill allows for fees for the process to be lowered to \$5.00, providing the Information Commissioner with powers to order the release of documents, and provides for the proactive release of briefing notes and other notes within 120 days (GOC, 2020a). However, the bill allowed for the continuation of exemptions due to Cabinet confidence: an exemption whose application has no oversight from the Information Commissioner and is intended to be applied to Cabinet proceedings to allow Cabinet members to speak freely (DOJ, 2015; Legault, 2017; LOP, 2019). It also increased the reporting period for some documents and did not provide oversight on the information released or redacted in the briefing notes (Legault, 2017; LOP, 2019). In 2020, the Information Commissioner raised concerns that departments were mis-applying the Cabinet confidence principle (Emmanuel, 2020).

4. Best Practices

Through this process, we created a list of best practices for those using the framework to assess transparency (referred to as “assessors”) and for use by departments and agencies during the policymaking process.

4.1 Using the Framework to Assess Transparency

As the framework was being tested, a set of practices for its use were developed, based also on the experiences outlined by SAS (2016, 2018).

- » Search all the different sources for policies to attempt to build a comprehensive sample set
- » Notify departments of intentions and chosen policies
- » Collate and finalize documents to be assessed before beginning assessment
- » Have a clear understanding of what the policy is and how to break it down into component parts
- » Have a clear understanding of what differentiates each level of assessment within the framework
- » To avoid individual bias, multiple judges should independently assess the same policies to validate the final assessment
- » Have a process for dealing with discrepancies in assessments
- » Document every decision and justification, allowing for tracing back decisions

4.2 For Policymakers

As the framework was being tested, a set of practices to aid departments and agencies being assessed under the framework were developed, also informed by the experiences outlined in SAS (2016, 2018).

- » Higher assessment scores do not necessarily require documents to be longer - policies can achieve high grades without being lengthy
- » Properly citing and linking evidence is key to higher assessment scores
- » Include discussions of uncertainties or contradicting information
- » Include links where possible to corresponding open data repositories
- » Properly analyze the issue being addressed, including examining the evidence base in completion
- » Consider alternate methods of intervening and implementing policies

4.2.1 Citing and linking evidence

To achieve the highest scores, the framework requires the evidence to be cited, linked to the relevant policy, and findable. There are multiple ways to achieve this, predominantly via in-text citations linked to a reference list, where the reference list should contain a link to the source. Alternatively, hyperlinks in text directly to the source are acceptable. It should be noted that the source should be accompanied by an explanation of how the evidence was used. Some examples of acceptable citation practices can be seen in Figures 4 and 5.



Figure 5. Example of an in-text citation, linked to a reference list, taken from the CFIA policy assessed (CFIA, 2019).

Phase I (2013–14) of the engagement was carried out to identify key issues in the food labelling system ². Approximately 2 300 external and internal stakeholders participated. The second phase of engagement (2015) proposed options to address the issues identified in Phase I, with the purpose of gathering additional feedback ³. Nearly 1 600 stakeholders participated.

4.2.2 Fitting in with Open Data initiatives

Over the past decade, some departments in the Canadian government have started to use open source data repositories to release datasets and analysis collected or conducted by the government; however, there is not an obvious mechanism or policy for linking these open source data. While documents like the Roadmap for Open Science provide guidelines and standards for reporting the open data and summaries of the dataset (GOC, 2020b), there are no similar guidelines for including these datasets in policy announcements. Cross-department standardization of how to include data in policy announcements would allow for easy linking between the data source and the policy, potentially increasing the utility of the open data system.

4.3 Omnibus Bills

One issue with the determination of policies is the use of omnibus bills which is the practice of combining multiple, often unrelated, individual bills into one larger bill (Massicotte, 2013; Dodek, 2016). Omnibus bills have been used for decades and have become controversial in recent governments with the first recorded objection in 1953 (Dodek, 2016). They remain in use, despite campaign promises by the current government to eliminate them (Maclean's, 2019; O'Malley, 2020). For the assessment, omnibus bills should be treated as multiple policies. Determining how to separate policies will be situation-specific, but should require the consensus of those assessing the documents and be accompanied by an explanation for how the bill was split.

5. Next steps

With the methodology for using this framework established, the second phase of this research project will apply the framework to assess how transparent the use of evidence when policies are announced in Canada. The method for the second phase will consist of identifying a time frame, collating all the policies released in that time, and randomly selecting policies to assess in the form of a spot check. This is similar to the evaluation of UK policies conducted by SAS (2018), and we will assess these policies and determine an overall grade for each department or agency.

Increased transparency in how evidence was used will lay the foundation for evidence to later be assessed for quality. This can exist in two forms, the first being an analysis of the type of data used in the policy assessment (e.g. anecdotal data, case studies), which would not require expertise in the subject. The second form could be an analysis of how the content

of the evidence was used to make the policy, which requires knowledge and expertise in the appropriate field. Future work could also include adapting and applying the framework to other jurisdictions, including provincial, territorial, and municipal governments. Similar frameworks could also be developed to assess different aspects of transparency beyond the current focus on how evidence informs policy.

6. Conclusion

Transparency of how evidence informs government policies is vital for helping the public understand and evaluate the policies that impact their lives. Transparency of evidence equips the public to adequately hold their governments to account. To help understand how transparent the government is with evidence in their decisions, a framework for assessing how evidence informs policy developed in the United Kingdom was adapted and tested in the Canadian context. The adapted framework was tested on a set of sample policies and, as this testing was successful, the next stage of the project will include a systematic assessment of the Canadian government to determine how transparent the federal departments are.

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Appendix A.1

List of documents collated at time of announcement for each policy.

Canadian Food Inspection Agency - “Regulations Amending the Food and Drug Regulations”

Canada Gazette Entry - <http://gazette.gc.ca/rp-pr/p1/2019/2019-06-22/html/reg1-eng.html>

Announcement of Consultation - <https://www.inspection.gc.ca/about-cfia/transparency/consultations-and-engagement/proposed-flm/eng/1560901380974/1560901381202>

Crown-Indigenous Relations and Northern Affairs Canada - “Northern Abandoned Mine Reclamation Program”

Policy Announcement - <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/08/new-program-to-clean-up-largest-abandoned-mines-in-the-yukon-and-the-northwest-territories.html>

Backgrounder - <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/08/the-northern-abandoned-mine-reclamation-program.html>

Environment and Climate Change Canada - “Energy Savings Rebate Program”

Policy Announcement - <https://www.canada.ca/en/environment-climate-change/news/2019/08/canada-announces-new-energy-savings-rebate-program-to-help-ontarians-save-money-and-fight-climate-change.html>

Backgrounder - <https://www.canada.ca/en/environment-climate-change/news/2019/08/energy-savings-rebate-program.html>

Fisheries and Oceans Canada - “The Steelhead Action plan”

Announcement - <https://www.canada.ca/en/fisheries-oceans/news/2019/07/government-of-canada-and-province-of-british-columbia-partner-to-take-bold-action-to- conserve-steelhead-trout.html>

Backgrounder - <https://www.canada.ca/en/fisheries-oceans/news/2019/07/backgrounder-government-of-canada-and-province-of-british-columbia-partner-to-take-bold-action-to- conserve-steelhead-trout.html>

Health Canada - “Vaping Advertisement regulation”

Announcement - <https://www.canada.ca/en/health-canada/news/2019/12/health-canada-proposes-to-ban-advertising-of-vaping-products-wherever-they-can-be-seen-or-heard-by-youth.html>

Consultation - <https://www.canada.ca/en/health-canada/programs/consultation-proposed-vaping-product-promotion-regulations.html>

Backgrounders: <https://www.canada.ca/en/health-canada/news/2019/12/backgrounder-youth-vaping-prevention-public-education.html>

<https://www.canada.ca/en/health-canada/news/2019/12/backgrounder-regulation-of-vaping-products-in-canada.html>

Indigenous Services Canada - Bill C92

Announcement - <https://www.canada.ca/en/indigenous-services-canada/news/2019/02/government-of-canada-assembly-of-first-nations-inuit-tapiriit-kanatami-metis-national-council-celebrate-the-introduction-of-bill-c-92.html>

Backgrounder - <https://www.canada.ca/en/indigenous-services-canada/news/2019/02/an-act-respecting-first-nations-inuit-and-metis-children-youth-and-families.html>

Initial Bill - <https://parl.ca/DocumentViewer/en/42-1/bill/C-92/first-reading>

Innovation, Science and Economic Development Canada - “Stelco Steel Investment”

Announcement - <https://www.canada.ca/en/innovation-science-economic-development/news/2019/08/minister-tassi-announces-investment-to-support-almost-2300-canadian-steel-workers-in-southern-ontario.html>

