



The CRTC and 21st century expectations of openness, transparency and accountability: a month of comments on how Parliament's delegate performs its responsibilities

5: Openness today means easier access to CRTC programming, ownership and financial data

5 March 2023

This is the fifth of a series of comments by FRPC about the openness, transparency and accountability of the Canadian Radio-television and Telecommunications Commission (CRTC). Parliament established the CRTC on 1 April 1968 and delegated responsibility to it for implementing Parliament's broadcasting and telecommunications policies for Canada.

The Ministers of Canadian Heritage and Innovation, Science and Economic Development wrote Chairperson Eatrudes in early February 2023 to offer congratulations on her appointment to the Commission¹ and also to "inform her of the Government's vision and priorities with respect to Canada's broadcasting and telecommunications system".² The Ministers referred to "a perception among many that access to CRTC processes is unequal" for the public and civil-society organizations. Among other things the Ministers expressed confidence in the new Chairperson's ability to see to the CRTC's "to being more open ...".

A key but effectively invisible factor governing the CRTC's decision-making is the importance of information available about the matters it considers. [Administrative decision-makers like the CRTC](#) base their decisions on such information, often called 'evidence'. Yet while the CRTC is the only agency empowered to require broadcasters and telecommunications companies to submit information about their performance, the Commission's many invitations for the public to comment on issues include little or none of this information.

One still-recent example involves Canada's national public broadcaster, the Canadian Broadcasting Corporation (CBC). On November 25, 2019 the CRTC issued a [46-page long call for comments](#) about CBC's renewal which cited the applicable law (eight programming requirements in [section 3\(1\)\(m\) of the Broadcasting Act](#)), the Corporation's new 3-year strategic plan, general descriptions of Canadian audiences' use of media and a report on other countries' public broadcasters which the CRTC actually published two months later, on [28 January 2020](#). The CRTC then asked the public to answer 33 questions including some asking for explanations of how the CRTC should define and measure key concepts. A 19-page appendix listed the CBC's radio and television stations and rebroadcasters and a 7-page appendix set out CBC's wish list for changes to its licences.

Yet while the CRTC's [television regulations](#), its [discretionary television programming regulations](#) and its [radio regulations](#) have for decades requires broadcasters like the CBC to collect information about every program they broadcast each month and to submit this to the CRTC, the CRTC's call for comments set out none of this information for the CBC's programming services, whether for the past year or its then-ending licence term which began in 2013.

Moreover, while the Commission [explains](#) that it has "over 400 [datasets](#) for public use on Open Data" none of these describe what is being broadcast in Canada, by individual stations or the broadcasting system as a whole. And while the [federal Open Government website](#) lets interested parties download CRTC datafiles about television programming, no data about radio stations' programming are available at all.

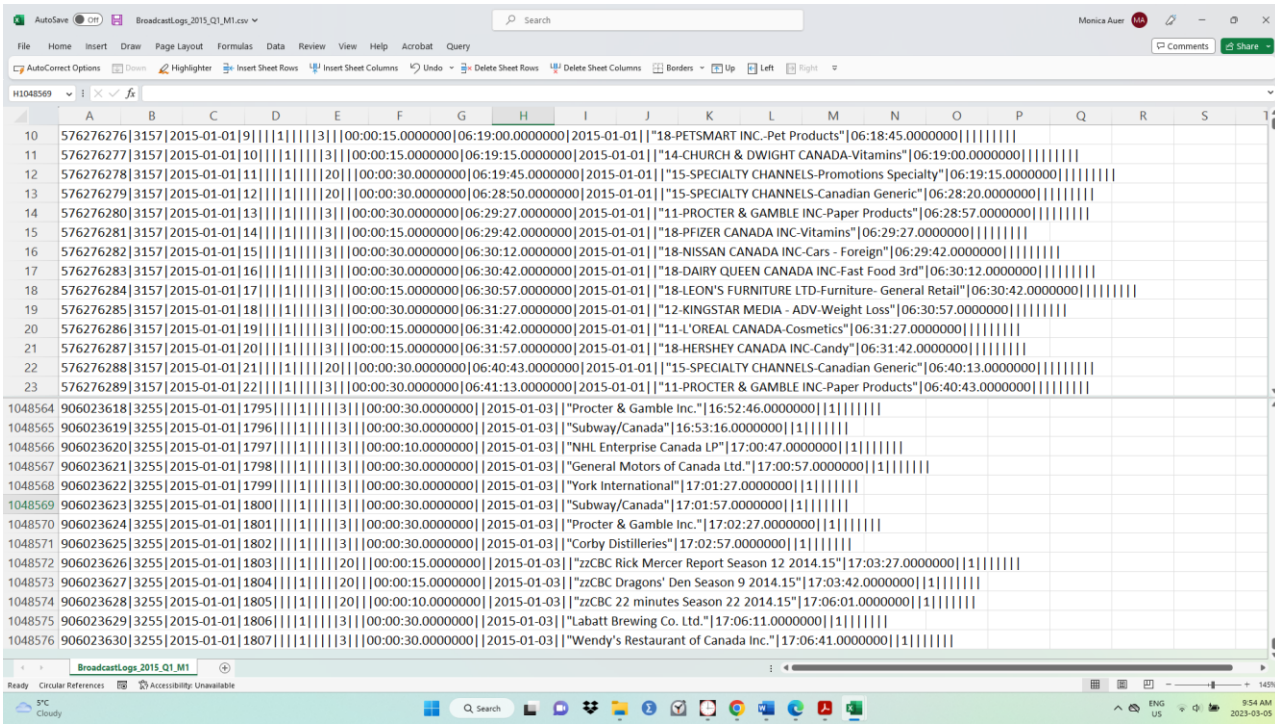
¹ CRTC, "[Meet Vicky](#)" (accessed 1 March 2023).

² Department of Canadian Heritage, "[New CRTC Chair's Leadership Will Help Shape the Future of Canada's Communication System](#)", News release (Gatineau, 6 February 2023)



Using the TV log data is also complicated because each datafile consists of three months' worth of records from each television programming service, describing the programs broadcast using CRTC codes and the programs' duration down to the second. Analyzing the open-data file for first three months (Q1) of 2015 requires users to know how to manipulate 1,048,576 lines of data: Figure 1.

Figure 1 CRTC Open-Data TV Program Log Data for the first three months of 2015



Since programming is at the heart of Canada's broadcasting legislation it is surprising that the CRTC publishes nothing about it – especially since it used to do so in the early 1980s, and with considerably less sophisticated computing technology than it now has: Figure 2.

Figure 2

CANADIAN CONTENT IN PEAK VIEWING TIME (8 to 10:30 pm)			
Station	Per cent Canadian content 8 to 10:30 pm		
	1967-68	1977-78	1978-79
CBC English	45.7	71.4	68.5
Radio-Canada	67.1	74.2	71.4
CTV	22.8	11.4	5.7
TVA (CFMT)	38.5	34.2	28.5
Global (CKGN)	-	51.4	22.8
CHCH Hamilton	20	17.1	22.8
CITY Toronto	-	28.5	40
CKND Winnipeg	-	28.5	28.5
CFAC Calgary	-	22.8	22.8
CITV Edmonton	-	17.1	22.8
CKVU Vancouver	-	31.4	25.7

Statistical Information Centre, CRTC, *Broadcasting and Telecommunications Macro-Statistics*, page C-III-13 [green underlining added].



Adding to the do-it-yourself-data-analysis burden placed on the public by the CRTC is its analog-era, paper-only approach to publishing key information. Why does the CRTC today – in 2023 – still publish key information about (some but not all) [broadcasters' holdings](#) and large broadcasters' [individual financial summaries aggregated by medium](#) in non-convertible PDF documents? What prevents it from publishing the data in continuously updated digital data sets? And while the CRTC publishes digital versions of its annual financial summaries for conventional television, discretionary television, conventional radio and broadcast distribution services, why does it publish the data in five-year slices, without clear definitions of what the data describe or why it has changed its presentation or retroactively amended data? Is it reasonable for the CRTC to effectively require everyone seeking to rely on such data as evidence in their submissions to spend their time entering data instead of analyzing it? Do the CRTC staff spend their time entering such data in each of their workplace computers?

At first glance, it might seem as if the CRTC's do-it-yourself approach to evidence places an equal burden on all participants. In reality, this burden falls heaviest on individual members of the general public who may be unfamiliar with the CRTC's datasets, and falls most lightly on Canada's largest broadcasters that typically employ at least several, if not dozens or more full-time and experienced staff in their regulatory departments. The CRTC's lack of openness when it comes to evidence effectively grants a significant but invisible advantage to broadcasters and telecommunications companies in CRTC proceedings, while disadvantaging the public.

Recommendation

The CRTC should publish annual reports about the programming broadcast by individual broadcasters, by broadcast ownership groups and by the Canadian public, private and community elements of Canada's broadcasting system. It should publish digital time series of its aggregated financial summaries and ownership data. The CRTC should also convene annual meetings of all interested parties to determine whether the CRTC's publication of data is serving the public interest by enabling quantitative evaluation of the degree to which Parliament's broadcasting and telecommunications policies are being met.

Maintaining the *status quo* – imposing a nearly insurmountable burden on members of the public to collect and present largely inaccessible evidence – would surely contradict the concern raised by the Ministers to whom the CRTC reports.

~ Forum for Research and Policy in Communications (FRPC)

Other comments in this series

1 March 2023: [Openness means not hiding applications from public view](#)

2 March 2023: [Openness means not just describing but explaining the CRTC's process and proceedings](#)

3 March 2023: [Openness means 'real' public hearings, published decisions and published meeting schedules](#)

4 March 2023: [Openness means publishing information about CRTC meetings with those it regulates](#)