

## Background

[Government of Canada's 2025 review of the \*Access to Information Act\*](#)

[Digital feedback form](#)

### **Draft ACA Access and Privacy Special Interest Section Response**

#### **Policy Approach: Adopt publication schemes**

Agree

Government institutions should be required to establish routine disclosure policies via their highest organizational level (Executive). They should be required by policy to identify and regularly publish information that is not subject to any mandatory exemptions to disclosure in the ATIA. This should be in alignment with the Directive on Open Government policy of the Treasury Board: <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=28108>

#### **Policy Approach: Build more flexibility for proactive publication categories**

Agree

In addition to classes of records currently required to be disclosed under the ATIP Act, Government institutions should be required to establish policies that encourage proactive disclosure of information where possible even if the information falls within discretionary exemptions.

#### **Policy Approach: Enable fair and equitable access**

Agree

Fair and equitable access should include accounting for issues of accessibility, information and technological literacy, financial hardship, etc.

#### **Policy approach: Establish objective criteria for time extensions**

Agree

Criteria should be clearly articulated and transparently communicated either in a provision of the act or via records schedules and requirements.

#### **Policy approach: Allow time extensions during emergencies**

Agree

Similar to the Alberta ATIA Act, allowing time extensions during emergencies is appropriate. However the definition of an emergency, and how long it is seen to last, should be transparently communicated in the Act.

**Policy approach: Provide time for clarifying requests**

Agree

**Policy approach: Establish a public interest override**

Somewhat agree

An established criteria for what defines public interest (health and safety) would be required for a public interest override to be established, and should be clearly communicated in the Act.

**Policy approach: Establish more time limits on the protection of information**

Agree

Reasonable time limitations on all exemptions should be established to ensure that all information is eventually accessible to the public. The time frame for these exemptions should be reasonable and predicated on harms tests, rather than conservative or arbitrary. Cabinet confidences should be exempted from disclosure, not excluded from the Act.

**Policy approach: Make government operations more transparent**

Agree

**Policy approach: Establishing a systematic approach to declassification and disclosure**

Agree

This should be accompanied by clarification of the relationship between security classifications and application of exemptions to ensure that historical records are not unnecessarily withheld on security grounds. The responsibility for navigating declassification of records should fall on the originating department rather than on Library and Archives Canada.

**Policy approach: Establish a 'duty to document' in official repositories**

Agree

This should be accompanied by support in the form of staff, funding, and technology to ensure oversight and accountability.

**Policy approach: Enable better records management for access and accountability**

Agree

Compliance with records schedules should be prioritized and supported with adequate staff, funding, and technology to ensure accountability.

**Policy approach: Publish retention and disposition schedules**

Agree

Yes, this is standard records management practice that should be followed, and is followed in other comparable jurisdictions such as Australia, US, and the UK. Make an effort to include contextual information with records schedules that explain their content and purpose in a way those not trained in records management can easily understand.

**Policy approach: Reflect self-determination in the Access to Information Act**

Agree

Indigenous self-determination should be fully reflected in the ATIA in agreement with Treaty obligations, the Indian Act, and the UNDRIP.

**Policy approach: Update the definition of “aboriginal government”**

Neither agree nor disagree

This is a question that should be determined by the Indigenous communities that it impacts.

**Policy approach: Protect ‘Indigenous knowledge’ from disclosure**

Agree

Indigenous communities should be the ones determining how Indigenous knowledge is or is not disclosed, and all disclosure should follow the principles of self-determination and free, prior, and informed consent. Consultation with Indigenous community should be engaged in where possible.

**Policy approach: Exclude from disclosure third-party information provided to Indigenous-affiliated institutions**

Neither

This is a question that should be determined by the Indigenous communities that it impacts.

**Policy approach: Recognize collective rights in the Access to Information Act**

Agree

Collective rights as held by Indigenous communities should be recognized, while also maintaining the individual rights of those within those communities.

**Policy approach: Establish an alternative pathway for access**

Agree

In the context of Indigenous communities it would make sense for alternative avenues for access to records to be explored, as long as the avenues of access are designed in collaboration with Indigenous stakeholders.

**Policy approach: Permanently waive the \$5 application fee for Indigenous requesters**

Agree

A fee on ATI requests is not in alignment with the principle of equitable access.

**Policy approach: Improve performance reporting**

Somewhat agree

**Policy approach: Give more weight to the Information Commissioner's orders**

Agree

It is essential that the Information Commissioner's orders be given full weight. The Commissioner's order should reside with the federal court. Any steps to limit the power of the Commissioner's orders should be opposed.

**Policy approach: Require action plans to address compliance**

Agree

Government institutions should have a time frame to respond to Commissioner's orders with an action plan. They should likewise be held accountable to that plan.

**Policy approach: Prioritize mediation to resolve complaints**

Agree

**Policy approach: Establish standard criteria related to orders**

Agree

Having standard criteria would help to ensure orders are complied with.