

## Call Out for Input into the Access to Information Act Review

### The Access to Information Act Review

In June 2020, the Government [launched a Review](#) of the Access to Information Act. Building on the improvements made by Bill C-58 in 2019, the Review will have three broad streams of exploration:

- Reviewing the legislative framework
- Opportunities to improve proactive publication to make information openly available
- Assessing processes and systems to improve service and reduce delays.

The Review will seek to broaden understanding of the Access to Information Act, its important role in our democracy, and the values and principles it balances. The goals of the Review are to support government openness and transparency and improve access to information for Canadians.

The Review will seek to engage a broad range of audiences, with opportunities for dialogue with experts, system users, academics, civil society leaders, the Information Commissioner, the Privacy Commissioner, and Indigenous representatives and organizations to help shape recommendations to improve the system.

### Seeking Input from Government Institutions – Two stages

The experience and ideas of government institutions will be important to the Review. Institutions have unique perspectives and experience with access to information, and important ideas for changes to improve the program.

The Treasury Board of Canada Secretariat will seek input from institutions in two stages:

- **Stage 1 – Issue identification:** November – December 2020
- **Stage 2 – More detailed input on the issues:** Winter 2021

## Stage 1 – Issue Identification

In Stage 1, we are seeking input from institutions on key issues that need to be addressed in the Review. We are also seeking input on the aspects of the process that are causing delays, and examples of innovation by institutions. There is no need to be comprehensive, since we will have the benefit of input from many institutions. We encourage you to focus on key issues based on the experience and perspective of your institution. An aggregated overview of input received from institutions will be published online on the Review website.

Supporting documents:

- Deck providing an overview of the Access to Information Act Review, including information about our plans for engaging institutions
- Response form with instructions for providing input

A few suggestions about gathering this input:

- We are seeking a single ADM-approved response from institutions.
- There may be a number of groups in your institution that would be able to contribute ideas about issues and improvements to the legislation, proactive publication, and the system and processes that support the program. You may wish to identify a coordinator to gather input from others such as Open Government leads, communications specialists, Parliamentary Affairs, Legal Services, and others.
  - The input of other relevant sectors should be compiled as part your institution's single ADM-approved response.
- We are providing a template for your input. Responses can be brief and in bullet form. At this stage, we are seeking a list and short explanation of key issues, as well as aspects of the process that are causing delays, and examples of innovation by institutions.
  - In-depth analysis and proposals for solutions are not required at this stage. Institutions will have an opportunity to provide more detailed input during Stage 2 (winter 2020-21).
  - We are particularly interested in issues and innovations that may be specific to your institution, though you are welcome to raise more generic or known issues as well.

- There is no requirement to provide input on each area set out in the template.
- Please provide feedback in the official language of your choice. No translation is required.
- The completed template must be ADM approved before sending to TBS. Responses are due to TBS by **December 23, 2020**.
- Responses and questions should be sent to: [ippd-dpiprp@tbs-sct.gc.ca](mailto:ippd-dpiprp@tbs-sct.gc.ca), to the attention of Fiona Macleod.

## Access to Information Act Review

### Stage 1 – Issue Identification

**Name of institution:**

**Assistant Deputy Minister approval:**

#### Stream 1: Reviewing the legislative framework

Stream 1 seeks your input on issues related to the legislation. The issues may be in relation to existing or needed provisions of the Access to Information Act (ATIA).

Issues related to the proactive publication provisions in the legislation can be addressed under Stream 2.

#### 1.1 Right of Access

Some areas to consider:

- Who should have the right to make a request under the Access to Information Act?
- Timelines for responses
- Provisions for extending the deadline to respond

(Your input)

## 1.2 Exemptions and exclusions

Some areas to consider:

- Do the existing exemptions and exclusions allow your institution to optimize transparency, while protecting other important values, such as the privacy, security and confidentiality of certain kinds of information?
- Can some provisions be simplified or clarified?
- Are there exemptions or exclusions that are overly broad, no longer relevant, or no longer needed?
- Does the Act protect the right kinds of information?

(Your input)

## 1.3 Other issues

There are many other provisions in Part 1 of the ATIA, covering matters such as:

- publication of information about information holdings (formerly InfoSource)
- Annual Reports
- rights of third parties
- roles, responsibilities and authorities of the Information Commissioner

Are there issues relating to these, or other aspects of the legislation, that you wish to raise?

(Your input)

## Stream 2: Opportunities to improve proactive publication to make information openly available

Stream 2 seeks your input on issues around proactive publication – publishing key information online so that it is accessible to everyone without the need to file a request under the ATIA. Proactive publication is an important way for the government to provide open, accessible and trustworthy information to Canadians in this digital age, but it takes effort. Meeting accessibility and official language requirements is important, but they can pose challenges to increasing the amount of information that is published online proactively.

Stream 2 seeks your input on issues relating both to the proactive requirements of the ATIA, as well as broader proactive publication efforts outside the ATIA.

### 2.1 Legislative requirements

Some areas to consider:

- Do any of the proactive publication provisions in the ATIA require clarification?
- Are there categories or requirements that are not relevant for Canadians?
- Are there requirements that should be added?

(Your input)

## 2.2 Guidance, formats and ease of publication

Some areas to consider:

- Do you have the guidance you need to meet the proactive publication requirements?
- Are the templates provided on the Open Government Portal to proactively publish information helpful?
- Do you face any specific challenges to meeting the requirements (e.g. technological or process issues)?
- Are there other supports that would be helpful to your institution?

(Your input)

## 2.3 Impact of increased proactive publication

We are interested if you have observed any changes as a result of increased proactive publication following the coming into force of Bill C-58 in June 2019.

Some areas to consider:

- Have you noticed an impact on the requests under Part 1 of the ATIA (e.g. changes in volume or types of requests)?
- Is your institution considering proactive publication of other kinds of records?

(Your input)

## 2.4 Other issues

Are there any other observations or issues you wish to raise in relation to proactive publication?

(Your input)



**Stream 3: Assessing processes and systems to improve service and reduce delays**

Stream 3 seeks your input on issues related to the processes and systems that institutions use to process access to information requests. For example, for some institutions, recent workplace measures to protect against transmission of COVID-19 have made it challenging to process access to information request, demonstrating the need to adopt more digital processes.

**3.1 Digitization**

The digitization of government records and potential of new digital tools and functions can support institutions' ability to meet their obligations under the ATIA; they may also create new challenges. TBS would like your views and experience regarding the potential or limitations of digital solutions.

Some areas to consider:

- Are there digital tools or functionalities that would enhance your request processing capacity, generate efficiencies, or improve system resiliency?
- What are the barriers to adoption of more digital processes?

(Your input)

### 3.2 Improving service to requesters

Some areas to consider:

- How are you innovating to improve service to ATIP requesters?
- Would you like to have more support for your efforts?

(Your input)

### 3.3 Improving timeliness

Some areas to consider:

- What aspects of responding to requests cause the greatest delays and need to be improved?

(Your input)

### 3.4 Other issues

Are there any other issues relating to processes and systems that you wish to raise?

(Your input)