

FACT SHEET

Amendments to Bill C-58 by the House of Commons

What is the current status of Bill C-58?

On December 6, 2017, the House of Commons passed Bill C-58 as amended by the Standing Committee on Access to Information, Privacy and Ethics (ETHI). The amendments passed by the House of Commons make several important changes to the Bill.

Can institutions still decline to act on an access to information request?

Yes, but in very limited situations. Institutions would require the Information Commissioner's prior approval before declining to act on a request. This amendment provides greater assurance to Canadians that all legitimate requests would be acted upon.

In addition, an amendment to Clause 6 of the bill clarifies that institutions would not be able to decline to act on a request on the sole basis that it did not meet the requirements to provide a specific subject matter, type of record, and period or date of the records sought. This amendment addresses concerns raised by some stakeholders that these requirements could act as a barrier to accessing government records.

Will requesters be able to access original records to validate what institutions proactively disclose?

The amended bill clarifies that Canadians will be able to request the original versions of records that are proactively released under Part 2 to validate the information that has been published. For example, requesters could make an access to information request for receipts and supporting documentation for travel and hospitality expense information published proactively under the new Part 2 of the Access to Information Act. The Information Commissioner would have oversight of the records released in response to the access to information request.

Were any changes made to the Information Commissioner's order-making power?

An amendment to Clause 17 of Bill C-58 made by the House of Commons would give the Information Commissioner clear authority to publish reports of findings, including any orders made. This would establish a public body of precedents and make institutions aware of the Information Commissioner's position on their obligations under the act. It would also help avoid the Information Commissioner having to re-investigate the same issues.

Were any amendments made to the proactive publication requirements?

The House of Commons amended the proactive publication requirements to ensure that, in the future, mandate letters must be disclosed within 30 days of being issued. Bill C-58, as introduced, did not set a timeframe for the release of mandate letters.

There were also a number of changes to correct or clarify the wording of certain provisions.

Were any other significant changes made to the Bill?

The Privacy Act amendment changing the treatment of names and titles of Ministerial staff so that this information could be consistently released has been modified to avoid retroactive application of new rules. This is in line with best practices in legislative drafting. The effect of this amendment is that the release of names and titles of Ministerial staff would apply to records created on or after coming into force of the provision.