

SUBJECT **Coming into force of the updated Access to Information Act**

***Sent to ATI Community on behalf of Ruth Naylor, Executive Director, Information and Privacy Policy Division, Treasury Board of Canada Secretariat***

Colleagues:

I am pleased to advise you that Bill C-58, *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts* received Royal Assent on June 21, 2019, bringing into force important improvements to the openness and transparency of government.

[Link to news release]

Key changes in the updated *Access to Information Act* include:

- The Information Commissioner now has the power, for complaints made on or after Royal Assent, to make binding orders in relation to access to information requests, including ordering the release of government records.
- Institutions can, with the approval of the Information Commissioner, decline to act on a request that is vexatious, made in bad faith or is otherwise an abuse of the right of access. An institution can exercise this discretion only in relation to requests made on or after the day of Royal Assent.
- The timing of tabling Annual Reports has changed: institutions are now required to table Annual Reports on the administration of the *Access to Information Act* and the *Privacy Act* in each House of Parliament on any day of the first 15 sitting days on which the House is sitting after September 1. For institutions that have not yet tabled their 2018-2019 Annual Reports, these must now be tabled on any of the first 15 sitting days after September 1, 2019.
- An exception to the definition of personal information has been added to the *Privacy Act*. The name and title of ministerial staff, as well as the fact that someone is or was a ministerial staff member, will no longer be considered personal information for the purposes of administering the *Access to Information Act* and *Privacy Act*. This change applies to records created on or after the day of Royal Assent.

- Consistent with the Government's policy since 2016, the government no longer has the authority to set or charge fees, apart from the \$5 application fee.
- Institutions within the same ministerial portfolio now have the option to share request-processing services.
- Institutions are required to proactively publish specific information known to be of interest to the public, without the need for a request.
- The government is required to initiate a review of the Act within one year of Royal Assent and every five years afterward.

To assist you in applying the new legislation, we are providing some explanatory materials along with this message that give you an at-a-glance overview of the changes. It is important to keep in mind that new authorities apply from the day of coming into force.

So that the government can report to Canadians on the implementation of the new legislation, institutions will be asked to collect data on the use of new authorities. We will share the new data collection requirements with you by subsequent email.

Details of the key changes to the request system and the proactive publication requirements are outlined in the attached documents:

- The Updated ATIA: What You Need to Know
- The Updated ATIA: Meeting Proactive Publication Requirements
- The Updated ATIA: Understanding how the new authorities apply

To assist you to brief your Minister's offices on the changes made by Bill C-58, we are providing the following summary:

- The Updated ATIA: What Ministers' Offices Need to Know

Additional tools and information to support the implementation of the new legislation is available on the ATIP [GCPedia pages](#).

In collaboration with the Office of the Information Commissioner, **we will be offering technical briefings on the new legislation on June 27, 2019**. We look forward to seeing you there.

Please do not hesitate to contact the IPPD Contact Centre at [ippd-dpiprp@tbs-sct.gc.ca](mailto:ippd-dpiprp@tbs-sct.gc.ca) if you have any questions.

Thank you for your ongoing contribution to making government more open and transparent for Canadians.