



Treasury Board of Canada  
Secrétariat

Secrétariat du Conseil du Trésor  
du Canada

Canada

# Updates from TBS

ATIP Community Meeting  
February 26, 2021

GCDOCS 47769587

# Access to Information Review Update

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- Launching **public engagement portal** is current focus of review
- Planning **roundtables and workshops** for virtual discussions on topics across the three streams of the review
  - Legislative framework
  - Proactive publication
  - Systems and processes
- **Terms of Reference** now available on review [webpage](#)
- Received input from Information and Privacy Commissioners
- Ongoing discussions with Indigenous organizations

# Access to Information – ATI Review

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## Stage 1 – November 2020 to February 2021

- Stage 1 asked 265+ federal government institutions subject to the *Access to Information Act* to identify key issues they wished to address during the Review
- More than 95 institutions responded to Stage 1, which is now concluded
- Analysis is underway in preparation for Stage 2

## Stage 2 – Spring 2021

- Stage 2 will ask for more detailed input on some of the issues identified by institutions during Stage 1
- TBS is preparing materials to assist with the provision of additional input:
  - A summary of the issues identified during Stage 1; and
  - A template to use for each issue on which your institution wishes to elaborate.

## Ad-hoc discussions – Concurrent with Stage 2

- Some institutions have raised issues specific to their mandate or to other relevant subjects
- In these instances, TBS intends to contact those institutions directly for further elaboration, concurrently with the Stage 2 engagement

# Access to Information – Updates on Business Recovery

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## **Secure remote access to the Secret network**

- Inability to access and work with Secret records remains a barrier to full recovery
- In early March, SSC will present to the ATIP community on GC secure remote access solution for Secret documents that is currently in development

## **Epost Connect is not discontinuing service**

- On January 28, 2021 the Toronto Sun misleadingly reported that Canada Post will discontinue epost Connect
- Canada Post announced it will wind down a separate service; epost Document by the end of 2022 which
  - Provides online delivery and payment of bills
- This does not have any impact on epost Connect

# Access to Information – Policy Suite Updates

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## Consultations with ATIP community to begin in March

- In March, TBS will consult the ATIP community on proposed updates to the ATI and Privacy policies and directives.
- The ATI and Privacy policies and directives updates reflect:
  - 2019 legislative changes
  - Feedback from the OIC & OPC
- To start consultations, TBS will host an ATIP community meeting to walk through the consultation materials and answer questions
  - Consultation platform will be GC Collab
  - Institutions will have 3 weeks to provide comments
  - Input will contribute to final versions for approval—anticipated Summer 2021
- At the same time, TBS will also consult Indigenous stakeholders on the policy instrument updates.

# Access to Information – Appropriate time to make representations during IC investigations

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## Reminder - Representations must be made before final report issued

- Under s.35(2), a reasonable opportunity to make representations shall be given to the head of the government institution concerned during an investigation of a complaint under Part 1 by the Information Commissioner
  - Including after the Information Commissioner has issued an initial report to the government institution under s.37(1)
- Once the Information Commissioner has issued a final report under s.37(2), it is too late to provide representations, including additional or supplementary representations
  - Final s.37(2) report may contain orders—once an order is issued, institution has a legislated timeline to file for judicial review

## Privacy Update - *Privacy Act* Modernization

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- IPPD and DOJ hosted a community Q&A session on February 3
- DOJ's public consultations on *Privacy Act* modernization concluded February 14, 2021.
- DOJ will be publishing a "What We Heard" report based on the consultations.
- DOJ will draft legislative changes based on the consultations and the proposals for reform.
- Timelines for reform are not certain at this point.

## Privacy Update – Universal Access

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- The European Commission is reviewing Canada's adequacy status against the EU GDPR.
- An issue of note is the lack of access rights for foreign nationals not present in Canada.
- ADM-level discussions are taking place.
- DOJ is exploring options such as an extension order
- DOJ is seeking data on the operational impacts of expanding access rights.



## Privacy Update - Other

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- The Working Group on Information Sharing Arrangements is being restarted.
- The Privacy Breach Action Plan has launched a new GCcollab page where IPPD has published new material for download.
- A Privacy Implementation Notice on Official Social Media Accounts will be released mid-March.
- In Fall 2020, IPPD published on the Open Government Portal the data contained in all available PIBs as of March 2020.
- Work has started to update Annex A of the Directive on Social Insurance Number.

# Outreach and Reporting Update

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## Statistical Reports

- **2020-21**
  - Minor changes to correct omission of Decline to act with the approval of the Information Commissioner as disposition in two tables
  - Early April – statistical reporting forms to institutions
  - Mid May – completed reporting forms returned to IPPD
- **2021-22**
  - Working group underway
  - Early April – forms to institutions

# Outreach and Reporting Update

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## **Annual Report**

- Reminder for Annual Reports to be sent to IPPD, Information Commissioner, Privacy Commissioner
- Early April - 2020-21 Requirements to institutions

## **Request capacity**

- Results on Open.Canada.ca since January 15, 2021

## **Consultation capacity**

- Results being shared by email

# Questions?

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