**Guidance on proactive publication of Question Period notes**

Updated : April 2022

*General*

* The *Access to Information Act* requires that the package of Question Period notes that was prepared by a government institution and in use on the last sitting day in June and December be proactively published within 30 calendar days following the last sitting day in June and December (paragraph 74(c)).
* The Question Period notes must be published regardless of whether or not the minister actually attended the last sitting day.
* As a best practice, in order to streamline proactive publication processes, institutions may wish to have approval authorities in the Office(s) of Primary Interest (those responsible for producing the package of question period notes) confirm that the package is bilingual, accessible and pre-reviewed to identify confidential, privileged and personal information that may be subject to valid exceptions to publication at the outset of the process.

*Publishing to the Open Government Portal*

* Institutions must publish Question Period notes on the Open Government Portal. The template is available on the [Open Government Registry](https://registry.open.canada.ca/en/user/login). All mandatory fields in the template must be completed. Institutions can use the optional fields to provide any necessary additional information.
* Institutions will be able to upload their Question Period notes until midnight on the day before the proactive publication deadline.
* There is currently no available option to save Question Period notes in draft format in the Open Government Registry for publication at a later date. TBS will explore the feasibility of implementing this in the future. Until then, Question Period notes will continue to be published overnight.
* The Portal will automatically publish all Question Period notes that have been uploaded to the Portal on the day after they are uploaded.
* Detailed guidance is available on GCPedia: <http://www.gcpedia.gc.ca/wiki/ATI/PP> and <https://www.gcpedia.gc.ca/wiki/Proactive_Disclosure_on_Open.Canada.ca>.
* Any questions can be sent to the Open Government Mailbox, at open-ouvert@tbs-sct.gc.ca, or to the IPPD Contact Centre at ippd-dpiprp@tbs-sct.gc.ca.

*Protecting confidential, privileged and personal information*

* Information published through proactive publication should mirror what would be released if information were released in response to a request. In other words, if an institution received an access to information request for a Question Period note and would apply redactions because of exemptions or exclusions in the Act, the same redactions should apply when the note is proactively published.
* The Act provides that information that could be withheld if requested under the request-based process is not required to be proactively published under Part 2 (subsections 80(1) and 90(1)).
* The Act provides that the information that must be withheld if it were requested under the request-based process must not be proactively published (subsections 80(2) and 90(2)).
* If a Question Period note can be partially disclosed, doing so would respect the spirit and intent of the Act.
* If redaction is required in part or in whole, indicate: \*redacted\* in place of the withheld material.
* For proactively published materials, there is no requirement to note the reason for the redaction.

 *Questions and answers*

1. **What is meant by “in use”?**

“In use” refers to Question Period notes that were prepared by an institution and were part of the minister’s Question Period package for the last sitting day in June and December.

This could include Question Period notes that were prepared in any month of the year, provided they were in use on the last sitting day of the month in question. It is understood that some Question Period notes that were provided to the minister’s office in February, for example, may no longer be part of the Question Period package in June and therefore, would not be required to be proactively published.

1. **How do I know which Question Period notes were “in use”?**

We recommend that institutions work with their ministers’ offices to establish a business process for identifying which Question Period notes were in use on the last sitting day.

1. **What if the minister did not attend Question Period on the last sitting day?**

The Question Period notes must be published regardless of whether or not the minister actually attended the last sitting day.

1. **What is the deadline for proactive publication if the House does not sit in June and/or December?**

The publication deadline is extended to July 31 if the House is not sitting in June; and January 31 if it is not sitting in December.

1. **How much time do I have to upload my Question Period notes to the Open Government Portal?**

The Act requires the proactive publication of Question Period notes within 30 days after the last sitting day in June and December. Institutions will be able to upload their Question Period notes until midnight on the day before the proactive publication deadline. The Portal will automatically publish all Question Period notes that have been uploaded to the Portal on the day after they were uploaded to the Portal.

1. **The Question Period note that was provided to the minister’s office contains information that was provided by another institution. Who is responsible for proactively publishing the information?**

In situations where one institution provides information or a Question Period note to another institution (for example, a portfolio partner provided input on a Question Period note or a draft Question Period note to a lead department), the lead institution who provided the Question Period note to the minister’s office would be responsible for publishing it.

1. **What should I do if there is information in a Question Period note that must be withheld because of an exemption or exclusion in the Act?**

Information published through proactive publication should mirror what would be released if information were released in response to a request. In other words, if an institution received an access to information request for a Question Period note and would apply redactions because of exemptions or exclusions in the Act, the same redactions should apply when the note is proactively published.

1. **How do I show that information has been withheld?**

If redaction is required (in part or in whole), indicate: \*redacted\* in place of the withheld material.

1. **What do I do if I receive an access to information request for a Question Period note before I have a chance to proactively publish it?**

The request-based system and the proactive publication provisions of the ATIA operate in tandem, with a common goal of making government information more open and transparent.

Canadians can still make a request for Question Period notes, even though these are scheduled to be proactively published. Institutions must, within legislated deadlines, process access to information requests for Question Period notes, even though the notes will be ultimately proactively published.

Section 26 (Refusal of access if information to be published) does not apply if the publication is pursuant to a requirement in Part 2 of the Act.

1. **What happens if the last sitting day is a “deemed” sitting day?**

The Act requires the proactive publication of the package of Question Period notes that was in use on the last sitting day in June and December (in other words, when the House adjourns). It is understood that the House may have a special or unusual sitting after adjourning, such as sitting for the purpose of royal assent. In such situations, the package of Question Period notes that was in use for the last Question Period before adjournment would be proactively published.