



Fact Sheet

Authority to Decline to Act on Requests

What is in the new legislation?

To help focus resources on requests that are consistent with the spirit of the Access to Information Act, Bill C-58 would allow institutions to seek the approval of the Information Commissioner to decline to act on a request that is made in bad faith, when the information is already easily available, or when responding would unreasonably interfere with government operations. Before seeking to decline to act on a request, an institution would be required to work with the requester to focus their request, consistent with institutions' duty to assist requesters.

The bill would also give the Information Commissioner authority to refuse to investigate a complaint if it is trivial, frivolous, vexatious, or is made in bad faith.

How will this improve the delivery of the Access to Information program?

Currently, there are no limits on the number of requests that an individual can submit, or how broad a request can be. In a small number of cases, requesters may use the right to request government information to achieve goals that might not be consistent with the purpose of the Access to Information Act, which is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions.

There are examples of individuals making hundreds of requests in a year to the same operational area of a government institution, or requesting all emails of a certain government employee for a period of several years. These types of duplicative and vexatious requests can interfere with an institution's ability to do its other work. They can also hinder an institution's ability to respond to requests from other requesters.

The intention of the new authorities is to help focus limited government resources on requests and complaints that are consistent with the spirit of the Access to Information Act.

What if the request is actually made in good faith?

The Information Commissioner's prior written approval would be needed before an institution could decline to act on a request. Before seeking the Commissioner's approval to decline to act on a request, institutions would be

required to make every reasonable effort to help requesters, and to work with them to better focus requests, consistent with institutions' existing duty to assist requesters.

In addition, policies and guidance would make it clear that many broad requests are legitimate and consistent with the spirit of the act. For example, institutions will be required to administer the Access to Information Act in a manner that fully respects the government's obligation to assist First Nations in furthering their claims. Government institutions would continue to respond to such requests.