

Access to Information and Privacy Implementation Notice 2020-01: Guidance on delays resulting from measures to mitigate the impact of novel Coronavirus (COVID-19) on federal workplaces

1. Date of Issue

This Implementation Notice was issued on March 20, 2020.

2. Authorities

This Implementation Notice is issued pursuant to paragraph 70(1)(c) of the *Access to Information Act* and subsection 71(1) of the *Privacy Act*.

3. Purpose

This notice is to provide guidance to institutions respecting the impact of exceptional workplace measures that have been taken to curb the spread of novel Coronavirus (COVID-19) and protect federal employees.

4. Context

Openness, transparency and accountability are guiding principles of the Government of Canada. The Government of Canada has implemented exceptional measures to curb the COVID-19 pandemic and protect the health and safety of federal employees. Institutions are operating with significantly reduced on-site workforces, with most employees asked to work from home.

As a result, institutions' ability to meet the requirements under the Acts may be significantly constrained for the duration of the exceptional measures, and institutions may not be able to meet the legislated timelines to respond to requests or to publish certain information proactively.

The worldwide situation related to COVID-19 is evolving quickly. The guidance that follows will be updated as necessary.

5. Guidance

Access to information and personal information requests

- Institutions are encouraged to continue to make best efforts to respond to requests, in accordance with operational realities and the necessity to comply with direction concerning measures to mitigate the spread of COVID-19 and to protect the health and well-being of federal employees and the public.
- Institutions should make best efforts to advise requesters of the institution's reduced capacity to respond to requests and expected delays due to exceptional workplace measures to curb the spread of COVID-19 and protect federal employees.
- Institutions should make best efforts to document operational realities within their organizations during this period, in order to be able to provide contextual information as needed to requesters and to the Office of the Information Commissioner and the Office of the Privacy Commissioner.
- **Access to information requests:** While there is no authority in the *Access to Information Act* for institutions to extend the time to respond to requests or put requests on hold due to emergencies, for requests involving a large number of records or a search through a large number of records, and where meeting the 30-day timeline would unreasonably interfere with the operations of the government institution, an extension may be considered under paragraph 9(1)(a) of the *Access to Information Act*.
- **Personal information requests:** While there is similarly no authority in the *Privacy Act* for institutions to extend the time to respond to requests, or put requests for personal information on hold due to emergencies, institutions may wish to consider the following options:
 - For requests where meeting the 30-day timeline would unreasonably interfere with the operations of the government institution, a 30-day extension may be considered under paragraph 15(a)(i).
 - For requests where consultations are necessary to comply with a request that cannot be completed within the original time limit, a 30-day extension may be considered under paragraph 15(a)(ii).

Proactive publication under the Access to Information Act

- Institutions are encouraged to continue to make best efforts to meet proactive publication requirements, in accordance with operational realities and the necessity to comply with direction concerning measures to mitigate the spread of COVID-19 and to protect the health and well-being of federal employees and the public.
- The Treasury Board of Canada Secretariat will post a notice on the Open Government Portal (open.canada.ca) to advise of expected delays in meeting proactive publication

requirements due to exceptional workplace measures that have been taken to curb the spread of COVID-19 and protect federal employees and the public.

- Institutions may wish to post a similar notice to their own websites.

6. References

[Access to Information Act](#)

[Privacy Act](#)

7. Enquiries

Members of the public may contact [Treasury Board of Canada Secretariat Public Enquiries](#) for information about this Implementation Notice.

Employees of government institutions may contact their [Access to Information and Privacy \(ATIP\) coordinator](#) for information about this Implementation Notice.

ATIP coordinators may contact the Treasury Board of Canada Secretariat's [Information and Privacy Policy Division](#) for information about this Implementation Notice.