

President  
of the Treasury Board



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du Conseil du Trésor

Ottawa, Canada K1A 0R5

Mr. Blaine Calkins  
Chair  
Standing Committee on Access to Information, Privacy and Ethics  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Calkins:

Pursuant to Section 109 of the Standing Orders of the House of Commons, please accept this as the Government of Canada's Response to the Second Report of the Standing Committee on Access to Information, Privacy and Ethics, entitled "Review of the *Access to Information Act*".

I would like to thank the Committee for its informative study of the *Access to Information Act* and express my appreciation to all who took the time to appear before the Committee to share their views.

I agree with the opinion of the Committee and its witnesses that the *Access to Information Act* is due for reform. The Act is out of date and has not been updated significantly since receiving royal assent in 1983.

As the Committee is aware, I am working with the Minister of Justice and the Minister of Democratic Institutions to review the *Access to Information Act*. The Committee's advice is important to our work to improve access to information.

We will take a two-phase approach. First, we will move forward to introduce initial changes as well as consider other improvements identified through consultation. Our plan is to introduce Phase I legislation in early 2017.

As part of our work towards the first phase of legislation, in May and June 2016, we consulted Canadians and stakeholders on how best to implement initial proposals to revitalize access to information. These were:

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- make government data and information open by default, in formats that are modern and easy to use;
- eliminate all fees, except for the initial \$5 filing fee;
- provide requestors with a written explanation when information cannot be released;
- give Government institutions and the Information Commissioner authority to decline to process requests that are frivolous or vexatious;
- give the Information Commissioner the power to order the release of government information;
- ensure that the Act applies appropriately to the Prime Minister's and Ministers' Offices, as well as administrative institutions that support Parliament and the courts;
- undertake a legislative review of the *Access to Information Act* every five years; and
- strengthen performance reporting on the federal access to information program.

Many of these proposals were explored and highlighted by the Committee, and the Committee's advice will be helpful to the upcoming reforms of the Act. These proposals represent significant undertakings. In its report, the Committee recognized the complexity of changes to the Act so we want to take a prudent approach on improvements to the access to information program.

The Government's proposals span across my responsibilities as President of the Treasury Board, as well as the responsibilities of my colleagues the Minister of Justice and the Minister of Democratic Institutions. We are working together to bring forward meaningful improvements to access to information in Phase I.

After we have a chance to understand the impact of the first round of significant changes, we will conduct the first full five-year review of the Act, beginning in 2018. This will offer an opportunity to assess whether the changes we make are meeting their objectives, and we can consider how to continue to improve the system.

To make early progress on improving access to information, on May 5, 2016, I issued an *Interim Directive on the Administration of the Access to Information Act*. It directs federal officials to take into account the purpose of the Act – strengthening the accountability of government to its citizens – when administering the Act; to waive all access to information fees apart from the \$5 filing fee; and to release information in user-friendly formats (e.g. spreadsheets), whenever possible. The Interim Directive sends a strong message across federal institutions that government information belongs to the people it serves and should be open by default.

We are also moving forward to create a simple, central website where Canadians can submit access to information and personal information requests to any government institution, making it easier for Canadians to access government information, including their own personal information.

We also know that to support changes to the Act, we will need to enhance the capacity and skills across government to process and respond to requests for government information. Officials have already started work to share guidance and best practices, and to strengthen information management across the Government of Canada. These complementary efforts will support our goals of revitalizing access to information.

More broadly, the Government has taken other important steps to increase openness and transparency. On November 13, 2015, Prime Minister Justin Trudeau took the unprecedented step of publicly releasing all ministerial mandate letters, as part of his plan for open and transparent government for Canadians.

In July 2016, we also published Canada's "Third Biennial Plan to the Open Government Partnership". The Government of Canada has committed to being "open by default", sharing government data and information, wherever feasible, to provide public benefit, support citizen engagement, and strengthen accountability. Open by default is about providing easy and consistent access to government data and information in open, standardized, digital formats, giving Canadians the tools and information they need to hold government to account. The Plan also includes a commitment by the Government to release and preserve more information by establishing government-wide initiatives, platforms, and tools to ensure that open information is discoverable and accessible for use by future generations.

The feedback from Canadians and advice put forward by this Committee will together inform our implementation of reforms to the *Access to Information Act*.

Once again, I would like to thank the Committee for its extensive work on this Report. The Government remains committed to enhancing the openness of government, including revitalizing access to information.

Yours sincerely,



The Honourable Scott Brison, P.C., M.P.