



## RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

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PETITION NO.: **421-03899**

BY: **MR. RANKIN (VICTORIA)**

DATE: **MAY 27, 2019**

PRINT NAME OF SIGNATORY: **GREG FERGUS**

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Response by the President of the Treasury Board and Minister of Digital Government

SIGNATURE

Minister or Parliamentary Secretary

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SUBJECT

**Access to information**

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**ORIGINAL TEXT**

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**REPLY**

As it pertains to Treasury Board of Canada Secretariat, the Government of Canada is committed to open and transparent government. Bill C-58 *An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts* received Royal Assent in June 2019 and enacts the most significant improvements to the *Access to Information Act* since it was introduced over three decades ago. The Bill provides the Information Commissioner with the power to make binding orders to government institutions, transforming the role from an ombudsperson to a powerful authority with the ability to order government to release records.

The Bill also puts into practice the principle of “open by default” in the digital age by making key information available proactively, without the need to make a request. These proactive publication requirements apply to the Prime Minister’s and Ministers’ offices, more than 260 government institutions, Members of Parliament and Senators, as well as institutions that support Parliament and the courts.

These targeted changes represent a first step to renew Canada’s access to information regime; a first full review of the Act will begin within one year of Royal Assent. The Government will continue to work with Parliamentarians, the Information Commissioner and Privacy Commissioner, Indigenous groups and other stakeholders to further strengthen government openness and transparency, including in the first full review of the Act.

As it pertains to Library and Archives Canada, Federal government institutions are responsible for establishing records retention periods. Each organization determines how long it needs to keep a document based on its operational requirements and legal obligations. In this context, federal institutions may keep a document under their control as long as they deem it necessary to fulfill their mandate. This period can span several decades.

The disposition authorizations constitute the legal instrument by which Library and Archives Canada (LAC) allows a government institution to dispose of records under its control when it wishes to dispose of them, either by permitting their destruction, by requiring their transfer to LAC or by agreeing to their alienation from the control of the Government of Canada.

The disposition authorizations do not address the length of records retention periods as LAC does not have authority in this regard in accordance with the [Library and Archives of Canada Act](#).

The Act to establish the Library and Archives of Canada (LAC Act) was introduced and deemed to have passed all stages of the legislative process in the House of Commons on February 11, 2004. The LAC Act applies to government institutions (a government institution has the same meaning as in section 3 of the [Access to Information Act](#) or in section 3 of the [Privacy Act](#) or means an institution designated by the Governor in Council.)