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Canada: Right to Information Law Needs Major Overhaul

Canada's right to information system is broken and comprehensive legal reform is now an urgent priority. There has for some time been consensus on this among journalists, civil society, Information Commissioners and even Parliamentary committees. But successive governments have refused to take action to resolve the problem. On International Right to Know Day, 28 September 2012, Canada's Information Commissioner launched a consultation to solicit broad national input into this issue. The Centre for Law and Democracy today released its Response to the consultation, calling for 'root and branch' reforms to bring Canada's right to information into line with international standards.

"We commend the Information Commissioner for launching this worthy initiative," said CLD Executive Director Toby Mendel. *"We hope that the federal government will finally undertake the long overdue reforms that are required to turn the Access to Information Act into the effective mechanism of government accountability that Canadians deserve."*

Canada was a global leader on this issue when it first adopted its legislation in 1982, but international standards have developed very significantly since then, and the country has fallen behind. It is now just in 55th place among the 93 countries which have adopted right to information legislation (see www.RTI-Rating.org).

Some of the key recommendations in CLD's Response are the need to extend the scope of the law to cover the Cabinet, Parliament and the judiciary, the removal or tightening of several problematic exceptions and the introduction of a broad public interest override, the elimination of fees for lodging requests, the imposition of binding maximum timelines for responding to requests and empowering the Information Commissioner to make legally binding decisions. Perhaps most importantly, the Report recommends a wholesale change in attitudes towards disclosure, which remain adversarial and which fail to treat this issue as a human rights concern.

The Report is available at: <http://www.law-democracy.org/live/canada-right-to-information-law-needs-major-overhaul/>.

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