



23 June 2017 – for immediate release

Canada: Net Value of Access to Information Act Reform Bill: Two Points

Earlier this week, the government tabled a Bill in Parliament to reform Canada's woefully outdated Access to Information Act. A Note released by CLD today shows that the proposed reforms would only earn Canada an additional two points on the RTI Rating, CLD's respected methodology for assessing the strength of access to information laws. The Bill only includes one really significant reform, namely granting binding order making powers to the Information Commissioner. On the other hand, it fails to address a number of serious problems in the Act, such as the vastly overbroad regime of exceptions, the broad discretion of public authorities to delay in responding to requests, the absence of any duty for public authorities to document important decision making processes, and the limited scope of coverage of the Act. And in some areas, it even weakens the current rules.

"For the first time in a generation, Canadians have a real opportunity to amend the Access to Information Act", said Toby Mendel, Executive Director of CLD. "The proposed reforms are just not good enough. At this point, we need root and branch reform, not incremental tinkering."

The government is claiming that it has expanded the scope of the Act to cover the Prime Minister's and Ministers' Offices, and the administrative institutions that support Parliament and the courts. But all it has done is formalise in law a number of proactive publication obligations, most of which are already being practised. None of these bodies will be required to respond to requests for information. Expanding the scope of the Act was an election promise of the Liberal party, and the Bill fails to deliver on this. On a more positive note, CLD welcomes the grant of binding order making powers to the Information Commissioner, a significant reform which it has repeatedly recommended.

CLD calls on the Parliament to do its duty and ensure that Canadians finally get the reforms to the Act that they need and deserve. Major amendments should be introduced before the Bill is passed.

CLD's Note on the Bill is available at: <https://www.law-democracy.org/live/canada-net-value-of-access-to-information-act-reform-bill-two-points/>, while the Bill itself is available at: <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-58/first-reading>.

For further information, please contact:

Toby Mendel
Executive Director
Centre for Law and Democracy
Email: toby@law-democracy.org
+1 902 431-3688
www.law-democracy.org

twitter: @law_democracy