

The Right Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
K1A 0A2

CC:

The Honourable Scott Brison
President of the Treasury Board
House of Commons
Ottawa, ON
K1A 0A6

4 April 2017

Dear Mr. Prime Minister,

We are writing to you as Canadian organisations and individuals who are committed to ensuring a strong access to information (ATI) system in Canada. As such, we are very troubled by your Government's announcement last week that there would be delays in terms of bringing forward the reforms to Canada's *Access to Information Act* that you have promised. We are, in particular, concerned that, since no clear timeline has been set for these reforms, they may be pushed back indefinitely. We recognise your commitment to open data, but we note that ATI reform is integral to proper realisation of open government.

Many of us have been promoting ATI reform for decades and we are convinced that it is now high time to move forward with reforms. A string of governments of various political stripes have come and gone and yet, despite a very clear need, almost no improvements have been made to Canada's now seriously outdated ATI Act. We have witnessed a recurring dynamic whereby opposition parties talk boldly about the importance of transparent government, only to jettison those values when they come to power. Your Government is now at serious risk of joining that list, despite your clear, frequently repeated promises of action on this issue.

Furthermore, none of the issues raised as excuses for this delay hold water. Challenges in this regard were identified and understood even before you introduced your Private Member's Bill in the last Parliament. It is now time for decisions and moving forward.

We understand that reforms need to be considered carefully. However, this issue has been parsed extensively through several robust processes and consultations. These include the process which led to the publication in 2015 by the Office of the Information Commissioner of *Striking the Right Balance for Transparency: Recommendations to modernize the Access to Information Act*, which included 85 Recommendations for reform of the ATI Act; the June 2016 report, *Review of the Access to Information Act*, by

the Parliamentary Standing Committee on Access to Information, Privacy and Ethics, which included 32 recommendations for reform; and numerous submissions and reports by civil society organisations and concerned individuals, including as part of Canada's participation in the Open Government Partnership (OGP).

Each set of recommendations differs but there is a high degree of consensus on the main reforms which are needed. Several of these were included in the Liberal Party's campaign promises during the 2015 election. Some of the key areas of reform which we have identified include:

- Expanding the scope of the Act, including to cover ministerial offices, including the Prime Minister's Office.
- Streamlining the procedures for making and processing requests for information, including by formalising in law the fee waivers contained in the May 2016 Interim Directive on the Administration of the *Access to Information Act* and by putting in place stronger rules to limit the time taken to respond to requests.
- Substantially narrowing the exceptions to the right of access, which are currently significantly overbroad and unclear.
- Giving the Office of the Information Commissioner binding order making powers.
- Introducing a formal duty to document for public officials, and requiring them to preserve records of their decision making.

Your party included ATI Act reform as an important campaign promise and, recently, the Government included it as a commitment in Canada's 2016-18 OGP Action Plan. We believe that reform of the Act is eminently achievable if there is simply the requisite political will to undertake this important democratic reform. We therefore call on your Government to make a clear and formal commitment to continue to move forward with the reform process and, in particular, to promise that significant reforms will be enacted into law by the end of 2018.

For further information please contact:

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Signed,

Organisations:

1. Amnesty International Canada (English Branch)
2. British Columbia Civil Liberties Association (BCCLA)
3. British Columbia Freedom of Information and Privacy Association (BC FIPA)
4. Canadian Association of Professional Academic Librarians / l'association Canadienne des bibliothécaires académiques professionnels

5. Canadian Council for International Co-operation (CCIC)
6. Canadian Federation of University Women (CFUW)
7. Canadian Historical Association / Société historique du Canada
8. Canadian Taxpayers Federation
9. Canadian Unitarians For Social Justice (CUSJ)
10. Centre for Law and Democracy (CLD)
11. Department of Women's and Gender Studies, University of Regina
12. Ecology Action Centre (EAC)
13. Gerald and Maas
14. Greenpeace Canada
15. International Civil Liberties Monitoring Group
16. Isomer Design
17. Lawyer's Rights Watch Canada (LRWC)
18. Ligue des droits et libertés
19. MiningWatch Canada
20. National Council of Canadian Muslims (NCCM)
21. OpenMedia
22. Open North
23. Our Right to Know
24. Pen Canada
25. Privacy and Access Council of Canada — Conseil du Canada de l'Accès et la vie Privée (PACC-CCAP)
26. Publish What You Pay Canada
27. Queer Ontario
28. RESOLVE Saskatchewan
29. Rideau Institute
30. RightOnCanada.ca
31. Rocky Mountain Civil Liberties Association (RMCLA)
32. Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC)
33. Voices-voix
34. World Association of Community Radio Broadcasters (AMARC)

Individuals:

1. Elizabeth Ball, Academic Librarian (retired)
2. Donna Bourne-Tyson, University Librarian, Dalhousie University
3. Donna Bowman, Librarian
4. Bruce Campbell, 2016 Visiting Fellow, Faculty of Law, University of Ottawa
5. Anita Cannon, Librarian
6. Phyllis Creighton, Order of Ontario
7. Rev. Frances Deverell
8. Lisa Di Valentino, Law and Public Policy Librarian, University of Massachusetts
9. Terry Donovan, Public Services Librarian/Copyright Officer, Portage College Library
10. Peter Duerr, Assistant Librarian, Scott Library, York University
11. Helen Forsey

12. Mary Francoli, Associate Professor, School of Journalism and Communication, Carleton University
13. Michael Geist, Canada Research Chair in Internet and E-commerce Law, University of Ottawa
14. Brydon Gombay
15. Carla Graebner, Librarian for Research Data Services and Government Information, W.A.C. Bennett Library, Simon Fraser University
16. Sean Holman, Assistant Professor Journalism, Mount Royal University
17. Leona Jacobs, Librarian (Retired)
18. Vincent Kazmierski, Associate Professor, Department of Law and Legal Studies, Carleton University
19. Tim Lash, Ottawa
20. Abby Lippman, Professor Emerita, McGill University
21. Jo-Anne Naslund, Instructional Programs Librarian, Education Library, University of British Columbia
22. Sharon Polsky, MAPP, Information Privacy & Governance Advocate
23. Thomas Quigley, Vancouver
24. Marian Ramage, Brandon, Manitoba
25. Teresa Scassa, Canada Research Chair in Information Law, University of Ottawa
26. Tania Thomas, Youth Services Librarian – Outreach to Newcomer Families, Surrey, British Columbia
27. Stanley Tromp, Journalist and Author
28. Mark Weiler, Web & User Experience Librarian, Wilfrid Laurier University
29. Nancy Wigen
30. Mary-Doug Wright, Information Specialist / Consultant, Apex Information