

Treasury Board of Canada / Secrétaire du Conseil du Trésor du Canada

Canada

Access to Information Review

Presentation to the 2023 National Claims Research Directors Meeting
May 17-18, 2023

Charles Taillefer
Executive Director, Access to Information Policy and Performance Division (AIPPD)
Office of the Chief Information Officer of Canada

1

Overview of Timelines

Bill C-58: Received Royal Assent

- During the Bill C-58 process, we specifically committed to consulting with Indigenous peoples on addressing their unique issues and concerns with access to information.

ATI Review: Indigenous Engagement

- Indigenous engagement took place from spring to fall 2022.
- TBS accepted written submissions and held bilateral meetings.
- TBS also leveraged the work and engagement led by Justice Canada related to Privacy Act modernization.

Final Report to Parliament

- President submitted the final report to Parliament in December 2022.

2019

2020
Launch of ATI Review

2021
Public Engagement Process Begins

2022

Indigenous WWHR

- Published in December 2022

Throughout the engagement process:

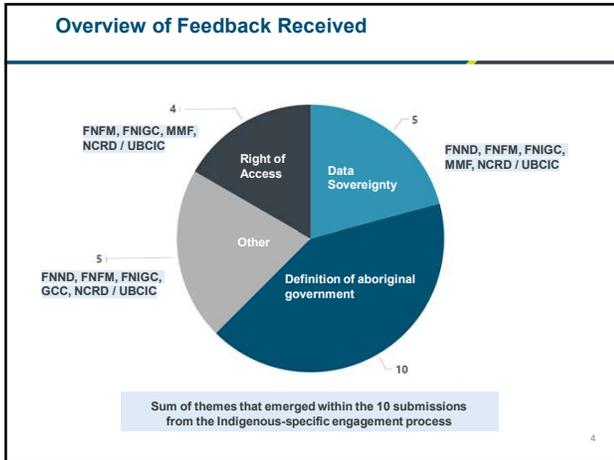
- Received 10 formal submissions,
- Held 11 bilateral meetings with National Indigenous Organizations, Indigenous organizations, and Indigenous governing bodies and
- Attended 14 bilateral meetings hosted by Justice Canada in 2020-2021

2

Submissions Received

		Cowichan Tribes First Nation	First Nation of Na-cho Nyäk Dun
First Nations Finance Authority	First Nations Financial Management Board	First Nations Information Governance Centre	First Nations Tax Commission
Grand Council of the Crees	Manitoba Métis Federation	National Claims Research Directors & UBCIC	shishalh Nation

3



4

Indigenous-specific WWHR

- Highlights input from engagement processes and issues examinations.
- Issues raised fall under three major themes:

Data Sovereignty	A priority of First Nations, Inuit, and Métis peoples is to have control over records and data pertaining to them and support for Indigenous data sovereignty initiatives.
Right of Access	The operational and legislative barriers preventing the right of access to important records for Indigenous peoples.
Definition of Aboriginal Government	The <i>Access to Information Act</i> 's current definition of an 'aboriginal government' is limited and excludes most Indigenous governments and organizations.

5

Overview of Final Report to Parliament

The report turns its focus to key areas and potential initiatives that will contribute to realizing three goals:

- 1 Improving Service to Canadians**
 - Information management and access to information
 - Leveraging technology for service improvement
 - Access to information community and capacity improvements
- 2 Trust and Transparency**
 - Enhancing proactive publication
 - Enhancing open government
 - Improving the documentation of GC decisions
 - Right of access and exceptions to the right of access
- 3 Advancing Indigenous Reconciliation**
 - Definition of "aboriginal government" under the *Access to Information Act*
 - Culturally appropriate services
 - Independent Oversight
 - Indigenous Control of Information and Data

- Indigenous users face many of the same systemic issues as other users when trying to obtain records, including delays in receiving requested information, difficulty communicating with ATIP offices, and observe inconsistent application of exemptions.
- Many of these delays are due to a large volume of historically classified information and the lack of a systemized approach to declassification.

6

Standing Committee on Access to Information, Privacy and Ethics (ETHI) ATI Study

- ETHI** ETHI has been studying access to information and will be issuing a report of their findings when they have completed their review.
- Commitment** In this context, at her recent appearance in front of the Committee, the President of TBS committed to delivering an action plan to address the conclusions of the report.
- Action Plan** This action plan will be based on input received during the ATI Review process, the conclusions of the recent report to Parliament, and will also be informed by ETHI's study on access to information.

7

7

Key Actions to Improve the ATI Regime

- While the Report to Parliament is a milestone in the mandated review of the ATIA – TBS officials have been continuously advancing initiatives targeting improvements to the regime.

Notable Key Actions:

- Summer 2022:**
 - Improvements to the [Access to Information and Personal Information Online Request Service \(AORS\)](#) including new features that allow requesters to:
 - sign into a secure website to make ATIP requests, using two-factor authentication
 - have an account where their basic information is saved so they do not have to re-enter it every time they make a request
 - track the status of all their requests through their own dashboard; and,
 - receive their completed request responses through the AORS
 - Updated [Policy on Access to Information](#) and [Directive on Access to Information Requests](#) came into effect.
- Ongoing:** Public Safety Canada, in collaboration with the National Security and Intelligence (NSI) community, Library and Archives Canada, and TBS, is spearheading a declassification initiative.
- Summer 2023:** Updating the Treasury Board Secretariat Access to Information Manual for ATIP practitioners to guide and standardize ATIP community practices, including in support of more inclusive right of access.
- Winter 2023:**
 - Exploring the development of guidance to government institutions to reduce administrative and financial barriers to access to government information by Indigenous requesters or those acting on their behalf.
 - Examining and implementing options for raising awareness and providing training to the ATIP community related to Indigenous peoples and their specific access to information considerations.

8

8

Access to Information & UNDA

- As this is a rolling review set to occur every 5 years, there is an established mechanism for TBS to ensure sustained efforts to align the ATIA and its regime with the UN Declaration, more specifically in relation to Articles 3, 4 and 34.
- Considering the Government's responsibility to provide a whole-of-government approach to UNDA and advancing specific APMs, TBS is working in close cooperation with ISC (and OGDs) to ensure a coordinated approach to implementing APM #30.
 - This work is being coordinated by a working group dedicated to Indigenous Data Sovereignty as it relates to UNDA.
- This working group intends to collaborate on future engagement and co-development opportunities with Indigenous peoples relating to access to information and to Indigenous Data Sovereignty.
 - With a commitment to coordination, the GC can help reduce engagement fatigue, pool resources, with a goal that policy responses to APM #30 are carried out uniformly across government.

9

9

Next Steps

Pursue Key Actions

Maintain Engagement & Outreach:

- Maintaining ongoing engagement with current and future Indigenous partners
- Indigenous peoples and organizations will be engaged in co-developing solutions to issues raised through the last Review.

Support UNDA-related work

10

Questions?

11

11
