Federal Access to Information System: The Information Commissioner's Perspective

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National Claims Research Directors Annual Meeting
April 15, 2026

Information Commissioner of Canada
Commissaire à l'information du Canada

Updates since our last meeting

- Mandate renewed for seven years
- Increased parliamentary and media interest
- Review of the *Access to Information Act* launched
- Changing environment: increased use of digital collaboration tools, information management challenges, growth of mis/disinformation, rapid evolution of AI

Access to information: Today's reality

Government

Role of leadership

Responsible for the administration of the *Access to Information Act*

Leads the legislative review

Institutions

Respond to access to information requests

Cuts to Access to Information and Privacy teams and to program areas that hold records

Requesters

Make access requests and expect to receive information in 30 days, as stipulated under the Act

Interested in Government's actions and decisions

Office of the Information Commissioner

Upholds the right of access to information

Investigates thousands of complaints each year

Key priorities for my office

Reducing complaints inventory

- Started with more than 3,500 open complaints, some >10 years old
- Now only 9% >2 years old

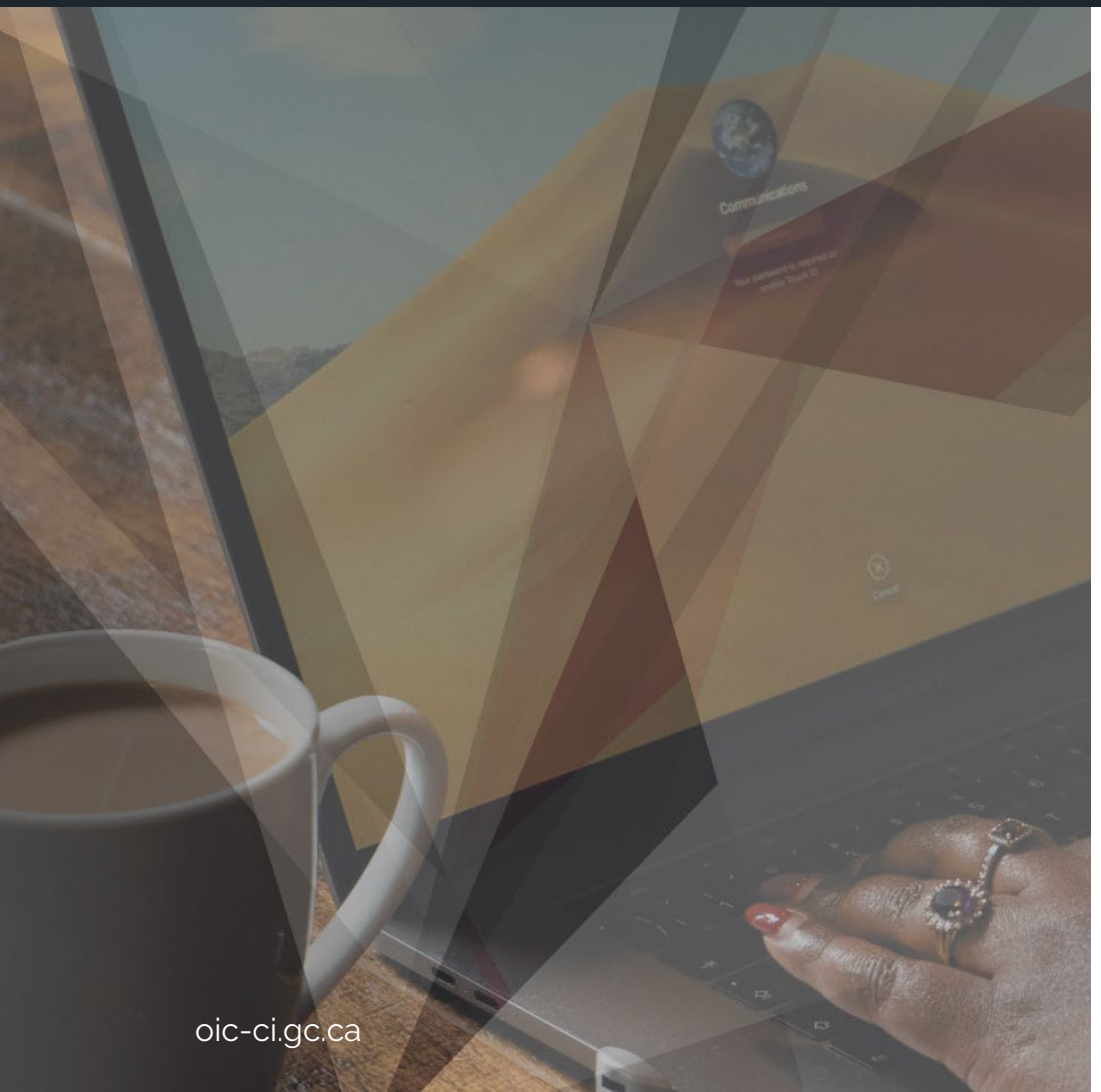
Ensuring compliance

- 90% of complaints concluded without orders
- Legally binding: ensures institutions meet legal obligations

Providing guidance and being transparent on our work

- Quarterly stats and final reports published on our database of decisions

Key principles for institutions



Senior leadership: critical in improving timeliness and transparency

Planned reductions: concerns about the impact of cuts to institutions subject to the Act

Access to information is not a service: it is a quasi-constitutional right

Legislative Review

My perspective on the review

Positive elements

- Government open to legislative change
- Early consultation: improvement over last review

Concerns

- Lack of ambition
- System-wide delays largely unaddressed
- Emergency time extensions could limit access
- Redefining “record” as “official record” risks weakening transparency
- Focus on reducing institutional burden over protecting access rights

Changes I would like to see building on my previous observations and recommendations

- broadening the application to include the Office of the Prime Minister and ministers offices;
- subjecting Cabinet confidences to the *Access to Information Act*;
- limiting the application of certain exemptions, such as section 21, (advice and recommendations) and adding a public interest override provision;
- setting out a maximum length of time for consultations that are necessary to respond to access requests.

For More Information

Check out the OIC's activities, publications and decisions

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