



Treasury Board of Canada  
Secrétariat

Secrétariat du Conseil du Trésor  
du Canada

Canada

# Review of the *Access to Information Act* and *Privacy Act* modernization

**Presented at the National Claims Research Directors Annual Meeting**

April 15, 2026



# Purpose

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To provide an overview of:

1. The Treasury Board of Canada Secretariat's (TBS) mandate as it relates to the *Access to Information Act (ATIA)* and *Privacy Act*.
2. The status of, and engagement approach for, the current review of the ATIA and *Privacy Act* modernization.
3. Potential policy approaches intended to improve Indigenous peoples' access to, and protection of information, personal data, and privacy.

# Context

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- The **President of the Treasury Board** is responsible for the general administration of the ATIA and the *Privacy Act*.
- Since 2019, this includes **conducting a mandatory review of the ATIA** every five years and tabling a report to Parliament upon its conclusion.
- The first mandated review was launched in 2020 and concluded in 2022 with the tabling of a [report to Parliament](#), though no legislative changes were brought forward; the current review of the ATIA was [launched](#) on June 20, 2025.
- The President of the Treasury Board is also **proceeding with a review of the *Privacy Act*** – report to be prepared on possible legislative changes to strengthen privacy protections for Canadians and Indigenous peoples while supporting a modern and effective digital government.

# Background

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- Canada's federal ATIA and *Privacy Act* came into force on July 1, 1983. The *Privacy Act* has not been significantly updated since then.
- These acts are laws of general application – that is, they apply broadly to Canadian citizens and permanent residents. The *Privacy Act* also applies to foreign nationals and permits non-Canadians to access their personal information.
- They provide the legal right to obtain information, in any form, that is under the control of a government institution. The general purpose of these acts is to promote transparency and accountability in government, and to protect sensitive and personal information.
- Reform is needed for both acts to address systemic challenges that are impacting the performance and operations of the access to information and privacy regimes, including as it relates to Indigenous peoples' access to, and protection of, information.

# Engagement approach

- The review of the ATIA and *Privacy Act* modernization build on the findings of previous reviews and over a decade of feedback from interested parties, including Indigenous partners.
- TBS’s approach to consulting and engaging Indigenous partners is informed by legislative obligations and policy commitments, including:
  - Under **section 5 of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA)**, the “Government of Canada must, in consultation and cooperation with Indigenous Peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.”
  - **Shared Priority 3 of the Government of Canada’s [2023-2028 UNDA Action Plan](#)** commits Canada to the following: “Where a statute requires periodic review, responsible departments will conduct that review in a manner that ensures consistency with the UN Declaration and meets applicable consultation and cooperation requirements in the UN Declaration Act.”
  - **Shared Priority 30** of the UNDA Action Plan identifies TBS as co-lead to advance Indigenous data sovereignty by streamlining “timely sharing and access to federal data and information holdings with Indigenous partners, while respecting the privacy of Individuals.”

# Early engagement

- TBS initiated **early engagement on the current review of the ATIA with Indigenous partners** in May 2024. Follow-up correspondence was sent to over 180 First Nations, Inuit and Métis governments and organizations in October 2024 to validate the areas of focus and potential Indigenous-specific policy approaches to reform the ATIA.
- TBS heard from 33 Indigenous partners, received 16 written responses, and conducted 13 follow-up meetings.
- Indigenous-specific policy approaches (at slides 8 and 9) are intended to:
  - address challenges related to accessing and protecting information under the ATIA as identified by Indigenous peoples, and
  - advance implementation of the UNDA by aligning the ATIA with the UN Declaration on the Rights of Indigenous Peoples, where possible.

# Formal engagement

- The **President of the Treasury Board announced the launch of formal engagement** activities with Indigenous partners, members of the public, and government institutions on the review of the ATIA in March 2026, and *Privacy Act* modernization in April 2026.
- To enable a focused and streamlined engagement process, TBS **published potential policy approaches** for the purpose of obtaining feedback on the review of the ATIA and *Privacy Act* modernization.
- A **call for proposals** was sent to Indigenous partners, including the NCRD, on March 17, 2026, inviting participation in both reviews and applications for limited funding (see slide 11 for more details).

## Associated Links

- [Statement by Minister Ali on the launch of public engagement for the review of the Access to Information Act](#)
- [2025 review of the Access to Information Act: Policy Approaches](#)
- [Government of Canada launches review of the Privacy Act](#)
- [2026 Review of the Privacy Act: Policy Approaches](#)

# Indigenous-specific policy approaches: ATIA review

**Overview:** Indigenous requesters rely on the access to information (ATI) system for varied and critical purposes. Over the years, the Government of Canada has heard from First Nations, Inuit and Métis governments and organizations that the ATI regime is not working for them. The following approaches aim to address longstanding challenges with the ATI regime that have been reported by Indigenous peoples, and to help make the Act consistent with the UN Declaration.

## Potential approaches:

- **Reflect self-determination in the ATIA**
  - Amend the purpose clause to include a reference to supporting Indigenous self-determination
- **Update the definition of “aboriginal government”**
  - Adopt the broader federal definition “Indigenous governing body” aligned with other federal statutes
- **Protect “Indigenous knowledge” from disclosure**
  - Create a new exemption that would protect Indigenous knowledge from disclosure, subject to few exceptions

# Indigenous-specific policy approaches: ATIA review

## Potential approaches – continued:

- **Exclude from disclosure third-party information provided to Indigenous-affiliated institutions**
  - Exclude third-party information held by Schedule I Indigenous-affiliated institutions from disclosure to support Indigenous economic self-determination in a manner aligned with the UN Declaration
  - Such a provision would not apply to Crown-Indigenous Relations and Northern Affairs Canada or to Indigenous Services Canada
- **Recognize collective rights in the ATIA**
  - Recognize collective rights in the Act by providing for access to decisions affecting Indigenous peoples to their governing bodies
- **Establish an alternative pathway for access**
  - Enable Indigenous governing bodies to request records through a disclosure arrangement developed with federal institutions – includes recourse through the Federal Court for unresolved disputes
- **Permanently waive the \$5 application fee for Indigenous requesters**
  - Permanently waive the application fee for Indigenous peoples and their representatives in policy

# Indigenous-specific policy approaches: *Privacy Act*

**Overview:** Indigenous Peoples have distinct perspectives and priorities regarding their data. A modernized *Privacy Act* would reflect this by supporting Indigenous self-determination and shared stewardship with the Government of Canada, enabling Indigenous peoples to access and govern their data in ways that align with their values and priorities.

## Potential approaches:


- **Recognize commitment to reconciliation**
  - Reflect commitment to advance reconciliation with Indigenous peoples in the Act
- **Broaden terms used to refer to Indigenous peoples**
  - Replace outdated terms and fixed lists with flexible language that reflect evolving recognition
- **Recognize Indigenous personal data as a distinct category**
  - Allow individuals to designate their data as Indigenous personal data, associated with a specific Indigenous government
- **Enable routine data-sharing**
  - Enable Indigenous governments to enter into agreements to receive copies of Indigenous personal data where individuals have opted in, for key programs
  - Publish information about these agreements in a public register to support transparency

# Next steps

- Partners can participate in the review and provide feedback in three ways:
  1. Via email and/or through a bilateral meeting supported by a validated meeting note. Contact us at: [reviewingATIA.revisionLAI@tbs-sct.gc.ca](mailto:reviewingATIA.revisionLAI@tbs-sct.gc.ca). If choosing this option, the deadline to share your feedback with TBS is **June 15, 2026**.
  2. By completing the digital feedback forms for the ATIA Review before **June 15, 2026**, and Privacy Act Modernization before **July 10, 2026**.
  3. If interested in funding support, partners are asked to submit their completed project proposal to [reviewingATIA.revisionLAI@tbs-sct.gc.ca](mailto:reviewingATIA.revisionLAI@tbs-sct.gc.ca) no later than **April 10, 2026**. The deadline for funded submissions is **September 1, 2026**, to account for the application and contribution agreement process.
- Please note that if you choose options 2 or 3, you are also welcome to request a bilateral meeting to support your submission.

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**Thank you!**

 For any inquiries, please **contact us** at:  
[reviewingatia.revisionlai@tbs-sct.gc.ca](mailto:reviewingatia.revisionlai@tbs-sct.gc.ca)



# ANNEX A: Indigenous-specific policy approaches for ATIA review

The 2025 review of the *Access to Information Act* (ATIA) provides an opportunity to examine potential legislative and policy approaches that respond to challenges identified by Indigenous peoples and advance implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) in a manner that better aligns the ATIA with the UN Declaration.

## RECONCILIATION

- **Issue:** The ATIA plays a critical role in supporting Indigenous self-determination, which is not reflected in the purpose clause.
- **Proposed approach:** Amend the Act to include a reference to supporting Indigenous self-determination.
- **Benefit:** Recognizes the importance of the ATIA for Indigenous peoples and aligns the Act more closely with the UN Declaration, namely articles 3 and 4.

## INDIGENOUS GOVERNANCE

- **Issue:** The current definition in the Act is outdated and limited to a narrow scope of Indigenous governments.
- **Proposed approach:** Adopt the broader federal definition “Indigenous governing body” (IGB) aligned with other federal statutes.
- **Benefit:** The new definition is culturally appropriate and affords protection of confidential information for more Indigenous groups, aligning with articles 3, 4 and 5 of the UN Declaration.

## INDIGENOUS KNOWLEDGE

- **Issue:** The ATIA does not specifically protect Indigenous Knowledge (IK) provided in confidence by Indigenous peoples to the Government of Canada.
- **Proposed approach:** Protect IK from disclosure, subject to certain exceptions, as outlined in other federal laws.
- **Benefit:** Mitigates the risk of inappropriate disclosure of IK and better aligns the Act with article 31 of the UN Declaration.

## APPLICATION FEE

- **Issue:** The \$5 fee to access records from federal institutions poses administrative barriers for some Indigenous requesters.
- **Proposed approach:** Permanently waive the application fee for Indigenous peoples and their representatives in policy.
- **Benefit:** Removes a well-documented barrier to access for Indigenous peoples.

## INDIGENOUS-AFFILIATED INSTITUTIONS

- **Issue:** The ATIA does not adequately protect third-party information held by Indigenous-affiliated institutions subject to the Act, risking sensitive disclosures and undermining service delivery.
- **Proposed approach:** Exclude third-party information held by Schedule I Indigenous-affiliated institutions from disclosure.
- **Benefit:** Supports Indigenous economic self-determination in a manner that is aligned with the UN Declaration, particularly articles 5, 20 and 23.

## COLLECTIVE RIGHTS

- **Issue:** The ATIA does not require disclosure of decisions to IGBs that affect the collective rights of Indigenous peoples.
- **Proposed approach:** Recognize collective rights in the Act by providing for access to decisions affecting Indigenous peoples to their governing bodies.
- **Benefit:** Better aligns the Act with articles 19 and 40 of the UN Declaration and reinforces what is already contained in common law requirements and treaties.

## ALTERNATIVE PATHWAY FOR ACCESS

- **Issue:** The individual request-based system does not meet the needs of Indigenous peoples and their representative bodies in terms of collective rights.
- **Proposed approach:** Enable IGBs to request records through a disclosure arrangement developed with federal institutions – includes recourse through the Federal Court for unresolved disputes.
- **Benefit:** Embeds a more culturally appropriate pathway to access in law.

# ANNEX B: Indigenous-specific policy approaches for *Privacy Act*

*Privacy Act* Modernization is an opportunity to examine potential legislative and policy approaches that respond to challenges identified by Indigenous peoples and advance implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) to better align the Act with the UN Declaration.

## RECONCILIATION

- **Issue:** It is important to embed reconciliation into the foundation of federal legislation, such as the *Privacy Act*.
- **Proposed approach:** Reflect commitment to advance reconciliation with Indigenous Peoples in the Act.
- **Benefit:** Demonstrate the Act's alignment with Canada's commitment to work respectfully with Indigenous Peoples and guide culturally sensitive privacy practices.

## BROADENING TERMS USED

- **Issue:** The current lists and terms that refer to Indigenous Peoples in the Act are outdated and limited to a narrow scope of Indigenous governments.
- **Proposed approach:** Replace outdated terms and fixed lists with flexible language that reflect evolving recognition.
- **Benefit:** Updated terms would broaden the disclosure provisions and protections to more Indigenous governments and organizations so that the scoping of each provision is linked to its purpose.

## INDIGENOUS PERSONAL DATA

- **Issue:** Government programs rarely collect information that consistently links individuals to their Indigenous government, which limits the ability to share relevant data to support Indigenous service delivery and governance.
- **Proposed approach:** Allow individuals to designate their data as Indigenous personal data, associated with a specific Indigenous government. This data could have different applicable disclosures compared to other data.
- **Benefit:** Facilitate access to data by the relevant Indigenous government by clearly identifying relevant individuals, while preserving individual choice and aligning safeguards with Indigenous contexts and priorities.

## ENABLE ROUTINE DATA-SHARING

- **Issue:** Indigenous partners are seeking better access to personal data about their citizens to support service delivery and self-governance. This supports Indigenous data sovereignty.
- **Proposed approach:** Enable Indigenous governments to enter into agreements to receive copies of Indigenous personal data where individuals have opted in, for key programs. To support transparency, publish information about these agreements in a public register.
- **Benefit:** Support Indigenous data sovereignty and allow Indigenous governments to have greater access to the personal data of their citizens.