

NDP Response: Right to Information Alliance Canada

Ms. Ange Holmes
Right to Information Alliance Canada

September 3, 2021

Dear Ms. Holmes,

Thank you for your letter regarding our proposals for reforming and improving Canadians' access to information.

Canada's access-to-information regime has been broken for a long-time. Lengthy delays, excessive exemption, and lack of oversight or penalties means that all too often, Canadians are completely stymied in their attempts to access information. The Conservatives promised to fix the system in 2006 but did nothing. Then the Liberals promised in 2015 to fix the system, and instead they introduced new loopholes and made the Access to Information Act even more difficult to use.

The NDP has long called for comprehensive reforms to the Access to Information Act, including giving the Information Commissioner new powers to order the release of documents and to review cabinet confidences to ensure that they are legitimately designated and excluded.

An NDP government will amend the Access to Information Act to apply to the Prime Minister's office and offices of Ministers. We will also ensure that the Information Commissioner has the necessary power to independently review decisions. We will implement a test for reasonable expectation of injury of exemptions given to advice and recommendations and explicitly remove factual materials from the scope of the exemption for advice and recommendations. Finally, we will include a public interest override that covers environmental, health, safety, or human rights implications.

We will invest resources into access to information to ensure that the system is not being choked off by a lack of personnel, set stricter limits on delays and extensions, and impose penalties for not complying with the Act.

The way that First Nations, Inuit, and Métis have been prevented from seeking justice for horrific wrongs, including abuse in government-run or funded residential schools, by the federal government's denial of access to historical records is shameful. An NDP government will work with Indigenous communities to ensure that there is real accountability and genuine access to information, including proactive disclosure. We will also create a special prosecutor to conduct an investigation into crimes committed against Indigenous children in the residential school system. The special prosecutor would have the power to subpoena documents from the federal government and make them public.

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Thank you again for reaching out. We look forward to working with you as we implement much-needed reforms to Canada's access-to-information regime.

Sincerely,
The NDP Team