



Access to Information and Privacy Implementation Notice 2023-01: Advancing Reconciliation with Indigenous Peoples by Providing Culturally Appropriate Services

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Access to Information and Privacy Implementation Notice 2023-01: Advancing Reconciliation with Indigenous Peoples by Providing Culturally Appropriate Services

1. Effective date

This implementation notice takes effect on May 15, 2023.

2. Authorities

This implementation notice is issued pursuant to paragraph 70(1)(c) of the *Access to Information Act* (ATIA) and paragraph 71(1)(d) of the *Privacy Act*.

This implementation notice is also pursuant to the President of the Treasury Board's December 2021 Mandate Letter, which:

- underscored the need to move faster on the path of Reconciliation with First Nations, Inuit and Métis
- directed the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) ([read the declaration](#))

3. Purpose

This implementation notice seeks to ensure that concrete actions are being taken by government institutions subject to the ATIA and the *Privacy Act* to advance Reconciliation by removing barriers faced by Indigenous Peoples when they request access to information. In line with the key actions on access to information and in the spirit of Canada's commitment to Reconciliation with Indigenous Peoples, this notice aims to facilitate access to government and personal information by promoting the provision of culturally appropriate services.

4. Context

In 2007, the United Nations adopted the UNDRIP and, on June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act (UN Declaration Act) came into force. The passage of the UN Declaration Act was a critical step toward recognizing, promoting, protecting and upholding the human rights of Indigenous Peoples in Canada.

As the Government of Canada moves to implement the UN Declaration Act in the access to information (ATI) and privacy regimes, the Treasury Board of Canada Secretariat (TBS) and the Department of Justice Canada have been engaging with Indigenous Groups to better accommodate their unique perspectives and specific needs in terms of access to government and personal information. In fall 2021, the Department of Justice Canada published Privacy Act Modernization: Engagement with Indigenous Partners – What We Have Learned (so far) and Next Steps based on their consultations with Indigenous Groups in 2020–21. This report summarized the input received and outlined the next steps for further engagement with Indigenous Groups. In December 2022, TBS published the Access to

Information Review Indigenous-Specific What We Heard Report and tabled the *Access to Information Review: Report to Parliament*. The reports identify three key themes that emerged during the engagement process:

1. Indigenous data sovereignty
2. Indigenous right of access
3. the definition of “aboriginal government” in the ATIA

TBS seeks to improve Indigenous right of access by recommending training for ATI and privacy professionals in order to improve the cultural appropriateness of the services provided to Indigenous Peoples when they request access to information.

5. Guidance

The following guidance:

- can help advance Reconciliation with Indigenous Peoples by facilitating their access to government and personal information
- recommends training for ATI and privacy professionals so that they can provide more culturally appropriate services to Indigenous Peoples when they request access to information

In the context of the recent ATI review and of the modernization of the *Privacy Act*, Indigenous Peoples were consulted. They reiterated that Indigenous Peoples face unique barriers when requesting access to government or personal information under the current ATI and privacy regimes. It is of utmost importance that ATI and privacy professionals increase their cultural skills and their awareness of the issues faced by Indigenous Peoples. Doing so will help ATI and privacy professionals better assist Indigenous Peoples when they request information, which is in line with the duty to assist people who make requests as set out in the:

- *Directive on Access to Information Requests*
- *Directive on Personal Information Requests and Correction of Personal Information*
- ATIA

As part of the ongoing efforts toward Reconciliation, TBS is committed to a whole-of-government approach to enhancing how ATI and privacy professionals provide access to information services to Indigenous Peoples. TBS recommends that all ATI and privacy professionals complete the following courses offered by the Canada School of Public Service within one year of the effective date of this notice, or within one year after the start of their employment as an ATI or privacy professional:

- Reflecting on Cultural Bias: Indigenous Perspectives (IRA101)
- The Uncomfortable Truth: A Brief History of the Relationship Between Indigenous Peoples and the Government of Canada (IRA102)
- Cultural Competency: Indigenous Perspectives (IRA142)

Completing these courses will increase the cultural competency of ATI and privacy professionals, and enable them to provide better services to Canadians. The courses will enable ATI and privacy professionals to:

- identify their respective biases and values
- reflect on their own culture
- gain a greater understanding of diverse Indigenous cultures and perspectives
- discover the cultural competencies that they need to build respectful relationships with Indigenous Peoples

ATI and privacy professionals are also strongly encouraged to complete the following courses:

- First Nations in Canada (IRA103)

- Métis in Canada (IRA104)
- Inuit in Canada (IRA105)
- Reconciliation Begins with Me (IRA141)

Completing these courses will provide ATI and privacy professionals with a better understanding of the history and culture of First Nations, Inuit and Métis.

Completing Reconciliation Begins with Me (IRA141) is part of fulfilling the professional development and training set out in Call to Action 57. By completing IRA141, ATI and privacy professionals may also:

- discover parts of Canadian history that they may not know
- learn about the impacts of Residential Schools and the rights of Indigenous Peoples
- better understand the obligations of public servants toward Indigenous Peoples

ATI and privacy professionals are also encouraged to read the Truth and Reconciliation Commission's reports, including the 94 calls to action (or recommendations) to further Reconciliation between Canadians and Indigenous Peoples.

TBS is expected to recommend additional training for ATI and privacy professionals in future implementation notices as part of advancing Reconciliation with Indigenous Peoples.

6. Application

This implementation notice applies to the government institutions as defined in section 3 of the ATIA and the *Privacy Act*, including parent Crown corporations and any wholly owned subsidiaries. This implementation

notice does not apply to the Bank of Canada or to any government institutions that do not have access to courses offered by the Canada School of Public Service.

7. Reference

- *Access to Information Act*
- *Access to Information Review Indigenous-Specific What We Heard Report*
- *Access to Information Review: Report to Parliament*
- *Directive on Access to Information Requests*
- *Directive on Personal Information Requests and Correction of Personal Information*
- *Policy on Access to Information*
- *Policy on Privacy Protection*
- *President of the Treasury Board's December 2021 Mandate Letter*
- *Privacy Act*
- *Privacy Act Modernization: Engagement with Indigenous Partners – What We Have Learned (so far) and Next Steps*
- *Truth and Reconciliation Commission of Canada: Calls to Action*
- *United Nations Declaration on the Rights of Indigenous People (read the declaration)*
- *United Nations Declaration on the Rights of Indigenous Peoples Act*

8. Enquiries

Members of the public may contact publicenquiries-demandesderenseignement@tbs-sct.gc.ca for information about this implementation notice.

Employees of government institutions may contact their [Access to Information and Privacy \(ATIP\) coordinator](#) for information about this implementation notice.

ATIP coordinators may contact ippd-dpiprp@tbs-sct.gc.ca for information about this implementation notice.

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