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Chair: Kelly McCauley



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Thursday, February 5, 2026

• (1100)

[English]

**The Chair (Kelly McCauley (Edmonton West, CPC)):** Good morning, everyone. Welcome to meeting number 25 of the House of Commons Standing Committee on Government Operations and Estimates.

We welcome back a friend of our committee, Madame Maynard, the Information Commissioner, for an hour and a half. Then we're going in camera for half an hour to chat about how we're going to present our FINA study to FINA.

Welcome back, Commissioner. It's wonderful to have you with us. The floor is yours. Please go ahead.

[Translation]

**Caroline Maynard (Information Commissioner, Offices of the Information and Privacy Commissioners of Canada):** Thank you, Mr. Chair and members of the committee, for the invitation to appear before you today.

Since I do not appear before this committee very often, I would like to briefly talk about my mandate.

[English]

I am the independent agent of Parliament responsible for overseeing the federal access to information regime. My mandate is to investigate complaints, ensure that institutions comply with their legal obligations under the Access to Information Act and uphold Canadians' right of access to government information.

This role is essential to transparency, accountability and the integrity of our democratic institutions. As you know, under the comprehensive expenditure review, institutions across government are reviewing public spending to ensure that it is responsible, cost-effective and delivering real results to Canadians. While my office is not directly affected by the review, we respect its spirit by modernizing processes, maximizing operational efficiencies and deploying resources strategically while maintaining our core mandate.

As the government seeks to reduce expenditures, leaders must keep in mind that access to information is not a service. It is a quasi-constitutional right grounded in law and must be treated as such. This right is put at risk by cuts to access to information and privacy teams, as well as to the program areas that hold the records.

[Translation]

In a digital world flooded with misinformation—where artificial intelligence can distort content and falsehoods spread rapidly on so-

cial media—timely access to reliable information is more crucial than ever. It empowers us to separate fact from fiction and understand what drives government decisions.

[English]

Turning to the review of the Access to Information Act, launched last June by the Treasury Board Secretariat, it is important to note that multiple studies and reviews have already highlighted that changes are necessary.

While I will reserve detailed comment until the government's policy paper is released, the review presents a critical opportunity for meaningful reform. As I recently wrote to the President of the Treasury Board, this review must not become a justification for further secrecy. It must expand access, modernize the framework and reinforce independent oversight. The public's right to know is fundamental to our democracy, and any review must strengthen that right.

[Translation]

In that vein, I would like to talk about one legislative amendment introduced in 2019 that has had a significant positive impact on the overall access to information system and on the work done by my office: the order-making power. When I find that an institution has not complied with the act and there is a corrective action to be taken, I can order the institution to do so. I want to be clear that this power is used in moderation. I only issue orders when efforts to make institutions comply with their statutory obligations are unsuccessful.

• (1105)

[English]

Up to January in the current fiscal year, only 230 of the nearly 3,000 complaints concluded through investigations resulted in orders being issued. That represents less than 8% of complaints. This figure demonstrates that my authority to make an order is exercised appropriately and is not overused.

The data also shows that I issue orders mostly in cases involving delays or extensions of time complaints. These are situations where institutions have already missed the statutory deadline for responding, sometimes by months. In such cases, the order simply directs the institutions to do what the law already requires them to do: provide a response to the requester—the response he is entitled to under the act.

[*Translation*]

In closing, I want to state that, as a matter of principle, I am categorically opposed to any measure that would weaken the order-making power. Revisiting this authority would represent a step backward for transparency, accountability and the access to information system.

Thank you.

[*English*]

**The Chair:** Thank you very much for the opening statement. I really appreciate the commentary that your office and the info law is not a service. It's an actual right and it's a law. I really appreciate your bringing it up.

Mr. Patzer, we'll start with you for six minutes, please.

**Jeremy Patzer (Swift Current—Grasslands—Kindersley, CPC):** Thank you very much for joining us here today. I really appreciate your taking the time to be here.

I'm just going to start by reading a couple of headlines from over the years.

In 2024, in *The Globe and Mail*, there was an article with this headline: “The promise of government-official accountability is vanishing—along with their texts”.

In 2025, CTV News had the headline, “Hypocrisy is next level! Canadian officials criticized for using disappearing messages on Signal”.

Then, to start off this year, in January, *Blacklock's Reporter* reported that there was a memo sent out, effective January 26, telling staff to “delete in-house chat posts within 15 days.” The quote in the article was, “Keeping it longer increases risk and does not align with information management principles”.

Were you made aware of this decision prior to its being enforced by the government?

**Caroline Maynard:** The administration of the retention policy and management of information is the authority of the Treasury Board. We're not being informed when these policies are being issued. We are aware that the government has retention policies and that it has put in place a system that automatically deletes some messages or Teams messages.

I am not against proper information management as long as people are aware of what they have to do with documents that actually document decisions, actions and policy decision-making. With the retention policy, there has to be proper messaging to the employees on how to properly manage their information, so that Canadians can access that information. As you know, without documents, we don't have access to information.

**Jeremy Patzer:** There's some obvious interest from the general public in what could be said in some of these messages. There's certainly some value in how decisions are being made.

Are you concerned by the fact that 15 days is where they have this set? That's a pretty quick turnaround for a message to be deleted. I know the Access to Information Act requires 30 days for a response. Is that the timeline?

**Caroline Maynard:** On top of the retention policy, what I'm worried about—actually I issued a letter this week to the institutions—is that they have to be aware that when an access request comes in, all records have to be processed, treated and retrieved, including transitory documents and messages. If they don't have a system in place to stop the deletion or the automatic deletion, we may end up losing some of those documents that are responsive to an access request.

The Access to Information Act does not differentiate between the types of messages and the types of records, but I understand that for proper information management, it is okay to get rid of transitory messages and transitory documents as long as the decisions, the discussions and minutes.... There's a proper way to capture those decisions, so that ultimately they could be retrievable and accessible.

• (1110)

**Jeremy Patzer:** Is there any policy on transitory messages that exists for a time frame? Obviously they said 15 days here, but was there a previous rule that was in place for how long a message should be retained?

**Caroline Maynard:** Every government institution is allowed to set the retention period that they believe is appropriate for the type of.... Every record has a retention policy. Some records will be kept for two years and others for 30 days. It really depends. There are some guidance and directives from TBS and from the Library and Archives on those issues.

**Jeremy Patzer:** That's interesting. Are there any guardrails or limits in place to protect this process from being abused in attempts to hide corruption or something that the government finds embarrassing, or should there be guardrails in place?

**Caroline Maynard:** Once a document is requested under my act and somebody intentionally deletes it or gets rid of it, there are some provisions where I could refer that as a criminal offence and it could be investigated by the Attorney General. Apart from that, the government at the federal level does not have a “duty to document” that is legislated. There's no sanction. There's no requirement to document under the act, but if you are intentionally removing those documents once an access request comes, that's when the offence can be considered.

**Jeremy Patzer:** Are there any ongoing investigations or ongoing issues with that?

**Caroline Maynard:** I have referred to the government, to the Attorney General, a few cases since I was appointed. I'm not aware of any investigations or open cases with respect to those allegations.

**Jeremy Patzer:** Okay. Thank you.

I think I have only about 15 seconds left, Chair, so I'll cede the rest of my time to you.

**The Chair:** Thanks.

We'll go to Mr. Osborne, please.

**Tom Osborne (Cape Spear, Lib.):** Thank you.

Thank you, Ms. Maynard, for your introductory remarks.

Has the volume of complaints increased?

**Caroline Maynard:** No. Actually, I'm pleased to see that in the last two to three years, we seem to be hitting a number that is very stable, at around 5,000 complaints a year, which represents about 2% of all access requests made to the government.

**Tom Osborne:** Good. I'm glad, because I was sort of going there. The number of complaints has gone down, at about 2% or thereabouts of the total number of requests. I think just under 60% of the complaints are well-founded, which would mean that over 40% are not well-founded.

There's considerable time and resources going into this. How do we narrow down, or make more efficient, identifying the complaints that are actually valid or are well-founded complaints?

**Caroline Maynard:** One thing that I think is misleading is that a lot of our complaints don't lead to a finding of whether it's well-founded or not well-founded, because they are resolved before we get to that; 85% of all our complaints we try to resolve informally. Only 15% of all the complaints have to go into a finding. The 30% and the 60% are of these 15%. Actually, out of maybe 4,000 complaints, we resolved 85%.

Often, what we mean by "resolve" is that the complainant receives the information he's entitled to before we have to issue an order or before we have to complete our investigation because of the negotiations and the discussions we have with the institution. A lot of work is done before we actually have to issue a finding.

**Tom Osborne:** I appreciate that.

In terms of human resources, an army of people respond to access to information requests. The number of pages being released keeps going up. How do we manage the management of information? Some of these requests are duplicate. Some may be frivolous. I have a feeling, based on my time in provincial government, that we're in fact doing research, whether it's for corporations or lawyers or journalists or politicians, whatever the case may be.

How can we better manage the information so that if it's a duplicate request...? On the valuable human resources and the time and the number of pages released, are we able to get to a stage where maybe we can reduce the burden?

• (1115)

**Caroline Maynard:** The proper management of information would be a good start. Right now, public servants are not obliged or

mandated to review their inbox. They don't have a maximum volume of what they can keep in their Outlook sent box. There is no proper training on information management.

Ultimately, if the information were properly managed, you could start talking about artificial intelligence tools that review for duplicates, or for documents that are not responsive to the request, before somebody looks at the documents internally. Countries like New Zealand have started using those tools, so they exist. In Canada, I think we have a few institutions that have started doing that as well.

The information has to be found first, before we can use these tools. The problem we have is that information is everywhere right now. It's not properly managed. That's one of the reasons we think people are starting to say, "Let's not keep all our Teams stuff. Let's not keep all the texts that are transitory documents. Let's keep the proper documents for corporate knowledge and business values." If you don't do that, you end up with a file with millions of pages. Until you clean that up and until people think about this every day, it's not going to get better.

We're working so fast now. We're working from home. We're working from the office. Everything is done digitally. It's no longer about printing a file and putting it in a little folder, which you can get when it's necessary. There are folders everywhere. It doesn't help with access requests at all.

**Tom Osborne:** Proper information management techniques would improve that, no doubt.

**Caroline Maynard:** It would be key.

**Tom Osborne:** What's considered transitory and not transitory? I have a strong belief in "the right to know", without compromising national security or information.

**The Chair:** I apologize. We're out of time. Perhaps we can get to that on the next intervention.

Madame Gaudreau, you have six minutes.

[*Translation*]

**Marie-Hélène Gaudreau (Laurentides—Labelle, BQ):** Thank you very much, Mr. Chair.

Ms. Maynard, it's a pleasure to have you here. If memory serves, we met not too long ago at the Standing Committee on Procedure and House Affairs, and perhaps even at the Standing Committee on Access to Information, Privacy and Ethics.

In 2020 or 2021, I believe, the issue of resources and deadlines was raised, and it's been a concern of mine for the past few years. Today, I'm learning that you are successfully resolving 85% of complaints. That's exceptional.

Has the situation improved since the last time we met? Has it gotten worse?

**Caroline Maynard:** At the Office of the Commissioner, we have made a lot of efforts to improve our processes and become more efficient. Unfortunately, we give institutions less time to respond. There is less back-and-forth in the processing of files, precisely because we want to make sure that we respond to the person who has been waiting for several months. We've set very tight deadlines, and we don't hesitate to go so far as to issue an order. I didn't have that authority prior to 2019. It allows us to deal with an issue when we need to.

In a sense, we don't have more resources, but the pressure we've put on and the efforts we've made to be more efficient have allowed us to do more with fewer people.

I'm really concerned about the access to information units within government institutions. If they're forced to make budget cuts, people won't be able to respond to us during our investigations and there will be additional delays in responding directly to complainants.

In principle, we should not receive complaints. People should receive their response without needing to file a complaint. If there are fewer employees to respond to access to information requests, that will lead to additional delays and more complaints. We have no way of forecasting the number of complaints. We can manage our process, but we can't manage what comes to us from the government. I'm very concerned about what's coming in the next few years.

• (1120)

**Marie-Hélène Gaudreau:** I agree with that.

Since we're talking about process, what are the benefits of artificial intelligence? Personally, from an ethical standpoint, that worries me a lot, never mind misinformation.

How can AI be used in a positive way, in spite of everything?

Assuming that all the necessary laws have been passed to protect people's identity and privacy, how could that be positive?

We could talk about New Zealand, Estonia and other countries that have good practices.

**Caroline Maynard:** When it comes to access to information, there should certainly be information triage processes. I'm not talking about creating information with artificial intelligence. That's where I think the challenges or the dangers lie.

I'm talking about artificial intelligence tools to identify documents that are the same, for example. Right now, human beings are doing that. Everything is still done very much by hand in the access to information field. In such an environment, it would certainly be useful to have AI tools to find recurring words or names. For example, when we want to protect a person's name, we have to read the documents line by line right now. You can also do a search, but it still takes a lot longer. Artificial intelligence could be useful in such cases.

**Marie-Hélène Gaudreau:** I was convinced that this was already being done.

**Caroline Maynard:** No, it's not done. There are still a lot of people printing documents and doing it by hand.

**Marie-Hélène Gaudreau:** I can't believe it. Maybe that explains it.

Since time is running out, could you tell me when you plan to release the investigation report on ArriveCAN?

That's the burning question.

**Caroline Maynard:** That's an extremely complex issue. It's the kind of file where, the more doors are opened, even more doors are opened.

I can't get into the details, but that's really our priority for this year. I had intended to release it by no later than March 31, but I don't know if that will be possible, because we have to verify a lot of critical and complex allegations and pieces of information.

**Marie-Hélène Gaudreau:** I have a bit of time left.

In terms of the protecting information, how do you think we should legislate?

Quebec has made significant progress, but on the Canadian side, it's seriously embarrassing.

What regulations do we need to protect real information?

**Caroline Maynard:** It's hard to say. It's not just about legislating. It's not just the act that will enable us to have a better access to information system.

We really need to change the culture. People have to be proud of the information they produce. Public servants should be proud of the work they do and want to share it so that Canadians understand the decisions that are made and how they were made. The more things people hide, the more questions people have.

**Marie-Hélène Gaudreau:** Information is power. So the more power we want, the more information we keep.

Thank you, Mr. Chair.

[English]

**The Chair:** This is true. We want more power, and we want more info. Before we go to Mr. Brassard, regarding ArriveCAN, was that specifically the investigation into the alleged deleted emails from Minh Doan? Wonderful.

Mr. Brassard, welcome to OGGO.

Mr. Brassard is here from the ethics committee so he can see how a real committee is run.

**Some hon. members:** Oh, oh!

**The Chair:** It's a pleasure to have you with us, Mr. Brassard. The floor is yours for five minutes, please.

**John Brassard (Barrie South—Innisfil, CPC):** Please don't take away my time as you insult me, Mr. Chair. Thank you.

Madam Commissioner, it's good to see you again. I'll get right at it. In 2003, the ethics committee did a fairly exhaustive study of the Access to Information Act. We had 11 meetings with over 40 witnesses. We made 38 recommendations. Is it safe to say that you were pleased with the work that the ethics committee did in coming up with those recommendations? I know you were part of that process as well.

• (1125)

**Caroline Maynard:** The recommendations were in line with my recommendations with respect to the act, yes.

**John Brassard:** Of those 38 recommendations, how many have actually been implemented by the government?

**Caroline Maynard:** As far as I know, it is none.

**John Brassard:** In the two years since that study was presented to Parliament, you're confirming that none of those recommendations has been implemented. Is that correct?

**Caroline Maynard:** The act has not been reopened since 2019, so none of the recommending amendments to the act has been implemented.

**John Brassard:** Let's go to the act for a second. The Treasury Board has indicated that the legislative review was to begin in 2025—the update to the act. Have you seen or heard of any activity with respect to the act actually being reviewed?

**Caroline Maynard:** The Treasury Board announced it was going to start the review in June, and nothing has happened since then.

**John Brassard:** Your office has not been involved, in any way, shape or form, with the Treasury Board on the Access to Information Act review.

**Caroline Maynard:** I have sent two letters to the President of the Treasury Board since June and haven't received any responses.

**John Brassard:** When were those letters sent?

**Caroline Maynard:** They said that we need to start the review.

**John Brassard:** Were they sent in June, though, as you said?

**Caroline Maynard:** One was sent in July, and I just sent one in December—a repeat of the letter.

**John Brassard:** Okay.

I want to focus on a meeting you had with the Clerk of the Privy Council on November 12.

There are documents I've received that are themselves a result of access to information. In that meeting, you briefed Mr. Sabia on the deterioration of the access to information system and cited Sabia's department as being among the worst offenders. Is that an accurate reflection of what you said?

**Caroline Maynard:** Yes.

**John Brassard:** You also said that “inefficiencies abound”, illegal delays are rife and backlogs are growing at the Privy Council Office. Is that something else that's accurately reported?

**Caroline Maynard:** Yes.

You have to know that the problem with PCO is that they have a lot of historical documents. A lot of the requests that are late and

that lead to orders are for historical documents that are still within the institutions. Our recommendation is to refer those to Library and Archives, where they should be held and preserved.

That's what led to those comments.

**John Brassard:** Soon after the 2025 election, you wrote a letter to the Prime Minister. You said, at that time, that you've observed a steady decline in the access to information system, to the point where it no longer serves its intended purposes.

My understanding is that there was a June 11 memo—again received through access to information—to the Prime Minister stating that you were the problem. They cite the fact that your ramped-up orders to the department to release information have created a significant administrative burden. Well, I say, “boo hoo”, considering the act is a legislative requirement.

In September of last year, Treasury Board bureaucrats responsible for setting access to information policies suggested that the government may need to revisit your order-making powers, which were conferred to you in 2019 in Bill C-58. I know you addressed that at the beginning, in your opening statement. I want you to expand on that. Tell us about the significance and consequence of them clipping your wings, potentially, by removing those order-making powers.

**Caroline Maynard:** I think it's important to know that, before I had the authority to issue orders, the commissioners were only allowed to make recommendations. You're dealing with a right to know that ended up being a recommendation to institutions. If an institution didn't agree with a recommendation, it was up to the commissioner to go and fight that in court, which we didn't have the resources to do.

With the order, the onus was switched. The order is now telling the institutions to respond by a certain date, most of the time. If they don't want to do that or can't, they have the onus to go to court. Only 3% of all these orders make it to court.

This order-making power has made us more efficient and more directive. It is allowing me to settle cases, finally, instead of having a back-and-forth negotiation until we agree on a date that will be missed anyway. This is a final step in a process that is making a right be respected.

Just so you know—

• (1130)

**The Chair:** We're passed time, but you can go ahead and finish your line.

**Caroline Maynard:** Most of the institutions to which we have issued orders have done much better in the last five years, except the PCO.

**The Chair:** Go ahead, Mr. Gasparro.

**Vince Gasparro (Eglinton—Lawrence, Lib.):** Thank you, Mr. Chair.

Thank you for your service and for being here today.

I think, looking around at my colleagues, that I'm the newbie of the group. For my benefit, can you briefly explain how the access to information request process works, from the moment a request is made all the way through...and how much it costs, etc.?

Can you do this for my benefit? I apologize to my colleagues.

**Caroline Maynard:** I'll give you access 101.

The quickest thing I could say is that anybody who resides in Canada has a right to access. You don't have to be a Canadian. As long as you have an address here in Canada, you can ask for information that is under the control of government institutions at the federal level. The institutions have 30 days to respond. If they cannot do it in 30 days, they can take an extension of time. If you don't like the decision they are giving you, because they can redact the information, you have a right to complain to my office. I am the first level of review. I review the complaints. I decide whether the institution was right to not give you some information and whether the timeline has been missed, and I can issue orders. Like I said earlier, most of those cases are resolved informally. If you are not happy with my work or my order or if the institution is not, then there is a second level of review, which is at Federal Court of Canada.

The cost is something that you would have to ask the President of the Treasury Board about because the Treasury Board administers the requests. I only review the complaints that come to me. Only about 2% to 3% of all requests come to my office. Last year, the total number of requests to the government was 230,000. The majority go to the Immigration and Refugee Board because, unfortunately, people have to ask for a lot of information from IRCC through access requests versus getting it directly from their portal, which should really be the way to get the information.

**Vince Gasparro:** Commissioner, can I just interject for a moment? I apologize.

When I talked about cost, I meant the cost to the individual making the request.

**Caroline Maynard:** It's five dollars.

**Vince Gasparro:** Wow.

**Caroline Maynard:** There's no cost anymore. It's about five dollars to make an access request. The institutions are not allowed to charge for printing, searching and reviewing anymore. That was removed by the Liberal Party, the government. There is no cost to come and complain to my office.

**Vince Gasparro:** How does that compare to other jurisdictions, like the Province of Ontario, for example, from a cost perspective?

**Caroline Maynard:** In Ontario, I don't remember what the cost for an access request is, but you are allowed to charge for the work that you do after a certain number of hours. In British Columbia, the cost has been raised to \$25 per access request. It's different in every jurisdiction.

**Vince Gasparro:** I'm glad you mentioned every request for information.

I look at this 230,000-requests figure. How do we handle duplicate requests and multiple requests? Are those encapsulated in this 230,000-requests figure?

• (1135)

**Caroline Maynard:** Currently, there is a provision in the act that allows institutions to ask my permission to not respond to an access request if they believe that the request is made in bad faith, is frivolous or is an abuse of the process. An example would be a repetitive requester who is asking for the same thing. We have a case like this, and we agreed that this was an abuse of the process. However, they have to obtain permission from my office to not respond to those requests. This is because, as you understand, it's removing somebody's right to access.

**Vince Gasparro:** Sure.

Do you think, because of the low cost of the current system and the ease of access, it's ripe for being overused and misused? Is that possible?

**Caroline Maynard:** This provision is there to protect from that, and I have to say that I'm actually surprised that there are not that many. I think we've received 65 requests so far in five to seven years. It's not the majority. It's actually a very small number of people who abuse or have requests that are felt to be abusive.

**The Chair:** Thanks very much.

Madame Gaudreau.

[*Translation*]

**Marie-Hélène Gaudreau:** I'd like to come back to the Privy Council Office.

What reasons does it give for not providing the requested information or not meeting the deadlines?

**Caroline Maynard:** I can't speak to a specific case, but generally, as I was saying earlier, it's because they have a huge library of historical data. Those are often classified as secret or top secret.

It's very complex. There are documents that contain information related to national security. Often, these are documents that date back 20, 30 or 40 years. So it takes a certain amount of expertise and a lot of time to handle them.

Those are the cases that usually cause the delays. It's often people who do research, such as professors or historians, for example, who want access to these documents, because this is Canada's history.

**Marie-Hélène Gaudreau:** Let's face it: National security is being used as an excuse. It's easy to say that something is top secret, but how do you determine what is top secret? There are secrets, and there are things that need to be known under the law.

In this process, are there times when having the right to review makes you uncomfortable, given your duty of impartiality?

**Caroline Maynard:** That's not the case, because I have access to all documents. If I'm told that a document won't be disclosed because it contains information related to national security, my own team of experts will verify and test those arguments. We need to be convinced of that. That's what the process is for.

I don't disclose anything. I just want to see the information, understand the restrictions and apply the law. The only documents I don't see are those protected under cabinet confidence.

**Marie-Hélène Gaudreau:** Okay.

Thank you very much.

[English]

**The Chair:** You're right on time, as always.

Mr. Brassard, please go ahead.

**John Brassard:** Thank you, Mr. Chair.

I want to go back to that November 12 meeting you had with Mr. Sabia, the Clerk of the Privy Council. It also has been suggested in the access to information note I have that obviously you were talking about the five-year mandated review of the act, but there was also a draft discussion paper from the Treasury Board and some of the bureaucrats in the Treasury Board that indicates the government is considering restrictions on citizens' rights to access.

Are you aware of any circumstances that have happened where the government is actually considering restricting a citizen's right to access information?

**Caroline Maynard:** I've seen it in other jurisdictions when a particular person becomes a vexatious requester, but usually you have to go to court to obtain that type of decision to stop somebody for a certain period of time. Usually, it would be limited in time, and it would be limited to a certain amount of files. That process already exists.

• (1140)

**John Brassard:** It sounds to me, based on what I've read, that the government is looking at further sanctions or further actions to restrict citizens' rights to access. Combined with the talk that they are going to somehow restrict your ability to compel orders, is that concerning to you, as the commissioner, in terms of open access, transparency and accountability?

**Caroline Maynard:** Anything that limits access to information would be a concern for me, but it's difficult now to comment without seeing what is recommended and what it's based on. I think the act currently allows for these types of limitations, protections and safeguards sufficiently.

**John Brassard:** That's right, and legislatively as well.

What I want to focus on next are the orders that you do compel on government departments. There was an Order Paper question that was tabled by the government in, I think, November. It was asked in September. The question was with respect to litigation involving your office. The number that came back was that the justice department has spent \$1.63 million defending the orders you've given to various departments to allow information to be released. Can you tell the committee what the cost has been within your office to defend that?

**Caroline Maynard:** We knew, in 2019, when we obtained the authority to issue orders, that we would need to change the way we do litigations. We had to decide on our own whether to go to court, and we didn't have the resources to do that. Now, we are not in control of how many cases are being challenged, so we have to respond to those challenges in court. We had to increase the number of lawyers in our office by three. We didn't get any extra money for that. We just rearranged resources internally, but it's the cost of about three lawyers, additionally, to have the expertise and the skill in-house.

**John Brassard:** It's not just their salaries. There are additional costs to that. Do you know what those costs are, roughly, Madam Commissioner?

**Caroline Maynard:** The court itself is not what costs the most. It's the time, really. Three lawyers, for us, cost about \$500,000 a year.

**John Brassard:** I'll go back to a question asked by one of my colleagues. There has been a decline in requests for access to information. Is it because people are getting frustrated with the system?

If you recall, when we studied this at the ethics committee, every witness who came before the committee talked about a massive decline in confidence in the access to information system. Are people just simply getting frustrated asking for information and not receiving it in a timely manner?

**The Chair:** Give a brief answer please.

**Caroline Maynard:** There is a decline. We don't know why, but also don't forget that those statistics are based on files that have been closed. A huge number of files for requests have not been processed and don't count in those statistics.

**John Brassard:** Thank you.

**The Chair:** Ms. Rochefort, go ahead please.

**Pauline Rochefort (Nipissing—Timiskaming, Lib.):** Thank you, Chair.

Just to follow my colleague's line of questioning, you spoke about the fact that the public has a right to know. In that context, I was wondering how you would respond about the costs of responding to some of the requests that come forward. That would be from an operational perspective and from a staffing perspective, especially given that these costs are paid by the taxpayers. Once they start to understand what they're asking for, what it involves and how much it costs...

I faced that in the municipal government. At one point, we had an increasing level of access to information, and we spoke out about the implications from a staffing perspective. In Ontario, many municipalities did that as well because it was an issue, so the government changed some of the fees involved. They now charge on an hourly basis for the amount of work involved. They charge for photocopies and so on.

My question to you, Madame Maynard, is this. In that right to know, do you feel that you also have an obligation to communicate to the people asking for information what the costs and the implications are and what is involved in responding, from a government perspective?

• (1145)

**Caroline Maynard:** My first answer to that would be that we shouldn't have to ask for access to information. Access to information requests should be the last resort to obtain information from our government. By default, information should be available and should be proactively disclosed, voluntary disclosed. It should be—I don't know; use the words you want—a policy or a decision, but it should be out there. We shouldn't have to ask for it. That should be the last resort.

When you do get an access request, there's a duty by the institutions to talk to the requester. We had a case recently where the person was going to receive 92,000 pages, probably not knowing that it was going to be that many pages. Talk to the requester, and see if that's really what they want. Who wants 10 boxes of information? Maybe they do, but usually there's a lack of communication with the requester.

Often, at our office, we are the first people they talk to. Then, they will say, "No, this is what I want." They don't know what to ask for, so they ask for everything. If there were this duty to help the requester, if that were done properly in every case, it would reduce the cost and the amount of time spent on files.

**Pauline Rochefort:** Also, it would be fair to say that some people don't accept the answer or don't accept the information, from my experience. That's what I've experienced the most. I've seen organizations go out of their way to try to respond to citizens, and rightly so. Often, though, I've also seen citizens who don't accept it, and they are determined. How do you respond to that?

**Caroline Maynard:** It's going back to the unreasonable, vexatious requester. We hear about only those. It's a small portion of the full number of requesters out there, but they're probably the ones who create the most work. It's unfortunate, because every institution has one or two. It's not the majority of requesters. The act allows for a system in which I can decide not to respond to these types of requests.

**Pauline Rochefort:** I have another question. You mentioned that you have not heard back from Treasury Board about a review. Would it be fair to say that, just because you've not heard back, it doesn't mean there hasn't been work done in the background?

**Caroline Maynard:** Yes. We don't know what's going on.

**Pauline Rochefort:** That's fair.

Quickly, I'd like to come back to The Hill Times. There was a....

I think I have about a minute left.

**The Chair:** You have 45 seconds.

**Pauline Rochefort:** In the context of the world that we're now in, which has become very dangerous and so on, how should a department like national defence balance their legal duty to transparency with their responsibility to protect sensitive operational intelligence as they work with allies?

**Caroline Maynard:** Again, in the act there are exemptions especially for that. They can definitely look at the documents they have and redact the information that should be protected. There's discretion, and, if they can provide the information but think it's going to have an impact or is harmful, they have a way to redact this information and it won't be disclosed. You can do both.

[*Translation*]

**Pauline Rochefort:** Thank you.

[*English*]

**The Chair:** Mrs. Jansen, go ahead, please.

**Tamara Jansen (Cloverdale—Langley City, CPC):** Commissioner, accountability in government depends on one basic thing: records. If records disappear, accountability disappears with them. Under the government's new policy, chat and text messages can be permanently deleted after 15 days, and emails after 30 days, even when they relate to government business. I need to ask, how can you, on behalf of Canadians, hold anyone accountable if the evidence is allowed to self-destruct?

**Caroline Maynard:** It comes back to whether those documents are transitory or not. There is no requirement to keep transitory documents unless there's an access request. It's really the timing, for me. If there's an access request, then everything is accessible. If there's no system in place to stop the deletion, then that's a problem. Ultimately, government employees should know that their responsibility is to keep track of decisions in the proper way, not through emails or text. It should be in minutes, records and briefing notes. Those are the documents that should be accessible.

• (1150)

**Tamara Jansen:** If your office investigates complaints, delays, refusals and improper conduct under the Access to Information Act, and texts and chats are deleted before an access request is even filed, what's left for you to investigate?

**Caroline Maynard:** I can tell you that usually we will find, and we will ask, who was tasked, where the information was, what was deleted and when. All of these things will be investigated.

**Tamara Jansen:** Who's going to actually be in charge of investigating that?

**Caroline Maynard:** It will be my office.

**Tamara Jansen:** In past political scandals, both here in Canada and abroad, deleted messages were often the smoking gun. Isn't it true that, under this policy, those smoking guns would never exist long enough to be found?

**Caroline Maynard:** Again, if it's a decision that should have been kept somewhere and documented, then that's when we can start talking about the government not doing its job and not properly documenting the decision. However, it shouldn't be done through chats. These tools should not be used and should be banned by the government if they're going to be improperly used.

**Tamara Jansen:** If senior officials know that their chats disappear in 15 days, isn't the real risk that important decisions will simply move to platforms designed to leave no trace?

**Caroline Maynard:** It would be the same thing as saying that people do everything on the phone and orally. It happens. There are some countries that have great laws, and you can't find any records of any of their documents because.... We don't want to go there, and I don't want to say that this is what's happening. Actually, I see the opposite. A lot of people take it very seriously. There are always going to be those people who don't understand that this is proper management, proper leadership and that—

**Tamara Jansen:** Thank you.

Commissioner, can we shift gears a minute to the vaccine files? Again, public health depends on trust. We have to be honest that a lot of trust was lost during COVID. Many Canadians felt that decisions were made behind closed doors, guidance changed without clear explanations and important information wasn't always shared in real time. That loss of trust didn't disappear with the pandemic ending. I hear from constituents, especially young mothers, my daughters included, who still feel that information was kept from them. Whether those perceptions are fair or not, they do exist.

At the same time, Canadians learned that vaccine safety and adverse reaction records are being sealed for 15 years. Now, from a trust perspective, that raises alarm bells. When that information is held, people start asking about it: Why can't we see this? What aren't we being told?

Would you agree that this kind of long-term secrecy has a risk of deepening mistrust, especially among parents making decisions for their children?

**Caroline Maynard:** I totally agree. This is my speech for Right to Know Week. Without records, without accessibility and without transparency, you lose the trust.

**Tamara Jansen:** Right. I was going to say that transparency isn't just about oversight after the fact; it's about maintaining confidence before fears take hold.

Do you agree that rebuilding trust requires more openness, not more secrecy, especially after the strain Canadians experienced during COVID?

**Caroline Maynard:** Yes. You need to be transparent by default.

**Tamara Jansen:** Health Canada's justification is that there are millions of pages. If that becomes an excuse, why is your office...? I'm sorry. Has your office been able to require staged or tranche releases with firm deadlines in cases like this?

**Caroline Maynard:** We can sometimes, but not in all cases, issue an order for a transition—yes.

**The Chair:** Thanks very much.

We'll go to Ms. Khalid, please.

**Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you, Mr. Chair.

Thank you, Ms. Maynard, for being here today. We always love having you here at committee, whether it's at ethics or government operations.

I'll start by picking up on something my colleagues have been talking about, and that's deleting text messages. I doubt that anybody is going to request the grocery list that Mr. McCauley sent to

his assistant over the phone in a text message and that later got deleted, or what have you. I really appreciated what you said: I think common sense is, or should be, more common than what my colleagues seem to think. You generally know what to delete and what not to delete, I would think. Our government does operate in an honour system. We trust one another to do the right thing and to do right by Canadians.

Building on that, I also hear that as technology evolves, you can't really delete any texts. You can't fully delete emails. Is that something you would be able to get access to?

• (1155)

**Caroline Maynard:** We ask institutions whether they have backups if there's reason to believe that something was deleted by mistake or if something should be somewhere. They may have backups, but it's really rare that they would start researching. It's a different type of research. It really depends, again, on the type of technology used and how long they keep those, but we would ask that—yes.

**Iqra Khalid:** Thank you.

This is to pick up on another question you had answered. With regard to the ATIA, how many abuse of process cases do you think the government deals with?

**Caroline Maynard:** I see only the ones I'm being asked to respond to. I have the statistics somewhere here. I think I've agreed to only about eight or 10 cases on maybe 60 requests. It's very rare.

**Iqra Khalid:** Thank you.

I also want to get your opinion on Bill C-58, which has been implemented. It's eliminating the fees—all except the five-dollar application fee—and then requiring institutions to proactively publish specific information known to be of interest to the public without a need for that request and allowing government institutions within the same ministerial portfolio to work together to process requests more efficiently.

I'd like to know how you think that is operating. Do you think that is in part the reason we've seen a decrease in ATIPs?

**Caroline Maynard:** I don't believe the proactive disclosure portion, in part 2 of the act, has allowed that, because the same information that is now proactively disclosed was disclosed before, but by policy. I don't have an authority to review that proactively disclosed information, so I don't think that's what created the reduction in the number of access requests. With the fact that the access requests are taking longer—again, having a backlog—I'm not sure we are seeing the true statistics.

There is also an increase of 33% in the number of pages processed through these access requests. There's a huge number of informal access requests as well. They're not the same. This could be another factor as well: People are just going through the informal route instead of the formal route.

**Iqra Khalid:** That's really interesting.

I want to pick up on another thing you talked about, which was the reasons for extension requests. That is something you have the power to accept or deny. What are some of the reasons you would get a request from an institution for an extension?

**Caroline Maynard:** Most of the time it's a lack of resources that's going to affect their operations or it's consultations with other institutions, which is not legislated and for which there's no timeline right now. This is one of the biggest issues we're seeing within our files.

**Iqra Khalid:** How do you decide whether to grant the extension or not?

**Caroline Maynard:** We ask the institutions to demonstrate that the extensions they are taking are reasonable based on the complexity, the type of file and the number of pages. Based on all of these factors, we usually try to arrive at a date by which we believe they should be able to respond.

**Iqra Khalid:** Thank you, Chair.

**The Chair:** Mr. Gill, please go ahead.

**Harb Gill (Windsor West, CPC):** Thank you, Chair.

Thank you, Madam Commissioner. I have a couple of questions that are not very long.

You announced the investigation into ArriveCAN back in 2024, and you just indicated that you're possibly releasing a report before May 31 or thereabouts. Is that correct?

**Caroline Maynard:** We were hoping to do that before this fiscal year, but the more we dug, the more we found.

**Harb Gill:** That is absolutely interesting.

Do you have enough people to do that investigation?

**Caroline Maynard:** A systemic investigation like this requires a lot of resources, especially because these are complex issues. Do I have enough people? Yes, but if I devote people to that investigation, then I cannot do others.

It's always one of those balanced decisions. We would always take more people, but we understand that this is a tough time for everybody, so we're trying to be sufficiently equipped with the resources we have.

• (1200)

**Harb Gill:** You're trying to be fiscally responsible. I appreciate that.

Have you personally interviewed Mr. Doan?

**Caroline Maynard:** I cannot answer that. I'm sorry.

**Harb Gill:** Your office has not made a formal finding on that deletion issue. Is that correct?

**Caroline Maynard:** No, we're not there yet.

**Harb Gill:** Is that because you keep finding new information, as you just mentioned?

**Caroline Maynard:** It's more that it's a complex investigation.

**Harb Gill:** Once you finish the investigation, will you be referring this case to the Attorney General before or after the report is released?

**Caroline Maynard:** We can only refer an allegation if I see evidence that leads me to believe that something has been done intentionally, and that's something we're going to have to decide ultimately at the end of this investigation.

**Harb Gill:** It all depends—

**Caroline Maynard:** I cannot say whether I'm there or not.

**Harb Gill:** Okay.

You mentioned that in one of your filings here you have 12 institutions that compelled you to go to court. Which institutions are forcing you to go to court?

**Caroline Maynard:** The institutions that receive the most orders are National Defence, Library and Archives and PCO. This year, we've seen that a lot of orders have been issued against Health Canada and Transport Canada, but this is a new trend. I can tell you that National Defence was our top institution, but it's going down. This year, we only have 55 complaints in our inventory against National Defence.

That's why I say the order-making power is a powerful tool, because they, I think, now resource their units properly. We don't get as many complaints. We have no cases against National Defence in court, whereas at PCO it's the opposite trend. We had issued fewer against them and now they're going up, and my inventory at PCO has the highest number of complaints right now.

**Harb Gill:** Can you share with us how many cases you have referred to the Attorney General over the last, say, five years?

**Caroline Maynard:** Yes. If you want, I can respond to that now. I have the numbers here.

We have referred on exactly five occasions, and none of these have resulted in an investigation as far as we know.

**Harb Gill:** Does that mean the Attorney General has refused to proceed with charges?

**Caroline Maynard:** We were not made aware after we referred cases to the Attorney General. The process doesn't involve me or a notification to me of what's happening.

**Harb Gill:** It doesn't, even though you're the complainant of the matter?

**Caroline Maynard:** I'm not the complainant. I'm referring evidence.

**Harb Gill:** I'll pass the rest of my time to Mr. Brassard, if he has any further questions.

**The Chair:** You have 40 seconds.

**John Brassard:** The budget implementation act, Bill C-15, allows for exemptions of ministers with respect to certain laws. Presumably the access to information law can be captured in that.

Are you aware and are you concerned about anything to do with the budget implementation act with respect to that provision within it?

**Caroline Maynard:** No, I haven't been made aware.

**John Brassard:** That's all.

Thank you.

**The Chair:** Mr. Osborne, go ahead.

**Tom Osborne:** I want to go back for a moment to requests that are frivolous, broad or duplicative. There must be a way to reduce the small number of requests that come from a repeat...or a frequent flyer. I know you said that they're small in number, but every institution and organization would have their frequent flyers or even bots that are set up to make requests.

Can you give me your thoughts on that?

• (1205)

**Caroline Maynard:** Currently, the act does not have a system where we can stop somebody from making an access request or limit it, and I don't think that would be the proper way. The way it is built now, with a specific section where institutions can try to deal with the request, and if it doesn't work out, they send us a request to allow them not to respond, is the best way to protect this quasi-constitutional right of access.

It's the request that has to be vexatious, abusive of process or in bad faith—not the requester. It's the request itself, under the act. A requester can have multiple requests going on. Some of them may be overbroad, but others may be very specific. We're always talking about the request itself. There is a process in place right now, and it's the same process that exists in most jurisdictions that have to deal with access to information requests.

**Tom Osborne:** I'm not suggesting this. I'm asking for your thoughts on this. Other jurisdictions charge different amounts for access to information. Respecting the right to know or the right to access information, if somebody is making one or two requests a year it's not an abuse, but if somebody is making numerous requests, maybe it is.

Would it be fair for frequent flyers, for example, or multiple requests to have a different rate? Instead of the five dollars, there's a different rate once you go over a certain number of requests in the year.

**Caroline Maynard:** I wouldn't be in favour of that because most requesters who would be frequent flyers would be journalists, for example, or members of Parliament. It's people who intend to protect or to understand the decisions that they want to discuss or publish about.

The problem with the fees is that because you don't have proper management of information, you may end up with one million pages to review, but it's not because the person is asking for that information that he should pay for that. It's probably the institution that should have properly managed the information in the first place. All these factors come into play.

Access to information should be free. It should just be better managed by the government.

**Tom Osborne:** What about the issue of bots, for example?

**Caroline Maynard:** I think that right now there is a system in place. You have to ask the person to demonstrate that they are a person and that they are residing in Canada. There's already a process in place to limit those robot requests. It hasn't been an issue that my office has been asked to investigate, that I'm aware of.

**Tom Osborne:** Can you tell us how many requests go to the Privy Council in a year? Is it more or less than other departments?

**Caroline Maynard:** I can come back with the exact number.

I believe that, last year, they received about 700 access requests. We have 250 complaints in our investigation inventory right now.

**Tom Osborne:** You talked about streamlining processes and introducing innovative practices.

Can you talk about some of the innovative practices your office has put in place?

**Caroline Maynard:** My office—

**The Chair:** I'm sorry. There's no real time left, but you could offer a shorter response, if possible. I don't wish to cut you off because we're out of time.

**Caroline Maynard:** The fact that we now digitize everything has made it much better. We used to do paper files as well. Having two screens helps. Sometimes it's the little things that really help somebody work faster.

**The Chair:** If you have a larger, more fulsome response, maybe you can provide it in writing for Mr. Osborne and the committee, because I'm sure there's plenty.

It's Mr. Patzer, and then Madame Gaudreau.

**Jeremy Patzer:** Thank you very much, Mr. Chair.

I think the recommendation of the ethics committee in its review of access to information was to strengthen information management, not weaken it. I have a couple of questions about that.

You said that departments get to decide what their policy is going to be on when they are allowed to delete messages. Who exactly is the one making that decision? Is it the deputy minister? Is it the minister?

• (1210)

**Caroline Maynard:** I don't know. Each department may be different. There are guidelines issued by Library and Archives and Treasury Board. They say that it's the head of the institution, so it could be the minister or deputy minister. They have to agree with the CIO, and the information management team will determine what's proper for each type of....

Don't forget that there's a retention policy for everything. We don't keep everything. Even if it's a legal opinion, there's a retention policy. Often, it's 10 years. If it's an access request for information, it's two years. There are different rules for different types of records.

**Jeremy Patzer:** That's right.

It just seems like, again, a 15-day rule. I know it's not your recommendation or policy. That just seems bizarre. Who, then, is responsible for making the decision as to what is eligible to be deleted? Again, is it up to the individual employee to make that decision, or is it up to a manager within a department?

There has to be a process flow here. It seems kind of loosey-goosey as to who gets to do what.

**Caroline Maynard:** If it's a deletion to be done, it's the institution itself. Employees don't have a say, but they are supposed to be told what's happening, when it's going to happen and what to do with the information so it doesn't get lost with the deletion.

Again, it's just a question of proper management of information. There are so many tools out there. Even in my office, we need to have ways to capture the proper information in the right place.

**Jeremy Patzer:** How do you know they're not using encrypted messaging or things like that, which would be harder to access?

**Caroline Maynard:** Encryption doesn't stop an investigation or stop us from seeing it. Encryption just makes sure not everybody can see it within the exchange.

What worries me—to go with your line of questioning—is that people are using these tools, even though they are told not to, to make decisions that should be captured somewhere else other than in these types of conversation applications.

**Jeremy Patzer:** With the Access to Information Act, what about something like appropriate penalties for non-compliance? What does that look like?

**Caroline Maynard:** First of all, the act does not administer or talk about the creation of records. The act only applies when the record is already in existence. If you're not creating a record, I cannot intervene. If the record doesn't exist when you make the access request, my office doesn't have the authority. That's one thing. That might be something to be considered by the government in the next legislative review.

Having sanctions could be something to consider, but, again, it would be a question of who we then sanction. Is it the head, the deputy minister, the analyst or the employee? There is a mechanism

if there's an intent to destroy or an intent to remove the access. We refer that to the Attorney General, because that's a possible criminal offence.

**Jeremy Patzer:** Is there proactive policing of this or is it all just reactive, just reactionary?

**Caroline Maynard:** It's usually something we find through an investigation about something else, but we have had some direct allegations that somebody is destroying this, and we will look at it to make sure that's not the case.

**Jeremy Patzer:** What about the use of personal cellphones and personal emails to discuss government policy? Is that a concern of yours?

**Caroline Maynard:** It hasn't been raised in my office, but I understand that the Ontario government has had a case at court about this. There's already jurisprudence on that.

As long as you're doing business for the government, whether or not you're using a telephone, if it's under the control of the government, that's the test. We can access that, or we should be able to.

• (1215)

**Jeremy Patzer:** Thanks.

**The Chair:** Thanks, Mr. Patzer.

Mr. Gasparro has the floor, and then it's Madame Gaudreau.

**Vince Gasparro:** Commissioner, in your 2024-25 annual report there's a quote. I want to read it out. It says that in your “first seven-year term”, you had a focus on four priorities:

...reducing the inventory of complaints, preparing for and implementing changes to the Access to Information Act, enhancing transparency in the day-to-day operations...and strengthening collaboration with various stakeholders.

Can you provide the committee with an update on how you and your office have done in achieving these objectives?

**Caroline Maynard:** On the inventory, when I started, I inherited 3,600 cases. Some of them were 10 years old. We are now down to 2,100 cases. Most of them—90% of them—are within two years. We've done extremely well with respect to that first priority. Our goal is to really keep that inventory to a two-year maximum, which is still long for some cases, but it's much better than it used to be.

With respect to implementing the act, that's something we've been doing. Now, all of our cases, I think, except for two, are under the current regime. There are no more cases where I can issue only recommendations. They're all under the current regime.

The transparency comes from when I applied for this job. I went to their website and couldn't find any information about the Information Commissioner. I was like, "What are they doing?" Now we publish all of our decisions. We publish guidance. We publish our statistics so that people know what we're doing and how we're doing it. We can walk the talk. We are transparent ourselves.

The last one is collaboration. I always say to our investigators and to my team, "Let's try to talk to the complainant and the institution first and see if we can resolve these issues as quickly as possible." My role is not to punish anybody. My role is to get the information out. We try to do that as quickly as possible, and that's what we're doing with 90% of our cases being resolved.

**Vince Gasparro:** That's great.

On the filling out of ATIP requests and the actual form itself, is there an additional level of complexity there? There have been rumours that individuals have acted as middlemen, filling out the forms themselves and then trying to collect fees to help individuals stickhandle the process, to manage the information for them—excuse the pun. Can you provide some clarity? Is that happening? Are you aware of that happening?

**Caroline Maynard:** The portal where you can ask for an access request is administered by the Treasury Board and by each institution. I think there are multiple numbers of portals. This is not something that we have control over or a review process for.

We haven't had a lot of complaints about access requests being difficult, but it should be something that most people in Canada have access to. Yes, there are going to be some vulnerable people in Canada who may need help, but those concerns should be going to the Treasury Board.

**Vince Gasparro:** I just wonder, because most of the requests are going to IRCC, if immigration lawyers are having to fill out the requests on behalf of their clients, etc.

**Caroline Maynard:** Clients in IRCC definitely usually have representatives helping them through the process, but it's not just for the access request. It's usually part of the the overall request for their visa, so it's something that's added to the offer of responsibility. This is why I say it should be out of the access request. It should be completely independent.

Just as the CRA has a portal for your tax forms and information, IRCC should have a portal with all the information related to the client. It should be free, and you should have access without having to do an access request.

• (1220)

**Vince Gasparro:** That's great. Thank you.

**The Chair:** Thank you very much.

Now we'll go to Madame Gaudreau.

[Translation]

**Marie-Hélène Gaudreau:** We'll end with that.

I'm going to make a comment on fees, because that's important to me.

When we say fees, we mean administrative fees.

Is that correct?

**Caroline Maynard:** If you're talking about the \$5 access fee, yes.

**Marie-Hélène Gaudreau:** Okay.

Honestly, when I think of this kind of user fee that is used to prevent abuse, I think we have to be careful. When parliamentarians or journalists make a request, I remind you that public funds are being spent. I'm an entrepreneur. My business is my money. However, we're talking about taxpayers' money here. I am a bit uncomfortable with putting a price on democracy. Control over information is a huge power.

Thank you so much for the work you do. It can't always be easy, because there must be times when you're extremely busy processing requests.

If there's anything you didn't have time to address in response to a question, I'd like to give you the few seconds we have left to do so.

**Caroline Maynard:** To go back to what you just said, it's important to understand and remember that government information is Canadians' information. That's why I think we have to continue to fight for this information to be provided free of charge as much as possible and without having to go through several steps.

Proactive and improved disclosure would benefit everyone, and it would improve the access to information system, democracy and people's trust.

**Marie-Hélène Gaudreau:** Yes, it would be beneficial.

Mr. Chair, can we take action to restore people's trust?

With that, I'll close. Thank you.

[English]

**The Chair:** Thank you very much.

Before you go, thank you for being with us again. I sincerely appreciate all your work.

Don't leave just yet. I have a couple of questions for you, if you don't mind.

**John Brassard:** They're McCauley questions.

**The Chair:** Yes, they're McCauley questions.

One is on your testimony today. Did I hear correctly that about one-third of ATIPs to the PCO result in a complaint?

**Caroline Maynard:** Based on the statistics for 2024-25, there were about 700 access requests, and we do have approximately 225 complaints in our inventory. They're the highest.

**The Chair:** What is it about the Prime Minister's own department that leads to so many complaints?

I know that we actually, on an issue in public accounts, filed a complaint against them for destroying documents. What is it specifically about that department, the Prime Minister's department, that leads to so many refusals to hand over information?

**Caroline Maynard:** It is mainly due to those historical documents. They are still under the control of the PCO, which creates extremely long delays in review.

**The Chair:** I want to ask a selfish question from my own office.

We are one of the people referred to as “frequent flyers”. I think we do several hundred ATIPs every year. I'm asking not only for myself but for other MPs and others who are fighting through the system.

I'll give the example of our fight with the Trudeau Foundation. We submitted about 70 well over two years ago, and they came back to us saying, “We won't respond to you. It's your fault because you're asking for too many. We'll respond only if you cut down on the number of requests.” We, unfortunately, didn't file a complaint within the 60 days.

How would MPs and other people deal with the department like this? Literally, their response was that they refused to honour the law until we cut down the number of questions we've asked. It was our fault for asking too much. They've actually put this in writing to us, blaming my department for daring to ask for ATIPs. How would regular citizens, members of Parliament or anyone else who's seeking truth and information under this right deal with a situation like this?

**Caroline Maynard:** Definitely, you have to protect your right to complain. Just so you know, I initiated my own investigation with respect to this institution. Some institutions are new to the Access to Information Act and some institutions don't have the processes or the administration, so we need to be made aware. The best way to make us aware of these types of issues is to file a complaint with our office. However, definitely push back. There is a “right to know” under the act and there are obligations for these institutions to follow.

• (1225)

**The Chair:** Especially with this one because, if you recall, there's an ongoing lawsuit against the Trudeau Foundation around sexual harassment, and we've actually looked at some of the court

filings because it's now public. Given some of the accusations, it's quite abhorrent what the foundation and some of the members were doing to young people. Some of our ATIPs were regarding this issue and their way of hiding it.

Again, we're two and a half years after the fact and they're still refusing to respond. Should we just resubmit and then complain? How would we—and I'm sure there are lot of other people in the same situation—force them to respond as they're required to?

**Caroline Maynard:** Again, the act allows you to complain. There's a timeline, unfortunately, but it should be used because that's the only way to make sure that you will end up with a response and investigation ultimately.

**The Chair:** Wonderful. I guess we will resubmit.

Trudeau Foundation, be aware. You might as well start working on it right now.

We will excuse Madam Maynard—

**Pauline Rochefort:** Mr. Chair, I'm not sure how to bring this forward. I need to correct the record because our guest did indicate that following COVID all of the records were sealed for 15 years, and that's not correct.

**The Chair:** That has nothing to do with my questioning.

**Pauline Rochefort:** I just wanted to make the point—

**The Chair:** It's an inappropriate time to do so. You have plenty of time afterwards—

**Pauline Rochefort:** No, I did not get an opportunity, so that's why.

Okay. Thank you.

**The Chair:** Others do. That's not how we do it, but thanks very much.

Madame Maynard, thank you very much. Thank you for your patience in responding to my questions, and thank you for everything you're doing and for defending our right to access information. It's sincerely appreciated.

We are now going to suspend and go in camera.

[*Proceedings continue in camera*]







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