



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

45th PARLIAMENT, 1st SESSION

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

NUMBER 028

Thursday, February 12, 2026

Chair: John Brassard



Standing Committee on Access to Information, Privacy and Ethics

Thursday, February 12, 2026

• (1600)

[Translation]

The Chair (John Brassard (Barrie South—Innisfil, CPC)): I call this meeting to order.

Welcome to meeting number 28 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Pursuant to Standing Order 108(3)(h) and the motion adopted by the committee on Thursday, February 5, the committee is resuming its study of the state of access to information in Canada.

I would like to welcome the witnesses for the first hour today.

[English]

Today, from the Privy Council Office, we have Alexandra Freeland, who's the director general of data and information services; David Neilson, who is the executive director of access to information and privacy; Nabih Eldebs, who is the assistant secretary to the cabinet, security and intelligence; and Matthew Shea, who is the assistant secretary to the cabinet, ministerial services and corporate affairs.

Mr. Shea, I understand you'll be delivering an opening statement. You have up to five minutes to address the committee.

Matthew Shea (Assistant Secretary to the Cabinet, Ministerial Services and Corporate Affairs, Privy Council Office): Good afternoon, Mr. Chair and honourable members of the committee. Thank you for inviting the Privy Council Office to appear before you to discuss Canada's access to information and privacy system.

[Translation]

My name is Matthew Shea, and I am the assistant secretary to the cabinet for ministerial affairs and services at the Privy Council Office.

[English]

I am joined today by Nabih Eldebs, assistant secretary to the cabinet for security and intelligence; Alexandra Freeland, director general of data and information services; and David Neilson, the executive director of our access to information and privacy team.

At the PCO, we have a dedicated and very knowledgeable team responsible for ATIP and information management functions. The PCO fully appreciates the importance of providing Canadians with greater transparency. We are committed to this objective, and we strive to meet our legislative timelines and ensure that government information is available to Canadians.

The Chair: I'm sorry, Mr. Shea.

[Translation]

Mr. Thériault, do you have a point of order?

Luc Thériault (Montcalm, BQ): We're moving at about 300 kilometres an hour. The interpretation is very good, but it has to be intelligible. The brain has to be able to react to what's being said, not just to the sounds. I would ask the witnesses to speak more slowly.

[English]

The Chair: Did you understand that, Mr. Shea? Speak just a bit more slowly. If you need a little more time, I'll give you more time, but not too much more. Take it down a notch, please. Thanks.

Matthew Shea: I will stay within five minutes.

[Translation]

As the Information Commissioner noted previously, the records held by the Privy Council Office are unique and complex. Given the nature of our mandate, documents in our care are often sensitive, and my colleague Nabih Eldebs is here to address some of the national security complexities that may apply to historical documents.

• (1605)

[English]

With regard to PCO's access to information performance, our active complaint inventory has been steady over the last few years, fluctuating between 200 and 250 active complaints as new ones are received and others are resolved. We are facing spikes in the volume of requests. We have also observed an increase in the size of requests, and our requests have almost doubled over the last five years. Currently, over 20% of PCO's active files are 1,000 pages or more, with a total of over two million pages in active requests that we must review.

We share the Information Commissioner's desire to resolve PCO's backlog of requests and complaints. Dealing with complaints and orders requires additional resources, which then reduces our capacity to respond to active files, leading to more complaints. We want to break this cycle.

As has been noted, PCO is the custodian of a high volume of historical intelligence files, and many of our active complaints relate to these files. PCO shares the concerns of the Information Commissioner related to historical records held by PCO and is committed to working with Library and Archives Canada to transfer documents on an accelerated basis.

As a first step, by December 31, 2026, PCO will transfer its historical intelligence records dated prior to 1975 to LAC. PCO will also work to proactively release records from 1976 onward in order to match the practices of Five Eyes countries that proactively release records after a defined period.

We are also taking steps to proactively address our own ATIP challenges. As part of our duty to assist under the Access to Information Act, we work with requesters to exclude records that are not of value to them. This allows more targeted responses in a shorter period of time.

Aligned with advice from the Information Commissioner, PCO makes every effort to limit consultations only to those that are necessary. Where possible, we send other departments a notification of release with a shortened deadline, allowing them to raise concerns.

We are making every effort to find efficiencies and implement software improvements. As such, we are following Public Services and Procurement Canada and Treasury Board Secretariat's enterprise solution for new access to information request-processing software. This software is expected to reduce administrative burdens on the team with flexibilities, including faster importing of records and auto-indexing, which will allow us to better search.

Finally, we have ensured that our access to information team has not been impacted by the recent expenditure review and are taking steps to reallocate additional internal resources to this team to deal with the backlog.

[Translation]

We are firmly committed to ensuring that Canadians have access to government information and recognize the essential role that access plays in a healthy democracy. We're constantly working to improve it.

[English]

We look forward to elaborating on some of these elements and responding to all of your questions.

The Chair: Thank you, Mr. Shea.

We're going to start our six-minute round with Mr. Barrett for six minutes.

Go ahead, sir.

Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC): PCO had 219 complaints and 42 orders in the year 2024-25. There are a lot of people who, I would say rightly, say that PCO did not do what the law requires. Could you very quickly, in 30 seconds or less, tell me what is driving this problem at PCO?

Matthew Shea: I do not know that I can answer that in 30 seconds; however, I will endeavour to answer it for you.

The number of complaints is driven by a number of factors, including the complexity of the files and the number of access to information complaints and requests we are getting. We are currently receiving a large number of requests, and our requests have grown dramatically over the last few years, doubling over the last few years. We have also noted the complexity of the requests and that the number of pages requested is much more than before.

When it comes to the complaints themselves, it is worth noting that our complaints are largely from three individual requesters. Seventy-eight per cent of our complaints are from three requesters, and those have grown in the last few years, whereas complaints from requesters other than those three have dropped by 50% over the last few years.

• (1610)

Michael Barrett: Has PCO consistently followed the law without exception with respect to access to information?

Matthew Shea: PCO's access to information team makes every effort to release documents in the timelines outlined in the act and to seek extensions when required.

Michael Barrett: That's not a yes.

You mentioned that PCO is not going to reduce the number of people who deal with ATIPs. How many people has PCO added to the department over the last 10 years?

Matthew Shea: We are currently in the process of reducing the department.

Michael Barrett: With respect, sir, the question is this: Over the last 10 years, by a percentage or a total number, how much did PCO grow?

Matthew Shea: I do not have those numbers with me. As we're here to talk about access to information, we did not bring financial figures.

Michael Barrett: You brought up staffing levels. If you're bringing up staffing levels as it relates to your ability or inability to appropriately manage requests to access information, I think it's reasonable for us to quantify how many people you have had at your disposal, working in that department, and what their priorities have been.

We have seen requests or instructions for the hurried deletion of things like instant messages, Teams messages. We've learned that some departments have individuals using encrypted messaging services like Signal or WhatsApp. Over the last few years, there have been many instances where access to information, as demanded by parliamentary committees, hasn't been met, including by PCO. This has a damaging effect on public trust.

Our requests aren't for decades-old records. These things could be searched digitally. We're not talking about files in boxes in the basement. Do you require a rethink on how you're processing this? To date, the process doesn't appear to be working, even when parliamentary committees say that they need this information. It's not that it's secret, but it's not forthcoming.

Should you be dealing with this in a reverse chronological order, addressing and resolving things as they come in, instead of, famously, telling some requesters that they wouldn't get the information for 95 years? That would exceed the natural life of anyone old enough to make a request.

Matthew Shea: I'll comment on a few things you raised.

In terms of resources dedicated to the access to information function, which is different from the size of the department, we have grown that team. We currently have 33 full-time equivalent employees in that team. That has grown, and that will continue to grow as we try to address the backlog.

We are looking at how we can do things differently. We have taken steps to try to be more transparent and more efficient. An example of that is, if someone asked a question about how much a prime minister's trip cost, they might have received 500 pages of accounting information that they would have had to make sense of. Today, we offer not just to give them that, if they want it, but also to give them a very comprehensive spreadsheet that breaks down all the expenses by item.

We will create documents, if it's in the interest of transparency and efficiency, and if it gives the requester what they would like. If the requester is amenable to that, we find that to be a very effective approach.

Michael Barrett: What's the one tool you don't have today that would most improve PCO's ability to comply with the commissioner's orders and comply with information or document requests from parliamentary committees?

Matthew Shea: One of the things the Treasury Board Secretariat and others are looking at is the use of artificial intelligence. If we were to have systems that had a better ability to auto-redact or auto-sort documents, that would help us go through them.

I mentioned that we have two million pages in our active files. If we could pare that down, and if we could eliminate duplication very quickly, that would certainly help our analysts spend their time on the actual redactions to make sure that we're doing things properly and that we're giving Canadians information faster.

The Chair: Thank you.

Madame Lapointe.

[*Translation*]

Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you very much, Mr. Chair.

Thank you to the witnesses for being with us today to answer our questions.

Mr. Shea, could you tell us how the volume and complexity of access to information requests have evolved in recent years and to what extent that evolution is putting greater pressure on federal institutions?

● (1615)

[*English*]

Matthew Shea: One of the things we've observed at PCO in recent years, since the act changed, is that while in the past, after a certain number of hours, a requester would have to pay a certain amount for the request, this was eliminated in the name of transparency, as approved by Parliament. Since that time, we have certainly seen requesters ask for much larger tranches of documents.

For example, it's not uncommon for somebody to say they want a year's worth of emails from official X. It's a huge number of emails that we need to process. That can be a lot of work, not only for the person whose emails they are but also for the access to information team that needs to look through them, especially at PCO, to see whether they have solicitor-client privilege, cabinet confidences, national security information or personal information. That takes time and effort.

As I mentioned earlier, we have seen an increase in the number of our requests in recent years. They went up 46% in the last three fiscal years alone. Our active files are growing. At the same time, we are finding that we have a smaller number of requesters who account for a larger number of complaints. We currently have three requesters, who are absolutely using the tools available to them within the law, who represent 78% of our active complaints. About the same percentage of our orders that we're receiving are related to files for those people.

What we find is that we are spending a disproportionate amount of our time dealing with those complaints, because there's a process, which my colleagues can explain in more detail. When it comes to an order, there's another process that goes on, which, again, is totally understandable. Of those 33 full-time equivalents I mentioned, we estimate that about 11, about a third of our access to information team, are focused just on those complaints. That means that for all other requesters, we have less capacity.

We are doing our best to look at ways to use technology to reallocate internally to put additional resources, because we absolutely want to be providing information to requesters and to Canadians. However, we are trying to deal with the fact that we have a disproportionate number of files and amount of active work that relate to a small number of individual requesters who, again, I want to be clear, are just using the rights they have to access information.

[Translation]

Linda Lapointe: Thank you.

You mentioned three requesters. That's their right, of course, but I gather that their requests have clogged up the system, so to speak. Can you tell us where those requests are from? Is it the media? Can you tell us?

[English]

Matthew Shea: One of the beautiful parts about our access to information and privacy legislation is that we don't share that information. While I have data to tell me that, even I don't know the names of the requesters, and I'm very comfortable with that.

Somebody like David Neilson is aware of those names, and he actually interacts at times with those requesters as they're trying to figure out the best way to respond, but he doesn't share that information with me, and there's no reason for us to know.

We do publish, I believe in our annual report, the percentage of requests that come from media, from individuals and from people who wish not to identify. I think that, increasingly, people don't identify, so we can't really give you accurate data on that.

[Translation]

Linda Lapointe: Okay. That's surprising, but it is still information of interest. If it's for the right reasons though, there's no problem. It's in the act, so that's their right.

Could you tell us what modernization initiatives, particularly in information management and proactive publication, have made the system more effective, even with the increase in the number of requests that you mentioned?

[English]

Matthew Shea: We have certainly worked to use better IM practices at PCO. Ten years ago, I would not have been able to say that we were necessarily up to where we needed to be when it came to information management. We have invested in what is called GC-docs, which is the system of record within government. We have invested in the best AI tools that are currently available, but we think there's much better to come.

We are hamstrung a little bit. One of the challenges we deal with, which we tried to overcome during the pandemic, is that we saw a

spike in our backlog during the pandemic, because we need people physically in the office as we have top secret documents and secret documents, and our entire access to information system needs to be, by design, on a secure system. One of the investments we made during the pandemic was that we built classified laptops that allowed employees who were working remotely to still respond to classified requests.

This was an example of us working very closely with IT and IT security professionals, and showing a little bit of risk tolerance to try to find solutions at a time when it was very difficult to do this. I think that helped us to not have a worse situation than we have today, but I will keep coming back to saying that we're not happy with where we are. We know we need to do more, and we are actively trying to do more.

• (1620)

[Translation]

Linda Lapointe: Thank you very much.

The Chair: You have 15 seconds left, Ms. Lapointe.

Linda Lapointe: That's fine, thank you.

The Chair: Mr. Thériault, you have the floor.

Luc Thériault: Thank you, Mr. Chair.

Mr. Shea, I assume you will be answering our questions.

The public service is in the process of downsizing. According to the government's website, we're talking about 275 public service positions, including 40 executive positions. I don't know if those positions have already been eliminated, but Commissioner Maynard expressed concerns when she was here:

As the government works to reduce spending, leaders must keep in mind that access to information is not a service. This is a quasi-constitutional right grounded in law, and it 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 documents.

What do you say to those concerns, which I share?

[English]

Matthew Shea: I can't speak for the Government of Canada, and I can't speak for other departments, but at the Privy Council Office, we are completely in agreement with the fact that it is a right and it is something we need to safeguard. It is the reason that, during our most recent expenditure review exercise, we did not reduce in any way, shape or form the size of our access to information team.

In fact, we are actively now trying to recruit, and we are trying to recruit impacted employees from other departments and our own. We are hoping to save some jobs for people who would like to stay in the government by helping them to retrain to work in access to information or, in the case that you mentioned, if another department is reducing their access to information team, we will be happy to be the beneficiaries of hiring those people. Our goal will actually be the opposite, which is to increase our capacity.

As I mentioned in my opening statement, we are committed to transferring historical intelligence records, which make up a big part of our complaints right now and are the types of files that the Information Commissioner highlighted.

[Translation]

Luc Thériault: Do you have a workforce adjustment plan? Can you tell us how many more staff you would need so you wouldn't end up with 42 orders in a year, for example? We have heard your good intentions now, but what is your action plan actually? How many additional resources would you need so you don't end up in a position like the one you are in, which you agree is far from perfect?

[English]

Matthew Shea: We don't have an exact number. I think our goal is to find four or five individuals in the very near future within our access to information team.

For those in the public service who are affected by the comprehensive expenditure review, if they choose to stay in the government, they need to have meaningful work. We are actively exploring whether some of that meaningful work could be responding to requests from Canadians to give us some surge capacity.

To try to reduce that, as I think I mentioned earlier, and perhaps not very articulately, we have created a bit of a tiger team that is focused just on our backlog and on those complaints. A good chunk of those complaints relate to historical intelligence, so our hope is that, as we transfer that to Library and Archives Canada, those complaints will go away and that will reduce it.

The commitment we made today to transfer to Library and Archives is directly linked to our commitment to reduce the number of complaints and increase our transparency to Canadians.

[Translation]

Luc Thériault: Looking at the performance of various institutions, it sometimes seems that the act is a necessary evil. There seems to be some push-back from them in terms of being proactive and getting ahead of access to information requirements.

Government institutions often wait for requests instead of engaging in proactive disclosure. Wouldn't that be something to consider, if the quality and the vitality of democracy are at stake? Responding to access requests is key of course, whereas, conversely, if you don't provide reliable information, people complain about disinformation. That's what we're looking at, institutions complaining about disinformation. So why not make proactive disclosure a priority?

• (1625)

[English]

Matthew Shea: To repeat a little bit of what I said earlier, that is why we are transferring information to Library and Archives more actively. That is part of our transparency to Canadians, because if we can transfer that out and that reduces our complaints, we can focus those resources on other active complaints and deal with the overall number of access to information files that we have.

Our goal is absolutely to have more than just good intentions and to have actions that go with them. We have been using the proactive disclosure approach where we can, whether it's transition documents or travel, hospitality and those types of things. We are looking at other opportunities where we can share information.

In the example I shared earlier about the Prime Minister's travel or cabinet planning forums, that, while not technically proactive disclosure, is us going above and beyond what is required by the act to actually give them the information required. If it's the media to write a newspaper article, or if it's somebody else to be able to ask questions of government, it is about transparency, and we have certainly tried to do that.

[Translation]

Luc Thériault: How much time do I have left?

The Chair: You have 10 seconds.

Luc Thériault: I'll let the 10 seconds go.

The Chair: Okay. You'll have a chance to come back to that.

[English]

Mr. Cooper, you have five minutes. Go ahead.

Michael Cooper (St. Albert—Sturgeon River, CPC): Thank you, Mr. Chair.

Mr. Shea, would you agree that PCO currently has a real problem when it comes to abiding by the Access to Information Act and meeting legislated deadlines, yes or no?

Matthew Shea: I would say that PCO has a real challenge in keeping up with the demand that we are receiving and makes every effort. We are absolutely adhering to every order from the Information Commissioner.

Michael Cooper: Well, I can tell you that when I asked the commissioner, when she appeared earlier this week, whether she had concerns about PCO's lack of compliance with the law, she answered in the affirmative. It's no wonder, because when you look at the statistics in 2024-25, there were 744 access to information requests at PCO, and in relation to those 744 requests, there were 219 complaints accepted by the Information Commissioner for non-compliance with the act. That is a complaint ratio that is a staggering 30%. Presently, PCO has the dubious distinction of having the most complaints of any department across government.

Why is it that the commissioner has had to issue, this year, a record number of orders to comply with the Access to Information Act for PCO? Why has that been necessary?

Matthew Shea: I cannot speak for the Information Commissioner as to why she feels it necessary to issue the orders. I can speak to the number of orders we have.

Michael Cooper: Could it be because there's been non-compliance with the law?

Matthew Shea: I don't—

Michael Cooper: Isn't that the answer, Mr. Shea?

Matthew Shea: An order does not mean non-compliance with the law.

Michael Cooper: You said in your testimony, in your opening statement, that PCO is doing everything it can to meet its legislative deadlines. Well, let's look at some of the numbers and some of the cases. The commissioner met with the Clerk of the Privy Council, Mr. Sabia, on November 12. In a backgrounder that she prepared following the meeting, detailing what was discussed, she noted to Mr. Sabia that all of the requests that received orders to respond had been in PCO's backlog for quite some time.

In fact, of the 25 orders that she had issued this year—it's now at 46, by the way, so in a matter of months, it has doubled, but it was 25 at that time—20 relate to delay complaints on requests received by PCO in 2023 or 2024. Now, the deadline is 30 days. Here we have instances where requests were not met, not for a few weeks or a few months, but in some cases for up to two years.

How can you say, in the face of that, that the PCO is doing everything it can to meet its legislative deadlines? How can you say, as you did moments ago, that you have no idea why the commissioner would be issuing such orders in such circumstances? What is she supposed to do?

• (1630)

Matthew Shea: I was at the meeting with the clerk and the Information Commissioner, and it was a very productive and positive meeting. In fact, the actions we are taking and some of what I've spoken about today flow directly from that conversation about where we should focus our energy. As mentioned, a large percentage of our backlog does relate to these historical intelligence documents that we have to be quite careful with. We are making active decisions to try to transfer more to Library and Archives.

You referenced the 46 orders this year. I will give you full transparency that as of today, it's 47 and that 79% of those—37 of the 47—relate to those three requesters I mentioned earlier.

Michael Cooper: By the way, with respect to the meeting, if it was such a productive meeting, why is it that according to the commissioner, when I asked her if things had gotten better since that meeting four months ago, things have not gotten better?

Matthew Shea: Again, I'm not going to speak to someone else's opinion of the PCO. I can tell you—

Michael Cooper: My time is limited. I'll let you finish, but tied into that, the commissioner wrote to the clerk way back in July, and it wasn't until November that the meeting took place. It doesn't sound like the PCO was in much of a rush to meet with the com-

missioner, notwithstanding the fact that she's been sounding the alarm about the deterioration with respect to access to information, with the PCO being the worst offender.

Matthew Shea: May I respond, Mr. Chair?

The Chair: Yes. I'm going to give you some time to respond.

Matthew Shea: I'll try to respond to most of that. Forgive me if I miss any of it.

In terms of the timing of the meeting, I can't speak to exactly how long the offices took to coordinate. The clerk was initially named in July, as I recall, and had a number of requests. I would imagine that the offices worked together to schedule that time.

Mr. Neilson is sitting next to me. His team meets regularly with the Information Commissioner's office to go through files and complaints to try to advance them. We work very hard to maintain strong relationships, not only with the Information Commissioner's office, but with Library and Archives Canada and the Treasury Board Secretariat, and we have made every effort to try to respond.

The actions we are currently taking are tied directly to the conversations we have had with the Information Commissioner, and I believe they should reduce the number of complaints.

The Chair: Thank you, Mr. Shea.

Matthew Shea: We are hopeful, and we are serious about this.

The Chair: We'll go to Mr. Saini for five minutes.

Gurbux Saini (Fleetwood—Port Kells, Lib.): Thank you for coming.

You mentioned that you cannot name or identify people. They are looking for the most secret information under the Privacy Act. Why shouldn't they be able to recognize...? Shouldn't there be legislation, if people are looking for very sensitive information, to identify who they are?

David Neilson (Executive Director, Access to Information and Privacy, Privy Council Office): The legislation actually protects the individuals so that we can process the requests without knowing who they are and so that we treat every request fairly and without regard to the identity of the individual. There's no bias involved because of certain individuals looking for top secret information or their own personal information. It's meant to protect the requesters.

Gurbux Saini: Thank you.

Matthew Shea: I would just add that there is a mandatory review of the legislation that happens every five years, and parliamentarians get to vote on any changes to the legislation. If any member feels there are things that should be added or taken away, that is the opportunity for members.

We have no opinion. We want to work within the policies and the laws that exist, and whatever Parliament asks of us, we will do our best to do.

Gurbux Saini: What proportion of these requests is related to historical records, and to what extent do historical files contribute to processing delays?

David Neilson: Historical records account for about 45% of all of our complaints. I believe they're about 15% of all of our current access requests.

• (1635)

Gurbux Saini: What specific challenges arise when requests involve complex files or extensive interdepartmental consultations?

David Neilson: It depends on what the record is. If it's a cabinet confidence, legal services get involved. We have to complete a consultation to get their recommendation with respect to whether information is a cabinet confidence or not.

When it comes to historical intelligence files, the PCO is an aggregator of information. We get information from our partners and from other countries, so we have to consult partners, such as GAC, the CSE, CSIS, or the Department of National Defence, to get input from their subject matter experts to be able to respond properly and to identify any harms that may or may not exist in the information that we're processing.

Gurbux Saini: If the foreign countries that you're dealing with don't provide you the information, you can't then pass that information to the people who are requesting it. Is that one of the things that caused the delays?

David Neilson: Some of the delays are not because they're not giving us the information. Sometimes, when we consult Global Affairs, Global Affairs will consult the other countries, and sometimes they don't get a timely response. That causes some delays.

Gurbux Saini: Is there any mechanism available to PCO to force the other nations or agencies to give us that information?

David Neilson: There's no mechanism to force them. However, we do escalate things and we have discussions on an ongoing basis to try to facilitate a quicker response from institutions.

Gurbux Saini: How does the PCO ensure that the record of cooperative values is preserved while maintaining system efficiencies?

Matthew Shea: We have information management policies that govern everything we do. We have systems of record that make clear that when you make a decision, you have to document it. Earlier, we heard about encrypted communications. It is required that even if you're using encrypted communications, if you make a decision, it must be documented somewhere else in the system.

I would take the opportunity to mention that it is totally appropriate to use encrypted systems. We use them at PCO because of the national security implications of some of what we do. It's not just

Signal; it's BlackBerry Messenger and it's some of our higher-side technology. The classification of the system doesn't change the fact that we have obligations under the Access to Information Act.

We have clear policies in place. We do training with employees. We do training with ministers' offices to make sure people understand what needs to be kept—which types of information—and how long it needs to be kept.

If I'm being completely transparent, if we struggle in one place, it's that we're actually less good at deleting things than we are at keeping them, so we have lots of old financial or HR invoices that, quite frankly, we need to shred, because they're over the age where we need to keep them. That is where we struggle far more than not keeping something that we should. I think the real challenge is the fact that we actually overkeep information in government.

[Translation]

The Chair: Mr. Thériault, you have the floor for five minutes.

Luc Thériault: Thank you, Mr. Chair.

Mr. Shea, in 2023-24, the Privy Council Office missed the deadlines set out in the act for responding to an access request 278 times. Some applications have been pending for two years or more, while the act requires a response within 30 days, need I remind you, unless an institution grants a longer deadline owing to the complexity of the request. So your institution is not at the top of the list. You are lagging behind when it comes to compliance with the act and its requirements.

In three quick points, how can you justify that? There may be four or five reasons, but what are the top three?

Second, I would like to hear what you have to say about the fact that, according to some experts, the act should be amended to require public institutions to respond to access requests as soon as possible—which would be an extension of the initial 30-day limit—and to require the Information Commissioner's approval to exceed 30 days, up to a maximum of an additional 60 days.

Are you able to comply with that?

• (1640)

[English]

Matthew Shea: There are a few things in there. In terms of the comment or question about the 30 days, it's important, because 30 days is the legislative deadline to either respond or indicate a need for an extension. Often, we need an extension given the complexity of the files.

You asked for three reasons that are contributing to the challenges we have. Off the top of my head, it is the complexity of the requests we have and the fact that they can often intersect with cabinet confidence, solicitor-client privilege, national security and other things. As David mentioned earlier, we need to consult a large number of people.

The other piece is the open-endedness of the requests we receive. I mentioned earlier that somebody can ask for every email from an individual in a year. We have one requester who, I think, had 125 different requests from one person in the same fiscal year or calendar year. That is something we find difficult to keep up with.

I will again say, throughout this, that there is nothing wrong with somebody putting those requests in, but we must be honest that this is one of the reasons we struggle. We are probably putting a disproportionate amount of our time into a smaller number of requesters, and we are doing our utmost to do more for other Canadians.

I may have missed the last part about the legislation and the updates. Could you repeat that part of the question?

[*Translation*]

Luc Thériault: Given the situation you are in, the requests you have to respond to and the challenges you face, why don't you get the resources you need to comply with the act?

There seems to be a tendency to say: "It's 30 days, but what do you want? It's a complex request."

Since it receives complex requests every year, why has Privy Council not taken steps to comply with the act?

[*English*]

Matthew Shea: It is a complex situation, given the huge increase in the access to information requests that we have, at a time when we're actually downsizing government.

As mentioned at the start, we're trying to increase the size of this team, but if our requests double, I cannot realistically increase the size of the team by 100% without putting in an additional funding ask, so one of the—

[*Translation*]

Luc Thériault: Lastly, you just said that you are affected by budget constraints. You are before a committee that is supposed to make recommendations. This is the time to say so if you don't have the resources you need to do the work and meet the requirements of the act.

Who exactly are you defending? You have to defend the work you do and uphold a law that guarantees a fundamental democratic right. Say what you have to say so we can finally make recommendations that will give you the resources you need to do the work and meet the requirements of the Access to Information Act. The act is not a necessary evil: It protects a democratic right. It must be upheld. Do what you have to and tell us what you need.

[*English*]

Matthew Shea: As I mentioned earlier, the Treasury Board Secretariat will be responsible for undertaking a review of the act and making recommendations. I believe this committee has previously given some feedback that should be incorporated into that. I think

that, at a very high level, we will give our feedback to Treasury Board. It's not my place to give my opinion, but I would say that as we look at the act, it is really about the outcomes. The outcomes that we're seeing right now—

[*Translation*]

Luc Thériault: Be careful. You said you will provide your opinion to Treasury Board. You are before a standing committee of elected officials who have to make recommendations to the House of Commons, which is the body that makes the decisions. It's not the government that's going to make the decisions. We are the ones who make the laws.

The Chair: Mr. Thériault—

Luc Thériault: Mr. Shea, next time, frankly, I would like you to answer us properly, rather than say that you are keeping your answers for a private meetings with Treasury Board.

The Chair: Thank you.

Mr. Hardy, you have the floor for five minutes.

Gabriel Hardy (Montmorency—Charlevoix, CPC): Thank you to the witnesses for being here.

Mr. Shea, I'm surely going to continue in the same vein or along the same lines as my colleague.

The Information Commissioner came to see us this week. She told us that there has been a steady decline in Canada's access to information system since 2018. I will be clear for the people watching: There is a commissioner's office that's independent from the government and whose job is to ensure that institutions comply with the act, that the public is well represented and that people can have confidence in our institutions. However, the commissioner is telling us that there has been a decline and that the Office of the Information Commissioner is no longer fulfilling its role because it's running up against bureaucracy.

We're now learning that \$1.6 million of taxpayer money has been spent for you to fight in court over documents that she's asking you to provide. She presented her findings; she asked you to provide documents, and now you're going to fight in court to avoid providing them. I'd like an explanation on that.

● (1645)

[*English*]

Matthew Shea: On going to court, that \$1.6 million is not the Privy Council Office. I can count on one hand, and likely less than one hand, how many times we have actually disagreed and been willing to go to court with the Information Commissioner. We try very hard to deal with complaints informally. There are many complaints that ultimately are withdrawn because we work with the requester and the Information Commissioner's office. When she has orders, we do have the option to take the Information Commissioner to court. That is not something that we do.

We really do want to—

[*Translation*]

Gabriel Hardy: You have already gone to court. You have used this method before. What would cause your office to disregard an order from a commissioner who asks for access to information? She isn't doing it for fun.

[*English*]

Matthew Shea: I think one of the few circumstances—it has not arisen, but I think we generally would have to consider it—would be if we had a national security document that our colleagues in the security and intelligence community said was absolutely top secret and could not be released, for all these reasons. If we had an order that said, “You must release that document”, and we had security and intelligence professionals telling us that we absolutely can't, for reasons of national security, I believe we would at least need to consider, in that type of circumstance, going to a court to adjudicate the issue. Thankfully, we've not had that.

At the working level, we work very well with the Information Commissioner's office and we find ways to resolve it. Our goal is not to be part of that \$1.6 million. We are not part of that \$1.6 million.

We are not perfect. We have issues. We want to deal with those issues, and we're trying not to deal with those issues in court.

[*Translation*]

Gabriel Hardy: What we have heard recently is that the government is creating departments, and it wants to take powers away from the Information Commissioner. Are you aware of that?

[*English*]

Matthew Shea: I apologize. I'm not aware of what you're speaking of.

[*Translation*]

Gabriel Hardy: You agree, then, that she should keep her powers, that they should even be increased over time, and that she should be able to give Canadians access to information without losing the powers she has been granted since 2018. Do you agree with that?

[*English*]

Matthew Shea: If you're talking about her legislative powers, ultimately that's a decision for Parliament to make, what powers the Information Commissioner has, additional ones or fewer. That is totally not within my purview.

[*Translation*]

Gabriel Hardy: Okay.

We had information that your office sometimes found it cumbersome to manage all the requests that came in and that it was starting to feel a bit overwhelmed. We are also told that you would have liked things to slow down a bit and for her to perhaps have fewer powers. However, you're telling me that's not true.

[*English*]

Matthew Shea: That is not the case. I believe I know the memo you're referring to. That's a different department, not our department. That is not something that originated with us.

[*Translation*]

Gabriel Hardy: How much time do I have left, Mr. Chair?

The Chair: You have 40 seconds.

Gabriel Hardy: Okay.

Mr. Shea, I'd like to check something with you, because I get the impression that there's still a battle over access to information.

As you said earlier, you have too many requests; you're overloaded; there are too many requesters. When people make requests, do you find that they don't take time to think about what they're asking you for? When they make requests, are the requests “pre-chewed”, do people know what they're asking for, and do they think they should have access and, at that point, you're forced to fight? When people make access to information requests, which go through the commissioner, the work has already been pretty well checked, cleaned up. The work has been done. I imagine that the person makes sense when they get to you. They're asking you for things that they think should be public.

• (1650)

The Chair: You took 40 seconds to ask that question. Your time is up.

[*English*]

Can you give a quick response, please, Mr. Shea?

Matthew Shea: We certainly try to do everything we can to provide the requesters what they are requesting. Just because somebody makes a complaint, that doesn't mean we're not trying to give them what they're looking for. I think the fundamental question can be a requester asking for something that's of a huge volume, and we will work with them. In most cases, requesters will say, “I'm really looking for X, Y and Z”, and we will try to give them that.

The Chair: Thank you.

Matthew Shea: In cases where they ask for every single email from every official for the last five years, that becomes very difficult for us to deal with, as you can likely appreciate.

The Chair: Thank you, Mr. Shea.

Ms. Church.

Leslie Church (Toronto—St. Paul's, Lib.): Thank you, Mr. Chair.

Let me start by thanking PCO for being here. I think all of us know how much work happens at PCO. It's an acronym, but it's actually a big team of people who are contributing a lot to the public service of our country, so thank you.

I think you're probably hearing from us today—and I hope my colleagues would agree—that some of the tensions we're finding right now are really around.... When this act was drafted, and since it was amended, did it envision a situation where three repeat requesters would take up so many resources within this team? How does it operate within the context now of a digital workplace, where millions of records are created on an annual basis? These are difficult questions to keep up with, considering the requests that likely come in on access to information.

I wanted to ask you, Mr. Shea, about your comment on the challenge of overkeeping information, because I do think that is a challenge. The flip side of that is the responsibility for ensuring that we are keeping careful safeguarding of sensitive and classified information. Can you speak a bit about the difference between transitory records and records of business value, and maybe some of the operational risks in keeping transitory information indefinitely?

Matthew Shea: I'll turn first to my colleague to give you a definition of that, and then I may add a bit to it.

Alexandra Freeland (Director General, Data and Information Services, Privy Council Office): Thank you.

Transitory information is needed for a short period of time. It's setting up a meeting, for example, and conversations that go back and forth.

Business value is the record of the decisions and actions that departments have taken in the course of their business activities. A subset of that information is of archival value, which has value for Canadians. Our colleagues at Library and Archives can speak to that. It is not a huge proportion in most departments, but at the PCO, it is a very high percentage of our information, given the work we do.

Leslie Church: Obviously, part of your role is determining what is transitory and what is an archival record. Are there operational risks that you are seeing in keeping this transitory information?

I think Mr. Shea mentioned the challenge of overkeeping information. Is that contributing to some of the challenges or the delays we're hearing about today?

Alexandra Freeland: It is. It contributes volume, and it isn't necessarily volume that adds value for the requesters. Our challenge is to sift that away so that we can focus on the information of value to requesters.

We focus on process in the department and the interactions of people as they finalize files, meetings, etc., to capture the important material. We then provide a lot of guidance and, in some cases, some system settings to either encourage people or automatically reduce the volume of transitory information.

Leslie Church: Could you also expand a bit on why protecting these classes of sensitive, classified or cabinet confidence-related information...? How do you do that in practice? How do those protections support decision-making in the government and the day-to-day functioning of the government? Why is that important?

Matthew Shea: That's a broad question in terms of all the different types, but when it comes to cabinet confidences, it really is about the ability of cabinet to have those honest discussions with

the knowledge that there's cabinet solidarity and you can give your best advice.

We have commercially sensitive information at the Privy Council Office, and sometimes, obviously, that comes down to the question of trust with the industry. If we don't properly protect that, we won't be trusted with it. Other departments—less so we—deal regularly with private information. If you show Canadians that you don't handle their private information well, that's a problem for the institution, not just for the department. We take it very seriously, to make sure that we safeguard all of that information.

Going back to your original premise, the challenge can be that if we don't delete some of those personal emails between colleagues, doctor's appointments or whatever they are, we still have to go through them as part of our process. That is through no fault of the requester. That is through no fault of any parliamentary committee. That is our fault. We need to do a better job. That is not unique to the PCO.

We have certainly been trying to do information management training, both with exempt staff coming in with the new government and with employees on a regular basis. We have seen some improvements. We have done some things like limiting the size of email boxes to try to force some type of regular cleanup of those transitory emails.

I think there's some hope when it comes to things like Microsoft Copilot, which can go through and, say, find all the emails from my wife, and then I can quickly look at those, say they're all transitory and let them go. We are trying to use technology where possible. This is something we're seized with.

I heard Alex talk about the types of information. We're lucky to have Alex, who's a librarian by trade. She has come in here with real IM expertise and is trying to help us with this.

• (1655)

The Chair: Thank you, Mr. Shea.

We have time for four minutes for Mr. Cooper, and then Monsieur Sari after.

Mr. Cooper, you have four minutes. Go ahead.

Michael Cooper: Thank you, Mr. Chair.

In addition to there being real problems around failing to meet the statutory deadline set out in the act, the commissioner, in her meeting with the clerk, noted that there were other problems with the handling of access to information requests. For example, she noted that work that needs to be done to implement an order—an order that she needed to issue because the PCO didn't follow the law—should and could have been done prior to a complaint being submitted.

In other words, not only is the PCO not meeting the statutory deadline, but there are instances, according to the commissioner, where the PCO is effectively sitting on access to information requests, not doing anything until a complaint arises, and then still not doing anything, because it was necessary for the commissioner to issue an order.

Do you think it's acceptable to sit on access to information requests? We're talking, after all, about what you've correctly acknowledged to be a quasi-constitutional right.

Matthew Shea: I'll answer again by saying that we have a large backlog, so there is no question that access to information requests are taking longer than we'd like them to take. We do our best to prioritize them. One of the things that orders do is force our prioritization. If something wasn't next in the queue and there's an order given by the Information Commissioner, it becomes the next in the queue. That is why we have so many people focused on orders right now—

Michael Cooper: Sitting on access requests.... I asked the commissioner—

Matthew Shea: If I could potentially finish my answer—

Michael Cooper: —and she said that this is happening frequently.

I'll let you address that. Go ahead.

Matthew Shea: I just think that we are genuinely making an effort to do this. We are genuinely trying to prioritize, but it does not mean that we are not doing the work. I do think...and I really struggle to comment on what other people have said, because I don't know the context of—

Michael Cooper: How about “exaggerated claims of harm”? That's another issue.

Matthew Shea: I'm happy to go through some of that.

Michael Cooper: Mr. Hardy asked you about going to court. Well, a requester had to go to court. He had to go to court because the PCO refused to provide the entirety of a report that the commissioner had recommended to be released. In the end, the only issue was a matter of cost, because finally the PCO relented, but only after the requester went to court. Consequently, the PCO was slapped on the wrist with \$4,400 in costs.

There are massive delays, sitting on requests, exaggerated claims of harm. Is that acceptable?

The Chair: You have a minute, Mr. Shea. I'm going to give you time to respond to that.

Matthew Shea: Thank you. I appreciate your giving me time to respond to that.

First, from the meeting I was at, I believe that when she was saying that we should have done stuff before—and I don't know the specific comment—she was referring to historical intelligence being transferred to Library and Archives, and she has orders related to that. As I started my testimony by saying, we are committed to transferring that historical intelligence to Library and Archives. That has been one of the things we have been working on in earnest since that conversation with her, and we took it quite seriously.

In terms of the exaggerations of harm, I don't know what specific files she is talking about, but we started by talking about national security.

● (1700)

Michael Cooper: Well, *Barnes v. Canada* is one of them.

Matthew Shea: I apologize. I don't know the specific file that you're speaking of, but in terms of exaggerations of harm, I think there can be differences of opinion between intelligent, well-meaning people.

When it comes to national security files, at times we don't see—

Michael Cooper: It sounds like PCO has a lot of work to do.

The Chair: Thank you, Mr. Cooper.

Mr. Saini.

Gurbux Saini: Mr. Chair, as an order of business, this meeting has to be a respectful meeting where we ask questions in a respectful manner and give people a reasonable chance to answer them, rather than intervening every time. This is not respectful, and I object to that.

The Chair: I've been conducting these meetings for almost four years. Members have the right to ask whatever questions they want in relation to the matter. Sometimes they take their time back, and I think Mr. Shea was given ample opportunity to answer the questions.

[*Translation*]

Mr. Sari, you have the floor for four minutes.

Abdelhaq Sari (Bourassa, Lib.): Thank you very much, Mr. Chair.

I'd like to thank everyone here for all the information that has been shared.

Mr. Shea, before I ask my questions, I'd like to lay out a premise of how your work is perceived in relation to access to information. There are two elements to consider: It's a matter of educating not only the people who develop, process and collect information within our government, but also the people who request this public information, and so on.

With all of my colleagues' questions, I note that there's sometimes an attempt to see what you have done within your government systems.

I would like you to tell us a bit about what you have done, because there have been backlogs. What have you done in terms of the elements, that is, to avoid getting requests that are sometimes absurd and to avoid having useless data that can make it more difficult to respond to access to information requests?

[English]

Matthew Shea: My colleagues may add to this.

I think, at a very high level.... I heard the word “frivolous”. There is something in the act that allows you to complain if something is frivolous. Similar to going to court, it's not something we really want to do. We'd really like to hold that for a true situation that we need it for.

In general, our access to information team—which honestly is a fantastic group of people who are deeply committed to this work—works with the requester to try their best, to try to figure out what they're actually trying to get.

The reality is.... It's not unlike using AI in some cases. If you don't ask the right question, you end up getting a bunch of information that's not necessarily useful to you. If somebody asks a question that is incredibly broad, the first thing we do is try to talk to them about it. If they can tell us a little bit more about what they're looking to get, we'll try to help them, even if it is not necessarily in our own interest. We will often help somebody to curtail their request to get exactly what they're looking for.

[Translation]

Abdelhaq Sari: You spoke about prioritization earlier. Every time I hear that term, I think about the fact that we all want to prioritize quite a few things in life.

Could you talk about the criteria you use to determine priorities? What do you base your decision on when you say that one thing is a bigger priority than another?

[English]

Matthew Shea: I'm going to turn to Mr. Neilson to talk about priorities when it comes to ATIP itself and the files. I assume you're talking about prioritizing files.

David Neilson: The prioritizing of files is always done with the legislated deadline in mind, the first 30 days or if we've taken an extension on those 30 days. Building on that, if we receive a complaint, we try to work with the Office of the Information Commissioner to resolve that complaint, often before it comes to a finding.

[Translation]

Abdelhaq Sari: How can we distinguish transitory records from documents with greater organizational value or greater importance?

[English]

The Chair: You have 40 seconds.

Abdelhaq Sari: I'll give you all of the 40 seconds for that.

David Neilson: In ATIP, we don't distinguish between transitory documents and records of business value. We treat all the documents that are relevant to the request. If somebody has their grocery list for some reason in their holdings, and they give it to us because it's responsive to a request, we would treat that. It has no bearing on whether or not the information is transitory or has business value, from our point of view.

• (1705)

Abdelhaq Sari: Thank you.

The Chair: Thank you, Mr. Sari.

I want to thank all of you for being here this afternoon and making yourselves available to the committee.

We're going to suspend for a couple of minutes as we switch over to the next panel.

The meeting is suspended.

• (1705)

(Pause)

• (1710)

The Chair: Welcome back, everyone.

This is our second panel today on the state of the access to information system.

We have, from Library and Archives of Canada, Leslie Weir, librarian and archivist of Canada, and Jennifer Schofield, assistant deputy minister, collections sector. From the Treasury Board Secretariat, I want to welcome Dominic Rochon, chief information officer of Canada, and Charles Taillefer, executive director, access to information policy and performance.

Ms. Weir, you have up to five minutes to address the committee.

Please go ahead.

Leslie Weir (Librarian and Archivist of Canada, Library and Archives of Canada): Thank you, Mr. Chair.

[Translation]

Good afternoon, everyone.

I am Leslie Weir, librarian and archivist of Canada. Thank you for the invitation to appear before the Standing Committee on Access to Information, Privacy and Ethics. My apologies for being unable to be with you on Monday.

I look forward to discussing the context of the state of access to information in Canada, with emphasis on the mandate and work of Library and Archives Canada.

[English]

As you probably know, part of Library and Archives of Canada's mandate is to serve as a source of enduring knowledge that is accessible to all and to act as the continuing memory of the Government of Canada and its institutions.

For years, enhancing the user experience has been central to our efforts to make collections in our care more discoverable and more accessible. LAC has a distinct role in providing access to historical government records for over 300 federal organizations and departments, of which more than 170 are still active. This means that we are the primary channel for providing access to billions of pages of archival records.

I would venture to say that LAC has a very broad and complex mission, particularly given that the Access to Information Act and the Privacy Act were both enacted before the advent of the digital age. Nevertheless, we have made substantial efforts to work on delivering results to Canada in that regard.

LAC has received temporary funding to help reduce the backlog of access to information and privacy requests accumulated in the past and to meet our legal obligations. This funding has been invaluable for advancing that work. For example, in 2024-25, we reduced our backlog by 40%. As for new requests, 85% are being responded to within the legislated time frames.

These improvements are the result of a radical revamp of our approach to access to information and privacy. One of the causes of our backlog was the need to consult departments for processing many requests for access to information. Thanks to new archival research processes, these consultations have been decreased by 95.6% since January 2023.

We have also revised many processes to make information available without ATI review. One example is investment in block review, which takes a risk-based approach to releasing tranches of archival records. This is a more resource-effective method for providing access to archival records, compared to reviewing in the course of a formal ATI request. Through temporary funding, the block review team recently opened more than 19 million—yes, 19 million—pages of archival documents that can now be accessed without going through ATIP.

In 2024, we launched a database that allows users to find and download completed requests for archival records. We are also increasing access to historical military records. By 2030, 64% of Second World War military personnel records will not require an ATIP review before being released.

Even before records are sent to us for archiving, LAC plays an important role in the information management of the Government of Canada. Under the Library and Archives of Canada Act, no government record may be disposed of without my written consent as the librarian and archivist of Canada. Written consent is provided through what are known as disposition authorizations. These identify the government records of archival value that must be transferred to LAC upon the expiry of retention periods. The accountability for setting retention periods rests with each institution. LAC provides the tools and guidance to assist in doing so, as well as the guidance to support the proper and documented disposition of records.

• (1715)

Moving forward, we will continue to carry out our mandate with diligence, making the most of the flexibility and the resources at our disposal. We will keep striving to make as much information as possible accessible to Canadians.

Thank you for the opportunity to address the committee. I'll be happy to respond to your questions.

The Chair: Thank you, Ms. Weir.

[Translation]

Mr. Rochon, you have the floor for five minutes.

Dominic Rochon (Chief Information Officer of Canada, Treasury Board Secretariat): Thank you, Mr. Chair.

I am pleased to appear with my colleagues from Library and Archives Canada and to be joined by Charles Taillefer, from my office, who is executive director, ATI policy and performance. I appreciate the opportunity to speak about the importance of access to information in government.

I appreciate this opportunity to speak about the importance of access to information in government.

Access to information is central to government transparency and accountability. It allows Canadians to understand how decisions are made, how programs operate, and how public resources are managed. To support this, departments and agencies across the public service are responsible for ensuring that information is well managed and accessible.

As the government modernizes digital services and adopts new technologies, access to information must evolve accordingly.

For these reasons, I share the committee's view that there is always room for improvement in how the government delivers ATI.

It's for this reason that, while we have made important progress over the years, the Access to Information Act legislates a review every five years. This review assesses whether the legislation is effective and identifies where improvements may be required as expectations and technologies evolve. The review process provides important insights into how the system is working and where it can be strengthened.

[English]

Since the last review was undertaken, the government has taken action to improve the access to information regime in various ways. For instance, we published the Government of Canada trust and transparency strategy and the access to information modernization action plan. We issued implementation notices encouraging institutions to advance reconciliation by providing culturally appropriate services and waiving the five-dollar fee for indigenous requesters. We published the plain language guide to exemptions and exclusions under the Access to Information Act. We improved the ATIP online platform, and we established the access to information and privacy communities development office to lead recruitment and training.

Building on this progress, the government is now undertaking another review of the legislation and will launch public engagement very soon. This will provide another opportunity to modernize the Access to Information Act and get feedback from key stakeholders, including the Information Commissioner of Canada, indigenous partners and parliamentary committees such as this one.

We've already received valuable feedback from stakeholders and indigenous partners over several years about how to improve the system. Of course, we have the important report and recommendations of this committee. We've grouped all that input into six areas of focus. First, there's strengthening transparency and accountability: looking at whether the act still supports its core purpose, including the effectiveness of proactive publication. Second, there is facilitating access: looking at how barriers can be reduced for requesters while still protecting sensitive information. Third is historical records: exploring options for a more systematic approach to declassification and disclosure. Fourth is information management: strengthening the rules and practices that govern how government manages information. Fifth is indigenous access and protection: ensuring that the act reflects the unique needs of indigenous peoples. Sixth is oversight and compliance: assessing whether the current framework for monitoring and external oversight is working as intended.

As we move forward, we're committed to a transparent engagement process that makes sure people across Canada can share their views. At the same time, the Treasury Board Secretariat is working to design a more focused and streamlined approach that responds to many stakeholders' calls for a faster review.

● (1720)

[*Translation*]

Lastly, I would like to offer a point of clarification regarding the retention and disposition of messages and emails.

Good information management—which includes deleting transitory records—helps the government effectively respond to access to information requests.

In the federal system, each department is responsible for managing the information it creates and uses, including how long that information is retained. Deputy heads, supported by their departmental CIOs, determine which records have ongoing business value and set retention periods that reflect their operational and legal obligations. This means departments make their own decisions about what information must be kept, what can be treated as transitory, and when records can be disposed of in a responsible and consistent way.

We remain committed to working with Parliament, stakeholders, and Canadians to continue improving the access to information system.

With that, I look forward to hearing the committee's comments and answering your questions.

The Chair: Thank you, Mr. Rochon.

[*English*]

We're going to start with Mr. Barrett.

I'm going to keep this panel really tight and on time. We went a little over in a couple of circumstances in the last hour, but it's going to be kept really tight this time.

You have six minutes. Go ahead, Mr. Barrett.

Michael Barrett: Canadians keep hearing that no records exist. They can wait weeks, in a best-case scenario, or years, for answers and the information that they're looking for.

Now, the move to platforms and enterprise solutions that include things like Microsoft Teams, which is instant messaging, changes how people communicate and the types of records that exist. There have been changes to how long they're kept.

Mr. Rochon, who stops records from disappearing? What happens when departments don't follow the rules?

Dominic Rochon: Thank you for the question.

As I mentioned in my opening remarks, and as the chief librarian also mentioned, each department and agency is responsible for the management of information in the respective departments and agencies.

In your specific question about who stops it, there are decisions being made with regard to transitory information. I know you're tight on time, so I will try to keep this very brief. I would say that probably 85% of records created now are transitory. That is clogging up the system. There is guidance that we and Library and Archives provide in order to better manage that information, ultimately. The information is going to be deleted on a consistent basis.

● (1725)

Michael Barrett: What happens if something is labelled as transitory so as to exclude it from examination later? Who monitors that? Is it the honour system?

Dominic Rochon: Unfortunately, the act does not have a duty to document. As a result, there's an expectation that every department and agency is saving documents that are of business value.

In terms of holding departments and agencies to account, we have the Information Commissioner, and we have the Auditor General. We have audit and evaluation that look into whether or not those documents are being preserved.

Michael Barrett: There were some high-profile cases that we looked at in committee a little over a year ago now. We had claims that an IT manager accidentally disappeared all the emails that he had ever read or sent. He had just enough technical know-how to make them disappear, but not to know how he did it when he came before committee. We know that this was in a committee investigation about evidence of fraud in procurement. It was incredibly serious. Civil actions have been taken by the government. Criminal action has been initiated. It was only because we kept tugging on strings to get a little more information, not because the information was available by default or by right to parliamentarians or to Canadians.

You mentioned the Auditor General. With 85% of the records, as you say, being transitory and there not being a duty to document, we also have a greater ability—and I think opportunity—to provide more transparency to Canadians.

I notice that you observed the Privy Council Office's testimony in the previous hour. They talk about plans to use artificial intelligence to speed up the access to information responses.

Should we not keep more information, so that we can be more transparent with Canadians as government deals with larger and larger sums of money and stretches into more places in their everyday lives?

Dominic Rochon: That's a very complicated question. Let me attempt to be succinct in answering it.

First and foremost, keeping more has various implications. I would agree with you that if we have the technological solutions to allow that, it might be attractive, but there will always be a cost associated with it. Saving more information requires it to be saved somewhere, and there's a cost associated with that.

Beyond that, the efficiency and effectiveness of the regime that we have in place depends on our ability to sift through that information. We've tried to introduce new platforms, such as ATIPXpress and AMANDA, and make the use of that the norm. There are information management systems as well. There's ATIP online, where we've introduced technology for a portal for people to be able to access that. Then you would find artificial intelligence tools that would be introduced on top of that.

Michael Barrett: I'm sure that keeping every Teams message forever would become cumbersome—the government is a really big organization—but it feels like two weeks is insufficient. It feels to me wholly insufficient when that's what appears to be the directive on how long Teams messages are to be retained if they're deemed to be transitory.

Is that correct? Does that seem like enough time? Would it really be onerous for the government to keep them a little longer than 15 days?

Dominic Rochon: There is no such directive that applies to every department and agency. Each department and agency ultimately makes its own decision as to how long to keep them.

I can tell you that at Treasury Board Secretariat, that number is 30 days.

Is it onerous? It depends. I can give you a quick number. In the last five months, at Treasury Board Secretariat, there were 962,000 Teams messages per month.

The Chair: Thank you.

[*Translation*]

Mr. Sari, you have the floor for six minutes.

Abdelhaq Sari: Thank you very much, Mr. Chair.

Witnesses, thank you very much for being here.

Mr. Rochon, I would like to focus on some things that I'd like to check and confirm with you.

We had the Information Commissioner here on Monday. One of the things she mentioned or raised was the lack of commitment from the Treasury Board Secretariat. That lack is much more related to access to information requests in general.

Could you clarify what kinds of conversations took place with her office? How often did you interact with the commissioner's office?

• (1730)

Dominic Rochon: Certainly. She's an officer of Parliament, of course, so we have to respect the independence of the commissioner's office.

It goes without saying that we work with her. The team at the Access to Information and Privacy Communities Development Office repeatedly interacts with her office. I myself give the commissioner updates about every six weeks.

Abdelhaq Sari: I have another question for you.

You know that the power to issue orders is quite significant. The Information Commissioner has said that the Treasury Board Secretariat is taking that power away from her. Is that true? How might you qualify what she said?

Dominic Rochon: This isn't a matter of nuance, and that isn't true at all. We have no intention of reducing or removing her power to issue orders.

However, there are still approaches that target the systemic challenges related to these orders. The power to issue these orders was given to her in 2019. It has been in place for only five or six years. These orders have led to conflicts with certain departments. We'd like to know whether we can improve things when it comes to these orders.

It's not a matter of completely disregarding them, but a matter of opening the door a bit to understand how they can be further improved.

Abdelhaq Sari: I would like to give you the opportunity to speak to the following.

There was the previous review. When any organizational process goes under review, the goal is to see improvements. That's normal; nothing is perfect. Could you tell the committee the key measures your organization has taken since the last review to steer itself toward improvements?

Dominic Rochon: I'm going to ask Mr. Taillefer to list the various tasks.

Charles Taillefer (Executive Director, Access to Information Policy and Performance, Treasury Board Secretariat): There have been a number of improvements to the guidelines that have been made to try to limit the number of consultations. The commissioner raised the fact that this was a systemic problem that resulted in delays in the system.

We have also had a lot of training. The Access to Information and Privacy Communities Development Office coordinated training on specific sections of the Access to Information Act, including extensions, to ensure that access to information offices use and interpret the act consistently.

A number of measures have been taken on the administrative and operational side. We have also made improvements to the portal to make it easier for requesters to make requests. We're trying to target requests correctly so that requesters can get the information they're looking for.

Abdelhaq Sari: For the sake of transparency for the people watching, the public, I heard comments from across the table stating that the Treasury Board Secretariat had imposed the permanent deletion of messages within 15 days. Could you clarify that point, because I'd like it to be included in the meeting transcript and pointed out? How does it actually work in practice, on a day-to-day basis, and how is essential information preserved for access to information requests?

Dominic Rochon: I'll turn to Mr. Taillefer. I replied to Mr. Barrett earlier that there was no directive that we would have issued for all departments. In fact, each department and agency is responsible for making its own decisions about its timelines.

Maybe Mr. Taillefer would like to respond, and Ms. Weir as well.

Charles Taillefer: There are document disposition authorizations that form the basis of the system. However, I would say how it's communicated, because, as we said earlier, transitory records are subject to the act once a request is received. The request is sent to all employees who are required to respond to the request.

• (1735)

Abdelhaq Sari: I hope I get a chance to ask you—

The Chair: You have 20 seconds left.

Abdelhaq Sari: Mr. Rochon, I asked the witnesses from the previous hour how to distinguish transitory records from organizational documents. What criteria do you use?

The Chair: Give a quick answer, please.

Dominic Rochon: I have a list of examples of transitory records: working drafts, information that lacks a logical or coherent structure, and informal messages such as dinner invitations. Since we started late today, I also received texts, MS Teams chats, telling me that I needed to rearrange my upcoming schedule a bit. Those messages are indeed transitory information.

The Chair: Thank you.

Mr. Thériault, you have the floor for six minutes.

Luc Thériault: Thank you, Mr. Chair.

Good afternoon and welcome to the witnesses.

Mr. Rochon, last September, Treasury Board officials responsible for developing access to information policies suggested that the government may need to review the Information Commissioner's powers to issue orders. You said earlier that this was out of the question, which is reassuring, but you're going to have to say a bit more than that, because these powers were given to her by the House of Commons.

On the one hand, what is this about—since it's hard to make this stuff up—and, on the other hand, isn't the commissioner, who has issued some 40 orders to three fundamental institutions, somewhat of an important safeguard to call those institutions to order? Those institutions have to comply with an act that's fundamental to democracy and the right of Canadians to have a minimum amount of information in a world of absolutely astounding disinformation.

I'd like a specific answer, since you answered earlier, but your answer wasn't specific.

Dominic Rochon: Mr. Taillefer can give you even more details, but let me tell you that you're referring to a document from September. We initiated the mandatory review of the act, so we created this document. As I mentioned in my opening remarks, we have suggested certain areas—not chosen at random—for review in this draft document that we'll be using to conduct a consultation on the possibility of revising the act.

My answer was that it isn't a matter of revising or removing anything, or—

Luc Thériault: Diminishing?

Dominic Rochon: —diminishing existing powers. That said, as you're saying, given that the commissioner has had to use these orders, and given that there were still complications and costs, wouldn't it be possible to make the use of these orders a little easier? That's why, if we were to amend the act, we might have to determine whether there's a way to improve those powers, which have been in place for barely six years. I don't know whether you need any further clarification, and whether Mr. Taillefer would like to add anything.

Luc Thériault: I'll let you continue, but you'll agree that, whenever there's a complaint that leads to an order from the commissioner, it's because there's a failure somewhere, a failure to meet the deadline or comply with the act.

However, the commissioner gives the complaint credibility in that she says that she is conducting a review, that not all access requests will be subject to an order. The importance of the order-making power is to call institutions to order and ensure that they can find an internal way to finally respond properly to the act, whether by training their staff, changing practices or adding resources.

The order-making power is a bit like a restriction, a safeguard for institutions like yours.

Dominic Rochon: I absolutely agree with you. In fact, the example the commissioner gave about the behaviour of the Department of National Defence illustrates exactly what you're saying. She found that there were improvements to be made, and the Department of National Defence has in fact started doing many things to improve its performance.

I don't know if you want even more clarification on certain aspects.

• (1740)

Luc Thériault: Mr. Taillefer may have wanted to add some clarifications.

Charles Taillefer: I would just like to point out that the commissioner also raised concerns about the rising costs of legal services. She had to go to court for litigation.

Since the President of the Treasury Board's role is to be responsible for the general administration of the act, we need to look at these aspects to see whether the commissioner could have means or tools to minimize costs or work with the departments more effectively to resolve these problems.

Luc Thériault: Is there a cost to democracy and its vitality in a society like ours in the era of disinformation? I think that Treasury Board should think about adding resources to comply with the conditions of the act. In my opinion, we are at a turning point.

If there is one thing that should be left alone, it is people's ability to learn about decisions made by the state through access to information. However, the commissioner tells us that a lot of methodologies are not being put into practice in the institutions concerned, including the duty to document decisions. I don't know what you think about that.

The Chair: There are 15 seconds left.

Dominic Rochon: Once again, I absolutely agree with you. In fact, that will be part of the consultations about the duty to document decisions.

The Chair: Thank you.

[English]

Mr. Cooper, you have five minutes.

Michael Cooper: Thank you, Mr. Chair.

Mr. Rochon, as the chief information officer of Canada, you are responsible for, among other things, setting government-wide policies on data and record-keeping, as well as the stewardship of information and data for the Government of Canada.

Is that an accurate description of your responsibilities?

Dominic Rochon: It is an accurate description of some of my responsibilities, yes.

Michael Cooper: Those are some of your responsibilities. Okay.

Records about government business that have business value, including electronic records, are required to be preserved, pursuant to the Access to Information Act. Is that correct?

Dominic Rochon: If they have business value, absolutely.

Michael Cooper: Okay.

In the face of the requirements under the Access to Information Act to preserve records relating to government business, which are in place to provide transparency and accountability in government, how did you think it was appropriate to set disappearing message functions on messaging apps, including Signal, WhatsApp and iMessage, on your government devices?

Dominic Rochon: I'll answer by saying that setting record and information management rules for the various applications and platforms you have is good record and information management.

Michael Cooper: You think that using automatic-delete features is good record management. Is that correct?

Dominic Rochon: Absolutely.

Michael Cooper: Do you think it enhances transparency? We'd be in a situation where it would be impossible to know whether communications that were deleted involved government business, were of business value or were merely personal conversations. I'm a bit astounded that you would say that's good record management, because it certainly doesn't seem to be in the spirit of ensuring compliance with the Access to Information Act.

Dominic Rochon: I guess I would disagree with your characterization. Let me explain. I have telephone conversations and I have meetings that occur every day, and there's a responsibility for me to capture something that is of business value. Similarly, in the technological world we live in now, as I mentioned earlier, some 80% to 85% of communications that are transiting, whether it be on LinkedIn, Signal, BBM, email, personal email or what have you—

• (1745)

Michael Cooper: What steps are you taking on these apps that you're using, which have disappearing message features, to ensure that communications on matters of government business are retained?

Dominic Rochon: They're the same measures that I'm taking when I'm having a conversation with someone over the phone or having dinner with someone. If a business decision related to government is happening, I have a duty to document that.

Michael Cooper: And you do that.

Dominic Rochon: Yes.

Michael Cooper: However, you're still using automatic delete features. You continue to do that.

Dominic Rochon: Absolutely.

For example, just in the hour that I was waiting here, I think I may have received probably dozens of emails, texts and things that really have no business value whatsoever. That accumulates significantly over time, which can ultimately create a significant issue with regard to access to information.

Michael Cooper: I certainly think it requires further inquiry, because it doesn't seem to me to be consistent with transparency and accountability. It seems to be the type of thing that actually erodes trust and confidence that the Access to Information Act is being complied with.

I'll go to the discussion paper that discussed clipping the wings of the Information Commissioner. Who directed that this report or discussion paper be undertaken, with regard to the view of taking away powers from the commissioner?

Dominic Rochon: I believe the document you're referring to is a draft document for a consultation. It absolutely does not say that it's clipping anybody's wings with regard to anything.

Michael Cooper: It says very clearly that her order-making powers should be reviewed.

Dominic Rochon: No, it says that it would look into the order-making power, not to reduce it, not to eliminate it, but to, as we explained—

Michael Cooper: It said they needed to be revisited, and it went on to imply that her powers were being abused, insofar as they “are meant to be a measure of last resort” but have been used on a “steadily increas[ing]” basis.

If the government just complied with the law, perhaps it wouldn't be necessary for the Information Commissioner to—

The Chair: Mr. Cooper, your time is up.

We're going to Madame Lapointe.

[*Translation*]

Linda Lapointe: Thank you.

I'm sorry to interrupt my colleague. He was on a roll, but it's my turn now.

I'd like to welcome all the witnesses and thank them for being here.

Several questions were asked of the officials from the Treasury Board Secretariat. It's not that I'm not interested, but I only have five minutes, so I will ask questions of the officials from Library and Archives Canada instead.

I believe your organization is facing a few challenges, and that's what I'd like you to comment on.

What factors explain why Library and Archives Canada receives a higher volume of access to information requests from the federal government? How have the requests evolved over the past few years?

Leslie Weir: Thank you for the question.

I must say that the changes made to the Access to Information Act have put pressure on Library and Archives Canada. However, our role should be properly understood.

We hold historical records from the federal government. In addition, most of our collections are made up of paper documents stored in boxes. In our collections, we have 250 linear kilometres of archived documents. We also have digital documents, but it is much more complex to find analog documents to answer questions. We

have documents from 300 federal institutions, which is a large number of specialized areas. We've started getting a lot more requests, but also larger and more complex ones. We also have information that is classified as secret or top secret.

My colleague Jennifer Schofield could add some more technical details about our current situation.

• (1750)

[*English*]

Jennifer Schofield (Assistant Deputy Minister, Collections Sector, Library and Archives of Canada): I would reinforce that less than 5% of our collection right now is digitized, so it is a huge volume of paper. When a request comes in and we respond to that request, we digitize those records. Those have to be found in the box and then brought to Ottawa to be processed.

The digitization process of historical records can be very complicated. The paper is often very fragile. There are often problems with mould, so mould remediation also needs to take place before they are digitized. These are things that you don't see in a typical access to information office or in a response to that. Of course, we are trying to do all of that within 30 days, so it is a doubly complex process.

Leslie Weir: If I could quickly add, many of the records—historically, the older records—are handwritten in script, so people have to be able to interpret those records.

[*Translation*]

Linda Lapointe: I hope they're well written and actually readable. I can well imagine.

How does Library and Archives Canada's responsibility for records created by other departments differ fundamentally from that of departments that respond to their own access to information requests? You talked a bit about the fact that you have everyone's documents, but how is your responsibility different?

[*English*]

The Chair: Answer in 50 seconds, please.

Leslie Weir: I'll turn to Jennifer.

Jennifer Schofield: The records we receive from government departments are all subject to the Access to Information Act. We are not necessarily the experts on the content of the material, as they originate from, as Leslie mentioned, over 300 organizations. We have invested in a historical research team. That is their full function. They research the material that's in these records in order to process it for release. Because of the very broad subject matter, that adds a complication on behalf of LAC when processing under access to information.

[*Translation*]

Linda Lapointe: I thought I had a minute left.

The Chair: No, you have 10 seconds.

Linda Lapointe: Okay.

The Chair: Both timers are very accurate.

Linda Lapointe: Thank you.

Thank you to the witnesses for being here.

The Chair: Mr. Thériault, you have five minutes.

Luc Thériault: Thank you, Mr. Chair.

Mr. Rochon, not that long ago, in January 2026, in a letter to the President of the Treasury Board providing an update on the progress of the Access to Information Act review, the Information Commissioner indicated that since taking office in 2018, she has seen a steady decline in Canada's access to information system. She also indicated that it did not fulfill its primary purpose. To support her statement, she referred to the most recent Treasury Board statistics.

In the letter, the commissioner also states, "The public's right to know is fundamental to our democracy, and any review must strengthen that right." Therefore, it cannot be decreased under the guise of budget cuts.

The commissioner has not received a response to her letter. That's not a trivial matter. Does she have to make a request? It makes no sense. In the midst of a review, someone like the Information Commissioner took the trouble to write a letter. We're halfway through February, and there's no response to the letter. How do you respond to the commissioner's concerns?

Dominic Rochon: First of all, I have the same concerns. As I said earlier, I meet with the commissioner every six weeks precisely to talk to her and keep her informed of the launch of the consultations. She knows that very well. We actually had a draft that was part of an access to information request. Unfortunately, there were complications.

We're trying to set up the consultations. At the same time, we want to implement the changes made to the Access to Information Act. We're trying to implement both things at the same time.

• (1755)

Luc Thériault: When, how, and with whom are you consulting?

Dominic Rochon: First off, we are consulting with indigenous groups. We've already started, despite whatever complications remain.

I will continue in English, because I have the terminology in English. I apologize for that.

[English]

The consultations will ultimately go out to the stakeholders, who have already commented on various aspects of the Access to Information Act over the past three or four or five years, so we already know the main areas. Hence, we've already identified which areas, and we'll be going out with a full consultation. The last time we did this, those consultations took two years.

[Translation]

We don't want to spend another two years on it. I think the Information Commissioner explained to us that we need to move quickly, because we don't know where the loopholes in the act are.

Luc Thériault: Then you meet with her and talk to her regularly. Are you an ally?

Dominic Rochon: Am I an ally? She is, after all, an officer of Parliament. She is independent. My answer is yes, in the sense that—

Luc Thériault: Will your words reflect hers—

Dominic Rochon: Absolutely.

Luc Thériault: —when it comes to the institution?

How are you going to reconcile the budget cuts that will have to be made within the public service with the ability to fully maintain an access to information system that will remain functional and live up to the aspirations of people who actually care about democracy and its vitality in our society?

Dominic Rochon: That's a very important question. How much time do I have left to answer?

The Chair: You have one minute.

Dominic Rochon: I'll be quick.

There are investments in technology. We've talked about that. There are investments in information management. At the end of the day, that's where the real problems lie. Including a duty to document in the act might make it possible to set up a system to keep departments up to date on their information management.

I just want to mention that I do indeed have concerns about the cost-cutting exercise we are going through. I sent an email to all deputy ministers in the government last August to remind them, as the Information Commissioner did, that access to information is still a fundamental right, and so we should be very careful about budget cuts for access to information offices.

The Chair: Okay, thank you.

Thank you, Mr. Thériault.

[English]

We're going to start with Mr. Hardy, and then go to Mr. Saini.

Mr. Hardy, you have five minutes.

[Translation]

Gabriel Hardy: Thank you, Mr. Chair.

Thank you to the witnesses for being here.

Mr. Rochon, I think you were right when you said that access to information is essential to public trust in our institutions. It has to be well managed. It has to be accessible. The Prime Minister talked about it during his election campaign. You said that at the outset. In fact, everyone who comes here tells us about transparency and proactivity.

What strikes me is that the commissioner in charge of this, since it is her job, tells us that she is seeing a decline and that her office is no longer fulfilling its role because it is up against too much bureaucracy. What's more, we read in a letter that you want to double-check her work, but we see that it's because you consider some orders abusive.

If this is so important, I'm just trying to figure out why you shouldn't rely on this person the most and ask what kind of help she needs, since she's obviously the person defending access to information.

Why does she feel like she is constantly up against the bureaucracy? Here, you say that you respect her and that you meet with her, but she came here to tell us that she doesn't have enough funding and that she's up against the bureaucracy. Who doesn't understand how to have a dialogue?

Dominic Rochon: You said a number of things.

It seems to me that she did not say that she lacked money. I think she just said that there was a lack of money for departments. That's a very important issue.

Gabriel Hardy: I asked her very specifically if she felt that her office was underfunded, and she said yes.

Dominic Rochon: Okay. Maybe I'm mistaken.

That said, at the end of the day, I am not responsible for its funding. She told you that, but I don't know what more funding would ultimately lead to.

● (1800)

Gabriel Hardy: That's not the point I wanted to raise. I want to know why we feel here that it's as if everyone always acts in good faith and says that the other person should obviously get so much more, that they need it. However, when we spoke to the commissioner, she told us that she was up against the bureaucracy, that she sometimes had to go to court and make recommendations and that she brought orders.

In your documents, you say that the order-making power may be reviewed, because you find it perhaps a bit abusive. Here, however, you're telling us that no, you don't want to take powers away from her.

I'm just trying to understand, because I feel like what she does is critical.

Dominic Rochon: What I can tell you is that we will begin the review of the act. We're going to have that debate during consultations, and of course we're going to come back to this committee to have a debate. At the end of the day, we're looking at improving the efficiency of the system so that it works for everyone. That is an objective we share with the commissioner and this committee.

Gabriel Hardy: I just saw some information that I hadn't read regarding what we were talking about earlier. That's my fault. I just want to tell you that it clearly states here that the commissioner asked for an extra \$700,000 and that Treasury Board said no.

Earlier, you said that each department was responsible for its own information management. My colleague asked you why you had an app on your phone that directly and systematically deletes information.

Given that we are in a crisis where the public has lost trust in our institutions, why are we being told here that we have to rely on the good faith of those in charge? That's a strange answer.

When there is a crisis, extreme corrective measures must be taken to regain public trust. However, we are told that each department

is responsible for its own management and that the people who are there to properly manage the information are trusted. In addition, you say that the citizens of Canada should just rely on your good faith, and I'm sure you act in very good faith, while you yourself have an app on your phone that deletes information automatically.

Dominic Rochon: I understand what you're trying to explain, but it's not just a matter of good faith. We have laws and warnings. There are people who ensure that laws are complied with.

Gabriel Hardy: I understand what you're saying, except that when someone makes an access to information request and is told that the documents are no longer accessible or that they have disappeared, you understand that people will eventually wonder what's going on. Good faith is not a process, whether for departments, for you or for anyone else. We need to have effective structures and very clear guidelines that protect the public. Good faith is not the answer.

Dominic Rochon: That's true, but the guidelines exist. Guidelines are being put in place for transitory records. Good information management practice is not about keeping everything. We need to put in place—

Gabriel Hardy: However, you're saying that it's up to people to decide what is transitory and what is not. Isn't that what you said earlier?

The Chair: Please respond quickly.

Dominic Rochon: Yes, but they have to follow the guidelines.

Gabriel Hardy: They're vague.

[*English*]

The Chair: We have Mr. Saini for five minutes.

Gurbux Saini: Thank you, Dominic, for coming.

With the government announcing a comprehensive expenditure review, could you share what steps are being taken to ensure that access to information services are not negatively affected?

Dominic Rochon: Thank you for the question. It's a difficult one, in the sense that each department and agency is ultimately responsible for making sure that they're following the steps that are described in the act.

Something that I did specifically was that I sent an email out—as I mentioned earlier in an answer to one of the questions that were asked—back in August to all of my deputy minister colleagues to remind them of their responsibility when it comes to the act, and that it is mandatory to make sure that they are set up to be able to respond to access to information and privacy requests.

Leading into the expenditure review, I've reached out. That being said, the expenditure review has just been launched. I haven't been able to look into whether or not there have been cuts with regard to access to information. In fact, I've had only one colleague so far reach out to mention to me that their department might be impacted. That colleague happens to be sitting to my left.

• (1805)

Gurbux Saini: There are many misconceptions about access to information request data. Some have suggested that Canada's access to information regime has deteriorated. Based on the data, could you clarify whether that is the case or not?

Dominic Rochon: I might turn to my colleague Charles Taillefer for perhaps a more comprehensive answer, but maybe I can answer your question in the following way.

Looking purely at the data can be misleading. You heard my colleague who appeared for the Privy Council Office mention previously that there are a small number of individuals who could clog up the system. For example, at one point there was one individual who happened to reach out to 50 different departments and ask for every single MS Teams chat document they had. You can imagine that one individual taking up that amount of resources across the system can be very challenging. There needs to be a way to look into that, perhaps using the Information Commissioner, so that we can prioritize and understand so that a small number of the population cannot necessarily monopolize the system.

In terms of statistics, let me just give you the following. There are, as you may have heard, over 250 institutions that the law applies to. Of those 250 institutions, 155 actually received a request and closed the request in 2024-25. Of those 155 institutions, 91 responded at a rate of 90% or more. That's not a system that is completely failing. In fact, when I go abroad, I see that Canada is actually seen as a star performer when it comes to trust and transparency.

Now, that being said, by no means do I think that we have a perfect system—far from it. There are significant inroads and changes that still need to be made, and we're looking forward to doing that when we're engaging Canadians and parliamentarians for the next review.

Gurbux Saini: One very hard subject, when the commissioner appeared, was that you're trying to take powers away from her, but her power was given to her in 2019 under former prime minister Justin Trudeau's government. The right to take powers away from her exists only with Parliament. Could you tell me why she would make such a statement, which is, in my opinion, a misleading statement?

Dominic Rochon: I think if there is a misconception here, it stems from a draft document for consultation that we prepared and that was released through access to information. Because it was a draft and because we haven't officialized the launch of those consultations, it was redacted. Perhaps parts of that document were read by the Information Commissioner, who saw that her order-making powers were part of the review and therefore perhaps inferred that we might be contemplating consulting and then maybe proposing that those powers need to be reviewed for the next opening of the Access to Information Act.

As I think we've explained here today, the intention is absolutely, categorically not to remove or reduce those powers, but rather to look at them to make them more efficient.

The Chair: Thank you, Mr. Rochon.

Thank you, Mr. Saini.

I will clarify one thing in defence of the Information Commissioner: She did not say that. It actually came from the document that suggested there could be a review under the Access to Information Act to either limit her powers or take away some of those powers to compel. I will tell you, in defence of Ms. Maynard, that it was not her who said that. I wanted to make that very clear to everyone here.

Thank you to our witnesses for this second hour.

We don't have any other business. I'm just going to remind all committee members that after next week, when we return, we are going to begin consideration of the draft report on the Conflict of Interest Act, so I want everybody to be prepared with any suggestions, amendments or other things they may have. I'm hoping we can get through that in a couple of meetings.

Of course, today we received concurrence from the House to study the Lobbying Act. My understanding is that it'll be in the Journals sometime later today, which means we can officially start that study as soon as possible after the conflict of interest draft report consideration.

That's it. Have a great week, everyone, and we will see you when we get back.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>