

Question from Mrs. Vignola:

Mr. Dagg, concerning requests, you said that there was already a backlog. It may have been naive of me, but I thought the legislation was clear on maximum time frames for responses to be provided. Given the situation surrounding COVID-19, what kind of delays do you expect when it comes to requests?

How could those delays be minimized?

Answer:

Mrs. Vignola, you are indeed correct. The time limits are set out in the *Access to Information Act*. The Act gives departments the option of seeking an extension before providing a response to a request. However, I would like to point out that, if a requester does not receive a response within the time limits set out in the Act, according to subsection 10(3), the failure to give access is deemed to be a refusal to give access.

To minimize these delays, it would be useful to put real pressure on senior departmental officials. If deputy ministers or assistant deputy ministers were required to explain to a committee such as yours why they failed to act, I believe we would see an improvement in how long it takes to respond.

In one of the examples I shared with you, Library and Archives Canada suspended its time limit for 292,000 days (800 years).

In another example, my access request to the Department of Justice in 2017 (a request written with assistance from the Department of Justice) has had the time limit suspended four times. Despite these suspensions, the department has continued to refuse to give access to these records. In the most recent suspension, the federal Department of Justice promised to give or refuse access to the records on April 27, 2020. I am still waiting for them.

The delays in giving or refusing access to records denies Canadians their right to access information on how the government operates.

It is common for departments to be unable or unwilling to respond by the deadline. Based on their usual practices, COVID-19 may be used as a convenient excuse to refuse to give access to records.

Possible solutions

- 1) Parliamentary review of the *Access to Information Act* and the *Privacy Act*.
- 2) Have parliamentary committee members question deputy ministers in a public meeting about time limits and access issues experienced by Canadians.
- 3) Report by Members about their issues with the *Access to Information Act*.