



Treasury Board of Canada
Secretariat

Secrétariat du Conseil du Trésor
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Canada

Update on Implementation of Bill C-58

National Claims Research Directors Workshop

October 2019 – Treasury Board of Canada Secretariat

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Bill C-58 came into force on June 21, 2019 – Key changes

Request processing	Complaints process	
<ul style="list-style-type: none"> - No fees other than the application fee - Institutions need the Information Commissioner’s (IC) approval to decline to act on a request - Shared request processing 	<ul style="list-style-type: none"> - IC has order-making power - IC can publish her orders - IC can review solicitor-client privileged documents - IC can continue to act for complainant at Federal Court 	
Reporting	Proactive publication	
<ul style="list-style-type: none"> - Info Source retained - Institutions’ annual reports tabled in September 	<ul style="list-style-type: none"> - Grants & Contributions - Travel & Hospitality - Contracts - Position Reclassification - Acts of Founded - Wrongdoing - Mandate letters 	<ul style="list-style-type: none"> - Memo titles - QP Notes - Reports tabled in Parliament - Transition Binders - Parliamentary - Committee Binders
Periodic reviews		
<ul style="list-style-type: none"> - 5 year reviews of the Act – first review must begin within a year of Royal Assent 		

Parliament's final changes to the Bill

- Proposed requirements to identify the specific subject matter, type of record and time period for a request **were removed from the legislation.**
- The proposed authority to decline to act on a request was **narrowed** – only applies to requests that are believed to be vexatious, made in bad faith, or otherwise an abuse of the right to access
 - Institution must seek the Information Commissioner's approval **in advance**
- The Information Commissioner's **order-making power was made effective upon Royal Assent**
 - If a government institution seeks Federal Court review of an order, the Information Commissioner can appear before the Court on behalf of a requester

Working together going forward

Implementation of Bill C-58

- TBS will be seeking the views of NCRD and others on draft policies and procedures to help guide institutions on applying the updated *Access to Information Act*

Access to government information more generally

- Work with the NCRD and others, as well as key departments and agencies, to identify actions to make access to information processes more responsive to Indigenous Peoples' needs
- Follow-up on the Government's commitment to consult all stakeholders about the feasibility of transferring additional Crown-Indigenous Relations and Northern Affairs Canada records that are of historical or archival value to archival institutions

Getting ready for the review of the ATIA in 2020

- Planning engagement on needed changes to the *Access to Information Act* to better reflect the Crown-Indigenous relationship

TBS' next steps

- Reach out to national and other Indigenous organizations to determine how they want to be engaged
- Continue to engage the NCRD on the implementation of Bill C-58 and upcoming review of the *Access To Information Act*

Comments? Suggestions? Ideas?