



CARL Statement on Bill C-58: An Act to Amend the Access to Information Act and the Privacy Act

The Canadian Association of Research Libraries (CARL) welcomes any policy or legislative change that increases public access to the records of the Government of Canada. For our member-libraries, timely and broad access to Federal Government information enables important research, teaching, and learning across numerous topics. More broadly, CARL upholds that government transparency is in the public interest and that it is the public's right to know about the activities, spending, and decision-making of governments.

With that in mind, Bill C-58 is a positive step forward for open government in Canada.

CARL was pleased to see that Bill C-58 will require the Senate, the House of Commons, parliamentary entities, ministers' offices (including the Office of the Prime Minister), government institutions, and institutions that support superior courts to proactively disclose specific categories of information. We also support the clarifications in the Bill that strengthen the important role of the Information Commissioner, including allowing for materials containing information subject to solicitor-client privilege to be examined in the course of the Commissioner's investigations.

However, the amendments in Bill C-58 do not achieve the ideal of access to information on demand. As the June 21, 2017 *Globe and Mail* editorial noted, "There is a substantial gulf between the information a given government is prepared to reveal and all the information to which the public should be entitled."

In that light, CARL believes that there are three ways in which the Bill should be amended to further increase transparency:

1. The Bill should include a provision for access to information that is not covered by the categories of information that will be proactively disclosed under the Bill from ministers' offices and other government bodies.
2. The Bill should narrow the interpretation of or time-limit the exemptions that remain legitimately built into the amended Acts. Those exemptions have specific intent and limited scope: To protect inter-governmental relations, Canada's economic interests, trade secrets, public safety,

national security, or personal privacy. But the exemptions are subject to uneven and potentially liberal interpretation by government institutions. CARL posits that government information could be more comprehensively disclosed than is currently the case, without jeopardy to essential protections. We also propose that no government records – including those that are exempted for any reason (including privacy, security, or solicitor-client privilege) – should be closed in perpetuity.

3. The Bill should include a public interest override to the application of the aforementioned exemptions, as many stakeholders have called for and as exists in other countries and jurisdictions (including several Canadian provinces).

By making some categories of Federal Government information available to the public routinely, online, and without a need for users to make an access to information request, Bill C-58 takes an admirable step towards fully open government. CARL is pleased to see that progress, and encourages the Government to consider further reforms in the aforementioned areas. We also believe that it is not in the public's interest that access to further information reforms, such as those we have noted above, are to be limited to the currently-mandated five-year reviews of the relevant legislation. We hope to engage in an ongoing dialogue about these issues with the Federal Government and other stakeholders, so that reforms can be pursued on an ongoing, comprehensive basis.

July 2017