



# Access to Information: A Commitment to a Culture of Service

Freedom of Information and the Right to Know  
Presentation to the Institute of Public Administration of Canada  
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*“It is a question of power and we all know that those who have information are those who wield real power. But in a democracy such as ours, power and information must be widely shared...[Government] information belongs to the people of Canada, unless there is a very specific and fundamental reason for keeping it secret.”*

The Right Honourable Joe Clark

# Freedom of information

- Freedom of information is indispensable for achieving the goal of transparent and open government;
- It can only be effectively exercised and implemented on the basis of a comprehensive access to information regime which includes:
  - A culture of access;
  - A rigorous stewardship of the access to information program; and
  - A strong legislative framework.

# A culture of access

- A culture of access requires a change in mindset:
  - Moving from disclosing information on a *need-to-know* basis to disclosing information on a *right-to-know* basis;
  - Releasing information more proactively.
- Access to information has to become a core value of the Public Service;
- Heads of institutions have to lead the way.

# Rigorous Stewardship

- Effective programs for administering requests;
- Training for access to information specialists;
- Use of available technologies to improve records management;
- Appropriate performance measures are in place;
- Effective oversight body.

# A strong law

## The purpose clause of the Access to Information Act

- *It provides a right of access to information under the control of a Federal institution in accordance with the following principles:*
  - *that government information should be available to the public;*
  - *that the necessary exceptions to the right of access should be limited and specific; and*
  - *that decisions on the disclosure of government information should be reviewed independently of government.*
  
- *It complements and does not replace existing procedures for access to government information;*
  
- *It is not intended to limit access to the type of government information normally available to the general public.*

# A strong law

- The *Federal Accountability Act* introduced significant changes to the *Access to Information Act* including the important “Duty to assist”;
- After 25 years, the Act continues to be sound in terms of its concept, structure and balance;
- However, it is important to take stock of how the legislation has evolved and whether it needs to be modernized.

# What about the Office?

- We aim at bringing these three key components together;
- As an ombudsman, our role is:
  - to ensure that the rights of requesters under the ATIA are respected;
  - to advocate the benefits of open government;
  - to foster the participation of citizens in the democratic process;
  - to foster enhanced accountability and transparency in federal institutions.

# Complaints Resolution

- Investigate complaints from individuals who believe their rights under the Act have not been respected;
- Make recommendations to institutions on the resolution of complaints;
- Pursue judicial review before the Federal Court.

# Advocacy and compliance

- Encourage federal institutions to adopt sound information-handling practices;
- Monitor the performance of federal institutions through Report Cards;
- Give advice to:
  - parliament on legislative proposals;
  - government on policy proposals;
- Make representations before the courts;
- Promote training for ATIP community;
- Communicate to Canadians, Parliament and the Media.

*“There is no magic solution to the shortcomings of the system. A healthy access to information system needs*

- *all its parts functioning well in order to deliver the outcomes intended by Parliament*
  - *the right systems to process requests*
  - *skilled staff*
  - *supportive managers and Ministers*
  - *adequate resources*
  - *good information management*
  - *good understanding of the principles and the rules by all, including third parties*
  - *and effective approaches to oversight.”*

*- 2002, Delagrave Report*