

ORGANIZED BY



August 27, 2021

Jagmeet Singh
Canada's NDP
300 - 279 Laurier West
Ottawa, Ontario K1P 5J9

Dear Mr. Singh:

We, the undersigned organizations, write to you today as members of the Right to Information Alliance Canada, a network of Canadian groups committed to promoting a strong and free flow of government information to the public.

In the midst of this important election, we would like to know where the New Democratic Party stands regarding key proposals that have arisen over the past 20 years with respect to strengthening Canada's *Access to Information Act* and related legislation and practices.

Specifically, we would like your party's response to the five questions below:

1. Cabinet records are entirely excluded from requests under the *Access to Information Act*, as are records in the Prime Minister's office and other ministers' offices, apart from a small subset of pro-active releases. **Will you amend the law to provide greater access to these key records, and ensure the Information Commissioner of Canada has the authority to independently review decisions?**
2. A section of the *Access to Information Act* (Sec. 21) allows the head of a government institution to withhold "advice or recommendations," which is vague, ill-defined, and subject to abuse. **Will you amend the law to narrowly define "advice or recommendations," ensuring, for example, that factual and background material is not exempt, and will you add a harms test?**
3. Extensions and delays have become endemic in the Access to Information system, often amounting to years. **Will you amend the law to set stricter limits on delays and extensions, and impose penalties or sanctions for failure to comply?**
4. The *Access to Information Act* lacks a broad public-interest override that would compel an institution to release records (such as health and safety records), notwithstanding the Act's exemptions. **Will you amend the law to provide such an override?**

5. Indigenous communities in Canada are routinely denied timely access to records documenting their grievances and histories, thus perpetuating longstanding injustices. **Will you commit to working in full partnership with First Nations, Métis, and Inuit and their representative organizations to develop and enact mutually agreed-upon changes to policy and legislation regarding access to information, in full compliance with Article 19 of the *UN Declaration of the Rights of Indigenous Peoples*?**

We would appreciate receiving any party policy or campaign statements giving additional detail on your position on government transparency, specifically addressing changes required to the *Access to Information Act* and its administration, and on Canada's whistleblower protection law.

This election is a real opportunity for the New Democratic Party to prove that its stated commitment to accountability and transparency is genuine. Time and time again, politicians in Canada have made expansive yet vague promises to reform Access to Information legislation only to renege later, leading to a situation where Canada is lagging compared to access and transparency in many other countries. We look forward to your reply to this letter. It is our role to hold politicians publicly accountable, and voters will appreciate learning about your response to this letter when they read it.

We look forward to your response as soon as possible and no later than Tuesday, September 7. Please reply to Ange Holmes, RTIAC, ange.holmes@ryerson.ca

Yours sincerely,

BC Civil Liberties Association

BC FIPA

BC Union of Indian Chiefs

*Canadian Association of Journalists/
Association Canadienne des Journalistes*

*Canadian Institute for Information and
Privacy Studies*

Canadian Journalists for Free Expression

Canadian Media Lawyers Association

*Centre for Access to Information &
Justice*

Centre for Free Expression

Environmental Defence

Greenpeace Canada

*Ontario Council of Hospital Union/CUPE
Conseil des syndicats d'hôpitaux de
l'Ontario/SCFP*

Public Interest Advocacy Centre

*World Press Freedom Canada/Liberté de
la Presse Canada*