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› [Directive on Proactive Publication under the Access to Information Act](#)

# Directive on Proactive Publication under the Access to Information Act

## 1. Effective date

1.1 This directive takes effect on June 28, 2023.

## 2. Authorities

2.1 This directive is issued pursuant to subsections 79(2) and 89(2) of the Access to Information Act (the Act) and section 2.2 of the Policy on Access to Information.

2.2 This directive specifies the form of the publications pursuant to subsections 79(1) and 89(1) of the Act.

## 3. Objectives and expected results

3.1 In addition to the objectives indicated in section 3 of the Policy on Access to Information, the objective of this directive is to establish consistent practices and procedures for implementing proactive publication requirements that apply to ministers (sections 74 to 78)

and government institutions (sections 82 to 88) under Part 2 of the Act.

- 3.2 The expected results of this directive are that government institutions consistently provide Canadians with complete, accurate and timely government information in the form of proactive publications available in a central location.

## 4. Requirements

- 4.1 Heads of government institutions or their designate(s) are responsible for:

### Decision-making

- 4.1.1 Ensuring that all decision-making related to Part 2 of the Act is undertaken in a fair, reasonable and impartial manner with consideration of the following:
- 4.1.1.1 The purpose of the Act, which is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions;
  - 4.1.1.2 The core principle of the Act that government information should be available to the public, subject to limited and specific exceptions; and
  - 4.1.1.3 Sections 80 and 90 of the Act, concerning information that is not required or not permitted

to be published;

## Procedures and systems

- 4.1.2 Ensuring that procedures and systems established within their institution for meeting proactive publication requirements for ministers and government institutions align with the requirements of this directive. Appendix B: Table of Proactive Publication Requirements lists the relevant proactive publication requirements and timelines for ministers and government institutions;

## Roles and responsibilities

- 4.1.3 Ensuring that procedures and systems for meeting proactive publication requirements clearly identify the positions with obligations for proactive publication and the roles and responsibilities for each position; and
- 4.1.4 Ensuring that officers or employees in positions with obligations for proactive publication are aware of their roles and responsibilities under Part 2 of the Act;

## Official languages and accessibility requirements

- 4.1.5 Ensuring that proactive publications respect, as appropriate, the requirements of the *Official Languages Act*, the *Accessible Canada Act*, and associated Treasury Board policies, directives and guidelines listed in subsections 7.2 and 7.3;

## **Alignment with Treasury Board policy requirements**

- 4.1.6 Aligning proactive publications with other relevant Treasury Board policy instruments with respect to publication of information in accordance with the policies, directives and guidelines listed in subsections 7.2 and 7.3;

## **Use of prescribed platforms**

- 4.1.7 Publishing proactive publications using the prescribed platforms, listed in Appendix C: Prescribed Platforms for Publishing Proactive Publication Requirements under Part 2 of the *Access to Information Act* when platforms have been prescribed;

## **Tracking system**

- 4.1.8 Establishing and maintaining an internal management system or systems to track the processing, approval and publication of proactive publications;

## **Retention and disposition**

- 4.1.9 Incorporating the underlying records that support proactive publications into institutional retention and disposition schedules, with consideration to the retention period for the publications and the factors set out in Appendix D: Retention and Disposition; and

## Monitoring and reporting

4.1.10 Monitoring and reporting on the requirements of this directive as specified in the *Policy on Access to Information*.

4.2 Employees of government institutions are responsible for:

4.2.1 Providing information required to be proactively published to the head of government institutions, or their designate(s), in an accessible format;

4.2.2 Providing recommendations and contextual information to the head of government institutions, or their designate(s), about information that is not required or not permitted to be published pursuant to sections 80 and 90 of the Act, consistent with exemptions or exclusions under Part 1 of the Act, when appropriate, taking into account the purpose of the Act; and,

4.2.3 Contributing to the development of web resource discovery metadata for information resources available to the public on the worldwide web in accordance with the *Standard for Managing Metadata*.

## 5. Roles of other government organizations

5.1 The roles and responsibilities of other government organizations with respect to this directive are identified in section 5 of the *Policy on Access to Information*.

## 6. Application

- 6.1 This directive applies as described in section 6 of the *Policy on Access to Information*.
- 6.2 This directive also applies to any government institutions, as described in section 6 of the *Policy on Access to Information*, that support ministers in the implementation of their proactive publication requirements pursuant to sections 74 to 78 of the Act.
- 6.3 This directive does not apply to senators, members of the House of Commons, parliamentary entities, the Office of the Registrar of the Supreme Court of Canada, the Courts Administration Service or the Office of the Commissioner for Federal Judicial Affairs.

## 7. References

### 7.1 Legislation

- *Access to Information Act*
- *Access to Information Act Heads of Government Institutions Designation Order*
- *Accessible Canada Act*
- *Financial Administration Act*
- *Interpretation Act*
- *Library and Archives of Canada Act*
- *Official Languages Act*
- *Privacy Act*

### 7.2 Related policy instruments

- *Directive on Access to Information Requests*
- *Directive on Classification*

- *Directive on Open Government*
- *Directive on Service and Digital*
- *Directive on the Management of Procurement*
- *Directive on Transfer Payments*
- *Directive on Travel, Hospitality, Conference and Event Expenditures*
- *Policy on Access to Information*
- *Policy on Communications and Federal Identity*
- *Policy on Government Security*
- *Policy on People Management*
- *Policy on the Planning and Management of Investments*
- *Policies for Ministers' Offices*
- *Policy on Service and Digital*
- *Standard for Managing Metadata*
- *Standard on Web Accessibility*

### 7.3 Related guidance

- *Access to Information and Privacy Notices*
- *Guidelines on the Proactive Disclosure of Contracts*
- *Guidelines on the Reporting of Grants and Contributions Awards*
- *Guide to the Proactive Publication of Travel and Hospitality Expenses*
- *Public Accounts of Canada Instructions in the Receiver General Manual* (accessible only on the Government of Canada network)

## 8. Enquiries

- 8.1 Members of the public may contact *Treasury Board of Canada Secretariat Public Enquiries* regarding any questions about this

directive.

- 8.2 Employees of institutions may contact their Access to Information and Privacy Coordinator for information about this directive.
- 8.3 Access to Information and Privacy Coordinators may contact the Treasury Board of Canada Secretariat's Access to Information Policy and Performance Division for information about this directive.
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## Appendix A: Definitions

### **accessibility (*accessibilité*)**

Accessibility is the degree to which a product, service, program or environment is available to be accessed or used by all.

### **government entity (*entité fédérale*)**

A government institution that is a department named in Schedule I to the Financial Administration Act, a division or branch of the federal public administration set out in column I of Schedule I.1 to that Act, or a corporation named in Schedule II to that Act (section 81 of the Act).

### **memorandum (*note d'information*)**

A formal memorandum or briefing note seeking a decision, or signature, or providing information to the minister or deputy head.

### **underlying records (*documents sous-jacents*)**

Records that support the creation of proactive publication requirements but that are not themselves required to be published under Part 2 of the Act.

Additional definitions are listed in Appendix A of the Policy on Access to Information.



# Appendix B: Table of Proactive Publication Requirements

Legislative requirement	Section	Publication timeline (in calendar days)
<b>All government institutions as defined in section 3 of the <i>Access to Information Act</i></b>		
<b>Travel expenses incurred by a senior officer or employee of a government institution</b>	82	Within 30 days after the end of the month of reimbursement
<b>Hospitality expenses incurred by a senior officer or employee of a government institution</b>	83	Within 30 days after the end of the month of reimbursement
<b>Any report tabled in Parliament under an Act of Parliament</b>	84	Within 30 days after the day on which it is tabled
<b>Government entities or departments, agencies and other bodies subject to the Act and listed in Schedules I, I.1 or II of the <i>Financial Administration Act</i></b>		
<b>Contracts over \$10,000</b>	86	Quarters 1 to 3: within 30 days after the quarter  Quarter 4: within 60 days after the quarter
<b>Grants and contributions over \$25,000</b>	87	Within 30 days after the quarter
<b>Packages of briefing materials prepared for new or incoming deputy heads or equivalent</b>	88(a)	Within 120 days after appointment

<b>Legislative requirement</b>	<b>Section</b>	<b>Publication timeline (in calendar days)</b>
<b>Titles and reference numbers of memoranda prepared for a deputy head, or equivalent, that are received by their office</b>	88(b)	Within 30 days after the end of the month received
<b>Packages of briefing materials prepared for a deputy head's or equivalent's appearance before a committee of Parliament</b>	88(c)	Within 120 days after appearance
<b>Government institutions that are departments named in Schedule I to the <i>Financial Administration Act</i> or portions of the core public administration named in Schedule IV to that Act (that is, government institutions for which Treasury Board is the employer)</b>		
<b>Reclassification of positions</b>	85	Within 30 days after the quarter
<b>Ministers</b>		
<b>Packages of briefing materials prepared by a government institution for new or incoming ministers</b>	74(a)	Within 120 days after appointment
<b>Titles and reference numbers of memoranda, prepared by a government institution for the minister, that are received by their office</b>	74(b)	Within 30 days after the end of the month received

<b>Legislative requirement</b>	<b>Section</b>	<b>Publication timeline (in calendar days)</b>
<b>Package of question period notes prepared by a government institution for the minister and in use on the last sitting day of the House of Commons in June and December</b>	74(c)	Within 30 days after the last sitting day of the House of Commons in June and December
<b>Packages of briefing materials prepared by a government institution for a minister's appearance before a committee of Parliament</b>	74(d)	Within 120 days after appearance
<b>Travel expenses incurred by a minister, any of his or her ministerial advisers, or any member of his or her ministerial staff</b>	75	Within 30 days after the end of the month of reimbursement
<b>Hospitality expenses incurred by a minister, any of his or her ministerial advisers, or any member of his or her ministerial staff</b>	76	Within 30 days after the end of the month of reimbursement
<b>Contracts over \$10,000</b>	77	Quarters 1 to 3: within 30 days after the quarter  Quarter 4: within 60 days after the quarter
<b>Expenditures of ministers' offices</b>	78	Within 120 days after the fiscal year

# Appendix C: Prescribed Platforms for Publishing Proactive Publication Requirements under Part 2 of the Access to Information Act

This appendix provides details on the requirements set out in section 4.1.7 of the *Directive on Proactive Publication under the Access to Information Act*.

## C.1 Effective date

C.1.1 This list was updated on June 28, 2023.

## C.2 Prescribed platform

C.2.1 Publishing information that must be proactively published under Part 2 of the Act:

C.2.1.1 The prescribed platform is the Treasury Board of Canada Secretariat's Open Government Portal;

C.2.1.2 Information published on the Open Government Portal is published under an open and unrestrictive licence designated by the Treasury Board of Canada Secretariat;

C.2.1.3 Information published on the Open Government Portal must be published in both official languages and conform to the requirements of the Official Languages Act; and

C.2.1.4 Information published on the Open Government Portal must be published in an open and accessible format that complies with the Standard on Web Accessibility.

C.2.2 In order to request an exception from the prescribed platform, government institutions must contact the Access to Information Policy and Performance Division for further information.

## Appendix D: Retention and Disposition

This appendix provides details on the requirements set out in section 4.1.9 of the *Directive on Proactive Publication under the Access to Information Act*.

- D.1 All information published pursuant to Part 2 of the Act must be maintained online for a minimum of 10 years.
- D.2 Institutions are responsible for establishing, implementing and maintaining retention periods for all information, including underlying information used to support proactive publications under Part 2 of the Act, as appropriate, according to format in consistency with the requirements for strategic management of information in section 4.3.1.7 of the *Directive on Service and Digital*.
- D.3 When establishing retention periods for underlying information that supports proactive publication pursuant to Part 2 of the Act, heads of institutions or their designate(s) should consider the following factors:
  - D.3.1 That the purpose of the *Access to Information Act* is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions;

D.3.2 That underlying information that supports proactive publications should be retained for an appropriate amount of time to ensure that members of the public can exercise their right of access and request supporting records through the access to information request process under Part 1 of the Act; and

D.3.3 Guidance provided in Library and Archives Canada's Generic Valuation Tools.

D.4 As a best practice, metadata records for proactive publications should clearly indicate the retention period of each publication.

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