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Directive on Access to Information Requests

1. Effective date

- 1.1 This directive takes effect on July 13, 2022.
- 1.2 This directive replaces the *Interim Directive on the Administration of the Access to Information Act* dated May 5, 2016.

2. Authorities

- 2.1 This directive is issued pursuant to section 70(1)(c) of the *Access to Information Act* and as specified in section 2.2 of the *Policy on Access to Information*.

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 processing requests for access to government records made under the *Access to Information Act* and for publishing summaries of completed requests.
- 3.2 The expected results indicated in section 3 of the *Policy on Access to Information* apply to this directive.

4. Requirements

4.1 Heads of government institutions, or their delegates, are responsible for:

Exercising discretion

4.1.1 Exercising discretion under Part 1 of the Act in a fair, reasonable and impartial manner after:

- 4.1.1.1 Considering 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 Considering the core principle of the Act that government information should be available to the public, subject to limited and specific exceptions;
- 4.1.1.3 Considering all relevant factors for and against disclosure, the relevant provisions of the Act, as well as applicable jurisprudence;
- 4.1.1.4 Consulting with other government institutions and third parties, where necessary, as provided in the Act; and
- 4.1.1.5 Reviewing the information contained in records.

Access to information training

4.1.2 Ensuring that employees of government institutions and officials who have functional or delegated responsibility for the administration of the Act receive training in accordance with Appendix B: Mandatory Procedures for Access to Information Training.

- 4.1.3 Documenting the completion of training in accordance with Appendix B: Mandatory Procedures for Access to Information Training.

Eligibility of the requester

- 4.1.4 Establishing procedures to:
 - 4.1.4.1 Confirm that the requester is a Canadian citizen, permanent resident, an individual present in Canada, or an authorized representative of a corporation present in Canada and therefore has the right to make a request under Part 1 of the Act.
 - 4.1.4.2 Confirm the identity of the requester when the requester seeks access to records involving their personal information; or that consent to disclose personal information was obtained by a requester making an access to information request on behalf of another individual.

Informal processing

- 4.1.5 Determining whether it is appropriate to respond to a request on an informal basis, recognizing that the Act is intended to complement existing procedures for obtaining government information and is not intended to limit the type of information that is otherwise available to the public.
- 4.1.6 Proceeding with treating a request informally only upon receipt of written consent from the requester who has been informed that only formal requests are subject to the provisions of Part 1 of the *Access to Information Act*, including legislative timelines and the right to complain.

Acknowledging requests

4.1.7 Providing the requester with:

- 4.1.7.1 Acknowledgement of receipt of the request;
- 4.1.7.2 Receipt of the application fee;
- 4.1.7.3 The legislative due date for the response;
- 4.1.7.4 The contact information of the appropriate officer or office within the institution where questions and further clarifications may be addressed;
- 4.1.7.5 Notification of the right to complain to the Information Commissioner; and,
- 4.1.7.6 A copy of the Principles for Assisting Requesters, or a link to the Principles online.

Duty to assist

Protecting the identity of requesters

- 4.1.8 Limiting the use or disclosure of information that could directly or indirectly lead to the identification of a requester to a need to know basis or when authorized by the *Privacy Act*.

Interpretation and clarification of requests

- 4.1.9 Adopting a broad interpretation of an access request and communicating promptly with the requester when necessary to clarify the request.
- 4.1.10 Assisting the requester in clarifying a request where it would result in the requester receiving more complete, accurate, or timely access.

- 4.1.11 Documenting the wording of a clarified request as agreed to by the requester, and the date of the revision when a request has been clarified or its wording altered.

Access to record in format requested

- 4.1.12 Providing the records in the format requested by the requester, including machine-readable and reusable formats, when privacy, confidentiality and security considerations would not be compromised and when it would not be unreasonable to do so.

Onsite examination

- 4.1.13 When a copy of the record cannot be made available, providing an appropriate location and time convenient both for the institution and the requester, for the requester to examine the record.
 - 4.1.13.1 The location must meet government security requirements and be reasonably accessible to the requester.
 - 4.1.13.2 If personal information is involved, privacy requirements must also be considered.

Language of access

- 4.1.14 Providing the requested records in the language in which they exist, or if the requester has requested access in a particular official language, providing the requested records if the records already exist in that language.
 - 4.1.14.1 Should the requester seek the records in the official language different from which they currently exist, preparing and providing a translation of records if the

head of the institution considers translation of the record to be in the public interest.

Accessible format for requesters

- 4.1.15 Providing the requested record in an accessible format requested by the requester if the record already exists in that format or, converting the record to the requested format if it is necessary to enable the requester to exercise their right of access, and reasonable to do so.

Processing requests

Use of prescribed platforms

- 4.1.16 Receiving requests using the prescribed platforms listed in Appendix E: Prescribed Platforms for Receiving and Processing Access to Information Requests.
- 4.1.17 Processing requests using the prescribed platforms, listed in Appendix E: Prescribed Platforms for Receiving and Processing Access to Information Requests, when platforms have been prescribed.

Tracking system

- 4.1.18 Establishing and maintaining an internal management system to track:
- 4.1.18.1 The processing of access requests;
 - 4.1.18.2 Consultation requests;
 - 4.1.18.3 Complaints;

- 4.1.18.4 Reports, recommendations, and orders by the Information Commissioner; and
- 4.1.18.5 Reviews by the courts.

Documentation

- 4.1.19 Documenting the processing of requests by placing on file all documents that support decisions under Part 1 of the Act, including communications where factors considered when exercising discretion are discussed, recommendations are given, rationales are provided and decisions are made.

Control of records

- 4.1.20 Determining, in a manner consistent with jurisprudence and considering any Treasury Board of Canada Secretariat (TBS) guidance, whether the records are under the control of the government institution.

Declining to act on a request

- 4.1.21 Making every reasonable effort to assist the requester in accordance with section 4(2.1) of the *Access to Information Act* and 4.1.9 and 4.1.10 of this Directive before seeking the Information Commissioner's approval to decline to act on a request.
- 4.1.22 Exercising the discretion to decline to act on a request under Part 1 of the Act in accordance with section 4.1.1 of this Directive.
- 4.1.23 Seeking the written approval of the Information Commissioner in the form and with the supporting documentation required by the Information Commissioner.

- 4.1.23.1 Giving written notice to the requester of the suspension of the time period for responding to the request and the reasons for the suspension, at the same time as the institution communicates with the Information Commissioner to obtain the Commissioner's approval to decline to act on the request.
- 4.1.23.2 If the Information Commissioner does not give approval for the institution to decline to act on a request, notifying the requester in writing of the Information Commissioner's decision and the resumption of the time period for responding to the request.
- 4.1.23.3 If the Information Commissioner gives approval for the institution to decline to act on a request, notifying the requester in writing of the decision to decline to act on the request and the reasons for doing so.

Extension of the time limit

- 4.1.24 Assessing, without undue delay, each access request received under Part 1 of the Act to determine if an extension is needed for processing the request.
- 4.1.25 Notifying the requester of the extension within 30 days of the receipt of the request.
- 4.1.26 Notifying the requester of their right to complain to the Information Commissioner in respect to extension of the time limit.
- 4.1.27 Reporting on the number of and reasons for extensions in the institution's annual report to Parliament.

Length of extension

- 4.1.28 Ensuring that any extension taken is as short as possible and can be reasonably justified.
- 4.1.29 Establishing a process that would ensure justifications for extensions are documented and supported by evidence.

Notice of extension to Information Commissioner

- 4.1.30 Notifying the Information Commissioner if the extension is for more than 30 days, in accordance with subsection 9(2) of the Act.

Limiting the need for inter-institutional consultations

- 4.1.31 Undertaking inter-institutional consultation only when:
 - 4.1.31.1 The processing institution requires more information for the proper exercise of discretion to withhold information; or
 - 4.1.31.2 The processing institution intends to disclose potentially sensitive information.
- 4.1.32 Ensuring that consultation requests from other federal government institutions are processed with the same priority as access to information requests.

Exceptions to disclosure

- 4.1.33 Applying the exclusion and exemption provisions of the Act in accordance with:
 - the principle that government information should be available to the public, subject to limited and specific exceptions;
 - the purpose of the Act; and

- relevant jurisprudence and TBS guidance.

Appendix C: Classification of Exemptions lists the exemptions and indicates whether they are based on a class test or an injury test, and whether they are discretionary or mandatory in nature.

- 4.1.34 Citing exemptions and exclusions invoked on records, provided under Part 1 of the Act, on each page, unless doing so would reveal the exempted information or cause the injury upon which the exemption is based to materialize.
- 4.1.35 Clearly identifying the redacted material in a manner that is evident on the individual record.
- 4.1.36 Recognizing that lack of relevance is not a ground for exemption, ensuring that non-relevant information contained in a record is disclosed unless an exemption applies or consent is obtained from the requester to not disclose non-relevant information.

Giving access

- 4.1.37 Providing written notice to the requester of whether access is being granted.
- 4.1.38 Providing access to the records or part thereof or notifying the requester if access is refused.
- 4.1.39 Providing, as appropriate, general information of a contextual nature in response to an access request to help the requester understand the record in cases where the record itself may provide misleading information and the access to information analyst has been informed by the office of primary interest that the information contained in the record may be misleading.
 - 4.1.39.1 For greater certainty, government institutions are not obligated to explain all records or complex information

being disclosed when responding to an access request.

- 4.1.40 Notifying requesters of their right to complain to the Information Commissioner in respect of matters relating to requesting and obtaining access to records under Part 1 of the Act.

Waiver or refund of fees

- 4.1.41 Exercising discretion concerning the waiver or refund of the application fee in accordance with section 4.1.1.
- 4.1.42 Refunding the application fee if the request is processed as an informal request or if the Information Commissioner gives their approval for the institution to decline to act on the request.

Timely disclosure of records

- 4.1.43 Ensuring that any internal process relating to the disclosure of records under Part 1 of the Act does not delay the processing of the request.

Considering other means of making government information accessible

- 4.1.44 Regularly reviewing the nature of requests received under Part 1 of the Act and assessing the feasibility of making frequently requested types of information available by other means.

Allegations of an obstruction of the right of access

- 4.1.45 Establishing internal procedures to address alleged or suspected obstructions related to the right of access under Part 1 of the Act and the Information Commissioner's duties and functions, which are outlined in sections 67 (1) and 67.1(1) of the Act. Procedures should outline measures for:

- 4.1.45.1 Documenting and reporting any suspected falsification, concealment, mutilation or improper destruction of records as described in section 67.1(1) or any obstruction of the Information Commissioner's duties and functions as defined in 67(1) immediately to the head of the government institution;
- 4.1.45.2 Investigating any allegation of falsification, concealment, mutilation or improper destruction of records; or any obstruction of the Information Commissioner's duties and functions as described in 67(1); and
- 4.1.45.3 Reporting a suspected contravention to the institutions' security officials for their referral to law enforcement agencies as appropriate.

Publishing summaries of completed access to information requests

- 4.1.46 Publishing summaries of completed access to information requests to the Government of Canada Open Government portal within 30 calendar days after the end of each month, in accordance with Appendix D: Mandatory Procedures for Publishing Summaries of Completed Access to Information Requests.

Responding to informal requests for completed Access to Information requests

- 4.1.47 Establishing service standards for responding to informal requests for completed access to information requests.
- 4.1.48 When an informal request is received for a previously completed access to information request, providing the previously provided information to the requester within established service timelines.

Monitoring and reporting

4.1.49 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:

Informal access

4.2.1 Recommending to the head or the delegate, when appropriate, that information requested under Part 1 of the Act be disclosed informally.

Complete, accurate and timely responses

4.2.2 Making every reasonable effort to locate and retrieve requested records under the control of the government institution.

4.2.3 Ensuring searches for records are comprehensive and consider both the letter and the spirit of the request.

4.2.4 Referring questions about whether records are under the control of the government institution to Access to Information and Privacy (ATIP) officials with delegated authority for their determination.

4.2.5 Advising ATIP officials at an early stage if a request cannot be responded to within the legislated 30-day timeframe.

4.2.6 Making every reasonable effort to respond to requests within the timelines prescribed in the Act, including extensions taken in accordance with the Act.

Recommendations

4.2.7 Providing recommendations and contextual information to inform the head of the government institution, or their delegate, about

possible exemptions or exclusions applicable to the records requested under Part 1 of the Act, taking into account the purpose of the Act.

Contracts and agreements

- 4.2.8 Establishing measures to support the right of public access to information when entering into contracts, arrangements and agreements.

Reporting suspected obstruction of the right of access

- 4.2.9 Following departmental procedures to report any suspected obstruction of the right of access.

5. Roles of other government organizations

- 5.1 The roles and responsibilities of government institutions 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*.

7. References

- 7.1 Legislation
- *Access to Information Act*
 - *Access to Information Act Heads of Government Institutions Designation Order*
 - *Access to Information Regulations*
 - *Canada Evidence Act*

- *Financial Administration Act*
- *Interpretation Act*
- *Library and Archives of Canada Act*
- *Official Languages Act*
- *Privacy Act*
- *Privacy Regulations*
- *Public Servants Disclosure Protection Act*
- *Service Fees Act*

7.2 Related policy instruments

- *Directive on Identity Management*
- *Directive on Charging and Special Financial Authorities*
- *Directive on Service and Digital*
- *Policy on Access to Information*
- *Policy on Communications and Federal Identity*
- *Policy on Service and Digital*
- *Policy on Government Security*
- *Standard on Web Accessibility*

7.3 Related guidance

- *Access to Information Manual*
- *Access to Information and Privacy Implementation Notices*
- *Delegation under the Access to Information Act and the Privacy Act*
- *Info-Source Decentralized Publishing Requirements*
- *Principles for Assisting Requesters*

8. Enquiries

8.1 Members of the public may contact Treasury Board of Canada Secretariat (TBS) Public Enquiries regarding any questions about this directive.

8.2 Employees of federal institutions may contact their Access to Information and Privacy Coordinator regarding any questions about this directive.

- 8.3 Access to Information and Privacy Coordinators may contact the [Access to Information Policy and Performance Division](#) regarding any questions about this directive
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Appendix A: Definitions

access to information training (*formation en matière d'accès à l'information*)

All activities that serve to increase awareness about access to information, including formal training, discussion groups, conferences, Access to Information and Privacy community meetings, shared learning among colleagues, on-the-job training, special projects, job shadowing, and communications activities that promote learning in the areas identified in the Appendix B of this directive.

class test (*critère objectif*)

A test that objectively identifies the categories of information or documents to which certain exemption provisions of the Act can be applied. The following sections of the Act are based on a class test: 13(1), 16(1)(a), 16(1)(b), 16(3), 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 18(a), 18.1, 19(1), 20(1)(a), 20(1)(b), 20(1)(b.1), 20.1, 20.2, 20.4, 21(1), 22.1, 23, 23.1, 24 and 26.

discretionary exemption (*exception discrétionnaire*)

An exemption provision of the Act that contains the phrase "may refuse to disclose." The exemptions set out in the following sections of the Act are discretionary: 14, 15(1), 16(1), 16(2), 16.3, 17, 18, 18.1, 21(1), 22, 22.1, 23, 23.1 and 26.

every reasonable effort (*tous les efforts raisonnables*)

A level of effort that a fair and reasonable person would expect or would find acceptable.

informal request (*demande informelle*)

A request for information made to the ATIP office of a government institutions that is not made or processed under the Act. There are no deadlines for responding. In addition, the requester has no statutory right to complain to the Information Commissioner.

injury test (*critère subjectif*)

A test to determine the reasonable expectation of probable harm that must be met for certain exemption provisions of the Act to apply. The following sections of the Act are based on an injury test: 14, 15(1), 16(1)(c), 16(1)(d), 16(2), 17, 18(b), 18(c), 18(d), 20(1)(c), 20(1)(d) and 22.

mandatory exemption (*exception obligatoire*)

An exemption provision of the Act that contains the phrase "shall refuse to disclose." The exemptions set out in the following sections of the Act are mandatory: 13(1), 16(3), 16.1, 16.2, 16.4, 16.5, 16.6, 19(1), 20(1), 20.1, 20.2, 20.4 and 24.

tracking system (*système de suivi*)

A case management system used in ATIP offices to track access requests and document their processing.

Additional definitions are listed in [Appendix A of the *Policy on Access to Information*](#).

Appendix B: Mandatory Procedures for Access to Information Training

This Appendix provides guidance related to training in the application of the Act that all employees of government institutions should receive.

B.1 Effective date

B.1.1 These procedures take effect on July 13, 2022.

B.1.2 These procedures were previously set out in *Appendix B: Access to Information Awareness* in the *Interim Directive on the Administration of the Access to Information Act* effective May 5, 2016.

B.2 Procedures applicable to all employees

B.2.1 These procedures provide details on the requirements set out in section 4.1.2 of the *Directive on Access to Information Requests*. All

employees of Government institutions must receive training on their obligations under the *Access to Information Act*, the application of the Act and related Treasury Board policies. The training should cover the following:

- B.2.1.1 The purpose of the Act;
- B.2.1.2 The applicable definitions;
- B.2.1.3 Employees' responsibilities under the Act, including the principles for assisting requesters;
- B.2.1.4 Delegation, exemption decisions and the exercise of discretion;
- B.2.1.5 Employees' obligation to make every reasonable effort to locate and retrieve all corresponding records according to the letter and the spirit of the request;
- B.2.1.6 The requirement to provide complete, accurate and timely responses;
- B.2.1.7 The complaint process, including the Information Commissioner's order-making power, and review by the courts;
- B.2.1.8 Section 67.1 and 67.1(1) of the Act, which make it an offence to obstruct the Information Commissioner or the right of access, and which provides for criminal sanctions;
- B.2.1.9 Specific institutional policies and processes relating to the administration of the Act, including policies on information management.

- B.2.2 All employees of government institutions who have functional or delegated responsibility for the administration of the Act and the Regulations must receive training that covers the items listed above and in addition:
- B.2.2.1 The provisions concerning the extension of time limits; fees; exemptions and exclusions; the third-party notification process; the procedures and criteria respecting the authority to seek the Information Commissioner's approval to decline to act on a request; and the language, format and method of access;
 - B.2.2.2 The provisions of Part 2 of the Act and how they relate to Part 1;
 - B.2.2.3 Public Reporting requirements, including annual reports to Parliament; and
 - B.2.2.4 The role of the Information Commissioner, the Privacy Commissioner, and the Parliamentary Standing Committees in relation to the Act.

Appendix C: Classification of Exemptions

The table below lists all exemptions under the *Access to Information Act* and indicates whether they are based on a class test or an injury test and whether they are mandatory or discretionary. The descriptions are paraphrased and should be used as a memory aid only. For more detail, please consult the relevant section of the Act.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Subsection 13(1)</u>	<p>Information must be protected as it was obtained in confidence from:</p> <ol style="list-style-type: none"> 1. the government of a foreign state; 2. an international organization of states; 3. the government of a province; 4. a municipal or regional government established by or pursuant to an act of the legislature of a province or an institution of such a government; or 5. an Aboriginal government. 	yes	no ^{**}	yes	no

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The exemption can only be claimed by the government institutions named in the provision.

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Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 14</u>	<u>Federal - provincial affairs</u> Access may be refused as it could be expected to be injurious to the Government of Canada's conduct of federal-provincial affairs.	no	yes	no	yes
<u>Subsection 15(1)</u>	Access may be refused as it could be expected to be injurious to the conduct of international affairs; the defence of Canada or any state allied or associated with Canada; or Canada's efforts to detect, prevent or suppress subversive or hostile activities.	no	yes	no	yes

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 16(1)(a).</u>	Access may be refused as it was obtained or prepared by an investigative body (as per regulation) in the course of an investigation regarding: detecting, preventing or suppressing crime, enforcing any law of Canada or a province; or activities suspected of constituting threats to Canada's security as set out in the <i>Canadian Security Intelligence Service Act</i> .	no	yes	yes	no
<u>Paragraph 16(1)(b).</u>	Access may be refused as the records contain investigative techniques or plans for specific lawful investigations.	no	yes	yes	no

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 16(1)(c).</u>	Access may be refused as disclosure could be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations.	no	yes	no	yes
<u>Paragraph 16(1)(d).</u>	Access may be refused as disclosure could be expected to be injurious to the security of penal institutions.	no	yes	no	yes

***** The exemption can only be claimed by the government institutions named in the provision.

****** Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Subsection 16(2)</u>	Access may be refused as the records contain information expected to aid in the commission of an offence. Includes, but is not limited to: information on criminal methods or techniques, technical information on weapons or potential weapons; or information on the vulnerabilities of buildings, structures or systems.	no	yes	no	yes
<u>Subsection 16(3)</u>	Information must be protected as it was obtained by the Royal Canadian Mounted Police while performing policing services for a province or municipality.	yes	no	yes	no

***** The exemption can only be claimed by the government institutions named in the provision.

****** Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 16.1</u> *	Information must be protected as it was obtained or created by the Auditor General or Canada, the Commissioner of Official Languages, the Information Commissioner or the Privacy Commissioner during an investigation, examination or audit.	yes	no	yes	no
<u>Section 16.2</u> *	Information must be protected as it was obtained from or created by the Commissioner of Lobbying or on their behalf in the course of an investigation by the Commissioner.	yes	no	yes	no

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 16.3</u> [*]	Information must be protected as it was obtained or created by an individual who, in performing their functions under the <u><i>Canada Elections Act</i></u> , is conducting an investigation, examination, or review.	no	yes	yes	no

^{*} The exemption can only be claimed by the government institutions named in the provision.

^{**} Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 16.4</u> [*]	Information must be protected as it was obtained or created by or on behalf of the Public Sector Integrity Commissioner in the course of an investigation of a disclosure or an investigation commenced under section 33 of the <i>Public Servants Disclosure Protection Act</i> (PSDPA); or Received by a conciliator while attempting to reach a settlement of a complaint filed under the subsection 19.1(1) of the PSDPA	yes	no	yes	no

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The exemption can only be claimed by the government institutions named in the provision.

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Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 16.5</u>	Information must be protected as it was created for the purpose of making a disclosure or in the course of an investigation into a disclosure under the PSDPA.	yes	no	yes	no
<u>Section 16.6</u> *	Information must be protected as it was obtained or created by the Secretariat of the National Security and Intelligent Committee of Parliamentarians or on its behalf in the course of fulfilling its mandate.	yes	no	yes	no
<u>Section 17</u>	Access may be refused as disclosure would reasonably be expected to threaten the safety of individuals.	no	yes	no	yes

***** The exemption can only be claimed by the government institutions named in the provision.

****** Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 18(a).</u>	Access may be refused as records contain trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada of substantial value.	no	yes	yes	no
<u>Paragraph 18(b).</u>	Access may be refused as records contain information expected to prejudice the competitive position of a government institution or interfere with contractual or other negotiations.	no	yes	no	yes

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The exemption can only be claimed by the government institutions named in the provision.

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Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 18(c)</u>	Access may be refused as records contain scientific or technical information obtained through research by an employee of a government institution, the disclosure of which could deprive the employee of priority of publication.	no	yes	no	yes

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 18(d)</u>	Access may be refused as records contain information expected to: materially injure the financial interests of a government institution; materially injure the ability of the Government of Canada to manage the economy of Canada; or result in an undue benefit to any person, including information relating to the operation of financial institutions, or the sale of property, among others.	no	yes	no	yes

***** The exemption can only be claimed by the government institutions named in the provision.

****** Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 18.1</u>	Access may be refused as records contain trade secrets or financial, commercial, scientific or technical information which belongs to and has been treated as confidential by: <ul style="list-style-type: none"> • Canada Post Corporation • Export Development Canada • Public Sector Pension Investment Board • VIA Rail Canada Inc. 	no	yes	yes	no
<u>Subsection 19(1)</u>	Information must be protected as it is personal information as defined in Section 3 of the <i>Privacy Act</i> .	yes	no ^{**}	yes	no

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The exemption can only be claimed by the government institutions named in the provision.

**

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 20(1)(a).</u>	Information must be protected as it contains trade secrets of a third party.	yes	no ^{**}	yes	no
<u>Paragraph 20(1)(b).</u>	Information must be protected as it is confidential financial, commercial, scientific or technical information supplied to a government institution by a third party and is consistently treated as confidential by the third party.	yes	no ^{**}	yes	no

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The exemption can only be claimed by the government institutions named in the provision.

**

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 20(1)(b.1).</u>	Information must be protected as it was supplied in confidence to a government institution by a third party in order to prepare, maintain, test or implement emergency management plans and which concerns the vulnerabilities of the third party's structures, systems, or networks.	yes	no ^{**}	yes	no
<u>Paragraph 20(1)(c).</u>	Information must be protected as it could reasonably be expected to cause material financial loss or gain to a third party, or could reasonably be expected to prejudice the competitive position of the third party.	yes	no ^{**}	no	yes

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The exemption can only be claimed by the government institutions named in the provision.

**

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Paragraph 20(1)(d)</u>	Information must be protected as it could reasonably be expected to interfere with contractual or other negotiations of a third party.	yes	no	no	yes
<u>Section 20.1</u> [*]	Information must be protected as it is advice or information relating to investment that the Public Sector Pension Investment Board has obtained in confidence from a third party and has consistently treated in a confidential manner.	yes	no	yes	no

***** The exemption can only be claimed by the government institutions named in the provision.

****** Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 20.2</u> [*]	Information must be protected as it is advice or information relating to investment that the Canada Pension Plan Investment Board has obtained in confidence from a third party and has consistently treated in a confidential manner.	yes	no	yes	no
<u>Section 20.4</u> [*]	Information must be protected as it has been consistently treated as confidential by the National Arts Centre Corporation that would reveal the terms of a contract for the services of a performing artist or the identity of a donor who has made a donation in confidence.	yes	no	yes	no

*

The exemption can only be claimed by the government institutions named in the provision.

**

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 21</u> (Government Operations)	<p>Access may be refused as records contain information less than 20 years old and which is:</p> <ul style="list-style-type: none"> • Advice or recommendations developed by or for a government institution or a minister; • Accounts of consultations or deliberations in which directors, officers or employees of a government institution, a minister or the minister's staff participate; • Positions or plans developed for negotiations carried out on behalf of the 	no	yes	yes	no

*

The exemption can only be claimed by the government institutions named in the provision.

**

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
	<p>Government of Canada; or</p> <ul style="list-style-type: none"> Plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation. 				
<u>Section 22</u>	Access may be refused as records contain information relating to testing or auditing procedures or techniques if the disclosure would prejudice the use or results of particular tests or audits.	no	yes	no	yes

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 22.1</u>	Access may be refused as records contain a draft report of an internal audit of a government institution or any related audit working paper if the record came into existence less than fifteen years before the request was made.	no	yes	yes	no
<u>Section 23</u>	Access may be refused as records are subject to solicitor-client privilege.	no	yes	yes	no
<u>Section 23.1</u>	Access may be refused as records are subject to the privilege set out in section 16.1 of the <i>Patent Act</i> or section 51.13 of the <i>Trade-marks Act</i> .	no	yes	yes	no
<u>Section 24</u>	Information must be protected as disclosure is restricted as set out in Schedule II.	yes	no	yes	no

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Exemption	Short Description of the Exemption	Mandatory	Discretionary	Class	Injury
<u>Section 26</u>	Access may be refused as records will be published within 90 days of the request or within the time necessary for printing or translating the material for the purpose of printing it.	no	yes	yes	no

The exemption can only be claimed by the government institutions named in the provision.

Where discretion is authorized.

Appendix D: Mandatory Procedures for Publishing Summaries of Completed Access to Information Requests

D.1 Effective date

D.1.1 These procedures take effect on July 13, 2022.

D.1.2 These procedures replace *Appendix E – Criteria for posting summaries of completed access to information requests* of the *Interim Directive on the Administration of the Access to Information Act*, dated May 5, 2016.

D.2 Publishing summaries of completed Access to Information request

responses

D.2.1 These procedures provide details on the requirement set out in section 4.1.46 of the *Directive on Access to Information Requests*. Institutions must:

D.2.1.1 Publish summaries of the responses to completed Access to Information requests on the Open Government portal within 30 calendar days after the end of each month. Institutions also must report when there are no ATI requests to publish for a given month.

D.2.1.2 The entry for each summary must include the following:

D.2.1.2.1 The request number assigned by the institution;

D.2.1.2.2 The year and month that the request was completed by the institution;

D.2.1.2.3 A description of the request that reflects the final wording of the request after clarification was obtained from the requester, where applicable. Provide the information in a format that is understandable by Canadians, specifies institutions and dates, and which uses key words. The description must not include personal information or any other information that would be exempted or excluded under the Act, or that could reveal a requester's identity;

D.2.1.2.4 The disposition of the request (i.e., all disclosed; disclosed in part; all exempted; all excluded; or no records exist); and

D.2.1.2.5 The number of pages disclosed.

D.2.1.3 Publish the summaries simultaneously in both official languages, in accordance with the requirements of the Official Languages Act.

D.2.1.4 Do not publish summaries of the following types of requests:

D.2.1.4.1 Requests made under the *Privacy Act*;

D.2.1.4.2 Requests made under the *Access to Information Act* that contain primarily personal information of the requester or that are uniquely of interest to the requester;

D.2.1.4.3 Requests that were treated informally;

D.2.1.4.4 Requests that were transferred to another government institution;

D.2.1.4.5 Requests that were abandoned;

D.2.1.4.6 Requests where the head of an institution has applied subsection 10(2) of the *Access to Information Act* and did not confirm nor deny the existence of records relevant to an access to information request; or

D.2.1.4.7 Requests where the head of institution has declined to act pursuant to section 6.1. of the Act

D.3 Standard on data elements for the publication of completed access

to information request responses

This standard provides details on the requirements set out in subsection 4.1.47 of the *Directive on Access to Information Requests*.

These are the fields that institutions need to complete when publishing summaries of completed requests.

Field Title	1. Year
Field Description	The year the request was completed by the government institutions
Field Format	YYYY (For example: 2020)
Mandatory/Optional	Mandatory

Field Title	2. Month
Field Description	The month that the request was completed by the government institution
Field Format	The full name of the month the request was completed. For example, December (Note: An abbreviation of the month is not acceptable).
Mandatory/Optional	Mandatory

Field Title	3. Request Number/Numéro de demande
Field Description	The unique identifier assigned to the request by the institution
Field Format	A-YYYY-##### : For example A-2020-01234
Mandatory/Optional	Mandatory

Field Title	4. Request Description (English)
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Field Description	<p>Provide a clear and concise description of the completed request without identifying the requester or any other potentially sensitive, personal or redacted information. The description should be:</p> <ul style="list-style-type: none"> • Summarize the request in plain language that would make sense to Canadians; • Reflect the final request; • Contain useful key words; • Reference specific dates (e.g. 'covering 2015-2019' vs. covering the last five years) and • Refer to the specific institution (e.g. 'all records from Fisheries and Oceans Canada' vs. 'all records from your institution'). <p>Request terms, such as 'please provide' 'a copy of' 'or all documentation related to'; internal file or reference numbers; and hyperlinks or web addresses should be removed</p>
Field Format	Alpha-numeric; Free text
Mandatory/Optional	Mandatory
Field Title	5. Request Summary (French)

Field Description	<p>Provide a clear and concise description of the completed request without identifying the requester or any other potentially sensitive or redacted information. The field data should be:</p> <ul style="list-style-type: none"> • Summarized in plain language that would make sense to Canadians; • Be updated as necessary to reflect changes to the initial request; • Contain useful key words; • Reference specific dates (e.g. 'covering 2015-2019' vs. covering the last five years) and • Contain specific references to the institution (e.g. 'all records from Fisheries and Oceans Canada' vs. 'all records from your institution'). <p>Request terms, such as 'please provide' 'a copy of "or all documentation related to'; internal file or reference numbers; and hyperlinks or web addresses should be removed</p>
Field Format	Alpha-numeric; Free text
Mandatory/Optional	Mandatory

Field Title	6. Disposition
Field Description	Indicate the request is whether the records were all disclosed, disclosed in part, all exempted, all excluded, or if not records exist.
Field Format	<p>The status must be one of the five options:</p> <ul style="list-style-type: none"> • All disclosed • Disclosed in part • All exempted • All excluded • No records exist

Mandatory/ Optional	Mandatory
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Field Title	7. Number of Pages
Field Description	The number of pages which were fully or partly provided to the requester, or a value of 0 if no records were released to the requester.
Field Format	Numeric. For example 0, 10 or 25
Mandatory/ Optional	Mandatory

Field Title	8. Additional Information (English)
Description	Institutions can provide any additional information in this field in English.
Format Type	Free text
Example	The records provided were the most recent versions.
Mandatory/ Optional	Optional

Field Title	9. Additional Information (French)
Description	Institutions can provide any additional information in this field in French.
Format Type	Free text
Example	Les documents fournis comprennent les versions les plus récentes.
Mandatory/ Optional	Optional

Appendix E: Prescribed Platforms for Receiving

and Processing Access to Information Requests

This Appendix provides details on the requirements set out in section 4.1.16 and 4.1.17 of the *Directive on Access to Information Requests*.

E.1 Effective date

E.1.1 This list was updated on July 13, 2022.

E.2 Prescribed Platforms

E.2.1 Receiving requests

E.2.1.1 The prescribed platform is TBS's ATIP Online.

E.2.1.2 Requests can be received in alternate formats such as email or paper.

E.2.2 There is no prescribed platform for processing requests. However, enterprise approved solutions are available through established contracting vehicles for ATIP Request Processing Software Solutions

E.2.3 In order to request an exception from the prescribed platforms, government institutions must contact the Information and Privacy Policy Division for further information.

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