



Overview of Access to Information, Privacy and Information Management

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Prepared by: Privacy and Information Management

GCdocs: 20604783





PURPOSE

To provide an overview on the *Access to Information Act* and *Privacy Act*, which includes:

- Government Accountability
- Delegation of Authority
- Access to Information Process
- Recent changes to *Access to Information Act*
- Privacy – Need to Know
- Disclosure of Personal Information
- Information Management – Minister's Office



GOVERNMENT ACCOUNTABILITY

- *Access to Information Act* sets out the rights of Canadians in relation to access to government information
- *Privacy Act* sets out the rights of access to personal information
- These Acts foster transparency in government, promote open and democratic institutions, and allow for debate on the conduct of these institutions



DELEGATION OF AUTHORITY

- Minister has the authorities under the *Access to Information Act* and the *Privacy Act*
- Within Veterans Affairs these authorities are delegated to the Deputy Minister and the Access to Information and Privacy Coordinator (currently Director of Privacy and Information Management), who carry out the powers and duties of the Minister
- The Minister delegates these same authorities to the Veterans Review and Appeal Board and the Office of the Veterans Ombudsman



ACCESS TO INFORMATION PROCESS

- Once a request is received VAC has 30 calendar days to process a request and send a response to the requestor. During that period:
 - Request comes in
 - Reviewed and logged
 - Liaison Officer in each Branch retrieves information (have 5 days)
 - ATIP office reviews and applies exemptions and exclusions, where applicable (e.g., Cabinet confidence, Personal Information, Solicitor-Client privilege)
 - 72 hours before documents go out provide a notification of release to OMVA
 - 48 hours before documents go out provide a notification to Departmental OPIs
 - Requestor is provided with relevant documents



RECENT CHANGES TO *ACCESS TO INFORMATION ACT*

Bill C-58 amended the *Access to Information Act* - received Royal Assent on June 21, 2019.

Amendments include:

- Order making power for the Information Commissioner
- Authority to decline to act on a request
- Requirement for full review of the *Act* every five years
- New rules around Proactive Publication – e.g., briefing packages for new or incoming Ministers and Deputy Heads (120 days after appointment), briefing package for Parliamentary committee appearances (120 days after appearance), Question Period notes (30 days after last sitting), Minister's Office expenses, including office expenses (120 days after the fiscal year end), briefing note titles and reference numbers (30 days after the end of the month received)



PRIVACY - NEED TO KNOW

- Information should only be accessed as a function of an employee's official duties
- The information being accessed must be essential for performing their work, which means only those with the appropriate clearance and system access(es) should view, and have, the information



DISCLOSURE OF PERSONAL INFORMATION

- Personal information disclosed to a Minister must be for the sole purpose of performing an official job function
- Departmental staff can identify elements of personal information that are required for the Minister to perform their official job function
- Disclosure of personal information will not be excessive and must be relevant to the Minister's needs



INFORMATION MANAGEMENT - MINISTER'S OFFICE

- Historical value – records created in a Minister's Office are an integral part of Canadian history
- Information compliance – information in a Minister's Office must be managed according to the Treasury Board of Canada Secretariat's "Policy on Information Management"
- Processes – must have mechanisms for the proper processing, handling, storage, and where appropriate disposal, of classified and other sensitive information
- Cabinet records* – return to Privy Council Office when done
- Institutional records* – under control of a government institution, or transfer to Library and Archives Canada (LAC)
- Ministerial* – transfer to LAC
- Personal and political* – may be transferred to LAC

*These documents are not subject to the *Access to Information Act*