

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Wednesday, April 05, 2017

Joyce Murray, Member of Parliament
House of Commons
Ottawa, Ontario, K1A 0A6
Constituency Office
Joyce Murray, Member of Parliament
206 2112, West Broadway (Main Office)
Vancouver, BC V6K 2C8

Dear Joyce Murray;

Re: Access to Information Act Reform

We are writing to request a meeting with you to discuss reform of the *Access to Information Act*.

As you know the Liberal Party pledged both during and after the 2015 election, to amend the *Access to Information Act*. As yet these critical amendments have not been made. Following, for your information, are references and links to the 4 April 2017 Open letter (attached) and other submissions explaining on the urgent need for reform of the Act.

In April 2017, more than 50 Canada-based civil society organisations and individuals endorsed an open letter¹ calling on the Liberal Government to reform the Canada's Access to Information Act in accordance with pledges made during the election and as part of the Open Government Plan announced after the election. Canada currently ranks 49th of 111 countries on global rating of access to information laws. Lawyers' Right Watch Canada endorsed this letter which was produced by the Halifax-based Centre for Law and Democracy (CLD).

In June 2016 LRWC joined the CLD and the BC Freedom of Information and Privacy Association (FIPA) to submit a series of recommendations² for reforming Canada's *Access to Information Act*. These recommendations were made in response to the Government of Canada's post-election invitation for feedback on proposals for the reform of access to information. CLD, LRWC and the BC Freedom of Information and Privacy Association (FIPA) welcomed the reform proposed by the Open Government Plan and made 7 additional recommendations necessary to ensure adequate access to information. CLD, FIPA and LRWC recommended the Act be amended to: eliminate access and requesting fees; limit delay and create a duty of timely response; extend the scope of the Act; extend the right to request information to all people; grant the Information Commissioner the power to make binding orders; replace exclusions with exception subject to a harm and public interest override; and, allow dismissal of frivolous or vexatious request.

¹ Reform Access to Information, 3 April 2017. <http://www.lrwc.org/category/countries/canada-letters/>

² *Recommendations for Reforming Canada's Access to Information Act*, CLD, FIPA & LRWC, June 2016. <http://www.lrwc.org/canada-recommendations-for-reforming-canadas-access-to-information-act-submissions/>

In September 2015 20 NGOs including the CLD, Canadian Journalists for Free Expression (CJFE) and the BC-based BC Civil Liberties Association, FIPA, LRWC, and Open Media endorsed an [open letter](#)³ calling for improved access to information as a vital part of democracy. The letter called on all federal parties to support amendments to the *Access to Information Act* necessary to: expand the mandate of the Office of the Information Commissioner, repeal blanket exceptions, ensure application of the Act to all federal departments and officials, and, require public officials to document and preserve communications preparatory to decision making.


In September 2012 the CLD, CJFE, FIPA, LRWC and PEN Canada filed [submissions](#)⁴ on freedom of expression in Canada with the UN High Commissioner of Human Rights for consideration on the Universal Periodic Review of Canada's compliance with its international human rights obligations.

All the recommendations in the above referenced communications and submissions have been ignored, first by the Conservative government and now by the Liberals. In September 2012 Canada ranked a shameful 51st of 89 states and now ranks 49th of the 111 states assessed, having slipped from 58th to the 45th percentile.⁵

We would appreciate the opportunity to meet with you to seek your support for the reforms identified and to explore how the requesting organizations might assist in the reform process.

Thank you.

Sincerely,



Gail Davidson, Executive Director, LRWC

³ NGOs Call for Improved Access to Information and Amendments to the Access to Information Act, September 2015. <http://www.lrwc.org/canada-ngos-call-for-improved-access-to-information-letter/>

⁴ Submission to the 16th Session of the Universal Periodic Review on the State of Freedom of Expression in Canada, October 2012 by CLD, LRWC, FIPA, PEN Canada and CJFEX. <http://www.lrwc.org/submission-to-the-16th-session-of-the-universal-periodic-review-on-the-state-of-freedom-of-expression-in-canada/>

⁵ The International RTI Rating assesses each state's legal framework according to 61 indicators. The Global Right to Information ratings can be accessed <http://www.rti-rating.org/>