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## **Public's Right to Know More Important Than Ever During Pandemic**

As the COVID-19 pandemic's second-wave continues to sweep across much of the country, the federal government has maintained a very cavalier approach to meeting its legal obligations under Canada's Access to Information Act. According to a 21 October report in the [Winnipeg Free Press](#), less than half of federal access to information offices are currently operating at full capacity. This is because many departments have de-prioritised the processing of access to information requests, which has not been treated as "a critical service", resulting in serious backlogs and no clear guidelines about when requests will be answered.

The pandemic is not an excuse for the government to ignore access to information legislation. In fact, with other accountability systems operating below par, and decisions of the utmost importance to our health, our rights and our economy being taken regularly, government transparency is now more important than ever.

*"In a pandemic, information can mean the difference between life and death,"* said Brent Jolly, President of the Canadian Association of Journalists (CAJ). *"Under no circumstances can the pandemic be an excuse for undermining democracy."*

### **Canada lagging behind**

All of the many actors which have conducted reviews of the Canadian access system over the past twenty years – including journalists, civil society organisations, successive Information Commissioners and parliamentary committees – have concluded that Canada's archaic Access to Information Act needs to be reformed. Plagued by overbroad exclusions and prohibitions, as well as discretionary and frequently abused grounds for delays, Canada ranks a dismal 50<sup>th</sup> place out of the 128 countries around the world with access to information laws, according to the [Global Right to Information Rating](#) produced by the Centre for Law and Democracy (CLD).

*"The current government has made expansive promises to reform the Access to Information Act both as part of its election manifestos and to the Open Government Partnership (OGP), an international body where Canada sits on the Steering Committee,"* said Toby Mendel, Executive Director of CLD. *"But those bold and repeated promises have yet to be translated into anything beyond cosmetic reforms."*

A functioning access to information system is critical during a health emergency not only to ensure that health information reaches the public but, crucially, to ensure that the public is

informed about how vast sums of public money are being spent and can assess for itself the legitimacy of the extensive restrictions which are being imposed.

*“Freedom of Information requests are a critical tool for journalists to do their job effectively and to hold governments, of all political stripes, to account,”* said Jolly. *“Without journalists doing the digging and unearthing details the government tries hard to bury, the public is, all too often, left in the dark and without a voice.”*

When questioned in the House of Commons about the pandemic-induced information bottleneck, Patty Hajdu, Canada’s federal Health Minister, responded: “Not one Canadian has asked me to put more resources into freedom-of-information officers.” This belittles the enormous efforts over the years by journalists and civil society actors, including CAJ and CLD, to reform the system, including by allocating more resources for processing requests. If the system were working properly, we would put in an access to information request to find out what Hajdu has in fact heard from the public. But, as things stand, we would be unlikely to receive any useful information, at least within a reasonable timeframe.

The government has promised, yet again, to review the Access to Information Act, although [a review announced publicly in June 2020](#) has yet to be translated into any concrete action more than four months later. Despite the delays, CAJ and CLD sincerely hope that this review might, finally, bring Canada’s legal framework for access to information into line with more progressive approaches internationally.

CAJ made [suggestions to reform the Act to the federal government in 2016](#) that were supported by more than 20 civil society groups. In response to government proposals to reform the Act, CLD prepared submissions and reviews of it in [2016](#), in [2017](#) and again in [2018](#).

In the coming weeks, the CAJ will be sending letters to cabinet ministers and shadow ministers to request meetings to re-emphasise the concrete actions the federal government could take to immediately improve the moribund state of Canada’s access to information system.

*The CAJ is Canada's largest national professional organization for journalists from all media, representing over 700 members across the country. The CAJ's primary roles are to provide high-quality professional development for its members and public-interest advocacy.*

*CLD works to promote, protect and develop those human rights which serve as the foundation for or underpin democracy, including the rights to freedom of expression, to vote and participate in governance, to access information and to freedom of assembly and association.*

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