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British Columbia: Proposed Amendments Significantly Weaken Access to Information Legislation

An assessment by the Centre for Law and Democracy (CLD) using its internationally renowned [RTI Rating](#) has found that the amendments currently being considered by the Canadian province of British Columbia, in the form of [Bill 22](#), would significantly undermine the right of individuals to access information held by public authorities. Specifically, the amendments would drop the province's score from 98 points out of a possible total of 150 to 92 points. Whereas British Columbia once had aspirations to have the [best legislation in Canada](#), with these proposed amendments it would drop to fourth place, nearly 20 points behind leader Newfoundland and Labrador, as CLD's [Canadian RTI Rating](#) shows.

"It is enormously disappointing to see British Columbia backsliding so badly on this key democratic issue", said Toby Mendel, Executive Director of CLD. *"The harmful proposals are clearly unjustified and, even more importantly, nothing is being proposed to address the many weaknesses in the current legislation."*

The three areas where points would be lost are:

- Narrowing the scope of application of the legislation to exclude metadata, deleted electronic records, the Office of the Premier and the Executive Council (cabinet).
- Imposing a fee simply for making a request.
- Expanding the scope of the exceptions.

One point was also gained for broadening sanctions for obstructing the right of access.

Problems in the current legislation, which are either ignored or exacerbated by the proposed amendments, include:

- An unduly narrow scope, including in relation to legislative and judicial bodies.
- Weaknesses in the procedures for making and responding to requests, including the time limits for responding to requests.
- An unduly broad regime of exceptions, including several that are either overbroad or not harm tested.
- A very weak set of promotional measures.

CLD's Rating of Bill 22 is available at: <https://www.law-democracy.org/live/wp-content/uploads/2021/10/BC.Oct21.Bill.xls>.

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