

A message from Canada's Information Commissioner- it applies to the GNWT as well.

## Access to information in extraordinary times

Gatineau, Quebec, April 2, 2020 — In these extraordinary times, it is understandable that our collective focus as a society is on existential matters of public health and security. We all acknowledge the need for our leaders and decision-makers to be able to react quickly to events and make timely decisions in the best interests of Canadians.

In such circumstances, access to information and information management may not currently be top-of-mind within government institutions, where day-to-day work is focused on rapid decision-making and delivering on issues of prime importance, such as public health and essential financial support to Canadians, among other things.

Nevertheless, if the government is to inspire the confidence in Canadians that will be required to successfully navigate this challenging period as a nation, timely decision-making and the proper documentation of both the decisions and any resulting actions must go hand-in hand.

Last week the Prime Minister told Canadians that transparency is crucial to being accountable to Parliament and in maintaining the public's confidence.

When the time comes, and it will, for a full accounting of the measures taken and the vast financial resources committed by the government during this emergency, Canadians will expect a comprehensive picture of the data, deliberations and policy decisions that determined the Government's overall response to COVID-19.

Canadians have a fundamental right to this information. They expect that it will be available to them, and that the government will provide it.

Of course, because it is impossible to implement measures to ensure transparency retroactively, now is the time for government institutions to ensure that appropriate decision-making documentation safeguards and practices are in place. A commentator recently likened the current situation to trying to re-build a plane in midair. In today's circumstances, we cannot forget to ensure that the in-flight data recorder, which captures information in real time as the plane flies, is functioning correctly.

At this moment, while government offices are closed, I understand that many public servants are working from home, and occasionally, using other private communications channels such as personal telephone or computer to avoid overburdening government infrastructure. Every day, work previously done within the confines of government offices is now taking place outside of traditional work arrangements.

While this flexibility and creativity reflect well on Canada's public service and speaks to its level of commitment, ministers and deputy ministers must ensure that they and their

officials generate, capture and keep track of records that document decisions and actions, and that information is being properly managed at all times.

Doing this is a matter of asking the right questions and then providing the information, tools and support employees need to meet their access to information and information management responsibilities.

For example, are minutes of meetings—even those taking place by teleconference or video conference—continuing to be taken and kept? Are all relevant records—such as decisions documented in a string of texts between co-workers—ultimately finding their way into government repositories? Do employees have a clear understanding of what constitutes “a record of business value” and that this record must be preserved for future access?

As Information Commissioner, I call upon heads of federal institutions to set the example in this regard, by providing clear direction and updating guidance on how information is to be managed in this new operating environment. Furthermore, I am of the firm view that institutions ought to display leadership by proactively disclosing information that is of fundamental interest to Canadians, particularly during this time of crisis when Canadians are looking for trust and reassurance from their government without undue delays.

The right of access is a means by which we not only hold our government to account, but determine how and why decisions were made and actions taken, in order to learn and find ways to do better in the future. It is only by being fully transparent, and respecting good information management practices and the right of access, that the government can build an open and complete public record of decisions and actions taken during this extraordinary period in our history—one that will inform future public policy decisions.

Caroline Maynard  
Information Commissioner of Canada

Date modified:  
2020-04-02