

A quick guide for journalists, activists, students and others using the federal Access to Information Act (ATIA)

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Step 1 – What should I ask for?

Start by scanning news websites, aggregators, Twitter, Facebook and others each day for ideas. Ask yourself what federal government document lies behind today's headlines? Is there likely to be a report, audit or briefing note that supports an announcement, for example? Be certain the jurisdiction is federal, rather than provincial or even municipal.

Reporters on specific beats, and activists, should research to understand how records are organized within the appropriate federal department. Does the deputy minister at Public Services and Procurement Canada receive monthly reports on fraud? Does the health minister get weekly updates on COVID outbreaks? Does the executive committee at the Canada Revenue Agency produce minutes at its quarterly meetings? Note that the Act gives access to a wide range of record types, including video, photographs, audio, datasets, etc.

Federal government tenders are posted on a non-subscription [website](#). Often there are tenders for research projects. Datebook the expected completion dates, and make a request at that time.

Briefing notes are a common target for journalists making ATIA requests. The law requires that departments proactively post on the web each month new briefing note titles prepared for the minister or deputy minister. The notes themselves are not posted, but with the reference in hand you can then file an Access to Information Act request for the material. The proactive posting website is [here](#).

Scan previous requests made by other requesters to get ideas on topics and wording, or to piggyback. Each federal department and agency is required to post each month brief details of completed Access to Information Act requests, including file number,

exact wording of the request, and number of pages released, if any. These records can be accessed informally by contacting the department or agency, without the need to file a formal request. Use this [website](#), a government-wide search tool, to review summaries of completed requests.

Step 2 – File an electronic request

The federal government has a [central portal](#) for filing Access to Information Act requests electronically.

It's worth the trouble to create an account with this service. It can speed up filing and processing. The website also allows you to pay the application fee (\$5) electronically. Beware: the website can be glitchy and frustrating.

When wording your request, follow some simple rules. Use plain English or French. Be concrete: ask for documents, such as briefing notes, expense claims, minutes, correspondence, contracts, audits, inventories. Use the word "record" to capture multimedia materials, such as photographs, video, databases; limit time period – a three-month spread or less is often best; ask for draft versions if final versions not yet available; try to focus requests to avoid too much material.

Step 3 – Monitor the file.

Be patient - responses to journalists typically take 90 days or more. Keep a record of every telephone call, voicemail, email or letter from the officer handling your request. Carefully retain and file any letters from the department. Use your datebook system to ensure promises are kept, deadlines are met. Insist on good service; know your rights; be proactive; be civil; but be a pest.

Step 4 – Negotiate.

Negotiation is a normal part of the process. If the access-to-information officer says the volume of records will mean a lot of processing, and therefore delay, ask for advice on reducing the volume (perhaps an executive summary will suffice instead of the whole report, or a two-month time spread instead of a year's worth of records). The federal government in 2019 formally eliminated all fees, including processing and photocopying, beyond the initial \$5 application fee, so you'll never face steep charges. If you're told the wording of your request is unclear, ask for help in shaping it. Officers are neutral and

must keep your identity confidential. The legislation also imposes a legal “duty to assist” the requestor.

Step 5 (optional) – Make a formal complaint about delay.

Complain if the department has taken a significant extension beyond the standard 30-day period, e.g., 90 additional days to process a straightforward request, without adequate explanation. There is no fee for making a complaint. Complaints can be made [online](#).

Be forewarned: the commissioner’s office is currently backlogged and complaints take an average of nine months to resolve; some take years. The office has also abandoned its first-come, first-served principle. In your favour: the commissioner has the power to order release of records. Also in your favour: there’s no charge to make a complaint, unlike other jurisdictions, such as Ontario.

Step 6 – Examine the material carefully.

Once you’ve received documents, examine them thoroughly – the story often is not obvious. It may be buried in an email exchange on page 278, or may be disguised by thick bureaucratese. Note any references to other documents and consider making separate requests for them. Contact department spokespersons with questions to ensure you have a good understanding of the material. Often a first request will give you a road map to make a more focused second request.

Step 7 (optional) – Make a formal complaint about exemptions.

The Access to Information Act allows departments to legally censor material under dozens of exemptions and exclusions, including national security, privacy, commercial confidentiality, cabinet confidences, etc.

Departments must cite on the released record itself the specific exemptions it has invoked to justify removal of material. Some sections are routinely abused, such as Section 21, referring to “advice.” Complain in writing to the Information Commissioner of Canada if you feel the exemptions and exclusions are inappropriate (see Step 5).

Step 8 – Go back to Step 1

Make regular, frequent requests. The most experienced reporters consider themselves lucky to get one story for every three requests, though it can take as many as 10 or 20 requests to produce one story. Make up for delays and frequent problems by cranking up the number of requests. File weekly or even daily requests. Fill the pipeline. Persistence and tenacity will reward you in two or three months with a steady flow of material, much of which can form the basis of stories.

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See my [Twitter](#), focusing on FOI issues

Also my [substack](#) has a semi-regular column on FOI and transparency.