# Backgrounder - Office of the Information Commissioner of Canada

## Guiding Principles - Investigations

1. When we begin an investigation, we complete it within a reasonable timeframe.
2. We investigate complainants' allegations as stated or as clarified at the beginning of the investigation and according to the parameters of the access request.
3. We prioritize discussions with the parties to complete investigations promptly.
4. We seek representations promptly in order not to delay investigations; we conclude investigations even when the parties do not provide representations.
5. We diligently follow up on files without waiting between steps.
6. The analysis we present in published final reports is as complete as possible to serve as a reference for completing other investigations.
7. We follow our established investigations processes to ensure high quality and efficient investigations and reports.

## Investigations: Results

## Since the beginning of Commissioner Maynard’s mandate on March 1, 2018, the number of complaints received by the Office of the Information Commissioner (OIC) has grown by 180%.

* 2021-2022 was a record year, with almost 7,000 new complaints registered (70% more than the previous year).
* Complaint numbers for 2022-23 will likely surpass those of the previous year.
* In 2021-2022, the OIC succeeded in closing 67% more complaints than the previous year.
* To provide clear guidance on the Commissioner’s interpretation of the Act and to ensure that complainants and institutions understand the OIC’s position, the OIC has published 125 final reports and summaries on its website as of March 1, 2023.

## Planned human resources

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Core responsibilities and internal services** | **2020–21 actual full‑time equivalents** | **2021–22 actual full‑time equivalents** | **2022–23 forecast full‑time equivalents** | **2023–24 planned full‑time equivalents** | **2024–25 planned full‑time equivalents** | **2025–26 planned full‑time equivalents** |
| Government transparency | 73 | 91 | 96 | 96 | 96 | 96 |
| **Subtotal** | **73** | **91** | **96** | **96** | **96** | **96** |
| Internal services | 36 | 38 | 32 | 32 | 32 | 32 |
| **Total** | **109** | **129** | **128** | **128** | **128** | **128** |

For more information on the OIC’s priorities, structure, planned spending and human resources, please consult our [Publications section](https://www.oic-ci.gc.ca/en/resources/reports-publications/2020-2021-annual-report).

## Investigations: Statistics as of March 1, 2023

* As of March 1, 2023, the OIC has closed 25% more complaints compared to same time last year.



* Commissioner Maynard’s first priority when she arrived at the OIC was to address the inventory of complaints she inherited, while continuing to investigate new complaints.
* As of March 1, 2023, the OIC has managed to clear 97% of the backlog of approximately 3,500 files that existed at the beginning of the Commissioner’s mandate.
* The OIC inventory has decreased by 25% over the last eleven months.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Complaints registered during Fiscal Year vs Complaints in the inventory as of March 1, 2023** | | | | | | |
|  | **Pre-2018\*** | **2018-19** | **2019-20** | **2020-21** | **2021-22** | **2022-2023** |
| **Complaints registered during Fiscal Year** | 3500 | 2467 | 6172 | 4068 | 6945 | 6547 |
| **Complaints in the inventory as of March 1, 2023** | 136 | 114 | 197 | 261 | 725 | 2280 |
| *\*Inventory of complaints inherited by Commissioner Maynard at the beginning of her mandate.* | | | | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Orders issued since June 2019 (as of March 1, 2023)** | | | | |
|  | **2019-2020** | **2020-2021** | **2021-2022** | **2022-2023**  **(Since April 1st, 2022)** |
| **Investigations on refusal complaints**  ***(relate to institutions applying exemptions or exclusions under the Act to refuse disclosure of information)*** | 0 | 0 | 1 | 26 |
| **Investigations on administrative complaints**  ***(relate to institutions extending or delaying timelines for responses to requesters)*** | 1 | 2 | 25 | 139 |

* Since the coming into force of C-58 in June 2019, the Commissioner has made 194 orders.
* The Commissioner has made most of these orders (85%) during the current fiscal year.

| **Outcomes of applications to decline to act on an access request (June 2019 to March 2023)** | | | | | |
| --- | --- | --- | --- | --- | --- |
|  | **Applications received** | **Applications withdrawn** | **Approval granted** | **Permission denied** | **Applications carried over to the next fiscal year** |
| **2019–2020** | 6 | 0 | 1 | 4 | 1 |
| **2020–2021** | 6 | 5 | 0 | 1 | 1 |
| **2021–2022** | 36 | 4 | 2 | 29 | 2 |
| **Since April 1st, 2022** | 7 | 0 | 2 | 3 | n/a |

* Since the coming into force of C-58, under section 6.1(1) of the *Access to Information Act*, [institutions may refuse to process an access request](https://www.oic-ci.gc.ca/en/information-commissioners-guidance/seeking-information-commissioners-approval-decline-act-access) if, in the opinion of the head of the institution, the request is deemed vexatious, made in bad faith or otherwise an abuse of the right to make a request for access to records.
* An institution cannot refuse to process a request without the Information Commissioner’s approval.
* Since June 2019, the Commissioner received 55 such applications from institutions. Permission was granted in five cases, including [one for a request](https://www.oic-ci.gc.ca/en/decisions/decision-pursuant-61-2021-oic-30)regarded as part of a pattern of behaviour that involved repeated access requests for substantively the same information.