Fact Sheet

Canadian Environmental Law Association
EQUITY. JUSTICE. HEALTH.

Access to Information Act (Canada)

What does the legislation cover?

The Federal Access to Information Act ("ATIA") applies to federal government institutions, including federal departments, ministries, agencies, Crown corporations, and other institutions listed in Schedule I of the Act.

The purpose of the Act is to enhance the accountability and transparency of federal institutions and to promote an open and democratic society. It provides a right of access to records.[1]

The Act also establishes requirements for the proactive publication of certain government information, including travel expenses, contracts, briefing materials, grants, and other records.

What can you ask for?

Under the ATIA, Canadian citizens and permanent residents have the right to request access to records under federal institutions' control. Requests must be made in writing and contain enough detail to allow an experienced employee of the institution to identify the requested records.

Federal institutions generally must respond within 30 days, although the Act permits extensions when requests involve a large volume of records, extensive consultations, or third-party notification requirements.[2]

Institutions are required to make every reasonable effort to assist requesters and to respond accurately, completely, and in a timely manner.

How much does it cost?

The Act permits an application fee of up to **$25**. Institutions may waive or refund fees in whole or in part.[3] Unlike some provincial regimes, the federal system has significantly reduced additional processing fees in recent years, making requests more accessible to the public.

[1] *Access to Information Act,* 1980-81-82-83, c. 111, Sch. I "1", ss. 2(1).
[2] *Ibid*, ss. 7(1).

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What types of records can you ask for

The Act defines “record” broadly as any documentary material, regardless of medium or form. This includes emails, memoranda, scientific studies, briefing notes, photographs, maps, audio recordings, databases, reports, inspection records, technical documents, and electronic files.

In the environmental context, records frequently requested under the ATIA include environmental assessments, climate policy documents, contamination and spill reports, federal enforcement records, scientific studies, fisheries or wildlife reports, internal communications regarding projects or approvals, Indigenous consultation materials, and records relating to federal environmental decision-making.

The Act can also apply to records generated electronically from government databases, even if the requested record does not already exist in a finalized form, provided the institution can produce it using its ordinary technical resources.

What if you are unhappy with the decision?

Requesters may file a complaint with the Federal Information Commissioner regarding refusals of access, delays, fee issues, inadequate searches, extensions of time, or other aspects of how the request was handled.

The Information Commissioner may investigate complaints privately, compel evidence in some circumstances, and issue orders requiring disclosure or other corrective action.
Following the Commissioner’s investigation, matters may also proceed to review before the Federal Court.

Additional information about the federal access to information system is available from the Office of the Information Commissioner of Canada: https://www.oic-ci.gc.ca/

[3] *Ibid*, ss. 11(1).