

Transparency by default

Information regulators call for a new standard in government service

Federal, Provincial, Territorial Information and Privacy Commissioners and Ombuds Resolution - December 2024



Context

Resolution

- Access to information is of critical importance to the effective functioning of Canadian society and its democracy. It helps hold governments across Canada accountable for their decisions and actions. It also promotes effective and responsible governance and helps confirm that public funds are being used efficiently.
- Government information belongs to the public. Compelling public bodies/institutions to be transparent in their decisions and actions helps build trust between Canadians and their governments and empowers Canadians to be more involved in decision-making processes.
- To fully benefit from the openness and transparency provided by access to information systems throughout the country, Canadians expect that their public bodies/institutions are inherently and operationally transparent.
- Government actions and decisions must be properly documented and communicated in a spirit of transparency and to counter misinformation and disinformation.
- Efforts to build trust between citizens and governments must promote transparency.



Therefore

Canada's Information Commissioners and Ombuds urge their respective governments to take transparency into account in the early stages of designing any new systems, administrative processes, procedures, and governance models and to embed it in their day-to-day operations in order to uphold the following principles:

1. The culture of public bodies/institutions must be based on the fundamental principle that information under their control must be accessible to the people they serve. As organizations providing services to the population, public bodies/institutions across Canada have a core responsibility to document decisions and actions, to properly and efficiently manage records, and to provide information that serves public interest.
2. Transparency must be the norm. Exemptions to the right of access should be limited and specific, and public bodies/institutions should view them as the exception rather than the rule. Information should be readily and quickly accessible to all, without discrimination.
3. Transparency should be an integral part of how new systems and administrative processes are created and managed. This includes ensuring that critical information is readily accessible by default, with sensitive and non-sensitive data clearly separated to facilitate information retrieval. Canadians should be able to easily access information produced and/or managed by public bodies/institutions.
4. Transparency should be part of public bodies/institutions' daily operations – both in capturing and recording information as well as in making it proactively available, or available on demand. This ensures that transparency is integral to their daily activities at all levels, from senior management to frontline services.
5. Information should be easily accessible and in a variety of formats, particularly as access to information encompasses far more than just paper files – there may be photographs, videos, or drawings included. Regardless of the initial form, information should be available both digitally and in other accessible formats for those without digital access.
6. Public bodies/institutions must respond to access to information requests within legislated timelines and proactively publish and update key information to promote transparency and efficiency in public administration, encouraging informed public participation. This includes information on how functions and services are delivered, how resources and contracts are managed, how funds are spent, and how decisions are made.
7. Unless required by legislation, public bodies/institutions should refrain from including confidentiality or secrecy clauses in contracts or other public documents.
8. Public bodies/institutions must further invest in adequate training and education to ensure all public service staff, including political staff conducting government business, understand their roles and responsibilities regarding records retention and preservation.