FPT information & privacy vie privée

Enhancing Access to Information Held by Small Public Bodies

Resolution of the Federal, Provincial and Territorial (FPT) Information Commissioners and Ombuds responsible for overseeing Access to Information (FPT Information Regulators)

Adopted in Ottawa (Ontario) on September 15, 2026

Access to Information (ATI) legislation is a cornerstone of democratic accountability. The right of access enables individuals to participate meaningfully in public affairs, promotes transparency in decision-making, and strengthens trust in public institutions.

Across Canada, many small public bodies deliver essential public services and make decisions that directly affect communities and individuals. These organizations include certain municipalities, institutions, schools, police boards, agencies, boards, commissions, port authorities, local authorities, and other publicly funded bodies. They are responsible for matters such as zoning decisions, environmental assessments, public safety initiatives, and by-law enforcement. As a result, they hold information of significant public interest and are entrusted with the stewardship of public funds.

Although ATI legislation generally imposes similar obligations on all public bodies regardless of size, small public bodies often operate with limited staff, financial resources, specialized expertise, and technological capacity. Many do not have dedicated personnel responsible for ATI functions and may have limited access to legal counsel, records management specialists, and information management tools.

These constraints can make it difficult to establish and maintain effective records management practices and respond efficiently to access requests. Many small public bodies also face technological limitations, such as not having dedicated case management systems, secure collaboration platforms, automated redaction tools, electronic disclosure portals, or digital records management systems.

The challenge may be compounded by a range of factors, including fluctuations in request volumes, the complexity or sensitivity of certain matters, issues of significant public, personal or community interest, and, in some cases, repetitive, frivolous, or vexatious requests.

When small public bodies lack experience or dedicated expertise in access administration, requesters may encounter delays, inconsistent practices, inadequate communication, and barriers to obtaining meaningful assistance in defining, refining, or clarifying their requests. These additional barriers to access can discourage individuals from exercising their fundamental right to information. However, the public's right of access should not depend on the size and capacity of a public body. Indeed, individuals requesting ATI should not bear the consequences of institutional capacity limitations.

Despite these challenges, small public bodies play an important role in advancing transparency, accountability, and public trust. They should be supported in meeting their access obligations.

Therefore
Canada's Federal, Provincial and Territorial Information Regulators call on governments to:

1. Ensure that small public bodies have access to sufficient resources, guidance, training, and technological tools to effectively administer ATI obligations and proactive disclosure programs.
2. Promote modern records management practices and digital solutions that support timely, efficient, and meaningful ATI.
3. Provide practical support, including policy templates, guidance materials, best practices, and educational resources, particularly guidance that clarifies the duty to assist (including the duty to help requesters clarify, refine, and scope requests).
4. Facilitate information-sharing, communities of practice, and networking opportunities to foster collaboration and consistency among public bodies of various sizes and capacities, and where applicable, explore opportunities to expand capacity through shared services, regional governance or other delivery models (while ensuring clear accountability, appropriate governance and compliance with legislative obligations).
5. Raise awareness among all parties, including small public bodies, requesters and third parties, of existing legislative mechanisms that may be used to address requests that are repetitive and systemic or frivolous or vexatious while preserving the public's fundamental right of access.
6. Review legislative and administrative frameworks to ensure that where applicable, the implementation of fees does not create barriers to access and that requests can be processed in a timely manner by small public bodies.

We call on small public bodies, including municipalities, institutions, local authorities, agencies, boards, and commissions, to take the following measures in a manner proportionate to their size and with a commitment to continuous improvement:

1. Design policies and programs as transparent by default, meaning that at the design stage, consideration should be given to what information people are likely to seek and how it can be made available while protecting privacy and other legitimate confidentiality interests.

2. Administer proactive disclosure programs, routine disclosure schemes, and make records available for purchase (where applicable), without requiring formal access requests whenever possible and improve public ATI. Small public bodies experiencing recurring surges in requests may find that proactively publishing frequently requested information reduces demand for formal requests and improves service to the public. Ensure that records made available for purchase, where applicable, are accessible and that any fees charged are reasonable and are not used as revenue generators or as barriers to access.
3. Establish and maintain records management practices that support accountability, consistency, and effective ATI administration.
4. Invest in staff awareness and training to strengthen organizational understanding of ATI responsibilities.
5. Maintain fair, impartial, and consistent decision-making when responding to access requests. This could entail, engaging consultants or partnering with other small public bodies to process sensitive ATI requests independently if permitted under the relevant statutory framework. This approach could be complemented by strong and well enforced codes of conduct for employees.
6. Collaborate and network with other public bodies to strengthen a culture of transparency and improve access to information for individuals, by considering, where appropriate:
   6.1. Sharing templates, policies, training materials, and lessons learned;
   6.2. Networking and sharing information on third party vendors or on technological solutions (for example on access request tracking systems, electronic disclosure platforms, digital records management), and other tools to improve ATI); and
   6.3. Entering into formal agreements with other public bodies to share resources or responsibilities.
7. Ensure that applicants receive meaningful assistance throughout the access process, including by communicating clearly, helping to clarify or refine requests where appropriate, and facilitating access in a manner consistent with the duty to assist.

As Canada's FPT Information Regulators, within the scope of our respective legislative mandates, we commit to:

1. Continuing the promotion of transparency, accountability, and effective ATI within small public bodies.
2. Supporting small public bodies through practical and accessible guidance, education, outreach, and the sharing of best practices.
3. Encouraging collaboration efforts among small public bodies to adopt and invest in records management and proactive disclosure practices that facilitate transparency and strengthen public trust.
4. Encouraging collaboration, knowledge sharing, and the exchange of best practices that support effective ATI administration.
5. Working collaboratively to identify emerging challenges affecting small public bodies and to advance practical, rights-based solutions that strengthen ATI and transparency.

6. Advocating for legislative, policy, operational measures, and appropriate resources that ensure access to information, even among small public bodies, remains meaningful, effective, and accessible for all Canadians.