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Access to Information Laws: Three Reasons Why All Canadian Organizations Should Pay Attention



By [Anne L.G. Côté](#)

If your business or other organization is not subject to federal or provincial access to information legislation, you may not have thought much about how this legislation relates to your operations.

However, there are three very good reasons why you should:

1. Government institutions have your information and can release it.

Access to information requests allow an applicant to request any information in the control of a federal or provincial government institution (depending on the wording of the legislation, this will include government departments and ministries, government agencies and institutions, educational bodies, and health care bodies). Organizations provide a myriad of information to government institutions that ends up in records that are subject to access to information legislation.

Before a government institution releases certain sensitive or confidential information about an organization, the government institution is required to consult with the organization. Your response to such a consultation requires an understanding of how the access to information legislation works and what exceptions apply.

2. Government institutions may compel your information, but you decide how much to give.

Organizations may be compelled by legislation to provide sensitive or confidential information to government institutions. Businesses may submit confidential bids in response to requests for proposals. Organizations may lobby government, or engage in sensitive discussions by email, or otherwise communicate with government regarding confidential subjects.

Knowing that your organization's information will be subject to access to information legislation allows you to consider when and how much information should be provided to government institutions.

Government institutions have a legal obligation to respond to access requests. However, your organization may not have an obligation to provide all of the information that you are providing, nor may it be in your best interest to provide it all, or to provide it in a particular manner. Providing an excess of information may get your organization or your employees into difficulties (including unwanted media attention), and these difficulties might only come to light once an access request is made.

3. Government institutions have information you may want.

Access to information requests do not simply allow individuals to gain access to their own personal information. Access to information requests are also a valuable method for businesses to gain useful information regarding government operations, government decision-making, and even other businesses or organizations that provide information to government institutions.

Access to information requests operate separately from requests to access records in other legal and administrative processes, and should be considered in addition to requests for records obtained through other methods.

If you wish to discuss the risks and benefits of access to information legislation for your business or organization, please contact [Field Law's Privacy Group](#) for advice and recommendations particular to your business or organization.

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