



Office of the Information
Commissioner
of Canada

Commissariat
à l'information
du Canada

30 Victoria street 7th floor
Gatineau, Québec • K1A 1H3

September 25, 2024

Senator Claude Carignan
Chair of the Standing Senate Committee on National Finance (NFFN)
The Senate of Canada
Ottawa, Ontario
K1A 0A4

Dear Mr. Chair:

I am writing to follow up on a number of issues raised during my appearance before the Standing Senate Committee on National Finance on September 17, 2024. I am grateful to the committee for inviting me to appear and provide insight into the budgetary challenges my office is facing.

As I mentioned during my appearance, in the context of the government's review of the access to information regime, I submitted [recommendations and observations to enhance government institutions' transparency](#) in January 2021. Among these recommendations is the need to include in the [Access to Information Act](#) a maximum length of time for consultations needed to respond to access to information requests.

As Information Commissioner, I have a variety of tools and powers at my disposal to maximize compliance with the Act, including making recommendations or orders to resolve cases following investigations. I invite you to consult my [Decisions Database](#) to read the final reports of my investigations. These reports explain the reasons and principles behind my decisions.

I also encourage you to read the [various special reports](#) I have tabled in Parliament following my systemic investigations. I initiated these investigations because I am committed to working closely with institutions to address systemic issues in order to help them meet their obligations under the Act. Some of my systemic investigations have led to more funding and resources being put toward access to information for the institution in question. Institutions other than those involved in the investigation have also used my recommendations to improve their own operations.

Finally, as mentioned when I appeared before your committee, the manner in which my office is funded must reflect my independence as Agent of Parliament. Given the role I play in the access to information regime, this independence is at the very heart of my office's credibility.

Under the current model, it is the government of the day, and not Parliament, which sets funding levels for my office and considers my funding requests. This has very real implications for my operations. It means that I am required to submit requests for additional funding through a minister in charge of a department over which I have an oversight role. Whether or not these requests are granted is secondary to the real issue; the optics of having to work through central agencies in order to secure funding may create, in and of itself, the appearance of a potential conflict of interest or be viewed as government interference in the conduct of my investigations.

An independent funding model for my office would allow greater flexibility in managing my operational needs. As I mentioned during my testimony, some of my fellow agents of Parliament already operate under such a model. In 2023, I wrote to the Standing Committee on Access to Information, Privacy and Ethics (ETHI) to request that an independent funding mechanism for my office be considered in the context of its [study on the access to information system](#). I invite you to read [my May 2023 letter](#) to the ETHI Committee, which will provide some historical background on this subject.

Subsequent to my interventions, in June 2023, the ETHI Committee recommended "that the Government of Canada establish an independent funding mechanism for the Office of the Information Commissioner of Canada and other Agents of Parliament who do not have access to such mechanism."

Should you and the other members of the Standing Senate Committee on National Finance have any questions following this letter, please have the committee staff contact Manon Côté, my Manager of Parliamentary and Stakeholders Relations, by email [REDACTED].

Sincerely,


Caroline Maynard
Information Commissioner of Canada

c.c.: Mr. Éric Forest, Deputy Chair
Standing Senate Committee on National Finance

Ms. Mireille K. Aubé, Clerk
Standing Senate Committee on National Finance