The Honourable Shafqat Ali, PC, MP, President
Treasury Board of Canada Secretariat
House of Commons
Ottawa, Ontario K1A 0A6
By email to: shafqat.ali@parl.gc.ca
And to: Information Commissioner Caroline Maynard
by email to: Asmaa.Zarbal@oic-ci.gc.ca
In addition to comments uploaded at: https://forms-formulaires.alpha.canada.ca/en/id/cmljn3df200ytyv01kb2v0br1

June 15, 2026

Re:* *2025 Review of the Access to Information Act – Policy approaches

Dear President Ali,

Please consider the following comments in addition to the comments submitted in response to the online questionnaire, which does not address some issues, does conveniently permit the use of footnote references, and will generate submission that presumably (and ironically) will be kept secret from the public view and only proactively disclosed to the public in summarized form. This submission will be posted at http://healthscienceandlaw.ca/ and will be moved to http://healthscienceandlaw.ca/policy-documents/ in the coming months.

The access-to-information system should help realize the expectations of the Supreme Court of Canada in its historic 2019 administrative law decision in *Canada v Vavilov*, which explains the intention of the Court's new overall approach to supervising administrative decisions:

> *"We will also affirm the need to develop and strengthen a culture of justification in administrative decision making."*[1]

Likewise, transparency in government operations—especially proactive disclosure—is vital to realizing three of the Treasury Board's four principles in its "Policy on Regulatory Development," which state, in part:

> ***Principles***
>
> *This policy is grounded in the following four principles, set out in the directive, to guide departments in developing, managing and reviewing regulations:*
>
> 1. ***Regulations protect and advance the public interest and support good government:*** *Regulations are justified by a clear rationale in terms of protecting the health, safety, security, social and economic well-being of Canadians, and the environment.*
> 2. ***The regulatory process is modern, open and transparent:*** *Regulations, and their related activities, are accessible and understandable, and are created, maintained,*

*and reviewed in an open, transparent, and inclusive way that meaningfully engages the public and stakeholders**,** including Indigenous peoples, early on.*

3. ***Regulatory decision-making is evidence-based:*** *Proposals and decisions are based on evidence, robust analysis of costs and benefits, and the assessment of risk, while being open to public scrutiny…*[2] [underscoring added]

Over the years, my organization has filed dozens of original access-to-information requests, i.e., zero to three original requests per year, mainly to Health Canada. In recent years, we have also requested that previously disclosed records (so called "informal requests") be disclosed to us. These efforts have all been made with a view to informing our efforts to help ensure that federal government decisions concerning health protection are:

- informed by the best available evidence,
- optimally protect public health (ultimately to increase healthy life expectancy),
- are not unduly influenced by regulated industries or other institutional conflicts of interest, and
- generally, to better understand how government decisions are made and justified.

Some recent experience of delays in fulfilling record requests.

In recent years, the disclosure of records in our original requests typically takes years, not weeks or months. Even requests for records that have been previously released and reviewed for redactions and compiled into PDF packages are disclosed several months past the statutory deadline. This leaves the impression that there are incentives in the system to conceal information as long as possible and that concealing records effectively may be rewarded with pay and promotion.

On one recent occasion, a Health Canada Access to Information Coordinator sent me an email approximately five years after I filed a request advising me that if I did not signify a continued interest in the records, she would cancel the request. I failed to respond to the email for approximately two weeks, at which time the coordinator promptly informed me that the original request was cancelled and that my option was only to resubmit and go back to the back of the queue or appeal to the Commissioner of Information.

On another occasion, I requested information about the specific amounts of 700+ pesticides sold in Canada. While such figures are required to be reported to Health Canada by regulated companies and are proactively published for sales in the United States and European Union, Health Canada only reports these amounts of these chemicals in its annual report as wide ranges (e.g., sales volumes of 100,00 to 500,000 kg and >50 million kg). Approximately four years after I filed the request,[3] I was provided with a spreadsheet containing the amounts sold of only 108 pesticides of approximately 585 sold in Canada in 2020 (and 52 amounts of 462 pesticides sold in 2008), apparently indulging the desires for secrecy expressed by monopolistic or oligopolistic distributors.

The bottom line is that there appears to be a strong tendency in the decision-making culture at Health Canada towards delaying the disclosure of "sensitive" records regardless of the public health importance.

Please consider the following overarching comments and analysis that were not addressed in the Treasury Board's proposal. A copy of the submission uploaded to the online survey is appended to this letter.

1. **Developing government-wide and department-specific strategies.** We concur with the advice from the Information Commissioner that the review of the federal access-to-information system should be results-oriented.[4]

   At some level, there must be an acknowledgement that access to information is essential because there is a high desire and need for records held by the government, especially about activities by institutions that have the high potential to impact individuals and society. While many government organizations receive trivial numbers of access to information requests, 112 federal government institutions received fewer than one access-to-information request per month.

   However, the federal departments and agencies that receive large numbers of access requests generally hold information that is valuable to Canadians and Canadian businesses, such as records related to health, policing, military defence, and, above all, immigration and refugee matters. For instance, according to the Information Commissioner's 2024-2025 report to Parliament, 83.3% of 202,915 access to information requests received in 2024-2025 were directed to the department of Immigration, Refugees and Citizenship Canada, likely reflecting a combination of frustration with notoriously long delays in the large number of claims for various types of immigration status, and the potentially dire consequences of delays and denials of applications for immigration status. Dealing with those requests must likely be delt with in concert with the application backlog and whatever deficiencies in disclosure/discovery systems are in place. It is likely that the *Access to Information Act* is being used as a means of achieving an inexpensive form of disclosure and discovery. As for access-to-information requests to health Canada, many of these may originate from law firms to serve as an ultra-inexpensive form of disclosure/discovery.

   Likewise, among the 1,503 closed Health Canada access-to-information disclosures in 2025 (ignoring zero-page disclosures), 76% were for records of pharmaceutical drug adverse reaction (63%) and drug submissions (13%),[5] possibly serving as an extremely inexpensive means of obtaining legal discovery of documents by pharmaceutical marketing shops, which puts governments in the role of providing heavily subsidized market research services.

   Accordingly, the government should have a better understanding of the purposes for which access-to-information requests are made. Request forms should make declaring the nature of the applicant's status mandatory (i.e., prohibit refusing to say whether the applicant is a member of the public, corporation, or law firms, for example). In 2025, 12% of applicants refused to declare their applicant category to Health Canada. The form also could add the non-exclusive

classification categories of law firm, immigration consultant, public- or community-interest NGO, and business interest NGO.

2. **The access-to-information system does not seem to be overloaded outside of immigration matters, and demand is trivial in most government departments.** While a recent rise in applications has not been matched by a corresponding increase in resources to process the surge, considering that there are only approximately 100 access-to-information requests per calendar day (outside the Immigration and Refugee Determination System) for information held by the entire federal government, which is served by approximately 1,200 Access to Information Coordinators. As such, the claim that the system might be bogged down by bots seems an unlikely or isolated problem. If, on average, each access-to-information officer received a single request for records every 12 days, this does not seem daunting. Even this metric might overestimate the burden. While the number of staff dedicated to all information management services at Immigration, Refugees and Citizenship Canada is planned to decline from 137 to 95 full-time equivalents, this group processes approximately 100 times the number of requests as the number received by Health Canada, despite employing only marginally more staff than Health Canada's 70 FTE.[6]

   Put another way, the 202,915 applications received by 198 federal institutions indicate an average of 30 applications per calendar day per institution processed by an average of 6 staff per institution. Shortcomings in fulfilling access-to-information requests requires both a government-wide approach and tailor-made strategies for the few dozen departments that receive the lion's share of requests. According to the Treasury Board, 2,198 full-time equivalent staff were dedicated to "information management services"[7]—presumably including what the Information Commissioner estimates to include 1,000 to 1,300 FTEs dedicated to fulfilling Access to Information Requests.[8]

   This pales in comparison to the number of passport applications processed by the federal government, 5.4 million in fiscal year 2024-2025.[9] There was great public pressure on the government to process such applications quickly because they personally affected the mobility of so many Canadians with international travel expectations for family solidarity, business and investment, and recreation. The pursuit of informational records, especially by those seeking to hold the government to account and justify its pursuit of the public interest, requires a firm hand by the Information Commissioner.

3. **Excessive redactions must be monitored systematically.** While it is difficult to assess the extent to which overzealous redactions are used, and how much they vary across government departments, a few years ago, a short document purporting to provide a briefing on the use of sugar-sweetened beverage taxes redacted almost the entirety of a published open-access scientific journal article that had been included in a government briefing. This exhibited the worst of overzealous redactions.

4. **Temporarily applying public interest triage rules for record requests and increasing application fees for for-profit research could help manage backlogs and demand for services.** We concur with the advice from the Information Commissioner that the review of the federal access-to-information system should be results-oriented.[10]

Proactive disclosure of documents and modestly increasing access-to-information resources to clear backlogs should eliminate the need to finesse backlogs and delays. However, unexpected or persistent backlogs and delays should be addressed by using a triage approach that prioritizes records of high public interest importance (such as matters related to health, protecting human rights, physical security, democracy, and news media).

The government already collects information about whether the information is sought by for-profit organizations, presumably for for-profit purposes; charging fees higher than the nominal $5 fee, possibly scaled to the complexity of the request of the volume of records sought seems warranted, provided that the for-profit applications are not processed in a manner that facilitates queue-jumping.

In 2024-2025, 46% of all requests were received from "business (private sector)," likely largely from immigration and refugee lawyers and consultants representing individuals. With approximately 200,000 access-to-information requests costing approximately $130 million to fulfill on average $605 per request,[11] the system has become largely a highly subsidized corporate information mining system that many public interest advocates, journalists, academic researchers, and members of the public *also* rely on to achieve public interest purposes.

It would be unconscionable to charge all requesters $605 to cover costs, especially those with public interest objectives. However, some requesters likely earn a lot of money by using this nearly free resource to design pharmaceutical drug marketing strategies or help defend their actions against government regulators or class action lawsuits brought by human rights, environmental protection, and health advocates. Charging higher amounts for access requests that are designed to pursue commercial ends seems defensible, provided that doing so does not lead to queue-jumping for higher-paying requesters. The incremental income might help at least clear backlogs.

"Business (private sector)" applicants filed 52% of the 1,562 access-to-information requests received by Health Canada in the 2023-2024 fiscal year;[12] presumably, many of these were either to inform efforts to obtain government funding, secure competitive advantages in the marketplace, and/or influence regulations to which they are subject. Of 1,562 access to information requests received by Health Canada that year, one-quarter took longer than one year to complete, though published data do not reveal whether, for instance, delays to disclose records are, for instance, longer for media, business or public interest purposes.[13]

5. **Extend the scope of the Information Officer's role to include employing all departmental Access to Information Coordinators.** Reclassify departmental Access to Information Coordinators and support staff to make them employees of the Office of the Information Commissioner rather than the departmental hierarchies in which they are embedded, and give the Information Officer the discretion on whether to embed them in the physical location of the departments or bring them under the same roof as the Information Commissioner, as the Auditor General does.

6. **Make the input to this access to information consultation fully transparency.** Finally, ironically, this method of inviting public input on the government access-to-information system is, itself, a poor (albeit redeemable) method of transparent consultation. Publishing "what we heard" report summaries of actual input typically removes controversial content and specific recommendations, especially recommendations that differ from the government plan, in my experience.

Respectfully submitted,

Bill Jeffery, BA, LLB, MA, Executive Director and General Legal Counsel
Centre for Health Science and Law

cc.: Information Commissioner Caroline Maynard

Att.: copy of online comments submitted at:
https://forms-formulaires.alpha.canada.ca/en/id/cmljn3df200ytyv01kb2v0br1

Copy of online comments
submitted at:
https://forms-formulaires.alpha.canada.ca/en/id/cmljn3df200ytyv01kb2v0br1

Enhancing transparency, accountability and public participation

1. **Transparency-by-default:** The approach should be transparency-by-default unless confidentiality is necessary, especially for records related to changes to law and policy or solicitation of government funds. Such lobbying of the government should not be permitted to be done secretly. This can be facilitated by routinely advising submitters that their documents may be proactively disclosed to the public or to individuals on application under the *Access to Information Act.*

2. **Proactive disclosure:** Submitted access to information requests in recent years with a view to automating disclosure of routinely requested documents. Particularly:

    a) **Proactive disclosure of Canada Gazette submissions:** This would be aided by notifying parties submitting comments that they will be proactively and automatically disclosed, regardless of whether they are submitted during the official comment period. This is currently done voluntarily at the (apparently unfettered) discretion of the department sponsoring the Gazette consultation: https://gazette.gc.ca/consult/consult-orcs-eng.html a discretion that was exercised in favour of proactive disclosure only 37 times in 2025 of approximately 200 regulatory decisions that were based on comments invited and received from the public (as counted by ChatGPT from https://gazette.gc.ca/rp-pr/p2/2025/index-eng.html#wb-auto-4). Automatic proactive disclosure in the default approach in the US Federal Register, e.g., https://www.regulations.gov/document/FDA-2010-N-0190-0007/comment and Regulations.gov Of course, this is also the normal approach that Parliamentary Committees take in Canada. It should not be possible for anyone to secretly influence government laws, policies or public spending except in extraordinary circumstances, such as when publication could imperil the security of the witness or the public.

    b) **Proactive disclosure of information concerning public safety risks or violations of human rights:** Information about the risks of toxic chemicals and adverse reactions of pharmaceutical drugs, for instance, should be proactively made available to the public, not just to the few who know how and when to request it. The manner in which evidence about the human health and environmental risks of pesticides, for example, is guarded tightly by Health Canada. For example, examining pesticide safety data still requires examiners to:

        i. travel to an Ottawa reading room,
        ii. sign two declarations promising not to disclose findings under penalty of criminal prosecution,
        iii. refrain from making digital or paper copies, and
        iv. share any handwritten notes made during the examination with the government, and

still allows chemical companies to:

- provide application health and environmental impact data in paper or PDF format, rather than digital spreadsheet format suitable for easy secondary analysis by the regulator or experts, and
- co-mingle confidential business information with health and safety data and published studies and holds all documents to the same high level of secrecy.

3. Flexibility for proactive publication categories

It is important to focus on proactive disclosure, however, the permissible considerations for discretion by record managers should not extend to withholding information about the health and safety of the public, allegations of unlawful behaviour and record managers should be required to attest and explain that disclosure is not in the public interest in categories of records describing government decisions where it is not proactively disclosed.

4. The relevance and value of information declines over time in tandem with the sensitivity.

The observation that sensitive documents become less sensitive as time passes appears to be promoted as a factor that is conducive to disclosure. However, disclosure becomes less sensitive over time because it declines in value after being demoted from consequential for important decisions of the day to information that is mainly only of historical interest. For instance, records indicate that a Prime Minister blocked the monitoring of trans in the food supply and efforts to ban trans fat in the late 2000s. When thousands of deaths per year were attributed to consuming trans fat, depriving the public and media of knowledge of such obstruction for 2.5 years may have prolonged the risk and hastened the deaths of hundreds or thousands of Canadians. Likewise, delaying the release of data illustrating the failure to reduce sodium in the food supply, and adverse reactions to pharmaceutical medicines deprives the public of timely accountability for significant fractions of thousands of deaths per year. Characterizing delay as a means of diminishing the sensitivity of information seems like a rationalization of delay and deprecating the value of timely information.

5. Time-limits on the protection of information

Rather than regulating the nature of delays, commit sufficient additional resources to clear backlogs and reduce applications for access by proactively publishing records, especially consultation submissions (in their original language), documents concerning health and safety risks, and commonly requested documents.

It seems like the government is proposing to seek authority to seek extensions that it already seeks. For a system that is notorious for delays, why seek authority to request extensions or call for definitions of what constitutes a reasonable time to fulfill requests? At some level, when the activities of information officers can be undermined by:

- a culture of secrecy,
- indulging inefficiencies and dilatory actions,
- withholding funding, and
- opaque prioritization methods,

seeking express authorization to delay seems counter-productive. The recent significant budget increases in the budget of the Department of Defence ought to lead to a better resourced record on fulfillment of access-to-information requests.

6. Allowing time extensions during emergencies may be inappropriate

Transparency during emergencies may be even more important than usual. COVID-19 is a compelling proximate example. Withholding or delaying record release may have contributed to the proliferation of myths and misconceptions.

7. Providing time for clarifying requests

It seems strange to request legal authority to negotiate the text of requests to clarify the scope of information sought. In my experience, this is always done. I am not aware of instances where no efforts are made to clarify requests, perhaps with the understanding that vague requests would be "closed" with null disclosures.

However, there does appear to be a problem with the way in which disclosure success statistics are calculated; for instance, of 1,562 requests "closed" in the 2023-2024 Health Canada ATI Annual Report,

- 25% took longer than one year to disclose,[14]
- 12% were "abandoned,"
- 11% were closed with a finding that "no records exist), and
- 70% were disclosed with unspecified degrees of redactions.[15]

Health Canada reports that only 44% were closed in the 2023-2024 fiscal year within the legislated timelines (i.e., 30 days plus extensions).[16] Although 85 complaints were filed with the Information Commissioner during that period, 59 were “abandoned” without explanation in the report; this raised the same concern as using mediation: if there is no record of the reason for the abandonment, it leaves the impression that the complainants were somehow discouraged from proceeding.

8. Facilitating access (Fair and equitable access); Establishing a public interest override & extending the scope of coverage to cabinet confidences.

The importance of a public interest over ride is important; however, it would be better to mandate disclosure by default, i.e., mandate disclosure unless secrecy is warranted, rather than putting the onus on the Minister to disclose only when it is justified. Realizing a public interest over-ride would be demonstrably expressed by capturing cabinet decision making within the scope of access -to-information requests. While some degree of secrecy is needed to ensure that cabinet members can speak freely in deliberating on problems before arriving at decisions, the essentials of those

discussions should be revealed during the tenure of the cabinet to ensure accountability at and between elections. We support the Information Commissioner Caroline Maynard's call to bring cabinet decisions within the scope of access-to-information requests.

It is important to facilitate the disclosure of information with public interest value, but this approach still requires the Minister to proactively exercise discretion and, as such, detracts from the principle of "disclosure by default." The default position should not be secrecy by default. While some flexibility to make decisions in confidence while information is being gathered, especially on emerging concerns, once a decision has been taken, transparency should be automatic.

Normalizing the retention and disposition schedules would be useful, especially if explanations for the timeframes are provided. Presumably, many records are to be retained indefinitely.

9. Time limits on the protection of information/Enable better records management for access and accountability

If marginally more resources are devoted to fulfilling access to information requests, the wait times should decline to reasonable levels. If anything, rather than setting time limits (like the ones already in place and routinely exceeded), triage principles that promote queue-jumping of requests that address health, security, or integrity issues would be more appropriate as an interim measure.

The Treasury Board proactively reports descriptions for 18,544 access to information requests completed in the 2025 calendar year (presumably excluding many of the numerous requests related to immigration matters). Of those, 1,664 were completed by Health Canada.[17]

10. Declassification and disclosure of historical records

While dealing with access to historical information is potentially interesting, by far, the more important value of disclosure pertains to ensuring justification and accountability for current governments and addressing continuing harm revealed by historic deliberations and decision.

11. Information management (duty to document)

Establishing a "duty to document" in official repositories is, of course, important, but is it not already done to safeguard government decisions against judicial review and to ensure continuity between governments?

12. Enable better records management for access and accountability (esp. informal requests)

Enabling better records management for access and accountability makes sense, but the extent to which this is an obstacle to fulfilling original access-to-information requests is unclear.

However, "informal requests" to disclose records that have been previously released ought to take no longer than a few minutes if there were efficient government-wide record keeping. That is,

previously released records have already been collected, compiled, redacted, and subjected to consultation and redactions, and (nearly always) shared in PDF format. Delays of longer than 6 months to deliver such records—447 disclosures or 38% of all disclosed informal requests to Health Canada—seem indicative of bureaucratic disorganization or a culture of secrecy and delay.[18] Another 82 informal requests were abandoned after a six-month delays, which raises the concern that this readily accessible data was completely stale-dated by then, or that efforts were made to discourage the applicants from proceeding or to otherwise disqualify them.

Government-wide, there were approximately 60,000 *informal* requests, indicating that efficiencies in processing such requests could enable staff to process more labour-intensive original requests.

If the information is indexed in an efficient record repository or proactively published, disclosing records sought in informal requests ought to take little time (minutes to locate the document file and forward it to the requester) or no processing time if the materials are proactively published at the time they are finalized for internal use (i.e., uploading to a website as Public Opinion Research reports are).[19]

13. Adopting Publication Schedules

Normalizing the retention and disposition schedules would be useful, especially if explanations for the timeframes are provided. Presumably, many records are to be retained indefinitely.

14. Indigenous access to, and protection of, information

Recognizing the constitutional and other legal rights of Indigenous Peoples is important, especially in relation to retention of records (some of which are historic). Also, records indicating litigation policy in regard to Indigenous Peoples' rights reveal whether the Crown is exercising its discretion in the public interest and human rights or as an aggressive defense of the Crown and public purse.

15. Compliance monitoring and reporting

It seems that section 70 of the *Access to Information Act* already give the minister (currently, the President of the Treasury Board and sometimes the Minister of Justice[20] and Governor of the Bank of Canada) broad powers to create forms, and collect statistics. For instance, subsection 70(d) empowers the minister to:

> *"cause statistics to be collected on an annual basis for the purpose of assessing the compliance of government institutions with the provisions of this Part and the regulations relating to access to records and cause to be published on an annual basis a report containing a summary of those statistics."*

16. Oversight

It is important and valuable to ensure that the Information Officer orders more effectively bind government departments. However, it may also be necessary to allow all departmental Access to Information Coordinators to become employees of the Information Commissioner, an Officer of

Parliament, and to allow the Commissioner to determine whether to physically embed those staff in the departments for which they are responsible, or under the roof of the Commissioner's office as, by analogy, the Office of the Auditor General of Canada. However, if the Information Commissioner's Office is better able ensure that disclosures are appropriately redacted and has the resources and staff culture to disclose records in a timely manner, the need to rely on enforceable court orders ought to decline.

As Information Commissioner Caroline Maynard emphasized in her July 2025 letter to you, departmental staff who processed applications for access to federal government records do not just provide a government service, they fulfill a duty to fulfill a vital "quasi-constitutional right grounded in law."[21]

17. Mediation

Litigation is expensive. It is likely prohibitively expensive for most public interest record-requesters. By contrast, the mere threat of litigation by large companies likely leads to information being redacted and records being concealed entirely when they ought to be disclosed. Mediation is best suited for resolving purely private disputes between parties that are of approximately equal negotiating power. There is typically unequal bargaining power between the requester and the government record-holder, an inequality that can be compounded by private sector companies that oppose disclosure. Access-to-information requests (much more than *Privacy Act* requests) typically have public interest implications. There should be a transparent record of the results of mediation that reflects, for instance, its opinion about the sufficiency of the negotiated agreement and what has been sacrificed by the requester to achieve the agreement.

18. Justifications for Commissioner orders

A requirement for Commissioners to provide justifications for orders is consistent with fostering the culture of justification promoted by the Supreme Court of Canada's 2019 decision in *Vavilov*. Of course, requiring more information to be proactively published, more control by the Information Officer over Access to Information Coordinators, better coordinated information repositories, and sufficient funding to fulfill request disclosures in a timely way ought to reduce the need for Commissioner orders altogether, let alone adequately justified orders.

19. What's Missing?

My organization submitted a response to this consultation that is available on its website: http://healthscienceandlaw.ca/, which will be moved to http://healthscienceandlaw.ca/policy-documents/ in the coming months. In this vein, the values of information disclosure would have been better served in this consultation by automatically posting all of the inputs online, rather than discouraging the inclusion of personal information in submissions. Organizations, experts, media outlets, and businesses should not be allowed to secretly or anonymously influence the development of government policy, regulations and statutes. Transparency is consistent with the culture of justification promoted by the Supreme Court of Canada in *Vavilov,* and the "transparency-by-default" observed by the many European Union institutions, and proactively disclosed submissions in response to United States Federal Register proposals for regulatory

reform. That said, arguably, the cautions given to online consultation contributors seem adequate to justify disclosing their input entirely. At worst, the Treasury Board could reasonably consider publishing submissions by all submitters, for instance, a 30-day grace period to file an objection in response to a mass email notice signifying the intent to do so, with all institutional and expert contributors copied or personal submitters blind copied. Furthermore, as with access-to-information requests and informal requests, applicants should not have the discretion to describe their type of applicant as "decline to identify," rather than (as, for example, Health Canada breakdowns in 2023-2024):

1. business (private sector) (52%),
2. public (15%),
3. media (10%,
4. organizations (political party, association, union) (8%),
5. academic (3%); and
6. declined (12%).[22]

Endnotes

[1] *Canada* v. *Vavilov*, 2019 SCC 65 (CanLII), [2019] 4 SCR 653, at para. 2. Available at: https://www.canlii.org/en/ca/scc/doc/2019/2019scc65/2019scc65.pdf

[2] Treasury Board. Policy on Regulatory Development. (Ottawa: TB, 2024). Available at: https://www.canada.ca/en/government/system/laws/developing-improving-federal-regulations/requirements-developing-managing-reviewing-regulations/guidelines-tools/policy-regulatory-development.html

[3] The request stated:

> *I would like records indicating the amounts sold of each of the approximately 700 pesticides listed in the reports entitled "Pest Control Products Sales Report for 2007", "Pest Control Products Sales Report for 2020", and "Pest Control Products Sales Report for 2021." However, to be clear, I do not want the wide ranges of amounts of each pesticide (e.g., 500,000 to 1 million kg of active ingredients for each pesticide). Nor do I want a [sic] aggregate total of all active ingredients; these numbers are readily publicly available on request. To illustrate, the 2018 report listed approximately 700 active ingredients sold in Canada. Please provide the data sorted by chemical group, as in Appendix II of the Sales Reports. Please provide the information in the spreadsheet format in which it exists. That is to say, do not convert the spreadsheet to a PDF because the process of converting it back to a spreadsheet for analysis is time consuming and introduces the risk of transcriptions errors.*

[4] Officer of the Information Commissioner. Letter to the President of the Treasury Board. Observations on the state of the access to information system (2024-2025). (Ottawa: OIC, July 4, 2025). See: https://www.oic-ci.gc.ca/en/resources/reports-publications/letter-president-treasury-board-july-2025

[5] Treasury Board. Completed access to info requests database. Available at: https://open.canada.ca/en/search/ati

[6] Health Canada. Annual Report on the Access to Information Act and the Privacy Act. (Ottawa: HC, 2024) at page 6. Available at: https://www.canada.ca/content/dam/hc-sc/documents/corporate/about-health-canada/reports-publications/access-information-privacy/2023-2024-annual-report-access-information-privacy-act/2023-2024-annual-report-access-information-privacy-act.pdf

[7] Treasury Board. Actual and Planned Full-Time Equivalents (FTEs) By Program. (Ottawa: TB, last updated, May 28, 2026). Available at: https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#rpb/.-.-(table.-.-'programFtes.-.-subject.-.-'gov_gov.-.-columns.-.-(.-.-'*7b*7bpa_last_year_5*7d*7d.-.-'*7b*7bpa_last_year_4*7d*7d.-.-'*7b*7bpa_last_year_3*7d*7d.-.-'*7b*7bpa_last_year_2*7d*7d.-.-'*7b*7bpa_last_year*7d*7d.-.-'*7b*7bplanning_year_1*7d*7d.-.-'*7b*7bplanning_year_2*7d*7d.-.-'*7b*7bplanning_year_3*7d*7d))

[8] Officer of the Information Commissioner. Observations on the state of the access to information system (2024-2025). (Ottawa: OIC, May 28, 2026). Available at: https://www.oic-ci.gc.ca/en/resources/reports-publications/observations-state-access-information-system-2024-2025

[9] Human Resources and Social Development Canada. State of Service 2025. (Ottawa: HRSDC, 2025). Available at : https://www.canada.ca/content/dam/esdc-edsc/documents/corporate/reports/state-of-service-2025/the-state-of-service-annual-report-2025.pdf

[10] Officer of the Information Commissioner. Letter to the President of the Treasury Board. Observations on the state of the access to information system (2024-2025). (Ottawa: OIC, July 4, 2025). See: https://www.oic-ci.gc.ca/en/resources/reports-publications/letter-president-treasury-board-july-2025

[11] Officer of the Information Commissioner. Observations on the state of the access to information system (2024-2025). (Ottawa: OIC, May 28, 2026). Available at: https://www.oic-ci.gc.ca/en/resources/reports-publications/observations-state-access-information-system-2024-2025

[12] Health Canada. Annual Report on the Access to Information Act and the Privacy Act. (Ottawa: HC, 2024) at page 12. Available at: https://www.canada.ca/content/dam/hc-sc/documents/corporate/about-health-canada/reports-publications/access-information-privacy/2023-2024-annual-report-access-information-privacy-act/2023-2024-annual-report-access-information-privacy-act.pdf

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[19] Recently Public Opinion Reports have been moved from a POR-dedicated website to the enormous National Archives: https://bac-lac.on.worldcat.org/discovery and dedicated POR "master index" that is not longer searchable by Boolean search: https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/index.html Early indications are that these changes will diminish their use except for those who are adept at and committed to persistently using ChatGPT or other AI tools to, essentially, bypass the new inflexible federal government search tools. https://www.google.com/advanced_search was insufficient.

[20] SI/83-108, paragraphs b and c, designating the Minister of Justice and the President of the Treasury Board as Ministers for Purposes of Certain Sections of the Access to Information Act. Available at: https://laws-lois.justice.gc.ca/PDF/SI-83-108.pdf

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