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## Feds Conceal More Records

More federal agencies are improperly withholding documents in breach of federal law, says the [Office of the Information Commissioner](#). Complaints over concealment of records under the *Access to Information Act* increased 30 percent last year, reported Commissioner Suzanne Legault.

“For the first time most requests are being made by members of the general public,” said Legault, noting a majority of previous applications came from corporations, attorneys, journalists and institutional users: “This is a shift in terms of who is making the access requests.”

“We could say there is more awareness among Canadians,” Legault said. “People are using this to get more information from their government that they are not getting.” However Legault identified growing frustration with inappropriate handling of requests for confidential information, including incidents in which:

- The Privy Council Office tried to bill an applicant \$4,300 to retrieve files, improperly claiming the cost of “employee benefits”; the charge was finally reduced to \$120 on appeal;
- Treasury Board “simply stopped asking” about one applicant’s file after seven months and dismissed the request; the information was finally released after nearly a year;
- Transport Canada awarded itself inexcusable 18-month extensions to release information related to the fatal Lac-Mégantic, Que. train derailment, even stalling one request by claiming it needed time for “consultations” that never occurred;
- VIA Rail refused to disclose information on passenger volumes at specific stations for 2011 and 2012, claiming it was proprietary and confidential, though VIA posted identical numbers from 2007 to 2010 on its website.

“The increasing complaints are indicative of what is going on in two fronts – people are not as willing to be dismissed, and are more willing to stand up for their lawful rights to information,” said Sharon Polsky, [Privacy and Access Council of Canada](#) president. “At the same time it means that there are more access requests that are being dismissed.”

More than half of 680 complaints investigated last year resulted in departments releasing information they claimed they didn't have, or insisted they were entitled to withhold. In one department, Citizenship and Immigration Canada, 127 out of 148 complaints were upheld as legitimate on investigation. At Canada Revenue Agency, 105 of 146 complaints were upheld.

"Things are not getting better," said Polsky. "Part of the problem is how the laws are written. They allow governments to conduct their work verbally; very few laws require anything to be written down so that when someone submits an access request the honest answer is there are no responsive records."

"We have no way of verifying if that is accurate," Polsky said. "Fewer and fewer people trust because more and more people think they have less reason to trust."

By Kaven Baker-Voakes 🇨🇦🇨🇦