

ACCESSING GOVERNMENT INFORMATION:

General Tips

Disclaimer:

We have attempted to ensure that the information provided in this Manual is reasonably accurate and complete as of December 2005. However, we cannot guarantee complete accuracy or comprehensiveness; you should consult the relevant legislation and authorities if you seek fully accurate, complete, and up-to-date information.

Moreover, this Manual provides information of a general nature and does not constitute legal advice. Should you need legal advice, seek a lawyer.

Please report any errors or omissions in this Manual to cippic@uottawa.ca

Know what you seek

It is important to understand what you are looking for before you begin the access to information process. This will help you determine which government institution or agency to send your request to. The more you know about the kind of records the government keeps on the topic in question, the easier it will be to frame your access request effectively. Use government guides and directories to identify likely sources of relevant information (the Manual provides links to guides and directories).

Check to see if the information is already available to the public

Do a search on the Internet or call a library to see if the information is already available to the public before you go to the trouble of an access request – it may not be necessary! The national library and national archives, as well as local public libraries, are good resources.

For federal access requests, check the CAIRS database

If you want to get information from the federal government, you can find out if others have made similar access requests by consulting the CAIRS database at: <http://www.onlinedemocracy.ca/CAIRS/CAIA-OD.htm>. If you find that similar requests have been made, you can contact departments and agencies to obtain records already made public in response to those requests.

Use government reading rooms to do preliminary research

Ask if there is a reading room where the public may inspect manuals or other relevant documents used by employees of the institution. Some access to information legislation requires government institutions to maintain such facilities.

See if you can get the information informally

Call the government institution and ask if it can give you the information without submitting a formal access request. Depending on the type of information you are seeking, an access request may not be necessary. For example, if all you are seeking is anonymous statistical information, you may be able to get access without a formal request.

That being said, a formal request may turn up more information than the government would provide informally. This is especially true when the records you seek contain information that is unlikely to be released (i.e., where, under a formal request, the government would have to black out or sever information from the records it releases).

Determine whether the government agency is subject to the Access law

Check the Act or associated regulations to confirm that the agency is subject to the access to information law. Some Acts provide lists of government institutions that are subject to Access laws. If the agency is not covered by the Access law, you may still be able to access relevant records via other government agencies subject to the law (e.g., correspondence,

briefing notes to a Minister about a crown corporation). Also, even if the agency is not covered by the law, it may nevertheless grant you access.

Make requests of more than one agency

You don't need to restrict your request to one agency. Multiple requests can yield records that fill in gaps left by a single agency's records.

Frame your request carefully

Request "records"

Request "records," not "information." Most Acts refer to government records, not to information. Make sure to add the phrase "including but not limited to" or something similar in your access to information request to ensure the request is not construed as being for a limited set of formats. Note that "records" include anything from email messages to reports. They can be in electronic form or hard copy. They include, for example, drawings, photographs, films, microforms, sound recordings, video-tapes, working papers, among other documentary material.

Request indexes, catalogues, briefing notes, and other records management aids

If the information you want spans a broad area or could entail many records, you might want to try requesting indexes, ministerial briefing notes, or other records management aids first. These types of records can help you narrow your request to what you really need. This process can also shed light on other issues you may not have been aware of. The only drawback is that this is a two step request process. Once you decide which records you would like, another request must be filed and the government institution has another 30 days to respond. Also, be careful not to ask for "lists" or other records that the agency does not necessarily have; the law does not require agencies to create new records – only to disclose what they already have.

Consider stating the purpose of your request

Stating the purpose for your request is not necessary. However, doing so may help the access to information coordinator of a government institution to locate the information more quickly.

Provide context for your request

Along with your request, send news articles, press releases or any other material that will help the access to information coordinator of a government institution understand what you're asking for. This will help the coordinator locate the information quickly, and you're more likely to get the records you want.

Be specific

Unless absolutely necessary, try not to request everything available on a subject. The

response will be quicker and cheaper if you make a narrower request. If you are having trouble framing the request, call the relevant access co-ordinator to see if your proposed request is likely to pull up too many (or too few) records.

If they ask for more time, give them a time limit

If the agency responds that it needs more time to answer your request, or if you know that it will need more than 30 days to respond, give it a time limit. If you don't, you could find yourself waiting for a year or more.

Include any required fee (or request a waiver)

Always remember to include the applicable fee. Note that some agencies require that your cheque be made out to them specifically, while others accept cheques made out to the Receiver General or other general government agency authorized to receive payments.

If the purpose is public interest research, you can request a fee waiver, using such wording as: "As this request is in the public interest, I ask that you please waive all fees." Note that this is not a guarantee that fees will be waived.

If you are concerned about being identified, have someone else make the request on your behalf

Unless the request is for personal information, you can have someone else make the request on your behalf.

Follow-up with the access co-ordinator

Call the relevant access co-ordinator a few days after you submit your request to confirm receipt and ensure that everything is in order. This is an opportunity for you to clarify your request as necessary, although in some cases, the co-ordinator will contact you if your request is unclear. Calling also shows that you are serious about the request and it may help to speed things along.

Negotiate with agencies

Remember that access requests aren't carved in stone. In consultation with the access analyst, you can broaden or narrow your request after it has been submitted, in order to smooth or speed up the process. Be aware, though, that reframing your request might restart the clock, giving the agency more time to respond.

You can also usually negotiate fees, particularly if an agency is late in responding to your request.

Save money by inspecting records in person

If your request turns up voluminous records with associated high photocopying fees, ask to

inspect the records in person. That way, you can narrow down the documents that you need to copy.

Document all correspondence and conversations

Keep a copy of each request you make, along with all associated correspondence. Make notes in your file each time you speak with the access co-ordinator, always recording the date and highlights of the conversation. This could be critical information should you wish to appeal, or otherwise need to refer back.

Read the records you receive carefully

Take some quiet time to go through the package of materials that you receive in response to your request. The response may include pages with severed information, or even entirely blank pages. The records may also be undated and in haphazard order. In some cases, it will be difficult to tell how they were created or why. Make careful notes at this stage; they will be helpful with any follow-up inquiries to the agency you may wish to make.

Be persistent

Don't let the agency off the hook. Follow-up with any questions you have about the records you received. If necessary, complain to the information commissioner. For advice on how to complain, see the "appeals" section of the Manual.

For more information (Tips, Links, etc.), see the Jim Bronskill's and David McKie's webpage for their course in journalism research: <http://ca.geocities.com/davidmckie@rogers.com/>