



Information Commissioner's final report

Institution: Transport Canada

Date: 2026-03-24

OIC file number: 5825-03707

Access request number: A-2025-00178

Complaint

The complainant alleged that Transport Canada did not respond to an access request within the 30-day period set out in section 7 of the *Access to Information Act*. The allegation falls under paragraph 30(1)(a) of the Act.

The complainant also alleged that Transport Canada improperly handled the request before opening the file. This allegation falls under paragraph 30(1)(f).

The request was for all correspondence, for a specified period, regarding the Greater Toronto Airports Authority (GTAA), specifically related to four areas of interest:

1. Inquiries or complaints raised regarding noise and health;
2. Communications seeking approval to change flight paths, flight hours, and curfews;
3. Passenger-based formula and its use/approval and any consultations done in the approval process, and;
4. Redesign or expansion of the airspace or operational zones around Pearson.

Investigation

Time limits for responding to access requests

Section 7 requires institutions to respond to access requests within 30 days unless they have transferred a request to another institution or validly extended the 30-day period for responding by meeting the requirements of section 9. When an institution does not respond to a request within the 30-day or extended period, it is deemed to have refused access to the requested records under subsection 10(3).

Nevertheless, the institution is still required to provide a response to the access request.

What is a response?

The response must be in writing and indicate whether the institution is giving access to any or part of the requested records.

- When the response indicates that the institution has **given access** to the records or part of them, the institution must provide access to those records.
- When the response indicates that the institution has **denied access** to the records or part of them, the institution must explain that the records do not exist or that the institution has exempted them, or part of them, under a specific provision, which the institution must name.

In specific circumstances, the institution may refuse to confirm or deny in its response whether records exist under subsection 10(2).

Did the institution respond within the time limits?

Transport Canada received the access request on June 4, 2025, but neither extended the period within which it had to respond to the request under subsection 9(1), nor transferred the request. This means that the 30-day period under section 7 still applied, making the time limit to respond July 4, 2025.

Transport Canada did not respond to the access request by that date. I conclude, therefore, that Transport Canada did not meet its obligation to respond to the request within the 30-day period. Transport Canada is deemed to have refused access to the requested records under subsection 10(3).

The investigation revealed that the request that is the subject of this complaint is being processed concurrently with two other requests submitted by the same complainant, for related information, during the same period. Transport Canada's Access to Information and Privacy (ATIP) office initiated the retrieval of records for this request on June 5, 2025. There were four Offices of Primary Interest (OPIs) tasked, three of which provided responses by June 13, 2025. The fourth, and main OPI, Ontario Region, has yet to provide any records, and has estimated that there are approximately 10,000 pages of responsive records for this access request, in both paper and electronic format.

Transport Canada's ATIP office was, therefore, unaware of whether any consultations may be required before responding to the access request.

As such, the ATIP office was not in a position to provide the Office of the Information Commissioner (OIC) with a date by which it anticipated providing a complete response to the access request. Despite being afforded several opportunities to provide representations beyond the estimated page count of responsive records, the ATIP office failed to provide any additional information germane to the outstanding work necessary to complete the processing of the request.

I find the delay taken by Ontario Region to search, gather and send all relevant records to the ATIP office in a judicious manner irresponsible and unacceptable. The OPI was originally tasked with retrieving potentially responsive records on June 5, 2025, and then a fire, which prohibited access to the paper records stored in the affected building, occurred on December 29, 2025 - more than six months afterwards. As such, the processing of paper records remains in abeyance until such time as access to the building is granted. Had the retrieval of responsive records been conducted within a reasonable timeframe from when the request was received, the fire would have had no bearing on the processing of this access request.

Based on the reopening of other services within the same building, such as Service Canada, it appears that the building has been reopened to the public since at least the beginning of March 2026.

Additionally, electronic records, some already with the ATIP office and the majority not yet retrieved by the OPI, were not being processed while access to paper records was unattainable, despite access to the electronic files being unaffected by the fire. The lack of responsiveness from this OPI has affected Transport Canada's ability to meet its obligation to ensure that this access request was responded to in accordance with the requirements of the Act. Moreover, this delay has also prevented Transport Canada's ATIP office from assessing the work involved with responding to the request, which is essential for determining the resources and time needed to process the request effectively.

The Minister should remind his public service officials that properly storing and managing information related to key actions is essential to efficiently and dutifully respond to access requests. Moreover, the Minister should remind his public officials of their responsibility in providing timely access to information to Canadians. The ATIP unit is not the only one responsible for ensuring that the Act is respected; it is a departmental and collective responsibility. It is up to the head of the institution, here, the Minister of Transport, to ensure that it is understood and respected within the institution.

The complainant has now been waiting more than nine months for a response to their access request. Any additional time that is taken to respond to this request is another

day by which the complainant's rights of access are being denied. This lack of responsiveness is in clear contravention of Transport Canada's obligations under the Act and undermines the credibility of the access system.

Transport Canada must respond to the request within the shortest amount of time possible. Any response must necessarily be compliant with Transport Canada's other obligations under the Act, including the obligation to respond to the request accurately, completely and in a timely manner.

I recently recommended to the Minister of Transport that he:

1. develop processes and procedures to ensure that Transport Canada's OPIs will abide by their responsibilities and provide records to the ATIP unit in a timely manner; and
2. develop performance indicators to hold its officials accountable for delays in responding to the ATIP unit in a timely manner.

This investigation serves as yet another example of the importance of implementing these recommendations as soon as possible.

Considering the volume of the records to be reviewed, the complexity of the subject matter, the work that remains outstanding, and how long the response to the access request has been outstanding, I conclude that it is appropriate for Transport Canada to provide a response as soon as possible, but no later than 120 business days following the date of the final report.

Subsection 4(2.1): Duty to assist

Subsection 4(2.1) sets out a general duty for institutions to assist requesters. The scope of this duty is broad and extends as far as it would be reasonable for institutions to provide assistance.

The duty to assist does not require institutions to take particular steps in all cases, but carrying out this obligation may include actions such as helping a requester clarify their access request to make it possible for the institution to identify responsive records and/or helping a requester narrow the scope of a request to facilitate a more timely response. What will constitute "every reasonable effort" to assist the requester with their request in any given situation will depend on the facts and circumstances of the request. In turn, whether an institution has met its obligations under subsection 4(2.1) is fact dependent and must be assessed case by case.

Did the institution meet its duty to assist the complainant?

The complainant alleged that Transport Canada improperly handled the request before opening the file, in that it initially treated the request as a request for GTAA's own records and directed the complainant to make the request directly to GTAA.

Upon reviewing the text of the original access request, there was no mention of Transport Canada, and the records requested were specifically related to GTAA and its interactions with elected officials or government employees at the federal, provincial, or municipal levels. Given that several of the requested records did not involve employees at the federal level at all, such as "Communications involving any contractors or consultants working for or with the GTAA", I conclude that it was not unreasonable for Transport Canada to believe that the complainant may have been seeking records from GTAA. It therefore appears that Transport Canada was attempting to assist the complainant by directing them to GTAA, which would have had a greater interest in the records.

The investigation also revealed that Transport Canada promptly corresponded with the complainant on the same day the request was received in order to seek clarification about this point. Once the complainant confirmed that the request was intended for Transport Canada and clarified the request text, Transport Canada proceeded to process the request.

I conclude that Transport Canada did not improperly handle the request before opening the file.

Outcome

The complaint is well founded because Transport Canada did not respond to the request within the 30-day period.

Order and recommendations

I order the Minister of Transport to provide a complete response to the access request no later than 120 business days following the date of the final report.

I recommend that the Minister of Transport ensure its employees receive training and support on information management responsibilities and procedures and are instructed to carry out those responsibilities.

I also recommend that the Minister of Transport:

1. develop processes and procedures to ensure that Transport Canada's OPIs will abide by their responsibilities and provide records to the ATIP unit in a timely manner; and
2. develop performance indicators to hold its officials accountable for delays in responding to the ATIP unit in a timely manner.

Initial report and notice from institution

On March 4, 2026, I issued my initial report to the Minister, setting out my order and recommendations.

On March 19, 2026, Transport Canada gave me notice that it would not be implementing my order. Transport Canada stated that an interim response would be released within 120 days of the date of the final report, however, no reasons were provided to explain why it would not be implementing the order.

I remind the Minister that, if he does not intend to fully implement my order, he must apply to the Federal Court for a review by the deadline set out below.

Review by Federal Court

When an allegation in a complaint falls under paragraph 30(1)(a), (b), (c), (d), (d.1) or (e) of the Act, the complainant has the right to apply to the Federal Court for a review. When the Information Commissioner makes an order(s), the institution also has the right to apply for a review. Whoever applies for a review must do so within 35 business days after the date of this report and serve a copy of the application for review to the relevant parties, as per section 43. If no one applies for a review by this deadline, this order takes effect on the 36th business day after the date of this report.



Caroline Maynard
Information Commissioner of Canada