



Information Commissioner's final report

Institution: Transport Canada

Date: 2026-04-16

OIC file number: 5825-03708

Access request number: A-2025-00179

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 request was for specific records and information, for identified periods, regarding Toronto Pearson International Airport, specifically related to aircraft movements. The allegation falls under paragraph 30(1)(a) of the Act.

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 this 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 to search for responsive records. Three OPIs confirmed that they are not subject matter experts and held no records responsive to the request. The fourth OPI – Ontario Region – indicated that it held responsive records and, to date, has not provided any of the records. Transport Canada informed the Office of the Information Commissioner (OIC) that between 800 and 900 pages of potentially responsive records would eventually be provided to the ATIP office by Ontario Region.

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, such as the possibility of any necessary consultations.

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, and it is expected that most records responsive to the request are in paper format due to the date range of the request. 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 most recent update from the OPI, the building was expected to be accessible on or about March 9, 2026, at which time the retrieval of responsive records was expected to commence.

Additionally, a small number of electronic records had not yet been retrieved by the OPI and 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 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 60 business days following the date of the final report.

Outcome

The complaint is well founded.

Order and recommendations

I order the Minister of Transport to provide a complete response to the access request no later than 60 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 30, 2026, I issued my initial report to the Minister, setting out my order and recommendations.

On April 13, 2026, the Acting Manager of Access to Information and Privacy gave me notice that Transport Canada would be implementing my order.

Transport Canada did not indicate whether it would implement my recommendations. I would like to respectfully remind the Minister that these recommendations remain important and should be implemented without delay.

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