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### **GOVERNMENT INFORMATION: THE RIGHT TO INFORMATION AND THE PROTECTION OF PRIVACY IN CANADA**

**Klein and Kratchanov  
Release No. 6, December 2025**

*Government Information: The Right to Information and the Protection of Privacy in Canada*, by Kris Klein and Denis Kratchanov, is the only publication of its kind dealing exclusively with access to information and privacy of personal information in the public sector in Canada. This is the second edition of Government Information.

The first edition was written by Colin McNairn and Christopher Woodbury and was maintained by them, through updating releases, for the period from 1989 through 2008.

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## Highlights

This release features updates to Chapters 1 (Introduction: Right to Government Information) through to Chapter 8 (Management of Personal Information).

- **Introduction: Right to Government Information—Constitutional (*Charter* and Unwritten Constitutional Principles)**—While the scope of a constitutional right to government documents remains narrow, there is at least one notable practical consequence of the Supreme Court of Canada’s recognition that such right may exist as a matter of principle. As a result of this recognition, an Information Commissioner’s failure to explicitly and thoroughly consider the existence of this right if appropriate in the particular circumstances of their investigation into an institution’s refusal decision may be considered an error of “the stark nature” and be sufficient to render the Commissioner’s decision unreasonable if not incorrect: *Cardoso v. LECA*, 2025 ONSC 3450, 2025 CarswellOnt 9822 (Ont. Div. Ct.).
- **Judicial Review and Appeals—Court Application or Appeal in respect of the Management of Personal Information**—In Quebec, the Quebec Court ruled that the Commission d'accès à l'information does not have the jurisdiction to address a question relating to the disclosure of personal information that should have first been put before the appropriate tribunal: *Société québécoise d'information juridique c. Commission d'accès à l'information*, 2025 QCCQ 859, 2025 CarswellQue 4730 (C.Q.).