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GOVERNMENT INFORMATION: THE RIGHT TO INFORMATION AND THE PROTECTION OF PRIVACY IN CANADA Klein and Kratchanov Release No. 1, February 2026

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 Appendix A (Access and Privacy Legislation—Federal), Appendix B (Access and Privacy Legislation—Provincial), Appendix IF (Issues in Focus) and Appendix WP (Words and Phrases).

- **Access and Privacy Legislation—Federal**—The following legislation was updated:
 - *Access to Information Act*
 - *Privacy Act*
- **Access and Privacy Legislation—Provincial**— The following legislation was updated:
 - *Freedom of Information and Protection of Privacy Act* (British Columbia)
 - *The Freedom of Information and Protection of Privacy Act* (Manitoba)
 - *Access to Information and Protection of Privacy Act, 2015* (Newfoundland and Labrador)
 - *Freedom of Information and Protection of Privacy Act* (Ontario)
 - *General*—Ont. Reg. 460
- **Issues in Focus**— The following Issues in Focus legal memos were updated:
 - § IF:6. How have courts interpreted the exception found in s. 13(1) of the *Freedom of Information and Protection of Privacy Act*?
 - § IF:7. What are the privacy factors and implications that public organizations in Alberta have to take into consideration and account for when moving any of their operations into the cloud?
- **Words and Phrases**— The following Words and Phrases entries were added:
 - Adequate Privacy—“adequate privacy” does not mean “no overlook”. (*RioCan Holdings (Sunnybrook) Inc. v. Toronto (City)* (2018), 2018 CarswellOnt 13485 (Ont. L.P.A.T.) at para. 34 de Avellar Schiller (Vice Chair))
 - Invasion of Privacy—the Board does not believe that only physical examinations lead to an invasion of privacy. Medical questions of a personal nature might also result in a[n] invasion of privacy. (*Royal Alexandra Hospital v. U.N.A., Local 33* (1990), 10 L.A.C. (4th) 173 at 196 (Alta. Arb. Bd.) Ponak, Surdykowski and Flockhart)
 - Right of Privacy—the right of privacy [is] a personal tort and is designed to protect an individual’s interest

in dignity and peace of mind. (*Gould Estate v. Stoddart Publishing Co.* (1996), [1996] O.J. No. 3288, 1996 CarswellOnt 3537, 14 O.T.C. 136, 31 C.C.L.T. (2d) 224, 15 E.T.R. (2d) 167, 30 O.R. (3d) 520, 74 C.P.R. (3d) 206 (Ont. Gen. Div.) at para. 23 Lederman J)

- Systematic Requests—Systematic requests, on the other hand, are requests “characterized by a system” in which a request is made according to a plan that is organized and carried out according to a set of rules or principles. In previous decisions, the Office of Information and Privacy Commissioner for British Columbia has identified a number of potential characteristics of systematic requests. These include:
 - a) a pattern of requesting more records, based on what the respondent sees in records already received;
 - b) combing over records deliberately in order to identify further issues;
 - c) revisiting earlier freedom of information requests;
 - d) systematically raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by OIPC; and
 - e) behaviour suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events...(*Besler v. British Columbia (Information and Privacy Commissioner)*, 2025 CarswellBC 1101, 2025 BCSC 662, 2025 A.C.W.S. 1896, 58 M.P.L.R. (6th) 220 (B.C. S.C.))

Additional references were also added to existing entries such as Commercial, Intrusion Upon Seclusion, Personal Privacy, Privacy Act, Privacy Commissioner, Reasonable Expectation of Privacy and Right to Privacy.