

Meeting of the Federal-Provincial-Territorial Information and Privacy Commissioners

NEWS RELEASE – Information and Privacy Commissioners across Canada call on governments to safeguard independent review of solicitor-client privilege claims

Iqaluit, Nunavut, October 18, 2017 – In a joint resolution, Canada's Information and Privacy Commissioners (IPCs) have called on governments to ensure that access to information and privacy legislation in every jurisdiction empowers IPCs to compel the production of records over which solicitor-client privilege has been claimed by public bodies to verify whether these claims are properly asserted when responding to requests for access to information.

In *Alberta (Information and Privacy Commissioner) v. University of Calgary*, 2016 SCC 53, the Supreme Court determined that legislative language did not expressly permit the Alberta Commissioner to compel the production of records over which solicitor-client privilege had been claimed. Canada's IPCs are concerned with this decision as they require the power to compel these records in order to properly fulfil their mandate of providing first-level, independent review of public bodies' responses to requests for access to information.

Canada's IPCs are calling on their respective governments to amend access to information and privacy legislation to ensure they are empowered to compel the production of records in order to independently review records over which public bodies claim solicitor-client privilege.

The joint resolution is available on the IPCs' respective websites.