

FREEDOM OF INFORMATION SHUTTING THE FILES

Ontario's freedom-of-information laws let residents, journalists, and researchers request government records. Bill 97 — passed in 2026 as part of the Plan to Protect Ontario Act — rolls back that right for the premier, cabinet ministers, and their political staff, and weakens oversight in other ways. Civil liberties groups and Ontario's Information and Privacy Commissioner warned these changes undermine transparency Ontarians have relied on for decades.

BILL 97 · FIPPA

MINISTERIAL RECORDS EXEMPT

RETROACTIVE TO 1988

WHAT BILL 97 CHANGES

Source: Legislative Assembly of Ontario — Bill 97, Schedule 7 (FIPPA amendments); received Royal Assent in 2026.

- FIPPA will no longer apply to records in the custody or control of a minister, a minister's office, or a parliamentary assistant — unless the same record is also held by a government institution.
- That exclusion covers the premier, every cabinet minister, parliamentary assistants, and their political staff — the offices where many high-stakes decisions are made.
- The standard deadline to answer an access request increases from 30 calendar days to 45 business days — a longer wait for public answers.
- Certain cybersecurity records prepared under the Enhancing Digital Security and Trust Act, 2024 are also carved out of access laws.

RETROACTIVE SECURITY

Source: Bill 97 transitional provisions (Ontario.ca/ola); Canadian Civil Liberties Association analysis.

- Ministerial-record exclusions are deemed to have come into force on January 1, 1988 — not just for future requests.
- Transitional rules can invalidate existing disclosure orders and court decisions that conflict with the new exclusions.
- Records that were already ordered released may be pulled back behind the new wall of secrecy.
- CCLA warned this lets the government avoid accountability for decisions already under scrutiny.

WHY INDEPENDENT VOICES OBJECTED

Source: Information and Privacy Commissioner of Ontario (ipc.on.ca), March 2026; CCLA (ccla.org).

- The IPC said excluding the highest levels of government "diminish[es] the public's right to information" and that retroactivity "raises serious concerns."
- The Commissioner argued modernizing FOI should mean faster disclosure and proactive release — not rolling back rights.
- CCLA called the ministerial carve-out one of the most troubling elements of Bill 97 and warned cybersecurity exemptions could hide evaluations that pose no security risk.
- When ministers' records leave FIPPA, statutory privacy and security safeguards for those records are weakened too — the IPC flagged increased cybersecurity risk.

QUESTIONS TO ASK LOCALLY

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