ATIPP Review Feedback

Submitted by Municipalities Newfoundland and Labrador

Municipalities Newfoundland and Labrador (MNL) supports transparency, accountability and the public's right to access information. These principles are essential to public trust and effective local government. However, municipalities have raised concerns about the increasing use of ATIPP requests in ways that appear intended to harass or overwhelm municipal elected officials and staff rather than serve a legitimate public interest.

These concerns must be considered alongside the capacity challenges facing municipalities. Many communities, particularly smaller municipalities, operate with limited administrative staff who are already responsible for a growing range of essential duties. Responding to complex, repetitive or extensive information requests can place a significant strain on municipal resources and take staff away from service delivery and other core responsibilities. In some cases, the volume and nature of requests have contributed to an environment of harassment and intimidation for those working in municipal government.

MNL believes the ATIPP review should consider how the legislation can better support municipalities in meeting their obligations while protecting the public's right to access information. There is a need for practical safeguards that make it more difficult to misuse the process, without creating unnecessary barriers for individuals seeking information for legitimate purposes.

MNL recommends that the review consider the following measures:

- Clear provisions to address abusive or unreasonable requests: Establish criteria and a fair process for identifying and managing requests that are repetitive, excessively broad, unduly burdensome or demonstrably intended to harass or overwhelm a public body. This could include the ability to seek approval to refuse or modify a request, subject to independent oversight and appropriate appeal rights.

- Greater flexibility to manage complex requests: Provide clear mechanisms for municipalities to request reasonable extensions, negotiate revised timelines or work with applicants to narrow the scope of requests where the volume of records or available staffing makes the original timelines difficult to meet.
- Support for request clarification and scope reduction: Encourage early communication between municipalities and applicants to clarify the information being sought, reduce duplication and identify records that can reasonably be provided without unnecessary administrative effort.
- Practical guidance and training for municipalities: Develop accessible guidance, templates, training and tools to help municipal staff understand their obligations, manage requests consistently and respond appropriately to complex or sensitive matters.
- A centralized support mechanism: Consider establishing a provincial resource or advisory service that municipalities can access for assistance with ATIPP interpretation, complex requests, records management and response procedures. This would be particularly valuable for smaller municipalities without dedicated legal or ATIPP expertise.
- Recognition of municipal capacity: Ensure that the legislation, regulations and associated guidance reflect the administrative realities of municipalities, including the limited staffing and resources available in many communities.
- Clear and consistent oversight: Ensure that any measures introduced to address unreasonable or abusive requests are transparent, consistently applied and subject to appropriate review, protecting both the public's right to information and the interests of public bodies.

The ATIPP review provides an opportunity to improve how the legislation works in practice. Municipalities must be able to meet their obligations without placing an unreasonable burden on staff or compromising their ability to deliver essential services. Stronger safeguards, practical supports and clearer processes would help achieve that balance.

MNL encourages the Province to consider the experiences of municipalities as part of this review and to ensure that any changes provide a fair, workable and sustainable framework for access to information across Newfoundland and Labrador.