

Charlie Angus

Member of Parliament / député
Timmins-James Bay / Timmins-baie James

Ottawa

900 Édifice La Promenade Building
Ottawa, Ontario
K1A 0A6
Tel/Tél: 613-992-2919
Fax/Télé: 613-995-0747

Constituency / Circonscription

202 - 60 ave Wilson Ave Timmins, Ontario P4N 2S7 Tel/Tél : 705-268-6464 Fax/Télé : 705-266-9125	201 - 30 rue Second St Kirkland Lake, Ontario P2N 1R1 Tel/Tél. : 705-567-2747 Fax/Télé. : 705-567-5232
---	--

January 19th 2015



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec
K1A 1H3

RE: Requesting an investigation into CRA for destroying government records

Dear Commissioner Legault,

Canada Revenue Agency has publicly confirmed that in August it directed Shared Services Canada to destroy certain types of its employee's electronic records and to disable logging of these electronic records in the future. Not only did the department not verify if it had any process in place to determine whether these records were of any business value but the automatic deletion of records ensures that there are no protections in place to secure documentation of business value moving forward.

Furthermore, the CRA has publicly stated that the government will disable the logging of all electronic instant messages across all departments and agencies once it adopts a new email system. If true, this systemic deletion of records raises serious questions as to what information and evidence is being hidden from the Canadian public and covered up by the government, such as on the CRA's audits of charitable organizations that are accused of being politically motivated

The deletion of records and covering-up of government scandals is a disturbing pattern of behaviour set by this Conservative government. We have already seen the government attempt to delete the email records of a PMO senior legal staff in a scandal that saw the Prime Minister's Office being investigated by the RCMP and a sitting Conservative Senator charged for taking a bribe from the PMO.

I am asking you to investigate this systematic deletion of certain types of electronic records by CRA and potentially other departments and agencies that appear to breach the Access to Information Act and to violate Canadians' quasi-constitutional right of access to records under the control of a government institution at the time it receives an access to information request. Section 67.1(1) of the Act states that "no person shall, with intent to deny a right of access under this act (a) destroy, mutilate, or alter a record."

You have previously stated that, "Reliance on the goodwill of individual public servants and Ministerial staff to identify, save and store records of business value is insufficient to address the risk that information that should be subject to the Act will be lost without a means of being recovered or retrieved."

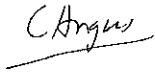
You further expanded that this could result in "an unacceptable risk to the right of access to information in Canada. Second, the operational requirements identified by government institutions do not explain or

justify the risk created by the use of instant messaging.” In other words, “that there is a real risk that information that should be accessible by requesters is being irremediably deleted or lost.”

In response, Minister Clement stated on October 8th 2013 that “I nevertheless acknowledge that nontransitory records of business value, which are the exception in non-email text-based messaging, must be preserved, for example by being forwarded into the email system. I will therefore take steps to reinforce this obligation with all those to whom wireless devices are issued who are subject to the Act.”

The Governments words and commitments to ensure transparency and accountability once again appear to be proven to be hollow. I am asking you to investigate the government’s systemic deletion of these types of electronic records to ensure that this government is held to account and that Canadians’ rights are protected.

Sincerely,

A handwritten signature in cursive script that reads "C. Angus". The signature is written in black ink and is positioned above the typed name.

Charlie Angus
NDP MP Timmins-James Bay