

Appendix A: Overview of Proposed FOIPPA Amendments (Bill 9 - 2026)

Proposed Amendment	Impact to the CRD
Expanded grounds to disregard requests	The Bill adds and modifies the circumstances under which the Information and Privacy Commissioner may authorize a public body to disregard a request. While the threshold remains appropriately high to protect access rights and prevent arbitrary refusals, the proposed changes may provide the CRD with greater ability to address requests that are excessively broad, repetitive, abusive, or an abuse of process. This provision is retroactive and would apply to requests received before, on, or after coming into force.
FOIPPA disappplied to records subject to legal proceedings	Part 2 of FOIPPA would no longer apply to records that must be produced, listed, or identified as part of a court or legal proceeding. The FOI process may no longer be used as an alternative mechanism to obtain records that are properly subject to disclosure through litigation processes such as discovery. As a result, the CRD would no longer be required to process FOI requests for these records. This provision is retroactive.
Authority to determine request validity and sufficiency of detail	The Bill authorizes the Head of the Public Body to determine whether a request is valid, including whether it provides sufficient detail to allow records to be identified within a reasonable amount of time. Requests that are unclear or unreasonably scoped would be ineligible to be opened until clarified. This represents a significant procedural change and will require system and workflow reconfiguration.
Duty to respond without <i>unreasonable</i> delay	The Bill amends the duty to respond “without delay” to “without unreasonable delay.” While statutory timelines remain largely unchanged, this introduces a reasonableness analysis that may be considered by the OIPC in complaints or reviews, increasing scrutiny of delays even where formal extensions have not been taken.
Expanded consent-based timeline extensions	The Bill permits the head of a public body to extend the time for responding to a request by any period to which the applicant consents. This removes the current 30-day limitation on consent-based extensions and provides greater flexibility to manage complex requests, where applicant agreement is obtained.
Clarification of interaction between ss. 5 and 10 (request detail)	The Bill resolves an inconsistency between sections 5 and 10 by allowing the CRD to decline to open a request until sufficient detail is provided, rather than opening the request and placing it on hold. This change alters intake practices and will require technology and process updates to support an “unopened” request state.
Direct access to designated categories of personal records	The Bill enables the head of a public body to establish categories of records containing an individual’s personal information that may be made available directly to the individual without a formal access request. This presents a significant opportunity to enhance transparency, improve service delivery, and reduce FOI processing burden through proactive or self-service access models.