



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**February 26 & 27, 2025**  
**Online via Zoom**

**Resolution 15/2025**

**SUBJECT: SUPPORT FOR BCAFN TO ENGAGE IN THE REFORM OF THE ACCESS TO INFORMATION ACT**

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**Moved BY: SEMPUYLAN STEWART GONZALES, PROXY SQUAMISH FIRST NATION**

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**SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. The Access to Information Act (ATIA) was first enacted in June of 1985, providing the right of access to information under the control of a federal government institution. Today, all Canadian citizens, permanent residents or any person or corporation residing in Canada have the right to request access to records of government institutions that are subject to the Access to Information Act, commonly known as an ATIP request;
- B. First Nations rely on the ATIP system for unique and critical purposes, such as obtaining:
  - Information related to residential schools
  - Information related to missing and murdered Indigenous women and girls
  - Genealogical records to establish status claims; and,
  - Records to advance land claims research;
- C. ATIP requests have been widely criticized due to long wait times, the quality of information obtained, fees and the inconsistent application of exemptions in response to ATIP requests.

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**Certified copy of a resolution adopted on the 27<sup>th</sup> day of February 2025**

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**Terry Teegee, BC Regional Chief**

There is currently no culturally responsive or distinctions-based approach regarding the ATIP program for First Nations requestors under the Act;

- D. The *United Nations Declaration on the Rights of Indigenous Peoples* (“UN Declaration”), which the government of Canada has adopted without qualification and has, alongside the government of British Columbia, passed legislation committing to implement, affirms:

**Article 18:** Indigenous peoples have the right to participate in decision-making in matter which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

**Article 19:** States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;

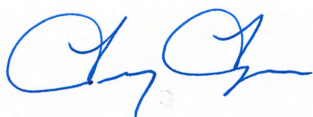
- E. In 2019, the government of Canada passed Bill C-58, an Act to amend the Access to Information Act (ATIA) and the Privacy Act and to make consequential amendments to other Acts, the first major reform to this law in over 30 years;
- F. Under section 93(1) of the ATIA, the President of the Treasury Board of Canada must undertake a review of the Act within one year after the day on which this section comes into force and every five years after the review is undertaken and shall cause a report to be laid before each House of Parliament. The first review of the ATIA was launched in 2020, and the next review must be initiated in 2025;
- G. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent by the government of Canada, and immediately came into force, therefore affirming:

**Section 5:** The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.

- H. On October 24, 2024, the BCAFN received an invitation from the Chief Information Officer of Canada to participate in the 2025 review of the Access to Information Act; and
- I. Due to the unique and critical nature of Indigenous requestors under the ATIA, it is imperative that B.C. First Nations provide critical feedback and recommendations to reform the ATIA process, to ensure adequate and effective use of the program.

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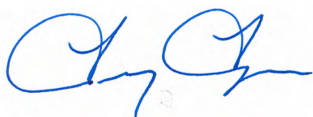
Terry Teegee, BC Regional Chief

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-In-Assembly supports BCAFN engaging with Treasury Board of Canada to co-develop Access to Information Act (ATIA) reforms which reflect the interests and priorities of First Nations in BC;
2. The BCAFN Chiefs-in-Assembly call on the Regional Chief and BCAFN staff to provide updates to the Chiefs-in-Assembly on the status of ATIA reform discussions;
3. The BCAFN Chiefs-in-Assembly call on the Treasury Board of Canada to provide adequate funding and timelines to ensure the full participation of B.C. First Nations in the engagement process; and
4. The BCAFN Chiefs-in-Assembly call on the Government of Canada to extend regular invitations to B.C. First Nations to provide feedback and recommendations related to the Access to Information Act for all regular reviews of the Act every five years.

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**Terry Teegee, BC Regional Chief**