# Recommendation 12 – Reasonable Access

## Language from Initial Report

The EPDP Team recommends that the current requirements in the Temporary Specification in relation to reasonable access remain in place until work on a system for Standardized Access to Non-Public Registration Data has been completed, noting that the terms should be modified to refer to “parameters for responding to lawful disclosure requests.” Furthermore, the EPDP Team recommends that criteria around the term “reasonable” are further explored as part of the implementation of these policy recommendations addressing:

* + [Practicable]\* timelines criteria for responses to be provided by Contracted Parties;
  + Format by which requests should be made and responses are provided;
  + Communication/Instructions around how and where requests should be submitted;
  + Requirements for what information responses should include (for example, auto-acknowledgement of requests and rationale for rejection of request);
  + Logging of requests.

[\*Some concern expressed that timeliness that should not be translated into requirements that are impractical for contracted parties].

## Updated Language for Consideration

*The following language resulted from an end of meeting discussion between several EPDP members.*

1. [From Kavouss - The EPDP Team recommends that until the time that the Standardized Access to Non-Public Registration Data has been studied and agreed upon, as appropriate, the parameters for responding to requests for disclosure, as described below, should be used on an interim basis.]

The EPDP Team recommends that the current requirements in the Temporary Specification in relation to reasonable access remain in place notwithstanding discussions related to a system for Standardized Access to Non-Public Registration Data, noting that the language in Appendix A Section 4.1 should be modified to refer to “parameters for responding to [disclosure requests.”] [ “requests for lawful disclosure.”]

Furthermore, the EPDP Team recommends that criteria around the term “reasonable” are further explored as part of the implementation of these policy recommendations addressing:

* Communication/Instructions explaining how and where requests should be submitted;
  + Contracted Parties must publish the mechanism and process for submitting Reasonable Disclosure Requests in a publicly accessible section of their website.
  + A link to this process should also be provided in any RDS response containing only Public Data.
* Format by which requests should be made and responses are provided;
  + Reasonable Disclosure Requests must, at a minimum, include the following information:
    - Information about the requestor (including Power of Attorney statements, where applicable and relevant);
    - Information about the legal rights of the requestor and specific rationale and/or justification for the request. (e.g. Why is it necessary for the requestor to ask for this data.)
    - Affirmation that the request is being made in good faith;
    - A list of data elements required by the requestor.
    - Agreement to process any data received in response to the request lawfully.
    - Statement as to why no further information is required beyond what has been submitted to decide if access to data should be allowed.
* [Practicable]\* timelines criteria for responses to be provided by Contracted Parties;
  + Contracted Parties must acknowledge receipt of a Reasonable Disclosure Request [within X Business Days[[1]](#footnote-1).] [without unreasonable delay, but ordinarily not more than 2 business days from receipt.]
  + Contracted parties must process and respond to Reasonable Disclosure Request within Y Business Days. [Y should be a reasonable number of business days, allowing for manual processing and proper consideration as necessary.]
* Requirements for what information responses should include (for example, auto-acknowledgement of requests and rationale for rejection of request);
  + Upon receipt of a Reasonable Disclosure Request, Contracted Parties must respond with an acknowledgement that the request has been received. [Additional data could be included here, e.g. a timeline for full response, case numbers (as applicable), additional contact details (email, phone, webform), etc.]
  + After analysis, Contracted Parties must respond in one of four ways.
    1. Malformed or incomplete requests can be returned without further processing with a response that details how the request was malformed or incomplete.
    2. All approved responses should include all data requested.
    3. Any partially approved responses (e.g. a response that does not include all data requested) should include specific rationale for why some data was not disclosed.
    4. All responses denying access to all data must include specific rationale for the denial. (e.g. indication of why the request failed to pass the balancing test as required by 6.1.f., if applicable) [Unjustified] Blanket denials without rationale are not allowed. [Blanket denials, unless where appropriate in the specific circumstances, are not permitted.]
* Logging of requests.
  + TBD

[\*Some concern expressed that timeliness that should not be translated into requirements that are impractical for contracted parties].

1. Business Days is defined as Monday through Friday and does not include [local] public holidays and weekends. [↑](#footnote-ref-1)