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Canada

Annual Report to Parliament on the Administration of the *Access to Information Act* 2012-2013

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Chapter 1 - Report on the *Access to Information Act*

About Public Safety Canada

Public Safety Canada plays a key role in discharging the Government's fundamental responsibility for the safety and security of its citizens. *The Department of Public Safety and Emergency Preparedness Act*, 2005, and the *Emergency Management Act*, 2007, set out two fundamental roles for the Department: (i) to support the Minister's responsibility for all matters, except those assigned to another federal minister, related to public safety and emergency management, including national leadership and (ii) to coordinate the efforts of Portfolio agencies as well as provide guidance on their strategic priorities. The Department's leadership role is reflected in its strategic outcome, a safe and resilient Canada, and through the pursuit of the following programs: National Security, Border Strategies, Countering Crime, Emergency Management and Internal Services. The Department also delivers a number of grant and contribution programs related to emergency management and community safety. While portfolio

agencies deliver public security operations according to their individual mandates, Public Safety Canada, in its portfolio coordination role, brings strategic focus to the overall safety and security agenda. In this capacity, the Department also contributes to the safety and security of Canadians. In fulfilling its mandate, Public Safety Canada works in consultation with other organizations and partners—federal departments and agencies, provinces and territories, non-government organizations, the private sector, foreign states, academia and communities. Public Safety Canada is structurally organized into six branches: Community Safety and Partnerships, Corporate Management, Emergency Management and Regional Operations, Law Enforcement and Policing, National Security, and Strategic Policy. These branches are supported by the Internal Audit and Evaluation Directorate, the Communications Directorate, and the Legal Services Directorate. The Department has regional presence in all provinces, as well as in the North to deliver a coordinated federal response to emergencies; ensure effective delivery of emergency management programming, Aboriginal policing and crime prevention programs; as well as improve partnerships with other levels of government and key regional stakeholders.

About the Public Safety Portfolio

The Public Safety Portfolio encompasses nine organizations for which the Minister of Public Safety is responsible. In addition to Public Safety Canada, the Portfolio includes the Canada Border Services Agency (CBSA), the Canadian Security Intelligence Service (CSIS), the Correctional Service of Canada (CSC), the Parole Board of Canada (PBC),and the Royal Canadian Mounted Police (RCMP). It also includes three arm's-length review bodies: the RCMP External Review Committee, the Commission for Public Complaints Against the RCMP, and the Office of the Correctional Investigator. Each organization in the portfolio administers its own access to information and privacy programs, under authorities delegated to them by the Minister**.**

About the *Access to Information Act*

The *Access to Information Act* was implemented on July 1, 1983. The goal of the *Act* was to help further the democratic process by promoting transparency and accountability of government to the Canadian citizenry. The *Access to Information Act* creates an enforceable right of access to records under the control of a government in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions with regard to disclosure of government information should be reviewed independently of government.

Section 72 of the *Access to Information Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the *Act* during the financial year. This report outlines how Public Safety Canada administered the *Access to Information Act* throughout fiscal year 2012-2013.

The Access to Information and Privacy (ATIP) Unit

The Access to Information and Privacy (ATIP) Unit is part of Public Safety Canada's Executive Services Division within the Department's Strategic Policy Branch. It consists of one Manager,

two senior advisors, four analysts, one junior analyst and one administrative officer. The ATIP Manager served as the Department's ATIP Coordinator throughout the reporting year.

The ATIP Unit is responsible for the coordination and implementation of policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*. The Unit is responsible for responding to requests made under the *Acts*, as well as providing the following services to the Department:

- processing consultations received from other institutions;
- providing advice and guidance to employees and senior officials on ATIP related matters;
- producing the Annual Reports to Parliament;
- delivering ATIP awareness sessions to departmental employees;
- coordinating regular updates to Info Source manuals;
- reviewing departmental documents, such as audits and evaluations, prior to proactively disclosing these on the departmental website;
- developing departmental procedures for processing ATIP requests;
- maintaining the Department's ATIP reading room; and
- participating in forums for the ATIP community, such as the Treasury Board Secretariat's ATIP Community meetings and working groups.

To ensure timely service to Canadians, Public Safety employed temporary help in the fourth quarter of the fiscal year to provide surge capacity in processing the high volume of requests.

Delegation of Authority

The Minister signed a new Delegation Order for the *Access to Information Act* on February 18, 2013. Both the current and previous delegation instruments are reproduced at Annex A. The new delegation order aligned the delegation of authority with the management structure of the Strategic Policy Branch, which administers the program.

New or Revised Policies, Guidelines or Procedures

There were no new or revised guidelines, policies or procedures issued this fiscal year.

Training

The ATIP Unit provided four training sessions on the *Access to Information Act* and departmental processes this fiscal year, where a total of 50 employees attended.

Key Issues Raised as a Result of Complaints/Investigations

Public Safety Canada received notice of five new complaints to the Office of the Information Commissioner in 2012-2013. Two related to excluded information, two to exemptions applied and one to the length of extension taken.

Seven findings were received this year. Of these, three were discontinued. Three were not well-founded. One was well-founded resolved without recommendations to the head of the institution and pertained to the length of extension taken by the institution.

There have been no patterns or trends identified by Public Safety Canada as a result of complaints or investigations by the Office of the Information Commissioner.

Appeals to the Court

There was one appeal to the Federal Court that had been included in the 2008–2009 Annual Report to Parliament. The matter is ongoing.

Chapter II - *Access to Information Act* Statistical Report

Summary

In 2013-2013, Public Safety Canada received 494 requests under the *Access to Information Act*, and increase of 36 percent over the previous year. Despite this increase in requests, Public Safety Canada completed 94 per cent on time, the sixth consecutive year of over 90 per cent on time completion. The average number of days to process a request was 61. Sixty six per cent of all requests were completed within 30 days.

Overall Workload Trends

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by Public Safety Canada between April 1, 2012 and March 31, 2013. The following section provides an overview and interpretation of this information.

In comparison to the past five years, the overall workload for the ATIP Unit increased this year. The figures below include formal Access and Privacy requests, and consultations received from other institutions.

The following table provides an overall breakdown of workload by category for the past five years.

The followingtable provides an overall breakdown of workload by category for the past five years.					
	2008-2009	**2009-2010**	**2010-2011**	**2011-2012**	**2012-2013**
ATI requests received by Public Safety Canada	235	208	298	363	494
Privacy requests received by Public Safety Canada	12	37	32	55	30
ATI consultations received from other institutions	198	136	223	235	248
Privacy consultations received from other institutions	10	18	9	21	10
Total workload	**455**	**399**	**562**	**674**	**782**

Requests Received under the *Access to Information Act*

Public Safety Canada received 494 new *Access to Information Act* requests throughout the 2012-2013 fiscal year, representing an increase of approximately 25 per cent over the number of requests received the previous year (363). Seventy-nine requests were carried forward from the previous fiscal year, resulting in a total of 573 requests to process during 2012-2013. Of these requests, 478 were completed during the reporting year, while the remaining 95 requests were carried forward to the next reporting year.

Source of Requests

The media was the primary source of requests received by Public Safety Canada for the 2012-2013 fiscal year. Of the 494 requests received, the media comprised 53 per cent of that number (264). Members of the public who did not identify themselves as belonging to any other category accounted for 29 per cent of requests (145), and 7 per cent were received from organizations (35). A small percentage of requests were submitted from academia (32) and businesses (18), at six per cent and four per cent respectively.

Extensions

Section 9 of the *Access to Information Act* allows institutions to extend the legal deadline for processing a request if a search for responsive records cannot be completed within 30 days of receipt of the request, or if the institution must consult with other institutions or third parties.

Public Safety Canada plays a role in coordinating activities involving federal institutions within the Public Safety portfolio as well as with other organizations at all levels of government on

matters relating to the safety of Canadians. Extensions in excess of 90 days are therefore often necessary in order to undertake the required consultations.

The bulk of extensions taken over 2012-2013 were for consulting with other government departments for reasons other than confirming Cabinet Confidences. Most extensions taken for this reason were for 61-120 days.

Information on completion times

Sixty-six per cent of requests under the *Access to Information Act* were completed within 30 days in 2012-2013. The average number of days taken to process a request this fiscal year was 61.

The department took an average of 12 days to process requests for consultation in 2012-2013. All but one consultation request were processed within 39 days.

Consultations completed

Public Safety Canada received 248 new consultation requests under the *Access to Information Act* throughout the 2012-2013 fiscal year. Six requests were carried forward from the previous fiscal year, resulting in a total of 254 requests to process during 2012-2013. Of these requests, 249 were completed during the reporting year, while the remaining five requests were carried forward to the next reporting year.

Appendix A - Delegation of Authority for the *Access to Information Act*

The Minister of Public Safety and Emergency Preparedness, pursuant to section 73 of the ***Access to Information Act****, hereby designates the persons holding the positions set out below, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Minister as the head of the Department of Public Safety and Emergency Preparedness, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Delegation Order - *Access to Information Act and Access to Information Regulations*					
Section	**Action**	**Deputy Minister & Associate Deputy Minister**	**Assistant Deputy Minister - National Security**	**ATIP Manager**	**Senior ATIP Advisors and ATIP Analysts**
4(2.1)	Responsibility of head of institution	●	●	●	●
7(a)	Notice where access requested	●		●	

7(b)	Giving access to record	●		●	
8(1)	Transfer of request	●		●	
9	Extension of time limits	●		●	●
11(2)(3)(4)(5)(6)	Additional Fees	●		●	●
12(2)(b)	Language of access	●		●	
12(3)(b)	Access in an alternative format	●		●	
13	Exemption - Information obtained in confidence	●	●	●	
14	Exemption - Federal-provincial affairs	●	●	●	
15	Exemption - International affairs and defence	●	●	●	
16	Exemption - Law enforcement and investigations	●	●	●	
16.5	Exemption - *Public Servants Disclosure Protection Act*	●	●	●	
17	Exemption - Safety of individuals	●	●	●	
18	Exemption - Economic interests of Canada	●	●	●	
18.1	Exemption - Economic interest of certain government institutions	●	●	●	
19	Exemption - Personal information	●	●	●	
20	Exemption - Third-party information	●	●	●	
21	Exemption - Operations of Government	●	●	●	
22	Exemption - Testing procedures, tests and audits	●	●	●	
22.1	Exemption - Internal	●	●	●	

	Audits				
23	Exemption -Solicitor-client privilege	●	●	●	
24	Exemption - Statutory prohibitions	●	●	●	
25	Severability	●	●	●	
26	Refusal of access where information is to be published	●	●	●	
27(1), (4)	Third-party notification	●		●	
28(1)(b), (2), (4)	Third-party notification	●		●	
29(1)	Notice of decision to disclose	●		●	
33	Notice to Information Commissioner of notices to third parties	●		●	
35(2)(b)	Right to make representations	●	●	●	
37(4)	Access to be given to complainant	●		●	
43(1)	Notice to third party of application to Federal Court for review	●		●	
44(2)	Notice to requester of application for review by third party	●		●	
52(2)(b), 52(3)	Special rules for hearings	●		●	
71(1)	Facilities for inspection of manuals	●		●	
72	Annual report to Parliament	●		●	

Delegation Order - *Access to Information Act and Access to Information Regulations* - Regulation					
Section	**Action**	**Deputy Minister & Associate Deputy Minister**	**Assistant Deputy Minister - National Security**	**ATIP Manager**	**Senior ATIP Advisors and ATIP Analysts**
6(1)	Transfer of request	●		●	
7(2)	Search and preparation fees	●		●	●
7(3)	Production and programming fees	●		●	●
8	Method of access	●		●	
8.1	Limitations in respect of format	●		●	

Appendix B - Statistical Report for 2012-2013 on the *Access to Information Act*

Name of institution: Public Safety Canada
Reporting period: 01/04/2012 to 31/03/2013

Part 1 - Requests under the *Access to Information Act*

1.1 Requests	
	Number of Requests
Received during reporting period	494
Outstanding from previous reporting period	79
Total	573
Closed during reporting period	478
Carried over to next reporting period	95

1.2 Sources of requests	
Source	**Number of Requests**
Media	264
Academia	32
Business (Private Sector)	18
Organization	35
Public	145
Total	494

Part 2 - Requests closed during the reporting period

2.1 Disposition and completion time								
Disposition of requests	**Completion Time**							
	1 to 15 days	**16 to 30 days**	**31 to 60 days**	**61 to 120 days**	**121 to 180 days**	**181 to 365 days**	**More than 365 days**	**Total**
All disclosed	5	19	5	3	0	0	0	32
Disclosed in part	3	51	28	48	27	35	10	202
All exempted	1	6	0	0	0	0	0	7
All excluded	1	2	0	2	1	4	0	10
No records exist	54	23	0	0	1	0	0	78
Request transferred	15	0	0	0	0	0	0	15
Request abandoned	19	2	0	0	0	0	0	21
Treated informally	109	4	0	0	0	0	0	113
Total	109	4	0	0	0	0	0	113

2.2 Exemptions	
Section	**Number of requests**
13(1)(a)	46
13(1)(b)	9
13(1)(c)	22
13(1)(d)	3
13(1)(e)	1
14(a)	36
14(b)	5

2.2 Exemptions	
Section	**Number of requests**
15(1) - I.A.[1]	74
15(1) - Def.[2]	20
15(1) - S.A.[3]	88
16(1)(a)(i)	17
16(1)(a)(ii)	2
16(1)(a)(iii)	4
16(1)(b)	26
16(1)(c)	21
16(1)(d)	5
16(2)(a)	1
16(2)(b)	2
16(2)(c)	55
16(3)	0
16.1(1)(a)	1
16.1(1)(b)	0
16.1(1)(c)	0
16.1(1)(d)	0
16.2(1)	0
16.3	0
16.4(1)(a)	0
16.4(1)(b)	0
16.5	0
17	5
18(a)	1
18(b)	1
18(c)	0
18(d)	0
18.1(1)(a)	1
18.1(1)(b)	1
18.1(1)(c)	1
18.1(1)(d)	1
19(1)	162
20(1)(a)	1
20(1)(b)	24

2.2 Exemptions	
Section	**Number of requests**
20(1)(b.1)	2
20(1)(c)	33
20(1)(d)	9
20.1	0
20.2	0
20.4	0
21(1)(a)	106
21(1)(b)	97
21(1)(c)	22
21(1)(d)	15
22	2
22.1(1)	2
23	71
24(1)	11
26	5
1. I.A.: International Affairs 2. Def.: Defence of Canada 3. S.A.: Subversive Activities	

2.3 Exclusions	
Section	**Number of requests**
68(a)	7
68(b)	0
68(c)	0
68.1	0
68.2(a)	0
68.2(b)	0
69(1)(a)	14
69(1)(b)	0
69(1)(c)	0
69(1)(d)	9
69(1)(e)	24
69(1)(f)	2
69(1)(g) re (a)	15

69(1)(g) re (b)	1
69(1)(g) re (c)	18
69(1)(g) re (d)	3
69(1)(g) re (e)	12
69(1)(g) re (f)	10
69.1(1)	0

2.4 Format of information released			
Disposition	**Paper**	**Electronic**	**Other formats**
All disclosed	18	14	0
Disclosed in part	51	145	0
Total	75	159	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed			
Disposition of requests	**Number of pages processed**	**Number of pages disclosed**	**Number of requests**
All disclosed	4396	3969	32
Disclosed in part	83348	51281	202
All exempted	568	0	7
All excluded	1039	0	10
Request abandoned	184	103	21

2.5.2 Relevant pages processed and disclosed by size of requests										
Disposition	**Less than 100 pages processed**		**101-500 pages processed**		**501-1000 pages processed**		**1001-5000 pages processed**		**More than 5000 pages processed**	
	Number of Requests	**Pages disclosed**	**Number of Requests**	**Pages disclosed**	**Number of Requests**	**Pages disclosed**	**Number of Requests**	**Pages disclosed**	**Number of Requests**	**Pages disclosed**
All disclosed	25	346	4	800	2	1447	1	1376	0	0
Disclosed in part	88	2878	67	11164	21	10337	26	26902	0	0
All exempted	5	0	2	0	0	0	0	0	0	0
All excluded	5	0	5	0	0	0	0	0	0	0

Abandoned	20	0	1	103	0	0	0	0	0	0
Total	143	3224	79	12067	11784	27	27	28278	0	0

2.5.3 Other complexities					
Disposition	**Consultation required**	**Legal Advice Sought**	**Interwoven Information**	**Other**	**Total**
All disclosed	10	1	0	0	11
Disclosed in part	151	12	4	3	170
All exempted	0	0	0	0	0
All excluded	7	0	1	0	8
Abandoned	1	6	0	0	7
Total	169	19	5	3	196

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline				
Number of requests closed past the statutory deadline	**Principal Reason**			
	Workload	**External consultation**	**Internal consultation**	**Other**
31	9	22	0	0

2.6.2 Number of days past deadline			
Number of days past deadline	**Number of requests past deadline where no extension was taken**	**Number of requests past deadline where an extension was taken**	**Total**
1 to 15 days	0	3	3
16 to 30 days	0	3	3
31 to 60 days	0	3	3
61 to 120 days	0	11	11
121 to 180 days	0	2	2
181 to 365 days	0	3	3
More than 365 days	0	6	6
Total	0	31	31

2.7 Requests for translation			
Translation Requests	**Accepted**	**Refused**	**Total**
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3 - Extensions

3.1 Reasons for extensions and disposition of requests				
Disposition of requests where an extension was taken	**9(1)(a) Interference with operations**	**9(1)(b) Consultation**		**9(1)(c) Third party notice**
		Section 69	**Other**	
All disclosed	0	0	8	0
Disclosed in part	47	30	111	9
All exempted	0	0	0	0
All excluded	0	6	1	0
No records exist	0	1	0	0
Request abandoned	0	0	0	0
Total	47	37	120	9

3.2 Length of extensions				
Disposition of requests where an extension was taken	**9(1)(a) Interference with operations**	**9(1)(b) Consultation**		**9(1)(c) Third party notice**
		Section 69	**Other**	
30 days or less	18	0	24	6
31 to 60 days	18	0	34	3
61 to 120 days	9	9	42	0
121 to 180 days	2	10	14	0
181 to 365 days	0	18	6	0
365 days or more	0	0	0	0
Total	47	37	120	9

Part 4 - Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	345	$1,625	139	$695
Search	2	$188	0	$668
Production	0	$0	0	$0
Programming	0	$0	0	$0
Preparation	0	$0	0	$0
Alternative format	0	$0	182	$416
Reproduction	0	$0	91	$448
Total	347	$1,813	421	$2,227

Part 5 - Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations				
Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	244	7338	4	153
Outstanding from the previous reporting period	6	9527	0	0
Total	250	16865	4	153
Closed during the reporting period	245	16812	4	153
Pending at the end of the reporting period	5	53	0	0

5.2 Recommendations and completion time for consultations received from other government institutions								
Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	82	10	0	0	0	0	0	92
Disclose in part	73	35	4	0	0	1	0	113

Exempt entirely	2	0	0	0	0	0	0	2
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	0	0	0	0	0	0	0	0
Other	37	0	0	0	0	0	0	37
Total	195	45	4	0	0	1	0	245

5.3 Recommendations and completion time for consultations received from other organizations								
Recommendation	**Number of days required to complete consultation requests**							
	1 to 15 days	**16 to 30 days**	**31 to 60 days**	**61 to 120 days**	**121 to 180 days**	**181 to 365 days**	**than 365 days**	**Total**
Disclose entirely	2	0	0	0	0	0	0	2
Disclose in part	2	0	0	0	0	0		2
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	4	0	0	0	0	0	0	4

Part 6 - Completion time of consultations on Cabinet confidences

Number of days	**Number of responses received**	**Number of responses received past deadline**
1 to 15	50	7
16 to 30	1	1
31 to 60	1	1
61 to 120	1	1
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	53	10

Part 7 - Resources related to the Access to Information Act

7.1 Costs		
Expenditures		**Amount**
Salaries		$614,804
Overtime		$750
Goods and Services		$155,928
• Professional services contracts	$77,291	
• Other	$78,637	
Total		$771,482

7.2 Human Resources			
Resources	**Dedicated full-time to ATI activities**	**Dedicated part-time to ATI activities**	**Total**
Full-time employees	8.00	1.00	9.00
Part-time and casual employees	0.42	0.00	0.42
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.36	0.00	0.36
Students	0.00	0.00	0.00
Total	8.78	1.00	9.78

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