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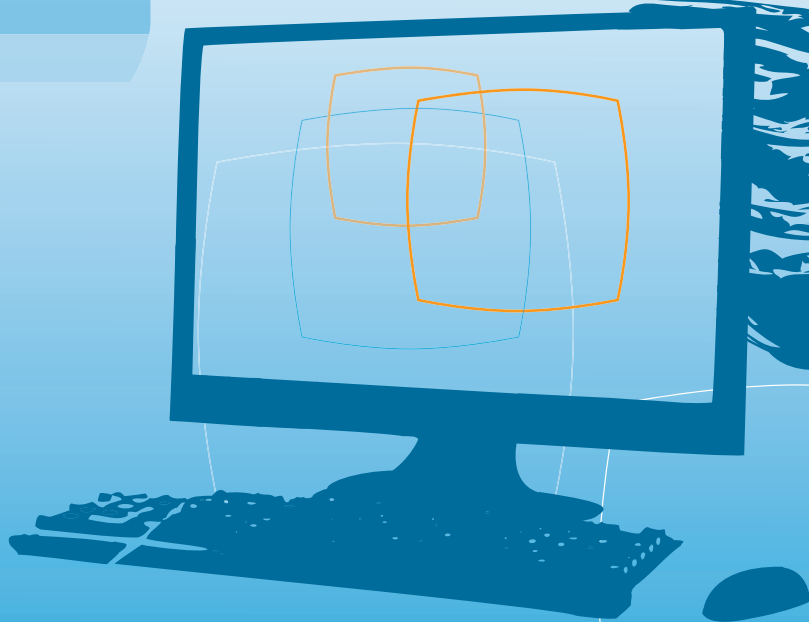
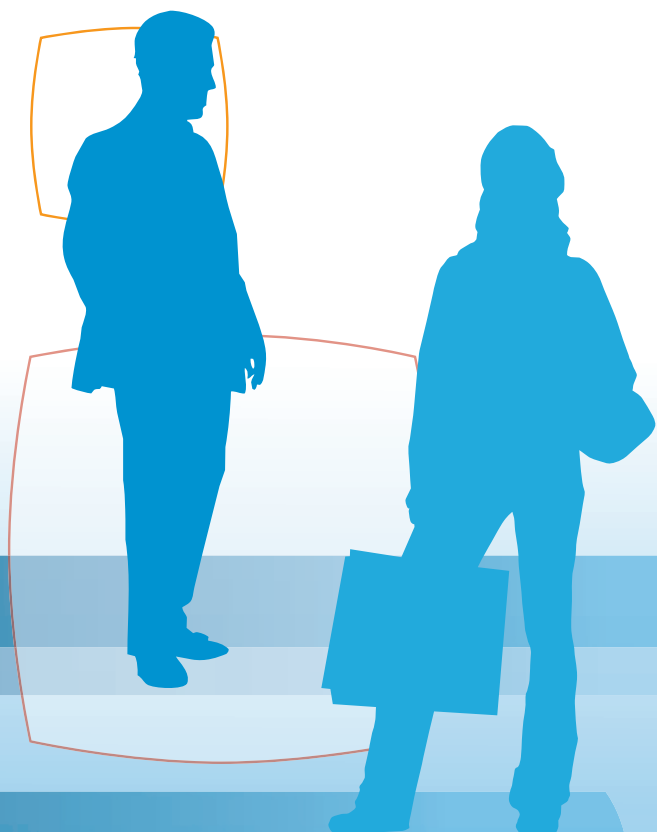
Industrie
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ACCESS TO INFORMATION ACT

<http://www.ic.gc.ca/eic/site/atip-aiprp.nsf/eng/home>



2010–2011 Annual Report on the Access to Information Act



Canada

2010–2011
Annual Report
on the
Access to Information Act

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PREFACE AND PURPOSE

The *Access to Information Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

Section 2 of the *Access to Information Act* gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the *Access to Information Act* requires that the head of every government institution prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each financial year.

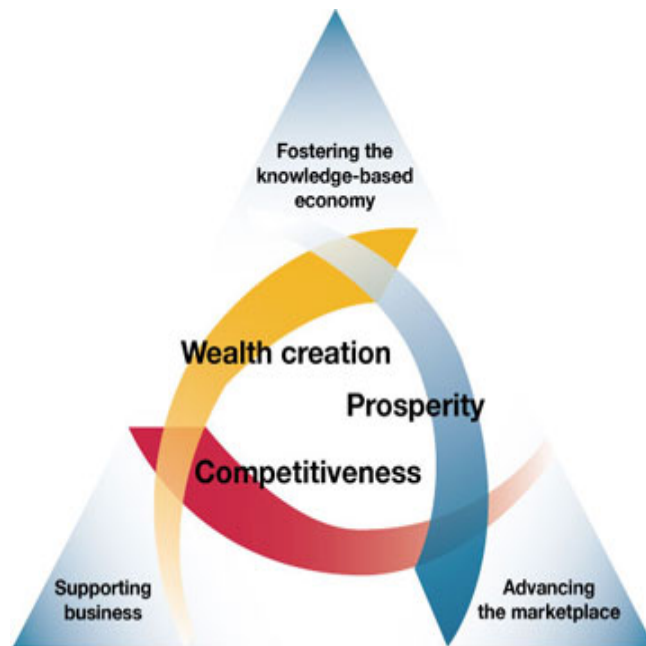
This annual report describes how Industry Canada administered its responsibilities in the twenty-eighth year of operation of the *Access to Information Act*.

ABOUT THE ORGANIZATION

Industry Canada's Mission and Mandate

Industry Canada's mission is to foster a growing, competitive, knowledge-based Canadian economy. The Department works with Canadians throughout the economy, and in all parts of the country, to improve conditions for investment, improve Canada's innovation performance, increase Canada's share of global trade, and build an efficient and competitive marketplace.

Industry Canada's mandate is to help make Canadian industry more productive and competitive in the global economy, thus improving the economic and social well-being of Canadians. The many and varied activities Industry Canada carries out to deliver on its mandate are organized around three interdependent and mutually reinforcing strategic outcomes, each linked to a separate key strategy. The key strategies are shown in the illustration below.



- **The Canadian marketplace is efficient and competitive**

Advancing the marketplace

Industry Canada fosters competitiveness by developing and administering economic framework policies that promote competition and innovation; support investment and entrepreneurial activity; and instill consumer, investor and business confidence.

- **Science and technology, knowledge, and innovation are effective drivers of a strong Canadian economy**

Fostering the knowledge-based economy

Industry Canada invests in science and technology to generate knowledge and equip Canadians with the skills and training they need to compete and prosper in the global, knowledge-based economy. These investments help ensure that discoveries and breakthroughs take place here in Canada and that Canadians realize the social and economic benefits.

- **Competitive businesses are drivers of sustainable wealth creation**

Supporting business

Industry Canada encourages business innovation and productivity because businesses generate jobs and wealth creation. Promoting economic development in communities encourages the development of skills, ideas and opportunities across the country.

Context and Environment

Industry Canada works on a broad range of matters related to industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, weights and measures, bankruptcy and insolvency, intellectual property, investment, small business, and tourism.

Given the role the Department plays in promoting economic development and regulating the marketplace, there is significant public interest in the information collected and produced. Key areas of interest in 2010-2011 included the auto industry, tourism, small business, gas pricing, changes to the mandatory long-form census, as well as various statutes, namely the *Competition Act*, the *Canada Investment Act* and the *Copyright Act* and decisions related to these Acts.

A government initiative that sparked a lot of interest was the change to the mandatory nature of the long-form census survey. As Statistics Canada is an agency which reports to our Minister, the Department worked closely with Statistics Canada to respond to the requests on this topic.

Industry Canada also saw an increase in requests of a general nature, related to the overall business activities of the Department, such as overviews of briefings for the Minister.

In 2010-2011 Industry Canada continued to play an important role in implementing the Government of Canada's [Economic Action Plan](#) (EAP), introduced in January 2009 as part of Budget 2009. This plan, which consisted of a set of initiatives to be implemented over a two-year timeframe, for completion by March 31, 2011, aimed at providing a quick recovery from the economic downturn and ensuring long-term economic growth and prosperity for Canadian businesses and individuals.

The high profile EAP initiatives implemented by Industry Canada included distribution of stimulus funding to traditional industries, including the manufacturing sector, and providing assistance to the Canadian automotive sector to support the orderly restructuring of this critical industry, with the goal of maintaining Canada's share of North American production.

In addition, through the Knowledge Infrastructure Program, the Department is providing \$2 billion over two years to create jobs in communities across Canada by revitalizing research and training facilities at Canadian universities and colleges. On December 2, 2010, the Government of Canada announced the extension of the deadline for completion of Economic Action Plan infrastructure projects from March 31, 2011 to October 31, 2011. The Knowledge Infrastructure Program is the only Industry Canada program impacted by this announcement.

In response to the gas pump measurement accuracy issue, which over the last two years has resulted in many repeat requests for Measurement Canada's gas pump inspection reports, the *Fairness at the Pumps Act* was introduced and passed by the Senate on March 3, 2011. The Act is designed to protect Canadian consumers from inaccurate measurements when purchasing gasoline or other measured goods.

These initiatives have generated significant public interest in the activities of the Department.

Departmental Structure

The Department employs over 5900 people across the country, including economists, engineers, scientists, commerce officers, inspectors, metrologists, and accountants supported by specialists in areas such as human resources, financial management, communications, information management and information technology.

The Department is organized into 15 sectors and branches (see www.ic.gc.ca). Industry Canada has its headquarters in Ottawa and several offices in the National Capital Region. The Department also has five regional offices (Pacific, Prairie and Northern, Ontario, Quebec, and Atlantic), located in Vancouver, Edmonton, Toronto, Montréal and Halifax, respectively.

In addition, a number of programs have a regional presence, including those delivered by the Competition Bureau, Measurement Canada, the Office of the Superintendent of Bankruptcy, the Spectrum, Information Technologies and Telecommunications Sector and the Federal Economic Development Initiative for Northern Ontario (FedNor).

Each of these sectors and branches is responsible for searching and retrieving documents responsive to official access requests received under the *Access to Information Act* and *Privacy Act* (ATIP). However, Information and Privacy Rights Administration (IPRA) is legally responsible for implementing and managing the ATIP program and services for Industry Canada, including decisions on the release or non-release of information pursuant to the legislation.

Information Management Branch

Given that the effective management of information is critical to the administration of the *Access to Information Act* and *Privacy Act*, IPRA resides with the Information Management Branch (IMB), a branch in the Small Business, Tourism and Marketplace Services Sector (SBTMS). IMB directs and supports an Information Management (IM) program to ensure the effective and efficient management of information within Industry Canada. The IM program provides strategic direction and services related to recordkeeping, public access to departmental information, departmental access to commercially published information and information management policy, accountability, governance, planning and reporting. As a result, departmental program managers can more readily deliver their programs and services, as well as meet their obligations under the Government's Policy on Information Management, the *Library and Archives Canada Act*, the *Access to Information Act*, the *Privacy Act* and the *Federal Accountability Act*. Further, it ensures that the Department respects the intellectual property rights of commercial publishers.

IMB provides services to the Department from four Directorates: Corporate Integrated Records Services (CIRS), the Library and Knowledge Centre (LKC), IM Policy, Planning and Innovation (IMPPI), and Information and Privacy Rights Administration (IPRA).

Information and Privacy Rights Administration

IPRA is responsible for the implementation and management of the *Access to Information Act* and *Privacy Act* programs and services for Industry Canada. Specifically, IPRA makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed by law; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the

Privacy Commissioner, and other government departments and agencies. IPRA is also responsible for conducting consultations with other federal departments with respect to access to information and privacy issues.

IPRA has a complement of 14 employees including one Director, three managers, eight advisors and two support staff, all of whom are dedicated to processing access and privacy requests, along with related functions.

Delegation of Authority

The current Access to Information and Privacy (ATIP) Delegation Order was approved by the Minister in July 2009, and provides full-delegated authority to the Assistant Deputy Minister of SBTMS, the Director General of IMB, the Director and the managers of IPRA. The designation of the Director General position is for purposes of providing strategic support and advice to the executive management of the Department concerning ATIP issues, if and when required. For all daily ATIP activities and operations, the Director and the managers of IPRA exercise full responsibility (see Appendix III).

The Director of IPRA is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the Department's compliance with the Acts. The administration of the legislation in Industry Canada is managed by IPRA, but is also facilitated at the sector, branch and regional office levels. Each sector and corporate branch has an ATIP Liaison Officer (reporting to an Assistant Deputy Minister, Regional Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted under the applicable Acts.

2010–2011 Highlights

CHALLENGES AND ACCOMPLISHMENTS

- ***Volume of Work***

In 2010-2011, there was a significant increase in the level of interest in specific activities, particularly related to the government's decision to replace the 2011 mandatory long-form census survey with the voluntary National Household Survey, the introduction of legislation to modernize the *Copyright Act*, the new *Fairness at the Pumps Act* designed to protect Canadian consumers from inaccurate measurement when purchasing gasoline or other measured goods, and investment applications and proposals under the *Investment Canada Act*. There also continued to

be a high level of interest in the Economic Action Plan initiatives managed by Industry Canada. This resulted in a sizable increase in the number of requests received, the volume of documentation requested and the complexity level of files.

In 2010–11, the Department received 698 new access requests and continued to process 255 outstanding cases from previous years, for a total workload of 953 requests. In addition, the Department received 186 consultation requests from more than 37 government departments/agencies including five from other governments. Overall, the Department completed a total of 593 access and 185 consultation requests, as compared to 463 access and 127 consultations the previous year. This represents an increase of 28% in completed requests and a 46% increase in completed consultation requests in 2010-2011. The volume of documents reviewed and under review at the end of March 2011 was 513 387. A 74% compliance level was achieved for on-time responses to ATI requests (“F” rating as per OIC’s ranking) as compared to the 80% compliance level reported last year (“C” rating).

The IPRA Policy and Outreach Unit which was established last year continued to expand and enhance its services, not only in increased awareness sessions, but also in the guidance and advice provided on various issues. The unit responded to more than 126 queries from both internal and external clients; reviewed 20 audit/evaluation reports, 92 parliamentary questions, and approved 27 Preliminary Privacy Impact Assessments (PPIAs), along with 1 510 proactive disclosure emails.

- ***Backlog of Cases***

The Department carried over 255 active cases from 2009-2010 into fiscal year 2010-2011. At the end of 2010-2011, the size of the backlog carried forward into 2011-2012 was even larger. During the reporting period, the Department received 698 new requests, completed 593, and carried forward 360 requests into 2011-2012. Despite completing a significant number of requests (1 056) during 2009-2010 and 2010-2011, the size of the backlog continued to increase.

The strategy and activities implemented in 2009-2010 to address the backlog of cases (see Strategies and Initiatives to Increase Performance and Compliance on Page 14) continued in 2010-2011.

- ***Number of Complaints***

In 2010-2011, 25 new complaints were received, compared to 47 in 2009-2010 and 89 in 2008-09. While this represents a decrease over the two preceding years, it is still a higher number of complaints than the average of 18 per year received prior to 2008-09 (see page 22 for more detail).

IPRA has one employee dedicated to managing the complaint investigations, working directly with investigators from the Information and Privacy Commissioners' Offices, liaising between investigators and department officials, providing documentation, rationales and responding to questions to resolve and conclude as many complaints as possible. This has proven beneficial in ensuring one point of contact and also as a means of being more strategic in our approach to completing complaints. In total 49 complaints were completed as compared to 37 last year.

- ***Resources – Human and Financial***

In 2010-2011, IPRA continued to face challenges in managing and retaining staff to perform its daily operations and meet its legal compliance requirements. The office had four departures during the year which represents a churn rate of 29 percent. Three of the departures were in the last quarter and staffing processes were initiated to fill the resulting vacancies. A new organizational structure was implemented in 2009-2010 to better meet the increasing business demands and to allow IPRA to expand on policy advice and outreach services. However, there was no increase in the FTE allotment. IPRA consists of three teams (see Appendix II), with two teams responsible for the daily operations and one for policy and outreach. IPRA continues to operate within an allocation of 14 full-time employees, unchanged since 2003.

Providing interesting work and opportunities for growth are critical to retaining employees and lowering the departure rate. To attract and retain employees in a highly competitive market, IPRA provides career progression opportunities with the use of the ATIP Professional Development Program (ATIP-PDP). The Program, which has been in effect since 2005, is used to develop employees from the PM-01 to the PM-04 level within the ATIP function.

The Program's objective is to provide management with a tool to recruit, train and retain resources interested in building a career in the ATIP field. The program has proven effective in the recruitment and development of resources. It has also reduced the number of lengthy staffing processes and actions, and has had a positive influence on retention and succession planning. In 2010-2011, one IPRA employee graduated to the PM-04 level and one new candidate joined the program. IPRA has also been innovative in using inter-departmental staffing processes and other recruitment/staffing tools, which have positively improved recruitment outcomes.

IPRA also supports employees' career objectives by providing training opportunities to support both short and long-term career goals.

- ***Resources and Workload***

Of the 14 IPRA positions, 13 were staffed for the majority of the reporting period.

The 13 positions consisted of the Director, three managers (PM-06), three senior advisors (PM-05), three advisors at the PM-04 level and one at the PM-02 level, plus two support positions (PM-02 and AS-01). During the period under review IPRA had to contend with a number of resourcing issues, not least of which was the departure of three staff members in the fourth quarter. During part of the reporting period, a consultant was hired to assist with the workload.

Of the 13 employees, seven advisors were responsible for processing the 593 access and 185 consultation requests. Each advisor completed on average 111 cases totaling more than 196 367 pages. In addition to responding to official requests and complaints, IPRA also provides ongoing advice and guidance to departmental employees.

In 2010-2011, the policy and outreach unit, consisting of two people (PM-06 and PM-05), was responsible for maintaining the various partnerships with other functional areas, overseeing various projects/initiatives (e.g., ATIP case management tool, IM initiatives, Info Source Renewal, etc.), and delivering ATIP advice/guidance including providing training and awareness sessions across the Department. Mid-year, due to operational changes, the unit was reduced to one person. Even with the reduction, the following activities were completed:

ACTIVITY	TOTAL (Questions/Reviews /Emails/ Reports, etc.)
Provide ATIP guidance and advice to Industry Canada officials, OGDs and the public	126
Review of audit and evaluation reports prior to being publicly posted on the departmental website	20
Review of parliamentary questions and responses	92
Review of proactive disclosures prior to being publicly posted on the departmental website	1510 (Emails)
Prepare and deliver ATIP training/awareness sessions to departmental officials (including regions)	36
Review and approval of Preliminary Privacy Impact Assessments/Privacy Impact Assessments	27
OTHER	
Update to IPRA internal intranet site	X
Preparing and tabling annual reports and statistical reports	X
Input to MAF and DPR (ATIP user fees)	X
Managing Info Source updates and providing submission to TBS	X
Review and update business practices and procedures for IPRA	X

Participate in various initiatives across IC (Email Back-Up, various IM policy initiatives, Business-Based Classification Structure, etc.)	X
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IPRA – ATIP Procedures, Business Practices, and Policies

To improve the administration of the ATIP program, and to ensure that Treasury Board ATIP policies are respected and implemented, IPRA has developed various internal guidelines, procedures, and business practices. The areas covered include the following:

OPERATIONAL PROCEDURES

- ***Assigning Work Based on Complexity of Requests***

Defining the complexity levels of requests has allowed IPRA to better manage workload and positively impact performance, in particular, when assigning cases to appropriate level officers.

In building its definitions, IPRA reviewed other jurisdictions and found that a number of provinces were also using similar descriptions in defining the complexity level of requests received pursuant to their respective legislation. IPRA has described the complexity level from low to high as noted below:

Level 1 (low)	Level 2 (moderate)	Level 3 (high)
<ul style="list-style-type: none"> - Fewer than 100 pages - Full disclosure and/or minor severances - Minimal number of interests in the file, if any (limited or no consultations) - Exemption application, if any, is consistent - Disclosure of previously released information - Informal disclosure 	<ul style="list-style-type: none"> - Fewer than 2000 pages - Involves more than one area of the Department - Partial disclosure or full exemption due to limited number of exemptions with appropriate arguments - Reasonable number of consultations with other government departments (OGDs) and third parties (less than 10) - Track and monitor significant number of administrative activities such as consultations, updates, follow-ups, etc. 	<ul style="list-style-type: none"> - More than 2000 pages - Information is intertwined - Involves one or more areas of the Department - A number of entities are involved - Disclosure is influenced by other legal authorities/obligations (e.g., other governments, other statutes, third party, etc.) - May require legal services to provide opinion and/or comments - Subject issue may be high profile and sensitive - May require the need to advise senior management of the outcome due to subject matter - May require multiple consultations with OGDs, third parties and other levels of government (in excess of 10) - Variety of exemptions invoked with a mixture of mandatory and discretionary exemptions

Examples: - Temp Help contracts - List of terms/casuals - List of contracts	Examples: - Telecommunication files - Bankruptcy files - Contracts and deliverables	Examples: - Copyright reform - <i>Competition Act</i> requests
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In 2010-2011, IPRA found that of the 593 access cases completed, 66 percent were of level 1 complexity, due mainly to routine cases and large number of re-released information, 24 percent were of level 2 complexity, and 10 percent were of level 3.

- ***ATIP Procedures for IPRA Staff***

A comprehensive guide of the ATIP Office's business practices and procedures was developed to reduce the learning curve of new employees, as well as to provide a reference tool for staff. During development existing ATIP business processes were reviewed and challenged in an attempt to reduce administrative burden and improve the day-to-day workflow of the office.

- ***Practice Direction Bulletin – Discussions with External Committees / Councils***

In 2010-2011 IPRA developed a new departmental practice direction bulletin on the applicability of the *Access to Information Act* with respect to discussions with external committees / councils. The bulletin provides guidance for both program managers and ATIP practitioners regarding the disclosure of information that is compiled during the course of discussions which involve Federal Government officials and members of external councils / committees. It includes information to help interpret provisions of the *Access to Information Act*, as well as sample questions to determine the applicability of specific exempting provisions. The following topics are also covered: severability, discretion, control and accountability.

- ***Helping Applicants through Duty to Assist***

Over the years, IPRA has implemented various approaches to better assist and respond to applicants. Established practices include the following:

- The applicant's identity is not considered during the processing of a request, nor is it revealed to departmental officials, unless there is a need to know to retrieve information and/or if consent is provided by the applicant;
- Regular communication is established with applicants to clarify and narrow requests, provide updates and explain the ATI process and rights pursuant to the Act;
- Accurate, timely and complete responses are compiled in good faith. Alternate solutions may be suggested, such as previously released, or publicly accessible information, and, if applicable, referrals to other organizations involved;

- Records are provided in the format requested. Since 2001, IPRA has been providing processed documents on CD-ROM in PDF format at no cost to the applicant. At times, releases of data extracts are provided in Excel, Lotus and/or ASCII format. If the material is less than 125 pages, a paper copy is provided; and,
- Other practices involve facilitating discussions and/or meetings with program officials, providing interim responses when possible and limiting fees charged to the applicant where possible.

BUSINESS PRACTICES IN SUPPORT OF TBS POLICIES

Use of CDs

This initiative has reduced paper burden and eliminated reproduction fees and on-site visits from applicants, as well as improved timeliness and efficiency in managing the ATIP program and services. The Department does not charge for CDs.

Fees

The *Access to Information Act* permits the waiving of fees when a request is deemed to be in the public interest. The Department routinely waives fees under \$25 in accordance with Treasury Board policy and guidelines.

Informal Practices

Consistent with the principle that the Act is intended to complement, rather than replace existing procedures for access to government information, informal requests may be addressed directly to branches within the Department. IPRA routinely directs requesters to the relevant sectors with public research centers or public sites.

Publicly Accessible Information, Website and Enquiry Points

The Department is broad and diverse in nature, and manages various distinct laws that legally allow for publicly accessible information. Industry Canada has a comprehensive website and provides a number of enquiry points where the public may submit a query and obtain information on an informal basis:

- ▶ ic.gc.ca
- ▶ Canada Business
- ▶ Canadian Consumer Information Gateway

- ▶ Canadian Intellectual Property Office
- ▶ Corporations Canada
- ▶ Office of the Superintendent of Bankruptcy

ATIP Website

IPRA also has its own internet site (www.ic.gc.ca/eic/site/atip-aiprp.nsf/eng/home). The site contains general information, points of contacts and links to other key departments and agencies, including the ATIP Offices for the Industry Portfolio.

Info Source

IPRA is responsible for providing a full accounting of the Department's information holdings to the Treasury Board Secretariat and it ensures that updates are provided on a timely basis for inclusion in Info Source.

In 2010-2011 an extensive review and update of the Department's Info Source Chapter was completed with the collaboration of program officials. The revised 2010-2011 Chapter contains complete descriptions of all IC functions, programs, activities and related holdings linked to Industry Canada's Program Activity Architecture. In addition, the review addressed the update of document types in accordance with Treasury Board Secretariat's direction.

Info Source may be obtained through public and academic libraries, or may be viewed online at www.infosource.gc.ca/index-eng.asp.

Reading Rooms

A reading room is available at Industry Canada headquarters and in all regional offices as required. Current departmental manuals are available for review by the public upon request. The manuals may also be provided electronically.

Section 67.1 — Obstructing Right of Access

An internal policy and directives concerning Section 67.1 of the *Access to Information Act* have been implemented in association with the Department's internal security services.

Strategies and Initiatives to Increase Performance and Compliance

In 2009-2010 various strategies and initiatives were introduced to improve compliance and respond to increased complaints, and to maximize the use of limited resources. The measures have had positive effects in 2010-2011, as detailed below. Given the 49 percent increase in new access requests, efforts to improve efficiency and streamline processing of requests will continue during fiscal year 2011-2012.

- ***Addressing the Backlog***

To address the backlog of ATI requests, IPRA's caseload was reviewed and priorities were established, applicants were contacted to confirm continued interest in requests that were carried forward, a consultant was hired and overtime was authorized for staff to focus on specific files.

A special two-member team was dedicated to address the backlog of old case files. During 2010-2011 this team managed to close a total of 60 files which had been received prior to March 31, 2009. The 60 files represent a total of 57 045 pages reviewed.

IPRA was also able to increase the average number of completed files per advisor to 111 compared to 84 last year.

- ***Managing Complaints***

The measures introduced in 2009-2010 to manage the increase in the number of complaints have had positive results. In fiscal 2008-09, 89 complaints were received and 40 were closed, and in 2009-2010, 47 were received and 37 closed. During this reporting period, only 25 complaints were received, a decrease of 47 percent over last year. Of these, a total of 49 were closed, and 55 active complaints were carried over into 2011-2012.

- ***Improving Compliance through Training and Outreach***

Enhanced awareness and knowledge of ATIP obligations on the part of departmental officials improves compliance with legal obligations, turnaround times, and the quality of responses. During the reporting year, IPRA continued to work closely with various program areas of the Department to improve compliance and address issues related to privacy and overarching IM concerns.

In 2010-2011, there was a 57% increase in ATIP awareness sessions prepared and delivered to Industry Canada employees (36 sessions as compared to 23 in 2009-2010),

with approximately 550 participants. Upon request, sessions are tailored to suit the needs of a specific group.

IPRA gave on-site training in all five of the Department's regional offices, in partnership with the Regional Operations Sector, compared to two the previous year. Ongoing training was provided to Sector Liaison Officers, and sessions were provided to new employees, as part of the departmental orientation program. To date, awareness and training sessions have resulted in increased cooperation and collaboration with program officials across the Department. In some cases it has allowed improved negotiations with applicants to reduce the scope and volume of work and with time should improve the overall productivity and performance in managing the ATIP programs. In addition to these formal sessions, an intranet site is used to create awareness and disseminate information to employees.

IPRA also participates and contributes to the Department's IM Community of Practice, launched in July 2010, which provides a forum of discussion related to the development and implementation of Information Management best practices within Industry Canada in support of business and accountability.

IPRA also worked with other IM domains to develop and deliver a more integrated IM outreach program to departmental officials. Messages highlighted the connections and inter-dependence existing between the ATIP functions and information management activities such as security classification, retention/disposal and business value of information, as well as providing practical tips and best practices.

- ***Mitigating Risk of Inappropriate Use and Disclosure of Information***

Over the past years, in an effort to mitigate the risk of releasing information which should be protected and to ensure the balance of privacy and right of access, IPRA has provided a number of services to core administrative functional areas. These include:

Audit and Evaluation Branch (AEB)

- Reviewing audit and evaluation reports, including management responses, prior to their being posted on the departmental website, in order to prevent the release of personal information or information which should be protected in accordance with the *Access to Information Act*.

Corporate and Portfolio Office (CPO)

- Reviewing and approving the final responses to parliamentary questions and motions for the production of papers, in accordance with the ATIP provisions.

Comptrollership and Administration Sector (CAS)

- Reviewing departmental information security policies and directives, and providing advice as required.

- ***Information Management Initiatives***

As noted earlier, effective and efficient information management is crucial to IPRA maintaining its high-level performance and ensuring compliance with its legal obligations. IPRA contributes to a multi-year IM Agenda which guides the Department in delivering on its long-term Information Management (IM) program objectives, which are to support program and service delivery, foster informed decision-making, facilitate accountability, transparency and collaboration, and preserve access to information and records for the benefit of present and future generations. Initiatives under the IM Agenda are designed to achieve the following outcomes:

- Effective IM Governance – The continuous and effective management of information is assured through appropriate governance structures, policies and guidelines.
- IM Informed Workforce – Employees have the know-how and expertise to manage and access information to support business outcomes.
- Sustainable Corporate Support – Corporate IM tools based on effective standards, methods and practices are in place, supported by a sustainable infrastructure and infrastructure.

- ***ATIP Case Management Tool***

IPRA is implementing a new electronic ATIP Case Management tool. This new tool will improve monitoring and tracking, as well as address the increased reporting requirements, thereby allowing IPRA to manage its day-to-day workflow more effectively.

The majority of the work to implement the new tool has been completed. However, due to the departure of three staff members in the fourth quarter, implementation has been deferred to fiscal 2011-2012.

ACCESS TO INFORMATION — TRENDS AND STATISTICS

Significant Trends

Historically, businesses and organizations (e.g., political parties and associations) have accounted for about 60 percent of the ATI requests received by the Department. This fiscal year businesses and organizations accounted for only 24 percent of requests. Just over half of requests received in 2010-2011 were from the media (53 percent). The public accounted for 19 percent of requests received, and was once again the second most frequent type of user. These statistics differ from fiscal year 2009-2010, when businesses were the most frequent type of request (31 percent of requests) and the public was the second most frequent user at 24 percent of requests. Also of note this fiscal year is the significant decrease in requests received from academia, to 4 percent from 19 percent in the last reporting period.

In 2009-2010, IPRA reported a significant carry-forward of requests (255). It has another sizable carry-forward of 360 requests for this reporting period. Of the 360 carried forward, 142 requests date back two to six years and more than 185 are late and therefore, vulnerable to complaint. Although IPRA endeavoured to complete as many requests as possible in a timely fashion, and continued to receive the ongoing support and cooperation from the Department, the on-time compliance achieved at the end of March 2011 was 74 percent, as compared to the 80 percent reported in 2009-2010. The sizable backlog of requests and the lack of resources due to employee churn have negatively affected the level of compliance, and will continue to do so until the backlog is reduced.

In 2010-2011, the volume of requests increased by 49 percent with 698 new requests received compared to 467 new requests from the previous reporting period. The increase in new requests was predominantly the result of public interest in such topics as the modernization of the copyright legislation, changes to the mandatory long-form census survey, gas pricing, the auto industry, tourism events, various investment reviews and competition issues. The Department also noted an increase in requests of a more general nature, related to overall business activities of the Department, such as overviews of briefings to the Minister. Ongoing management of requests on changes to the long-form census alone represented more than 170 requests processed by both Statistics Canada (117) and Industry Canada (55).

The number of requests completed during the reporting period per FTE increased to 111 compared to 93 in 2008-09 and 84 in 2009-2010. The volume of records, however, has decreased from more than 1 472 785 pages processed last year to 513 387 in 2010-2011. The high volume in 2009-2010 was due to one large investigation with the Competition Bureau.

Of the 593 access requests processed and completed during this reporting period, 23 percent were informal requests, a 91 percent increase from 2009-2010.

Statistical Report — Interpretation and Explanation

A summarized statistical report on *Access to Information Act* requests processed from April 1, 2010 to March 31, 2011 is found in Appendix I. An explanation and interpretation of information contained in the appendix follows.

I. Requests Received Under the *Access to Information Act*

The percentage breakdown of the 698 new requests received by type of user was:

Business (incl. professional requesters)	18%
Media	53%
Public	19%
Academic	4%
Organization (incl. political parties, associations)	6%

II. Disposition of Requests Completed

593 requests were completed during the 2010-2011 reporting period, categorized as follows:

All Disclosed — in 88 cases, the requesters were provided with full access to the relevant records.

Disclosed in Part — in 187 cases, the requesters were granted partial access.

Nothing Disclosed (Excluded) — in nine cases, nothing was disclosed because all of the information was excluded under the Act.

Nothing Disclosed (Exempt) — in ten cases, nothing was disclosed because all of the information was exempt under the Act.

Transferred — in 16 cases, the requests were transferred to the appropriate government institution in accordance with the Act because the records were not under the control of the Department.

Unable to Process — in 110 cases, the Department was unable to process the requests. The most frequent reason was that no relevant records were found to exist within the Department.

***Note:** In total, 21 percent of the cases were transferred or could not be processed. However, these cases still involve a certain amount of work, be it research, administrative activities, negotiations with applicants and other government departmental officials, and discussions with departmental employees, prior to determining their disposition.*

Abandoned by Applicant — in 35 cases, the requests were abandoned by the applicant. Such an action may occur at any stage of the process.

Treated Informally — in 138 cases, it was determined that the information could be released informally rather than through the formal procedures of the Act.

III. Exemptions Invoked

As noted in Appendix I, exemptions pursuant to sections 13–16, 18–24 and 26 of the *Access to Information Act* were invoked by the Department. It should be noted that if five different exemptions were used in one request, one exemption under each relevant section would be reported for a total of five. If the same exemption is used several times for the same request, it is reported as one.

The statistics show that although IPRA has invoked all of the applicable exempting provisions of the Act, sections 19, 20, 21, and 24 remain the most frequently used. This reflects the nature of the information held by the Department (i.e.: third party, personal, advice/recommendations, and other statutes).

Although the Department has four statutes recognized under the *Access to Information Act* pursuant to section 24, exemptions are most frequently applied to information subject to the *Competition Act* and the *Investment Canada Act*.

IV. Exclusions Cited

The *Access to Information Act* does not apply to published material, material available for purchase by the public, or confidences of the Queen's Privy Council for Canada, pursuant to sections 68 and 69 of the Act, respectively. As in the case of exemptions, Appendix I shows the types of exclusions invoked to deny access.

V. and VI. Completion Time and Extensions

Of the 593 completed cases, the Department was able to respond within the legislated 30 days or less 68 percent of the time. 32 percent of the completed cases required extensions under the Act to allow external consultation with third parties, and other government departments and agencies, and had the following response times: 11 percent within 31 to 60 days, 10 percent within 61 to 120 days and 11 percent over 121 days.

VII. Translations

There were no requests for which the records required translation.

VIII. Method of Access

In 275 cases, documents were released and the requesters received copies of the material that they were seeking on paper or on CD. It should also be noted that since implementing the use of CDs in 2001, there has been no request for on-site examination.

IX. Fees

The *Access to Information Act* authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. No fees are imposed for reviewing records, overhead or shipping costs, or for the first five hours required to search for a record or prepare any part of it for disclosure. Fees may be waived when a request is deemed to be in the public interest.

The fees collected during the reporting period totaled \$2,610. This is higher than the \$1 680 collected in 2009-2010 and can be attributed to the 49 percent increase in the number of requests. This is in spite of the significant increase in informal disclosures (i.e., re-releases) completed by the Department, where no fees are applied. Fees waived during 2010-11 totaled \$3 621.

Total fees collected in 2010-11 represented less than 0.2 percent of the Department's total administration costs of \$1 397 758.

X. Costs

Total salary costs associated with *Access to Information Act* activities were estimated at \$1 220 137 for this reporting period. Non-salary costs were estimated at \$177 621 for a total cost of \$1 397 758. Non-salary costs are high as they include costs for implementation of a new system for managing ATIP requests, legal fees, as well as translation costs. The associated human resources (including both IPRA and departmental officials) required to fulfill this function were estimated at 16.3 full-time employees.

Complaints, Investigations and Appeals

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during the processing of their request. The Department received a total of 25 complaints during this reporting period, as compared to 47 the previous year. This is a 47 percent decrease from the 2009-2010 reporting period.

In reviewing the types of complaints received, 28 percent relate to the exempting provisions applied. Following investigations, the Office of the Information Commissioner concluded 49 complaints as noted below. At the end of this reporting period, a total of 55 complaints were still under investigation.

Type of Complaint	Received	Concluded (finding)	Active
Delay	6	8 - Well-Founded / Resolved	4
Extension	3	3 – Not Well-Founded 1 – Well-Founded / Resolved	1
Exemptions	7	1 – Discontinued 6 – Not Well-Founded 10 – Well-Founded / Resolved	42
Exclusions	N/A	N/A	N/A
Fees	N/A	N/A	N/A
Miscellaneous (i.e.: more records may exist, other administrative actions)	4	3 – Well-Founded / Resolved 3 – Not Well-Founded	2
General Refusal (i.e.: did not meet legal deadline, additional records should exist, etc.)	5	1 – Discontinued 11 – Not Well-Founded 2 – Well-Founded / Resolved	6
Total	25	49	55

Two new court challenges were received and discontinued. Three previous court challenges were also completed. One was discontinued and two were awarded costs (\$6 700 in total).

Changes Resulting from Issues Raised by Officers of Parliament

Office of the Information Commissioner of Canada (OIC)

Industry Canada was last subject to the Information Commissioner's Report Card Process in 2008-09. The OIC completed no follow-up to their report.

The OIC Annual Report to Parliament

The 2010-2011 Annual Report has not yet been tabled.

Office of the Auditor General of Canada

There is nothing to report for 2010-2011.

**APPENDIX I — STATISTICAL REPORT ON THE
ACCESS TO INFORMATION ACT**

APPENDIX II — IPRA ORGANIZATIONAL STRUCTURE

APPENDIX III — DELEGATION OF AUTHORITY