



# Veterans Review and Appeal Board

Report on the Administration of the

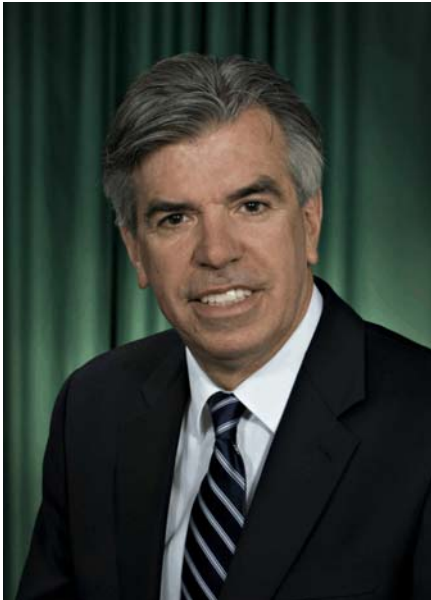
*Access to Information Act*

April 1, 2009 to March 31, 2010

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## MESSAGE FROM THE CHAIRPERSON



I am very pleased to present the 2009-2010 annual report to Parliament for the Veterans Review and Appeal Board on the administration of the *Access to Information Act*.

This important legislation gives Canadian citizens the right to access information in records held by the Government of Canada. It exists to protect the rights of individuals and to promote accountability and dialogue between citizens and their government.

In the past, the Board successfully met its requirements under the Act through a portfolio-wide approach within Veterans Affairs to administering and reporting. Since the creation of its own separate Access to Information and Privacy (ATIP) Office in March 2009, the Board has focussed on establishing channels to keep abreast of

policy changes and in developing its expertise through training. This new office is especially important as it will assist the Board in fulfilling its ATIP obligations as a separate entity under the *Financial Administration Act* (FAA).

In 2009-2010, the Board continued to provide applicants with an independent avenue of redress for their disability pension, disability award and War Veterans Allowance claims. In fulfilling this mandate, it is committed to protecting individual rights by upholding the legislation and developing its capacity in matters of access to information and privacy.

A handwritten signature in dark ink, reading "John D. Larlee".

John D. Larlee  
Chairperson

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This important legislation exists to protect the rights of individuals and to promote accountability and dialogue between citizens and their government.

## The Veterans Review and Appeal Board

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal that was created in 1995 through an Act of Parliament. It provides two levels of redress for disability pension and disability award applications and the final level of appeal for War Veterans Allowance decisions. The Board may affirm, vary or reverse decisions made by the Minister of Veterans Affairs or refer decisions back to the Minister for reconsideration.

The Board's objective is to ensure that Canada's traditional Veterans, eligible Canadian Forces members and Veterans, Royal Canadian Mounted Police applicants, qualified civilians and their families receive the disability pensions, disability awards and other benefits to which they are entitled.

### *Organization*

The Veterans Affairs Portfolio consists of three distinct and separate organizations: the Department of Veterans Affairs, the Office of the Veterans Ombudsman and the Veterans Review and Appeal Board. The Board operates at arm's-length from the Department and reports directly to Parliament through the Minister of Veterans Affairs.

In 2009-2010, the activities of the Board were delivered by 111 full-time equivalents and, as legislated under sections 4 and 6 of the *Veterans Review and Appeal Board Act*, not more than 29 permanent members to be appointed by the Governor in Council and such number of temporary members, whenever, in the opinion of the Governor in Council, the workload of the Board so requires. Approximately one-half of the members are located in Charlottetown and one-half are located in major cities across Canada. The Board holds review hearings in approximately 30 locations across Canada as well as by teleconference and video conference to ensure a timely process for applicants. Appeal hearings are usually held at the Board's Head Office in Charlottetown, Prince Edward Island, as well as by teleconference and video conference.

## 1. Introduction

The *Access to Information Act* gives Canadian citizens as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature, subject to certain specific and limited exceptions. The Act complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

In accordance with section 72 of the *Access to Information Act*, the head of an institution is required to submit an annual report to Parliament on the institution's administration of the Act during the fiscal year. On September 23, 2009, an Order in Council (P.C. 2009-1609) came into force to include the Veterans Review and Appeal Board (VRAB, the Board) in the appropriate schedule (I.1) of the *Financial Administration Act* (FAA). This corrected an oversight dating back to the establishment of the Board in 1995 and has formalized its requirement to report as a separate entity. It is important to note that the Board has always met its ATIP obligations through a portfolio-wide approach within Veterans Affairs to administering and reporting and made arrangements to designate its own ATIP Coordinator and Deputy Coordinator on April 1, 2009. This report describes how the Veterans Review and Appeal Board (VRAB, the Board) fulfilled its privacy responsibilities during the fiscal year commencing April 1, 2009, and ending March 31, 2010.

### ***Mandate***

The Veterans Review and Appeal Board has full and exclusive jurisdiction to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* - Part 3, the *War Veterans Allowance Act* and other Acts of Parliament. All matters related to appeals under this legislation are authorized under the *Veterans Review and Appeal Board Act*.

This Board also adjudicates disability pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

## 2. Access to Information and Privacy Coordinator's Office

In 2009-2010, the Board completed its first year with a new ATIP Coordinator and Deputy Coordinator. The ATIP Coordinator's Office came into effect on April 1, 2009, and acts on behalf of the Chairperson of the Board to ensure compliance with the *Access to Information Act* and the *Privacy Act*. The office has a dual function of serving both the public and the Board in matters relating to the *Access to Information Act* and the *Privacy Act*.

While responsibility for the administration of the *Privacy Act* rests with the Chairperson of the Board and the Board's ATIP Coordinator, a Memorandum of Understanding (MOU) is in place with the Department that outlines an agreement between the two institutions to administer the ATIP legislation. The Board utilizes the expertise of the Department's ATIP Coordinator's Office to assist in the administration of its ATIP Operations.

The duties of the ATIP Coordinator's Office are:

- Process requests for information submitted under the *Access to Information Act* and the *Privacy Act* in accordance with the legislation, regulations and Treasury Board of Canada Secretariat (TBS) policies and guidelines;
- Provide VRAB managers and staff with advice and guidance regarding the interpretation and application of the *Access to Information Act*, the *Privacy Act*, and other related TBS policies and guidelines;
- Develop policies, procedures and guidelines for the administration of the Acts and other related TBS policies and guidelines;
- Conduct the completion of Privacy Impact Assessments (PIAs);
- Coordinate the resolution of any complaints against VRAB made to the Information Commissioner under the *Access to Information Act* and to the Privacy Commissioner under the *Privacy Act*;
- Promote awareness of the Acts to ensure the Board's responsiveness to the obligations imposed on federal institutions;
- Prepare the VRAB chapters in the Info Source publication; and
- Prepare annual reports to the Treasury Board of Canada Secretariat and Parliament on the *Access to Information Act* and the *Privacy Act*.

### 3. Designation and Delegation Orders

#### (a) Minister's Designation Order, 2009

The responsibilities associated with the administration of the *Access to Information Act*, such as notifying applicants of extensions and releasing records to applicants, are designated to the VRAB ATIP Coordinator through a delegation instrument signed by the Minister of Veterans Affairs.

#### ACCESS TO INFORMATION ACT DESIGNATION ORDER

The Minister of Veterans Affairs, pursuant to section 73 of the *Access to Information Act*\*, hereby designates the persons holding the positions in the Veterans Review and Appeal Board set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Ottawa, this                      day of                      2009



Minister of Veterans Affairs

\* R.S.C., 1985, c. A-1



**(b) Access to Information Act Designation Schedule, 2009**

HEAD OF INSTITUTION		MINISTER OF VETERANS AFFAIRS		
Sections of <i>ATI Act</i>	Powers, Duties or Functions	Institutions and Titles		
		DVA	VRAB	
73	All powers, duties or functions of head of the institution	Deputy Minister		Chairperson
21	Approve exemptions	ADM, Corporate Services	Veterans Ombudsman	Chairperson
14; 15; 18	Approve exemptions	ADMs	Veterans Ombudsman	Director General
67.1	Obstructing Right of Access	Department of Veterans Affairs Security Officer		
7(a)	Give notices re: access to records within 30 days	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
8(1)	Transfer requests and material to other institutions	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
9(1)(a)(b)	Extension of time limits	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
9(2)	Give notice of time extensions to Information Commissioner	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
11(2)(3)(4)(5)(6)	Payment or waiver of fees	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
12(2)(3)	Language of access and alternate format	ATIP Coord./Deputy Coord./Officer	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
13; 16; 17; 19; 20; 22; 23; 24; 25; 26	Approve exemptions	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
19; 23	Approve exemptions	ATIP Officer		
27(1)(4); 28(1)(2)(4); 29(1); 33; 35(2); 37(4); 43(1); 44(2); 52; 69; 71(2)	Apply third party procedures and give notices	ATIP Coord./Deputy Coord.	OVO - Legal Advisor	ATIP Coord./Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.		ATIP Coord./Deputy Coord.

**LEGEND:**

DVA: Department of Veterans Affairs  
OVO: Office of the Veterans Ombudsman  
VRAB: Veterans Review and Appeal Board

ADM: Senior Assistant Deputy Minister, Policy, Programs and Partnerships  
Assistant Deputy Minister, Service Delivery & Commemoration  
Assistant Deputy Minister, Corporate Services



**(c) Chairperson's Delegation Order, 14 October 2009**

The responsibilities associated with the administration of the *Access to Information Act*, such as notifying applicants of extensions and releasing records to applicants, are designated to the appropriate VRAB officials through a delegation instrument signed by the Chairperson, Veterans Review and Appeal Board.

***ACCESS TO INFORMATION ACT DELEGATION ORDER***

The Chairperson of the Veterans Review and Appeal Board, pursuant to section 73 of the *Access to Information Act*\*, hereby designates the persons holding the positions in the Veterans Review and Appeal Board set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Chairperson as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Charlottetown, this *14* day of *October*, 2009.

  
Chairperson, Veterans Review and Appeal Board

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\*R.S.C., 1985, c. A-1

**(d) Access to Information Act Delegation Schedule, 14 October 2009**

HEAD OF INSTITUTION		CHAIRPERSON, VETERANS REVIEW AND APPEAL BOARD
Sections of <i>ATI Act</i>	Powers, Duties or Functions	Institution and Titles
73	All powers, duties or functions of head of the institution	Chairperson
21	Approve exemptions	Chairperson
14; 15; 18	Approve exemptions	Director General
67.1	Obstructing Right of Access	Department of Veterans Affairs Security Officer
7(a)	Give notices re: access to records within 30 days	ATIP Coord./Deputy Coord.
8(1)	Transfer requests and material to other institutions	ATIP Coord./Deputy Coord.
9(1)(a)(b)	Extension of time limits	ATIP Coord./Deputy Coord.
9(2)	Give notice of time extensions to Information Commissioner	ATIP Coord./Deputy Coord.
11(2)(3)(4)(5)(6)	Payment or waiver of fees	ATIP Coord./Deputy Coord.
12(2)(3)	Language of access and alternate format	ATIP Coord./Deputy Coord.
13; 16; 17; 19; 20; 22; 23; 24; 25; 26	Approve exemptions	ATIP Coord./Deputy Coord.
27(1)(4); 28(1)(2)(4); 29(1); 33; 35(2); 37(4); 43(1); 44(2); 52; 69; 71(2)	Apply third party procedures and give notices	ATIP Coord./Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.

## **4. Statistical Report - Interpretation and Explanation**

The Statistical Report, included in Annex 1, provides a summary of the formal *Access to Information Act* request processed between the reporting period of April 1, 2009, and March 31, 2010. As indicated in the Statistical Report, VRAB had one request during the fiscal year.

### **Part I Requests under the *Access to Information Act***

During the reporting period, VRAB received one request under the *Access to Information Act*.

### **Part II Disposition of requests completed**

During the reporting period, one request was completed and all information requested was disclosed.

### **Part III Exemptions invoked**

This section of the statistical interpretation identifies the number of requests where specific types of exemptions have been invoked to deny access to government records. During the reporting period, VRAB did not invoke any exemptions.

### **Part IV Exclusions cited**

Pursuant to sections 68 and 69, the *Access to Information Act* does not apply to published material, material available for purchase by the public, material placed in the Library and Archives of Canada or confidences of the Queen's Privy Council. During the reporting period, there were zero occasions in which exclusions were cited.

### **Part V Completion time**

During the reporting period, the one request received by VRAB under the *Access to Information Act* was completed within the 30 day time limit.

### **Part VI Extensions**

During the reporting period, zero requests required an extension.

### **Part VII Translations**

No translations were required to respond to Access to Information requests during the 2009-2010 reporting period.

### **Part VIII Method of access**

Statistics compiled for this section are based on those requests for which information was disclosed in part or in whole. For the one request completed during the reporting period, the applicant received copies of the material in full.

## **Part IX      Fees**

In accordance with section 11 of the *Access to Information Act*, the fees collected during the reporting period totalled \$5.00. There was no money collected to cover fees associated with the reproduction, searching, or preparation of the request or computer processing.

## **Part X      Costs**

During the reporting period, VRAB spent a total of \$402.00 administering the *Access to Information Act*. Staff salaries accounted for \$399.00 which is equivalent to 0.0012 person-year utilization. Other administrative costs (representing operations and maintenance expenditures) amounted to \$3.00.

## **5.      Access to Information Training and Awareness**

During the reporting period, 72 VRAB staff at all levels were provided with a basic briefing session on the *Access to Information Act* and the *Privacy Act*. All 27 of VRAB's Governor-in-Council appointees were provided with an information session at the Members' 2009 Fall Conference. The VRAB ATIP Coordinator participated in an ATIP conference in Ottawa and a two-day Privacy Law session in Charlottetown. The VRAB Deputy Coordinator participated in a three-day Introduction to Access to Information and Privacy course.

## **6.      Policies, Guidelines and Procedures**

- During the reporting period, VRAB completed a draft Information Management (IM) Governance Framework which outlines the principles of managing information at the Veterans Review and Appeal Board. The IM Framework also indicates the roles and responsibilities of Senior Managers and VRAB employees.
- On an annual basis, memos are distributed to remind VRAB staff and Members of the importance of the security and privacy of client information.
- All VRAB forms which require a client's signature now include a privacy notice.
- Privacy Breach guidelines have been drafted.
- VRAB IM Specialists continue to strengthen a solid partnership with the VAC ATIP Coordinator's Office and Information Management Service Division (IMSD) to promote and implement updated ATIP policies, directives and Information Management best practices.

## **7. Complaints and Investigations**

The VRAB ATIP Coordinator's Office is pleased to note there were no complaints received during the reporting period.

# Annex 1



Government of Canada  
Gouvernement du Canada

## REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Veterans Review and Appeal Board / Tribunal des anciens combattants (révision et appel)				Reporting period / Période visée par le rapport 2009-04-01 to/à 2010-03-31	
Source	Media / Médias 0	Academia / Secteur universitaire 0	Business / Secteur commercial 0	Organization / Organisme 0	Public 1

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçues pendant la période visée par le rapport	1
Outstanding from previous period / En suspens depuis la période antérieure	0
<b>TOTAL</b>	<b>1</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	1
Carried forward / Reportées	0

II Disposition of requests completed / Disposition à l'égard des demandes traitées			
1. All disclosed / Communication totale	1	6. Unable to process / Traitement impossible	0
2. Disclosed in part / Communication partielle	0	7. Abandoned by applicant / Abandon de la demande	0
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	<b>TOTAL</b>	<b>1</b>
5. Transferred / Transmis	0		

III Exemptions invoked / Exemptions invoquées							
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	0
(b)	0	(b)	0	(c)	0	(b)	0
(c)	0	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	0	(d)	0
S. Art. 14	0	S. Art. 18(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 18(3)	0	(b)	0	S. Art. 23	0
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 25	0

IV Exclusions cited / Exclusions citées			
S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	1
31 to 60 days / De 31 à 60 jours	0
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	0	0
Third party / Tiers	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

VII Translations / Traduction		
Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	1
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	5.00	Preparation / Préparation	0
Reproduction	0.00	Computer processing / Traitement informatique	0
Searching / Recherche	0.00	<b>TOTAL</b>	<b>5.00</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	0.00
\$25.00 or under / 25 \$ ou moins		0	\$ 0.00
Over \$25.00 / De plus de 25 \$		0	\$ 0.00

X Costs / Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 386.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 3.00
<b>TOTAL</b>	<b>\$ 402.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.0080

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This publication can be made available upon request. For further information or to obtain additional copies please contact:

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