

Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

ACCESS TO INFORMATION ACT
ANNUAL REPORT 2011-2012

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Preface

The *Access to Information Act* (AIA) (Revised Statutes of Canada 1985, Chapter A-1) was proclaimed on July 1, 1983. The AIA gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

In December 2006, the *Federal Accountability Act* (FedAA) received Royal Assent and amended the *Lobbyists Registration Act*. The most significant amendments included renaming the *Lobbyists Registration Act* the *Lobbying Act* (the Act), creating the position of the Commissioner of Lobbying, who reports directly to Parliament, and providing enhanced powers of investigation and an education mandate to the Commissioner. These amendments came into force simultaneously with the *Lobbyists Registration Regulations* and the *Designated Public Office Holder Regulations*, on July 2, 2008. On September 20, 2010, additional designated public office holders were added to the latter regulations to include all members of Parliament and the Senate, as well as staff in the Offices of the Leaders of the Opposition in both Houses of Parliament that are hired under subsection 128(1) of the *Public Service Employment Act* (PSEA).

Consequently, this report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the AIA.

About the Organization

History of the Office of the Commissioner of Lobbying

On December 12, 2006, the FedAA amended the *Lobbyists Registration Act*. The modified *Lobbyists Registration Act*, renamed the *Lobbying Act* (the Act), came into force simultaneously with the *Lobbyists Registration Regulations* and the *Designated Public Office Holder Regulations*, on July 2, 2008. The Act created the position of Commissioner of Lobbying, who reports directly to Parliament. On September 20, 2010, additional designated public office holders were added to the *Designated Public Office Holder Regulations* to include all members of Parliament and the Senate, as well as staff in the Offices of the Leaders of the Opposition in both Houses of Parliament that are hired under subsection 128(1) of the PSEA.

The Act provides the Commissioner with enhanced powers of investigation and an education mandate. The Act also includes a five-year prohibition on lobbying for former designated public office holders, as well as the obligation for lobbyists to report prescribed communications with designated public office holders on a monthly basis.

Mandate of the Office of the Commissioner of Lobbying

The purpose of the Act is to ensure transparency and accountability with respect to the lobbying of federal public office holders, in order to contribute to the Canadian public's confidence in the integrity of decision-making by the federal government. The Commissioner of Lobbying, appointed for a term of seven years, administers the Act. This includes maintaining the Registry of Lobbyists, which contains registration information disclosed by lobbyists. The Registry allows the public to perform searches of the information contained in the Registry. The OCL's website also includes Interpretation Bulletins and Advisory Opinions issued by the Commissioner under the Act, as well as other pertinent information.

In accordance with its mandate, the OCL develops and implements outreach programs to foster public awareness of the requirements under the Act. As well, the OCL conducts administrative reviews and investigations to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code). The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is required to table reports on any investigations conducted in relation to the Code, once they are completed.

Section 72 of the AIA requires that the head of every government institution prepare an annual report on the administration of the AIA within the institution during each financial year for submission to Parliament. This annual report is intended to describe how the OCL fulfilled its responsibilities under the AIA, from April 1, 2011, to March 31, 2012.

Responsibility for Information Rights / Delegation of Authority

The AIA provides the authority to exercise full powers to the Commissioner of Lobbying. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated this authority via a Delegation Order, of which a copy is attached in Annex A. The OCL has two employees responsible for the administration of the AIA, an ATIP Coordinator and an ATIP Advisor.

The Deputy Commissioner, as the ATIP Coordinator, is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the OCL's compliance with the AIA. The Coordinator makes decisions on the disposition of requests under the AIA, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the AIA, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Information Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other governments within Canada and other federal organizations, as required.

The OCL also has an ATIP Advisor, who is responsible for processing the requests received under the AIA and making recommendations to the ATIP Coordinator on the disposition of any requests received.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the OCL's website at the following address:
<http://www.ocl-cal.gc.ca>.

In the event of requests for information related to possible administrative reviews and investigations conducted under the Act and the Code, the OCL will not confirm or deny that a review or an investigation is taking place, unless the information is already in the public domain. The Act prescribes that investigations be conducted in private.

Reports on Investigations under the Code that are completed must be tabled in both Houses of Parliament. They are also posted on the OCL's website.

Access to Information Act

Introduction / Highlights

In 2011-2012, the OCL received two requests under the AIA. The first request originated from academia and the other one was from the public.

The OCL had received two requests from individual members of the public on March 10, 2011, and March 17, 2011. These two requests were both completed on April 6, 2011, in the new fiscal year. Thus, details of these two requests are included in this annual report.

Regarding the request received on March 10, 2011, an identical request was received on the same date from the same requester under the *Privacy Act*. The OCL treated the request as an AIA request. The OCL invoked subparagraph 16(1)(c)(i) of the AIA, concerning information on investigations that must be carried out in private. No records were released to the requester for this reason.

Concerning the request received on March 17, 2011, the OCL released all records pertaining to the request with respect to a consulting firm for the period of August 24, 2005 to August 19, 2006. There were a total of 14 pages released from the pertinent file. As for the remaining records that were requested to September 1, 2009, the OCL invoked paragraph 68(a) of the AIA, which refers to already published information available in the Registry of Lobbyists. A summary of this completed request is available on the OCL website.

The first request received in 2011-2012 requested records from September 15, 2011 to November 17, 2011, concerning the ‘Lawful Access’ legislation. A search for this information concluded that OCL did not possess any information in this regard. A second request that was received by OCL was treated informally. The request involved information of a personal nature and the OCL did not possess any of the information sought by the requester.

No complaints were received by the OCL from the Information Commissioner in 2011-2012.

The OCL incurred a total of \$5,183 in costs associated with the AIA of which \$2,209 consisted of salaries in the last fiscal year.

Fees

The AIA authorizes fees for certain activities related to the processing of formal requests under the AIA. In addition to a \$5 application fee, charges may also apply for search, preparation and reproduction of documents. The current fee structure is specified in the *Access to Information Regulations*. No fees are imposed for reviewing records, overhead or shipping costs. Moreover, in accordance with section 11 of the AIA, no fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure.

The AIA permits the waiving of fees when deemed to be in the public interest.

Information Holdings

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided on a timely basis for inclusion in the *Info Source* publication.

The *Info Source* publication contains a description of the classes of institutional records held by the OCL. The OCL does not have any exempt banks. For 2011-2012, information may be found in the following publication:

2011 Info Source — Sources of Federal Government and Employee Information

Info Source can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at <http://www.infosource.gc.ca>.

OCL Website

The OCL's website at <http://www.ocl-cal.gc.ca> allows the user to access and search the Registry of Lobbyists, as well as to obtain copies of reports, including the OCL's annual reports on Access to Information and Privacy.

Reading Room

A reading room is available at the OCL's office, situated on the 10th Floor at 255 Albert Street, Ottawa, Ontario, Canada K1A 0R5.

Statistical Report

The annual statistical report is attached in Annex B.

In 2011-2012, the OCL received two requests under the AIA. The first request originated from academia and the other one was from the public. The first request received on November 28, 2011, was accompanied by a \$5 bill, which was subsequently remitted to the Receiver General of Canada to process the request.

The OCL received requests from individual members of the public on March 10, 2011, and March 17, 2011 respectively. These two requests were both completed on April 6, 2011. Thus, details of these two requests are included in this annual report.

Regarding the request received on March 10, 2011, the OCL invoked subparagraph 16(1)(c)(i) of the AIA, which states that a government institution may refuse to disclose any record that contains: "information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of a lawful investigation, including, without restricting the generality of the foregoing, any such information relating to the existence or nature of a particular investigation." Therefore, the OCL did not release any information concerning this request to the requester.

Concerning the request received on March 17, 2011, the OCL released all records pertaining to the request with respect to a consulting firm for the period of August 24, 2005 to August 19, 2006. There were a total of 14 pages released from the pertinent file. The OCL invoked section 19(1) of the AIA to protect a Certification Password on one page of the released documents that is considered personal information, as defined under section 3 of the *Privacy Act*. As for the remaining records that were requested to September 1, 2009, the OCL invoked paragraph 68(a) of the AIA, which refers to already published information available in the Registry of Lobbyists on our website. As for the additional request for information concerning “neutral” services with respect to the Canadian Forces Ombudsman, no records exist with respect to this part of the request. The OCL has disclosed a summary of this completed request on its website.

The first request received in 2011-2012 requested records from September 15, 2011 to November 17, 2011, concerning the following: “‘Lawful Access’ legislation: giving police increased power to carry out web surveillance and intercept communications.” After a thorough search for this information, the OCL concluded that we did not possess any information in this regard. This summary was subsequently posted on our website.

A second request that was received by our Office was treated informally, since the required \$5 fee was not included with the request. The request involved information of a personal nature and the OCL did not possess any of the information sought by the requester.

The OCL incurred total costs of \$5,183 associated with the AIA, of which \$2,209 consisted of salaries in 2011-2012.

Education and Training Activities

In 2007-2008, the OCL adopted the Privasoft software system to track requests and process documents efficiently. The OCL’s ATIP Advisor is trained in its use. The annual costs associated with leasing the software system have been included in Part 7 of the Statistical Report under: Expenditures: “Goods and Services”.

The ATIP Advisor analyses and processes the requests, and provides advice to the Coordinator, who is ultimately responsible for the decisions made on each file. The ATIP Advisor attended a training session given by Privasoft concerning the new statistical reporting requirements issued by Treasury Board Secretariat during 2011-2012, as well as several ATIP Community meetings. The Advisor also attended the annual conference given by the Canadian Access and Privacy Association that takes place in November of each year in Ottawa.

There were no training activities provided to other employees of the OCL during the reporting period.

Complaints and Appeals

No complaints or appeals were received by the OCL from the Office of the Information Commissioner during 2011-2012.

Appeals to the Federal Court

There were no appeals filed during 2011-2012.

Consultations Completed for Other Institutions

There were no consultations completed for other institutions during 2011-2012 and there was only one notification of release of information, which originated from Treasury Board Secretariat.

New/Revised Policies, Guidelines and Procedures Implemented

The OCL published a revised Privacy Statement on its website, explaining its privacy policy, with regard to personal and confidential information it collects in the Registry of Lobbyists, as well as through the Telax telephone system. The OCL has also worked with Library and Archives Canada to document its policies and procedures governing the collection, transmission, storage and disposal of personal information to ensure that it continues to comply with the Treasury Board Secretariat's Directive on Retention and Disposition of Documents.

Conclusion

The OCL continues to make the Registry of Lobbyists increasingly accessible to the Canadian public by optimizing the use of technology to make information more readily available. This leads to greater transparency about lobbying activities and will lead to an increase in confidence in the integrity of federal government decision-making.

Annex A — Delegation Order

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

Access to Information Act and Privacy Act Delegation Order

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Deputy Commissioner of Lobbying	Full authority	Full authority

Dated, at the City of Ottawa, this 8th day of June, 2011,



Karen E. Shepherd

Annex B — 2011-2012 Statistical Report



Statistical Report on the Access to Information Act

Name of institution: Office of the Commissioner of Lobbying of Canada

Reporting period: 2011-04-01 to 2012-03-31

PART 1 – Requests under the *Access to Information Act*

1.1 Requests

Number of Requests	
Received during reporting period	2
Outstanding from previous reporting period	2
Total	4
Closed during reporting period	4
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (Private Sector)	0
Organization	0
Public	1
Total	2

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	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	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	1	0	0	0	0	0	1
All exempted	0	1	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Treated informally	1	0	0	0	0	0	0	1
Total	1	3	0	0	0	0	0	4

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	1	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	0	24(1)	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16.5	0	20(1)(c)	0		
16(1)(b)	0	17	0	20(1)(d)	0		
16(1)(c)	1						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	1	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	0
Disclosed in part	1	0	0
Total	1	0	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	0	0	0
Disclosed in part	14	14	1
All exempted	0	0	1
All excluded	0	0	0
Request abandoned	0	0	0

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	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	1	14	0	0	0	0	0	0	0	0
All exempted	1	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	2	14	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	0	0	0

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
0	0	0	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	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

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	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	0

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	# of Requests	Amount	# of Requests	Amount
Application	3	\$15	1	\$5
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	3	\$15	1	\$5

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	0	0	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	0	0	0	0
Closed during the reporting period	0	0	0	0
Pending at the end of the reporting period	0	0	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	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0

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	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0

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	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$2,209
Overtime		\$0
Goods and Services		\$2,974
• Professional services contracts	\$0	
• Other	\$2,974	
Total		\$5,183

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0	2	2
Part-time and casual employees	0	0	0
Regional staff	0	0	0
Consultants and agency personnel	0	0	0
Students	0	0	0
Total	0	2	2