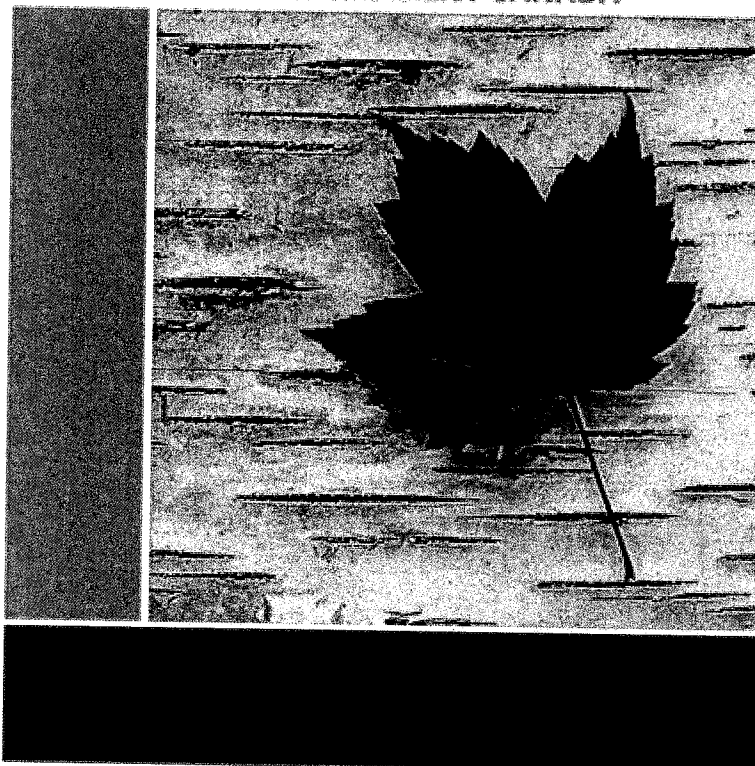




Public Safety
Canada

Sécurité publique
Canada

BUILDING A **SAFE AND RESILIENT CANADA**



Public Safety Canada
Annual Report on the *Access to Information Act*
2010-2011

Canada



Public Safety Sécurité publique
Canada Canada

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Canada



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Chapter I – Report on *Access to Information Act*

About Public Safety Canada

Public Safety Canada exercises a broad leadership role that brings coherence to the activities of the departments and agencies responsible for public safety and security. The *Department of Public Safety and Emergency Preparedness Act, 2005*, and the *Emergency Management Act, 2007*, set out two fundamental roles for the Department: supporting 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 coordinating 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 program activities: National Security, Border Strategies, Countering Crime, Emergency Management and Internal Services. The Department, in its portfolio coordination role, brings strategic focus to the overall safety and security agenda. In fulfilling its mandate, the Department 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.

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 2010-2011.

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;
- produces 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.

Delegation of Authority

The responsibilities associated with the administration of the *Access to Information Act*, such as notifying applicants of extensions and transferring requests to other institutions, are delegated to employees of the ATIP Unit through a delegation instrument signed by the Minister of Public Safety. The ATIP Manager has delegated authority to exempt personal information in accordance with section 19(1) of the *ATI Act*. The approval of all other exemptions is delegated to the Department's Deputy Minister, Associate Deputy Minister, five Assistant Deputy Ministers (ADMs), one Associate ADM, the Director General of Communications, and the Chief Audit Executive.

The current delegation instrument is reproduced at Annex A.

Highlights and Accomplishments for 2010-2011

Public Safety Canada has continued to improve the way in which the Department responds to *Access to Information Act* requests, by focusing on improving timeliness, efficiency and accuracy. Some of the highlights are as follows:

- The Department concluded its fourth consecutive year with over 90 per cent of requests completed within statutory deadlines;
- The Department has remained committed to on-time performance in the face of the continued high volume of requests and consultations received from other institutions;

- Training sessions, focusing exclusively on the *ATI Act* and the Department's procedures for processing requests, were held throughout the year. Nine sessions were offered, and a total of 67 employees attended this training; and
- All institution specific classes of records relating to the Department's information holdings were included in updates to *Info Source*.

New/Revised Policies/Guidelines or Procedures

Statement of Completeness

In response to a recommendation from the Information Commissioner, Public Safety Canada has instituted a process to account for the completeness of searches for *Access to Information Act* requests. Responsible officials are required to prepare a statement of completeness and must attest that a thorough search has been performed, that the recommendations for exemption are provided with a rationale, and that they have considered and abided by the principles supporting the duty to assist the requester.

Performance Management Agreements

Public Safety Canada has included in the performance management agreement for executives a commitment to timeliness in retrieval of records in response to *Access to Information Act* requests.

Challenges

Staffing

As with most federal institutions, recruitment and retention of qualified ATIP professionals continues to be a challenge. The challenge at Public Safety Canada is further complicated by the requirement that many ATIP staff require security clearances at the very highest level given the nature of the Department's business. Public Safety Canada continues to examine resource levels in the ATIP Unit.

Turnover of departmental staff generally poses challenges for recordkeeping and maintaining awareness of ATIP procedures.

Consultations with other institutions

Many of the Department's requests require consultation with other federal institutions, other levels of government and third parties, and extensions for the purpose of consulting such institutions are often required. Public Safety Canada's ability to meet its extended statutory deadlines for responding to requests is often dependent on the performance of other institutions in responding to our requests for consultation within a reasonable period of time. The ATIP Unit continues to examine its procedures in this regard.

Chapter II – Access to Information Act Statistical Report

Overall Workload Trends

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by Public Safety Canada between April 1, 2010 and March 31, 2011. 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 dramatically this year. The figures below include formal Access and Privacy requests, and consultations received from other institutions. They do not reflect requests processed informally or other services that the ATIP Unit provides to the Department.

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

	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
ATI requests received by Public Safety Canada	229	296	235	208	298
Privacy requests received by Public Safety Canada	11	17	12	37	32
ATI consultations received from other institutions	177	175	198	136	223
Privacy consultations received from other institutions	5	7	10	18	9
Total workload	422	495	455	399	562

Requests Received under the *Access to Information Act*

Public Safety Canada received 298 new *Access to Information Act* requests throughout the 2010-2011 fiscal year, representing an increase of 43 per cent in the number of requests received the previous year (208). Twenty-eight requests were carried forward from the previous fiscal year, resulting in a total of 326 requests to process during 2010-2011. Of these requests, 271 were completed during the reporting year, while the remaining 55 requests were carried forward to the next reporting year.

Source of Requests

Media continued to dominate the source of requests received by Public Safety Canada for the 2010-2011 fiscal year. Of the 298 requests received, the media comprised 53 per cent of that number (156). Members of the public who did not identify themselves as belonging to any other category accounted for 30 per cent of requests (89), and nine per cent were received from businesses (27). A small percentage of requests were submitted from academia (16) and organizations (10), at five per cent and three 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 Department invoked a total of 101 extensions during the 2010-2011 fiscal year, and 85 of these were for more than 31 days. A total of eight extensions were invoked due to the high volume of records involved. Eighty-five extensions were required in order to undertake consultations with other federal institutions, and eight were required for third party notification.

Of the 271 requests completed over the year, 178 (66 per cent) of requests were completed in 30 days or less, while 93 (34 per cent) were completed beyond 30 days. Twenty-four requests were completed within 31 to 60 days, and 25 were completed within 61 to 120 days. Forty-four requests were completed within 121 days or greater.

Disposition of Requests for 2010-2011

As many of the documents processed by Public Safety Canada's ATIP Unit contain sensitive information relating to national security and law enforcement, as well as advice to the Minister and Cabinet records, the majority of departmental responses contain exempted and/or excluded information.

The following table identifies the disposition of requests completed during the year.

All disclosed	50	Transferred	19
Disclosed in part	118	Unable to process	49
Nothing disclosed (excluded)	2	Abandoned by applicant	21
Nothing disclosed (exempt)	8	Treated informally	4

Consultations from Other Institutions

The Department's role in coordinating with other federal institutions as well as those within the Public Safety portfolio results in the Department having an interest in records processed by other institutions. A significant amount of the ATIP Unit's workload involves responding to consultations in response to formal requests received by other institutions.

The Department received 223 consultations over the course of the year from other federal institutions responsible for responding to requests they received under the *Access to Information Act* containing information of interest to Public Safety Canada. This is a significant increase in consultations over last year when Public Safety received 136 consultations. Public Safety collaborated with other government departments on events such as the 2010 Vancouver Olympics and the G8-G20 Summit, and on proposed crime prevention legislation, which generated a large number of requests, and hence a large number of consultations. It is expected that the number of consultations received by the Department will continue to increase as Public Safety Canada continues to work with other departments on matters such as disaster response, event security and corrections policies.

Investigations

The Office of the Information Commissioner notified Public Safety Canada of 17 new complaints received throughout 2010-2011. This number represents an increase from the previous year, during which time seven complaints had been received.

Nine of the complaints received concerned the length of extension invoked, while one complaint pertained to delay. Six complaints concerned the exemptions/exclusions applied to withhold information, and six were noted as "miscellaneous" complaints by the Office of the Information Commissioner.

A total of nine complaints were completed during the reporting period. The Information Commissioner's findings with respect to the complaints were as follows:

- Of the three complaints regarding the application of exemptions, all three were discontinued. Of the four miscellaneous complaints, three were discontinued and one was well-founded, resolved without further recommendations to the head of the institution when colour copies of pictures originally forwarded in black and white were located and subsequently forwarded to the requester;
- Of two time extension complaints, one was deemed not substantiated, and the other well-founded, resolved, without recommendations to the head of the institution.

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.

Training

The Department focused on furthering ATIP awareness in 2010-2011. The ATIP Unit delivered nine two-hour information sessions with a total of 67 employees attending the sessions. The ATIP Unit also provided ongoing individualized training on departmental procedures to Public Safety Canada's employees who assume ATIP responsibilities. The Department hopes to expand its resources to be able to provide more frequent and comprehensive training sessions for employees as well as develop training materials and resources.

Informal Processes

Whenever possible, information is provided informally to the public by departmental employees. For example, the Communications Directorate responds to many requests for information from the media and the Canadian public. Additionally, the departmental website serves as a source of information, where contracts over \$25,000 and expenses of senior officials are routinely disclosed. Given the sensitivity of much of the information held in Public Safety Canada, there are few opportunities to disclose other types of information informally.

Public Reading Room

The *Access to Information Act* requires that institutions maintain a reading room where the public can review records. Records released under the *ATI Act* in the current year, as well as those released during the preceding two years are available for viewing at no charge. Photocopying costs are applied at \$0.20 per page. The reading room is located at 269 Laurier Avenue West, 11th floor, Ottawa, Ontario. Access to the facilities are available by appointment only from Monday to Friday between 10:00 am and 3:00 pm, holidays excepted.

Annex A : Delegation Order – Access to Information Act

Delegation Order - Access to Information Act and Access to Information Regulations
Arrêté de délégation en vertu de la Loi sur l'accès à l'information et du Règlement sur l'accès à l'information
Public Safety Canada – Sécurité publique Canada

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, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the Department of Public Safety and Emergency Preparedness, under the section of the Act set out opposite each position.

En vertu de l'article 73 de la *Loi sur l'accès à l'information**, le Ministre de la Sécurité publique et de la Protection civile délègue aux titulaires des postes sous mentionnés, les pouvoirs et les fonctions dont il est, en qualité de responsable d'une institution fédérale, c'est-à-dire le Ministère de la Sécurité publique et de la Protection civile, investi conformément à l'article de la Loi mentionné à l'égard de chaque poste.

Section/Article		Deputy Minister & Associate Deputy Minister Sous-ministre et Sous-ministre délégué	Assistant Deputy Ministers, Associate Assistant Deputy Ministers, Director General Communications, Chief Audit Executive Sous-ministres adjoints, Sous-ministre adjoints délégués, Directeur général des communications, Dirigeant principal de la vérification	ATIP Manager/Gestionnaire AIPRP	Senior ATIP Advisors and ATIP Analysts Conseillers principaux et analystes en matière d'AIPRP
4(2.1)	Responsibility of government institutions Responsable de l'institution fédérale	•	•	•	•
7(a)	Notice when access requested Aviser l'auteur de la demande d'accès	•		•	
7(b)	Giving access to record / Autoriser l'accès à un document	•		•	
8(1)	Transfer of request to another government institution Transmettre la demande à une autre institution	•		•	
9	Extension of time limits / Prorogation du délai	•		•	
11(2)(3) (4)(5)(6)	Additional Fees / Frais supplémentaires	•		•	•
12(2)(b)	Language of access / Langue de communication des renseignements	•		•	
12(3)(b)	Access in an alternative format / Accès aux renseignements sur un support de substitution	•		•	
13	Exemption – Information obtained in Confidence Exception - Renseignements obtenus à titre confidentiel	•	•		
14	Exemption – Federal-provincial affairs Exception - Affaires fédéro-provinciales	•	•		
15	Exemption – International affairs and defence Exception - Affaires internationales et défense	•	•		
16	Exemption – Law enforcement and investigations Exception - Application de la loi et enquêtes	•	•		
16.5	Exemption – <i>Public Servants Disclosure Protection Act</i> / Exception - <i>Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles</i>	•	•		

Section/Article		Deputy Minister & Associate Deputy Minister Sous-ministre et Sous-ministre délégué	Assistant Deputy Ministers, Associate Assistant Deputy Ministers, Director General Communications, Chief Audit Executive Sous-ministres adjoints, Sous-ministre adjoints délégués, Directeur général des communications, Dirigeant principal de la vérification	ATIP Manager/Gestionnaire AIPRP	Senior ATIP Advisors and ATIP Analysts Conseillers principaux et analystes en matière d'AIPRP
17	Exemption – Safety of individuals Exception - Sécurité des personnes	•	•		
18	Exemption - Economic interests of Canada Exception - Intérêts économiques du Canada	•	•		
18.1	Exemption – Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector Pension Investment Board and VIA Rail Canada Inc. / Exceptions - Intérêts économiques de la Société canadienne des postes, d'Exportation et développement Canada, de l'Office d'investissement des régimes de pensions du secteur public et de VIA Rail Canada Inc.	•	•		
19	Exemption – Personal information Exception - Renseignements personnels	•	•	•	
20	Exemption – Third-party information Exception - Renseignements de tiers	•	•		
21	Exemption – Operations of Government Exception - Activités du gouvernement	•	•		
22	Exemption – Testing procedures, tests and audits Exception - Examens et vérifications	•	•		
22.1	Exemption – Audit working papers and draft audit reports Exception - Documents de travail relatifs à la vérification et ébauche des rapports de vérification	•	•		
23	Exemption – Solicitor-client privilege Exception - Secret professionnel des avocats	•	•		
24	Exemption - Statutory prohibitions Exception - Interdictions réglementaires	•	•		
25	Severability / Prélèvements	•	•	•	
26	Exemption – Information to be published Exception - Renseignements devant être publiés	•	•		
27(1), (4)	Third-party notification / Avis aux tiers	•	•	•	
28(1)(b), (2), (4)	Third-party notification / Avis aux tiers	•	•	•	
29(1)	Where the Information Commissioner recommends disclosure Recommandation du Commissaire à l'information	•		•	
33	Advising Information Commissioner of third-party involvement Avis au Commissaire à l'information de la participation d'un tiers	•		•	
35(2)(b)	Right to make representations / Droit de présenter des observations	•	•	•	

Deputy Minister & Associate Deputy Minister Sous-ministre et Sous-ministre délégué	Assistant Deputy Ministers, Associate Assistant Deputy Ministers, Director General Communications, Chief Audit Executive Sous-ministres adjoints, Sous-ministre adjoints délégués, Directeur général des communications, Dirigeant principal de la vérification	ATIP Manager/Gestionnaire AIPRP	Senior ATIP Advisors and ATIP Analysts Conseillers principaux et analystes en matière d'AIPRP
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Section/Article					
37(4)	Access to be given to complainant / Accès accordé au plaignant	•		•	
43(1)	Notice to third party (application to Federal Court for review) Avis au tiers (demande de révision par la Cour fédérale)	•		•	
44(2)	Notice to applicant (application to Federal Court by third party) Avis à l'auteur de la demande (demande de révision par la Cour fédérale, présentée par un tiers)	•		•	
52(2)(b), (3)	Special rules for hearings Règles spéciales concernant les audiences	•	•		
71(1)	Facilities for inspection of manuals Salles publiques de consultation des manuels	•	•		
72	Annual report to Parliament Élaborer un rapport annuel à l'intention du Parlement	•			
Regulation/règlement					
6(1)	Transfer of request / Transmettre une demande	•		•	
7(2)	Search and preparation fees Frais liés à la recherche et à la préparation	•		•	•
7(3)	Production and programming fees Frais liés à la production et aux programmes	•		•	•
8	Providing access to record(s) / Donner accès aux documents	•	•	•	
8.1	Limitations in respect of format Restrictions applicables au support	•	•		

Dated, at the City of Ottawa,

this 3RD day of MARCH, 2010

Daté, en la ville d'Ottawa,

ce _____ ième jour de _____, 2010

Vic Toews
Vic Toews, P.C., Q.C., M.P./Vic Toews, C.P., C.R., député

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

*L.R.C. 1985, ch. A-1

Annex B : Statistical Report – Access to Information Act



Government of Canada
Gouvernement du Canada

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

Institution Public Safety Canada / Sécurité publique Canada				Reporting Period / Période visée par le rapport 2010-04-01 to/à 2011-03-31	
Source	Media / Médias 156	Academia / Secteur universitaire 16	Business / Secteur commercial 27	Organization / Organisme 10	Public 89

I Requests under the Access to Information Act /
Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçus pendant la période visée par le rapport	298
Outstanding from previous period / En suspens depuis la période antérieure	28
TOTAL	326
Completed during reporting period / Traitées pendant la période visée par le rapport	271
Carried Forward / Reportées	55

II Disposition of requests completed /
Disposition à l'égard des demandes traitées

1. All Disclosed / Communication totale	50	6. Unable to process / Traitement impossible	49
2. Disclosed in part / Communication partielle	118	7. Abandoned by applicant / Abandon de la demande	21
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	2	8. Treated informally / Traitement non officiel	4
4. Nothing disclosed (exempt) / Aucune communication (exemption)	8	TOTAL	271
5. Transferred / Transmission	19		

III Exemptions invoked /
Exemptions invoquées

S. Art. 13(1)(a)	26	S. Art. 16(1)(a)	11	S. Art. 18(b)	3	S. Art. 21(1)(a)	60
(b)	3	(b)	4	(c)	0	(b)	37
(c)	8	(c)	15	(d)	0	(c)	14
(d)	6	(d)	0	S. Art. 19(1)	82	(d)	7
S. Art. 14	20	S. Art. 16(2)	26	S. Art. 20(1)(a)	1	S. Art. 22	1
S. Art. 15(1) International rel. / Relations Intern.	7	S. Art. 16(3)	0	(b)	14	S. Art. 23	36
Defence / Défense	54	S. Art. 17	3	(c)	9	S. Art. 24	2
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	4	S. Art. 26	7

IV Exclusions cited /
Exclusions citées

S. Art. 68(a)	5	S. Art. 69(1)(c)	0
(b)	0	(d)	11
(c)	0	(e)	26
S. Art. 69(1)(a)	12	(f)	0
(b)	0	(g)	37

V Completion time /
Délai de traitement

30 days or under / 30 jours ou moins	178
31 to 60 days / De 31 à 60 jours	24
61 to 120 days / De 61 à 120 jours	25
121 days or over / 121 jours et plus	44

VI Extensions /
Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	3	5
Consultation	10	75
Third party / Tiers	3	5
TOTAL	16	85

VII Translations /
Traduction

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
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	168
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	\$1,355.00	Preparation / Préparation	\$0.00
Reproduction	\$5.60	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$304.40	TOTAL	\$1,665.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		155	\$839.60
Over \$25.00 / De plus de 25 \$		17	\$630.80

X Costs /
Coûts

Financial (all reasons) / Financiers (raisons)	(\$ 000)
Salary / Traitement	494
Administration (O and M) / Administration (fonctionnement et maintien)	22
TOTAL	516
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	8.55