



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes



Annual Report

Access to Information

2012 / 2013



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Canada 



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

June 26, 2013

The Honourable James Moore
Minister of Canadian Heritage
and Official Languages
15 Eddy Street
Gatineau, Quebec
K1A 0M5

Dear Minister:

In accordance with the provisions of Section 72 of the *Access to Information Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2013 for referral to the Standing Committee on Justice and Human Rights.

Sincerely,

John Traversy
Secretary General

Access to Information & Privacy Coordinator
CRTC
Les Terrasses de la Chaudière
1, Promenade du Portage
Central Building,
Hull, Quebec
(819) 997-4274

mailing address:
Ottawa, Ontario
K1A 0N2

or

Toll free 1-877-249-2782
TTY – Toll free 1-877-909-2782
Tel: (819) 997-0313
TTY – (819) 994-0423
Internet Address: <http://www.crtc.gc.ca>

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- A. Delegation Order
- B. Statistical Report

Introduction

This report has been prepared pursuant to section 72 of the *Access to Information Act* (the *Act*) and will be tabled in Parliament in accordance with the *Act*.

The *Access to Information Act* provides Canadians with a right of access to federal government records. 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.

CRTC Mandate and Responsibilities

The CRTC's legislative authority is derived from the following acts:

The Canadian Radio-television and Telecommunications Commission Act, 1985;
Bell Canada Act, 1987;
Broadcasting Act, 1991;
Telecommunications Act, 1993; and
An Act to Promote the Efficiency and Adaptability of the Canadian Economy by Regulating Certain Activities that Discourage Reliance on Electronic Means of Carrying out Commercial Activities, and to Amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act, and the Telecommunications Act, 2010. Referred to as "Canada's Anti-Spam legislation (CASL)" in this document, this Act received Royal Assent in 2010 but is not yet proclaimed in force.

The Canadian Radio-television and Telecommunications Commission (CRTC) is an administrative tribunal that is responsible for regulating and supervising Canada's broadcasting and telecommunications systems, based on policy objectives set out in the *Broadcasting Act* and the *Telecommunications Act*. The CRTC also has new responsibilities under Canada's anti-spam legislation (CASL).

The CRTC reports to Parliament through the Minister of Canadian Heritage and Official Languages.

The CRTC fulfills its responsibilities through a number of interrelated activities, including:

- consulting and informing Canadians;
- deciding on mergers, acquisitions and changes of ownership;
- approving tariffs and certain agreements for the telecommunications industry;
- issuing, renewing and amending licenses for broadcasting undertakings;
- administering and enforcing rules for the National Do Not Call List (National DNCL);
- resolving competitive disputes;
- monitoring, assessing and reporting on broadcasting and telecommunications industries;
- responding to public inquiries and complaints;

- facilitating industry co-regulation and self-regulation through consultations, committees and working groups; and,
- administering and enforcing applicable provisions of CASL.

Administration

The CRTC's Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Information Technologies Directorate. The ATIP Office currently has three full-time employees and one employee engaged part-time in ATIP activities.

The ATIP Office uses the AccessPro Case Management system and an imaging and electronic redaction software solution, AccessPro Redaction.

Delegation Order

Decision-making responsibility for the application of the various provisions of the *Access to Information Act* has been formally established and is outlined in the Delegation Order approved by the Chairman of the CRTC on June 10, 2013. A copy of the delegation order is in Appendix A of this Report.

Requests under the *Access to Information Act*

During the reporting period from April 1, 2012 to March 31, 2013, the CRTC received a total of 20 new requests under the *Act*. A total of 7 requests were carried forward from 2011-2012 and a total of 6 requests were carried forward to 2013-2014. Consequently, a total of 27 requests were processed during the year of which 21 were closed.

No records existed that met the criteria established in 6 of the 27 requests processed. 2 requests were abandoned by the applicants.

The largest access client group was the public. Of the 20 requests received during the current period, 8 (40%) came from this group.

The substance of the requests covered a wide range of broadcasting and telecommunications matters processed by the CRTC including information on the following topics:

- the number of complaints received pertaining to certain broadcasters;
- a listing of contracts or consulting agreements;
- records pertaining to the Canadian Broadcast Standards Council;
- the ban of loud TV commercials;
- expense claims; and
- the new Chairman's meetings with third parties.

Requests were also received asking for financial information filed in the context of Annual Returns, information on complaints filed with the CRTC, research papers on various topics, information relating to policy issues and information on various types of expenses incurred within the Commission.

During the reporting period, \$825 was collected for searching and production costs. No fees were collected for photocopy costs.

Other requests

During the same period, the CRTC received 19 *Access to Information Act* consultation requests from other departments. One consultation request was carried forward from 2011-2012 and one request was carried forward to 2013-14. Consequently, 20 Consultation requests were processed during the year.

The CRTC did not receive any Informal Requests during the reporting period.

Additionally, the ATIP Office acted as a resource for CRTC officials and offered advice and guidance on the provisions of the legislation.

Disposition of completed ATI requests

In 2012-2013, 21 requests were completed. The disposition of the completed requests was as follows:

- 2 were fully disclosed;
- 9 were disclosed in part;
- 1 was excluded in its entirety;
- 1 was exempted in its entirety;
- 6 had no records that existed; and
- 2 were abandoned by applicants.

Completion time and extensions

The 21 requests completed in 2012-2013 were processed in the following time frames:

- 12 within 30 or fewer days;
- 4 within 31 to 60 days;
- 1 within 61 to 120 days; and
- 4 in 121 days or over.

Of the 21 requests, 16 were completed within allowable time limits. The completion time of four requests was affected by the need for third party consultations. The completion time for one request was prolonged due to the amount of time consumed by page-by-page review of a large number of records.

Exemptions invoked

The CRTC invoked the following exemptions under the Act:

- 1 time under paragraph 13(1)(c), exempting information provided in confidence by a provincial government;
- 1 time under paragraph 16(1)(c), exempting records pertaining to law enforcement;
- 8 times under subsection 19(1), exempting records containing personal information;
- 5 times under paragraph 20(1)(b), exempting records containing third-party confidential business information;
- 4 times under paragraph 20(1)(c), exempting records containing third-party business information the disclosure of which could prejudice the competitive position of a third party;
- 2 times under paragraph 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 7 times under paragraph 21(1)(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 7 times under paragraph 21(1)(b), exempting records containing information relating to the internal decision-making processes of government, i.e., accounts of consultations or deliberations;
- 2 times under paragraph 21(1)(c), exempting records containing information relating to negotiations carried on by the Government of Canada
- 1 time under paragraph 21(1)(d), exempting records containing plans relating to the management of personnel or the administration of a government institution that have not yet been put in operation;
- 6 times under section 23, exempting records containing information that is subject to client-solicitor privilege; and
- 2 times under section 24(1), exempting records containing information filed in confidence under the *Telecommunications Act*.

General disposition

Paragraph 68(a) of the Act was invoked in two instances. The Act does not apply to published material or material available for purchase by the public.

Complaints, investigations and federal court cases

No complaints were received during 2012-2013. Two complaints received in 2011-2012 were resolved and one complaint received in 2006-2007 was abandoned by the applicant in 2012-2013.

Seven complaints have been carried forward to 2013-2014. Three of the complaints were filed in 2006-2007, three were filed in 2010-2011 and one was filed in 2011-2012. All the files being carried forward are with respect to the application of exemptions.

There were no court cases for 2012-2013.

Education and training

During 2012–2013, two training sessions were offered to 32 employees, providing them with an overview of the *Act* and a better understanding of their obligations and the ATIP process within the CRTC. New processes established by the CRTC ATIP Office were also presented.

Policies and Procedures

During 2012-2013, the ATIP Office, in consultation with other sectors of the Commission, reviewed and revised its internal ATI procedures. Each sector of the CRTC appointed an ATIP Ambassador to serve as the primary contact for all ATIP matters with that sector. The ATIP Office has also implemented a strategy meeting held with the Office of Primary Interest, legal counsel and members from the ATIP Office within the first 48 hours of receiving a request. The purpose of the strategy meeting is to ensure consistent interpretation of the request among all parties and to determine if there is any need for clarification from the requestor. Also, internal ATI timelines were reviewed and revised following a consultation with other small departments and agencies to allow for more time for the ATIP Office to review each file.

During 2012-2013, the CRTC continued to post summaries of completed Access to Information requests on its website.

Costs

During 2012-2013, the ATIP Office incurred an estimated \$164,554 in salary costs and \$17,810 in administrative costs to administer the *Act*.

These costs do not include the resources expended by the program areas of the CRTC to meet the requirements of the *Act*.

Statistical Report on the *Access to Information Act*

The report can be found at Appendix B.



Appendix A: Delegation Order

Access to Information Act Delegation Order

I, the undersigned, Chairman and Chief Executive Officer of the Canadian Radio-Television and Telecommunications Commission (CRTC), pursuant to section 73 of the **Access to Information Act***, hereby designate the person or persons holding the position or positions set out in the schedule hereto to exercise and perform the powers, duties and functions of the Chairman, as the head of the government institution, under the sections of the Act set out in the attached schedule for each position.

This Delegation Order supersedes all previous Delegation Orders with respect to the CRTC, or any portion thereof.



Jean-Pierre Blais
Chairman and Chief Executive Officer



10 juin 2013
Date

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

SCHEDULE

Access to Information Act Designation Order

Position	Sections of Access to Information Act
1. Secretary General	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(1), 13(2), 14, 15(1), 16(1), 16(2), 16(3), 17, 18, 18.1, 19, 20, 21, 22, 22.1, 23, 24(1), 25, 26, 27(1), 27(4), 28(1), 28(2), 28(4), 29, 33, 35(2), 37(1), 37(4), 43(1), 44(2), 52, 68, 68.1, 69, 71, 72.
2. ATIP Coordinator	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(2), 25, 26, 27(4), 29, 33, 37(4), 43(1), 44(2), 68, 68.1.

Appendix B: Statistical Report



Statistical Report on the Access to Information Act

Name of institution: CRTC

Reporting period: 01/04/2012 to 31/03/2013

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	20
Outstanding from previous reporting period	7
Total	27
Closed during reporting period	21
Carried over to next reporting period	6

1.2 Sources of requests

Source	Number of Requests
Media	5
Academia	0
Business (Private Sector)	7
Organization	0
Public	8
Total	20

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	2	0	0	0	0	0	0	2
Disclosed in part	0	1	4	0	2	2	0	9
All exempted	0	1	0	0	0	0	0	1
All excluded	0	1	0	0	0	0	0	1
No records exist	4	2	0	0	0	0	0	6
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	1	0	0	1	0	0	0	2
Treated informally	0	0	0	0	0	0	0	0
Total	7	5	4	1	2	2	0	21

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)	1	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	7
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	7
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	2
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	1
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)	8	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	6
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	5	24(1)	2
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)	4		
16(1)(b)	0	17	0	20(1)(d)	2		
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)	2	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	2	0	0
Disclosed in part	8	1	0
Total	10	1	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	2	2	2
Disclosed in part	4267	1946	9
All exempted	2000	0	1
All excluded	0	0	1
Request abandoned	0	0	2

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	2	2	0	0	0	0	0	0	0	0
Disclosed in part	4	220	3	515	1	453	1	758	0	0
All exempted	0	0	0	0	0	0	1	0	0	0
All excluded	1	0	0	0	0	0	0	0	0	0
Abandoned	2	0	0	0	0	0	0	0	0	0
Total	9	222	3	515	1	453	2	758	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	2	0	2
Disclosed in part	3	4	9	0	16
All exempted	0	0	1	0	1
All excluded	0	0	1	0	1
Abandoned	1	1	0	0	2
Total	4	5	13	0	22

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
5	1	4	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	2	0	2
61 to 120 days	0	0	0
121 to 180 days	0	1	1
181 to 365 days	0	2	2
More than 365 days	0	0	0
Total	2	3	5

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	4	0	0	2
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	1	0	0	0
Total	5	0	0	2

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	1	0	0	0
61 to 120 days	0	0	0	2
121 to 180 days	4	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	5	0	0	2

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	20	\$100	1	\$5
Search	2	\$390	1	\$202
Production	4	\$435	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	26	\$925	2	\$207

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	19	558	0	0
Outstanding from the previous reporting period	1	2	0	0
Total	20	560	0	0
Closed during the reporting period	19	482	0	0
Pending at the end of the reporting period	1	78	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							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	than 365 days	
Disclose entirely	12	1	1	0	0	0	0	14
Disclose in part	4	0	0	0	0	0	0	4
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	1	0	0	0	0	0	0	1
Total	17	1	1	0	0	0	0	19

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		\$164,554
Overtime		\$0
Goods and Services		\$17,810
• Professional services contracts	\$7,810	
• Other	\$10,000	
Total		\$182,364

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	3.00	1.00	4.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	1.00	1.00
Students	0.00	0.00	0.00
Total	3.00	2.00	5.00