



Report on the Administration of the *Access to Information Act*

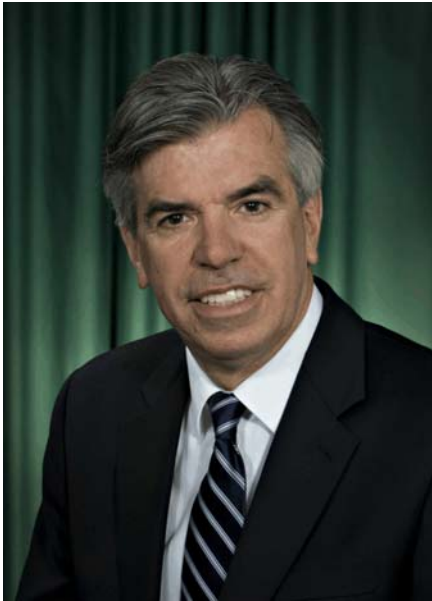
2011-2012

Canada 

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Message from the Chairperson



On behalf of the Veterans Review and Appeal Board, I am pleased to present the 2011-2012 annual report to Parliament on the administration of the *Access to Information Act*.

This 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 2011-2012, the Board received and processed an increased number of formal requests under the *Access to Information Act* for individuals exercising their rights under this legislation.

Privacy and the protection of our applicants' personal information are top priorities at the Board. In 2011-12, the Board's Access to Information and Privacy (ATIP)

Office continued to review our work processes through a "privacy" lens to further strengthen our privacy practices. During the last year, we added privacy statements to all forms and summaries of completed Access to Information requests to our Web site. We also took great care in depersonalizing our Noteworthy Decisions to be published online, and spent time developing new privacy training sessions to be delivered to Members and staff in the coming fiscal year.

In 2011-2012, the Board continued to provide applicants with an independent avenue of redress for their disability pension, disability award and War Veterans Allowance decisions. In fulfilling this mandate, we are 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, appearing to read "John D. Larlee". The signature is fluid and cursive.

John D. Larlee
Chairperson

The Veterans Review and Appeal Board

Our Objective

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal created in 1995. The Board provides an appeal program for service-related disability decisions made by Veterans Affairs Canada (VAC, the Department). This program gives applicants two levels of redress for disability pension and disability award decisions and the final level of appeal for War Veterans Allowance claims.

The Board's objective is to ensure that Canada's traditional Veterans, 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 under the law.

How We Work

The Board operates at arm's-length from the Department to ensure a fair appeal process for applicants. Our work is governed by the *Veterans Review and Appeal Board Act* and delivered by up to 29 permanent Members appointed by the Governor in Council and approximately 85 staff in 2011-2012. Our daily work involves conducting hearings in locations across Canada and issuing written decisions for applicants based on evidence and according to the legislation governing disability benefits.

Our Hearing Program

The Board provides applicants with two levels of redress: a review hearing and a subsequent appeal hearing if they remain dissatisfied. Our hearings are non-adversarial, which means no one argues against the Veteran. Applicants have access to free case preparation and representation at their hearing by the Bureau of Pensions Advocates (a unique organization of lawyers within VAC) or by Service Officers from Veterans organizations. As independent adjudicators, Board Members are not bound by previous decisions and will change them to benefit applicants if there is credible evidence.

The review hearing is the first and only opportunity in the disability adjudication process for applicants to appear before the decision makers and tell their story. We hold review hearings in locations across Canada, and by video conference, where applicants give oral testimony, bring forward witnesses and new information, and present arguments in support of their case. If applicants are not satisfied with their review decision, they can request an appeal hearing. While the legislation does not permit oral testimony at the appeal level, the hearing is a further opportunity for applicants, through their representative, to submit new information and arguments. Appeal hearings are usually held at the Board's Head Office in Charlottetown, Prince Edward Island.

Our Commitment

The Board is committed to upholding the principles of the *Access to Information Act* while providing applicants with a fair and timely appeal process for disability benefits decisions.

1. Introduction

The *Access to Information Act* gives Canadian citizens and individuals present in Canada a broad right of access to information contained in government records under control of the institution, subject to certain specific and limited exceptions. It maintains that government information should be available to the public and should complement and not replace existing procedures for access to government information.

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

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 duty related pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

2. How VRAB fulfills its responsibilities under the *Access to Information Act*

The Access to Information and Privacy (ATIP) Office is under the Director, Corporate Operations who acts on behalf of the Chairperson of the Board to oversee the administration of the *Access to Information Act* and the *Privacy Act*.

The ATIP Office is now entering its third year of existence. The office consists of an ATIP Coordinator, a Deputy Coordinator, an ATIP Liaison Officer and an ATIP Officer position which will be staffed permanently in the next fiscal year.

The Board has full responsibility for the administration of the *Access to Information Act* and the *Privacy Act*. However, the Decisions rendered by the Board may direct the Department to pay benefits to applicants and appellants. For this reason, these decision documents are kept on the Department's Head Office files. When privacy requests are made by Veterans to VAC for full disclosure of their files, these decisions are released through the VAC ATIP Office. All other requests, including access requests, are released through VRAB.

The duties of the ATIP Coordinator's Office are to:

- 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;
- Fulfill requirements to complete 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;
- Review noteworthy decision documents from a privacy perspective before posting on VRAB's Web site;
- Prepare the VRAB chapters in the Info Source publication; and
- Prepare annual reports to the TBS and Parliament on the *Access to Information Act* and the *Privacy Act*.

3. Designation and Delegation Order

(a) 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

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

(b) 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 access to record in alternative 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

The Statistical Report, included in Annex 1, provides a summary of the formal *Access to Information Act* requests processed between the reporting period of April 1, 2011, and March 31, 2012.

PART 1 Requests under the *Access to Information Act*

1.1 Requests

During the reporting period, VRAB received 12 requests under the *Access to Information Act*. Two (2) requests were outstanding from the previous reporting period for a total of 14 requests.

1.2 Sources of requests

The requests were from a variety of sources including two (2) from media, one (1) from a business, three (3) from private sector organizations and six (6) from the public.

PART 2 Requests closed during the reporting period

2.1 Disposition and completion time

During the reporting period, 14 requests were completed. In three (3) of the requests, the information was partially disclosed. In two (2) requests, the information was fully disclosed. In one (1) request, the information was all exempted and no records existed for four (4) of the requests. Three (3) requests were transferred, and one (1) request was abandoned.

Seven (7) of the 14 were completed within 15 days, three (3) within the 30 day time limit, two (2) within 31-60 days; and two (2) within 181-365 days.

2.2 Exemptions

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 invoked subsection 19(1) four (4) times, section 21 three (3) times, and section 23 once.

2.3 Exclusions

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.

2.4 Format of information release

In the five (5) cases where there was a document release, all were provided on paper.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

There were six (6) requests where documents were processed. The total number of pages was 354 of which 278 were disclosed in whole or in part.

2.5.2 Relevant pages processed and disclosed by size of requests

There were two (2) releases where a total of three (3) pages were all disclosed, one (1) which was less than 100 pages and two (2) where between 101-500 pages were disclosed in part. There was also one (1) release of less than 100 pages that was all exempted.

2.5.3 Other complexities

Legal advice was sought in two (2) of the cases.

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

There were three (3) requests that exceeded the mandatory deadline. One (1) was very complex and required legal advice, one (1) was more complex than originally anticipated and one (1) was delayed due to an administrative error.

2.6.2 Number of days past deadline

One (1) request was late by two (2) days, one (1) by seven (7) days and the one (1) where all documents were withheld was late by 292 days.

2.7 Requests for translation

No translations were required to respond to Access to Information requests during the 2011-2012 reporting period.

PART 3 Extensions

During the reporting period, VRAB made zero requests for extensions of time limits.

3.1 Reasons for extensions and disposition of requests

N/A

3.2 Length of extensions

N/A

PART 4 Fees

In accordance with section 11 of the *Access to Information Act*, the fees collected during the reporting period totalled \$55.00.

PART 5 Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

There were four (4) consultations received during the reporting period.

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

The recommendation for all of the consultations was to disclose entirely. Three (3) were processed in less than 15 days and the other in 16-30 days.

5.3 Recommendations and completion time for consultations received from other organizations

There were no consultations received from other organizations.

PART 6 Completion time of consultations on Cabinet confidences

There were no consultations on Cabinet confidences.

PART 7 Resources related to the *Access to Information Act*

7.1 Costs

During the reporting period, VRAB spent a total of \$34,333.00 administering the *Access to Information Act*. Staff salaries accounted for \$26,630.00, and goods and services, which included a contract for a consultant, amounted to \$7,703.00.

7.2 Human Resources

Two (2) full-time employees, one (1) casual and one (1) consultant were dedicated to Access to Information activities on a part-time basis.

5. Training

The ATIP Office is committed to providing on-going training to existing staff, members and new employees. The ATIP Office is developing specific sessions for members to be delivered at members' annual professional development seminars. A new orientation binder has been developed for all new employees, which include chapters on privacy and access to information.

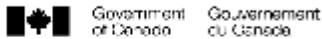
6. Policies, Guidelines and Procedures

- A new policy on the usage of server back- up tapes when responding to access to information requests has been developed and implemented.
- The ATIP Office has implemented the posting of formal ATI summaries as per Treasury Board Secretariat Directive on the Administration of the *Access to Information Act* (appendix E).

7. Complaints and/or 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

Statistical Report on the Access to Information Act

Name of institution: Veterans Review and Appeal Board

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	12
Outstanding from previous reporting period	2
Total	14
Closed during reporting period	14
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	0
Business (Private Sector)	1
Organization	3
Public	6
Total	12

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	1	0	1	0	0	0	0	2
Disclosed in part	1	1	1	0	0	0	0	3
All exempted	0	0	0	0	0	1	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	2	2	0	0	0	0	0	4
Request transferred	3	0	0	0	0	0	0	3
Request abandoned	0	0	0	0	0	1	0	1
Treated informally	0	0	0	0	0	0	0	0
Total	7	3	2	0	0	2	0	14

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)	1
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	1
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)	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)	4	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	1
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)	0						
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)	0	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	3	0	0
Total	5	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	3	3	2
Disclosed in part	275	275	3
All exempted	78	0	1
All excluded	0	0	0
Request abandoned	0	0	1

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	2	3	0	0	0	0	0	0	0	0
Disclosed in part	1	11	2	264	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	1	0	0	0	0	0	0	0	0	0
Total	5	14	2	264	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	1	0	1
All exempted	0	0	1	0	1
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	2	0	2

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
3	0	0	0	3

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	2	0	2
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	1	0	1
More than 365 days	0	0	0
Total	3	0	3

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	11	\$55	0	\$0
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	11	\$55	0	\$0

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	4	360	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	4	360	0	0
Closed during the reporting period	4	360	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	3	1	0	0	0	0	0	4
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	3	1	0	0	0	0	0	4

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		\$26,630
Overtime		\$0
Goods and Services		\$7,703
• Professional services contracts	\$3,863	
• Other	\$3,840	
Total		\$34,333

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	1	1
Regional staff	0	0	0
Consultants and agency personnel	0	1	1
Students	0	0	0
Total	0	4	4

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

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