



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

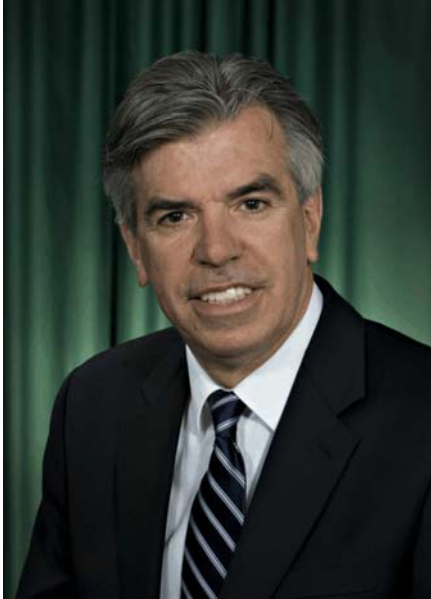
2012-2013

Canada 

TABLE OF CONTENTS

Message from the Chairperson	2
The Veterans Review and Appeal Board.....	3
1. Introduction	4
2. How VRAB fulfills its responsibilities under the <i>Access to Information Act</i>	5
3. Designation and Delegation Order.....	6
(a) Chairperson’s Delegation Order, 14 October 2009.....	6
(b) Access to Information Act Delegation Schedule, 14 October 2009.....	7
4. Statistical Report - Interpretation	8
PART 1 Requests under the Access to Information Act	8
1.1 Requests.....	8
1.2 Sources of request.....	8
PART 2 Requests closed during the reporting period	8
2.1 Disposition and completion time.....	8
2.2 Exemptions	8
2.3 Exclusions	9
2.4 Format of information release	9
2.5 Complexity.....	9
2.6 Deemed refusals.....	9
2.7 Requests for translation	10
PART 3 Extensions.....	10
3.1 Reasons for extensions and disposition of requests	10
3.2 Length of extensions	10
PART 4 Fees.....	10
PART 5 Consultations received from other institutions and organizations	10
5.1 Consultations received from other government institutions and organizations ..	10
5.2 Recommendations and completion time for consultations received from other government institutions	11
5.3 Recommendations and completion time for consultations received from other organizations	11
PART 6 Completion time of consultations on Cabinet confidences	11
PART 7 Resources related to the Access to Information Act.....	11
7.1 Costs	11
7.2 Human Resources	11
5. Training	11
6. Policies, Guidelines and Procedures	12
7. Complaints and/or Investigations.....	12
Annex 1	13
Previously released ATI package released informally	19

Message from the Chairperson



On behalf of the Veterans Review and Appeal Board, I am pleased to present the 2012-2013 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 2012-2013, the Board continued to receive and process 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 remain top priorities at the Board. In 2012-13, the Board's Access to Information and Privacy (ATIP) Office continued to review our work processes through a "privacy" lens. During the last year, the Board carefully considered the audit findings from the Office of the Privacy Commissioner of Veterans Affairs Canada's privacy practices to identify opportunities to strengthen our own practices. As a result, we finalized a training plan and implemented regular awareness activities to educate staff and members about our privacy obligations.

We asked to be included, and will be participating, in an audit of the protection of personal information by the Office of the Comptroller General for small agencies in 2013-14. The Board also committed to reviewing its privacy practices for further improvements to address recommendations from the House of Commons Standing Committee on Veterans Affairs.

In 2012-2013, 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 black 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 2012-2013. 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*.

The ATIP Office is now entering its fourth year of existence. The office consists of an ATIP Coordinator, a Deputy Coordinator, a Project (Privacy) Officer and an ATIP Officer whose position was staffed permanently in July of 2012.

The Board has full responsibility for the administration of the *Access to Information Act*.

Duties of the ATIP Coordinator's Office include:

- Process requests for information submitted under the *Access to Information 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* and related TBS policies and guidelines;
- Develop policies, procedures and guidelines for the administration of the Act and related TBS policies and guidelines;
- Coordinate the resolution of any complaints against VRAB made to the Information Commissioner under the *Access to Information Act*.
- Promote awareness to ensure employees understand their roles and responsibilities and the Board fulfills its obligations under the Act;
- Respond to Parliamentary written questions on access.
- Support VRAB's commitment to openness and transparency through proactive disclosures and informal releases of information.
- Post on VRAB's web site formal ATI summaries in accordance with TBS directive.
- Prepare the VRAB chapter in the Info Source publication and annual report to the TBS and Parliament on the *Access to Information 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, 2012, and March 31, 2013.

PART 1 Requests under the *Access to Information Act*

1.1 Requests

During the reporting period, VRAB received four (4) requests under the *Access to Information Act*. Three (3) requests were completed within the reporting period and one (1) request was carried over to the next fiscal year.

1.2 Sources of request

Of the four (4) requests received one (1) was from a private sector business and three (3) were from the public.

PART 2 Requests closed during the reporting period

2.1 Disposition and completion time

During the reporting period, three (3) requests were completed. In two (2) of the requests, the information was partially disclosed and in one (1) request, the information was fully disclosed.

Two (2) of the requests were completed within the 16 to 30 day time limit and one (1) within 61-120 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) three (3) times, subsection 21(1)(a) once (1), 21(1)(b) once (1), section 22 once (1) and section 23 once (1).

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 three (3) requests that were completed, two (2) were provided electronically on CD and one (1) was provided on paper.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

There were three (3) requests where documents were processed. The total number of pages was 2818 of which 344 were disclosed in whole or in part.

2.5.2 Relevant pages processed and disclosed by size of requests

Of the three (3) requests closed during the reporting period, there was one (1) release where one (1) page was all disclosed that was less than 100 pages processed. The second (2) release was 246 pages disclosed in part that had between 101-500 pages processed and the third (3) release that was also disclosed in part was 97 pages released with between 1001-5000 pages processed.

2.5.3 Other complexities

Legal advice was sought in one (1) case.

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

There was one (1) request that exceeded the statutory deadline. This was due to a heavy workload.

2.6.2 Number of days past deadline

One (1) request was past the deadline where an extension was taken by 33 days.

2.7 Requests for translation

No translations were required to respond to Access to Information requests during the 2012-2013 reporting period.

PART 3 Extensions

During the reporting period, VRAB made one (1) request for an extension of time limit.

3.1 Reasons for extensions and disposition of requests

The one (1) request that required an extension of time was done so under section 9(1)(a) of the *Access to information Act* and was disclosed in part.

3.2 Length of extensions

The one (1) request that required an extension of time was extended by 30 days.

PART 4 Fees

In accordance with section 11 of the *Access to Information Act*, the fees collected during the reporting period totalled \$20.00. The fees collected were all application fees.

PART 5 Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

There were two (2) consultations received during the reporting period with a total of twelve (12) pages reviewed.

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

The recommendation for the two (2) consultations received was to disclose entirely. They were both processed in less than 15 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 \$33,460.00 administering the *Access to Information Act*. Staff salaries accounted for \$27,035.00, and goods and services, which included a contract for a consultant, amounted to \$6,425.00.

7.2 Human Resources

Three (3) full-time employees, one (1) casual and one (1) consultant were dedicated to Access to Information activities on a part-time basis.

5. Training

During the reporting period, ATIP training sessions were developed for both staff and Board Members. These sessions began at the end of the fiscal year 2012-2013 with six (6) staff receiving training. The remainder of the staff will be done within the first few months of the new fiscal year and will be reported in next year's Annual Report. The ATIP Office also gave one (1) awareness session to four (4) new Board Members. Thirty-six (36) staff participated in security briefing sessions that included an overview of both access to information and privacy legislation.

6. Policies, Guidelines and Procedures

The following memoranda are revised and distributed annually to remind all VRAB employees of best practices when handling information:

- Privacy and Protection of Client Information
- Clean Desk Policy
- Need to Know Principle
- Safe Disposal of Protected and Classified Information

These memos and posters ensure continual awareness of employees' roles and responsibilities when handling information and include procedures on the protection and disposal of information.

- The Board has revised its Telework policy with increased emphasis on the information management and privacy requirements to be met by employees who enter into these working arrangements.
- The Board has also developed new procedures for contracts for independent medical opinions to limit the handling of medical information. These new procedures will further strengthen the handling and protection of personal information.
- Staff access to the VAC client tracking software is based on job titles and functions and reviewed when duties and roles are modified or changed.
- The Board introduced a new policy and undertaking respecting the return of VRAB information upon employees' departure. This policy provides guidance on the process for VRAB information that is to be returned to the Board for proper retention and disposal upon departure in accordance with the *Access to Information Act*.

7. Complaints and/or Investigations

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

Annex 1

Statistical Report on the Access to Information Act

Name of institution: Veterans Review and Appeal Board

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

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	4
Outstanding from previous reporting period	0
Total	4
Closed during reporting period	3
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (Private Sector)	1
Organization	0
Public	3
Total	4

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

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)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	1
15(1) - Def.*	0	16.2(1)	0	19(1)	3	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)	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	1	0	0
Disclosed in part	0	2	0
Total	1	2	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	1	1	1
Disclosed in part	2817	343	2
All exempted	0	0	0
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	
	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	1	1	0	0	0	0	0	0	0	0
Disclosed in part	0	0	1	246	0	0	1	97	0	0
All exempted	0	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	1	1	1	246	0	0	1	97	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	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	1	0	1

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
1	1	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	1	1
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	1	1

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	1	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	1	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	1	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	1	0	0	0

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	4	\$20	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	4	\$20	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	2	12	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	12	0	0
Closed during the reporting period	2	12	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							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	2	0	0	0	0	0	0	2
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	2	0	0	0	0	0	0	2

5.3 Recommendations and completion time for consultations received from other organizations

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	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	\$27,035
Overtime	\$0
Goods and Services	\$6,425
• Professional services contracts	\$2,651
• Other	\$3,774
Total	\$33,460

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0.00	3.00	3.00
Part-time and casual employees	0.00	1.00	1.00
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	0.00	5.00	5.00

Previously released ATI package released informally

Institution	Number of informal releases of previously released ATI packages
Veterans Review and Appeal Board	2

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

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