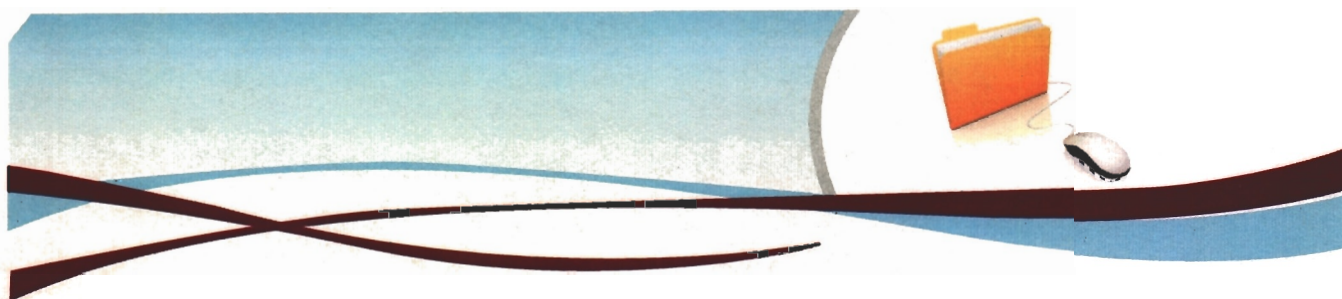




Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission



Annual Report

Access to Information

2010 / 2011



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Canada 



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Ottawa, Canada
K1A 0N2

June 17, 2011

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, 2011 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

Robert A. Morin
Secretary General

Access to Information & Privacy Coordinator
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Catalogue no. BC9-5/1-2011E-PDF

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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 Canadian Radio-television and Telecommunications Commission (CRTC) is an independent public authority and reports to Parliament through the Minister of Canadian Heritage.

The CRTC's mandate is to regulate and supervise the broadcasting and telecommunications industries in accordance with the policy objectives set out in sections 3 and 5 of the *Broadcasting Act* and in section 7 of the *Telecommunications Act*.

The *Broadcasting Act* seeks to ensure that all Canadians have access to a wide variety of high-quality Canadian programming.

The *Telecommunications Act* seeks to ensure, among other things: that increased reliance on market forces for the provision of telecommunications services is fostered; that regulation, where required, is efficient and effective; and that Canadians have access to reliable telephone and other telecommunications services at reasonable prices.

Objectives

In carrying out its responsibilities in both broadcasting and telecommunications, the CRTC must act in the public interest consistent with the statutes under which it operates. Through its public proceedings the CRTC ensures its sensitivity and responsiveness to the public. The CRTC makes sure to incorporate public input into its policy formulation. Participation by Canadian citizens in our public proceedings is considered very important.

Complaints of a broadcasting nature received by the CRTC are generally forwarded to the specific licensee for response and are then placed on each licensee's public file prior to the public hearing at which their licence renewal application is considered, with the exception of those complaints that are resolved through the Canadian Broadcast Standards Council (CBSC). Anyone can consult these files upon request.

Complaints of a telecommunications nature should be directed to the telephone company directly. If not satisfied, complainants may file a complaint with the

Commissioner for Complaints for Telecommunications Services (CCTS) if their service provider is a member, or with the CRTC where appropriate.

The CRTC web site (<http://www.crtc.gc.ca>) offers public access to public documents related to public proceedings, including Notices of consultation, Decisions, Information Bulletins, Orders and Regulatory Policies.

All public documents are also available for viewing in the Documentation Centre at CRTC headquarters in Gatineau or at the Regional Offices in Vancouver, Winnipeg, Dartmouth, Regina, Toronto, Montréal and Calgary.

Administration

The CRTC's Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Technologies Directorate. The ATIP Office currently has three employees. Their functions are shared between the fulfillment of the CRTC's obligations under *Privacy Act* and the *Access to Information Act* as well as the management of information policies at the CRTC.

The Secretary General and the ATIP Coordinator have delegated authority to oversee the administration of the *Act* within the CRTC and to ensure compliance with the legislation. Copies of the Delegation Order can be found in Appendix A.

Having clarified internal consultation procedures, roles & responsibilities and accountabilities in the previous reporting period, further improvements in ATIP processes have been carried out in the course of the 2010-2011 reporting period. Namely, the ATIP Office upgraded the AccessPro Case Management system to a more recent version and implemented an imaging and electronic redaction software solution, AccessPro Redaction. Both systems are now fully functional and the ATIP staff is no longer redacting manually. In addition, during the 2010-2011 reporting period, the ATIP office has developed a Privacy Management Framework, more information on which is included in the Annual Report on Privacy.

Education and training

During 2010–2011, two training sessions were offered to 25 employees, providing them with an overview of the *Act* and a better understanding of their obligations and the process within the CRTC. Upon request, informal information sessions were also given to Commission staff on the ATIP process and roles & responsibilities as well as various Information Management (IM) considerations.

Information holdings

A description of the Specific Classes of Records held by the CRTC can be found in the following publication for 2010, *Info Source: Sources of Federal Government Information*. The CRTC does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament as well as on the Internet at <http://www.infosource.gc.ca>.

Reading room

The Documentation Centre has been designated under Section 71 of the *Act* as the official reading room for Access to Information purposes. Arrangements may also be made to view documents in any of the Regional Offices. The CRTC Documentation Centre is located at:

Les Terrasses de la Chaudière
Central Building
Documentation Centre
1 Promenade du Portage, 2nd Floor
Gatineau, Quebec

Requests under the *Access to Information Act*

During the reporting period from April 1, 2010 to March 31, 2011, the CRTC received a total of 98 new requests under the *Act*. This represents an increase of 21 requests (or 27 %) over last year. A total of 5 requests were carried forward from 2009-2010 and a total of 18 requests were carried forward to 2011-2012. Consequently, a total of 85 requests were processed during the year.

Of the 85 requests processed, two were transferred to other federal institutions, thirty could not be processed (no records meeting the criteria established in the requests) and eight were abandoned by the applicants.

The largest access client group was the public. Of the 98 requests received during the current period, 70 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:

- Foreign ownership/control in the communications industry
- Communications convergence
- Québecor Media Inc.'s application for Sun TV News
- Administration of the National Do Not Call List
- Administration of the Local Programming Improvement Fund (LPIF)
- Canadian programming profitability
- Accessibility and diversity in Canadian programming

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 period, an amount of \$10.80 in reproduction fees was collected. No fees were collected for searching and preparation costs. A total of 39 requesters wanted copies of the information requested.

Other requests

During the same period, the CRTC received 22 *Access to Information Act* consultation requests from other departments, double the amount of consultations received during the previous year.

The ATIP Office also processed 1 request that was treated informally; the information requested was a web address which was available for public viewing.

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 requests

In 2010-2011, 85 requests were completed. The disposition of the completed requests was as follows:

- 16 were fully disclosed
- 23 were disclosed in part
- 3 were excluded in their entirety
- 2 were exempted in their entirety
- 2 were transferred
- 30 could not be processed
- 8 were abandoned by applicants; and
- 1 was treated informally

Completion time and extensions

The 85 requests completed in 2010-2011 were processed in the following time frames:

- 58 within 30 or fewer days
- 20 within 31 to 60 days
- 7 within 61 to 120 days
- 0 within 121 days or over

Of the 85 requests, 63 were completed within allowable time limits. Extension of the completion time for 9 requests was necessary due to an increase of 21 requests over the last reporting period, the departure of one employee, and 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 section 13(1)(c), exempting records obtained in confidence from the government of a province or an institution thereof;
- 1 time under section 18(a), exempting records containing trade secrets or financial, commercial, scientific or technical information that belongs to a government institution and has substantial value;
- 8 times under section 19, exempting records containing personal information;
- 1 time under section 20(1)(a), exempting records containing third-party trade secrets;
- 6 times under section 20(1)(b), exempting records containing third-party confidential business information;
- 7 times under section 20(1)(c), exempting records containing third-party business information the disclosure of which could prejudice the competitive position of a third party;
- 3 times under section 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 9 times under section 21(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 8 times under section 21(b), exempting records containing information relating to the internal decision-making processes of government, i.e., accounts of consultations or deliberations;
- 1 time under section 21(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; and,
- 7 times under section 23, exempting records containing information that is subject to client-solicitor privilege.

General disposition

Section 68 (a) of the Act was invoked in four instances. Section 68 (b) 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

Four complaints which were filed in 2006-2007 with respect to the application of the exemptions have been carried forward to 2011-2012, as well as one complaint filed in 2008-2009, and five complaints filed in 2009-2010; each of which concerns the application of the exemptions. Four complaints received in 2009-2010 as well as one complaint received in 2010-2011, concerning the application of exemptions, were resolved within the reporting period.

Of the open complaint files, the following applies:

- Four relate to requests for revenue and expenditure data submitted through the annual returns by Broadcasting entities – further evidence for the application of section 20 was requested, including justification of the basis for confidentiality under section 20(1)(b).
- Four relate to requests for records of meetings – further evidence for the application of section 21 was requested, including specific injury to the deliberative process, as well as for sections 20 and 23.
- One relates to a request for any records evidencing communications between the CRTC and various external organizations – information was requested concerning the scoping of the request as well as justifications as to why certain types of records did not exist.
- One relates to a request for information on Access Programming – after further consideration, the CRTC has agreed to release the names of individuals that are involved in the production of community Access Programming.

There were no court cases for 2010-2011.

Costs

During 2010-2011, the ATIP Office incurred an estimated \$162, 960 in salary costs and \$9, 977.50 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 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.



Konrad von Finckenstein, QC
Chairman of the CRTC

JUL 27 2010

Date

Appendix B: Statistical Report



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

Institution Conseil de la radiodiffusion et des télécommunications canadiennes / Canadian Radio-television and Telecommunications Commission			Reporting period / Période visée par le rapport 2010-04-01 à/à 2011-03-31		
Source	Media / Médias 15	Academia / Secteur universitaire 5	Business / Secteur commercial 5	Organization / Organisme 3	Public 70

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

Received during reporting period / Reçues pendant la période visée par le rapport	98
Outstanding from previous period / En suspens depuis la période antérieure	5
TOTAL	103
Completed during reporting period / Traitées pendant la période visées par le rapport	85
Carried forward / Reportées	18

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

1. All disclosed / Communication totale	16	6. Unable to process / Traitement impossible	30
2. Disclosed in part / Communication partielle	23	7. Abandoned by applicant / Abandon de la demande	8
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	3	8. Treated informally / Traitement non officiel	1
4. Nothing disclosed (exempt) / Aucune communication (exemption)	2	TOTAL	85
5. Transferred / Transmission	2		

**III Exemptions Invoked /
Exceptions invoquées**

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	9
(b)	0	(b)	0	(c)	0	(b)	8
(c)	1	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	8	(d)	1
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	1	S. Art. 22	0
S. 15(1) International rel. / Art. Relations interm.	0	S. Art. 16(3)	0	(b)	6	S. Art. 23	7
Defence / Défense	0	S. Art. 17	0	(c)	7	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	1	(d)	3	S. Art. 25	0

**IV Exclusions cited /
Exclusions citées**

S. Art. 68(a)	4	S. Art. 69(1)(c)	0
(b)	2	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

**V Completion time /
Délai de traitement**

30 days or under / 30 jours ou moins	58
31 to 60 days / De 31 à 60 jours	20
61 to 120 days / De 61 à 120 jours	7
121 days or over / 121 jours ou plus	0

**VI Extensions /
Prorogations des délais**

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	0
Consultation	0	0
Third party / Tiers	3	4
TOTAL	5	4

**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	39
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	475.00	Preparation / Préparation	0
Reproduction	10.80	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	485.80
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		0	\$ 0
Over \$25.00 / De plus de 25 \$		1	\$ 31.40

**X Costs /
Coûts**

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 162,960
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 9977.50
TOTAL	\$ 172937.5
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	2.71



Additional Reporting Requirements –

Access to Information Act

Part III – Exemptions invoked

The CRTC did not invoke any of the following exemptions during the reporting period:
Subsections 13(1)(e); 16.1(1)(a) to (d); 16.2(1); 16.3; 16.4(1)(a) and (b); 16.5; 18.1(1)(a) to (d);
20(1)(b.1); 20.1; 20.2; 20.4; and, 22.1(1).

Part IV – Exclusions cited

The CRTC did not cite any of the following exclusions during the reporting period:
Subsections 68.1; 68.2(a) and (b); and, 69.1(1).

