

Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

ACCESS TO INFORMATION ACT **ANNUAL REPORT 2013-14**

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Introduction

The *Access to Information Act* (AIA) (Revised Statutes of Canada 1985, Chapter A-1) was proclaimed on July 1, 1983. The AIA gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the AIA stipulates that the head of every government institution shall prepare and submit to parliament an annual report on the administration of the AIA for each fiscal year.

Consequently, this annual report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the AIA. It describes how the OCL fulfilled its access to information responsibilities during the fiscal year 2013-14.

The Office of the Commissioner of Lobbying

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code). The Office of the Commissioner of Lobbying (OCL) supports the Commissioner in her mandate. The authority of the Commissioner is derived from the Act. The legislation seeks to improve transparency and accountability regarding communications between lobbyists and federal public office holders and increase the confidence of Canadians in the integrity of government decision-making.

The mandate of the Commissioner is threefold

- Establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- Develop and implement educational programs to foster public awareness of the requirements of the Act; and
- Undertake administrative reviews and investigations to ensure compliance with the Act and the Code.

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament reports on investigations, which include her findings, conclusions and the reasons for her conclusions.

Responsibility for Information Rights / Delegation of Authority

The AIA provides the authority to exercise full powers to the Commissioner of Lobbying. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated this authority via a Delegation Order, of which a copy is attached in Annex A. The OCL has two employees responsible for the administration of the AIA, an ATIP Coordinator and an ATIP Advisor.

The Deputy Commissioner and Chief Financial Officer, as the ATIP Coordinator, is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to ensure the OCL's compliance with the AIA. The Coordinator makes decisions on the disposition of requests under the AIA, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the AIA, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Information Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other federal organizations and other governments within Canada as required.

The ATIP Advisor is responsible for processing the requests received under the AIA and making recommendations to the ATIP Coordinator on the disposition of any requests received.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the OCL's website at the following address:
<http://www.ocl-cal.gc.ca>.

The Act prescribes that investigations be conducted in private. In the event of requests for information related to possible administrative reviews and investigations conducted under the Act and the Code, the OCL will not confirm or deny that a review or an investigation is taking place. The only exception is when the information has been confirmed at a Parliamentary Committee and is therefore in the public domain.

Reports on Investigations under the Code that are completed must be tabled in both Houses of Parliament. They are also posted on the OCL's website.

Administration of the *Access to Information Act*

Statistical Report

Annex B provides a statistical summary of requests under the *Access to Information Act* (AIA) received during fiscal year 2013-14.

In 2013-14, the OCL received six requests under the AIA and completed seven; one request was carried over from fiscal year 2012-13. Of the six requests received, one originated from the media and the others from the public.

The OCL completed these requests as follow:

- Existing records were disclosed for three requests except for publicly available material (para. 68a of the ATIA). The OCL processed 30 pages and hard copies were provided to requesters.
- No record existed for one request.
- Two requests were treated informally. Of these two, one was carried over from the previous fiscal year.
- One request is carried over to the 2014-15 reporting period.

Exclusions

- Paragraph 68(a) refers to material publicly available in the Registry of Lobbyists.

With respect to the response time required to complete each of the six requests, five were completed in 1 to 15 days or less, and one in 16 to 30 days.

The OCL incurred a total of \$ 6,425.00 in costs associated with the AIA which consisted of expenditures in the last fiscal year.

Fees

The Fees collected for the processing of formal requests under the AIA during the reporting period totalled \$20.00. The current fee structure is specified in the *Access to Information Regulations*. No fees are imposed for reviewing records, overhead or shipping costs. In accordance with section 11 of the AIA no additional fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure.

Information Holdings

In accordance with the *Access to Information Act*, the information gathered by the OCL is used only for the purposes for which it was obtained.

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided for inclusion in the *Info Source* publication. This publication contains a description of the classes of institutional records held by the OCL.

Info Source can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at <http://www.infosource.gc.ca>.

New/Revised Policies, Guidelines and Procedures Implemented

No new or revised policies, guidelines or procedures were implemented during 2013-14.

OCL Website

The OCL's website at <http://www.ocl-cal.gc.ca> allows members of the public to access and search the Registry of Lobbyists, as well as obtaining copies of reports such as the OCL's annual reports on Access to Information and Privacy. Summaries of completed requests are available on the OCL website.

Reading Room

A reading room is available at the OCL's office, situated on the 10th Floor at 255 Albert Street, Ottawa, Ontario, Canada K1A 0R5.

Education and Training Activities

The ATIP Advisor analyses and processes the requests, and provides advice to the Coordinator, who is ultimately responsible for the decisions made on each file.

The ATIP Advisor attended training sessions given by Treasury Board Secretariat during 2013-14. The Advisor also attended several ATIP Community meetings as well as the annual conference organized by the Canadian Access and Privacy Association.

There were no training activities provided to other employees of the OCL during the reporting period.

Complaints and Appeals

No complaints or appeals were received by the OCL from the Office of the Information Commissioner during 2013-14.

Appeals to the Federal Court

There were no appeals filed during 2013-14.

Consultations from Other Institutions

Five consultations requests were received from other federal institutions during 2013-14. All five were closed during the reporting period and were completed in 1 to 15 days. A total of 18 pages were reviewed. All records were disclosed in their entirety.

Time to Process Access to Information Request Monitoring

Given the small number of requests received and processed by the OCL, no formal monitoring system was required during the reporting period.

Annex A — Delegation Order

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

Access to Information Act and Privacy Act **Delegation Order**

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

| Position | <i>Access to Information Act and Regulations</i> | <i>Privacy Act and Regulations</i> |
|---------------------------------|---|---|
| Deputy Commissioner of Lobbying | Full authority | Full authority |

Dated, at the City of Ottawa, this 8th day of June, 2011,

A handwritten signature in black ink, consisting of a stylized 'K' and 'S' followed by a horizontal line.

Karen E. Shepherd

Annex B — 2013-14 Statistical Report



Statistical Report on the *Access to Information Act*

Name of institution: Office of the Commissioner of Lobbying of Canada

Reporting period: 04/01/13 to 31-Mar-14

PART 1 – Requests under the *Access to Information Act*

1.1 Number of Requests

| | Number of Requests |
|--|--------------------|
| Received during reporting period | 6 |
| Outstanding from previous reporting period | 1 |
| Total | 7 |
| Closed during reporting period | 6 |
| Carried over to next reporting period | 1 |

1.2 Sources of requests

| Source | Number of Requests |
|---------------------------|--------------------|
| Media | 1 |
| Academia | 0 |
| Business (Private Sector) | 0 |
| Organization | 0 |
| Public | 5 |
| Total | 6 |

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 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Disclosed in part | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All exempted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All excluded | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No records exist | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Request transferred | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Request abandoned | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Treated informally | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Total | 5 | 1 | 0 | 0 | 0 | 0 | 0 | 6 |

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) | 0 |
| 13(1)(e) | 0 | 16.1(1)(a) | 0 | 18.1(1)(a) | 0 | 21(1)(b) | 0 |
| 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 | 0 |
| 15(1) - Def.* | 0 | 16.2(1) | 0 | 19(1) | 0 | 22.1(1) | 0 |
| 15(1) - S.A.* | 0 | 16.3 | 0 | 20(1)(a) | 0 | 23 | 0 |
| 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) | 3 | 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 | 3 | 0 | 0 |
| Disclosed in part | 0 | 0 | 0 |
| Total | 3 | 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 | 30 | 30 | 3 |
| Disclosed in part | 0 | 0 | 0 |
| 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 | 3 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disclosed in part | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 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 | 3 | 30 | 0 | 0 | 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 | 0 | 0 | 0 |
| All exempted | 0 | 0 | 0 | 0 | 0 |
| All excluded | 0 | 0 | 0 | 0 | 0 |
| Abandoned | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |

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 |
| 0 | 0 | 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 | 0 | 0 |
| 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 | 0 | 0 |

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 | |
|--------------------|--------------------|-------------|------------------------|------------|
| | Number of requests | Amount | Number of requests | Amount |
| Application | 4 | \$20 | 1 | \$5 |
| 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 | 1 | \$5 |

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 | 5 | 18 | 0 | 0 |
| Outstanding from the previous reporting period | 0 | 0 | 0 | 0 |
| Total | 5 | 18 | 0 | 0 |
| Closed during the reporting period | 5 | 18 | 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 | More than 365 days | Total |
| Disclose entirely | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| 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 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |

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 | More than 365 days | |
| Disclose entirely | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disclose in part | 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 | | \$6,425 |
| Overtime | | \$0 |
| Goods and Services | | \$0 |
| • Professional services contracts | \$0 | |
| • Other | \$0 | |
| Total | | \$6,425 |

7.2 Human Resources

| Resources | Dedicated full-time to ATI activities | Dedicated part-time to ATI activities | Total |
|----------------------------------|--|--|--------------|
| Full-time employees | 0.00 | 2.00 | 2.00 |
| 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 | 0.00 | 0.00 |
| Students | 0.00 | 0.00 | 0.00 |
| Total | 0.00 | 2.00 | 2.00 |