Government of Canada
Privy Council Office

Gouvernement du Canada
Bureau du Conseil privé

ANNUAL REPORT TO PARLIAMENT ON THE *ACCESS TO INFORMATION ACT*

2011-2012

PRIVY COUNCIL OFFICE

APRIL 1, 2011 TO MARCH 31, 2012

Canada

Annual Report to Parliament on the *Access to Information Act* 2011-2012
Privy Council Office

Highlights

a) Since the 2006-2007 fiscal year, PCO has continually improved its performance, rising from an "F" performance grade by the Office of the Information Commissioner (OIC) in 2006-2007 to a projected "A" rating for 2011-2012.

b) In 2006-2007, PCO identified its backlog of over 230 late files as an operational impediment to performance. By 2009-2010, PCO reduced its carry-over volume by almost 50%. The backlog was eliminated in its entirety by March 2011.

c) A number of initiatives over the last five years have contributed to success. They include the finalization of an ATIP procedures manual, the adoption of new technology, the elimination of the backlog files, the creation of PCO ATIP Officer Development Program, participation in student employment programs, and the expansion of ATIP training.

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Introduction

The Privy Council Office (PCO) reports directly to the Prime Minister and is headed by the Clerk of the Privy Council and the Secretary to the Cabinet. PCO is both the Cabinet secretariat and the Prime Minister's source of public service advice across the entire spectrum of policy questions and operational issues facing the Government. As the hub of non-partisan, public service support to the Prime Minister, Cabinet and its decision-making structures, PCO ensures that the Government and Canadians are served by the highest quality public service.

PCO also provides support to the Leader of the Government in the House of Commons, the Minister of State (Democratic Reform), the Minister of State and Chief Government Whip, the Leader of the Government in the Senate, and the Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada.

PCO has three main roles:

Advice to the Prime Minister - PCO brings together quality, objective policy advice, analysis and information to support the Prime Minister, the ministers within the Prime Minister's portfolio and Cabinet. This includes:

- Bringing together non-partisan advice, analysis and information from across the Public Service
- Consulting and collaborating with international and domestic partners inside and outside of government (including provincial and territorial governments)
- Gathering information on the priorities of Canadians
- Supporting and advising on the development and implementation of the Government's Parliamentary and legislative programs and democratic reform agenda
- Advising on Canada's Westminster style of government, on government structure and organization, and on Governor in Council appointments

Secretariat to Cabinet - PCO facilitates the smooth, efficient and effective functioning of Cabinet and the Government of Canada on a day-to-day basis. This includes:

- Managing the Cabinet's decision-making system
- Coordinating Departmental policy and legislative proposals to Cabinet, with supporting policy analysis
- Scheduling and providing support services for meetings of Cabinet and Cabinet committees
- Advancing the Government's agenda across federal departments and agencies and with external stakeholders
- Advising on Governor in Council appointments, including directing and coordinating selection and recruitment processes for leadership and full-time Governor in Council positions across the public sector and supporting Cabinet in decision-making related to Governor in Council appointments
- Preparing Orders in Council and other statutory instruments to give effect to Government decisions
- Providing administrative services to the Prime Minister's Office, PCO ministers and commissions of inquiry

Public Service Leadership - PCO supports the development and maintenance of a high quality Public Service that meets the highest standards of accountability, transparency and efficiency, one that is able to deliver the best advice to government and excellent services to Canadians. This includes:

- Managing the recruitment and appointment process for senior positions in federal departments and agencies
- Guiding policy on people management issues and Public Service Renewal
- Building the capacity of the Public Service to meet emerging challenges and the changing responsibilities of government

This is the 29th *Annual Report to Parliament* on the administration of the *Access to Information Act* (ATIA) by PCO, submitted as required by s. 72(1) of the ATIA. This report covers the reporting period of April 1, 2011 to March 31, 2012.

Additional copies of this report may be obtained from:

Access to Information and Privacy Division
Privy Council Office
55 Metcalfe Street, Room 1340
Ottawa, Ontario K1A 0A3

Governance and accountability

PCO provides support to the Prime Minister, and to the five ministers within his portfolio, including: the Leader of the Government in the Senate, Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada, Leader of the Government in the House of Commons, Minister of State and Chief Government Whip, and Minister of State (Democratic Reform).

Reporting to the Prime Minister, the Clerk of the Privy Council has three main roles: Deputy Minister to the Prime Minister, Secretary to the Cabinet, and Head of the Federal Public Service. PCO's Corporate Services Branch, which reports directly to the Clerk, has six Divisions, including Access to Information and Privacy (ATIP). The ATIP Division is headed by the Director and has three functional areas of responsibility: ATIP Policy and Processes, Operations, and Client Services.

Privy Council Office delegation order

The Minister heading each government institution is responsible for the implementation of the ATIA within his/her institution. The Prime Minister, as the Head of the Privy Council Office and pursuant to s. 73 of the ATIA, is responsible for the implementation of the ATIA within PCO. Through the PCO delegation order, the Prime Minister designated the Director, Access to Information and Privacy, as the individual within PCO to perform the powers, duties, functions, or administrative tasks pertaining to the ATIA. PCO Secretariats, or Offices of Primary Interest (OPI), holders of the information identified in an access request, approve the release of information to requesters and application of exemptions or exclusions and supporting rationales. This shared delegation of authority for the disposition of information is exercised diligently within PCO, and recorded formally at appropriate stages in the process. The PCO delegation order is shown at Appendix A.

Access to Information and Privacy Division

The ATIA provides a right of access to information in records under the control of government institutions. The ATIA is not a substitute for other access mechanisms, but is intended to complement other informal procedures that allow public access to government information. The ATIA stipulates that government information should be available to the public, necessary exceptions to the right of access should be limited and specific, and that decisions made by government institutions about the disclosure of information should be reviewed by a body independent of government.

The ATIP Division is the focal point for access to information and privacy within the Privy Council Office. The ATIP Division is responsible for managing requests for Departmental or personal information, ensuring corporate understanding and compliance with the ATIA and the *Privacy Act*, and fostering corporate awareness of access and privacy rights and responsibilities. On matters of access and privacy, the ATIP Division also acts as a primary liaison with the Office of the Information Commissioner, the Office of the Privacy Commissioner, Treasury Board of Canada Secretariat, and partner departments.

The ATIP Division at PCO has a personnel complement totalling 26 full-time equivalents that are organized into three functional areas of responsibility.

1) ATIP Policy and Processes

- Provides expertise in access to information and privacy policy
- Optimizes operations performance
- Researches trends and best practices in access to information and privacy

2) Operations

- Processes access to information and privacy requests
- Oversees the collection and release of personal and/or business information
- Maintains dialogue with PCO Secretariats and other federal or provincial institutions

3) Client Services and ATIP Training

- Produces training and promotional products
- Develops and delivers ATIP training programs
- Develops ATIP awareness messaging
- Coordinates responses to Parliamentary questions and petitions
- Provides database administration

The ATIP Division also provides a reading room where the public may examine requested Departmental records, manuals, and publications related to access to information. This is in compliance with s. 12(1) of the ATIA, which states that "A person who is given access to a record or a part thereof under this Act shall, subject to the regulations, be given an opportunity to examine the record or part thereof or be given a copy thereof."

Activities and accomplishments

Key Operational Statistics

ACCESS TO INFORMATION REQUESTS	2011-12	2010-11	2009-10
REQUESTS RECEIVED	**534**	**647**	**429**
REQUESTS COMPLETED	**529**	**673**	**545**
REQUESTS COMPLETED ON-TIME (%)	**99.8%**	**94%**	**82%**
OIC GRADE	**A** (projected)	**B**	**D**
TOTAL PAGES REVIEWED	**47,615**	**79,980**	**75,182**

Since the 2006-2007 fiscal year, the ATIP Division has continually improved its performance, rising from an "F" performance grade by the Office of the Information Commissioner (OIC) in 2006-2007 to a projected "A" rating for 2011-2012. A number of initiatives over the last five years have contributed to this success. They include the finalization of an ATIP procedures manual, the adoption of new technology, the elimination of backlog files, the creation of the PCO ATIP Officer Development Program, participation in student employment programs, and the expansion of ATIP training.

In 2009, the ATIP Division developed and produced a procedures manual for its ATIP personnel. The manual acts as a reference tool, accessible to all ATIP staff via a shared network drive, which

standardizes internal processes, procedures and timelines. The document continues to evolve as new issues arise and best practices emerge.

To eliminate inefficient processes such as manual stamping and severance of records, the Division migrated in 2010 to an upgraded software program which automated key processing functions and improved reporting capacity. This new technology provides ATIP officers with the tools they need to log actions, process records, and manage files more effectively.

In 2006-2007, PCO identified its ATI backlog of over 230 late files as an operational impediment to performance. In response, the ATIP Division staffed vacant positions and employed consultants to process these files. By 2009-2010, the ATIP Division reduced its carry-over volume by almost 50%. The backlog was eliminated in its entirety by March 2011.

The shortage of experienced ATIP professionals is a recognized issue across government, and was a major concern for PCO at the outset of its renewal in 2007. In order to attract and retain new talent in the ATIP field, the Division created the ATIP Officer Development Program in 2007. The Development Program recruits employees at the PM-01 level and provides participants with structured training, mentoring and evaluation through to the PM-04 level. A total of twelve staff have participated to date. The Division has also invested in undergraduate development, engaging students during every semester since 2007 through employment programs such as the Co-Operative Education Program and the Federal Student Work Experience Program (FSWEP). In the last year alone, the Division provided eight university students with practical experience in the essential processes of access to information. Through these programs, students gain practical and transferrable skills, while assisting the Division in meeting Departmental objectives. The Division's investment in training staff and students has increased ATIP performance and improved employee retention rates.

ATIP training across PCO was identified as a key priority for the Division in 2007, and remains so today. A wide variety of training aids and learning documents have been developed to date. A training team of knowledgeable ATIP officers was assembled to provide scheduled and on-demand ATIP training to individuals and groups within PCO. Comprehensive ATIP training content was developed and posted for access by staff on the PCO internal website. Special events and e-mail messaging were employed to raise awareness of ATIP responsibilities. The ATIP Director and managers have met regularly with senior PCO officials to explain the ATIP working relationship and mutual responsibilities under the ATIA.

Education and training activities

PCO promotes ATIP imperatives in face-to-face meetings, presentations, special events, learning products, on the intranet and through its training program. It fosters responsible working relationships with clients, and operates under a clearly elaborated timeline.

PCO delivered ATIP training or awareness sessions to 178 employees through a total of 52 training events during the reporting year. Of these training events, 40 were training sessions presented jointly with PCO's Corporate Information Services Division (responsible for PCO's Information Management), including 28 delivered in English, and 12 in French. These joint sessions form an integral part of the orientation program for employees new to PCO.

During the reporting year, PCO rolled out a series of ATIP awareness and training messages to all staff in PCO, via monthly announcements on the internal website. Subjects included the right of access, availability of ATIP training, types of exemptions, and the business process. On a quarterly basis during the reporting year, ATIP learning content on the internal PCO website was updated to reflect current business practices and contacts for support.

To promote understanding of privacy and access responsibilities, the ATIP Director met regularly with officials of portfolio Ministers to detail the ATIP business environment. The PCO Executive Committee was also briefed on access and privacy statistics, performance and compliance. ATIP senior staff met with senior officials in PCO Secretariats to clarify roles and strengthen the working relationship. Throughout 2011-2012, PCO analysts liaised with clients to explain the five-stage request timeline, train on processes such as the search for records, assist with records review, and explain their working role. PCO personnel are provided with multiple channels to information on access and privacy, such as a 24-page instruction book, an e-mailbox, takeaway learning tools, and comprehensive electronic content on PCO's intranet.

Information-related policies, guidelines, and procedures

a) Posting of completed access to information requests

In compliance with Treasury Board Secretariat requirements, PCO began the posting of monthly summaries of completed access to information requests on PCO's website in January 2012. In addition to accepting requests by mail, the Department made a generic e-mail address available to the public to facilitate submissions. The lists are provided in chronological order, by month and year. Requests related to the Public Appointments Commission Secretariat are processed by PCO and are included in the lists. Records are provided in the form that they were released under the ATIA including format, language(s) and any exemptions or exclusions that were applied. The provision of this service has had a measurable impact on resources. Between January 1 and March 31, 2012, PCO received at total of 65 access informal (AI) requests. Of these, 72 % were from the media.

b) Technological change

In early 2012, PCO commenced testing and validation of an upgraded version of its case management software. Testing involved the participation of ATIP analysts and PCO technical staff. The upgraded program, scheduled for installation in 2012-2013, will provide more comprehensive reporting and document management functions than the outgoing version, and will facilitate the population of the expanded Statistical Report on the ATIA brought into effect by Treasury Board in April 2011. This will be the second upgrade undertaken in three years, demonstrating PCO's commitment to the technological capacity that supports timely service to the public.

c) Co-location

In spring 2011, having secured additional floor space adjacent to one of two PCO access to information worksites in Ottawa, Ontario, PCO completed a move of staff and equipment that consolidates all ATIP operations in a single location for the first time in many years. Co-location had long been a strategic goal

of the ATIP Division due to the benefits it provides, such as increased oversight, improved communications and reduced logistical movement in the processing of records.

Other activities

a) User finding aids

User finding aids were made available in the public Reading Room located in the Access to Information and Privacy office. The Reading Room is located at 55 Metcalfe Street, Room 1340, Ottawa, Ontario. In this area, an index of Cabinet agenda title items serves as a guide in identifying subject areas in Cabinet records which, after 20 years, are subject to the ATIA. The federal *Info Source* and the Governor in Council Appointments Guides were also made available to the public. ATIP staff members assisted those who wished to consult these resources.

b) Proactive disclosure

In compliance with mandatory proactive disclosure requirements for government organizations, the Privy Council Office website (www.pco-bcp.gc.ca) continued to make available information concerning PCO travel and hospitality expenses, reclassification of positions, contracts over $10,000, and grant and contribution awards. The Proactive Disclosure website is shown below.

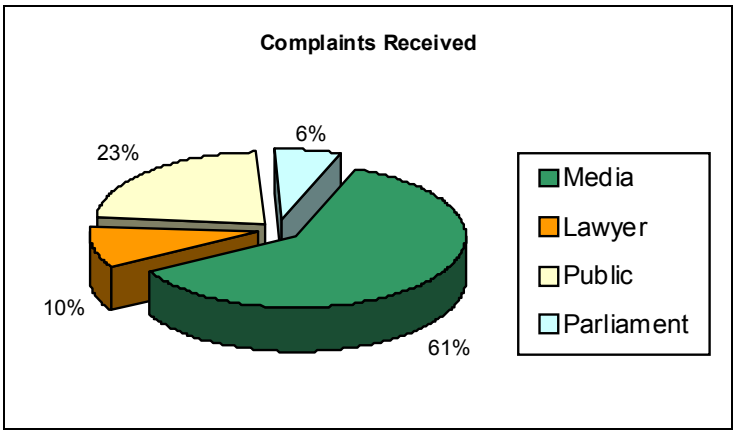
Complaints and investigations

a) Complaints received

In 2011-2012, PCO received 31 complaints pursuant to the ATIA. The Department has seen a significant reduction in complaints as it continues to extract efficiencies in its work processes, develop staff and invest in technology to improve client service. Over the last three years, complaint volumes have fallen by 82%, from a total of 164 in 2009-2010, to 66, to 31 this past year. Notably, complaints from the media, the largest requester of PCO records, have dropped precipitously over the same three-year span, from 119 to 31 to 19, or a total of 84%. PCO views these statistics as validation of its commitment to performance improvement, and a response to the challenge put forward by the Information Commissioner in 2007 to demonstrate leadership in access to information.

No complaints were received from business, organizations or academia. The breakdown of complaints received in 2011-2012 is as follows:

- 19 or 61% from the media
- 3 or 10% from lawyers
- 7 or 23% from the public
- 2 or 6% from Parliament (members of the House of Commons or Senate)



b) Types of complaints

In the 2011-2012 reporting period, the majority of complaints related to extensions taken for consultations. Other complaints concerned the use of exemptions and/or exclusions, and instances where the complainant alleged that records should exist.

c) Investigations

In early 2011, the Office of the Information Commissioner (OIC) completed its investigation into interference in access to information at PCO. PCO was one of eight government organizations selected for systemic review. During the course of the investigation, Departmental staff, including the ATIP Director and Deputy Directors, met with OIC investigators to answer questions, provide records for review, and discuss PCO access to information procedures. The OIC has indicated that the results of its investigation will be reported in the 2012-2013 fiscal year.

Court cases

No court cases involving PCO were initiated, in progress or completed during the reporting period.

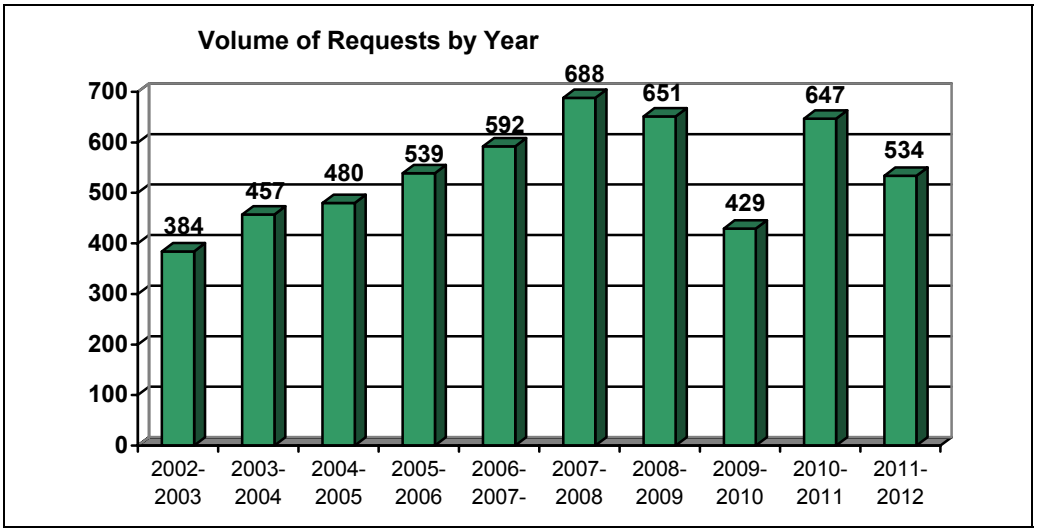
Interpretation of the Statistical Report

The 2011-2012 Statistical Report on the ATIA is shown at Appendix B.

PART 1 – Requests under the ATIA

1.1 Requests

Between April 1, 2011 and March 31, 2012, PCO received 534 requests for information under the ATIA. This is a 20% decrease from the number of requests received in 2010-2011. The ten-year volume of requests is shown below.

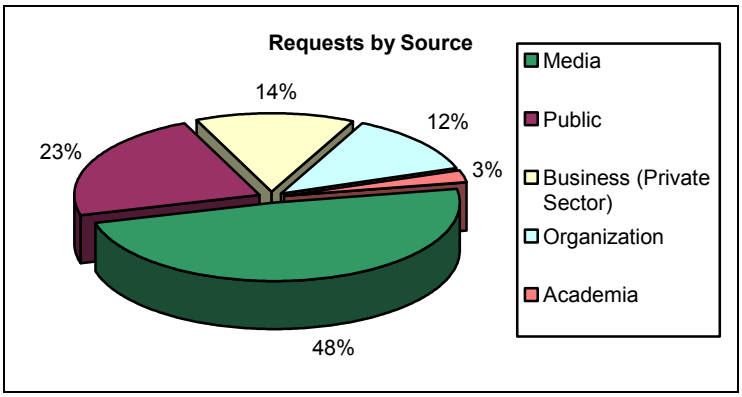


A total of 95 active requests were carried into 2011-2012 from the previous fiscal year, and 100 were carried forward into 2012-2013.

1.2 Sources of requests

The sources of access to information requests, in descending order by volume, were: the media, the public, business, organizations and academia. The total requests from the media fell 35% compared to 2010-2011. Public requests dropped marginally, with academic requests down 60%. Requests from business rose slightly, while requests from organizations increased 64%. As shown in the chart below, the breakdown of the requests received during 2011-2012 is as follows:

- 259 or 48% from the media
- 121 or 23% from the public
- 74 or 14% from business (private sector)
- 66 or 12% from organizations, including 43 from Parliament (members of the House of Commons or Senate)
- 14 or 3% from academia



While access requests from Parliament increased significantly from 19 in 2010-2011 to 43 this year, by contrast, media requests dropped 35% from last year, 395 to 259 this reporting year.

1.3 Types of information requested

Just as the source of requests varied, so did the subject of requests received. Subjects included:

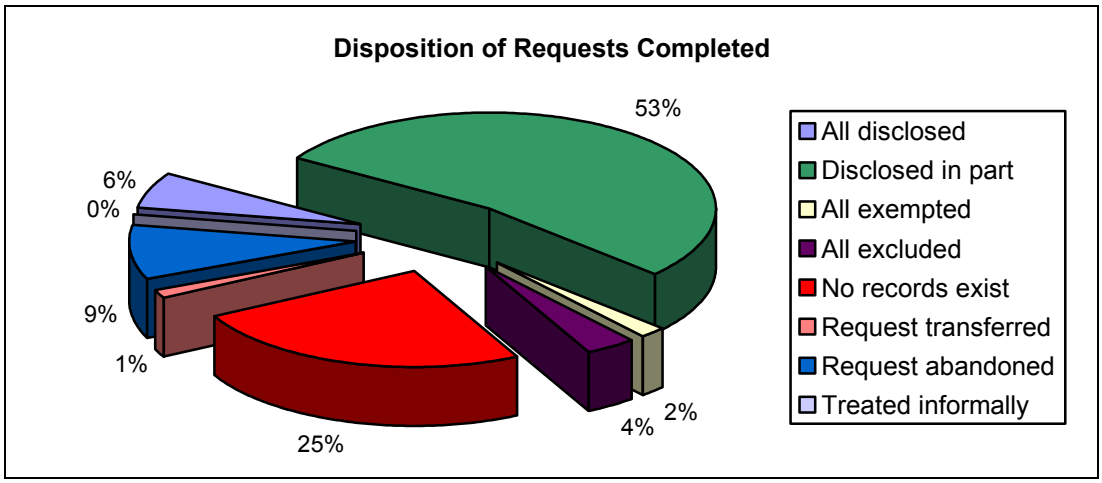
- Afghanistan and Afghan detainee documents
- Records on Canada's Economic Action Plan
- Briefing notes to the Prime Minister for various time periods
- Contracts and call-ups
- Cabinet minutes

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

In 2011-2012, PCO completed 529 requests. As shown in the chart below, the breakdown of the disposition of records is as follows:

- 33 or 6% were all disclosed
- 280 or 53% were disclosed in part
- 10 or 2% were all exempted
- 20 or 4% were all excluded
- 130 or 25% no records existed
- 7 or 1% were transferred
- 49 or 9% were abandoned
- 0 were treated informally



As these figures indicate, 313 or 59% of the requests were fully or partially disclosed. This percentage is identical with the release of information in the previous year, 2010-2011. The total of requests where no records were disclosed sees a slight increase, from 4% in 2010-2011 to 6% this fiscal year. No records existed for a full 25% of requests to PCO. The largest single source of requests for which no records existed was the media, at 41, followed by business at 21.

2.2 Exemptions

Although the ATIA promotes disclosure, there are instances where information qualifies for necessary protection under the ATIA.

Totals for the six most commonly used exemptions during 2011-2012 were, in order:

- 197 under s. 21(1)(*b*) – consultations or deliberations related to operations of government
- 190 under s. 19(1) – personal information
- 119 under s. 21(1)(*a*) – advice or recommendations developed by or for a government institution or minister
- 106 under s. 15(1) – information related to international affairs and defence of Canada
- 69 under s. 14(*a*) and (*b*) – information related to federal-provincial affairs
- 60 under s. 23 – information subject to solicitor-client privilege

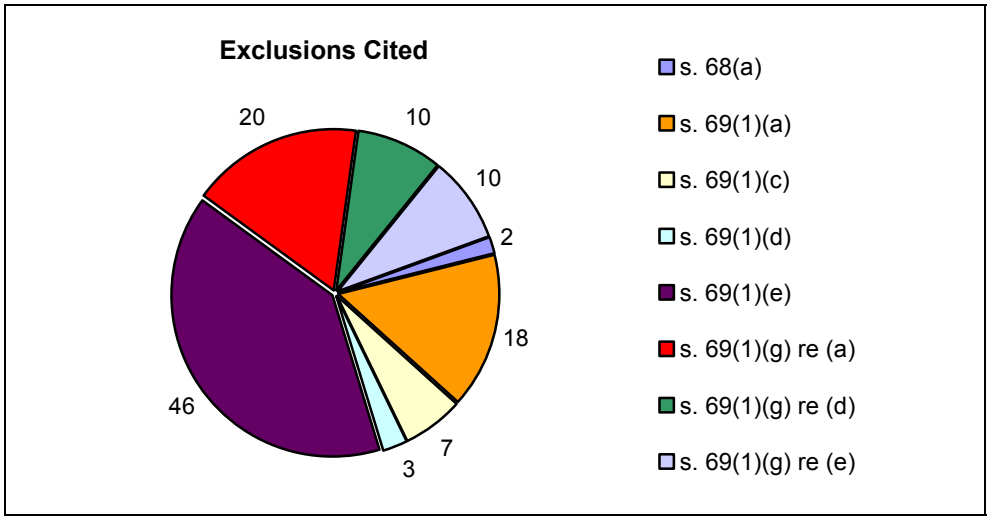
The use of these exemptions is consistent with the role of PCO and the content of the records it controls, both of which involve confidential consultations, deliberations and advice provided to Government on issues of national and international scope. Nonetheless, almost 60% of requesters received records from PCO, in whole or in part, in response to their requests.

Appendix C contains a description of the total exemptions invoked during the 2011-2012 reporting period, as well as those that were not invoked.

2.3 Exclusions

The ATIA does not apply to certain information described by s. 68 of the ATIA or to confidences of the Queen's Privy Council pursuant to s. 69. Overall in 2011-2012, s. 68 was cited 2 times, and s. 69 was cited on 114 occasions.

A graphic of the relative use of exclusions in 2011-2012 is shown below. The central use of exclusion under s. 69(1)(*e*), for records used to brief ministers of the Crown, reflects the role of PCO in providing advice and information to the Prime Minister, and to Cabinet and its decision-making structures.



Appendix C contains a description of the total exclusions cited during the 2011-2012 reporting period, as well as those that were not cited.

2.4 Format of information released

PCO provides records in hard copy only. A total of 313 requests were released on paper. Applicants have the option of receiving the response by mail or by picking it up in person. Nearly all replies are sent to the applicant by mail.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

For the total of ATI requests which were "all disclosed" or "disclosed in part", 35,305 pages were reviewed and 20,550 pages were disclosed. This equates to 59% of pages processed having been released, in whole or in part.

2.5.2 Relevant pages processed and disclosed by size of request

The majority of requests for which records were released, or 244 out of 313, totalled less than 100 pages. Only one request resulted in records totalling over 5,000 pages.

Note that the number of pages processed is not an accurate gauge of the time required to process an access file. A request of many pages may involve basic records that require relatively little time to review, while small requests of a few pages could contain a complex amalgam of high-level content from several departments, requiring in-depth analysis and consultation.

2.5.3 Other complexities

Consultations were undertaken for 97 (18 %) of the 529 requests completed in 2011-2012, and legal advice was sought for 56 (10%) of these requests. A total of 39 requests required the assessment of fees.

2.6 Deemed refusals

No requests completed by PCO in 2011-2012 were in deemed refusal.

2.7 Requests for translation

The ATIA states at s. 12(2) that "where access to a record or a part thereof is to be given under this Act and the person…requests that access be given in a particular official language, a copy of the record or part thereof shall be given to the person in that language", (a) if the record already exists in that language, or (b) if the head of the government institution considers its translation in the public interest. There were no translations requested during the reporting period.

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Subsection 9(1) of the ATIA sets out circumstances under which the initial 30-day time limit for response may be extended. Extensions may be taken for the following reasons:

- if the request is for a large number of records or requires a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the institution

- if consultation is necessary with other government institutions, other governments or informally with third parties, and it cannot be completed within 30 days

- if notice is to be given to a third party (pursuant to s. 27(1)) of the pending release of information or trade secrets of that third party

During 2011-2012, PCO took 89 extensions under s. 9(1)(*a*) for interference with operations due to the volume of records, versus 78 taken the previous year. Third party notification required 26 extensions under s. 9(1)(*c*), down from 41.

Consultations were the primary driver of extensions during the reporting year: a total of 56 extensions for consultations on Confidences of the Queen's Privy Council and 71 extensions for other types of

consultations (127 extensions combined) were taken under s. 9(1)(*b*). This number is down slightly from 184 consultations taken in 2010-2011, after adjustment for the 20% lower request volume.

When PCO sends a consultation request to another federal institution, it first contacts the department to obtain an estimated response time. For consultations with institutions with large workloads, such as the Department of Foreign Affairs and International Trade or the Department of National Defence, PCO verifies whether a previously recommended consultation period is still accurate. These efforts improve the working relationship and provide requesters with a more accurate estimate of when they will receive a response. Contacting the institution being consulted to mutually determine how long the consultation will take is considered a best practice by the Office of the Information Commissioner.

Consultations remain inherent to processing the often complex, interdepartmental records under the control of PCO. For example, in 2011-2012, PCO received a request for records related to written questions from the House of Commons. As the Department is the central authority for tasking Parliamentary questions across government, PCO was required to consult with over 200 government organizations on the records involved, necessitating an extension to the 30-day deadline.

Note that the extensions above were taken for all dispositions, not solely for records fully disclosed or disclosed in part.

3.2 Length of extensions

During the 2011-2012 reporting period, 13% of total requests (68) were extended for 30 days or less, unchanged from the 13% of total requests in 2010-2011. The percentage of total requests extended for more than 30 days also remained constant year-over-year at 32%. Stability in PCO process was enabled by the elimination of over 230 backlog files in the 2010-2011 operating year.

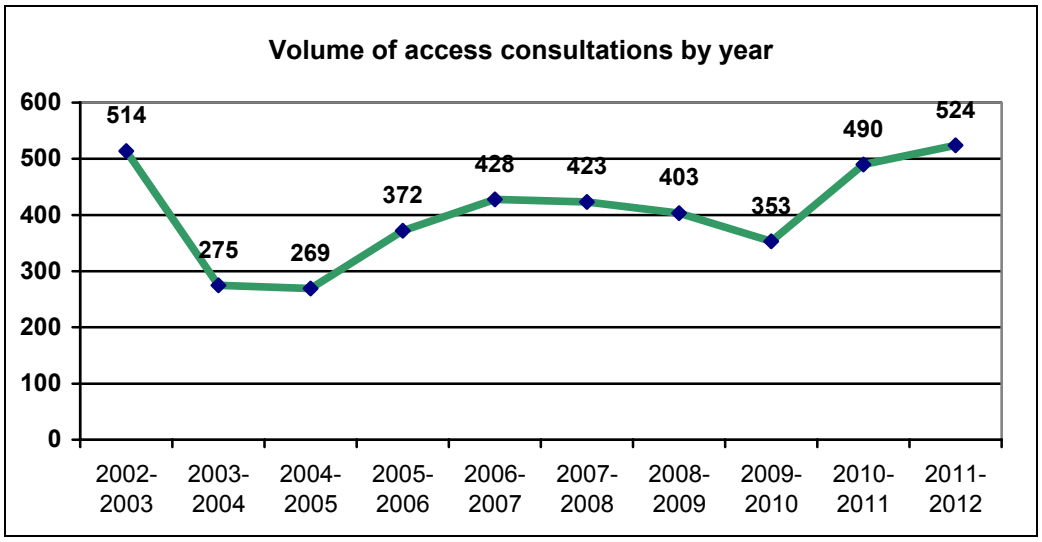
PART 4 – Fees

The fees collected during the reporting period totalled $3,345.00, down from $5,165.70 in 2010-2011. PCO collected $2,675.00 in application fees on 469 requests, down $690.00 from the previous year. In 2011-2012, PCO waived fees totalling $188.00, roughly split between application fees and reproduction charges.

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

PCO received 524 consultations from other government institutions and organizations in the reporting year, the highest volume in the last ten years, as shown below.

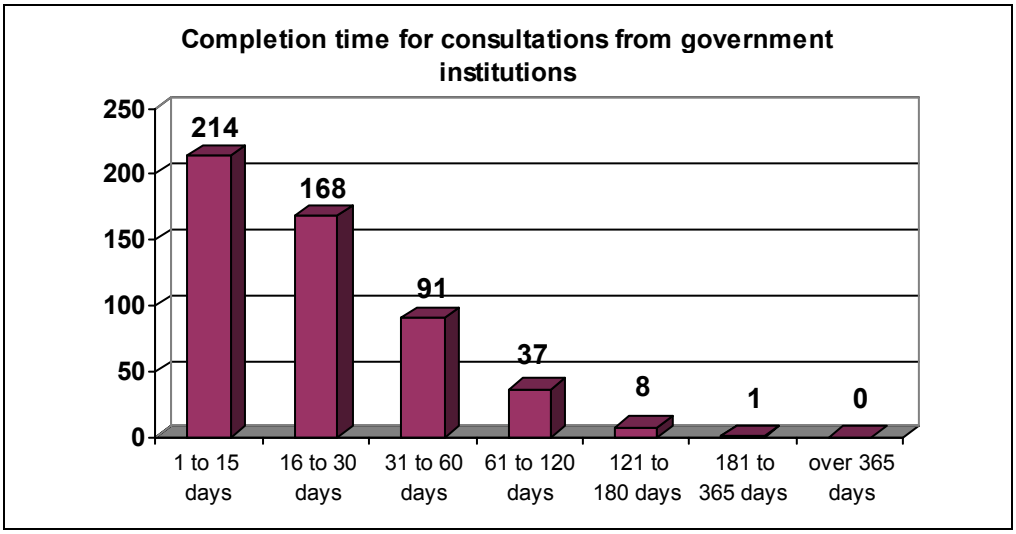


Approximately 15,000 pages were reviewed by the Department under the consultation process. The institutions which sought the views of PCO included the Department of National Defence, the Department of Foreign Affairs and International Trade, the Canadian Security Intelligence Service, the Department of Finance, the Royal Canadian Mounted Police, and Public Safety Canada.

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

The Office of the Information Commissioner noted in 2010 (*Out of Time: Systemic Issues Affecting Access to Information in Canada*, April 2010, pg. 14) that the volume of consultations has grown over the years such that it now accounts for a significant part of some institutions' workloads. This in turn affects the speed at which the consulting institution can close the associated access requests and release the information to requesters. For PCO, consultation requests rival access to information requests, in terms of both workload and demand on resources. Nonetheless, in 2011-2012, the Department responded to 74% of consultations (382) from other government institutions in 30 days or less, including 41% of consultations (214) responded to in 15 days or less. With this rate of response to consulting institutions, PCO contributes to more timely service to the public on the broader government level. The recommendations given in response to these consultations were predominantly to disclose the records, either entirely or in part.

The total files relative to response times are shown in the chart below.



5.3 Recommendations and completion time for consultations received from other organizations

A total of 4 consultation requests were received from other organizations during 2011-2012. Three (or 75%) of the requests were responded to within 30 days, and the fourth within 60 days. Recommendations were uniformly to disclose entirely.

PART 6 – Completion time of consultations on Cabinet confidences

In accordance with Treasury Board guidelines, PCO consults with PCO Cabinet Confidences Counsel (CCC) for the review and certification of Cabinet confidences contained in government records. PCO ATIP sent 56 consultations to PCO-CCC in the reporting period, up slightly from 51 in 2010-2011.

PART 7 – Resources related to the ATIA

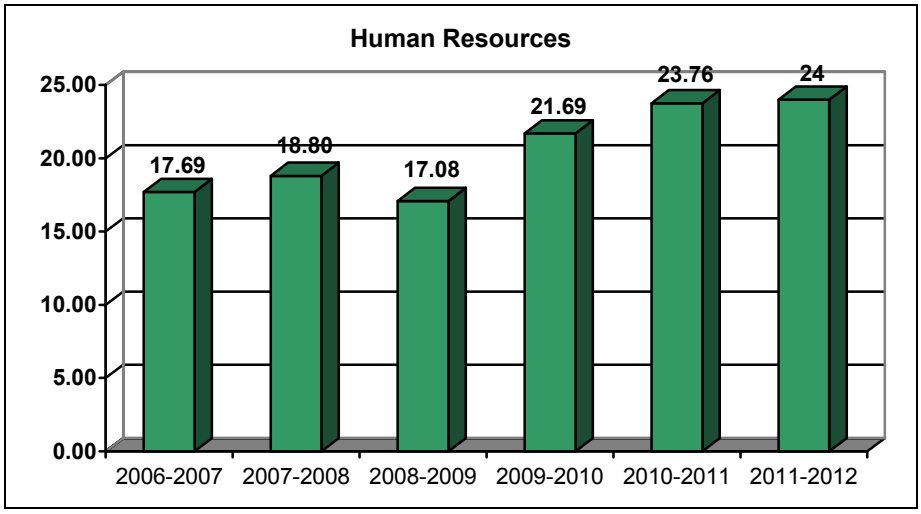
7.1 Costs

Total salary costs associated with administration of the ATIA are estimated at $1,861,279.00 for 2011-2012, up moderately from $1,711,562.68 in 2010-2011. Overtime costs totalled $10,346.00. Goods and services amounted to $106,054.00, the sum of professional services contracts at $43,477.00 and other services at $62,577.00. These costs do not include the resources expended by policy areas of PCO to meet the requirements of the ATIA.

7.2 Human resources

It remains a challenge to attract and retain ATIP personnel, given the shortage of qualified analysts across the federal government. PCO human resources capacity for the 2011-2012 reporting period was 24 employees, out of 26 approved FTEs. As shown in the chart below, this is a slight increase in resources over the 23.76 FTEs of the previous year and the highest staffing level in recent years, reflecting the Department's commitment to recruitment and retention of ATIP expertise. This capacity also aligns with the 2008-2009 Special Report by the Office of the Information Commissioner, which

identified adequate resources, including staff, as a systemic requirement for sustained compliance with the ATIA.



Note that the statistical report on the ATIA does not permit the reporting of person-year utilization in fractions.

Appendices

Appendix A: Delegation order

Appendix B: 2011-2012 Statistical Report on the ATIA

Appendix C: Exemptions and exclusions

Appendix A: Delegation order

Access to Information Act

DELEGATION ORDER

The Prime Minister, as head of the Privy Council Office and pursuant to section 73 of the *Access to Information Act*[a], hereby designates the officers or employees holding the positions set out in the schedule hereto, and any persons acting in those positions, to exercise or perform the powers, duties and functions of the Prime Minister as the head of a government institution under the sections of the *Act* and the regulations opposite each position in the schedule.

This delegation order supercedes all previous delegation orders.

Loi sur l'accès à l'information

ARRÊTÉ DE DÉLÉGATION

Le Premier ministre, en sa qualité de responsable du Bureau du Conseil privé et conformément à l'article 73 de la *Loi sur l'accès à l'information*[a], délègue aux titulaires des postes énumérés en annexe, et à toutes autres personnes agissant dans ces postes de façon intérimaire, ses attributions à titre de responsable d'une institution fédérale aux termes des articles de la *Loi* et du règlement figurant en regard de chaque poste à l'annexe.

Le présent arrêté de délégation remplace et annule tout arrêté qui le précède.

Prime Minister / Premier ministre

June 13, 2008
Date

[a] R.S. 1985, c. A-1 / *L.R. 1985, ch. A-1*

SCHEDULE / *ANNEXE*

	Position / *Poste*	Sections of the Access to Information Act[a] / *Articles de la Loi sur l'accès à l'information*[a]	Sections of the Access to Information Regulations[b] / *Articles du Règlement sur l'accès à l'information*[b]
1.	Clerk of the Privy Council and Secretary to the Cabinet. / *Greffier du Conseil privé et Secrétaire du Cabinet.*	Full delegation. / *Délégation entière*.	Full delegation. / *Délégation entière*.
2.	Any senior management position within the Privy Council Office that reports directly to the position set out in paragraph 1 above. / *Tout poste de la haute gestion au sein du Bureau du Conseil privé, qui se rapporte directement au poste indiqué au paragraphe 1 ci-dessus.*	Full delegation. / *Délégation entière*.	Full delegation. / *Délégation entière*.
3.	All Assistant Secretaries and Assistant Deputy Ministers within the Privy Council Office. / *Tous les Secrétaires adjoints et les Sous-ministres adjoints au sein du Bureau du Conseil privé*.	Full delegation. / *Délégation entière*.	Full delegation. / *Délégation entière*.
4.	Any management position that is responsible for a unit within the Privy Council Office and that reports directly to a position covered by paragraph 2 above other than the Assistant Deputy Minister of Corporate Services Branch. / *Tout poste de gestionnaire qui est responsable pour une unité au sein du Bureau du Conseil privé et qui se rapporte directement à un poste envisagé au paragraphe 2 ci-dessus autre que le Sous-ministre adjoint de la Direction générale des services ministériels.*	Full delegation. / *Délégation entière*.	Full delegation. / *Délégation entière*.
5.	Coordinator of Access to Information within the Privy Council Office. / *Coordonateur/trice de l'accès à l'information au sein du Bureau du Conseil privé.*	7; 8(1); 9; 10; 11(2); 11(3); 11(4); 11(5); 11(6); 12(2)(b); 12(3)(b); 13; 19; 20; 27(1); 27(4); 28(1)(b); 28(2); 28(4); 29(1); 33; 37(4); 43(1); 44(2).	6(1); 8.

[a] R.S. 1985, c. A-1 / *L.R. 1985, ch. A-1*
[b] SOR/83-507 / *DORS/83-508*

Appendix B: 2011-2012 Statistical Report on the ATIA

Government of Canada / Gouvernement du Canada

Statistical Report on the *Access to Information Act*

Name of institution: Privy Council Office

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	534
Outstanding from previous reporting period	95
Total	629
Closed during reporting period	529
Carried over to next reporting period	100

1.2 Sources of requests

Source	Number of Requests
Media	259
Academia	14
Business (Private Sector)	74
Organization	66
Public	121
Total	534

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	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
All disclosed	3	19	5	6	0	0	0	33
Disclosed in part	12	109	55	95	4	4	1	280
All exempted	0	5	2	3	0	0	0	10
All excluded	0	1	5	14	0	0	0	20
No records exist	53	70	0	6	0	1	0	130
Request transferred	7	0	0	0	0	0	0	7
Request abandoned	25	13	8	3	0	0	0	49
Treated informally	0	0	0	0	0	0	0	0
Total	100	217	75	127	4	5	1	529

TBS/SCT 350-62 (Rev. 2011/03) 1 Canada

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	19	16(2)(a)	0	18(a)	2	20.1	0
13(1)(b)	2	16(2)(b)	0	18(b)	4	20.2	0
13(1)(c)	2	16(2)(c)	42	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	6	21(1)(a)	119
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	197
14(a)	35	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	20
14(b)	34	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	26
15(1) - I.A.*	1	16.1(1)(d)	0	18.1(1)(d)	0	22	5
15(1) - Def.*	106	16.2(1)	0	19(1)	190	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	1	23	60
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	12	24(1)	7
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	2
16(1)(a)(iii)	2	16.5	0	20(1)(c)	15		
16(1)(b)	0	17	1	20(1)(d)	12		
16(1)(c)	3						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	2	69(1)(a)	18	69(1)(g) re (a)	20
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	7	69(1)(g) re (c)	0
68.1	0	69(1)(d)	3	69(1)(g) re (d)	10
68.2(a)	0	69(1)(e)	46	69(1)(g) re (e)	10
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	33	0	0
Disclosed in part	280	0	0
Total	313	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	617	519	33
Disclosed in part	34688	20031	280
All exempted	723	0	10
All excluded	1431	0	20
Request abandoned	10156	936	49

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	32	388	1	131	0	0	0	0	0	0
Disclosed in part	212	4435	49	7605	14	5487	5	2504	0	0
All exempted	9	0	1	0	0	0	0	0	0	0
All excluded	16	0	4	0	0	0	0	0	0	0
Abandoned	42	0	6	484	0	0	0	0	1	452
Total	311	4823	61	8220	14	5487	5	2504	1	452

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	9	0	0	0	9
Disclosed in part	79	21	36	0	136
All exempted	2	0	1	0	3
All excluded	4	0	18	0	22
Abandoned	3	18	1	0	22
Total	97	39	56	0	192

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	4	0	7	3
Disclosed in part	75	36	56	20
All exempted	2	1	1	2
All excluded	0	18	2	1
No records exist	2	0	0	0
Request abandoned	6	1	5	0
Total	89	56	71	26

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	53	0	14	1
31 to 60 days	18	13	24	6
61 to 120 days	14	42	29	15
121 to 180 days	1	0	0	0
181 to 365 days	3	1	3	3
365 days or more	0	0	1	1
Total	89	56	71	26

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	# of Requests	Amount	# of Requests	Amount
Application	469	$2,675	17	$85
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	11	$670	2	$103
Total	480	$3,345	19	$188

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	520	14885	4	179
Outstanding from the previous reporting period	41	2074	1	123
Total	561	16959	5	302
Closed during the reporting period	519	15041	4	179
Pending at the end of the reporting period	42	1918	1	123

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	188	141	76	21	4	1	0	431
Disclose in part	13	22	13	16	4	0	0	68
Exempt entirely	13	5	2	0	0	0	0	20
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	214	168	91	37	8	1	0	519

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	More than 365 days	Total
Disclose entirely	2	1	1	0	0	0	0	4
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	2	1	1	0	0	0	0	4

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	27	0
16 to 30	17	0
31 to 60	11	0
61 to 120	1	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	56	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		$1,861,279
Overtime		$10,346
Goods and Services		$106,054
• Professional services contracts	$43,477	
• Other	$62,577	
Total		**$1,977,679**

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	20	2	22
Part-time and casual employees	0	0	0
Regional staff	0	0	0
Consultants and agency personnel	1	1	2
Students	0	0	0
Total	21	3	24

Appendix C: Exemptions and exclusions

Exemptions invoked

The following total exemptions were invoked by PCO during the 2011-2012 reporting period:

19 under s. 13(1)(*a*) – information obtained in confidence from the government of a foreign state or institution
2 under s. 13(1)(*b*) – information obtained in confidence from an international organization of states or an institution
2 under s. 13(1)(*c*) – information obtained in confidence from the government of a province or institution
35 under s. 14(*a*) – information expected to be injurious to the government's federal-provincial affairs, specifically, federal-provincial consultations or deliberations
34 under s. 14(*b*) – information expected to be injurious to the government's federal-provincial affairs, specifically, strategies or tactics adopted or to be adopted by the government relating to the conduct of federal-provincial affairs
1 under s. 15(1) – information related to international affairs
106 under s. 15(1) – information related to international affairs and defence of Canada
2 under s. 16(1)(*a*)(iii) – government records related to activities suspected of constituting threats to the security of Canada
3 under s. 16(1)(*c*) – information related to law enforcement and investigations, including civil investigations and administrative investigations
42 under s. 16(2)(*c*) – information which could facilitate the commission of a crime such as the vulnerability or methods employed to protect particular buildings, structures, or systems
1 under s. 17 – safety of individuals, including the identity of police informants and the victims of violence or acts of threats or intimidation
2 under s. 18(*a*) – trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada
4 under s. 18(*b*) – information which could prejudice the competitive position of a government institution
6 under s. 18(*d*) – information materially injurious to the financial interests of a government institution or to the economic interests of Canada
190 under s. 19(1) – personal information
1 under s. 20(1)(*a*) - trade secrets of a third party
12 under s. 20(1)(*b*) – financial, commercial, scientific or technical information supplied to a government institution in confidence by a third party
15 under s. 20(1)(*c*) - information that could result in material financial loss or gain to a third party
12 under s. 20(1)(*d*) - information which could interfere with the negotiations of a third party
119 under s. 21(1)(*a*) – advice or recommendations developed by or for a government institution or minister
197 under s. 21(1)(*b*) – consultations or deliberations related to operations of government
20 under s. 21(1)(*c*) - positions or plans developed for negotiations by the Government of Canada
26 under s. 21(1)(*d*) - plans for the management of a government institution that have not yet been put into operation
5 under s. 22 - information relating to testing or auditing procedures or techniques
60 under s. 23 – information subject to solicitor-client privilege

7 under s. 24(1) - information restricted by or pursuant to any provision set out in Schedule II of the ATIA
2 under s. 26 – records which will be published by a government institution within ninety days after the request is made

Exemptions not invoked

The following exemptions were not invoked by PCO during the 2011-2012 reporting period:

s. 13(1)(*d*) – information obtained in confidence from a municipal or regional government
s. 13(1)(*e*) – information obtained in confidence from an aboriginal government
s. 15(1) – information which could compromise the prevention of subversive activities
s. 16(1)(*a*)(i) – government records related to the detection, prevention or suppression of crime
s. 16(1)(*a*)(ii) – government records related to the enforcement of any law of Canada or a province
s. 16(1)(*b*) – information relating to investigative techniques or plans for specific lawful investigations
s. 16(1)(*d*) – information the disclosure of which could compromise the security of penal institutions
s. 16(2)(*a*) – information which could facilitate the commission of a crime such as crime methods or techniques
s. 16(2)(*b*) – information which could facilitate the commission of a crime such as technical information relating to weapons or potential weapons
s. 16(3) – policing services of the RCMP for the provinces and the municipalities
s. 16.1(1)(*a*) – records related to investigations by the Auditor General of Canada
s. 16.1(1)(*b*) – records related to investigations by the Commissioner of Official Languages for Canada
s. 16.1(1)(*c*) – records related to investigations by the Information Commissioner
s. 16.1(1)(*d*) – records related to investigations by the Privacy Commissioner
s. 16.2(1) – records related to investigations by the Commissioner of Lobbying
s. 16.3 – records related to investigations under the *Canada Elections Act*
s. 16.4(1)(*a*) – records related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner
s. 16.4(1)(*b*) – records from a conciliator related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner
s. 16.5 – records related to a disclosure under the *Public Servants Disclosure Protection Act*
s. 18(*c*) – scientific or technical information obtained through research by an officer or employee of a government institution
s. 18.1(1)(*a*) – records related to the economic interests of the Canada Post Corporation
s. 18.1(1)(*b*) – records related to the economic interests of Export Development Canada
s. 18.1(1)(*c*) – records related to the economic interests of the Public Sector Pension Investment Board
s. 18.1(1)(*d*) – records related to the economic interests of VIA Rail Canada Inc.
s. 20(1)(*b*.1) – third party information related to emergency management plans
s. 20.1 – third party investment information obtained by the Public Sector Pension Investment Board
s. 20.2 – third party investment information obtained by the Canada Pension Plan Investment Board
s. 20.4 – performance contracts with the National Arts Centre Corporation
s. 22.1(1) – draft internal audits less than 15 years old

Exclusions cited

The following are the total exclusions cited during the 2011-2012 reporting period:

2 under s. 68(*a*) – published material

18 under s. 69(1)(*a*) – memoranda to Cabinet
7 under s. 69(1)(*c*) – agenda and records of Cabinet deliberations
3 under s. 69(1)(*d*) – records of communication between Ministers
46 under s. 69(1)(*e*) – records used to brief ministers of the Crown
20 under s. 69(1)(*g*) re (*a*) - records that contain information about records referred to in s. 69(1)(*a*)
10 under s. 69(1)(*g*) re (*d*) - records that contain information about records referred to in s. 69(1)(*d*)
10 under s. 69(1)(*g*) re (*e*) - records that contain information about records referred to in s. 69(1)(*e*)

Exclusions not cited

The following exclusions were not cited by PCO during the 2011-2012 reporting period:

s. 68(*b*) – museum or library material
s. 68(*c*) – material donated to Canadian museums or archives
s. 68.1 – journalistic, creative or programming records of the Canadian Broadcasting Corporation
s. 68.2(*a*) – administrative records of Atomic Energy of Canada Limited
s. 68.2(*b*) - operational records of Atomic Energy of Canada Limited
s. 69(1)(*b*) – discussion papers
s. 69(1)(*f*) – draft legislation
s. 69(1)(*g*) re (*b*) - records that contain information about records referred to in s. 69(1)(*b*)
s. 69(1)(*g*) re (*c*) - records that contain information about records referred to in s. 69(1)(*c*)
s. 69(1)(*g*) re (*f*) - records that contain information about records referred to in s. 69(1)(*f*)
s. 69.1(1) – disclosure prohibited by a certificate under the *Canada Evidence Act*