

National Energy
Board



Office national
de l'énergie

Annual Report Pursuant to Access to Information Act and Privacy Act

1 April 2005 - 31 March 2006

National Energy Board

Annual Report
Pursuant to the
Access to Information Act
and the *Privacy Act*

1 April 2005 - 31 March 2006

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2006

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16 June 2006

The Honourable Gary Lunn, P.C., M.P.
Minister of Natural Resources Canada
580 Booth Street
Ottawa, Ontario
K1A 0E4

Dear Minister:

In accordance with the provisions of Sections 72 of the *Access to Information Act* and the *Privacy Act*, I am pleased to submit the Annual Report of the National Energy Board on the administration of these Acts for the period 1 April 2005 to 31 March 2006.

Yours truly,

Kenneth W. Vollman
Chairman

Attachment

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I ACCESS TO INFORMATION

PART A

STATISTICAL REPORT

During the fiscal year 1 April 2005 to 31 March 2006, the National Energy Board received seventeen requests for information under the *Access to Information Act*. Pertinent administrative information is provided in the Statistical Report on the next page.

Institution National Energy Board / Office national de l'énergie				Reporting period / Période visée par le rapport April / avril 2005 – March / mars 2006	
Source	Media / Médias 0	Academia / Secteur universitaire 0	Business / Secteur commercial 7	Organization / Organisme 0	Public 10

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçu pendant la période visée par le rapport	17
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	18
Completed during reporting period / Traitées pendant la période visée par le rapport	17
Carried forward / Reportées	1

II Disposition of requests completed / Disposition à l'égard des demandes traitées					
1.	All disclosed / Communication totale	7	6.	Unable to process / Traitement impossible	5
2.	Disclosed in part / Communication partielle	5	7.	Abandoned by applicant / Abandon de la demande	
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)		8.	Treated informally / Traitement non officiel	
4.	Nothing disclosed (exempt) / Aucune communication (exemption)		TOTAL		17
5.	Transferred / Transmission				

II Exemptions invoked / I Exceptions invoquées							
S. Art. 13(1)(a)		S. Art. 16(1)(a)		S. Art. 18(b)		S. Art. 21(1)(a)	
(b)		(b)		(c)		(b)	
(c)		(c)		(d)		(c)	
(d)		(d)		S. Art. 19(1)	1	(d)	
S. Art. 14		S. Art. 16(2)	1	S. Art. 20(1)(a)		S. Art. 22	
S. 15(1) Art. International rel. / Relations intern.		S. Art. 16(3)		(b)	3	S. Art. 23	
Defence / Défense		S. Art. 17		(c)	4	S. Art. 24	
Subversive activities / Activités subversives		S. Art. 18(a)		(d)	2	S. Art. 26	

I Exclusions cited / V Exclusions citées			
S. Art. 68(a)		S. Art. 69(1)(c)	
(b)		(d)	
(c)		(e)	
S. Art. 69(1)(a)		(f)	
(b)		(g)	

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	13
31 to 60 days / De 31 à 60 jours	3
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	

V Extensions / I Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	1
Consultation		
Third party / Tiers	1	
TOTAL	3	1

VI Translations / I Traduction		
Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	
	French to English / Du français à l'anglais	

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	12
Examination / Examen de l'original	
Copies and examination / Copies et examen	

I Fees / X Frais				X Costs Coûts		
Net fees collected / Frais net perçus				Financial (all reasons) / Financiers (raisons)		
Application fees / Frais de la demande	\$ 85.00	Preparation / Préparation		Salary / Traitement	\$	12709.20
Reproduction		Computer processing / Traitement informatique		Administration (O and M) / Administration (fonctionnement et maintien)	\$	7230.00
Searching / Recherche		TOTAL	\$ 85.00	TOTAL	\$	19939.20
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$	Person year utilization (all reasons) / Années-personnes utilisées (raison)		
\$25.00 or under / 25 \$ ou moins			\$	Person year (decimal format) / Années-personnes (nombre décimal)		0.12
Over \$25.00 / De plus de 25 \$			\$			

PART B

INTERPRETATION/EXPLANATION

This Part provides a narrative explanation of some of the figures appearing on the Statistical Report (Part A). The item numbers which follow correspond to the numbers on the Statistical Report.

I Received During Reporting Period

During the reporting period, the Board received seventeen requests under the *Access to Information Act* and there was one request outstanding from the previous reporting period.

II Disposition of Requests Completed

Of the seventeen requests completed during the reporting period, the Board disclosed all documents for seven of the requests; five requests unable to process because the documentation was unavailable and five requests were disclosed in part pursuant to exemptions under Sections 16(2), 19(1), 20(1)(b)(c)(d) of the *Access to Information Act*.

V Completion Time

Of the seventeen requests completed during the reporting period, thirteen were completed within the 30 days specified in the *Access to Information Act*; three were completed within 60 days and one completed within 120 days. One request was received at year end and was carried forward to the 2006-2007 fiscal year.

IX Fees

For this reporting period \$85.00 in fees were collected.

X Costs

The costs incurred for handling the requests and administrative matters dealing with Access to Information totaled \$ 19939.20 for 238 hours.

The Board estimates that 238 hours equates to 0.12 person year.

PART C

SUPPORTING DOCUMENTATION

I General

The National Energy Board (the Board) is a regulatory tribunal and a court of record. All applications and other documents filed with the Board are public and are readily available for inspection. Since its inception, the Board has maintained its policy of providing information, a) wherever possible, b) on request, and c) promptly.

In addition to providing information on request, the Board has its own program of disseminating information on various aspects of its regulatory functions. This program includes the publication of 36 news releases during the reporting period, an Annual Report that covers calendar year 2005, an Internet site www.neb-one.gc.ca, the Regulatory Agenda publication on a monthly basis and one Information Series.

The provision of information to the public is not new to the Board, and the Board encourages the public to request information informally rather than formally under official *Access to Information Act* requests. Although the proclamation of the *Access to Information Act* has had no impact on the standards that the Board has set for itself in its public relations, we have in place measures to administer the Act. These measures are described in the following sections.

II Organization of Access to Information Activities

Activities relating to the *Access to Information Act* are the responsibility of the Secretary of the Board, who has been designated as the Coordinator. He is assisted in his work by the Regulatory Administrator. In addition, Board's Legal Counsels provide advice and employees contribute with technical information as required.

III Implementation of the Access to Information Act

As previously mentioned, the proclamation of the *Access to Information Act* has had little impact on the Board's public relations program or the Board's policy on information dissemination. The only impact has been of an administrative nature: procedures are in place to deal with requests received, staff and management are aware of the requirements of the Act and of the Board's procedures, and one reading room has been designated.

IV Formal/Informal Interface

The Board receives an average of one hundred fifty two requests for information each month. Approximately twenty percent of these requests are of a complex nature, requiring research and co-ordination with other business units, and the average response time is five working days.

Neither the proclamation of the *Access to Information Act* nor the requests received under the Act has affected the number of informal requests received and disposed of by the Board.

V Institutional Policies

The Board formalized its administrative procedures in the form of a manual, which was undertaken in order to ensure requests are processed in accordance with the applicable delegation documents and legislative authorities.

VI Delegation Instrument

The Secretary has been designated to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act, except for the power to refuse access to a record requested based on a discretionary exemption under the *Access to Information Act*. Where the Secretary does not intend to give access to a record requested based on a discretionary exemption under the Act, he shall refer the request to the Executive Team, which Team shall have the power to grant or refuse access to the record.

A copy of the Designation Order and a Designation Replacement Order are attached as Appendix I and Appendix II, respectively.

APPENDIX I

NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ACCESS TO INFORMATION ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Access to Information Act* hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act save and except the power to refuse access to a record requested under the Act. Where the Secretary does not intend to give access to a record requested under the Act, he shall refer the request to the Standing Committee on Regulatory Process which Committee shall have the power to grant or refuse access to the record.

Dated at Ottawa this 16 day of March, 1983.

A handwritten signature in dark ink, appearing to read "C.G. Edge".

C.G. Edge
Chairman

* S.C. 1980-81-82 c. 111

National Energy
Board



Office national
de l'énergie

ACCESS TO INFORMATION ACT DESIGNATION REPLACEMENT ORDER

The Chairman of the National Energy Board (the Board), pursuant to Section 73 of the *Access to Information Act*, (the Act) hereby replaces the *Access to Information Act Designation Order* made on the 18th day of March 1983, at the City of Ottawa in the Province of Ontario, as modified by the *Access to Information Act designation Amendment Order* made on the 27th day of May 1998, at the City of Calgary, in the Province of Alberta by the following text.

The Chairman of the Board, pursuant to Section 73 of *the Access to Information Act** hereby designates the person holding the office of Secretary of the Board to exercise the powers and perform the duties and functions of the Chairman as head of a government institution under the Act save and except the power to refuse access to a record requested based on a discretionary exemption under the Act. Where the Secretary does not intend to give access to a record requested based on a discretionary exemption under the Act, he shall refer the request to the Executive Team which Team shall have the power to grant or refuse access to the record.

The Discretionary exemptions are introduced in the Act by the phrase "the head of a government institution may refuse to disclose..."

Dated at the City of Calgary, in the Province of Alberta, this 15th day of October 2002.

A handwritten signature in black ink, appearing to read "Ken Vollman".

Kenneth W. Vollman
Chairman

* S.C. 1980-81-82 c.111

II PRIVACY

PART A

STATISTICAL REPORT

During the fiscal year 1 April 2005 to 31 March 2006, the National Energy Board (the Board) received one request for information under the *Privacy Act*. Pertinent administrative information is provided in the Statistical Report on the next page.

Institution National Energy Board/Office national de l'énergie	Reporting period / Période visée par le rapport April/avril 05 - March/mars 06
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I	2
Received during reporting period / Reçus pendant la période visée par le rapport	1
Outstanding from previous period / En suspens depuis la période antérieure	0
TOTAL	1
Completed during reporting period / Traitées pendant la période visées par le rapport	1
Carried forward / Reportées	0

II	<i>Disposition of request completed / Disposition à l'égard des demandes traitées</i>	
1.	All disclosed / Communication totale	1
2.	Disclosed in part / Communication partielle	
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	
5.	Unable to process / Traitement impossible	
6.	Abandoned by applicant / Abandon de la demande	
7.	Transferred / Transmission	
TOTAL		1

II	Exemptions invoked / Exceptions invoquées
S. Art. 18(2)	
S. Art. 19(1)(a)	
(b)	
(c)	
(d)	
S. Art. 20	
S. Art. 21	
S. Art. 22(1)(a)	
(b)	
(c)	
S. Art. 22(2)	
S. Art. 23 (a)	
(b)	
S. Art. 24	
S. Art. 25	
S. Art. 26	
S. Art. 27	
S. Art. 28	

IV	Exclusions cited / Exclusions citées
S. Art. 69(1)(a)	
(b)	
S. Art. 70(1)(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

V	Completion time / Délai de traitement
30 days or under / 30 jours ou moins	
31 to 60 days / De 31 à 60 jours	1
61 to 120 days / De 61 à 120 jours	
121 days or over / 121 jours ou plus	

VI	Extensions / Prorogations des délais	
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations		
Consultation		1
Translation / Traduction		
TOTAL		1

VI	Translations / Traductions	
Translations requested / Traductions demandées		
Translations prepared /	English to French / De l'anglais au français	
	French to English / Du français à l'anglais	
Traductions préparées		

VIII	Method of access / Méthode de consultation
Copies given / Copies de l'original	1
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX	Corrections and notation / Corrections et mention
Corrections requested / Corrections demandées	
Corrections made / Corrections effectuées	
Notation attached / Mention annexée	

X	Costs / Coûts
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 2002.50
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 5.00
TOTAL	\$ 2007.50
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	.02

PART B

INTERPRETATION/EXPLANATION

This Part provides a narrative explanation of some of the figures appearing on the Statistical Report (Part A). The item numbers which follow correspond to the numbers on the Statistical Report.

I Received During Reporting Period

During the reporting period, the Board received one request under the *Privacy Act* and there were no requests outstanding from the previous reporting period.

II Disposition of Request Completed

Of the one request, all records were disclosed.

V Completion Time

The request was completed during the reporting period. The request was completed within sixty days after it was received.

X Costs

The costs incurred for handling the requests and administrative matters dealing with Privacy totaled approximately \$2007.50 for 37.5 hours.

The Board estimates that 37.5 hours equates to .02 person year.

PART C

SUPPORTING DOCUMENTATION

Activities relating to the *Privacy Act* are the responsibility of the Secretary of the Board, who has been designated as the Coordinator. He is assisted in his work by the Regulatory Administrator.

In addition, the Board's Legal Counsels and staff members of Personnel are available to provide advice, as required. All the individuals have other responsibilities in addition to those described above.

The Chairman of the Board also delegated to the Secretary the authority to exercise his powers and perform his duties and functions in relation to the *Privacy Act*. This procedure is cited in the Designation Order, a copy of which is attached as Appendix I.

The proclamation of the *Privacy Act* has required the Board to make the appropriate administrative arrangements to deal with requests received. The Board's staff is aware of the requirements of the *Privacy Act* and the procedures to follow in order to handle all requests appropriately.

NATIONAL ENERGY BOARD

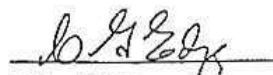


OFFICE NATIONAL DE L'ÉNERGIE

PRIVACY ACT DESIGNATION ORDER

The Chairman of the National Energy Board, pursuant to Section 73 of the Privacy Act*, hereby designates the person holding the office of Secretary of the National Energy Board to exercise the powers and perform the duties and functions of the Chairman as the head of a government institution under the Act.

Dated at Ottawa this 16 day of March, 1983.


C.G. Edge
Chairman