



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes



Annual Report

BROADCASTING TELECOMMUNICATIONS



CRTC Access to Information

2007 / 2008

Canada 



June 25, 2008

The Honourable Josée Verner
Minister of Canadian Heritage, Status of Women
And Official Languages
15 Eddy Street
Gatineau, Quebec
K1A 0M5

Dear Minister:

In accordance with the provisions of Section 72 of the *Access to Information Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2008 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

Robert A. Morin
Secretary General

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Table of contents	Page
1. Institutional Policies	7
- Organization of Activities	7
- Formal and Informal Interface	7
- Fees	8
- Delegation of Authority	8
- Reading Room	8
2. Statistical Report/Interpretation	8
- Requests received	8
- Source	8
- Disposition of requests completed	9
- Exemptions invoked	9
- Exclusions cited	9
- Completion time	9
- Fees	9
- Costs	9
3. Complaints and investigations	10
4. Appeals to the Federal Court	10
5. Awareness	10

Appendix

Statistical Report

THE COMMISSION'S MANDATE

The Canadian Radio-television and Telecommunications Commission (CRTC) was established by Parliament in 1968. It is an independent public authority constituted under the *Canadian Radio-television and Telecommunications Commission Act* (R.S.C. 1985, c. C-22, as amended) and reports to Parliament through the Minister of Canadian Heritage.

The CRTC is vested with the authority to regulate and supervise all aspects of the Canadian broadcasting system, as well as to regulate telecommunications common carriers and service providers that fall under federal jurisdiction. The CRTC derives its regulatory authority over broadcasting from the *Broadcasting Act* (S.C. 1991, c. 11, as amended). Its telecommunications regulatory powers are derived from the *Telecommunications Act* (S.C. 1993, c. 38, as amended) and the *Bell Canada Act* (S.C. 1987, c.19 as amended).

OBJECTIVES

The *Broadcasting Act* requires the Canadian Radio-television and telecommunications Commission to regulate and monitor broadcasters and broadcasting services, including radio, television, cable distribution and direct-to-home satellite systems, through the issuance of licences.

The *Telecommunications Act* requires the Canadian Radio-television and Telecommunications Commission to regulate and supervise the telecommunication industry by approving tariffs and fostering competition. Through this program Canadians have access to reliable telephone and other high quality telecommunications services at reasonable prices through an increased reliance on market forces and the regulation, where required, is effective and efficient.

In carrying out its responsibilities in both broadcasting and telecommunications, the CRTC must act in the public interest consistent with the statutes under which it operates. Through its public activities, including the public hearing process, the CRTC ensures its sensitivity and responsiveness to the public. In finding new ways and mechanisms to enhance public participation, the CRTC is making sure to incorporate public's input into policy formulation. Participation by Canadian citizens in our public proceedings is considered very important.

Recognizing that the public must be armed with the maximum possible amount of information if its participation in the decision-making process is to be meaningful, the CRTC has endeavored, since its inception, to establish rules and procedures which will allow public access to most of the information submitted to the CRTC by applicants and other parties balancing competitive confidentiality impacts with the needs of the public.

These mechanisms facilitate effective citizen engagement and input and are

structured using technologies such as video/audio conferencing and conference calls, so that the CRTC can maximize its public accessibility.

Complaints received by the CRTC are generally forwarded to the specific licensee for response and are then placed on each licensee's public file prior to the public hearing at which their license renewal application is considered, with the exception of those complaints that are referred to the Canadian Broadcast Standards Council. Anyone can consult these files upon request. Broadcasting licensees are required to announce the nature of any application before the CRTC over their facilities and to make a copy of their application and any complaints they may have received available to the public at their place of business. Telecommunications carriers regulated by the CRTC are required, in some instance, to notify their customers about their applications through billing inserts, letters or other means of notice.

The CRTC has also developed a number of internal procedures for facilitating public access to documents. Decisions, notices, orders, and other rulings, as well as documents related to public processes, are posted daily on the CRTC website (<http://www.crtc.gc.ca>).

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

ACCESS TO INFORMATION ACT

1. Institutional Policies

The CRTC has adopted detailed procedures to ensure close adherence to the fees, strict time limits, notification and other requirements set out in the *Access to Information Act* (the *Act*).

- Organization of Activities

The Access to Information and Privacy Coordinator (the Coordinator) controls, and is responsible for, all administrative activities under the *Act*. This includes all contact with the requestor, the public, third party notification, the administration of fees and time limits, liaison with Treasury Board, the Office of the Information Commissioner and reporting to senior management and the Secretary General.

The Coordinator also registers copies and assigns Access to Information requests. All records of fees, time limits, correspondence, etc., are kept by the Coordinator. The Coordinator ensures that administrative requirements and time limits are respected and keeps a record of the status of each request. A meeting of the ATIP Review Committee, which includes the Director General of the Office of Primary Interest, the General Counsel and the employee responsible for the record, is scheduled by the Coordinator when a recommendation is made to withhold information concerning any given request. The purpose of this Committee is to advise the Chairperson on any decisions to be made under the *Access to Information Act*.

- Formal and Informal Interface

The vast majority of information requests are handled through informal release mechanisms.

Much of the information submitted to the CRTC by broadcasting applicants and licensees is available for viewing at the Documentation Centre or at the Regional Offices. Copies of all interventions and letters of comment or complaint concerning specific applications are also available for viewing, as well as all the submissions filed in response to a call for comments with regards to a regulatory Policy Review and/or Hearing.

The Documentation Centre also has copies of the telephone companies' General Tariffs, all tariff notices and agreements which are submitted to the CRTC and all submissions received with respect to proposed tariffs and proceedings on various telecommunications matters.

- Fees

The fees for access to information requests are assessed in accordance with the provisions of the *Act*. All requests for fee waivers are examined on their own merits. Applicants are encouraged to visit CRTC offices where they may view the documents rather than request what could be a large number of photocopies.

- Delegation of Authority

The Chairman has designated the Secretary General to exercise or perform the powers, duties or functions of the head of the institution under the *Act*. In his absence, the powers, duties and functions are delegated to the General Counsel. The responsibility for the general administration of the *Act* rests with the Coordinator.

- Reading Room

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

2. Statistical Report/Interpretation

You will find attached (Appendix I) the statistical report on the Access to Information applications dealt with during the reporting period. The following provides interpretations for the information contained in this report.

- Requests received

During the period from April 1, 2007 to March 31, 2008, the CRTC received 15 requests under the *Access to Information Act*. Two requests were outstanding from the previous reporting period and two were carried forward to the period from April 1, 2008 to March 31, 2009. The 15 requests were submitted from the following sources:

Source	No. of Requests
Media	1
Business	1
Organization	4
Public	9

The CRTC was consulted on 25 occasions by other departments.

- Disposition of requests completed

Disclosure of the information was as follows:

- All information disclosed	2
- Information disclosed in part	4
- No information disclosed (exempt)	1
- Unable to process	5
- Transferred	2
- Treated informally	1

- Exemptions invoked

As noted in the attached Statistical Report (Appendix I), exemptions under sections 19, 20, 21 and 23 of the *Act* were invoked. The Statistical Report is intended to show the types of exemptions invoked to deny access. For example, if in one request different exemptions were used; one exemption under each relevant section would be reported. If the same exemption is used several times for the same request, it is reported only once.

- Exclusion cited

There was no exclusion cited during the reporting period.

- Completion time

Extensions were required in four cases; three for searching purposes and one for third party consultations. Two of those requests were processed between 31 and 60 days and the other two were processed between 61 and 120 days.

- Method of access

Copies were provided to the requestors in 6 cases.

- Fees

The fees collected during the reporting period totaled \$75.

- Costs

Total salary cost associated with *Access to Information Act* activities is estimated at \$8,160. Other costs amounted to \$3,434 for a total of \$11,594. The methodology used for calculating the personnel cost was the hourly rate of pay for the staff involved, multiplied by the number of hours worked on *Access to Information* activities. Operational costs include the cost of photocopies and the preparation of the annual report.

3. Complaints and Investigations

Four complaints which were filed with respect to the application of the exemptions have not been resolved.

4. Appeal to the Federal Court

No application pursuant to Section 44 of the *Access to Information Act* was filed with the Federal Court of Canada.

5. Awareness

Two awareness sessions were offered during the reporting period. Twenty persons participated to those sessions. An electronic version of the presentation was placed on the CRTC Intranet for reference.

