

National Energy  
Board



Office national  
de l'énergie

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

**1 April 2007 - 31 March 2008**



**National Energy Board**

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

**1 April 2007 - 31 March 2008**

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2008

as represented by the National Energy Board

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16 June 2008

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 2007 to 31 March 2008.

Yours sincerely,

Gaétan Caron  
Chair and CEO

Attachment



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## **I ACCESS TO INFORMATION**

## **PART A INTRODUCTION**

The National Energy Board (the NEB or the Board) is an independent federal regulatory agency that was established in 1959. The Board regulates the following specific aspects of the energy industry:

- the construction and operation of interprovincial and international pipelines;
- pipeline traffic, tolls and tariffs;
- the construction and operation of international and designated interprovincial power lines;
- the export and import of natural gas;
- the export of oil and electricity; and
- Frontier oil and gas activities.

Other responsibilities include:

- providing energy advice to the Minister of Natural Resources in areas where the Board has expertise derived from its regulatory functions;
- carrying out studies and preparing reports when requested by the Minister;
- conducting studies into specific energy matters;
- holding public inquiries when appropriate; and
- monitoring current and future supplies of Canada's major energy commodities.

In addition to its responsibilities under the *National Energy Board Act* (NEB Act), the Board also has responsibilities under the *Canada Oil and Gas Operations Act*, the *Canadian Environmental Assessment Act*, the *Northern Pipeline Act*, and certain Provisions of the *Canada Petroleum Resources Act*. As a result of the *Canada Transportation Act*, which came into effect on 1 July 1996, the Board's jurisdiction has been broadened to also include pipelines that transport commodities other than oil or natural gas.

During the fiscal year 1 April 2007 to 31 March 2008, the National Energy Board received eight requests for information under the *Access to Information Act*, and 17 third party requests. The third party requests required significant resources to process and accounts for the vast majority of the Board's costs of administering the *Access to Information Act*. Costs, including the third party requests, and pertinent administrative information are provided in the Statistical Report on the next page. The Board did not receive any requests under the *Privacy Act*.

Institution National Energy Board/Office national de l'énergie				Reporting period / Période visée par le rapport April/avril 2007 to March/mars 2008	
Source	Media / Médias 1	Academia / Secteur universitaire	Business / Secteur commercial 3	Organization / Organisme	Public 4

<b>I</b> Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçues pendant la période visée par le rapport	8
Outstanding from previous period / En suspens depuis la période antérieure	1
<b>TOTAL</b>	<b>9</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	7
Carried forward / Reportées	2

<b>II</b> Disposition of requests completed / Disposition à l'égard des demandes traitées				
1.	All disclosed / Communication totale		6.	Unable to process / Traitement impossible
2.	Disclosed in part / Communication partielle	6	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)		<b>TOTAL</b>	
5.	Transferred / Transmission			
				<b>7</b>

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

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

<b>V</b> Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	4
31 to 60 days / De 31 à 60 jours	1
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	1

<b>V</b> Extensions / <b>I</b> Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	4
Consultation		3
Third party / Tiers		2
<b>TOTAL</b>	<b>2</b>	<b>9</b>

<b>VI</b> Translations / <b>I</b> 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	

<b>VIII</b> Method of access / Méthode de consultation	
Copies given / Copies de l'original	6
Examination / Examen de l'original	
Copies and examination / Copies et examen	

<b>I</b> Fees / <b>X</b> Frais			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$35.00	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		<b>TOTAL</b>	35.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins			\$
Over \$25.00 / De plus de 25 \$			\$

<b>X</b> Costs Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 23376
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 2500
<b>TOTAL</b>	\$ 25876
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	.23

## **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 eight requests under the *Access to Information Act* and there was one request outstanding from the previous reporting period. The Board also received 17 third party requests, which required significant resources to process.

#### **II Disposition of Requests Completed**

The Board disclosed all documents requested.

#### **V Completion Time**

The requests in 2007–2008 were completed in the following timeframes:

- 4 within 30 days or less;
- 1 within 31 to 60 days;
- 1 within 61 to 120 days; and
- 1 took 121 days or over.

The NEB found it necessary to seek an extension to the prescribed time limit to search through a large volume of records.

#### **IX Fees**

For this reporting period \$35.00 in fees were collected.

#### **X Costs**

The costs incurred for handling the requests and administrative matters dealing with Access to Information totaled \$25,876.00 for 687 hours. These costs also include the resources required to process 17 third party requests.

The Board estimates that 687 hours equates to 0.23 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 47 news releases during the reporting period, an Annual Report that covers calendar year 2007, an Internet site [www.neb-one.gc.ca](http://www.neb-one.gc.ca), and the Regulatory Agenda publication on a quarterly basis.

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, there are measures in place 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. Effective January 2008, a new role as ATIP Analyst and Executive Support Officer has been created to assist the Secretary of the Board in ATIP requests. In addition, Board's Legal Counsels provide advice and employees contribute with technical information as required.

New software has also been installed to better assist in processing, reporting and managing ATIP requests.

#### **III Implementation of the Access to Information Act**

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 is designated.

#### **IV Formal/Informal Interface**

The Board receives numerous requests for information each month. Some are of a complex nature, requiring research and co-ordination with other business units, and the average response time is 30 working days.

#### **V Institutional Policies**

The Board has 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 Chair 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, the Secretary 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.

#### **VII Training**

There were no training activities undertaken in 2007-08.

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

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\* 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 18<sup>th</sup> 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 27<sup>th</sup> 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 15<sup>th</sup> day of October 2002.

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

Kenneth W. Vollman  
Chairman

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



## **II PRIVACY**

**PART A**

**STATISTICAL REPORT**

During the fiscal year 1 April 2007 to 31 March 2008, the National Energy Board (the Board) received no requests 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 2007 to March/mars 2008
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<b>I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels</b>		
Received during reporting period / Reçues pendant la période visée par le rapport		0
Outstanding from previous period / En suspens depuis la période antérieure		0
<b>TOTAL</b>		
Completed during reporting period / Traitées pendant la période visées par le rapport		0
Carried forward / Reportées		0

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>		
1. All disclosed / Communication totale		
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		
<b>TOTAL</b>		

<b>III Exemptions invoked / Exceptions invoquées</b>		
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		

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

<b>V Completion time / Délai de traitement</b>		
30 days or under / 30 jours ou moins		
31 to 60 days / De 31 à 60 jours		0
61 to 120 days / De 61 à 120 jours		
121 days or over / 121 jours ou plus		

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

<b>VII Translations / Traductions</b>		
Translations requested / Traductions demandées		
Translations prepared /	English to French / De l'anglais au français	
Traductions préparées	French to English / Du français à l'anglais	

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

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

<b>X Costs / Coûts</b>		
Financial (all reasons) / Financiers (raisons)		
Salary / Traitement		\$
Administration (O and M) / Administration (fonctionnement et maintien)		\$
<b>TOTAL</b>		<b>\$ 0</b>
Person year utilization (all reasons) / Années-personnes utilisées (raisons)		
Person year (decimal format) / Années-personnes (nombre décimal)		

## **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**

Not applicable.

#### **II Disposition of Request Completed**

Not applicable.

#### **V Completion Time**

Not applicable.

#### **X Costs**

Not applicable.

## **PART C**

### **PRIVACY IMPACTS ASSESSMENTS AND PRELIMINARY PRIVACY IMPACT ASSESSMENTS**

The Board has not initiated or completed any Privacy Impacts Assessments or Preliminary Privacy Impact Assessments. Consequently, no Privacy Impacts Assessments were forwarded to the Office of the Privacy Commissioner.

## **PART D**

### **DATA MATCHING AND SHARING ACTIVITIES**

The Board has not undertaken any new data matching and sharing activities.

**PART E**

**SUPPORTING DOCUMENTATION**

Activities relating to the *Privacy Act* are the responsibility of the Secretary of the Board, who has been designated as the Coordinator. Effective January 2008, a new role as ATIP Analyst and Executive Support Officer has been created to assist the Secretary of the Board in Privacy requests. 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 Chair 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.

New software has also been installed to better assist in processing, reporting and managing Privacy requests.

There were no training activities undertaken in 2007-08.

NATIONAL ENERGY BOARD

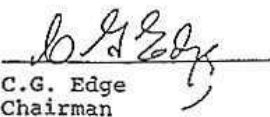


OFFICE NATIONAL DE L'ÉNERGIE

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