



Office of the Auditor General of Canada
Bureau du vérificateur général du Canada

Annual Report on the Access to Information Act and the Privacy Act

2007-2008

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Introduction

When the *Federal Accountability Act* (FedAA) was enacted in 2006, significant amendments were made to the *Access to Information Act* and the *Privacy Act*, both of which were enacted in 1983. The scope of application of both laws was expanded and, for the first time, the Office of the Auditor General of Canada (OAG) became subject to the *Access to Information Act*.

This is the OAG's first report on its administration of the *Access to Information Act*. The *Access to Information Act* gives Canadian citizens and permanent residents, and any person and corporation present in Canada, the right to access information contained in government records, subject to certain specific and limited exceptions.

The *Privacy Act* gives individuals the right to access information about themselves that is held by the government, subject to certain specific and limited exceptions. The *Privacy Act* also protects the privacy of individuals by giving them substantial control over the collection, use, and disclosure of their personal information and by preventing others from having access to that information.

Sections 72 of both acts require that the head of every government institution prepare an annual report on the administration of the acts within the institution and that they submit the reports to Parliament.

This annual report on the administration of the *Access to Information Act* and the *Privacy Act* at the OAG describes how we administered our responsibilities under both acts during the 2007–08 fiscal year.

If you require more information or wish to make a request under the *Access to Information Act* or the *Privacy Act*, please direct your inquiries to

Coordinator
Access to Information and Privacy
Office of the Auditor General of Canada
240 Sparks Street
Ottawa, Ontario
K1A 0G6

Tel: 613-952-0213 (ext. 6455)
Fax: 613-947-8930

Who we are

The Office of the Auditor General of Canada (OAG) audits federal government operations and provides Parliament with independent information, advice, and assurance regarding the federal government's stewardship of public funds. While the Office may comment on policy implementation in an audit, it does not comment on policy itself.

We are in the business of legislative auditing. We conduct

- performance audits of federal departments and agencies,
- annual financial audits of the government's financial statements,
- special examinations and annual financial audits of Crown corporations; and
- audits of the governments of Nunavut, the Yukon, and the Northwest Territories.

Since 1995, the OAG has also had a specific environmental and sustainable development mandate, which was established through amendments to the *Auditor General Act*.

The Auditor General of Canada is the designated head of the department for the *Access to Information Act* as well as the *Privacy Act*. Pursuant to section 73 of both acts, the Auditor General has delegated full authority to the Access to Information and Privacy (ATIP) Coordinator, with the exception of subsection 8(2)(m) of the *Privacy Act*. Decisions on the disclosure of personal information in the public interest or in the interest of the individual rest with the Auditor General.

Access to Information and Privacy Activities

The ATIP Coordinator is accountable for the development, coordination, and implementation of effective policies, guidelines, systems, and procedures to ensure the OAG's responsibilities under the *Access to Information Act* and the *Privacy Act* are met and to enable appropriate processing and proper disclosure of information. The ATIP Coordinator is also responsible for policies, systems, and procedures related to the acts.

The main activities of the ATIP Coordinator include

- processing requests under both acts;
- developing and maintaining policies, procedures, and guidelines to ensure that the acts are respected by the OAG;
- promoting awareness of the acts to ensure that departments and agencies meet the obligations imposed on the government;
- monitoring compliance with the acts, regulations, and relevant procedures and policies;
- preparing annual reports to Parliament and other statutory reports as well as other material that may be required by central agencies;
- representing the OAG in dealings with the Treasury Board of Canada Secretariat, the Information and Privacy commissioners, and other government departments and agencies regarding how the acts apply to the OAG;

- helping the OAG meet its commitments to ensure openness and transparency, through the proactive disclosure of information and through the informal disclosure of information.

To increase awareness of ATIP issues, 12 sessions have been held for approximately 250 employees during this reporting period.

Administration of the *Access to Information Act*

Requests under the *Access to Information Act*

Received during the reporting period:	20
Outstanding from previous period:	0
Total:	20

Sources of requests received

The majority of requests were from the general public (13), followed by businesses (4). The remaining requests came from the media (1), academia (1), and another organization (1).

Disposition of completed requests

The OAG finalized the 19 requests cited in Appendix A as follows:

- Nine requests resulted in a partial disclosure.
- Five requests could not to be processed, because no relevant records existed or because the requester was not a Canadian citizen or a permanent resident.
- Four requests resulted in all related documentation being exempted.
- One request was transferred to another government department

Exemptions invoked

Appendix B indicates the number of requests where specific types of exemptions were invoked. For example, if, in processing a request, the OAG applies five different exemptions, one exemption under each relevant section is reported—for a total of five. In addition, if the same exemption is claimed several times for the same request, it is reported only once.

As noted in Appendix B, the OAG invoked exemptions under subsections 15(1), 18(b), 19(1), 20(1)(b), 21(1)(a)(b) and section 23 of the *Access to Information Act*.

Please note that the OAG also invoked exemptions under subsection 16(1) of the Act (Appendix A).

Exclusions cited

No exclusions were cited.

Extension of time limits

Section 9 of the Act provides for the extension of the statutory time limits if consultations are necessary or if a large number of records have been requested and processing the request within the original time limit would unreasonably interfere with the operations of the Office. During the reporting period, the OAG did not extend any time limits.

Completion time

All 19 requests were completed on time.

Method of access

Access to the relevant documents was given, in whole or in part, and copies were provided for nine of the requests.

Fees

The fees collected during the reporting period totaled \$60.00.

In accordance with government policy, it is OAG practice to waive photocopy or search fees where the total per request is less than \$25.00. In the 2007–08 fiscal year, the OAG also waived photocopy fees for two cases, where the total amount waived was \$153.80.

Costs

For the 2007–08 fiscal year, the costs directly associated with administration of the *Access to Information Act* are estimated to be \$169,700 for salaries and \$895.00 for operations and maintenance and other administrative expenses—for a total of \$170,595.

The employee resources associated with administering the *Access to Information Act* for the 2006–07 fiscal year are estimated to 1.5 full-time equivalents (FTEs).

Complaints and investigations

During this reporting period, the OAG received one complaint, which alleged that the OAG failed to give access to a record. An investigation of the complaint by the Office of the Information Commissioner is currently underway.

Administration of the *Privacy Act*

Requests under the *Privacy Act*

Received during the reporting period:	2
Outstanding from previous period:	0
Total:	<u>2</u>

Disposition of requests completed

The OAG finalized the two requests cited in Appendix C as follows:

- One request resulted in a partial disclosure.
- One request did not include any relevant records.

Exemptions invoked

Appendix C indicates the number of requests where specific types of exemptions were invoked. If the same exemption is claimed several times for the same request, it is reported only once.

As noted in Appendix C, the OAG invoked one exemption under section 26 of the *Privacy Act*. Section 26 was used to sever personal information about individuals other than the requester.

Exclusions cited

No exclusions were cited.

Completion time

Both privacy requests were completed on time:

- One was completed in 30 days or less.
- One was completed within the additional 30 days that were required due to the number of records.

Method of access

Copies of the records were provided for one request.

Costs

For the 2007–08 fiscal year, the costs directly associated with administration of the *Privacy Act* are estimated to be \$21,020 for salaries and \$885 for operations and maintenance and other administrative expenses—for a total of \$21,905.

The employee resources associated with administering the *Privacy Act* for 2007–08 are estimated to be 0.25 FTE.

Complaints and investigations

The OAG did not receive or deal with any complaints during this reporting period.

Disclosure of personal information under subsection 8(2)

During the reporting period, the OAG

- disclosed personal information pursuant to subsection 8(2)(m)(i) of the *Privacy Act*; and
- did not disclose personal information pursuant to subsections 8(2)(e), 8(2)(f), and 8(2)(g).

Privacy impact assessments

The OAG has not undertaken any privacy impact assessments during this reporting period.

Appendix A

Supplemental reporting requirements for the 2007–08 fiscal year

Access to Information Act

In addition to the reporting requirements addressed in the Report on the *Access to Information Act* (form TBS/SCT 350-62), institutions are required to use the same form to report on the following:

Part III—Exemptions invoked

Section 13	
Paragraph 13(e)	_____
Section 14	
Paragraph 14(a)	_____
Paragraph 14(b)	_____
Section 16	
Paragraph 16.1	_____ 6 _____

Part IV—Exclusions cited

Section 69	
Paragraph 69(1)	_____

Appendix B

Report on the Access to Information Act



Government of Canada
Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Office of the Auditor General of Canada / Bureau du vérificateur général du Canada				Reporting period / Période visée par le rapport 2007-04-01 to/à 2008-03-31	
Source	Media / Médias 1	Academia / Secteur universitaire 1	Business / Secteur commercial 4	Organization / Organisme 1	Public 13

I 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	20
Outstanding from previous period / En suspens depuis la période antérieure	
TOTAL	20
Completed during reporting period / Traitées pendant la période visée par le rapport	19
Carried forward / Reportées	1

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale		6. Unable to process / Traitement impossible	5
2. Disclosed in part / Communication partielle	9	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)	4	TOTAL	19
5. Transferred / Transmission	1		

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)		S. Art. 16(1)(a)		S. Art. 18(b)	1	S. Art. 21(1)(a)	1
(b)		(b)		(c)		(b)	2
(c)		(c)		(d)		(c)	
(d)		(d)		S. Art. 19(1)	9	(d)	
S. Art. 14		S. Art. 16(2)		S. Art. 20(1)(a)		S. Art. 22	
S. 15(1) International rel. / Relations intern.	1	S. Art. 16(3)		(b)	1	S. Art. 23	3
Defence / Défense		S. Art. 17		(c)		S. Art. 24	
Subversive activities / Activités subversives		S. Art. 18(a)		(d)		S. Art. 26	

IV Exclusions cited / 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	19
31 to 60 days / De 31 à 60 jours	
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
Searching / Recherche		
Consultation		
Third party / Tiers		
TOTAL		

VII Translations / Traduction

Translations requested / Traductions demandées	
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	9
Examination / Examen de l'original	
Copies and examination / Copies et examen	

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	60.00	Preparation / Préparation	
Reproduction		Computer processing / Traitement informatique	
Searching / Recherche		TOTAL	\$60.00
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 \$		2	\$ 153.80

TBS/SCT 350-62 (Rev. 1999/03)

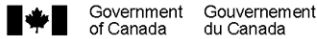
X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 169 701.04
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 895.00
TOTAL	\$ 170 596.14
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	1.46



Appendix C

Report on the *Privacy Act*



REPORT ON THE PRIVACY ACT RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Office of the Auditor General of Canada / Bureau du vérificateur général du Canada	Reporting period / Période visée par le rapport 2007-04-01 to/à 2008-03-31
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels		
Received during reporting period / Reçues pendant la période visée par le rapport		2
Outstanding from previous period / En suspens depuis la période antérieure		
TOTAL		2
Completed during reporting period / Traitées pendant la période visée par le rapport		2
Carried forward / Reportées		

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

III 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		1
S. Art. 27		
S. Art. 28		

TBS/SCT 350-63 (Rev. 1999/03)

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		1
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	1	
Consultation		
Translation / Traduction		
TOTAL	1	

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

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

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	\$ 21 015.20
Administration (O and M) / Administration (fonctionnement et entretien)	\$ 884.50
TOTAL	\$ 21 899.70
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.25



