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du Canada

# **OFFICE OF THE REGISTRAR OF LOBBYISTS**



## **ACCESS TO INFORMATION ACT AND PRIVACY ACT**

**ANNUAL REPORT 2006-2007**

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# Table of Contents

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Preface.....	4
--------------	---

## About the Organization

Recent History of the Office of the Registrar of Lobbyists.....	5
Responsibility for Information and Privacy Rights / Delegation of Authority.....	5
Introduction / Highlights.....	6
Fees.....	6
Information Holdings.....	7
Website.....	7
Reading Room.....	7

## Part I - Access to Information

Statistical Report.....	8
Education and Training Activities.....	8
Complaints and Appeals.....	9
Appeals to the Federal Court.....	9

## Part II- Privacy

Statistical Report.....	10
Complaints and Appeals.....	10
Appeals to the Federal Court.....	10
Data Matching and Sharing Activities.....	10

## Appendix I

Report on the <i>Access to Information Act</i> .....	11
------------------------------------------------------	----

## Appendix II

Report on the <i>Privacy Act</i> .....	13
----------------------------------------	----

## Preface

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The *Access to Information Act* and the *Privacy Act* (Revised Statutes of Canada 1985, Chapter A-1) were proclaimed on July 1, 1983. Therefore, this is the twenty-fourth year of operation of these two statutes.

The *Access to Information Act* gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, again subject to specific and limited exceptions. The law also protects the individual's right to privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the Treasury Board Secretariat's portfolio as an independent department for purposes of the *Financial Administration Act*. This report therefore covers the ORL's first full fiscal year of operation under the *Access to Information Act* and *Privacy Act*.

Section 72 of both the *Access to Information Act* and *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of these acts within the institution during each financial year. This annual report is intended to describe how the ORL fulfilled its responsibilities under each of these acts, from April 1, 2006 to March 31, 2007.

## ABOUT THE ORGANIZATION

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### Recent History of the Office of the Registrar of Lobbyists

In May of 2004, the *Lobbyists Registration Act* was amended by Bill C-4, *An Act to Amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and Other Acts in Consequence*, Statutes of Canada, as S.C. 2004, c. 7, which created the new positions of Ethics Commissioner and Senate Ethics Officer. The function of Registrar of Lobbyists remained within Industry Canada until February 6, 2006.

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the Treasury Board portfolio as an independent department for purposes of the *Financial Administration Act*. On December 12, 2006, the *Federal Accountability Act*, also known as Bill C-2, which amends the *Lobbyists Registration Act* (LRA) and other statutes, received Royal Assent, as S.C. 2006, c. 9. The modified LRA, to be renamed the *Lobbying Act* (LA), will come into force simultaneously with its new regulations, and will create the position of Commissioner of Lobbying, who will report directly to Parliament. The Commissioner will have increased powers of investigation and an education mandate. The changes also include a five-year ban on lobbying by former designated public office holders, the obligation for lobbyists to report, on a monthly basis, prescribed communications with designated public office holders, and a ban on the payment or receipt of contingency fees.

### Responsibility for Information and Privacy Rights

The President of the Treasury Board has delegated authority to exercise full powers under the *Access to Information Act* and the *Privacy Act* to the Registrar of Lobbyists and to the ORL's Access to Information and Privacy (ATIP) Coordinator.

The ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the organization's compliance with the above Acts. The Coordinator makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure organizational responsiveness to the obligations imposed on the government; monitors and advises on compliance with the Acts, regulations, procedures and policies; and acts as spokesperson for the organization in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners, and other government departments and agencies.

The ATIP Coordinator is responsible for conducting consultations with other governments within Canada and other federal organizations. Under the LRA, and in the future under the LA, the ORL collects information from registrants and lobbyists. Disclosures filed by registrants are accessible on its website at [www.orl-bdl.gc.ca](http://www.orl-bdl.gc.ca). In the event of requests for information related to possible administrative reviews and investigations conducted under the *Lobbyists' Code of Conduct*, the ORL will undertake appropriate notification and consultation procedures with interested parties before disclosing any records. The ORL will, on occasion, convey personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*. The Coordinator is the point of contact on issues involving the collection of personal information and privacy.

# ANNUAL REPORT 2006-2007

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## Introduction / Highlights

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Therefore, this is the ORL's first annual report covering an entire fiscal year as a separate department. During this period, the ORL received a total of two requests under the *Access to Information Act*; however, the ORL did not receive any requests under the *Privacy Act*.

Of the two requests submitted to the ORL under the *Access to Information Act*, one originated from an organization, the other from the public. The ORL invoked only one exemption under subsection 19(1), concerning the disclosure of personal information. The ORL fully disclosed the information pertaining to one of the two requests and in part for the other. One extension of 30 days was used for purposes of conducting a third party consultation. As for method of access, copies were given for each of the two requests and the usual application fees were received.

One complaint was received by the ORL through the Office of the Information Commissioner during the period. The complaint was related to a request under the *Access to Information Act*, which was initially received in 2005, when the ORL was still part of Industry Canada. The complainant alleged that the exclusion invoked by the ORL was not properly applied. The investigation by the Commissioner's Office is in progress.

A significant and impending change to the *Lobbyists Registration Act* subject to the *Federal Accountability Act*, which received Royal Assent on December 12, 2006, is the obligation for lobbyists to report communications with designated public office holders on a monthly basis, to be published on the ORL's Website. In accordance with the Treasury Board Secretariat's (TBS) directive, the ORL filled out a TBS questionnaire, concerning this new initiative, to assess the need for a Preliminary Privacy Impact Assessment (PPIA) or for a Privacy Impact Assessment (PIA). The ORL subsequently concluded that neither was required, and informed the Office of the Privacy Commissioner to that effect.

## Fees

The *Access to Information Act* (ATIA) authorizes fees for certain activities related to the processing of formal requests under the Act. In addition to a \$5 application fee, search, preparation and reproduction charges may also apply. The current fee structure is specified in the *Access to Information Regulations*. No fees are imposed for reviewing records, overhead or shipping costs. Moreover, in accordance with section 11 of the ATIA, no fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure. No fees are applicable under the *Privacy Act*.

The *Access to Information Act* permits the waiving of fees when deemed to be in the public interest. In accordance with Treasury Board guidelines, the ORL will consider waiving fees under \$25.

For fees over \$25, the organization will examine fee waiver requests on a case-by-case basis. In considering such requests, the organization will take into account costs in processing each access application and the degree of public benefit to be derived from the release of the accessible information.

## **Information Holdings**

The ORL is now responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of institutional records held by the ORL. The ORL does not have any exempt banks. For 2006-2007, information may be found in the following publications:

*2006–2007 Info Source — Sources of Federal Government Information*

*2006–2007 Info Source — Sources of Federal Employee Information*

*Info Source* can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at: <http://www.infosource.gc.ca>

## **ORL Website**

Address: [www.orl-bdl.gc.ca](http://www.orl-bdl.gc.ca). This site allows the user to access and search the Registry of Lobbyists, as well as to obtain reports and other information on lobbying. It also contains links to various organizations of interest.

## **Reading Room**

A reading room is available at the ORL's office, situated on the 10<sup>th</sup> Floor at 255 Albert Street, Ottawa, Ontario, Canada K1A 0R5.

## **Part I - ACCESS TO INFORMATION**

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### **Statistical Report**

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Thus, as of that date, the ORL became subject to the same reporting requirements as any other government institution named in Schedule I (Section 3) of the *Access to Information Act* (ATIA), with respect to the preparation of an annual report, which may be found in Appendix I. In 2006-2007, the second year in which the ORL prepared an annual report, there were two requests submitted under the ATIA.

Of the two requests submitted to the ORL under the ATIA, one originated from a political organization, the other from the public. The ORL invoked only one exemption under subsection 19(1), concerning the disclosure of personal information. The ORL fully disclosed the information pertaining to one of the two requests and in part for the other. One extension of 30 days was used for purposes of conducting a third party consultation. As for method of access, copies were given for each of the two requests and the usual application fees were received for both.

### **Education and Training Activities**

This fiscal year, the ORL initiated and made arrangements to adopt a new software system to track requests and process documents efficiently and began training the ORL's ATIP Advisor in its use. The ORL plans to train at least two more individual in its use. The ATIP Advisor analyses and processes the ORL's ATIP requests, and provides advice to the ATIP Coordinator, who is also the Director of Operations and is ultimately responsible for each request. The initial costs associated with the hardware and the software system have been included in Section X, in the Statistical Report under: Administration: "Operations and Maintenance" (O and M).

There were two Access to Information and Privacy training sessions given by a consultant to the ORL's staff in April of 2006, one in English and one in French, with six staff members attending each session. The consultant also presented a bilingual session to all employees in September of 2006.

In June 2006, the ORL's ATIP Coordinator and ATIP Advisor both attended the Government Studies Access and Privacy Conference 2006 in Edmonton, Alberta, sponsored in part by the University of Alberta. Additionally, during the University of Alberta's Fall session, the ATIP Advisor successfully completed the online Information Access and Protection of Privacy (IAPP) Foundations Course, offered under its IAPP Certificate Program.



## **Complaints and Appeals**

One complaint was received by the ORL through the Office of the Information Commissioner during the period. The complaint was related to a request under the *Access to Information Act*, which was initially received in 2005, when the ORL was still part of Industry Canada. The ORL has been named as the government institution that is the subject of the investigation, essentially transferring the complaint from Industry Canada to the ORL. The complainant alleged that the exclusion invoked by the ORL was not properly applied. The investigation by the Commissioner's Office is in progress.

## **Appeals to the Federal Court**

There were no appeals filed during the above period.

## Part II - PRIVACY

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### Statistical Report

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Thus, as of that date, the ORL is subject to the same reporting requirements as any other government institution named in Section 3 of the Schedule to the *Privacy Act*, with respect to the preparation of an annual report, which may be found in Appendix II. In 2006-2007, the second year in which the ORL prepared an annual report, there were no requests received under the *Privacy Act*.

The *Federal Accountability Act* (FedAA), Bill C-2, which amended the *Lobbyists Registration Act* and other statutes, received Royal Assent on December 12, 2006, as S.C. 2006, c. 9. A significant change introduced by the FedAA is the obligation for lobbyists to report, on the ORL's website, communications with designated public office holders on a monthly basis. In accordance with the Treasury Board Secretariat's (TBS) directive concerning this new initiative, the ORL filled out a TBS questionnaire to assess the need for a Preliminary Privacy Impact Assessment (PPIA) or a Privacy Impact Assessment (PIA). The ORL subsequently concluded that neither was required, subject to the forthcoming regulations, and informed the Office of the Privacy Commissioner to that effect.

The following table illustrates the ORL's PPIA and PIA statistics for the period of 2006-2007:

<u>Number</u>	<u>Preliminary Privacy Impact Assessments / Privacy Impact Assessments</u>
0	PPIAs initiated;
0	PIAs initiated;
0	PIAs forwarded to the Office of the Privacy Commissioner (OPC); and
0	PIA summaries posted on the ORL's website.

### Complaints and Appeals

There were no complaints or appeals during the above period.

### Appeals to the Federal Court

There were no appeals filed during the above period.

### Data Matching and Sharing Activities

There were no data matching or sharing activities undertaken during the above period.

**APPENDIX I - 2006-2007 REPORT ON THE  
*ACCESS TO INFORMATION ACT***



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

Institution Office of the Registrar of Lobbyists/Bureau du Directeur des lobbyistes				Reporting period / Période visée par le rapport 1 April/avril 2006 to/à 31 March/mars 2007	
Source	Media / Médias 0	Academia / Secteur universitaire 0	Business / Secteur commercial 0	Organization / Organisme 1	Public 1

**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	2
Outstanding from previous period / En suspens depuis la période antérieure	0
<b>TOTAL</b>	<b>2</b>
Completed during reporting period / Traitées pendant la période visée par le rapport	2
Carried forward / Reportées	0

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

1. All disclosed / Communication totale	1	6. Unable to process / Traitement impossible	0
2. Disclosed in part / Communication partielle	1	7. Abandoned by applicant / Abandon de la demande	0
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0	<b>TOTAL</b>	<b>2</b>
5. Transferred / Transmission	0		

**III** Exemptions invoked /  
Exceptions invoquées

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	0
(b)	0	(b)	0	(c)	0	(b)	0
(c)	0	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	1	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	0	S. Art. 23	0
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	0	S. Art. 26	0

**IV** Exclusions cited /  
Exclusions citées

S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	0	(f)	0
(b)	0	(g)	0

**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	0
121 days or over / 121 jours ou plus	0

**VI** Extensions /  
Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	0	0
Third party / Tiers	1	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>

**VII** Translations /  
Traduction

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

**VIII** Method of access /  
Méthode de consultation

Copies given / Copies de l'original	2
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

**IX** Fees /  
Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	2	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	<b>TOTAL</b>	<b>2</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		0	\$ 0
Over \$25.00 / De plus de 25 \$		0	\$ 0

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

**X** Costs /  
Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 492
Administration (C and M) / Administration (fonctionnement et maintien)	\$ 40,888
<b>TOTAL</b>	<b>\$ 41,380</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.10



**APPENDIX II - 2006-2007 REPORT ON THE *PRIVACY ACT***



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

Institution  
Office of the Registrar of Lobbyists/Bureau du Directeur des lobbyistes

Reporting period / Période visée par le rapport  
1 April /avril 2006 to/à 31 March/mars 2007

<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>	0
Completed during reporting period / Traitées pendant la période visée 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	0
2. Disclosed in part / Communication partielle	0
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	0
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	0
<b>TOTAL</b>	0

<b>III Exemptions invoked / Exceptions invoquées</b>	
S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	0
S. Art. 27	0
S. Art. 28	0

<b>IV Exclusions cited / Exclusions citées</b>	
S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

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

<b>VI Extensions / 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	0	0
Consultation	0	0
Translation / Traduction	0	0
<b>TOTAL</b>	0	0

<b>VII Translations / Traductions</b>		
Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

<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	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

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

