



The Chief Electoral Officer • Le directeur général des élections

JUN 27 2011

The Honourable Andrew Scheer, M.P.
Speaker of the House of Commons
Centre Block
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Speaker:

Pursuant to section 72 of the *Access to Information Act* and section 72 of the *Privacy Act*, I am pleased to enclose, for tabling in the House of Commons, the annual reports for the fiscal year 2010–2011 in respect of the administration of those Acts within the Office of the Chief Electoral Officer. The reports are to be referred to the Standing Committee on Justice and Human Rights.

If you require further information regarding this matter, please do not hesitate to contact me at 613-993-5755.

Yours truly,

Marc Mayrand
Chief Electoral Officer

Encl.

c.c.: Ms. Audrey O'Brien
Clerk of the House of Commons



Office of the
Chief Electoral Officer

ANNUAL REPORT ON THE

Access to Information Act

For the period ending March 31, 2011



**Office of the
Chief Electoral Officer**

For the period ending March 31, 2011

**Annual Report on the
*Access to Information Act***

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1. Introduction

The purpose of the *Access to Information Act* is to extend the present laws of Canada to provide a right of access to information in records under the control of a government agency, according to the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The Office of the Chief Electoral Officer became subject to the *Access to Information Act* on April 1, 2007, and this is its fourth annual report submitted to Parliament in accordance with section 72 of that Act. The report presents an overview of the agency's activities and describes how the Access to Information and Privacy (ATIP) Office carried out its responsibilities under the *Access to Information Act* during the reporting period of April 1, 2010 to March 31, 2011.

1.1 Mandate of the Office of the Chief Electoral Officer

The Office of the Chief Electoral Officer, commonly known as Elections Canada, is an independent, non-partisan agency that reports directly to Parliament. Its mandate is to:

- be prepared at all times to conduct a federal general election, by-election or referendum
- administer the political financing provisions of the *Canada Elections Act*
- monitor compliance with and enforce electoral legislation
- conduct voter education and information programs
- provide support to the independent commissions in charge of adjusting the boundaries of federal electoral districts following each decennial census
- carry out studies on alternative voting methods and, with the approval of parliamentarians, test on-line voting processes for future use during electoral events

In fulfilling its mandate, Elections Canada appoints, trains and supports 308 returning officers, and retains the services of approximately 30 field liaison officers across Canada. It also maintains the National Register of Electors, which is used to prepare preliminary lists of electors at the start of electoral events, as well as electoral geography information, which provides the basis for maps and other geographic products used during electoral events.

The agency also:

- registers political entities, including political parties, electoral district associations, candidates, leadership contestants, third parties that engage in election advertising and referendum committees
- administers the allowances, reimbursements and subsidies paid to eligible candidates, registered political parties and auditors
- monitors compliance with the *Canada Elections Act*, including compliance with political financing rules, during and between elections

- discloses information on registered parties and electoral district associations, registered parties' nomination and leadership contestants, candidates, third parties and referendum committees, including their financial returns
- recommends to Parliament amendments for the better administration of the *Canada Elections Act* by submitting a recommendations report after general elections as well as by providing expert advice when Parliament studies electoral reform

In addition, the Chief Electoral Officer appoints the Commissioner of Canada Elections and the Broadcasting Arbitrator. The role of the Commissioner is to ensure that the *Canada Elections Act* and the *Referendum Act* are complied with and enforced. The Broadcasting Arbitrator is responsible for allocating free and paid broadcasting time among political parties and for arbitrating disputes that may arise between parties and broadcasters.

1.2 Structure of the Access to Information and Privacy Office

The ATIP Office is part of the Legal Services Sector and is managed on a full-time basis by the agency's ATIP Coordinator, to whom the Chief Electoral Officer has delegated his authority under section 73 of the *Access to Information Act*. A copy of the delegation order setting out the responsibilities under that Act appears in Appendix I of this report.

The ATIP Office is responsible for the following activities:

- processing requests under the *Access to Information Act* and the *Privacy Act*
- responding to consultation requests from other government institutions
- providing ongoing legal and business advice as well as guidance to senior management and agency staff on ATIP legislation and related matters
- monitoring institutional compliance with the aforementioned Acts, regulations, relevant procedures and policies
- acting on behalf of Elections Canada in dealings with the Treasury Board of Canada Secretariat, the offices of the Information Commissioner and Privacy Commissioner of Canada and other government institutions regarding the application of the above legislation as it relates to Elections Canada
- preparing annual reports to Parliament, in addition to other statutory reports and material that may be required by central agencies
- developing and delivering awareness training to Elections Canada managers and employees to ensure departmental responsiveness to the legal obligations imposed on them by both Acts and regulations
- coordinating the annual update of the descriptions of the agency's organization and its record holdings for inclusion in the Treasury Board of Canada publication *Info Source*
- representing Elections Canada by participating in ATIP community forums, such as the Treasury Board Secretariat's ATIP Community meetings

- providing advice regarding privacy issues and privacy impact assessments
- developing and implementing internal policies

In the course of the reporting period, Elections Canada prepared to consolidate functions related to information management, records management and ATIP under the Chief Information Officer Sector. This change, effective April 1, 2011, aims to raise the focus on information management and bring more coherence to it, including the management of personal information. A second delegation of authority, signed March 17, 2011, is part of this consolidation process (see Appendix I).

2. Key Activities and Accomplishments

2.1 Education and Training

In 2010–2011, the ATIP Office prepared a comprehensive plan to educate its own staff, Elections Canada employees in Ottawa and field staff in their responsibilities under the access to information statute, through classroom and on-line methods.

A total of 10 sessions were delivered to Elections Canada staff. These included awareness sessions on access to information, training on the statutory duty to assist requesters under the *Access to Information Act* and the *Privacy Act*, basic training on processing ATIP requests, and associated topics. Elections Canada's operations group also trained 88 newly appointed returning officers and assistant returning officers in their ATIP responsibilities through an on-line module.

New educational material was published on Elections Canada's public Web site and on its intranet site. The Web site informs the public of their rights under the access and privacy statutes, as well as the responsibility of Elections Canada to assist the public with their requests. Annual reports on the agency's administration of the Acts and a link to the organization's *Info Source* chapter are also on the Web site. The intranet site provides agency staff with training materials and guidance to help them fulfill their ATIP responsibilities.

2.2 Institutional Access to Information Policies and Procedures

The ATIP Office has adjusted its procedures in accordance with the Treasury Board's 2010 Directive on the Administration of the *Access to Information Act*. In particular, it has established new internal procedures and conducted training sessions on the duty to assist requesters, the processing and documentation of access requests, and the application and citation of *Access to Information Act* exemptions.

2.3 Human Resources and Staffing

A substantial assessment of the skills and resources needed to administer the ATIP legislation was conducted during the reporting year. The ATIP Office has relied on a combination of seconded staff, consultants and students since its creation. Steps were taken to solidify its small employee base in 2010–2011, including the conclusion of several competitive processes.

In close collaboration with Elections Canada's Human Resources Sector, the ATIP Office developed a skills development program for ATIP agents. This program, which is in line with Elections Canada's Human Resources Strategy, would focus on the acquisition and development of skills through training, both in the classroom and on the job.

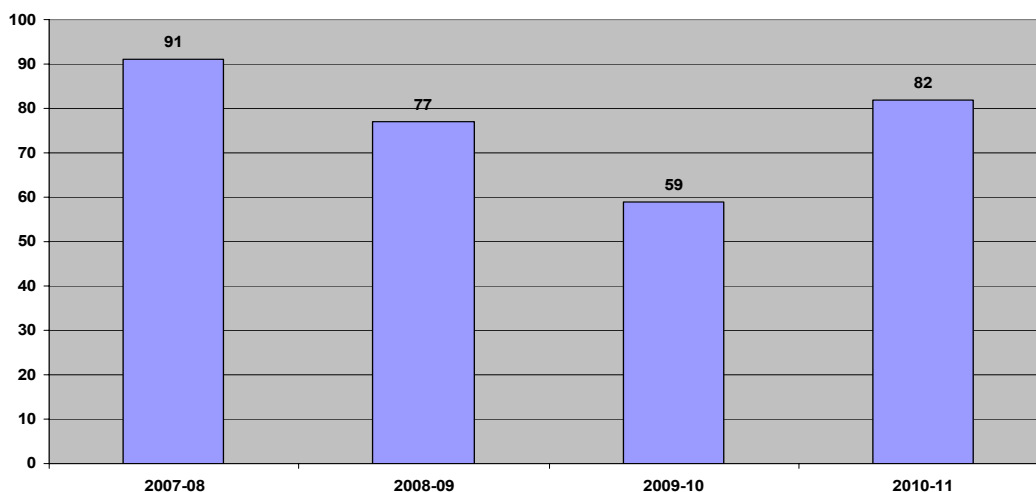
3. Statistical Report on the Administration of the *Access to Information Act*

This section provides information about the processing of requests under the *Access to Information Act*. Appendix II provides a statistical summary of the access to information requests received and/or finalized in 2010–2011.

3.1 Number and Origin of Requests

Elections Canada received 78 formal requests for information under the *Access to Information Act* during the period from April 1, 2010 to March 31, 2011. In addition, there were 6 requests that had not been fully processed during the previous reporting period. Therefore, a total of 84 formal requests required action.

By the end of the fiscal year, the ATIP Office had completed a total of 82 requests, leaving 2 requests outstanding. These were carried forward into the 2011–2012 fiscal year. The total number of requests received represents a 32% increase from the previous reporting period.



Most requests were from the public (47), followed by political organizations (18), business entities (8) and the media (5).

3.2 Disposition of Completed Requests

Of the 82 requests completed during the reporting period, 18 resulted in full disclosure and 33 resulted in partial disclosure of the information requested. The ATIP Office was unable to process 28 requests either because the information requested did not exist or because there was insufficient information to locate records. Three requests were abandoned by applicants.

3.3 Exemptions to the Release of Information

The Access to Information Statistical Report 2010–2011 (Appendix II) includes the number of requests for which the agency invoked specific types of exemptions and provides details on these exemptions. If an exemption is invoked several times within the same request, it is reported only once.

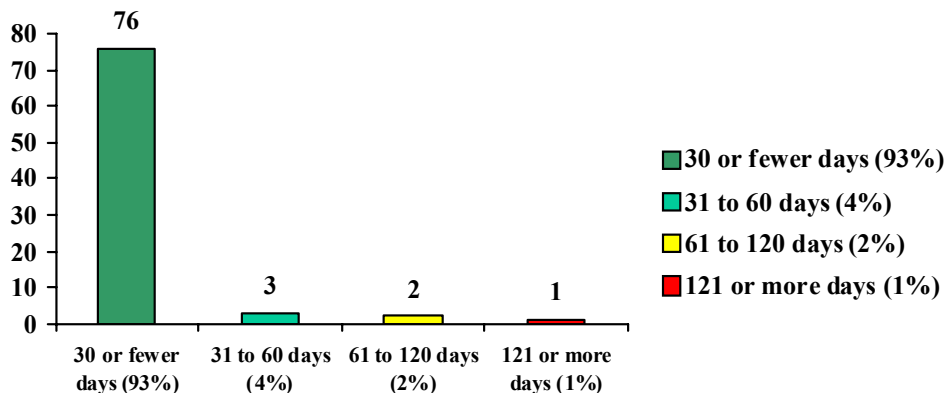
The three most common exemptions applied were those under subsection 19(1) of the *Access to Information Act* to protect personal information, section 21 for advice involving the operations of government, and section 23 for protecting solicitor-client privilege.

It is worth noting that for five requests, Elections Canada invoked section 16.3 of the *Access to Information Act*. This exemption is specific to information obtained or created in the course of investigations, examinations or reviews conducted under the authority of the *Canada Elections Act*.

3.4 Completion Time

A total of 76 requests (93 percent) were completed within 30 days, 3 requests within 31 to 60 days, 2 requests within 61 to 120 days, and 1 request in more than 120 days.

This represents an improvement in processing times over 2009–2010, during which 78 percent of requests were completed within the 30-day time limit.



3.5 Extension of the Time Limit

Section 9 of the *Access to Information Act* provides for the extension of the statutory time limits if consultations are necessary or if a request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the institution. Elections Canada took a total of two extensions during the reporting period.

3.6 Consultations

The ATIP Office responded to 12 formal consultations from other institutions during the period covered by the report.

3.7 Fees and Costs

Application fees in the amount of \$390 were collected by the ATIP Office in the fiscal year 2010–2011. The budget for salaries of employees assigned to the administration of the *Access to Information Act* totalled \$120,493, while that for operating or maintenance costs (including consultant services) totalled \$121,905.

3.8 Complaints and Judicial Review

Two complaints originating from requests in 2008–2009 and 2009–2010 were resolved this fiscal year. In one instance, an individual complained to the Information Commissioner because Elections Canada did not provide a list of the names of individuals who donated \$200 or more to various electoral district associations for the period of 2004 to 2008, as well as to registered political parties from 1992 to 2008. Elections Canada had directed the individual to its Web site for this information. The complaint was resolved when Elections Canada provided the requester with instructions that facilitated his extraction of the information.

The second complaint concerned a request received on February 11, 2009, for a list of all elected members of Parliament and candidates who had not filed financial returns as of the February 13, 2009 deadline following the October 2008 general election. Elections Canada advised the applicant that it does not prepare or maintain lists of candidates who have not filed a return. The applicant was directed to the Elections Canada Web site, where information on candidates who had filed their financial returns was posted. Subsequent to the person's complaint, Elections Canada offered to provide a fee estimate to produce the information according to the parameters requested by the applicant.

Both complaints were considered well-founded by the Office of the Information Commissioner and were resolved in the course of investigation.

There were no judicial reviews or access to information complaints reported to Elections Canada in 2010–2011.

Delegation of Authority Under Section 73 of the *Access to Information Act*



The Chief Electoral Officer • Le directeur général des élections

ACCESS TO INFORMATION ACT DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Access to Information Act*, hereby designates the person holding the position set out below, or, in that person's absence, the Senior General Counsel or person acting in that position to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.

POSITION	SECTIONS OF THE <i>ACCESS TO INFORMATION ACT</i>
Access to Information and Privacy Coordinator and General Counsel	All sections

Date: May 28th, 2010

Signature:



The Chief Electoral Officer • Le directeur général des élections

ACCESS TO INFORMATION ACT DELEGATION ORDER

The Chief Electoral Officer of Canada, in accordance with section 73 of the *Access to Information Act*, hereby designates the person holding the position set out below, or, in that person's absence, the Director Information Management or person acting in that position to exercise the powers and perform the duties and functions of the Chief Electoral Officer of Canada, as the head of the government institution under the Act.


POSITION	SECTIONS OF THE <i>ACCESS TO INFORMATION ACT</i>
Manager and Coordinator Access to Information and Privacy	All sections

Date: **MAR 17 2011**

Signature:

Appendix II

Access to Information Statistical Report 2010–2011

 Government of Canada / Gouvernement du Canada		REPORT ON THE ACCESS TO INFORMATION ACT / RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATIION																																	
Institution Elections Canada		Reporting period / Période visée par le rapport 2010-04-01 to/à 2011-03-31																																	
Source 5	Media / Médias 5	Academia / Secteur universitaire 0	Business / Secteur commercial 8	Organization / Organisme 18	Public 47																														
I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information			II Disposition of requests completed / Disposition à l'égard des demandes traitées																																
<table border="1"> <tr> <td>Received during reporting period / Reçus pendant la période visée par le rapport</td> <td>78</td> </tr> <tr> <td>Outstanding from previous period / En suspens depuis la période antérieure</td> <td>6</td> </tr> <tr> <td>TOTAL</td> <td>84</td> </tr> <tr> <td>Completed during reporting period / Traités pendant la période visées par le rapport</td> <td>82</td> </tr> <tr> <td>Carried forward / Reportés</td> <td>2</td> </tr> </table>			Received during reporting period / Reçus pendant la période visée par le rapport	78	Outstanding from previous period / En suspens depuis la période antérieure	6	TOTAL	84	Completed during reporting period / Traités pendant la période visées par le rapport	82	Carried forward / Reportés	2	<table border="1"> <tr> <td>1. All disclosed / Communication totale</td> <td>18</td> <td>6. Unable to process / Traitement impossible</td> <td>28</td> </tr> <tr> <td>2. Disclosed in part / Communication partielle</td> <td>33</td> <td>7. Abandoned by applicant / Abandon de la demande</td> <td>2</td> </tr> <tr> <td>3. Nothing disclosed (excluded) / Aucune communication (exclusion)</td> <td>0</td> <td>8. Treated informally / Traitement non officiel</td> <td>0</td> </tr> <tr> <td>4. Nothing disclosed (exempt) / Aucune communication (exemption)</td> <td>1</td> <td>TOTAL</td> <td>82</td> </tr> <tr> <td>5. Transferred / Transmission</td> <td></td> <td></td> <td></td> </tr> </table>			1. All disclosed / Communication totale	18	6. Unable to process / Traitement impossible	28	2. Disclosed in part / Communication partielle	33	7. Abandoned by applicant / Abandon de la demande	2	3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	0	4. Nothing disclosed (exempt) / Aucune communication (exemption)	1	TOTAL	82	5. Transferred / Transmission			
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5. Transferred / Transmission																																			
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)	4																												
(b)	0	(b)	0	(c)	0	(b)	4																												
(c)	0	(c)	0	(d)	0	(c)	0																												
(d)	0	(d)	0	S. Art. 19(1)	25	(d)	2																												
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	1	S. Art. 22	0																												
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	5	(b)	0	S. Art. 23	2																												
Defence / Défense	0	S. Art. 17	0	(c)	0	S. Art. 24	0																												
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	1	S. Art. 26	0																												
IV Exclusions cited / Exclusions citées						V Completion time / Délai de traitement																													
S. Art. 68(a)	1	S. Art. 69(1)(c)	0	30 days or under / 30 jours ou moins		76																													
(b)	0	(d)	0	31 to 60 days / De 31 à 60 jours		3																													
(c)	0	(e)	0	61 to 120 days / De 61 à 120 jours		2																													
S. Art. 69(1)(a)	0	(f)	0	121 days or over / 121 jours ou plus		1																													
(b)	0	(g)	0																																
VI Extensions / Prorogations des délais			VII Translations / Traduction			VIII Method of access / Méthode de consultation																													
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus	Translations requested / Traductions demandées		0	Copies given / Copies de l'original	51																												
Searching / Recherche		1	Translations prepared / Traductions préparées	English to French / De l'anglais au français	0	Examination / Examen de l'original																													
Consultation				French to English / Du français à l'anglais	0	Copies and examination / Copies et examen																													
Third party / Tiers		1																																	
TOTAL		2																																	
IX Fees / Frais				X Costs / Coûts																															
Not fees collected / Frais net perçus				Financial (all reasons) / Financiers (raisons)																															
Application fees / Frais de la demande	390	Preparation / Préparation	0	Salary / Traitement	\$	121905.																													
Reproduction	0	Computer processing / Traitement informatique	0	Administration (O and M) / Administration (fonctionnement et maintien)	\$	120493.																													
Searching / Recherche	0	TOTAL	390	TOTAL	\$	242398.																													
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		0		Person year (decimal format) / Années-personnes (nombre décimal)																															
Over \$25.00 / De plus de 25 \$		0		1.99																															

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

