

Office of the Commissioner
of Lobbying of Canada



Commissariat au lobbying
du Canada

ACCESS TO INFORMATION ACT **ANNUAL REPORT 2012-2013**

This publication is available upon request in accessible formats.

For a print copy of this publication, please contact:

Office of the Commissioner of Lobbying of Canada
255 Albert Street, 10th Floor
Ottawa, Ontario K1A 0R5

Tel: 613-957-2760

Fax: 613-957-3078

Email: QuestionsLobbying@ocl-cal.gc.ca

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QuestionsLobbying@ocl-cal.gc.ca

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Introduction

The *Access to Information Act* (AIA) (Revised Statutes of Canada 1985, Chapter A-1) was proclaimed on July 1, 1983. The AIA gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the AIA stipulates that the head of every government institution shall prepare and submit to parliament an annual report on the administration of the AIA for each fiscal year.

Consequently, this annual report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the AIA. It describes how the OCL fulfilled its access to information responsibilities during the fiscal year 2012-2013.

The Office of the Commissioner of Lobbying

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code). The Office of the Commissioner of Lobbying (OCL) supports the Commissioner in her mandate. The authority of the Commissioner is derived from the Act. The legislation seeks to improve transparency and accountability regarding communications between lobbyists and federal public office holders and increase the confidence of Canadians in the integrity of government decision-making.

The mandate of the Commissioner is threefold:

- Establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- Develop and implement educational programs to foster public awareness of the requirements of the Act; and
- Undertake administrative reviews and investigations to ensure compliance with the Act and the Code.

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament reports on investigations, which include her findings, conclusions and the reasons for her conclusions.

Responsibility for Information Rights / Delegation of Authority

The AIA provides the authority to exercise full powers to the Commissioner of Lobbying. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated this authority via a Delegation Order, of which a copy is attached in Annex A. The OCL has two employees responsible for the administration of the AIA, an ATIP Coordinator and an ATIP Advisor.

The Deputy Commissioner, as the ATIP Coordinator, is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the OCL's compliance with the AIA. The Coordinator makes decisions on the disposition of requests under the AIA, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the AIA, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Information Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other governments within Canada and other federal organizations, as required.

The ATIP Advisor is responsible for processing the requests received under the AIA and making recommendations to the ATIP Coordinator on the disposition of any requests received.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the OCL's website at the following address:
<http://www.ocl-cal.gc.ca>.

The Act prescribes that investigations be conducted in private. In the event of requests for information related to possible administrative reviews and investigations conducted under the Act and the Code, the OCL will not confirm or deny that a review or an investigation is taking place. The only exception is when the information has been confirmed at a Parliamentary Committee and is therefore in the public domain.

Reports on Investigations under the Code that are completed must be tabled in both Houses of Parliament. They are also posted on the OCL's website.

Administration of the *Access to Information Act*

Statistical Report

Annex B provides a statistical summary of requests under the *Access to Information Act* (AIA) received during fiscal year 2012-2013.

In 2012-2013, the OCL received ten requests under the AIA. One originated from academia and the others from the public.

The OCL completed these requests as follow:

- Seven requests were disclosed in part. In one instance, Subsection 19 (1) and Paragraph 21 (1) (a) of the AIA were invoked; for the other six, Paragraphs 21 (1) (a) and 68 (a) were invoked. The OCL processed 208 pages and hard copies were provided to requesters.
- No record existed for one request.
- One request was treated informally. A CD containing six previously processed ATI requests was provided to the requester.
- One request was carried over to the 2013-2014 reporting period.

Exemptions

- Subsection 19 (1) was used to protect personal information.
- Paragraph 21(1) (a) refers to information relating to advice and recommendation developed by or for a government institution.

Exclusions

- Paragraph 68 (a) refers to material publicly available in the Registry of Lobbyists.

With respect to the response time required to complete each of the nine requests, one was completed in 1 to 15 days or less, another one in 16 to 30 days and seven were completed in the 31 to 60 days period.

The OCL incurred a total of \$ 6425.00 in costs associated with the AIA which consisted of salaries in the last fiscal year.

Fees

The Fees collected for the processing of formal requests under the AIA during the reporting period totalled \$30.00. The current fee structure is specified in the *Access to Information Regulations*. No fees are imposed for reviewing records, overhead or shipping costs. In accordance with section 11 of the AIA no fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure.

Information Holdings

In accordance with the *Access to Information Act*, the information gathered at the Office is used only for the purposes for which it was obtained.

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided for inclusion in the Info Source publication. This publication contains a description of the classes of institutional records held by the OCL.

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>.

New/Revised Policies, Guidelines and Procedures Implemented

No new or revised policies, guidelines or procedures were implemented during 2012-2013.

OCL Website

The OCL's website at <http://www.ocl-cal.gc.ca> allows members of the public to access and search the Registry of Lobbyists, as well as obtaining copies of reports such as the OCL's annual reports on Access to Information and Privacy. Summaries of completed requests are available on the OCL website.

Reading Room

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

Education and Training Activities

The ATIP Advisor analyses and processes the requests, and provides advice to the Coordinator, who is ultimately responsible for the decisions made on each file.

The ATIP Advisor attended training sessions given by Treasury Board Secretariat during 2012-2013. The Advisor also attended several ATIP Community meetings as well as the annual conference given by the Canadian Access and Privacy Association.

There were no training activities provided to other employees of the OCL during the reporting period.

Complaints and Appeals

No complaints or appeals were received by the OCL from the Office of the Information Commissioner during 2012-2013.

Appeals to the Federal Court

There were no appeals filed during 2012-2013.

Consultations from Other Institutions

Two consultations requests were received from other federal institutions during 2012-2013. Both were closed during the reporting period. One was completed in 1 to 15 days and the other in 16 to 30 days. A total of 20 pages were reviewed.

Annex A — Delegation Order

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

Access to Information Act and Privacy Act **Delegation Order**

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Deputy Commissioner of Lobbying	Full authority	Full authority

Dated, at the City of Ottawa, this 8th day of June, 2011,

A stylized signature of Karen E. Shepherd, consisting of a large 'K' and 'S' intertwined.

Karen E. Shepherd

Annex B — 2012-2013 Statistical Report

**Statistical Report on the *Access to Information Act*****Name of institution:** Office of the Commissioner of Lobbying**Reporting period:** 04/01/12 to 03/31/13**PART 1 – Requests under the *Access to Information Act*****1.1 Number of Requests**

	Number of Requests
Received during reporting period	10
Outstanding from previous reporting period	0
Total	10
Closed during reporting period	9
Carried over to next reporting period	1

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	1
Business (Private Sector)	0
Organization	0
Public	9
Total	10

PART 2 – Requests closed during the reporting period**2.1 Disposition and completion time**

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	7	0	0	0	0	7
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	0	1	0	0	0	0	0	1
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Treated informally	1	0		0	0	0	0	1
Total	1	1	7	0	0	0	0	9

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	6
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	1	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	0	24(1)	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16.5	0	20(1)(c)	0		
16(1)(b)	0	17	0	20(1)(d)	0		
16(1)(c)	0						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	6	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	0	0	1
Disclosed in part	7	0	0
Total	7	0	1

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	0	0	0
Disclosed in part	208	208	7
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	6	105	1	103	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0
Total	6	105	1	103	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
7	0	0	0	7

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	5	0	5
16 to 30 days	2	0	2
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	7	0	7

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	0

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	0	\$0	0	\$0
Search	6	\$30	2	\$10
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	6	\$30	2	\$10

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	2	20	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	2	20	0	0
Closed during the reporting period	2	0	0	0
Pending at the end of the reporting period	0	20	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
Disclose entirely	1	1	0	0	0	0	0	2
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	1	1	0	0	0	0	0	2

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0		0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$6,425
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$6,425

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	0.00	2.00	2.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	0.00	2.00	2.00