



Industry
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2008–09
Annual Report
on the
Access to Information Act

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Cat. No. Iul-4/1-2009
ISBN 978-1-100-50057-7



Printed on 30% recycled paper

Canada 

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PREFACE AND PURPOSE

The *Access to Information Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

Section 2 of 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.

Section 72 of the *Access to Information Act* requires that the head of every government institution prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each financial year.

This annual report describes how Industry Canada administered its responsibilities in the twenty-sixth year of operation of the *Access to Information Act*.

ABOUT THE ORGANIZATION

Industry Canada's Mandate

Industry Canada's mandate is to help make Canadians more productive and competitive in the knowledge-based economy, thus improving the standard of living and quality of life in Canada. The Department's policies, programs and services help grow a dynamic and innovative economy that:

- provides more and better-paying jobs for Canadians;
- supports stronger business growth through continued improvements in productivity and innovation performance;
- gives consumers, businesses and investors confidence that the marketplace is fair, efficient and competitive;
- ensures a more sustainable economic, environmental and social future for Canadians.

Industry Canada aims to help Canadians contribute to the knowledge economy and improve productivity and innovation performance through its three strategic objectives:

1. a fair, efficient and competitive marketplace
2. an innovative economy
3. a competitive industry and sustainable communities

In order to foster growth and create high-quality, well-paying jobs, the Government of Canada has set as one of its core priorities the building of a 21st-century economy. Industry Canada will continue to work in support of this priority through its strategic objectives. For example, sound marketplace frameworks help establish a business environment that supports innovation, investment and entrepreneurial activity.

Fostering innovation in science and technology helps ensure that discoveries and breakthroughs happen here in Canada, and that the social and economic benefits of these innovations contribute to Canadians' standard of living and quality of life.

Promoting economic development in communities encourages an innovative, knowledge-based economy by supporting the development of skills, ideas and opportunities across the country.

Taken together, the Department's strategic objectives support growth in employment, income, productivity and sustainable development in Canada.

Context and Environment

Industry Canada's mandate is broad in nature, with responsibility for approximately 50 distinct pieces of legislation and over 80 programs and initiatives involving all levels of government and multiple professional stakeholders. The Department works, *inter alia*, on matters related to industry and technology, trade and commerce, science, consumer affairs, corporations and corporate securities, competition and restraint of trade, weights and measures, bankruptcy and insolvency, patents and copyright, investment, and small business, tourism.

In addition to its headquarters and other offices in the National Capital Region, the Department has five [regional offices](#) (Pacific, Prairie and Northern, Ontario, Quebec, and Atlantic), located in Vancouver, Edmonton, Toronto, Montréal and St. John's, respectively. The Department's regional presence also encompasses the Federal Economic Development Initiative of Northern Ontario (FedNor), 10 sub-offices and numerous district offices. Regional networks of staff (e.g., the Competition Bureau, Measurement Canada, the Office of the Superintendent of Bankruptcy Canada, and Spectrum Management and Telecommunications) enable the Department to deliver distinct services to clients across Canada.

In addition, to help deliver on its strategic objectives, Industry Canada partners with other government departments to offer businesses and consumers a variety of programs and services.

In the 2009 Budget, the Government announced the launch of several new initiatives and programs. A number of these were assigned to Industry Canada to implement and manage, in particular, the Knowledge Infrastructure Program, the Marquee Tourism Events program, the Recreational Infrastructure Canada Program, and the Southern and Eastern Ontario Development Programs. As a result, the Department realigned itself to better meet its increased responsibilities and respond to the Government's priorities. To learn more, visit www.ic.gc.ca, canadabusiness.gc.ca and ConsumerInformation.ca.

In 2008-09, by virtue of its mandate, Industry Canada played, and continues to play, an important role in implementing and advising on the Government of Canada's economic policy agenda, particularly in light of the ongoing economic slowdown in Canada and around the world. This has generated significant public interest in the activities of the Department.

Departmental Structure

Industry Canada employs approximately 5 800 employees across Canada and is broken into several sectors with distinct responsibilities to deliver its key priorities. Each sector is responsible for searching and retrieving documents responsive to official access requests received under the *Access to Information Act* and *Privacy Act* (ATIP). However, Information and Privacy Rights Administration (IPRA) is legally responsible for implementing and managing the ATIP program and services for Industry Canada, including decisions on the release or non-release of information pursuant to the legislation.

The closely inter-twined relationship between effective information management and compliance with the provisions of the ATIP legislation led to the decision in 2007 that IPRA would be best positioned within the Information Management Branch (IMB) of the Small Business and Marketplace Services Sector (SBMS).

As one of the larger sectors, SBMS represents slightly more than 20 percent of the department's employees. Its mission is to foster business and consumer confidence in the marketplace, as well as small business competitiveness, by championing and administering responsive legislation, policies, programs and services.

Information Management Branch

IMB has a multi-faceted responsibility for Information Management (IM), addressing the needs of several distinct clients. IMB services direct and support effective and efficient management of information in the organization, from planning and systems development, to disposal and/or long-term preservation. More specifically, the Branch provides departmental oversight and operational services related to record keeping, public access to departmental information, departmental access to commercial information and strategic direction related to elements of management practice and accountability. As a result, program managers can more readily meet their obligations under the Government's Policy on Information Management, the *Library and Archives Canada Act*, the *Access to Information Act*, the *Privacy Act* and the *Federal Accountability Act*, and the Department can respect the intellectual property rights of commercial publishers. A key priority for IMB is the development and implementation of the IM Agenda for Industry Canada.

Information and Privacy Rights Administration

IPRA is responsible for the implementation and management of the *Access to Information Act* and *Privacy Act* programs and services for Industry Canada. IPRA has a complement of 15 employees including one Director, three managers, nine advisors and two support staff, all of whom are dedicated to processing access and privacy requests, along with other related functions.

IPRA makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure departmental responsiveness to the obligations imposed by law; monitors and advises on departmental compliance with the Acts, regulations, procedures and policies; and acts as the spokesperson for the Department when dealing with the Treasury Board Secretariat, the Information Commissioner, the Privacy Commissioner, and other government departments and agencies. IPRA is also responsible for conducting consultations with other federal departments with respect to access to information and privacy issues.

Delegation of Authority

In 2008-09, the Access to Information and Privacy (ATIP) Delegation Order was updated and approved by the new Minister. Full delegated authority is provided to the Assistant Deputy Minister of SBMS, the Director General of IMB, and the Director and managers of IPRA. For the daily ATIP operations, both the Director and managers of IPRA exercise full responsibility (see Appendix III).

The Director of IPRA is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the department's compliance with the Acts. The administration of the legislation in Industry Canada is also facilitated at the branch and regional office levels. Each organizational sector has a Liaison Officer (reporting to an Assistant Deputy Minister, Regional Executive Director, etc.) who coordinates activities and provides guidance on the administrative processes and procedures of the Acts. IPRA, which is located in Ottawa, responds to all formal requests submitted under the applicable Acts.

2008–09 Highlights

CHALLENGES and RESPONSES

1. Human Resources

Consistent with many ATIP offices, IPRA continued to face challenges in recruiting, developing and retaining staff in 2008–09. Of the 15 IPRA positions, only 12 were staffed for the majority of the reporting period. The 12 positions consisted of the Director, one manager (PM-06), three senior advisors (PM-05), one advisor at the PM-04 level and four at the PM-03 level, plus two support positions. A number of the employees were, for the most part, in development due to promotion, acting assignments and new arrivals. During part of the reporting period, a consultant was hired to assist with the workload.

To address the continued challenges of recruitment and retention, IPRA implemented an ATIP - Professional Development Program (ATIP-PDP). IPRA also completed a

review and restructuring of the unit to better meet the increasing business demands and expand on its policy advice and outreach services.

Reorganization

In 2008-09, IPRA had an independent review of its existing structure and resources. The new structure was approved in January 2009. The intent of the reorganization was to ensure that the appropriate level of resources were established to better meet the legal obligations of IPRA while allowing for increased career development opportunities that would be attractive to employees and new recruits, as well as improve retention. The new structure consists of three units. Two are operational and manage the daily activities in responding to formal requests received pursuant to the legislation. The third is responsible for policy and outreach (advice and training to departmental officials).

IPRA was focused on implementing the new structure as described in Appendix II over the course of the last months of the reporting period and will continue with the implementation in the new fiscal year.

ATIP — Professional Development Program

Industry Canada's ATIP — Professional Development Program (ATIP-PDP) has been in effect since 2005 for the purpose of developing employees from the PM-01 to the PM-04 level within the ATIP function. The program's objective is to provide management with a tool to recruit, train and retain new resources interested in building a career in the ATIP field. The program provides for developing knowledge of the ATIP legislation, policy and directives, as well as other core competencies such as analytical thinking, decision-making and leadership that are needed now and in the future. Participants progressively acquire new competencies to meet both statutory and institutional needs, while maintaining and enhancing existing competencies to meet operational needs. Upon completion of the program, participants are fully functioning ATIP specialists (PM-04 or equivalent).

In 2009, two IPRA employees graduated to the PM-04 level. One new candidate successfully completed the entrance exam and has been admitted to the program for a total of five participants.

The program has been instrumental in facilitating the recruitment and retention of resources. It has also been effective in reducing the number of lengthy staffing processes and actions, and has been a positive influence on retention.

2. Volume of work

In 2008–09, the Department received 660 access requests and continued to process 118 outstanding cases from previous years for a total workload of 778 requests. In addition, the Department received one hundred and thirty-five consultation requests from more than 32 other government departments/agencies.

The number of ATI requests received almost doubled from the previous year (to 660 from 342), while the scope, complexity and volume of the documents captured also continued to increase. Overall, the Department completed a total of 653 requests (526 access and 127 consultations) as compared to 431 the previous year. The volume of documents requested also significantly increased to more than 689 000 pages as compared to 183 000 pages in 2007-08.

Of the 12 employees within IPRA, seven advisors were responsible for processing the 653 completed requests. Each advisor completed on average 93 cases totaling more than 75 000 pages. Processing requests at Industry Canada will typically include research, assessing and reviewing documents, consulting with concerned parties, negotiating with applicants, consultees and departmental officials, and other administrative tasks required for tracking, monitoring and documenting decisions.

In addition to responding to official requests, IPRA also provides ongoing advice and guidance to departmental employees concerning the interpretation and application of the *Access to Information Act* related to departmental policy development and initiatives. In 2008-09, one senior advisor was responsible for this function, including the delivery of training and awareness sessions across the Department.

The Department has launched a number of initiatives to help manage the increasing volume of work required to meet its ATIP obligations.

Case Document Management

Because timely, complete and accurate document retrieval and processing is the foundation of the ATIP legislation, IPRA will continue to promote IM/IT solutions that will permit better document management outside of its own office. For its part, IPRA continues to work towards improving its case management processes and has purchased a new electronic ATIP System to be implemented over the course of the next fiscal. This new tool will improve monitoring and tracking, as well as address the increased reporting requirements, allowing IPRA to manage its day-to-day workflow more effectively.

Working Partnerships

Over the past few years, in an effort to mitigate risks and ultimately reduce workload, IPRA has established a number of working partnerships with core administrative functional areas, such as the Chief Informatics Office (CIO), the Comptrollership and Administration Sector (CAS), the Human Resources Branch (HRB), the Audit and Evaluation Branch (AEB), Central Integrated Records Services (CIRS), and the Corporate and Portfolio Office (CPO). These partnerships have included the following activities:

Audit and Evaluation Branch (AEB)

- In 2006, a working partnership was established with AEB whereby IPRA reviews the final draft audit and evaluation reports, including management responses, prior to their being posted on the departmental website. In 2008-09, IPRA completed a review of 19 audit and evaluation reports.

Comptrollership and Administration Sector (CAS)

- The recently amended Security Policy refers to the ATIP legislation. Consequently, IPRA has an informal working relationship with Security Services reviewing departmental policies and directives, and providing advice.
- IPRA also provides input to CAS concerning element 12 (information management) in the Management Accountability Framework (MAF). In particular, the ATIP focus is on the annual reports and Info Source.

Corporate and Portfolio Office (CPO)

- IPRA reviews and approves the final responses to parliamentary questions and motions for the production of papers. In 2008-09, IPRA reviewed 20 parliamentary questions.

Corporate Integrated Records Services (CIRS)

- IPRA continues to work closely with CIRS on many fronts, in particular, providing guidance and advice on issues related to retention/disposal, ownership and control of documents in keeping with legal and accountability requirements.

Education and Training Activities

Enhanced awareness and knowledge of ATIP obligations of departmental officials improves compliance with legal obligations, turnaround times and the quality of responses.

In 2008-09, IPRA prepared and delivered 25 ATIP training sessions (including 6 to regional officials) and reached more than 500 employees. This is a 92 percent increase

from the previous year. Upon request, sessions may be tailored to suit the needs of a specific group. In addition to these formal sessions, an intranet site is used to create awareness and disseminate information to employees.

ATIP Policies, Procedures and Business Practices

Industry Canada ensures that Treasury Board policies are implemented, either through internal departmental policies and/or directives and guidelines. IPRA has also implemented and documented various business practices to increase performance and efficiency in managing the ATIP programs and services, including the following highlights:

Complexity Level of Requests

In 2008-09, to better understand and manage workload, as well as to better meet reporting requirements, IPRA defined the level of complexity of requests received and processed at Industry Canada. In building its definitions, IPRA reviewed other jurisdictions and found that a number of provinces were also using similar descriptions in defining the complexity level of requests received pursuant to their respective legislation.

IPRA has described the complexity level from low (1), moderate (2) to high (3) as noted below:

Level 1 (low)	Level 2 (moderate)	Level 3 (high)
<ul style="list-style-type: none"> - Fewer than 100 pages - Full disclosure and/or minor severances - Minimal number of interests in the file, if any (limited or no consultations) - Exemption application, if any, is consistent - Disclosure of previously released information - Informal disclosure 	<ul style="list-style-type: none"> - Larger volume of pages - Involves more than one area of the department - Partial disclosure or full exemption due to limited number of exemptions with appropriate arguments - Reasonable number of consultations with other government departments (OGDs) and third parties - Track and monitor significant number of administrative activities such as consultations, updates, follow-ups; etc. 	<ul style="list-style-type: none"> - Significant large volume of pages - Information is intertwined - Involves one or more areas of the department - A number of entities are involved - Disclosure is influenced by other legal authorities/obligations (i.e.: other governments, other statutes, third party, etc.) - May require legal services to provide opinion and/or comments - Subject issue may be high profile and sensitive - May require the need to advise senior management of the outcome due to subject matter - May require multiple consultations with OGDs, third parties and other levels of government - Variety of exemptions invoked with a mixture of mandatory and discretionary exemptions
<p>Examples:</p> <ul style="list-style-type: none"> - Temp Help contracts - List of terms/casuals - List of contracts 	<p>Examples:</p> <ul style="list-style-type: none"> - Telecommunication files - Bankruptcy files - Contracts and deliverables 	<p>Examples:</p> <ul style="list-style-type: none"> - Copyright reform - Competition Act requests

In 2008-09, IPRA found that of the 526 cases completed, 56 percent were of level 1 complexity, due mainly to a significant increase in re-released information, 40 percent were of level 2 complexity and 4 percent were of level 3. On average, most of the requests processed by Industry Canada fall within the level 2 complexity.

Duty to Assist

Over the years, IPRA has implemented and established various approaches to better assist and respond to applicants. In 2008-09, IPRA began documenting the following established business practices to assist applicants as part of its obligation to meet the new provision of the ATI Act – duty to assist (subsection 4(2.1)):

- The applicant's identity is not considered during the processing of a request, nor is it revealed to departmental officials, unless there is a need to know to retrieve information and/or if consent is provided by the applicant;

- Regular communication is established with applicants to clarify and narrow requests, provide updates and explain the ATI process and rights pursuant to the Act;
- Accurate, timely and complete responses are completed in good faith. Alternate solutions may be suggested, such as previously released, or publicly accessible information, and, if applicable, referrals to other organizations involved;
- Records are provided in the format requested. Since 2001, IPRA has been providing processed documents on CD-ROM in PDF format at no cost to the applicant. At times, releases of data extracts are provided in Excel, Lotus and/or ASCII format and if the material is less than 50 pages, a hard copy is provided;
- Other practices involve facilitating discussions and/or meetings with program officials, providing interim responses when possible and limiting fees charged to the applicant where possible.

Use of CDs

This initiative has reduced paper burden and eliminated reproduction fees and on-site visits from applicants, as well as improved timeliness and efficiency in managing the ATIP program and services. The Department does not charge for CDs.

Fees

The *Access to Information Act* permits the waiving of fees when a request is deemed to be in the public interest. The Department routinely waives fees under \$25 in accordance with Treasury Board policy and guidelines.

Informal Practices

Consistent with the principle that the Act is intended to complement, rather than replace, existing procedures for access to government information, informal requests may be addressed directly to branches within the Department. IPRA routinely directs requesters to the relevant sectors.

Publicly Accessible Information, Website and Enquiry Points

The Department is broad and diverse in nature and manages various distinct laws that legally allow for publicly accessible information. Industry Canada has a comprehensive website and provides a number of enquiry points where the public may submit a query and obtain information on an informal basis, specifically:

- ▶ ic.gc.ca (formerly “Strategis”)
- ▶ Canada Business

- ▶ Canadian Consumer Information Gateway
- ▶ Canadian Intellectual Property Office
- ▶ Corporations Canada
- ▶ Office of the Superintendent of Bankruptcy

ATIP Website

IPRA also has its own Internet site (www.ic.gc.ca/cmb/welcomeic.nsf/ICPages/AccessToInformation). The site contains general information, points of contacts and links to other key departments and agencies, including the ATIP Offices for the Industry Portfolio.

Info Source

IPRA is responsible for providing a full accounting of the department's information holdings to the Treasury Board Secretariat and it ensures that updates are provided on a timely basis for inclusion in Info Source. Info Source may be obtained through public and academic libraries, or may be viewed online at www.infosource.gc.ca/index-eng.asp.

Reading Rooms

A reading room is available at Industry Canada headquarters and in all regional offices as required. Current departmental manuals are available for review by the public upon request. The manuals may also be provided electronically.

Section 67.1 — Obstructing Right of Access

An internal policy and directives concerning Section 67.1 of the *Access to Information Act* have been implemented in association with internal security services.

ACCESS TO INFORMATION — TRENDS AND STATISTICS

Significant Trends

Historically, businesses and organizations (e.g., political parties and associations) have accounted for about 60 percent of the ATI requests received by the Department. In this fiscal year, media accounted for 29 percent of requests received and remains the second most frequent type of user after businesses (36 percent of requests). These statistics are comparable to fiscal year 2007-08. Also noted this fiscal year is the significant increase in requests received by academia, to 15 percent from 10 percent in the last reporting period.

With the cooperation of the department, IPRA has maintained a high level of compliance during the past several reporting periods. During the latest reporting period, the department achieved a 91 percent on-time compliance rate and completed a total of 526 requests with a total of 530 000 pages being processed.

In 2008-09, the volume of requests increased by 93 percent with 660 new requests received compared to 342 new requests from the previous reporting period. Also significant was the increase in the volume of records which totaled 689 845 pages this reporting period, compared to 183 367 pages in 2007-08. As a result, the average file size is now more than 1 045 pages compared to 536 pages in the previous year. This increase, for the most part, was the result of public interest in such topics as the copyright legislation, gas pricing, various investment reviews and competition issues.

Of the 526 access requests processed and completed during this reporting period, 30 percent were informal requests (159 compared to 18 reported in the previous fiscal year). This increase was largely driven by the heightened public interest in the gas pricing issue and the submission of multiple requests for the gas pump inspection reports produced by Measurement Canada.

Statistical Report — Interpretation and Explanation

A summarized statistical report on *Access to Information Act* requests processed from April 1, 2008 to March 31, 2009 is found in Appendix I. An explanation and interpretation of information contained in the appendix follows.

I. Requests Received Under the Access to Information Act

Of the 778 requests processed during this reporting period, 118 were outstanding from previous years, 660 were new and 252 were carried forward into the new fiscal year. A total of 526 requests were completed and more than 530 000 pages were reviewed.

The percentage breakdown by type of user was:

Business (includes professional requesters)	36%
Media	29%
Public	11%
Academic	15%
Organization (includes political parties)	9%

II. Disposition of Requests Completed

Of the 778 active requests, 526 (68 percent) were completed during the 2008–09 reporting period, and 252 (32 percent) remained to be processed as of March 31, 2009. The completed requests are categorized as follows:

All Disclosed — In 83 of the 526 requests completed, the requesters were provided with full access to the relevant records.

Disclosed in Part — in 158 cases, the requesters were granted partial access.

Nothing Disclosed (Excluded) — there were six requests for which information could not be disclosed because all of the information was excluded under the Act.

Nothing Disclosed (Exempt) — there were 10 requests for which information could not be disclosed because all of the information was exempt under the Act.

Transferred — Of the 526 processed requests, 11 concerned records that were not under the control of the Department. After initial processing, these requests were transferred to the appropriate government institution in accordance with the Act.

Unable to Process — the Department was unable to process 76 requests. The most frequent reason was that no relevant records were found to exist within the Department.

***Note:** In total, 16 percent of the cases were transferred or could not be processed. However, these cases still involve a certain amount of work, be it research, administrative activities, negotiations with applicants and other government departmental officials, and discussions with departmental employees, prior to determining their disposition.*

Abandoned by Applicant — of the processed requests, 23 requests were abandoned by the applicant. Such an action may occur at any stage of the process.

Treated Informally — in 159 cases, it was determined that the information could be released informally rather than through the formal procedures of the Act.

Comment [IC1]: The ATIP Office may want to consider including an explanation of the difference between “Excluded” and “Exempt.” In my experience working on Parliament Hill, most MPs would not understand the distinction. The general public certainly wouldn’t.

III. Exemptions Invoked

As noted in Appendix I, exemptions under sections 13–16, 18–24 and 26 of the *Access to Information Act* were invoked by the Department. It should be noted that if five different exemptions were used in one request, one exemption under each relevant section would be reported for a total of five. If the same exemption is used several times for the same request, it is reported as one.

Based on the type of information held by the Department, the statistics confirm that although IPRA has invoked all of the applicable exempting provisions of the Act, sections 15, 19, 20 and 21 remain the most frequently used.

IV. Exclusions Cited

The *Access to Information Act* does not apply to published material, material available for purchase by the public, or confidences of the Queen’s Privy Council for Canada, pursuant to sections 68 and 69 of the Act, respectively. As in the case of exemptions, Appendix I shows the types of exclusions invoked to deny access.

V. and VI. Completion Time and Extensions

Of the 526 completed cases, the Department was able to respond within the legislated 30 days or less in 374 cases, or 71 percent of the time. Approximately 29 percent of completed cases required extensions under the Act to allow external consultation with third parties, and other government departments and agencies, and had the following response times: 7 percent within 31 to 60 days, 11 percent within 61 to 120 days and 11 percent over 121 days.

VII. Translations

There were no requests for which the records required translation.

VIII. Method of Access

In 241 cases, documents were released and the requesters received copies of the material that they were seeking either through hard copies or on CD. It should also be noted that since implementing the use of CDs in 2001, there has been no request for on-site examination.

IX. Fees

The *Access to Information Act* 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 Act, no fees are charged for the first five hours required to search for a record or prepare any part of it for disclosure. The *Access to Information Act* permits the waiving of fees when a request is deemed to be in the public interest.

The fees collected during the reporting period totaled \$3 255, which is approximately half the amount collected in 2007–08. This decrease reflects the significant increase in informal disclosures (i.e.: re-releases) completed by the Department where no fees are applied. Fees waived during 2008–09 totaled \$2 909.

Total fees collected in 2008–09 represented less than 0.3 percent of the department's total administration costs of \$1 287 979.

X. Costs

Total salary costs associated with *Access to Information Act* activities were estimated at \$1 115 622 for this reporting period. Non-salary costs were estimated at \$172 357 for a total cost of \$1 287 979. The associated human resources (including both IPRA and departmental officials) required to fulfill this function were estimated at 15 full-time employees.

Complaints, Investigations and Appeals

Applicants have the right of complaint pursuant to the Act and may exercise this right at any time during the processing of their request. The Department received a total of 89 complaints during this reporting period, as compared to 16 the previous year. This is a 456 percent increase from the 2007-08 reporting period.

Although applicants may complain at any time, the dramatic increase in complaints may be the result of increased accountability and transparency, targeted public scrutiny, increased workload, changes in investigative processes and resource challenges.

In reviewing the types of complaints received, 76 percent relate to time extensions and the exempting provisions applied. Following investigations, 32 complaints were concluded by the Information Commissioner with 3 resolved, 14 discontinued and 15 not well-founded. At the end of this reporting period, a total of 57 complaints were still under investigation.

Type of Complaint	Received	Concluded (finding)	Active
Delay	3	1 Resolved	2
Extension	38	13 Discontinued 15 Not well-founded 2 Resolved	8
Exemptions	30	1 Discontinued	29
Exclusions	4		4
Fees	N/A		N/A
General Refusal (i.e.: more records may exist and were not provided)	14		14
Total	89	32	57

There were two appeals to the Federal Court of Canada during this reporting period. One appeal was dismissed by the Court and the other is pending.

Changes Resulting from Issues Raised by Officers of Parliament

Office of the Information Commissioner of Canada

In addition to the statistical information concerning complaints, there was one reference to Industry Canada in the Information Commissioner's 2008–09 annual report published in June. The Commissioner made note of Industry Canada's innovative approach in seeking consent from an applicant to allow a request to be held in abeyance for a few extra days, thus extending its legal due date. Although the Commissioner did not object to IC's arrangement with the applicant, he did not support the extension, even though the applicant had agreed to the new date.

Office of the Auditor General of Canada

There is nothing to report for 2008-09.

APPENDIX I — STATISTICAL REPORT ON THE
ACCESS TO INFORMATION ACT

APPENDIX II — IPRA ORGANIZATIONAL STRUCTURE

APPENDIX III — DELEGATION OF AUTHORITY