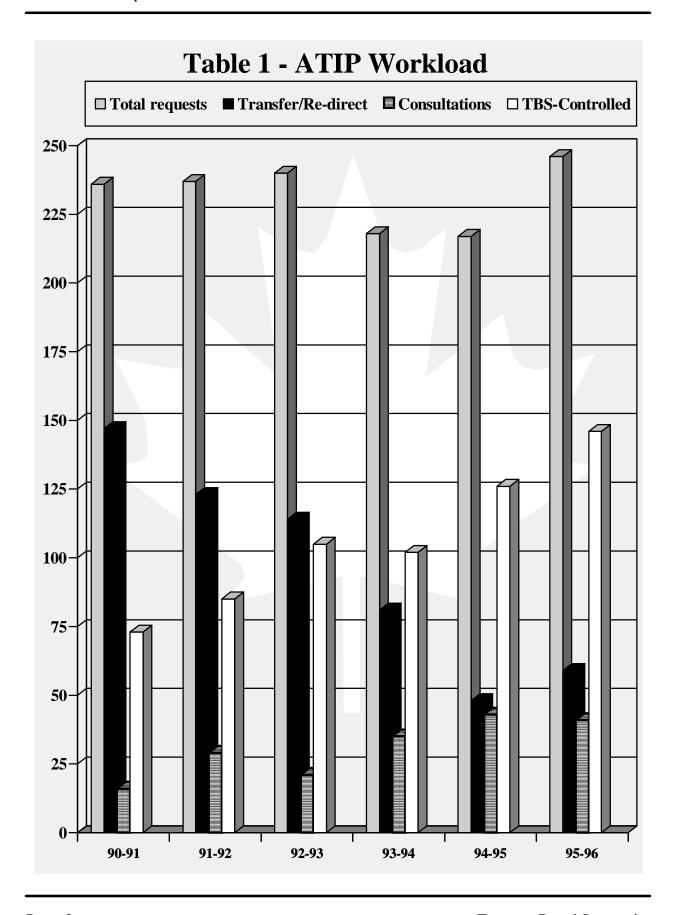
1995 - 1996 Annual Report on the

Access to Information Act and the Privacy Act

Treasury Board Secretariat

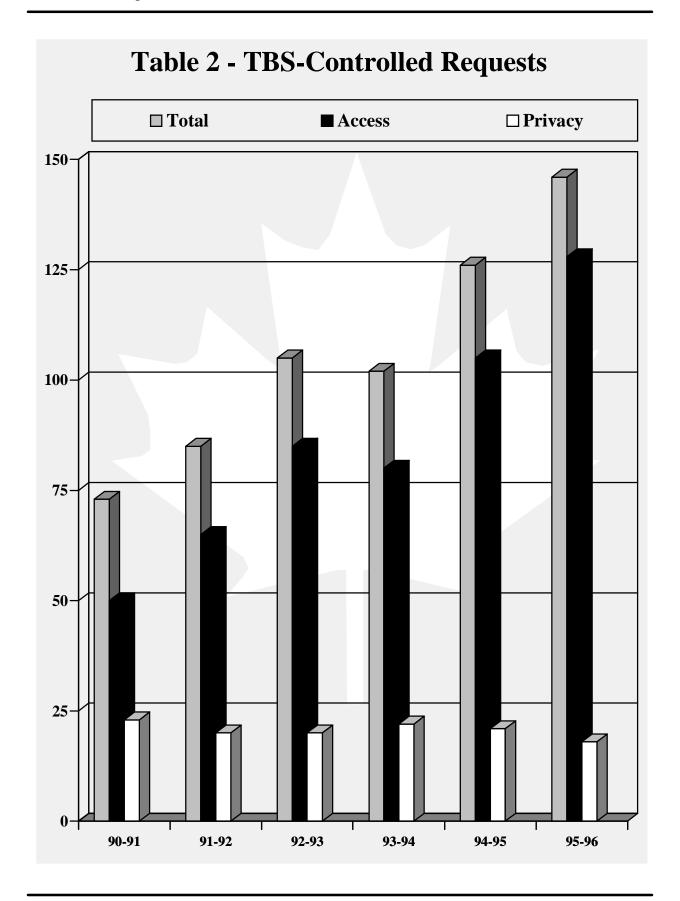
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Access to Information and Privacy Trends

- The total combined number of access to information and privacy (ATIP) requests received by the Treasury Board Secretariat (TBS) remains fairly constant, as Table 1 indicates. During the current reporting period, the Secretariat received a total of 246 requests (181 access and 65 privacy) compared with 217 requests in the previous period and 236 in 1990-91.
- A significant, but declining, number of requests are transferred or re-directed to other federal institutions which control the information requested.
- The declining trend may indicate an increased client awareness of information actually held by the TBS. In 1995-96, approximately 24% of the total requests received were transferred or re-directed compared to 62% in 1990-91.
- A notable proportion of the requests received by the Secretariat are for consultations from other federal institutions on issues of shared interest. To avoid the risk of double-counting across government, consultations received from other federal government departments are not included in our analysis.
- In 1995-96, the TBS received 41 consultation requests (39 under the *Access to Information Act* and 2 under the *Privacy Act*), accounting for approximately 17% of the total requests received. Consultations made up 21% of the access workload.
- The balance of the requests are for information which is held exclusively by the Secretariat. The number of TBS-controlled requests continues to increase. In 1995-96, there were 146 such requests representing 59% of the total number of requests received. This is compared to 73 TBS-controlled requests in 1990-91, representing 31% of the total requests received that year.
- The majority of the increasing number of TBS-controlled requests are under the *Access to Information Act*, as Table 2 indicates.



Report on the Access to Information Act

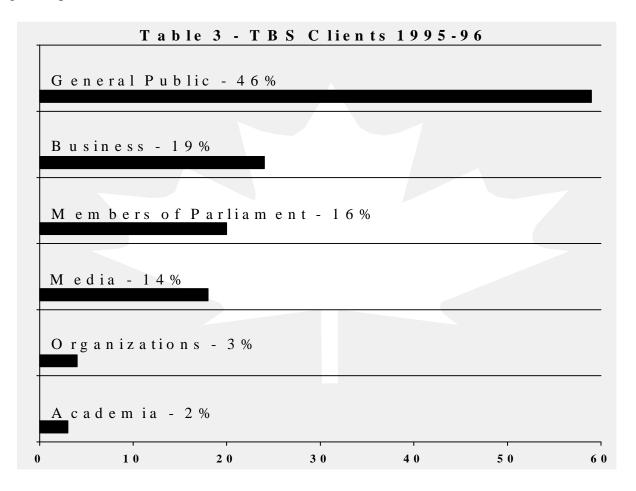
Requests Under the Act

During the reporting period, April 1, 1995, to March 31, 1996, the Secretariat received a total of 142 requests under the *Access to Information Act*. Of these, 14 (10%) were transferred or re-directed to other federal institutions. The total TBS-controlled active files for the period was 137, including:

- 128 new TBS-controlled requests; and
- 9 active requests carried over from the previous period.

This represented an increase over the previous period of 23 requests (20%) in the total TBS-controlled active files.

The general public is the largest access client group of the TBS. During the 1995-96 reporting period, 59 (approximately 46%) of the new TBS-controlled requests were received from the general public, as indicated in Table 3.



The substance of the requests covers the entire range of the Treasury Board's role as the government's general manager and employer of the federal Public Service. For example, requests are submitted concerning employee benefits and pensions, early departure programs, job classifications and hiring practices. As well, information is requested on various alternative service delivery options, information technology and procurement policy. The Treasury Board also has the mandate to coordinate the government's Canada Infrastructure Works Program, and requests are received with respect to the projects and the monies spent.

Disposition of Completed Requests

There were 112 requests completed in 1995-96 (82% of the total active TBS-controlled workload). Of the 25 outstanding requests, 7 were received during the last 31 days of the period, and the responses, therefore, were not due until the following period.

The disposition of the completed requests was as follows:

- 38 full disclosures (34%);
- 24 partial disclosures (21%);
- 16 information provided on an informal basis (14%);
- 10 exclusions in entirety (9%);
- 2 exemptions in entirety (2%);
- 4 abandoned by applicants (3%); and
- 18 unable to process due to non-existence of requested records (16%).

In 69% of the completed cases, information was released.

Completion Time and Extensions

In 36 instances, the Secretariat found it necessary to seek an extension to the prescribed time limit to search through a large volume of records or to consult other government institutions or third parties. Of the total, 25 extensions (69%) were for a period of 30 days or less. The 112 requests completed in 1995-96 were in the following timeframes:

- 55 within 30 days or less (49%);
- 36 within 31 to 60 days (32%);
- 16 within 61 to 120 days (14%); and
- 5 took 121 days or over (5%).

Exemptions Invoked

The Secretariat invoked exemptions under the *Act* a total of 54 times, as follows:

- 3 under S.18 exempting records expected to prejudice the economic interests of Canada;
- 7 under S.19 exempting records containing personal information;
- 13 under S.20 exempting records containing third party information;
- 29 under S.21 exempting records containing information relating to the internal decision-making processes of government; and
- 2 under S.23 exempting records related to solicitor-client privilege.

Exclusions Invoked

Exclusions were invoked 45 times under sections 68 and 69 of the *Act*. Section 68 was cited once. This section relates to published material or material available for purchase by the public.

In the other 44 instances, exclusions were under section 69 covering Confidences of the Queen's Privy Council for Canada. As the Secretariat offers administrative support to the Treasury Board committee of Cabinet, it holds a large number of documents which are Confidences.

Complaints and Investigations

Treasury Board Secretariat clients filed 22 complaints with the Information Commissioner in 1995-96. In 3 instances, a client filed more than one complaint about the same request.

The 22 complaints were as follows:

- 10 related to undisclosed records:
- 11 related to the delay; and
- 1 concerned fees.

During 1995-96, the Information Commissioner completed 16 investigations. Nine complaints were determined to be not substantiated.

The remaining 7 were resolved as follows:

- 2 related to undisclosed records and resulted in the provision of additional information;
- 1 concerned an exemption of records which were to be published and a copy was provided; and
- 4 related to the delay and, in all cases, TBS provided a response.

As of March 31, 1996, 9 complaints were still under investigation.

Fees

During the reporting period, the total fees collected amounted to \$1,115: \$495 for application fees and \$620 for preparation costs.

The Secretariat does not normally waive fees for *Access to Information* requests. However, it has returned the application fee when the requestor cannot be provided with any information and when it is clear from the outset that the requested material is not available.

Costs

During 1995-96, an estimated \$134,000 in salary costs and \$20,000 in administrative costs were incurred by the ATIP Unit to administer the *Access to Information* and *Privacy Acts*. As the access workload represented approximately 74% of the total ATIP activity, access costs are estimated at \$99,160 for salaries and \$14,800 for administrative expenses.

These costs do not include the resources expended by the program areas of the Treasury Board Secretariat to meet the requirements of the *Acts*.

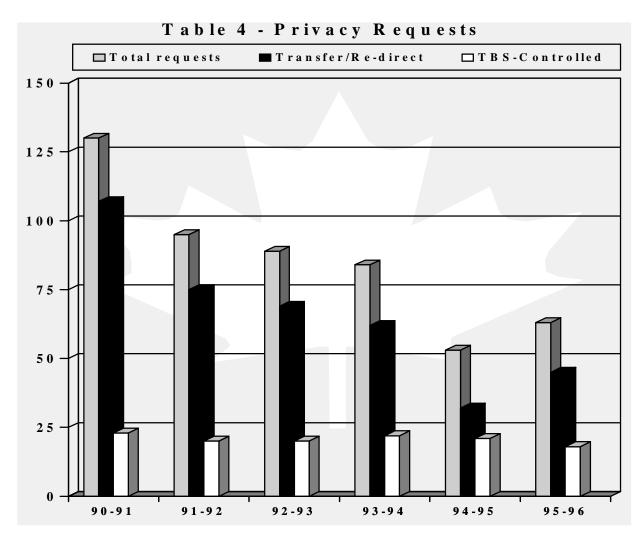
Report on the Privacy Act

Requests under the Act

During the reporting period, April 1, 1995, to March 31, 1996, the Secretariat received a total of 63 requests under the *Privacy Act*. Of these, 45 (71%) were transferred or re-directed to other federal institutions. The total TBS-controlled active files for the period was 19, including:

- 18 new TBS-controlled requests; and
- 1 active request carried over from the previous period.

This represented a decline over the previous period of 2 requests (10%) in the total TBS-controlled active files. There is a large, although declining, volume of privacy requests which are transferred or re-directed to other federal institutions, as Table 4 indicates.



The privacy client group for the TBS is the general public. Most requests relate to personnel files, pension benefits and service and medical records.

Disposition of Completed Requests

There were 19 requests completed in 1995-96 (100% of the total active TBS-controlled workload).

The disposition of the completed requests was as follows:

- 4 partial disclosures (21%);
- 1 abandoned by the applicant (5%); and,
- 14 unable to process due to non-existence of requested information (74%).

In 21% of the completed cases, personal information was released.

Completion Time and Extensions

The Secretariat found it necessary to seek an extension to the prescribed time limit in only 2 cases. Both of these extensions were for a period of 30 days or less.

The 19 requests completed in 1995-96 were in the following timeframes:

- 16 within 30 days or less (84%);
- 2 within 31 to 60 days (11%); and
- 1 took 121 days or over (5%).

Exemptions and Exclusions Invoked

The Secretariat invoked exemptions under the *Act* a total of 7 times, as follows:

- 1 under S.22 exempting information expected to be injurious to law enforcement or to the conduct of lawful investigations;
- 2 under S.26 exempting personal information about an individual other than the requestor; and
- 4 under S.27 exempting information related to solicitor-client privilege.

The Secretariat did not invoke any exclusions under the Act.

Complaints and Investigations

Treasury Board Secretariat clients filed 67 complaints with the Privacy Commissioner in 1995-96. Of this total, 64 complaints were related to the same issue.

During 1995-96, the Privacy Commissioner completed 1 investigation into a complaint on access to personal information which was deemed to be not well-founded.

Costs

During 1995-96, an estimated \$134,000 in salary costs and \$20,000 in administrative costs were incurred by the ATIP Unit to administer the *Access to Information* and *Privacy Acts*. As the privacy workload represented approximately 26% of the total ATIP activity, privacy costs are estimated at \$34,840 for salaries and \$5,200 for administrative expenses.

These costs do not include the resources expended by the program areas of the Treasury Board Secretariat to meet the requirements of the *Acts*.

Administration of the ATIP Acts

Overview of the Treasury Board Secretariat

The Treasury Board is a committee of the Queen's Privy Council for Canada, with legislated responsibilities under various acts of Parliament, including the *Financial Administration Act*, *Public Service Employment Act*, *Public Service Staff Relations Act*, *Official Languages Act*, *Access to Information Act*, *Privacy Act* and *Real Property Act*.

Specifically, the Treasury Board serves as the government's general manager and provides for the employment of human, financial, information and other resources. In this role, the Treasury Board serves as the employer of the Public Service. The committee is headed by the President of the Treasury Board, who also has the mandate to coordinate the government's Canada Infrastructure Works Program.

Within this context, the Treasury Board Secretariat performs a dual function: it supports the Treasury Board as a committee of Ministers and fulfils the statutory responsibilities of a central government agency. This entails providing operational programs to carry out the Treasury Board's legislated responsibilities.

In particular, the Secretariat's activities focus on the allocating of resources among programs and departments; serving the Treasury Board in its role as the employer; supporting government objectives for which the Treasury Board or its President has the lead role; and, providing leadership on policy and good management issues.

The Secretary of the Treasury Board and Comptroller General of Canada serves as the head of the Secretariat and reports directly to the President of the Treasury Board.

Process

The Co-ordinator, Access to Information and Privacy, oversees the administration of the *Access to Information* and *Privacy Acts* and ensures compliance with the legislation. In so doing, the Co-ordinator consults with senior management, other institutions and legal advisers, and provides advice and assistance to the public on matters such as referrals or informal requests.

Also, the Co-ordinator acts as a resource person for Secretariat officials, offering advice and guidance on maintaining the integrity and confidentiality of personal information and ensuring its proper use, among other issues.

Each formal request is reviewed by the ATIP Unit to ensure that it is clearly worded and in conformity with the legislation. The request is then forwarded to the responsible program area(s). The officer(s) responsible gather(s) the existent sought-after information. The records are then

forwarded to the Co-ordinator, along with any fee estimates and a recommendation as to release of the information.

The ATIP Unit thoroughly reviews the relevant records and recommends disclosure or exemption. The requestor is informed and provided access to all disclosed records.

Information Holdings

A description of the classes of institutional records held by the Treasury Board Secretariat can be found in the publication, *Info Source - Sources of Federal Government Information 1995-1996*, Chapter 102, pages 881 to 894. Specifically, pages 893 and 894 describe the personal information banks held. The Treasury Board Secretariat does not have exempt banks.

The *Info Source* can be obtained through public and academic libraries, constituency offices of federal Members of Parliament, and Canada Employment Centres.

Reading Room

The reading room is available to individuals wanting to review Treasury Board Secretariat publications, contracts for temporary help services, and other public materials. The room is situated in the departmental library, and individuals can contact library personnel for use of the facility. The Treasury Board Secretariat library is located at:

11th Floor, East Tower L'Esplanade Laurier 140 O'Connor Street Ottawa, Ontario