



**1996 - 1997 Annual Report
on the**

**Access to Information Act
and
the Privacy Act**

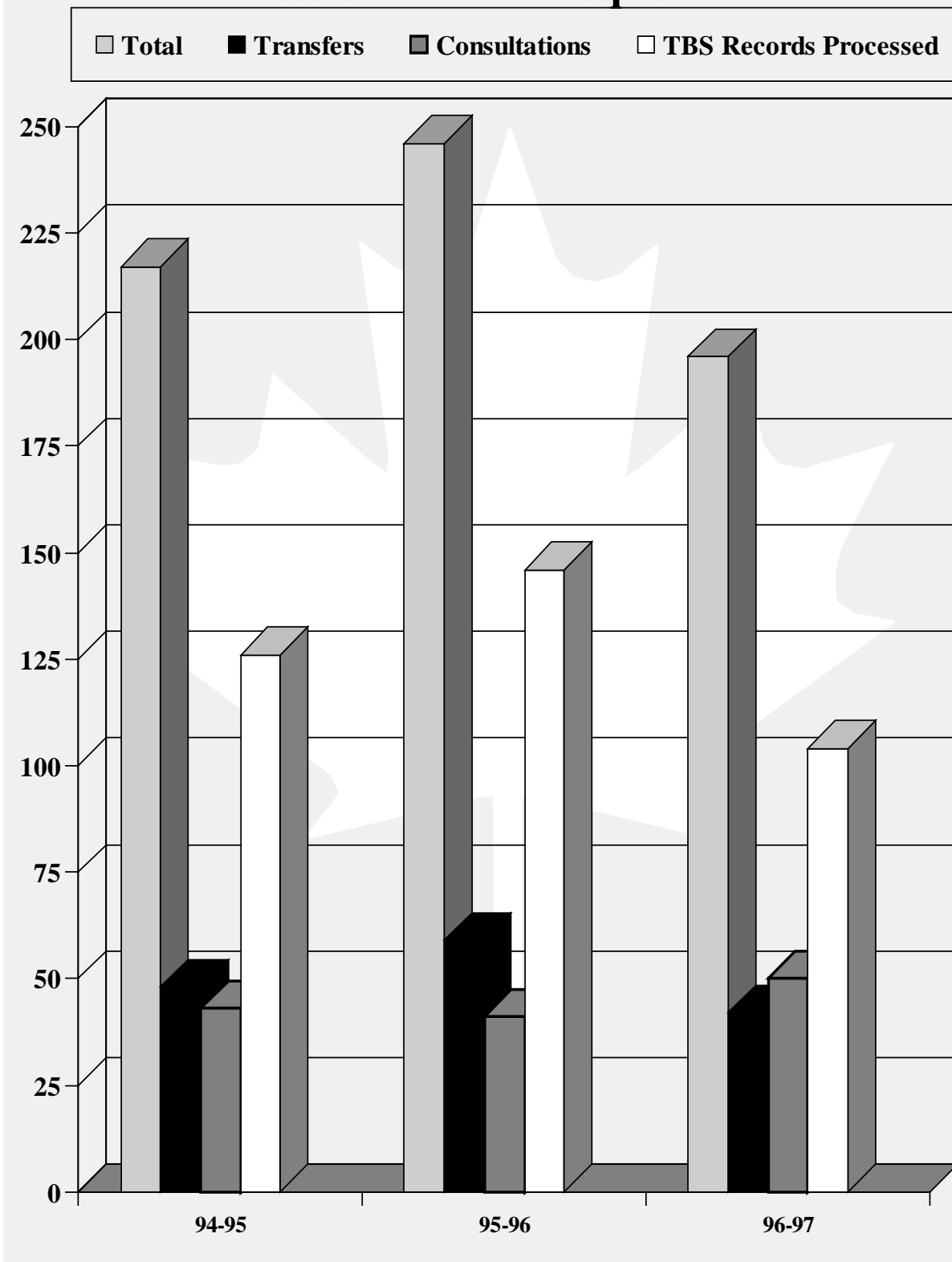


Treasury Board of Canada Secretariat

TABLE OF CONTENTS

Access to Information and Privacy Trends	4
Report on the <i>Access to Information Act</i>	6
Requests under the <i>Act</i>	
Disposition of Completed Requests	
Completion Time and Extensions	
Exemptions Invoked	
Exclusions Invoked	
Complaints and Investigations	
Fees	
Costs	
Report on the <i>Privacy Act</i>	10
Requests under the	
Disposition of Completed Requests	
Completion Time and Extensions	
Exemptions and Exclusions Invoked	
Complaints and Investigations	
Disclosure under 8(2)(e)	
Costs	
Administration of the ATIP Acts	13
Overview of the Treasury Board Secretariat	
Process	
Information Holdings	
Reading Room	
Statistical Reports	15

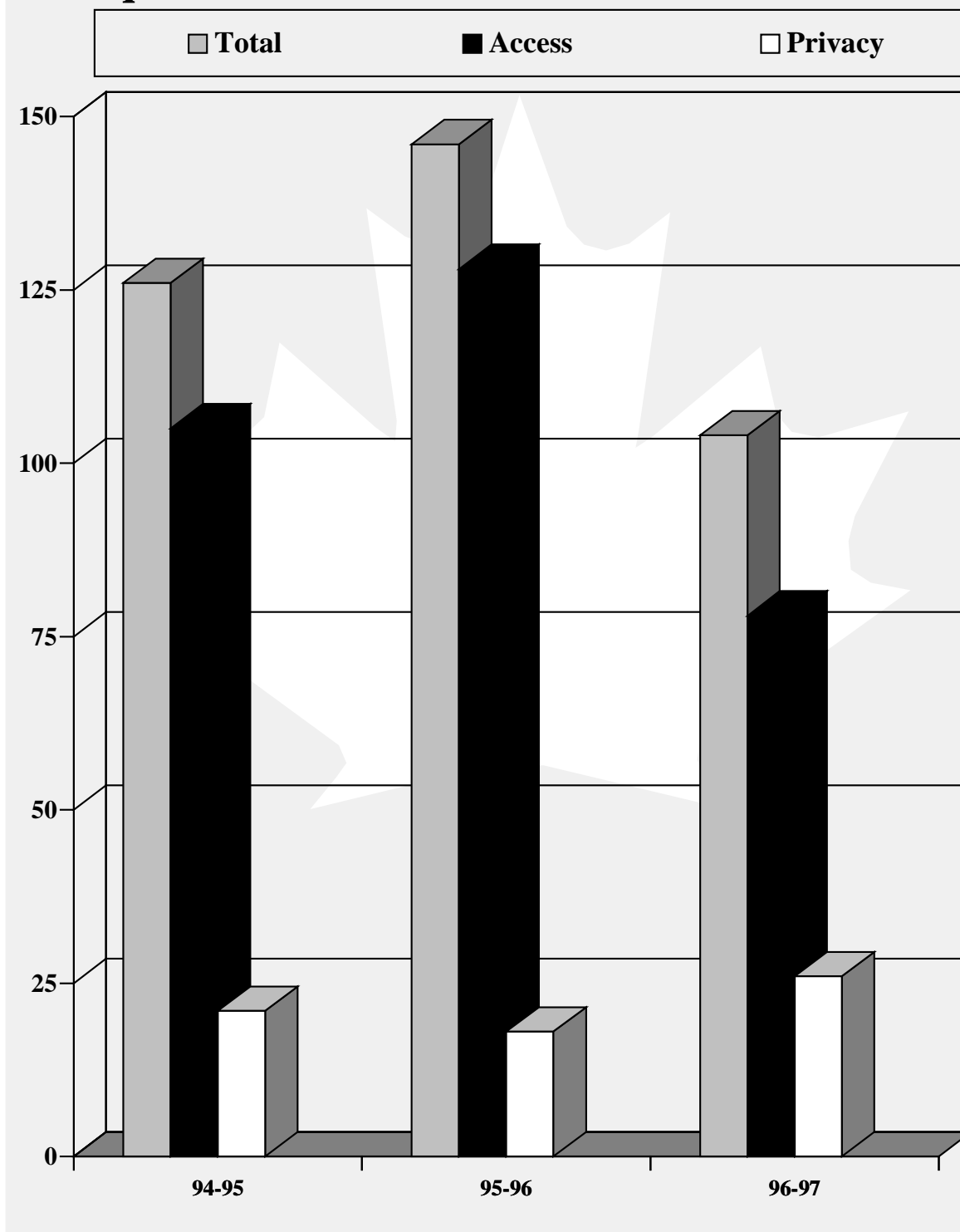
Table 1 - ATIP Requests



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) decreased by approximately 20% this fiscal year, as indicated in Table 1. During the 1996-97 reporting period, the Secretariat received a total of 196 requests (140 access and 56 privacy) compared with the 246 requests received in the previous period.
- A total of 42 requests or 21% were transferred or re-directed to other federal institutions this fiscal year compared to the 24% indicated in 1995-96. The majority (59%) fall under the *Privacy Act*.
- Because of its central agency status, the Secretariat receives a number of consultation requests from other federal institutions on issues of shared interest. In 1996-97, TBS responded to 50 consultations (45 under the *Access to Information Act* and 5 under the *Privacy Act*), accounting for 26% of the total requests received and 32% of the total ATIP workload.
- In 1996-97, the number of requests where TBS records were processed amounted to 104 (or 53% of the total requests received), and represented an overall decrease of 29% compared to 1995-96.
- In 1996-97, there was an 87% decrease in the total number of complaints received by the Secretariat compared to the previous reporting period. Most of the complaints (75%) fell under the *Privacy Act*.

Table 2
Requests where TBS Records were Processed



Report on the Access to Information Act

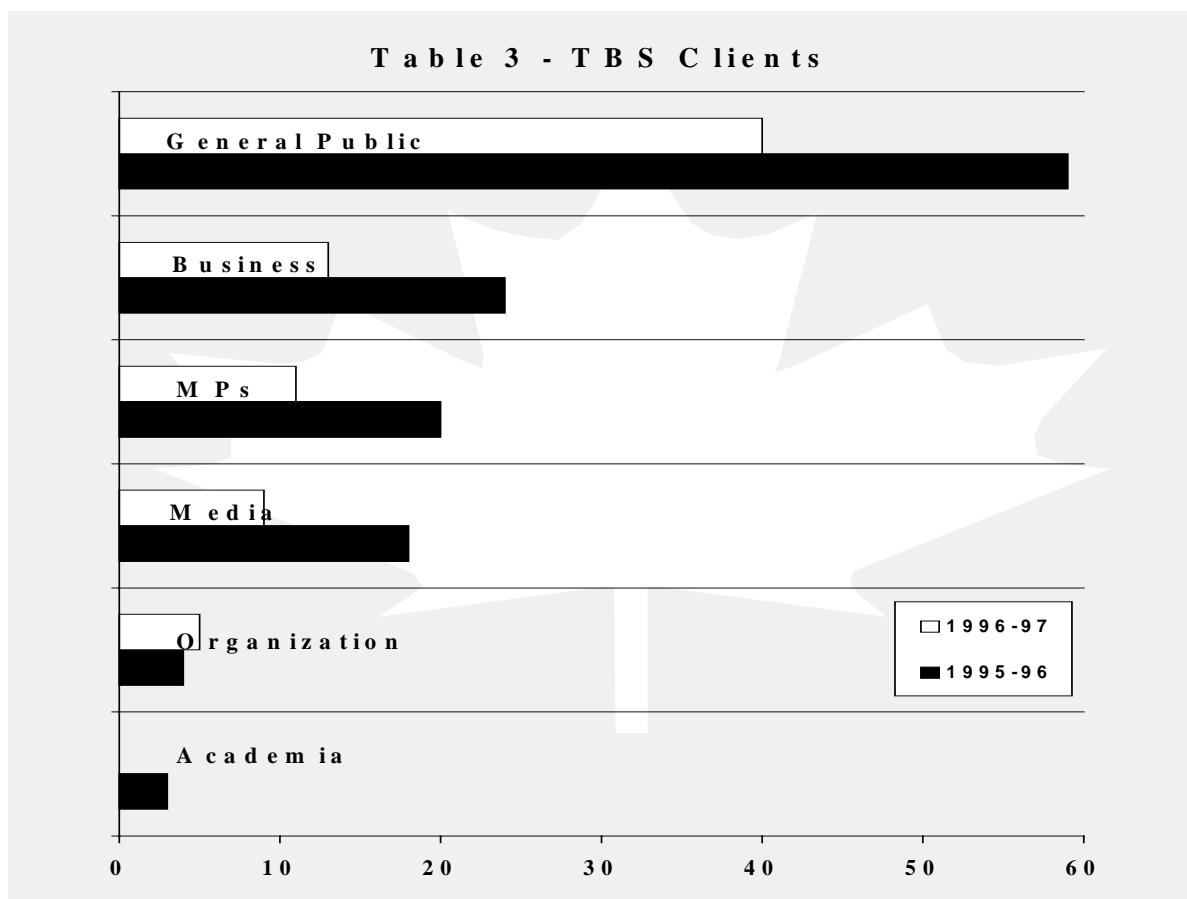
Requests Under the ATI Act

During the reporting period, April 1, 1996, to March 31, 1997, the Secretariat received a total of 95 requests under the *Access to Information Act*. Of these, 17 (18%) were transferred or re-directed to other federal institutions. The total requests where TBS records were processed was 103, including:

- 78 new requests; and
- 25 active requests carried over from 1995-96.

This represented a decrease over the previous period of 34 requests (25%).

The general public is the largest access client group of the TBS. During the 1996-97 reporting period, 41 (51%) of the new requests were received from the general public, as indicated below.



The substance of the requests covered 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 touched on pay equity, wage freezes, performance pay, health care, pension benefits, employment equity, ministerial expenses, downsizing, and legal indemnification. As well, information was requested on general management policies and directives: user fees, procurement, disposal of crown assets, travel, and debt collection.

The Treasury Board also has the mandate to coordinate the government's Canada Infrastructure Works Program, and requests were received with respect to the projects, regarding the monies spent and statistics on job creation.

Disposition of Completed Requests

There were 91 requests completed in 1996-97. Of the 12 outstanding requests, 8 were received during the last 31 days of the period, and the responses, therefore, were not due until the new fiscal year.

The disposition of the completed requests was as follows:

- 28 full disclosures (31%);
- 17 partial disclosures (19%);
- 16 information provided on an informal basis (18%);
- 3 exclusions in entirety (3%);
- 1 exemption in entirety (1%);
- 22 abandoned by applicants (24%); and
- 4 unable to process due to non-existence of requested records (4%).

In 68% of the completed cases, information was released.

Completion Time and Extensions

In 28 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, 16 extensions (57%) were for a period of 30 days or less. The 91 requests in 1996-97 were completed in the following timeframes:

- 57 within 30 days or less (63%);
- 19 within 31 to 60 days (21%);
- 3 within 61 to 120 days (3%); and
- 12 took 121 days or over (13%).

Exemptions Invoked

The Secretariat invoked exemptions under the *Act* a total of 41 times, as follows:

- 3 under S.13 exempting records obtained in confidence;
- 1 under S.15 exempting records expected to be injurious to the conduct of international affairs and the defence of Canada;
- 1 under S.16(2) exempting records expected to facilitate the commission of an offence;
- 1 under S.18 exempting records expected to prejudice the economic interests of Canada;
- 5 under S.19(1) exempting records containing personal information;
- 9 under S.20 exempting records containing third party information;
- 18 under S.21 exempting records containing information relating to the internal decision-making processes of government; and
- 3 under S.23 exempting records related to solicitor-client privilege.

Exclusions Invoked

Exclusions were invoked 27 times under section 69 of the *Act* for Confidences of the Queen's Privy Council for Canada. Part of the Secretariat's responsibilities is to provide administrative support to the Treasury Board, a Cabinet Committee, and consequently, entails the control of a large number of documents classified as Cabinet Confidences.

Section 68 relating to published material or material available for purchase by the public was not cited during this fiscal year.

Complaints and Investigations

Treasury Board Secretariat clients filed 3 complaints with the Information Commissioner in 1996-97, as follows:

- 1 related to undisclosed records that were excluded as Cabinet Confidences;
- 1 related to the time extension required to complete the consultation process; and
- 1 concerned the exempting of personal information.

During this fiscal year, the Information Commissioner completed a total of 11 investigations, 8 which were initiated in 1995-96 and 3 in 1996-97. Of these, 9 complaints were found to be not substantiated and the remaining 2 were deemed resolved. The 2 resolved complaints were related to time extension.

As of March 31, 1997, one complaint initiated in 1995-96 still remains under investigation.

Fees

During the reporting period, the total fees collected amounted to \$490: \$315 for application fees and \$175 for preparation costs.

This year, the Secretariat waived fees a total of 20 times for a sum of \$100, when:

- the requested information was released previously under the *Access to Information Act* or made publicly available; and when
- it was clear from the outset that the requested material was not available or no records could be found.

Costs

During 1996-97, an estimated \$135,000 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 71% of the total ATIP activity, access costs are estimated at \$95,850 for salaries and \$14,200 for administrative expenses.

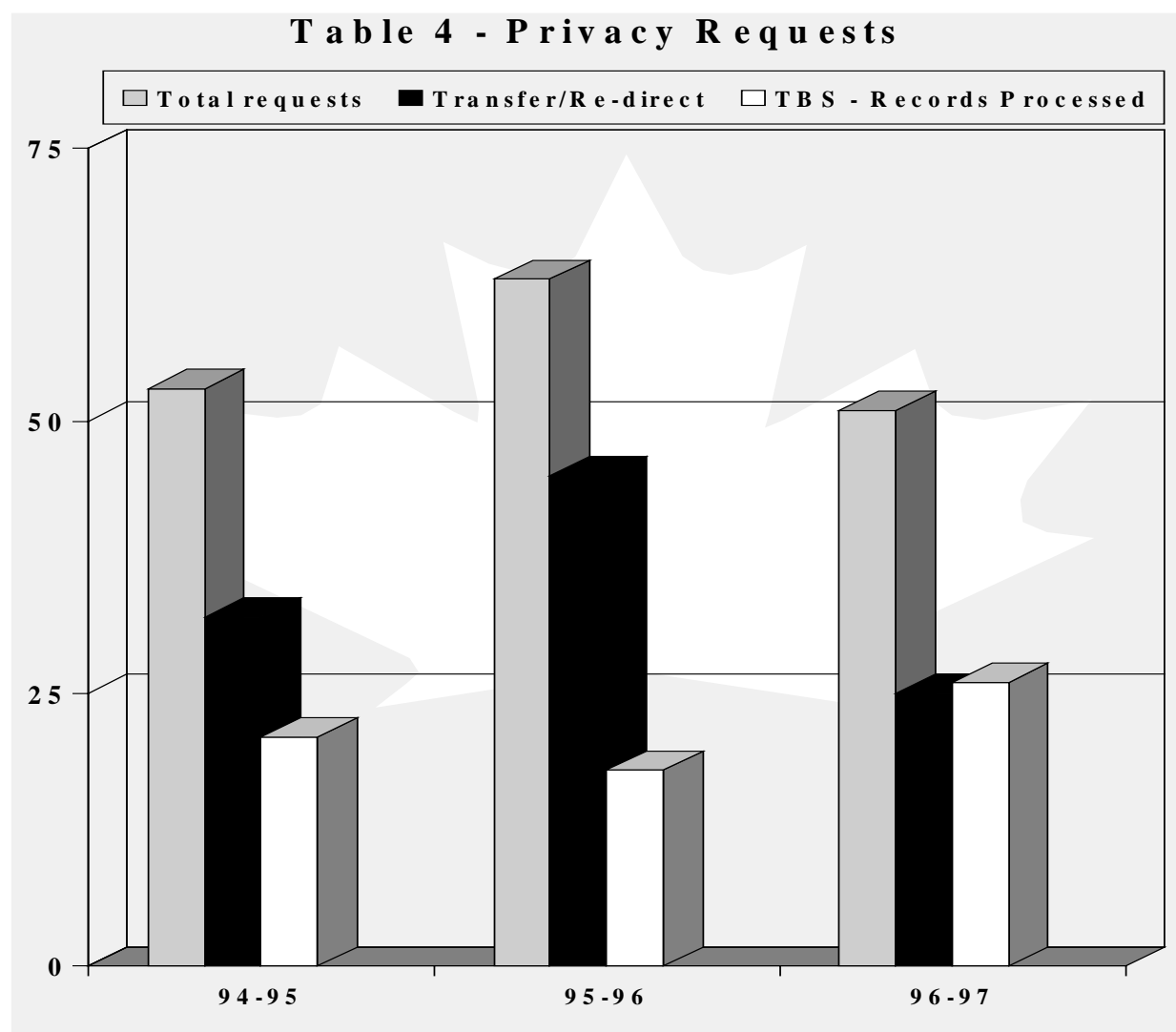
These costs do not include the resources expended by the program areas of the Treasury Board Secretariat to meet the requirements of the *Acts*.

Report on the *Privacy Act*

Requests under the Privacy Act

During the reporting period, April 1, 1996, to March 31, 1997, the Secretariat received a total of 51 requests under the *Privacy Act*. Of these, 25 (49%) were transferred or re-directed to other federal institutions and 26 requests were for TBS records.

This represented an increase from the 1995-96 period of 7 requests (37%). As indicated in Table 4, there is a considerable decline over the previous two years in the volume of privacy requests which are transferred or re-directed to other federal institutions.



The privacy client group for TBS consists, for the most part, of current and former Public Service employees. Most of the requests relate to personnel issues involving Treasury Board as the employer on matters such as pension transfers, health insurance benefits, grievances, arbitrations, and adjudication hearings.

Disposition of Completed Requests

There were 24 requests completed in 1996-97 and 2 were carried forward to the 1997-98 fiscal year.

The disposition of the completed requests was as follows:

- 6 full disclosure (25%);
- 3 partial disclosures (13%); and
- 15 unable to process due to non-existence of requested information (62%).

In 38% of the completed cases, personal information was released.

Completion Time and Extensions

1. The 24 requests completed in 1996-97 were in the following timeframes:

- 23 within 30 days or less (96%); and
- 1 within the 61 to 121 day period (4%).

2. The Secretariat found it necessary to seek an extension to the prescribed time limit in only one case for a period of 30 days in order to conduct consultations.

Exemptions and Exclusions Invoked

The Secretariat invoked exemptions under the *Act* a total of 5 times, as follows:

- 2 under S.26 exempting personal information about an individual other than the requestor; and
- 3 under S.27 exempting information related to solicitor-client privilege.

The Secretariat did not invoke any exclusions under the *Act*.

Complaints and Investigations

Secretariat clients filed 8 new complaints with the Privacy Commissioner in 1996-97, as follows:

- 2 related to the use and disclosure of personal information;
- 2 related to the denial of access;
- 2 related to the time limits required to complete the request;
- 1 related to the time extension; and
- 1 concerned a correction/notation.

During this fiscal year, the Privacy Commissioner completed a total of 9 investigations, 2 which were initiated in 1994-95, another 2 in 1995-96 and 5 in 1996-97. Of these, 3 complaints were deemed not well-founded, 5 were resolved and 1 was well-founded.

As of March 31, 1997, a total of 68 complaints remain unresolved and therefore were carried over. Out of these, 65 complaints were filed against the Secretariat during the period from December 1995 to May 1996 and relate to a common issue.

Disclosure under paragraph 8(2)(e) of the *Privacy Act*

One request for disclosure of personal information to an investigative body was approved by the Secretariat during the 1996-97 reporting period.

Costs

During 1995-96, an estimated \$135,000 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 \$39,150 for salaries and \$5,800 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*.

Administration of the ATIP Acts

Overview of the Treasury Board and its Secretariat

The Treasury Board is one of four Cabinet committees of the Queen's Privy Council for Canada. It was established constitutionally in 1867 and given statutory powers in 1869. This committee is headed by the President of the Treasury Board, who also has the mandate to coordinate the government's Canada Infrastructure Works Program.

The Treasury Board manages the government's financial, personnel, and administrative responsibilities. Considered the employer and general manager of the Government of Canada, it sets policy in these areas, examines and approves the proposed spending plans of government departments and reviews the development of approved programs.

The Treasury Board has an administrative arm, the Secretariat, which was part of the Department of Finance until it was proclaimed a department in 1966. Within this context, the 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 under the 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*.

In particular, the Secretariat's activities focus on: allocating 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 Access to Information and Privacy Co-ordinator, who is also the Executive Director of Ministerial and Executive Services (MES), has delegated authority to oversee the administration of the *Access to Information* and *Privacy Acts* and ensure compliance with the legislation. In so doing, the Co-ordinator and its Senior Analysts consult with senior management, other institutions and legal advisers, and provide advice and assistance to the public on matters such as referrals or informal requests.

Also, the Co-ordinator and its Senior Analysts act as resources 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 Senior Analysts 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 existing requested information. The records are then forwarded to MES, along with any fee estimates and a recommendation as to release of the information.

The Senior Analysts thoroughly review the relevant records and recommend disclosure or exemption. The requestor is informed and provided access to all releasable records.

Information Holdings

A description of the classes of institutional records held by the Treasury Board Secretariat can be found in the 1996-1997 publications *Info Source - Sources of Federal Government Information* as well as *Sources of Federal Employee Information*. 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

Treasury Board Secretariat's Report on the *Access to Information Act* Rapport du Secrétariat de Conseil du Trésor concernant la *Loi sur l'accès à l'information*

April 1, 1996 to March 31, 1997
Le 1er avril 1996 au 31 mars 1997

Source

Media	Academia	Business	Organization	Public
13	0	16	0	66
I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information		VI Extensions / Prorogations des délais (a) 30 days or less / 30 jours ou moins (b) 30 days or more / 30 jours ou plus	(a)	(b)
Received during the reporting period / Reçues pendant la période visée du rapport	95	Searching / Recherche	2	3
Outstanding from previous period / En suspens depuis la période antérieure	25	Consultation	11	9
Total	120	Third Party / Tiers	3	0
Completed during the reporting period / Traitées pendant la période visée par le rapport	108	Total	16	12
Carried Forward / Reportées	12			
II Disposition of Requests Completed / Disposition à l'égard des demandes traitées		VII Translations / Traductions		
All disclosed / Communication totale	28	Translation requested / Traduction demandées		0
Disclosed in part / Communication partielle	17	Translation prepared / Traduction préparées:		
Nothing disclosed (excluded) / Aucune communication (exclusion)	3	English to French / De l'anglais au français		0
Nothing disclosed (exempt) / Aucune communication (exception)	1	French to English / Du français à l'anglais		0
Transferred / Transmission	4			
Unable to process / Traitement impossible	17			

Abandoned by applicant / Abandon de la demande	22		
Treated informally / Traitement non-officiel	16		
Total	108		
III Exemptions invoked / Exceptions invoquées		VIII Method of access / Méthode de consultation	
Section / Article 13(1)(a)	1	Copies given / Copies de l'original	44
(b)	0		
(c)	1		
(d)	1		
Section / Article 14	0	Examination / Examen de l'original	0
Section / Article 15(1) international rel.	0	Copies and examination / Copies et examen	1
defence	1		
Subversive act.	0		
Section / Article 16(1)(a)	0		
(b)	0		
(c)	0		
(d)	0		
Section / Article 16(2)	1		
Section / Article 16(3)	0		
Section / Article 17	0		
Section / Article 18(a)	0		
(b)	0		
(c)	0		
(d)	1		
Section / Article 19(1)	5		
Section / Article 20(1)(a)	0		
(b)	3		
(c)	5		
(d)	1		

Section / Article 21(1)(a)	6		
(b)	6		
(c)	3		
(d)	3		
Section / Article 22	0		
Section / Article 23	3		
Section / Article 24	0		
Section / Article 26	0		
IV Exclusions cited / Exclusions citées		IX Fees / Frais	
Section / Article 68(a)	0	Application Fee / Frais de la demande	\$315.00
(b)	0		
(c)	0		
Section / Article 69(1)(a)	9	Reproduction	0
(b)	0		
(c)	4		
(d)	4		
(e)	6		
(f)	0		
(g)	4		
		Searching / Recherche	0
		Preparation / Préparation	\$175.00
		Computer processing / Traitement informatique	0
		Total	\$490.00
		Fees waived / Frais renoncés	
		\$25 .00 or under / \$25.00 ou moins	20
		Over \$25.00 / De plus de \$25.00	0
			0
V Completion time / Délai de traitement		X Costs / Coûts	
30 days or under / 30 jours ou moins	74	Financial (all reasons) / Financiers (raisons)	

31 to 60 days / De 31 à 60 jours	19	Salary / Traitement	\$95,850
61 to 121 days / De 61 à 121 jours	3	Administration (O & M) / Administration (fonction et maintien)	\$14,200
121 days or over / 121 jours ou plus	12	Total	\$110,050
		Full-Time Equivalents (FTE) / Equivalents temps plein (ETP)	2.0

Treasury Board Secretariat's Report on the *Privacy Act*
Rapport du Secrétariat de Conseil du Trésor concernant la *Loi sur la*
protection des renseignements personnels

April 1, 1996 to March 31, 1997
 Le 1er avril 1996 au 31 mars 1997

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels		VI Extensions / Prorogations des délais	30 days or less / 30 jours ou moins
Received during the reporting period / Reçues pendant la période visée du rapport	51	Interference with operations / interruption des opérations	0
Outstanding from previous period / En suspens depuis la période antérieure	0	Consultation	1
Total	51	Translation / Traduction	0
Completed during the reporting period/ Traitées pendant la période visée par le rapport	49	Total	1
Carried Forward / Reportées	2		
II Disposition of Requests Completed/ Disposition à l'égard des demandes traitées		VII Translations / Traductions	
All disclosed / Communication totale	6	Translation requested / Traduction demandées	0
Disclosed in part / Communication partielle	3	Translation prepared / Traduction préparées:	
Nothing disclosed (excluded) / Aucune communication (exclusion)	0	English to French / De l'anglais au français	0
Nothing disclosed (exempt) / Aucune communication (exception)	0	French to English / Du français à l'anglais	0
Unable to process / Traitement impossible	15		
Abandoned by applicant / Abandon de la demande	0		
Transferred / Transmission	25		
Total	49		

III Exemptions invoked / Exceptions invoquées		VIII Method of access / Méthode de consultation	
Section / Article 18(2)	0	Copies given / Copies de l'original	9
Section / Article 19(1) (a)	0	Examination / Examen de l'original	0
Section / Article 19(1) (b)	0	Copies and examination / Copies et examen	0
Section / Article 19(1) (c)	0		
Section / Article 19(1) (d)	0		
Section / Article 20	0		
Section / Article 21	0		
Section / Article 22 (1) (a)	0		
Section / Article 22 (1) (b)	0		
Section / Article 22 (1) (c)	0		
Section / Article 22 (2)	0		
Section / Article 23 (a)	0		
Section / Article 23 (b)	0		
Section / Article 24	0		
Section / Article 25	0		
Section / Article 26	2		
Section / Article 27	3		
Section / Article 28	0		
IV Exclusions cited / Exclusions citées		IX Correction and notation / Corrections et mention	
Section / Article 69(1)(a)	0	Corrections requested / Corrections demandées	0
Section / Article 69(1)(b)	0	Corrections made / Corrections effectuées	0
Section / Article 70(1)(a)	0	Notation attached / Mention annexée	0
Section / Article 70(1)(a)	0		
Section / Article 70(1)(b)	0		
Section / Article 70(1)(c)	0		
Section / Article 70(1)(d)	0		
Section / Article 70(1)(e)	0		
Section / Article 70(1)(f)	0		

V Completion time / Délai de traitement		X Costs / Coûts	
30 days or under / 30 jours ou moins	48	Financial (all reasons) / Financiers (raisons)	
31 to 60 days / De 31 à 60 jours	0	Salary / Traitement	\$39,150
61 to 121 days / De 61 à 121 jours	1	Administration (O & M) / Administration (fonction et maintien)	\$5,800
121 days or over / 121 jours ou plus	0	Total	\$44,950
		Full Time Equivalents (FTE) / Equivalents temps plein (ETP)	1.0