



# 1997-1998 Annual Report

on the

*Access to Information Act*

and the

*Privacy Act*

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## **1. About the Organization**

### **(i) 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. The President of the Treasury Board heads this committee.

As the administrative arm of the Treasury Board, the Secretariat has a dual mandate: to support the Treasury Board as a committee of ministers and to fulfil the statutory responsibilities of a central government agency. It is headed by a Secretary-Comptroller General who reports to the President of the Treasury Board.

The Secretariat recommends and provides advice to the Treasury Board on policies, directives, regulations, and program expenditure proposals with respect to the management of the government's financial, human, and material resources. The Treasury Board and its Secretariat (TBS) perform a strategic and results-oriented management role across the federal public sector within the context of established legislated roles and responsibilities.

The main areas of activity in the central administration cover the following: Resource Planning and Expenditure Management; Comptrollership; Information Technology and Information Management; Human Resources Management; and Canada Infrastructure Works.

### **(ii) Process**

The Access to Information and Privacy Coordinator, who is also the Executive Director of Ministerial and Executive Services (MES), has delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Treasury Board Secretariat and to ensure compliance with the legislation. In so doing, the Access to Information and Privacy (ATIP) unit within MES 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 ATIP unit acts as a resource 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 a Senior Analyst within the ATIP unit and then forwarded to the responsible program area(s). The program officer(s) responsible gather(s) the existing requested information. The

records are then forwarded to the ATIP unit, along with any fee estimates and a recommendation as to the release of the information. The Senior Analyst then thoroughly reviews the relevant records and recommends disclosure or exemptions/exclusions to the Coordinator. The requestor is informed and provided access to all releasable records.

### **(iii) Information Holdings**

A description of the classes of institutional records held by the Treasury Board Secretariat can be found in the 1997-1998 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 on the Internet at <http://www.tbs-sct.gc.ca/infosource>.

### **(iv) Reading Room**

A 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:

L'Esplanade Laurier, East Tower, 11th Floor  
140 O'Connor Street  
Ottawa, Ontario K1A 0R5  
Telephone Number: (613) 995-5877.

## **2. Report on the Access to Information Act**

### **(i) Requests under the Act**

During the reporting period, April 1, 1997 to March 31, 1998, the Secretariat received a total of 115 new requests under the *Access to Information Act*. Ten (10) requests were carried over from 1996-97. This represents an increase of 20 requests (21%) over the 1996-97 period in which 95 new requests had been received.

Of these 115 new requests, 23 (20%) requests were either transferred or re-directed to other federal institutions or could not be processed. A total of 92 requests were for TBS records.

During this same period, the Secretariat also responded to 66 consultations from other departments regarding ATI requests involving TBS records or issues.

The general public is the largest access client group of the TBS. During the 1997-98 reporting period, 84 (73%) of the 115 requests were received from the general public.

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, performance pay, health care, pension benefits, employment equity, contracts, audits, home sale assistance plan, linguistic requirements, polls reports and compensation. As well, information was requested on general management policies and directives: contracting, harassment and classification standards. Requests for Canada Infrastructure Works Program records were received with respect to the projects and monies spent.

## **(ii) Disposition of Completed Requests**

There were 98 requests completed in 1997-98. Of the 27 outstanding requests carried forward to the 1998-99 fiscal year, seven 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:

- 31 fully disclosed (32%);
- 24 partially disclosed (25%);
- 14 provided information on an informal basis (14%);
- 2 exempted in entirety (2%);
- 1 excluded in entirety (1%);
- 8 transferred to another institution (8%)
- 3 abandoned by applicants (3%); and
- 15 could not be processed (15%).

In 71% of the completed cases, information was released.

## **(iii) Completion Time and Extensions**

In 11 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, ten extensions were for a period of 30 days or less.

The 98 requests in 1997-98 were completed in the following timeframes:

- 44 within 30 days or less (45%);
- 27 within 31 to 60 days (28%);
- 20 within 61 to 120 days (20%); and
- 7 took 121 days or over (7%).

#### **(iv) Exemptions Invoked**

The Secretariat invoked exemptions under the *Act* a total of 62 times, as follows:

- 4 under S. 13 exempting records obtained in confidence;
- 3 under S. 14 exempting records injurious to federal-provincial affairs
- 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 exempting records related to law enforcement and investigations
- 2 under S. 18 exempting records expected to prejudice the economic interests of Canada;
- 13 under S. 19 exempting records containing personal information;
- 16 under S. 20 exempting records containing third party information;
- 16 under S. 21 exempting records containing information relating to the internal decision-making processes of government; and
- 6 under S. 23 exempting records related to solicitor-client privilege.

#### **(v) Exclusions Cited**

Exclusions were invoked 17 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, it controls 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.

#### **(vi) Complaints and Investigations**

Treasury Board Secretariat clients filed 16 new complaints with the Information Commissioner in 1997-98, as follows:

- 6 related to delays in processing;
- 5 related to delays in processing and exemptions; and
- 5 concerned the exempting of information.

During this fiscal year, 21 complaint investigations were completed and the conclusions were as follows:

- all delay complaints were resolved;
- 3 exemption complaints were not substantiated; and
- 3 exemption complaints were resolved.

As of March 31, 1998, three on-going complaints remain under investigation, one of which was initiated in 1996-97.

### **(vii) Fees**

During the reporting period, the total fees collected amounted to \$637.40: \$420 for application fees and \$217.40 for preparation costs.

### **(viii) Costs**

During 1997-98, an estimated \$109,140 in salary costs and \$20,000 in administrative costs were incurred by the ATIP Unit to administer the *Access to Information Act* and the *Privacy Act*.

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

## **3. Report on the *Privacy Act***

### **(i) Requests under the Act**

During the reporting period, April 1, 1997 to March 31, 1998, the Secretariat received a total of 60 new requests under the *Privacy Act*. Two (2) requests were carried over from 1996-97. This represents an increase of nine requests (17%) over the 1996-97 period in which 51 new requests had been received.

Of these 60 new requests, 30 requests (50%) were transferred or re-directed to other federal institutions, and 30 requests were for TBS records.

During this same period, the Secretariat also responded to two consultations from other departments regarding Privacy requests involving TBS records or issues.

The privacy client group for TBS consists, for the most part, of current and former federal public servants. Most of the requests relate to personnel issues involving Treasury Board as the employer on matters such as pension, grievances and adjudication hearings.

Only one request for correction/annotation was received and completed during this period.

## **(ii) Disposition of Completed Requests**

There were 59 requests completed in 1997-98 and three were carried forward to the 1998-99 fiscal year.

The disposition of the completed requests was as follows:

- 10 fully disclosed (17%);
- 5 partially disclosed (9%);
- 30 transferred or re-directed to another institution (50%); and
- 14 could not be processed (24%).

In 25% of the completed cases, personal information was released.

## **(iii) Completion Time and Extensions**

The 59 requests completed in 1997-98 were in the following timeframes:

- 51 within 30 days or less (86%);
- 6 within the 31 to 60 day period (10%); and
- 2 within the 61 to 121 day period (4%).

## **(iv) Exemptions Invoked and Exclusions Cited**

The Secretariat invoked exemptions under the Act a total of 6 times, as follows:

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

The Secretariat did not invoke any exclusion under the Act.

## **(v) Complaints and Investigations**

Secretariat clients filed three new complaints related to the denial of access with the Privacy Commissioner in 1997-98.



During this fiscal year, the Privacy Commissioner completed a total of 68 investigations, 65 which were initiated during the period from December 1995 to May 1996 and related to a common issue. All were deemed not well-founded. As for the remainder of the complaints, two were resolved and one was well-founded.

As of March 31, 1998, only two complaints remain unresolved and, therefore, were carried over.

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

No request for disclosure of personal information to an investigative body was processed by the Secretariat during the 1997-98 reporting period.

**(vii) Costs**

During 1997-98, an estimated \$109,140 in salary costs and \$20,000 in administrative costs were incurred by the ATIP Unit to administer the *Access to Information Act* and the *Privacy Act*.

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

# Annex A

## REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Treasury Board of Canada Secretariat				Reporting period / Période visée par le rapport 97.04.01 - 98.03.31	
Source →	Media / Médias 5	Academia / Secteur universitaire 0	Business / Secteur commercial 14	Organization / Organisme 12	Public 84

<b>I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information</b>	
Received during reporting period / Reçues pendant la période visée par le rapport	115
Outstanding from previous period / En suspens depuis la période antérieure	10
<b>TOTAL</b>	<b>125</b>
Completed during reporting period / Traitées pendant la période visées par le rapport	98
Carried forward / Reportées	27

II Disposition of requests completed / Disposition à l'égard des demandes traitées					
1.	All disclosed / Communication totale	31	6.	Unable to process / Traitement impossible	15
2.	Disclosed in part / Communication partielle	24	7.	Abandoned by applicant / Abandon de la demande	3
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8.	Treated informally / Traitement non officiel	14
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	2	TOTAL		98
5.	Transferred / Transmission	8			

<b>III Exemptions invoked / Exceptions invoquées</b>							
S. Art. 13(1)(a)	1	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	5
(b)	0	(b)	0	(c)	1	(b)	6
(c)	2	(c)	0	(d)	0	(c)	2
(d)	1	(d)	1	S. Art. 19(1)	13	(d)	3
S. Art. 14	3	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	1	S. Art. 16(3)	0	(b)	7	S. Art. 23	6
Defence / Défense	0	S. Art. 17	0	(c)	7	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	1	(d)	2	S. Art. 26	0

<b>IV Exclusions cited / Exclusions citées</b>			
S. Art. 68(a)	0	S. Art. 69(1)(c)	2
(b)	0	(d)	1
(c)	0	(e)	3
S. Art. 69(1)(a)	5	(f)	1
(b)	0	(g)	5

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	44
31 to 60 days / De 31 à 60 jours	27
61 to 120 days / De 61 à 120 jours	20
121 days or over / 121 jours ou plus	7

<b>VI Extensions / Prorogations des délais</b>		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	7	1
Third party / Tiers	3	0
<b>TOTAL</b>	<b>10</b>	<b>1</b>

<b>VII Translations / Traduction</b>	
Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	53
Examination / Examen de l'original	2
Copies and examination / Copies et examen	0

<b>IX Fees / Frais</b>			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$420.00	Preparation / Préparation	0
Reproduction	\$217.40	Computer processing / Traitement informatique	0
Searching / Recherche	0	<b>TOTAL</b>	<b>\$637.40</b>
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		22	<b>\$110.00</b>
Over \$25.00 / De plus de 25 \$		1	<b>\$51.80</b>

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	<b>\$81 294.00</b>
Administration (O and M) / Administration (fonctionnement et maintien)	<b>\$14 800.00</b>
<b>TOTAL</b>	<b>\$96 094.00</b>
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	<b>2.0</b>



# REPORT ON THE PRIVACY ACT

## RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution Treasury Board of Canada Secretariat		Reporting period / Période visée par le rapport 97.04.01 - 98.03.31	
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<b>I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels</b>	
Received during reporting period / Reçues pendant la période visée par le rapport	60
Outstanding from previous period / En suspens depuis la période antérieure	2
<b>TOTAL</b>	62
Completed during reporting period / Traitées pendant la période visée par le rapport	59
Carried forward / Reportées	3

  

<b>II Disposition of request completed / Disposition à l'égard des demandes traitées</b>	
1. All disclosed / Communication totale	10
2. Disclosed in part / Communication partielle	5
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4. Nothing disclosed (exempt) / Aucune communication (exemption)	0
5. Unable to process / Traitement impossible	14
6. Abandoned by applicant / Abandon de la demande	0
7. Transferred / Transmission	30
<b>TOTAL</b>	59

  

<b>III Exemptions invoked / Exceptions invoquées</b>	
S. Art. 18(2)	0
S. Art. 19(1)(a)	0
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	4
S. Art. 27	2
S. Art. 28	0

  

<b>IV Exclusions cited / Exclusions citées</b>	
S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

  

<b>V Completion time / Délai de traitement</b>	
30 days or under / 30 jours ou moins	51
31 to 60 days / De 31 à 60 jours	6
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	0

  

<b>VI Extentions / Prorogations des délais</b>		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	
Consultation	0	
Translation / Traduction	0	0
<b>TOTAL</b>	0	0

  

<b>VII Translations / Traductions</b>	
Translations requested / Traductions demandées	0
Translations prepared / English to French / De l'anglais au français	0
Traductions préparées / French to English / Du français à l'anglais	0

  

<b>VIII Method of access / Méthode de consultation</b>	
Copies given / Copies de l'original	15
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

  

<b>IX Corrections and notation / Corrections et mention</b>	
Corrections requested / Corrections demandées	1
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	1

  

<b>X Costs / Coûts</b>	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$27846.00
Administration (O and M) / Administration (fonctionnement et maintien)	\$5200.00
<b>TOTAL</b>	\$33046.00
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	1

