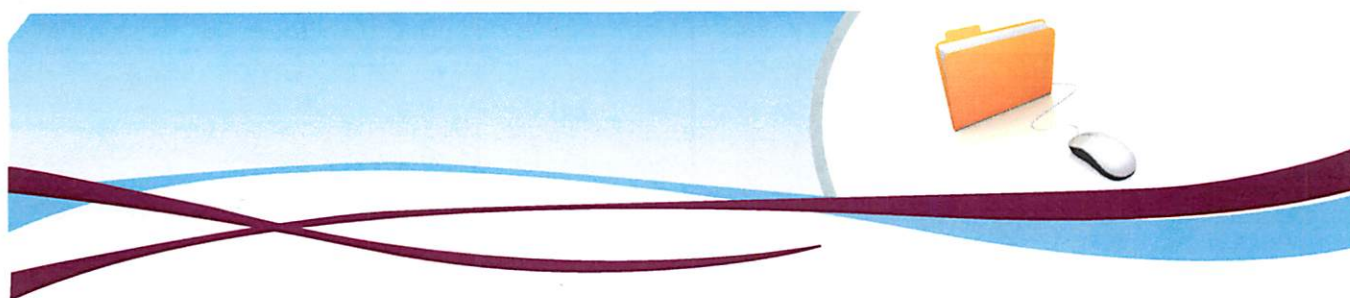




Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission



Annual Report

Access to Information

2009 / 2010



www.crtc.gc.ca

Canada 

June 30, 2010

The Honourable James Moore
Minister of Canadian Heritage
and Official Languages
15 Eddy Street
Gatineau, Quebec
K1A 0M5

Dear Minister:

In accordance with the provisions of Section 72 of the *Access to Information Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2010 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'R. Morin', with a large, stylized initial 'R'.

Robert A. Morin
Secretary General

Access to Information & Privacy Coordinator
CRTC

Les Terrasses de la Chaudière
1, Promenade du Portage
Central Building,
Hull, Quebec
(819) 997-4274

mailing address:
Ottawa, Ontario
K1A 0N2

or

Toll free 1-877-249-2782
TTY – Toll free 1-877-909-2782
Tel: (819) 997-0313
TTY – (819) 994-0423
Internet Address: <http://www.crtc.gc.ca>

Catalogue no. BC9-5/1-2010E-PDF
ISBN 978-1-100-16463-2

Table of Contents

Introduction.....	4
CRTC Mandate and Responsibilities	4
Objectives.....	4
Administration.....	5
Education and training	5
Information holdings	5
Reading room	6
Requests under the Access to Information Act	6
Other requests.....	7
Disposition of completed requests	7
Completion time and extensions.....	7
Exemptions invoked.....	8
General disposition	8
Complaints, investigations and federal court cases.....	9
Costs	9
Statistical Report on the Access to Information Act.....	9

Appendices:

- A. Delegation Order
- B. Statistical Report

Introduction

The *Access to Information Act* (the *Act*) gives the right to have access to federal government records. The *Act* complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

CRTC Mandate and Responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC) is an independent public authority and reports to Parliament through the Minister of Canadian Heritage.

The CRTC mandate is to regulate and supervise the broadcasting and telecommunications industries in accordance with the policy objectives set out in sections 3 and 5 of the *Broadcasting Act* and in section 7 of the *Telecommunications Act*.

The *Broadcasting Act* seeks to ensure that all Canadians have access to a wide variety of high-quality Canadian programming.

The *Telecommunications Act* seeks to ensure, among other things: that increased reliance on market forces for the provision of telecommunications services is fostered; that regulation, where required, is efficient and effective; and that Canadians have access to reliable telephone and other telecommunications services at reasonable prices.

Objectives

In carrying out its responsibilities in both broadcasting and telecommunications, the CRTC must act in the public interest consistent with the statutes under which it operates. Through its public proceedings the CRTC ensures its sensitivity and responsiveness to the public. The CRTC makes sure to incorporate public input into its policy formulation. Participation by Canadian citizens in our public proceedings is considered very important.

Complaints of a broadcasting nature received by the CRTC are generally forwarded to the specific licensee for response and are then placed on each licensee's public file prior to the public hearing at which their licence renewal application is considered, with the exception of those complaints that are resolved through the Canadian Broadcast Standards Council (CBSC). Anyone can consult these files upon request.

Complaints of a telecommunications nature should be directed to the telephone company directly. If not satisfied, complainants may file a complaint with the Commissioner for Complaints for Telecommunications Services (CCTS) if their service provider is a member, or with the CRTC where appropriate.

The CRTC web site (<http://www.crtc.gc.ca>) offers public access to public documents related to public proceedings, including Notices of consultation, Decisions, Information Bulletins, Orders and Regulatory Policies.

All public documents are also available for viewing in the Documentation Centre at CRTC headquarters in Gatineau or at the Regional offices in Vancouver, Winnipeg, Dartmouth, Regina, Toronto, Montréal and Edmonton.

Administration

The Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Technologies Directorate. The ATIP Office currently has two employees. Their functions are shared between the fulfillment of the CRTC's obligations under the *Access to Information Act and the Privacy Act* as well as the management of information policies at the CRTC.

The Secretary General and the ATIP Coordinator have delegated authority to oversee the administration of the *Act* within the CRTC and to ensure compliance with the legislation. Copies of the Delegation Order can be found at Appendix A.

New internal guidelines and procedures were developed in the course of the 2009-2010 reporting period. For example, the new procedures detail how requests that span multiple sectors are handled and the manner in which internal consultations are held. The procedures also require sign-off at the sector-head level on each return of records to the ATIP office as well as when there are no records returned for a particular request. Search time fees are now applied when the search time exceeds 5 hours as specified in the *Access To Information Regulations*. Guidelines have been developed to assist Commission staff in producing estimates of the search time and volume of records so that a fees assessment can be submitted to the requesters in advance. A Status Report form has been developed to ensure that important information is communicated upfront to the ATIP office and to ensure that the proper actions are taken at the right time and that no time is lost in the course of processing the requests.

Education and training

During 2009–2010, two training sessions were offered to 27 employees, providing them with an overview of the *Act* and a better understanding of their obligations and the process within the CRTC. Upon request, informal information sessions were also given to Commission staff on the ATIP process and roles & responsibilities as well as various Information Management (IM) considerations.

Information holdings

A description of the Specific Classes of Records held by the CRTC can be found in the following publication for 2009, *Info Source: Sources of Federal Government Information*. The CRTC does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament as well as on the Internet at <http://www.infosource.gc.ca>.

Reading room

The Documentation Centre has been designated under Section 71 of the *Act* as the official reading room for Access to Information purposes. Arrangements may also be made to view documents in any of the Regional Offices. The CRTC Documentation Centre is located at:

Les Terrasses de la Chaudière
Central Building
Documentation Centre
1 Promenade du Portage, 2nd Floor
Gatineau, Quebec

Requests under the Access to Information Act

During the reporting period from April 1, 2009 to March 31, 2010, the CRTC received a total of 77 new requests under the *Act*. This represents an increase of 19 requests (or 33 %) over last year. A total of 13 requests were carried forward from 2008-2009 and a total of 3 requests were carried forward to 2010-2011. Consequently, a total of 87 requests were processed during the year.

Of the 87 requests processed, one was transferred to another federal institution, sixteen could not be processed (no records meeting the criteria established in the requests) and six were abandoned by the applicants.

The largest access client group was the public. Of the 77 requests received during the current period, 35 came from this group.

The substance of the requests covered a wide range of broadcasting and telecommunications matters processed by the CRTC including information on the following topics:

- Administration of the National Do Not Call List
- Implementation of the Wireless Phase II enhanced 911
- Administration of the Local Programming Improvement Fund (LPIF)
- "Fee for Carriage" or "Value for Signal" regime to provide adequate compensation to OTA Television licenses
- Local programming and community-access programming
- Copyright reform
- *Electronic Commerce Protection Act*
- Foreign ownership and Globalive's entry into market

Requests were also received asking for financial information filed in the context of Annual Returns, information on complaints filed with the CRTC, research papers on

various topics, information relating to policy issues and information on various types of expenses incurred within the Commission.

During the period, an amount of \$359.20 in reproduction fees was collected. No fees were collected for searching and preparation costs. A total of 39 requesters wanted copies of the information requested, while one chose to examine the information and select specific copies.

Other requests

During the same period, the CRTC received 11 *Access to Information Act* consultation requests from other departments.

The ATIP Office also processed 6 informal requests that were not treated under the *Act*; the information requested was either already available for public viewing or there was no information matching the criteria of the requester.

Additionally, the ATIP Office acted as a resource for CRTC officials and offered advice and guidance on the provisions of the legislation.

Disposition of completed requests

In 2009-2010, 87 requests were completed. The disposition of the completed requests was as follows:

- 12 were fully disclosed
- 28 were disclosed in part
- 2 were excluded in their entirety
- 16 were exempted in their entirety
- 1 was transferred
- 16 could not be processed
- 6 were abandoned by applicants; and
- 6 were treated informally

Completion time and extensions

The 87 requests completed in 2009-2010 were processed in the following time frames:

- 40 within 30 or fewer days
- 10 within 31 to 60 days
- 25 within 61 to 120 days
- 12 within 121 days or over

Of the 87 requests, 58 were completed within allowable time limits. Extension of the completion time for 41 requests was necessary due to an increase of 19 requests over the last reporting period, the departure of two employees, the completion of staffing

actions and training of a new employee in the ATIP office and the amount of time consumed by page-by-page review of a large number of records.

Exemptions invoked

The CRTC invoked the following exemptions under the Act:

- 1 time under section 16(1)b), exempting records containing information relating to investigative techniques or plans for specific lawful investigations;
- 1 time under section 16(1)c), exempting records containing information the disclosure of which could interfere with law enforcement or the conduct of lawful investigations;
- 1 time under section 16(2), exempting records containing information the disclosure of which could constitute a security risk;
- 1 time under section 18b), exempting records containing information the disclosure of which could prejudice the competitive position of a government institution;
- 21 times under section 19, exempting records containing personal information;
- 7 times under section 20(1)(a), exempting records containing third-party trade secrets;
- 14 times under section 20(1)(b), exempting records containing third-party confidential business information;
- 11 times under section 20(1)(c), exempting records containing third-party business information the disclosure of which could prejudice the competitive position of a third party;
- 2 times under section 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 16 times under section 21(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 15 times under section 21(b), exempting records containing information relating to the internal decision-making processes of government, i.e., accounts of consultations or deliberations;
- 8 times under section 21(c), exempting records containing information relating to the internal decision-making processes of government, i.e., positions and plans;
- 9 times under section 23, exempting records related to solicitor-client privilege; and,
- 4 times under section 24, exempting information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II of the *Act*.

General disposition

Section 68 (a) of the Act was invoked in two instances. The Act does not apply to published material or material available for purchase by the public.

Complaints, investigations and federal court cases

Four complaints which were filed in 2006-2007 with respect to the application of the exemptions have been carried forward to 2010-2011, as well as one complaint filed in 2008-2009 and seven complaints filed in 2009-2010 all concerning application of the exemptions. Two complaints received in 2009-2010 regarding the time extensions were resolved within the reporting period.

There were no court cases for 2009-2010.

Costs

During 2009-2010, the ATIP Office incurred an estimated \$119,278 in salary costs and \$67,830 in administrative costs to administer the *Act*.

Included in the administrative costs, is an amount of \$41,580 which was spent on Temporary Help while the ATIP Coordinator position was being re-staffed.

These costs do not include the resources expended by the program areas of the CRTC to meet the requirements of the *Act*.

Statistical Report on the Access to Information Act

The report can be found at Appendix B.

Appendix A: Delegation Order

Access to Information Act Delegation Order

I, the undersigned, Chairman of the Canadian Radio-Television and Telecommunications Commission (CRTC), pursuant to section 73 of the **Access to Information Act***, hereby designate the person or persons holding the position or positions set out in the schedule hereto to exercise and perform the powers, duties and functions of the Chairman, as the head of the government institution, under the sections of the Act set out in the attached schedule for each position.

This Delegation Order supersedes all previous Delegation Orders with respect to the CRTC, or any portion thereof.



Konrad von Finckenstein, QC
Chairman of the CRTC

JUL 27 2010

Date

*R.S.C. 1985, Ch. A-1

SCHEDULE

Access to Information Act Designation Order

Position	Sections of Access to Information Act
1. Secretary General	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(1), 13(2), 14, 15(1), 16(1), 16(2), 16(3), 17, 18, 18.1, 19, 20, 21, 22, 22.1, 23, 24(1), 25, 26, 27(1), 27(4), 28(1), 28(2), 28(4), 29, 33, 35(2), 37(1), 37(4), 43(1), 44(2), 52, 68, 69, 71(1), 71(2), 72, 77
2. ATIP Coordinator	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(2), 19, 20, 25, 26, 27(1), 27(4), 28(1), 28(4), 29, 33, 37(4), 43(1), 44(2), 68, 77

Appendix B: Statistical Report



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

Institution Conseil de la radiodiffusion et des télécommunications canadiennes / Canadian Radio-television and Telecommunications Commission			Reporting period / Période visée par le rapport 2009-04-01 à/à 2010-03-31		
Source	Media / Médias 6	Academia / Secteur universitaire 11	Business / Secteur commercial 20	Organization / Organisme 5	Public 35

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information	
Received during reporting period / Reçues pendant la période visée par le rapport	77
Outstanding from previous period / En suspens depuis la période antérieure	13
TOTAL	90
Completed during reporting period / Traitées pendant la période visée par le rapport	87
Carried forward / Reportées	3

II Disposition of requests completed / Disposition à l'égard des demandes traitées			
1. All disclosed / Communication totale	12	6. Unable to process / Traitement impossible	16
2. Disclosed in part / Communication partielle	28	7. Abandoned by applicant / Abandon de la demande	6
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	2	8. Treated informally / Traitement non officiel	6
4. Nothing disclosed (exempt) / Aucune communication (exemption)	16	TOTAL	87
5. Transferred / Transmission	1		

III Exemptions Invoked / Exceptions invoquées							
S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	1	S. Art. 21(1)(a)	16
(b)	0	(b)	1	(c)	0	(b)	15
(c)	0	(c)	1	(d)	0	(c)	8
(d)	0	(d)	0	S. Art. 19(1)	21	(d)	0
S. Art. 14	0	S. Art. 16(2)	1	S. Art. 20(1)(a)	7	S. Art. 22	0
S. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	14	S. Art. 23	9
Defence / Défense	0	S. Art. 17	0	(c)	11	S. Art. 24	5
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	2	S. Art. 26	0

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

V Completion time / Délai de traitement	
30 days or under / 30 jours ou moins	40
31 to 60 days / De 31 à 60 jours	10
61 to 120 days / De 61 à 120 jours	25
121 days or over / 121 jours ou plus	12

VI Extensions / Prorogations des délais		
	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	1	22
Consultation	0	0
Third party / Tiers	0	18
TOTAL	1	40

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

VIII Method of access / Méthode de consultation	
Copies given / Copies de l'original	39
Examination / Examen de l'original	0
Copies and examination / Copies et examen	1

IX Fees / Frais			
Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$385.00	Preparation / Préparation	\$0
Reproduction	\$359.20	Computer processing / Traitement informatique	\$0
Searching / Recherche	\$0	TOTAL	\$744.20
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		0	\$ 0
Over \$25.00 / De plus de 25 \$		0	\$ 0

X Costs Coûts	
Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 119,278
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 67,830
TOTAL	\$ 187,108
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	2.2

