



Government  
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du Canada

# **OFFICE OF THE REGISTRAR OF LOBBYISTS**



## **ACCESS TO INFORMATION ACT AND PRIVACY ACT**

**ANNUAL REPORT 2007-2008**

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Catalogue No. lu77-3/2008  
ISBN 978-0-662-05772-7

Aussi offert en français sous le titre Loi sur l'accès à l'information et Loi sur la protection des renseignements personnels - Rapport annuel 2007-2008, Bureau du directeur des lobbyistes.



# Table of Contents

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Preface.....	4
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## About the Organization

Recent History of the Office of the Registrar of Lobbyists.....	5
Responsibility for Information and Privacy Rights / Delegation of Authority.....	5
Introduction / Highlights.....	6
Fees.....	7
Information Holdings.....	7
Website.....	7
Reading Room.....	7

## Part I - Access to Information

Statistical Report.....	8
Education and Training Activities.....	8
Complaints and Appeals.....	8
Appeals to the Federal Court.....	9

## Part II- Privacy

Statistical Report.....	10
Complaints and Appeals.....	10
Appeals to the Federal Court.....	10
Data Matching and Sharing Activities.....	10

## Appendix I

Report on the <i>Access to Information Act</i> .....	11
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## Appendix II

Report on the <i>Privacy Act</i> .....	13
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## Preface

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The *Access to Information Act* and the *Privacy Act* (Revised Statutes of Canada 1985, Chapter A-1) were proclaimed on July 1, 1983. Therefore, this is the twenty-fourth year of operation of these two statutes.

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. The *Privacy Act* extends to individuals the right of access to information about themselves held by the government, again subject to specific and limited exceptions. The law also protects the individual's right to privacy by preventing others from having access to personal information and gives individuals substantial control over its collection and use.

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the Treasury Board Secretariat's portfolio as an independent department for purposes of the *Financial Administration Act*. This report therefore covers the ORL's second full fiscal year of operation under the *Access to Information Act* and *Privacy Act*.

Section 72 of both the *Access to Information Act* and *Privacy Act* requires that the head of every government institution prepare for submission to Parliament an annual report on the administration of these acts within the institution during each financial year. This annual report is intended to describe how the ORL fulfilled its responsibilities under each of these acts, from April 1, 2007, to March 31, 2008.

## ABOUT THE ORGANIZATION

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### Recent History of the Office of the Registrar of Lobbyists

In May of 2004, the *Lobbyists Registration Act* was amended by Bill C-4, *An Act to Amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and Other Acts in Consequence*, Statutes of Canada, as S.C. 2004, c. 7, which created the new positions of Ethics Commissioner and Senate Ethics Officer. The function of Registrar of Lobbyists remained within Industry Canada until February 6, 2006.

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the Treasury Board portfolio as an independent department for purposes of the *Financial Administration Act*. On December 12, 2006, the *Federal Accountability Act*, also known as Bill C-2, which amends the *Lobbyists Registration Act* (LRA) and other statutes, received Royal Assent, as S.C. 2006, c. 9. The modified LRA, to be renamed the *Lobbying Act* (LA), is scheduled to come into force simultaneously with its new regulations on July 2, 2008. The *Lobbying Act* will create the position of Commissioner of Lobbying, who will report directly to Parliament. The Commissioner will have increased powers of investigation and an education mandate. The changes also include a five-year prohibition on lobbying by former designated public office holders, the obligation for lobbyists to report prescribed communications with designated public office holders on a monthly basis, and a prohibition on the payment of contingency fees to lobbyists and the receipt of these fees by lobbyists.

### Responsibility for Information and Privacy Rights

The President of the Treasury Board has delegated authority to exercise full powers under the *Access to Information Act* and the *Privacy Act* to the Registrar of Lobbyists and to the ORL's Access to Information and Privacy (ATIP) Coordinator.

The ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to manage the organization's compliance with the above Acts. The Coordinator makes decisions on the disposition of access requests; promotes awareness of the legislation to ensure organizational responsiveness to the obligations imposed on the government; monitors and advises on compliance with the Acts, regulations, procedures and policies; and acts as spokesperson for the organization in dealings with the Treasury Board Secretariat, the Information and Privacy Commissioners, and other government departments and agencies.

The ATIP Coordinator is responsible for conducting consultations with other governments within Canada and other federal organizations. Under the LRA, and in the future under the LA, the ORL collects information from registrants and lobbyists. Disclosures filed by registrants are accessible on its Web site at: [www.orl-bdl.gc.ca](http://www.orl-bdl.gc.ca). In the event of requests for information related to possible administrative reviews and investigations conducted under the *Lobbyists' Code of Conduct*, the ORL will undertake appropriate notification and consultation procedures with interested parties before disclosing any records. The ORL will, on occasion, convey personal information to federal investigative agencies in keeping with the provisions of the *Privacy Act*. The Coordinator is the point of contact on issues involving the collection of personal information and privacy.

# ANNUAL REPORT 2007-2008

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## Introduction / Highlights

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Therefore, this is the ORL's third annual report as a separate department. During this period, the ORL received a total of five requests under the *Access to Information Act*; however, the ORL did not receive any requests under the *Privacy Act*.

Of the five requests submitted to the ORL under the *Access to Information Act*, two originated from the media and were treated formally, the other three came from the public and were treated informally. Concerning the three requests from the public, the three \$5 application fees were returned to each of the requesters.

The ORL invoked subsection 68(a), concerning published material or material available for purchase by the public for one of its request from the media. With respect to the other request from the media, the ORL was unable to process the request, since the documents were not found.

Concerning the three requests that came from the public, Subsection 68(a) of the Act was also invoked for all three of the requests, as the information was already publicly available. In one case, a letter was sent to the requester explaining how to use the search feature in the Public Registry of Lobbyists.

The usual application fees totalling \$10 were cashed for the two requests that were treated formally. The ORL spent a total of \$7,309.00 on costs associated the ATIA and utilized approximately 0.04 person years towards its implementation.

One complaint was received by the ORL through the Office of the Information Commissioner during the previous period. The complaint was related to a request under the *Access to Information Act*, which was initially received in 2005, when the ORL was still part of Industry Canada. The complainant alleged that the exclusion invoked by the ORL, concerning subsection 68(a) of the Act, was not properly applied. The investigation by the Commissioner's Office is in progress. The ORL has learned that there is an additional complaint that was lodged with the Commissioner's Office concerning a similar case received from the media in 2007-2008, as described previously above.

A significant and impending change pursuant to the *Lobbying Act*, scheduled to come into force on July 2, 2008, is the obligation for lobbyists to report communications with designated public office holders on a monthly basis and published on the Office of the Commissioner of Lobbying's (OCL's) Web site. The ORL completed a Preliminary Privacy Impact Assessment (PPIA) concerning this new obligation, to assess the need for a complete Privacy Impact Assessment (PIA). The ORL subsequently concluded that a PIA was not required, and informed the Office of the Privacy Commissioner to that effect. The Commissioner's Office subsequently agreed with the ORL's conclusion, that there will not be any significant privacy risk and that a PIA is not required.

## **Fees**

The *Access to Information Act* (ATIA) 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 ATIA, no fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure. No fees are applicable under the *Privacy Act*.

The *Access to Information Act* permits the waiving of fees when deemed to be in the public interest. In accordance with Treasury Board guidelines, the ORL will consider waiving fees under \$25.

For fees over \$25, the organization will examine fee waiver requests on a case-by-case basis. In considering such requests, the organization will take into account costs in processing each access application and the degree of public benefit to be derived from the release of the accessible information.

## **Information Holdings**

The ORL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided on a timely basis for inclusion in the *Info Source* publications.

The *Info Source* publications contain a description of the classes of institutional records held by the ORL. The ORL does not have any exempt banks. For 2007-2008, information may be found in the following publications:

*2007–2008 Info Source — Sources of Federal Government Information*

*2007–2008 Info Source — Sources of Federal Employee Information*

*Info Source* can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's Web site at: <http://www.infosource.gc.ca>

## **ORL Web site**

Address: [www.orl-bdl.gc.ca](http://www.orl-bdl.gc.ca). This site allows the user to access and search the Registry of Lobbyists, as well as to obtain reports and other information on lobbying. It also contains links to various organizations of interest.

## **Reading Room**

A reading room is available at the ORL's office, situated on the 10<sup>th</sup> Floor at 255 Albert Street, Ottawa, Ontario, Canada K1A 0R5.

## **Part I - ACCESS TO INFORMATION**

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### **Statistical Report**

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Thus, as of that date, the ORL became subject to the same reporting requirements as any other government institution named in Schedule I (Section 3) of the *Access to Information Act* (ATIA), with respect to the preparation of an annual report, which may be found in Appendix I. In 2007-2008, the third year in which the ORL prepared an annual report, there were five requests submitted under the ATIA.

Of the five requests submitted to the ORL under the ATIA, two originated from the media, the other three came from the public. The ORL invoked one exception under subsection 68(a), concerning published material or material available for purchase by the public for one of its request from the media. With respect to the other request from the media, the ORL was unable to process the request, since the documents did not exist.

The three requests that were received from the public were treated informally and the three \$5 application fees were returned to each of the requesters. Subsection 68(a) of the Act was invoked for all three of the requests, as the information was already publicly available. In one case, a letter was sent to the requester explaining how to use the search feature in the Public Registry of Lobbyists.

The usual application fees totalling \$10 were cashed for the two requests that were treated formally. The ORL spent a total of \$7, 309.00 on costs associated the ATIA and utilized approximately 0.04 person years towards its implementation.

### **Education and Training Activities**

This fiscal year, the ORL adopted a new software system to track requests and process documents efficiently and began training the ORL's ATIP Coordinator and ATIP Advisor in its use. The ORL plans to train at least one more individual in its use. The annual costs associated with renting the software system have been included in Section X, in the Statistical Report under: Administration: "Operations and Maintenance" (O and M).

The ATIP Advisor analyses and processes the ORL's ATIP requests, and provides advice to the ATIP Coordinator, who is also the Director of Operations and is ultimately responsible for each request. The ATIP Advisor attended five Access to Information and Privacy Information Sessions offered by Treasury Board Secretariat during the year, that covered various provisions contained in the *Access to Information Act* and the *Privacy Act*.

### **Complaints and Appeals**

One complaint was received by the ORL through the Office of the Information Commissioner during the previous period. The complaint was related to a request under the *Access to Information Act*, which was initially received in 2005, when the ORL was still part of Industry Canada. The ORL was named as the government institution that is the subject of the investigation, essentially transferring the complaint from Industry Canada to the ORL. The



complainant alleged that the exclusion invoked by the ORL was not properly applied. The investigation by the Commissioner's Office is in progress.

The ORL was recently advised that a similar complaint was lodged with the Commissioner's Office that is related to one of the media requests the ORL received during the year.

### **Appeals to the Federal Court**

There were no appeals filed during the above period.

## Part II - PRIVACY

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### Statistical Report

On February 6, 2006, the Office of the Registrar of Lobbyists (ORL) was transferred from Industry Canada to the portfolio of the President of the Treasury Board, as an independent department for purposes of the *Financial Administration Act*. Thus, as of that date, the ORL is subject to the same reporting requirements as any other government institution named in Section 3 of the Schedule to the *Privacy Act*, with respect to the preparation of an annual report, which may be found in Appendix II. In 2007-2008, as in the first two years in which the ORL prepared an annual report, there were no requests received under the *Privacy Act*.

A significant and impending change pursuant to the *Lobbying Act*, scheduled to come into force on July 2, 2008, is the obligation for lobbyists to report, on the ORL's Web site, communications with designated public office holders on a monthly basis. In accordance with the Treasury Board Secretariat's (TBS) directive concerning this new obligation, the ORL performed a Preliminary Privacy Impact Assessment (PPIA) by filling out a TBS questionnaire, to assess the need for a Privacy Impact Assessment (PIA). The ORL subsequently concluded that a PIA was not required, and informed the Office of the Privacy Commissioner to that effect. The Commissioner's Office replied at the end of the fiscal year and concurred with the ORL's conclusion and that there is no significant privacy risk. As an added precaution, the Lobbyists Registry will contain a note warning against users volunteering any private information.

The following table illustrates the ORL's PPIA and PIA statistics for the period of 2007-2008:

Number	Preliminary Privacy Impact Assessments / Privacy Impact Assessments
0	PPIAs initiated;
1	PPIAs completed;
0	PIAs initiated;
0	PIAs completed;
0	PIAs forwarded to the Office of the Privacy Commissioner (OPC); and
0	PIA summaries posted on the ORL's Web site.

### Complaints and Appeals

There were no complaints or appeals during the above period.

### Appeals to the Federal Court

There were no appeals filed during the above period.

### Data Matching and Sharing Activities

There were no data matching or sharing activities undertaken during the above period.

**APPENDIX I - 2007-2008 REPORT ON THE  
*ACCESS TO INFORMATION ACT***



## **APPENDIX II - 2007-2008 REPORT ON THE *PRIVACY ACT***