



Defence Construction Canada
Construction de Défense Canada



DEFENCE CONSTRUCTION (1951) LIMITED

Annual Report

on the *Access to Information Act*

April 1, 2012 - March 31, 2013

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Report on the *Access to Information Act*

Introduction

The *Access to Information Act* (hereafter the “*ATIA*”) gives Canadian citizens, as well as individuals and corporations present in Canada, the right to access federal government records that are not of a personal nature. The public’s right of access to information is balanced against the legitimate need to protect sensitive information and to permit effective functioning of government, while promoting transparency and accountability in government institutions.

The *ATIA* complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way access to government information normally available to the public upon request.

Section 72 of the *ATIA* requires the head of every government institution to submit an annual report to Parliament on the administration of the *ATIA* during the fiscal year. This Annual Report provides a summary of the management and administration of the *ATIA* within Defence Construction (1951) Limited (DCC) for the fiscal year 2012-2013.

Mandate of DCC

DCC’s mission is to deliver and maintain infrastructure and environmental projects and services, and provide full lifecycle infrastructure support, required for the defence of Canada. DCC is an agent of the Crown incorporated for the purpose of carrying out the procurement for and delivering of defence infrastructure projects. The *Defence Production Act* defines a defence contract as a contract with an agent of Her Majesty that in any way relates to defence projects or to the designing, manufacturing, producing, constructing, finishing, assembling, transporting, repairing, maintaining, servicing or storing of or dealing in defence projects. DCC’s Letters Patent permit DCC to take on, lease, or in exchange, procure, purchase or otherwise acquire, construct, alter, renovate, add to, improve, and to hold, manage, maintain, operate, supervise, repair, heat, sell, salvage, realize or otherwise dispose of real and personal property—and in particular, lands and buildings. DCC reports to Parliament through the Minister of Public Works and Government Services.

DCC’s Access to Information and Privacy Office

DCC’s Access to Information and Privacy (ATIP) Office is accountable for the development and implementation of effective policies, guidelines, systems, and procedures to ensure that DCC meets its responsibilities under the *ATIA* and the *Privacy Act*.

The main activities of the ATIP Office include:

- monitoring compliance with the acts, regulations, and relevant procedures and policies;
- processing requests under both acts;
- developing and maintaining policies, procedures, and guidelines to ensure that DCC respects the acts;
- promoting awareness of the acts within DCC to ensure that employees are aware of their responsibilities;

- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- representing DCC in dealings with the Treasury Board of Canada Secretariat (TBS), the information and privacy commissioners, and other government departments and agencies to determine how the acts apply to DCC; and
- helping DCC meet its commitments to ensure openness and transparency, through proactive and informal disclosure of information.

The ATIP Office is composed of the ATIP Coordinator and one administrative assistant.

Delegation of Authority

Pursuant to section 73 of the *ATIA*, the President's authority has been delegated to enable the Corporation in meeting its legislated requirements. The President delegated his powers and duties to the ATIP Program Coordinator.

See **Appendix A** for the Delegation Order.

ATIP Activities

In accordance with the amended Directive on the Administration of the *ATIA*, DCC actively posts summaries of completed ATIA requests on our website on a monthly basis.

Education and Training

During the 2012-2013 reporting period, DCC integrated ATIP awareness-building as part of the new document and records management system training provided to employees. This training included an overview of DCC's ATIP Office and its function, and the role of DCC employees in assisting the ATIP Office to fulfill its mandate. Employees were trained to better manage information in the workplace, identify and save official records, and manage information more effectively in accordance with legislation and policy requirements. Access to information and privacy awareness continues to be part of employee orientation for all DCC staff.

The ATIP Coordinator, who is also the manager responsible for Document and Records Management (DM) at DCC, gave an overview of ATIP at several DM training sessions at various DCC offices across Canada during 2012-2013. The total number of participants was not documented.

DCC's ATIP Coordinator and Administrative Assistant participated in several TBS training sessions throughout the 2012-2013 fiscal year in order to continue to broaden DCC's knowledge of *ATIA* and *PA* legislative requirements. Additionally, they attended the ATIP Community Meeting to connect with the broader ATIP community.

Policies, Guidelines and Procedures

Our institution did not implement any new and/or revised Access to Information policies, guidelines or procedures during the reporting period.

Access to Information Act Statistical Report

Formal Requests

The table below provides the volume trend of access to information requests received and processed by DCC, by source, over the past four years:

Source	2009-2010	2010-2011	2011-2012	2012-2013
Public	8	5	9	9
Media	0	1	0	4
Business	7	17	12	18
Academic	0	0	0	0
Other Organizations	0	0	0	1
Total Received	15	23	21	32

Between April 1, 2012 and March 31, 2013, DCC received 32 requests for information under the *ATIA*, which marks an approximate 50% increase from fiscal year 2011-2012.

Three requests were carried over from the previous reporting period, for a total of 35 request processed. Of the 35 requests processed over the course of the 2012-2013 fiscal year, 29 requests were completed. Six requests have been carried forward into the 2013-2014 fiscal year. A total of 3,684 pages were processed for the 29 completed requests.

Disposition of Completed Requests

Of the 29 requests completed during this reporting period, full disclosure was provided in response to one request and partial disclosure was provided in 17 cases. Three requests were abandoned, and one was transferred to another federal government institution. In seven cases, no records existed.

Paper copies of documents were provided for 13 requests. In five cases, the response was provided electronically.

Completion Time and Extensions

During the reporting period, DCC completed 15 requests within 30 days; five between 31 and 60 days; seven requests between 61 to 120 days; and two were completed over 121 days.

Of the 29 requests completed, 15 (50% of requests) were completed within the allowable time limits. Section 9 of the *ATIA* provides for the extension of the statutory time limits if consultations are necessary or if a large number of records have been requested, the processing of which would unreasonably interfere with DCC's operations. In 14 instances, DCC found it necessary to seek extensions to prescribed time limits because the scope of the requests would unreasonably interfere with DCC operations.

Exemptions Invoked

DCC invoked exemptions under the *ATIA* as follows:

Exemption		Number of times applied
S. 15(1)	Exempting records expected to be injurious to the conduct of international affairs and the defence of Canada.	1
S. 16(2)(c)	Exempting records containing information on the vulnerability of a particular building or other structures and systems.	2
S. 18(b)	Exempting records to be prejudice the competitive position of a government institution or interfere with the contractual or other negotiations of a government institution.	1
S. 19(1)	Exempting records containing personal information.	16
S. 20(1)(b)	Exempting records containing confidential financial, commercial, scientific or technical information supplied to a government institution by a third party.	13
S. 20(1)(c)	Exempting records containing information which could reasonably be expected to result in material financial loss or gain, or prejudice the competitive position of a third party.	1
S. 20(1)(d)	Exempting records containing information which could reasonable interfere with contractual or other negotiations of a third party.	1
S. 20.1	Exempting records containing advice or information relating to investment that the Public Sector Investment Board has obtained in confidence from a third party.	1

S. 21(1)(b)	Exempting records containing information giving an account of consultations or deliberations in which directors, officers or employees of a government institution, a minister of the Crown or the staff of a minister participate.	1
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Exclusions Invoked

During the reporting year, DCC did not invoke exclusions on the completed requests.

Consultations from Other Organizations

A significant amount of the ATIP Office's workload involves responding to consultations in response to formal requests received by other institutions. During the reporting period, DCC received a total of 31 requests for consultation from other federal institutions. DCC works closely with departments such as the Department of National Defence, Canadian Armed Forces, and Public Works and Government Services Canada to respond to these consultations in a timely fashion. Although the consultation requests are not reflected in the Annual Report's statistical tables, they nevertheless account for an increasing portion of the ATIP Office's total caseload.

Translations

There were no requests for the translation during the reporting period.

Fees

As per *ATIA* regulations, application fees totaling \$125 were collected. No fees were collected for preparation.

Costs

The costs to DCC, directly associated with administration of the *ATIA* for the 2012–2013 fiscal year, are estimated to be \$86,612.

Complaints and Requests for Judicial Review

The Office of the Information Commissioner notified DCC of one complaint pertaining to exemptions. The complaint is ongoing.

There was no application for judicial review registered with the Federal Court of Canada in fiscal year 2012-2013.

APPENDIX A: Delegation Order – Access to Information Act and Privacy Act



Defence Construction Canada
Construction de Défense Canada

ACCESS TO INFORMATION AND PRIVACY ACT DELEGATION ORDER

ARRÊTÉ SUR LA DÉLÉGATION EN VERTU DE LA LOI SUR L'ACCÈS À L'INFORMATION ET DE LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

<p>The President and CEO of Defence Construction (1951) Limited, pursuant to section 73 of the <i>Access to Information Act</i> and the <i>Privacy Act</i>, hereby designates the person holding the position set out below, or the person occupying on an acting basis the position, to exercise the powers and functions of the President as the head of a government institution, under the section of the Act set out in the attached schedules. This Designation Order supersedes all previous Designation Orders.</p>	<p>En vertu de l'article 73 de la Loi sur l'accès à l'information et la Loi sur la protection des renseignements personnels, le Président et premier dirigeant de Construction de Défense (1951) Limitée délègue au titulaire du poste mentionné ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des Loi mentionnées dans les annexes ci-jointes. Le présent décret de délégation remplace et annule tout décret antérieur.</p>
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Position / Poste	<i>Access to Information Act</i> and Regulations <i>Loi sur l'accès à</i> <i>l'information</i> et règlements	<i>Privacy Act</i> and Regulations <i>Loi sur la protection des</i> <i>renseignements personnels</i> et règlements
Manager, Corporate Administrative Services Gestionnaire, Services administratifs de l'entreprise	Schedule A Annexe A	Schedule B Annexe B

Dated, at the City of Ottawa, this <u>7th</u> day of <u>June</u> , 2010.	Daté, en la ville d'Ottawa, ce <u>7^e</u> jour de <u>Juin</u> 2010.
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LE PRÉSIDENT ET PREMIER DIRIGEANT
CONSTRUCTION DE DEFENSE (1951) LIMITEE

PRESIDENT AND CEO
DEFENCE CONSTRUCTION (1951) LIMITED

APPENDIX B: Statistical Report on the *Access to Information Act*



Statistical Report on the *Access to Information Act*

Name of institution: Defence Construction (1951) Limited

Reporting period: 4/1/2012 to 3/31/2013

PART 1 – Requests under the *Access to Information Act*

1.1 Number of Requests

	Number of Requests
Received during reporting period	32
Outstanding from previous reporting period	3
Total	35
Closed during reporting period	29
Carried over to next reporting period	6

1.2 Sources of requests

Source	Number of Requests
Media	4
Academia	0
Business (Private Sector)	18
Organization	1
Public	9
Total	32

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
All disclosed	1	0	0	0	0	0	0	1
Disclosed in part	4	3	2	6	0	2	0	17
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	3	3	1	0	0	0	0	7
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	0	0	2	1	0	0	0	3
Treated informally	0	0	0	0	0	0	0	0
Total	9	6	5	7	0	2	0	29

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	1
13(1)(b)	0	16(2)(b)	0	18(b)	1	20.2	0
13(1)(c)	0	16(2)(c)	2	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	1
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	0
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	1	16.2(1)	0	19(1)	16	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	0	23	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	13	24(1)	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	0	16.5	0	20(1)(c)	1		
16(1)(b)	0	17	0	20(1)(d)	1		
16(1)(c)	0						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	1	0	0
Disclosed in part	12	5	0
Total	13	5	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	14	14	1
Disclosed in part	3670	2615	17
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	3

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed	Number of requests	Pages disclosed
All disclosed	1	14	0	0	0	0	0	0	0	0
Disclosed in part	5	69	11	1868	1	678	0	0	0	0
All exempted	0	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	3	0	0	0	0	0	0	0	0	0
Total	9	83	11	1868	1	678	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	10	0	0	0	10
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	0	0	0	0
Total	10	0	0	0	10

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
3	0	3	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	1	1
31 to 60 days	0	1	1
61 to 120 days	0	0	0
121 to 180 days	0	1	1
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	3	3

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	1	0	1	9
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	1	0	0	1
Request abandoned	0	0	0	0
Total	2	0	1	10

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	3
61 to 120 days	2	0	1	7
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	2	0	1	10

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	25	\$125	1	\$5
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	25	\$125	1	\$5

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	31	2699	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	31	2699	0	0
Closed during the reporting period	30	2696	0	0
Pending at the end of the reporting period	1	3	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
Disclose entirely	14	0	0	0	0	0	0	14
Disclose in part	9	2	0	0	0	0	0	11
Exempt entirely	5	0	0	0	0	0	0	5
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	28	2	0	0	0	0	0	30

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							Total
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	0	0
31 to 60	0	0
61 to 120	0	0
121 to 180	0	0
181 to 365	0	0
More than 365	0	0
Total	0	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$86,612
Overtime		\$0
Goods and Services		\$0
• Professional services contracts	\$0	
• Other	\$0	
Total		\$86,612

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	1.00	1.00	2.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	0.00	0.00
Students	0.00	0.00	0.00
Total	1.00	1.00	2.00

Appendix C: Previously released ATI package released informally

Institution	Number of informal releases of previously released ATI packages
Defence Construction Canada	Nil