



Government of Canada
Privy Council Office

Gouvernement du Canada
Bureau du Conseil privé

ANNUAL REPORT TO PARLIAMENT ON THE *ACCESS TO INFORMATION ACT*

2012-2013

PRIVY COUNCIL OFFICE

APRIL 1, 2012 TO MARCH 31, 2013

Canada 

Annual Report to Parliament on the *Access to Information Act* 2012-2013

Privy Council Office

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Annual Report to Parliament on the *Access to Information Act* 2012-2013 Privy Council Office

Highlights

- a) Since the 2006-2007 fiscal year, PCO has continually improved its performance, rising from an “F” performance grade by the Office of the Information Commissioner (OIC) in 2006-2007 to a projected “A” rating for 2012-2013.
- b) In 2012-2013, PCO delivered Access to Information and Privacy (ATIP) training or awareness sessions to 74 employees through a total of 22 training events during the reporting year. Of these training events, 10 were training sessions presented jointly with PCO’s Corporate Information Services Division (responsible for PCO’s information management). These joint sessions form an integral part of the orientation program for employees new to PCO.
- c) In March 2013, the ATIP Division of PCO undertook a Lean government “Kaizen”, a five-day, team-based, problem-solving activity designed to improve service to clients. Using the principles of “Lean”, which re-imagine the work process from the client’s perspective, the Kaizen team used process mapping and other research to identify more efficient, value-added ways to do business. As a result of the Kaizen, changes were introduced across the PCO ATIP work process to improve timeliness, reduce errors and paper use, and lessen demands on records-holders.
- d) In compliance with Treasury Board Secretariat requirements, PCO began the posting of monthly summaries of completed access to information requests on PCO’s website in January 2012. In addition to accepting requests by mail, the Department made a generic e-mail address available to the public to facilitate submissions.

Introduction

The Privy Council Office (PCO) reports directly to the Prime Minister and is headed by the Clerk of the Privy Council and the Secretary to the Cabinet. PCO is both the Cabinet secretariat and the Prime Minister's source of public service advice across the entire spectrum of policy questions and operational issues facing the Government. As the hub of non-partisan, public service support to the Prime Minister, Cabinet and its decision-making structures, PCO ensures that the Government and Canadians are served by the highest quality public service.

PCO also provides support to the Leader of the Government in the Senate; the Minister of Intergovernmental Affairs; the Leader of the Government in the House of Commons; the Minister of State and Chief Government Whip; and the Minister of State (Democratic Reform).

PCO has three main roles:

Advice to the Prime Minister - PCO brings together quality, objective policy advice, analysis and information to support the Prime Minister, the ministers within the Prime Minister's portfolio and Cabinet. This includes:

- bringing together non-partisan advice, analysis and information from across the Public Service;
- consulting and collaborating with international and domestic partners inside and outside of government (including provincial and territorial governments);
- gathering information on the priorities of Canadians;
- supporting and advising on the development and implementation of the Government's Parliamentary and legislative programs and democratic reform agenda; and
- advising on Canada's Westminster style of government, on government structure and organization, and on Governor in Council appointments.

Secretariat to Cabinet - PCO facilitates the smooth, efficient and effective functioning of Cabinet and the Government of Canada on a day-to-day basis. This includes:

- managing the Cabinet's decision-making system;
- coordinating departments' policy and legislative proposals to Cabinet, with supporting policy analysis;
- scheduling and providing support services for meetings of Cabinet and Cabinet committees;
- advancing the Government's agenda across federal departments and agencies and with external stakeholders;
- advising on Governor in Council appointments, including directing and coordinating selection and recruitment processes for leadership and full-time Governor in Council positions across the public sector and supporting Cabinet in decision-making related to Governor in Council appointments;
- preparing Orders in Council and other statutory instruments to give effect to Government decisions; and
- providing administrative services to the Prime Minister's Office, portfolio ministers and commissions of inquiry.

Public Service Leadership - PCO supports the development and maintenance of a high quality Public Service that meets the highest standards of accountability, transparency and efficiency, one that is able to deliver the best advice to government and excellent services to Canadians. This includes:

- managing the recruitment and appointment process for senior positions in federal departments and agencies;
- guiding policy on people management issues and Public Service renewal; and
- building the capacity of the Public Service to meet emerging challenges and the changing responsibilities of government.

This is the 30th *Annual Report to Parliament* on the administration of the *Access to Information Act* (ATIA) by PCO, submitted as required by s. 72(1) of the ATIA. This report covers the reporting period of April 1, 2012 to March 31, 2013.

Additional copies of this report may be obtained from:

Access to Information and Privacy Division
Privy Council Office
55 Metcalfe Street, Room 1340
Ottawa, Ontario K1A 0A3

Governance and accountability

PCO provides support to the Prime Minister and to the ministers within his portfolio, including: the Leader of the Government in the Senate; the Minister of Intergovernmental Affairs; the Leader of the Government in the House of Commons; the Minister of State and Chief Government Whip; and the Minister of State (Democratic Reform).

Reporting to the Prime Minister, the Clerk of the Privy Council has three main roles: Deputy Minister to the Prime Minister; Secretary to the Cabinet; and Head of the Federal Public Service. PCO's Corporate Services Branch, which reports directly to the Clerk, has six divisions, including Access to Information and Privacy (ATIP). The ATIP Division has three functional areas of responsibility: ATIP Policy and Processes; Operations; and Client Services.

Privy Council Office delegation order

The Minister heading each government institution is responsible for the implementation of the ATIA within his/her institution. The Prime Minister, as the Head of the Privy Council Office and pursuant to s. 73 of the ATIA, is responsible for the implementation of the ATIA within PCO. Through the PCO delegation order, the Prime Minister designated the Director, Access to Information and Privacy, as the individual within PCO to perform the powers, duties, functions, or administrative tasks pertaining to the ATIA. PCO secretariats, or Offices of Primary Interest (OPI), holders of the information identified in an access request, approve the release of information to requesters and application of exemptions or exclusions and supporting rationales. This shared delegation of authority for the disposition of information is exercised diligently within PCO, and recorded formally at appropriate stages in the process. The PCO delegation order is shown at Appendix A.

Access to Information and Privacy Division

The *Access to Information and Privacy Act* provides a right of access to information in records under the control of government institutions. The ATIA is not a substitute for other access mechanisms, but is intended to complement other informal procedures that allow public access to government information. The ATIA stipulates that government information should be available to the public, necessary exceptions to the right of access should be limited and specific, and decisions made by government institutions about the disclosure of information should be reviewed by a body independent of government.

The ATIP Division is the focal point for access to information and privacy within PCO. The ATIP Division is responsible for managing requests for departmental or personal information, ensuring corporate understanding and compliance with the ATIA and the *Privacy Act*, and fostering corporate awareness of access and privacy rights and responsibilities. On matters of access and privacy, the ATIP Division also acts as a primary liaison with the Office of the Information Commissioner (OIC), the Office of the Privacy Commissioner (OPC), Treasury Board of Canada Secretariat (TBS), and partner departments.

The ATIP Division has a personnel complement totalling 26 full-time equivalents that are organized into three functional areas of responsibility.

1) ATIP Policy and Processes

- provides expertise in access to information and privacy policy;
- optimizes operations performance; and
- researches trends and best practices in access to information and privacy.

2) Operations

- processes access to information and privacy requests;
- oversees the collection and release of personal and/or business information; and
- maintains dialogue with PCO secretariats and other federal or provincial institutions.

3) Client Services

- produces training and promotional products;
- develops and delivers ATIP training programs;
- develops ATIP awareness messaging;
- coordinates responses to Parliamentary questions and petitions; and
- provides database administration.

The ATIP Division also provides a Reading Room where the public may examine requested departmental records, manuals, and publications related to access to information. This is in compliance with s. 12(1) of the ATIA, which states that “A person who is given access to a record or a part thereof under this Act shall, subject to the regulations, be given an opportunity to examine the record or part thereof or be given a copy thereof.”

Activities and accomplishments

Key Operational Statistics

ACCESS TO INFORMATION REQUESTS	2012-13	2011-12	2010-11
REQUESTS RECEIVED	780	534	647
REQUESTS COMPLETED	725	529	673
REQUESTS COMPLETED ON-TIME (%)	99.7%	99.8%	94%
OIC GRADE	A (projected)	A (projected)	B
TOTAL PAGES REVIEWED	36,443	47,615	79,980

Since the 2006-2007 fiscal year, the ATIP Division has continually improved its performance, rising from an “F” performance grade by the OIC in 2006-2007 to a projected “A” rating for both 2011-2012 and this reporting year, 2012-2013. PCO has focused on modernization of its technology and business environment, process improvement, human resources planning, and managing change to reach this goal. In early 2013, PCO initiated a structured trial of the principles of “Lean Government”, which focus on process efficiencies and client service, to further drive performance in access to information.

Education and training activities

PCO promotes ATIP imperatives in face-to-face meetings, presentations, special events, learning products, on the intranet and through its training program. It fosters responsible working relationships with clients, and operates under a clearly elaborated timeline.

In 2012-2013, PCO delivered ATIP training or awareness sessions to 74 employees through a total of 22 training events during the reporting year. Of these training events, 10 were training sessions presented jointly with PCO's Corporate Information Services Division (responsible for PCO's information management). These joint sessions form an integral part of the orientation program for new employees to PCO.

During the reporting year, PCO ATIP rolled out a series of ATIP awareness and training messages to the approximately 900 staff in PCO, via announcements on the internal website. Subjects included the importance of timeliness in responding to requests, availability of ATIP training, and details of the business process. On a quarterly basis during the reporting year, ATIP learning content on the internal PCO website was updated to reflect current business practices and contacts for support.

To promote understanding of access and privacy responsibilities, the ATIP Director met regularly with officials of portfolio Ministers in 2012-2013 to detail the ATIP business environment. The PCO Executive Committee was also briefed on access and privacy statistics, performance and compliance. ATIP senior staff met with senior officials in PCO Secretariats to clarify roles and strengthen the working relationship. Throughout 2012-2013, PCO ATIP analysts liaised with clients to explain the five-stage request timeline, train on processes such as the search for records, assist with records review, and explain their working role. PCO personnel are provided with multiple channels to information on access and privacy, such as an ATIP instruction booklet, an e-mailbox for questions, takeaway learning tools, and comprehensive electronic content on PCO's intranet.

Information-related policies, guidelines, and procedures

a) Posting of completed access to information requests

In compliance with TBS requirements, PCO began the posting of monthly summaries of completed access to information requests on PCO's website in January 2012. In addition to accepting requests by mail, the Department made a generic e-mail address available to the public to facilitate submissions. The lists are provided in chronological order, by month and year. Requests related to the Public Appointments Commission Secretariat are processed by PCO and are included in the lists. Records are provided in the form that they were released under the ATIA including format, language(s) and any exemptions or exclusions that were applied.

As reported at Appendix A of its Statistical Report on the *Access to Information Act*, PCO released a total of 60 previously released ATI packages informally between April 1, 2012 and March 31, 2013.

b) Technological upgrade

In May 2012, PCO completed an upgrade to its case management software, the electronic hub of PCO access and privacy operations. The upgraded program provides more comprehensive reporting and document management functions than the outgoing version, and enabled the population of the expanded Statistical Report on the ATIA brought into effect by Treasury Board in 2011. This upgrade demonstrates PCO's commitment to the technological capacity that supports timely service to the public.

c) Lean government initiative

In March 2013, the ATIP Division of PCO undertook a Lean government "Kaizen", a five-day, team-based, problem-solving activity designed to improve service to clients. Using the principles of "Lean", which re-imagine the work process from the client's perspective, the Kaizen team used process mapping and other research to identify more efficient, value-added ways to do business. As a result of the Kaizen, changes were introduced across the PCO ATIP work process to improve timeliness, reduce errors and paper use, and lessen demands on records-holders. This ATIP Division initiative is considered a pilot for the broader implementation of Lean principles across PCO.

Other activities

a) User finding aids

User finding aids were made available in the public Reading Room located in PCO's Access to Information and Privacy office. The Reading Room is located at 55 Metcalfe Street, Room 1340, Ottawa, Ontario. In this area, an index of Cabinet agenda title items serves as a guide in identifying subject areas in Cabinet records which, after 20 years, are subject to the ATIA. The federal *Info Source* and the Governor in Council Appointments Guides were also made available to the public. ATIP staff members assisted those who wished to consult these resources.

b) Proactive disclosure

In compliance with mandatory proactive disclosure requirements for government organizations, the PCO website (www.pco-bcp.gc.ca) continued to make available information concerning PCO travel and hospitality expenses, reclassification of positions, contracts over \$10,000, and grant and contribution awards. The Proactive Disclosure website is shown below.



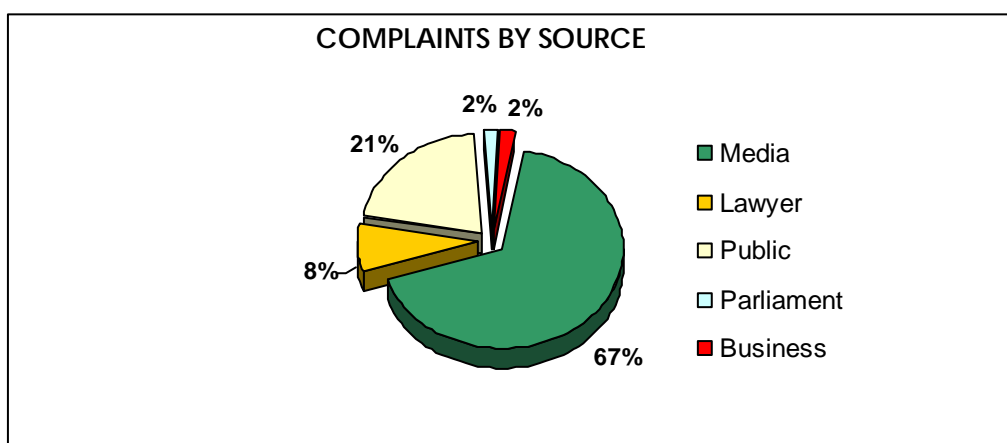
Complaints and investigations

a) Complaints received

In 2012-2013, PCO received 52 complaints pursuant to the ATIA versus 21 complaints the previous year, representing a 67% increase. This increase in complaints parallels a 46% increase in the volume of requests year-over-year. The total remains the second-lowest volume of complaints in the last four years, and a drop of two-thirds in complaints compared to 2009-2010 (164 vs. 52). Similarly, complaints from the media, the largest requester of PCO records, have been reduced by 60% over the same four-year span, from 119 to 35. To promote the improved client service that may mitigate complaints, PCO continues to optimize its work processes, develop expertise, and invest in modern technology. PCO also dedicates discrete resources to the resolution of complaints, and works in close cooperation with the OIC.

No complaints were received from organizations or academia. The breakdown of complaints received in 2012-2013 is as follows:

- 35 or 67% from the media;
- 4 or 8% from lawyers;
- 11 or 21% from the public;
- 1 or 2% from Parliament (members of the House of Commons or Senate); and
- 1 or 2% from business.



b) Types of complaints

In the 2012-2013 reporting period, complaints related to a range of issues, including the delay resulting from consultations, the exemptions invoked or exclusions cited on records, and the format of records released.

c) Investigations

In early 2011, the OIC completed its investigation into interference in access to information at PCO. PCO was one of eight government organizations selected for systemic review. During the course of the investigation, departmental staff, including the ATIP Director and Deputy Directors, met with OIC investigators to answer questions, provide records for review, and discuss PCO access to information

procedures. The OIC has indicated that the results of its investigation will be reported in the 2013-2014 fiscal year.

In October 2012, the Information Commissioner of Canada initiated a systemic investigation into whether text-based messages containing government information sent from, or received on, government issued wireless devices are properly managed and preserved to ensure the right of access to information. PCO was one of eleven institutions selected for review, based on factors such as the size of the institution, the volume of requests it receives in a year, or its responsibilities in recordkeeping for the Government of Canada. PCO completed an eleven-part written questionnaire on which the investigation was based, and forwarded it to the OIC in late 2012. No date has been confirmed for release of the investigative report.

Court cases

No court cases involving PCO were initiated, in progress or completed during the reporting period.

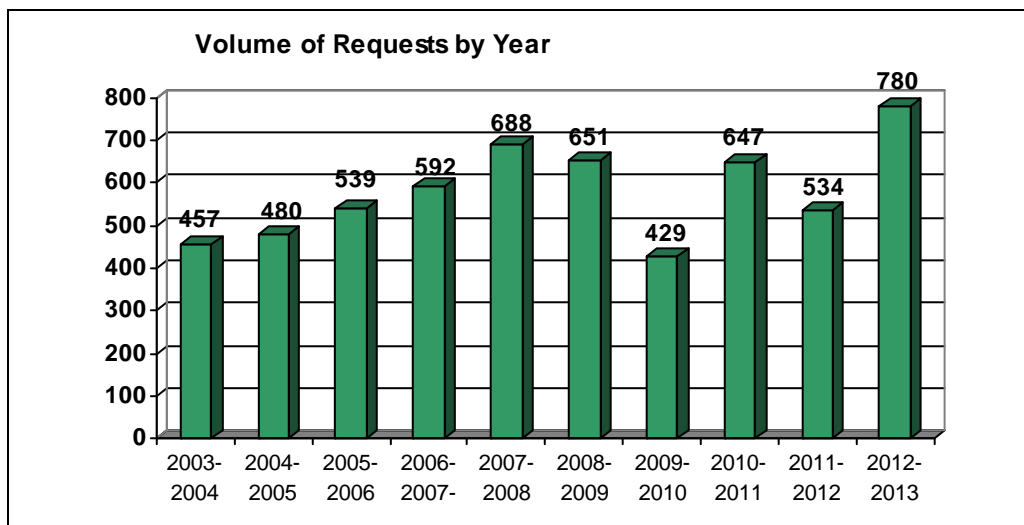
Interpretation of the Statistical Report

The 2012-2013 Statistical Report on the ATIA is shown at Appendix B.

PART 1 – Requests under the ATIA

1.1 Requests

Between April 1, 2012 and March 31, 2013, PCO received 780 requests for information under the ATIA. While generally trending upwards over the last 10 years, request totals have been variable since 2007-08. The volume of access requests rose over 50% between 2009-10 and 2010-11, then dropped the following year by 18% to 534. The 780 requests in 2012-13 equate to a 46% increase over the previous year, and an all-time high. The 10-year volume of requests is shown below.



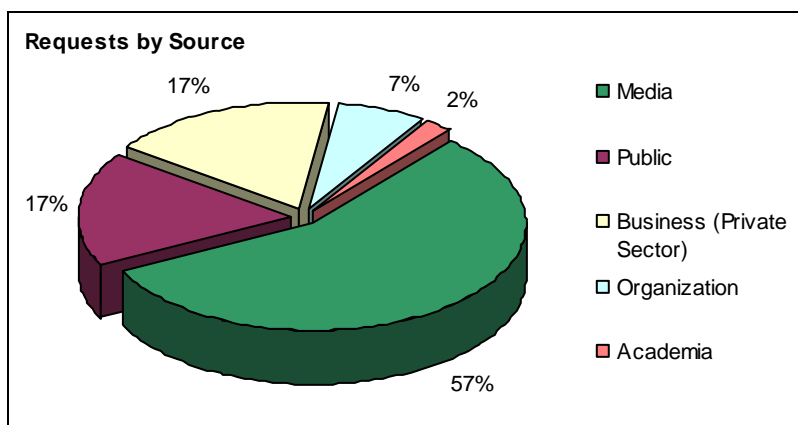
A total of 91 active requests were carried into 2012-2013 from the previous fiscal year, and 146 were carried forward into 2013-2014.

1.2 Sources of requests

The sources of access to information requests, in descending order by volume, were: the media; the public; business; organizations; and academia. At 441, requests from the media were at their highest level in the last 10 years, rising by 70% compared to 2011-2012 and accounting for 57% of total request volume. Requests from the public were second in volume at 136, up from 121 the previous year. Business requests totalled 134, almost twice the previous year's 74. Remaining requests came from organizations, including members of the House of Commons or Senate, at 51 or 7%, and academic requests at 2%.

As shown in the chart below, the breakdown of the requests received during 2012-2013 is as follows:

- 441 or 57% from the media;
- 136 or 17% from the public;
- 134 or 17% from business (private sector);
- 51 or 7% from organizations, including 30 from Parliament (members of the House of Commons or Senate); and
- 18 or 2% from academia.



1.3 Types of information requested

Just as the source of requests varied, so did the subject of requests received. Subjects included:

- Afghanistan;
- the Queen's Diamond Jubilee;
- briefing notes to the Prime Minister for various time periods;
- Senate reform; and
- public opinion polling.

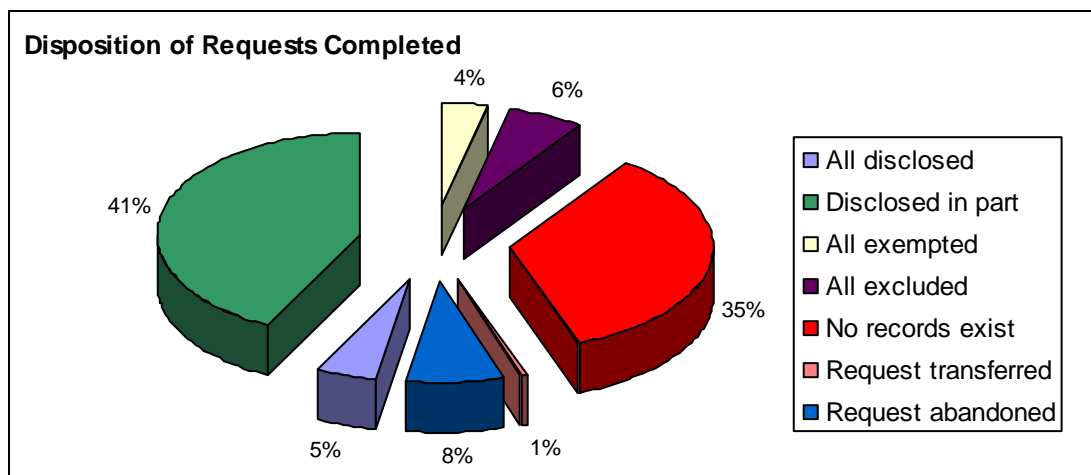
PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

In 2012-2013, PCO completed 725 requests. As shown in the chart below, the breakdown of the disposition of records is as follows:

- 35 were all disclosed;
- 307 were disclosed in part;
- 27 were all exempted;
- 44 were all excluded;
- 253 where no records exist;
- 3 were transferred; and
- 56 were abandoned.

No requests were treated informally.



As these figures indicate, 342 or 46% of all requests were fully or partially disclosed, down from 59% in 2011-2012. This drop may be attributed to the concomitant increase in requests for which no records existed, up from 25% to 35% year-over-year. The total of requests where no records were disclosed (either exempted or excluded) saw an increase, from 6% in 2011-2012 to 10% this reporting year. The largest single source of requests for which no records existed was lawyers at 115, followed by the media at 88.

In terms of completion times, 421 or 58% of requests sent to PCO were completed within 30 days, higher than the all-government average of 55.3% (*latest figures available: 2011-2012, Info Source bulletin 35B*). The second-largest volume of requests was completed in 61 to 120 days - 144 or 20%. Only 9 requests or 1.2% were completed in more than 365 days.

2.2 Exemptions

Although the ATIA promotes disclosure, there are instances where information qualifies for necessary protection under the ATIA.

Totals for the 6 most commonly used exemptions during 2012-2013 were, in order:

- 218 under s. 21(1)(b) – consultations or deliberations related to operations of government;
- 209 under s. 19(1) – personal information;
- 149 under s. 21(1)(a) – advice or recommendations developed by or for a government institution or minister;
- 119 under s. 15(1) – information related to international affairs and defence of Canada;
- 51 under s. 23 – information subject to solicitor-client privilege; and
- 21 under s. 24(1) - information restricted by or pursuant to any provision set out in Schedule II of the ATIA.

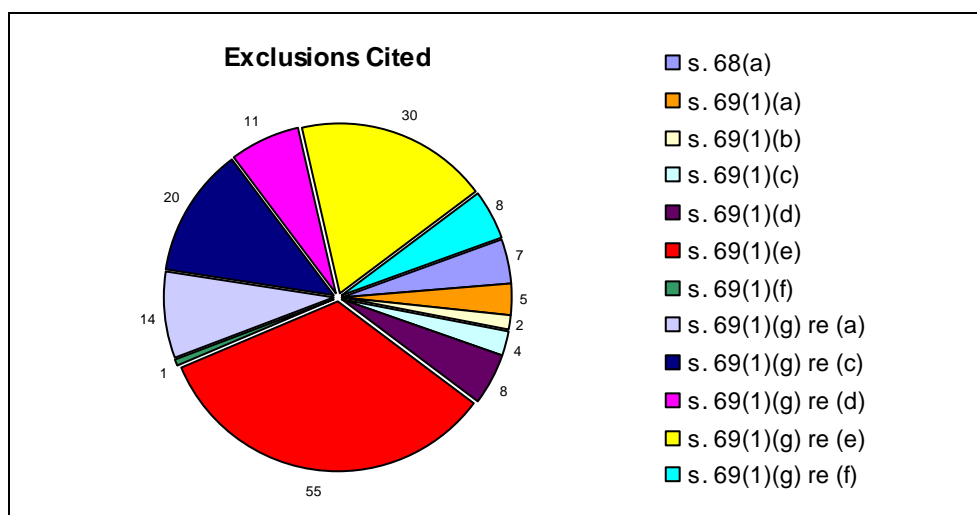
The use of these exemptions is consistent with the role of PCO and the content of the records it controls, both of which involve confidential consultations, deliberations and advice provided to Government on issues of national and international scope. Nonetheless, excluding requests transferred, abandoned or for which no records existed, fully 83% of requesters received records from PCO, in whole or in part, in response to their requests.

Appendix C contains a description of the total exemptions invoked during the 2012-2013 reporting period, as well as those that were not invoked.

2.3 Exclusions

The ATIA does not apply to certain information described by s. 68 of the ATIA or to confidences of the Queen's Privy Council pursuant to s. 69. Overall in 2012-2013, s. 68 was cited on 7 occasions, and s. 69 was cited on 158 occasions.

A graphic of the relative use of exclusions in 2012-2013 is shown below. The central use of exclusion under s. 69(1)(e), for records used to brief ministers of the Crown, reflects the role of PCO in providing advice and information to the Prime Minister and to Cabinet and its decision-making structures.



Appendix C contains a description of the total exclusions cited during the 2012-2013 reporting period, as well as those that were not cited.

2.4 Format of information released

PCO provides records in hard copy only. A total of 342 requests were released on paper. Applicants have the option of receiving the response by mail or by picking it up in person. Nearly all replies were sent to the applicant by mail.

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

A total of 36,443 pages were processed by PCO in 2012-2013. For ATI requests which were “all disclosed” or “disclosed in part”, 30,194 pages were processed and 18,361 pages were disclosed. This equates to 61% of these pages having been released, in whole or in part. The pages processed for requests entirely withheld or abandoned amounted to 17% of the total pages processed in 2012-2013.

2.5.2 Relevant pages processed and disclosed by size of request

Eighty percent of requests for which records were released in whole or in part, or 278 out of 342, totalled less than 100 pages. A total of 55 requests involved the processing of 101-500 pages. Five requests resulted in records totalling between 1001-5,000 pages.

Note that the number of pages processed is not an accurate gauge of the time required to process an access file. A request of many pages may involve basic records that require relatively little time to review, while small requests of a few pages could contain a complex amalgam of high-level content from several departments, requiring in-depth analysis and consultation.

2.5.3 Other complexities

Consultations were undertaken for 187 (25 %) of the 725 requests completed in 2012-2013, and legal advice was sought for 358 (49%) of these requests. A total of 53 requests required the assessment of fees. Note that, as a single request may accrue more than one complexity, the totals in row 6 of section 2.5.3 will not necessarily be equal to the totals in section 2.1.

2.6 Deemed refusals

In 2012-2013, 2 access to information requests were completed past deadline, or in “deemed refusal”. As shown at section 2.6.1 of the Statistical Report, 1 request was affected by the unprecedented level of workload in 2012-2013, and 1 request was delayed by an internal consultation. The number of days past the deadline for each request is shown at section 2.6.2.

2.7 Requests for translation

The ATIA states at s. 12(2) that “where access to a record or a part thereof is to be given under this Act and the person...requests that access be given in a particular official language, a copy of the record or part thereof shall be given to the person in that language”, (a) if the record already exists in that language, or (b) if the head of the government institution considers its translation in the public interest. There were no translations requested during the reporting period.

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Subsection 9(1) of the ATIA sets out circumstances under which the initial 30-day time limit for response may be extended. Extensions may be taken for the following reasons:

- if the request is for a large number of records or requires a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the institution;
- if consultation is necessary with other government institutions, other governments or informally with third parties, and it cannot be completed within 30 days; or
- if notice is to be given to a third party (pursuant to s. 27(1)) of the pending release of information or trade secrets of that third party.

During 2012-2013, PCO took 131 extensions under s. 9(1)(a) for interference with operations due to the volume of records, versus 89 taken the previous year. Third party notification required 23 extensions under s. 9(1)(c), down from 26.

Consultations were a primary driver of extensions during the reporting year: a total of 39 extensions for consultations on Confidences of the Queen's Privy Council and 134 extensions for other types of consultations (173 extensions combined) were taken under s. 9(1)(b). This higher number of consultations, up from 127 consultations taken in 2011-2012, reflects the 46% increase in request volume in 2012-2013.

Consultations remain inherent to processing the often complex, interdepartmental records under the control of PCO. When PCO sends a consultation request to another federal institution, it first contacts the department to obtain an estimated response time. For consultations with institutions with large workloads, such as the Department of Foreign Affairs, Trade and Development or the Department of National Defence, PCO verifies whether a previously recommended consultation period is still accurate. These efforts improve the working relationship and provide requesters with a more accurate estimate of when they will receive a response. Contacting the institution being consulted to mutually determine how long the consultation will take is considered a best practice by the OIC.

Note that the extensions above were taken for all dispositions, not solely for records fully disclosed or disclosed in part.

3.2 Length of extensions

During the 2012-2013 reporting period, 24% (80) of the total 327 extensions taken were for 30 days or less, down slightly from the 28% of total extensions in 2011-2012. Of the 6 timeframes shown at section 3.2 of the Statistical Report, 61 to 120 days was the most common extension, accounting for 40% of all extensions in both 2011-2012 and 2012-2013. Extensions of 121 days and above have risen 4% year-over-year, from 5% to 9% of total extensions. These statistics demonstrate that the impact of a 46% increase in workload was largely contained. PCO remains committed to the responsible use of extensions under the ATIA, consistent with operational demands.

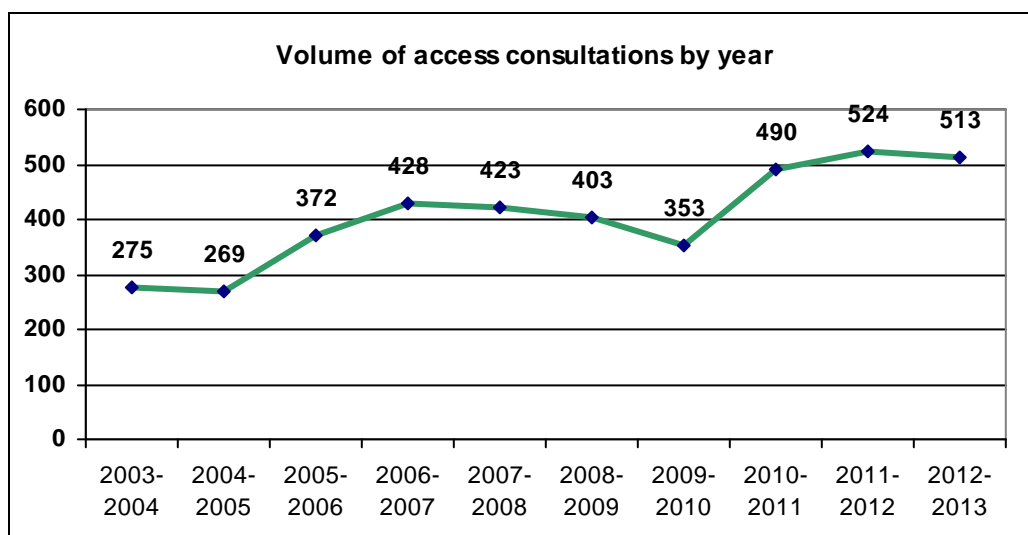
PART 4 – Fees

The fees collected during the reporting period totalled \$3,733.00, up from \$3,345.00 in 2011-2012. PCO collected \$2,620.00 in application fees on 524 requests, similar to \$2,675.00 collected the previous year. In 2012-2013, PCO waived fees totalling \$950.00 for 31 requests, principally for search fees and reproduction costs.

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

PCO received 513 consultations from other government institutions and organizations during the reporting year, the second-highest volume in the last ten years, as shown below.



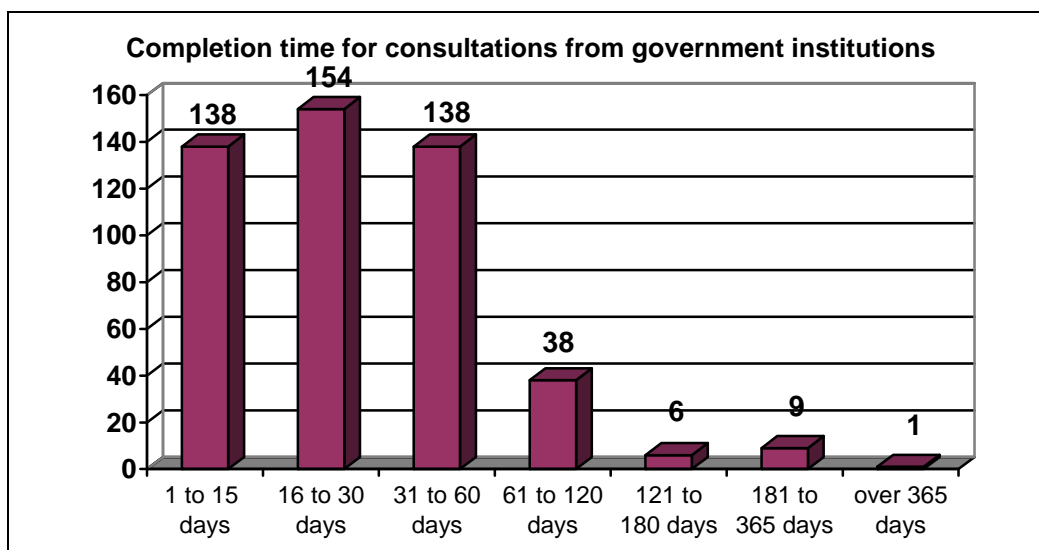
While total consultation volumes were similar year-over-year, the number of pages reviewed rose 25%, to almost 20,000 pages. The institutions which sought the views of PCO included the Department of National Defence; the Department of Foreign Affairs; Trade and Development; the Canadian Security Intelligence Service; the Department of Finance; the Royal Canadian Mounted Police; and Public Safety Canada.

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

The OIC noted in 2010 (*Out of Time: Systemic Issues Affecting Access to Information in Canada*, April 2010, pg. 14) that the volume of consultations has grown over the years such that it now accounts for a significant part of some institutions' workloads. This in turn affects the speed at which the consulting institution can close the associated access requests and release the information to requesters. Consultations make significant demands on both PCO ATIP resources and on the PCO records authorities who provide consultative guidance. Nonetheless, in 2012-2013, the Department responded to 60% of consultations (292) from other government institutions in 30 days or less. Almost 30% of consultations (138) were responded to in 15 days or less. PCO recognizes that a prompt rate of response to consulting

institutions contributes to more timely service to the public at the broader government level. The recommendations given in response to these consultations were predominantly to disclose the records, either entirely or in part.

The total files relative to response times are shown in the chart below.



5.3 Recommendations and completion time for consultations received from other organizations

A total of 2 consultation requests were received from other organizations during 2012-2013. One consultation was responded to within 15 days, and recommended consultation with another institution. One consultation, recommending disclosure in part, was responded to within 31 to 60 days.

PART 6 – Completion time of consultations on Cabinet confidences

In accordance with Treasury Board guidelines in force in 2012-2013, PCO consulted with PCO Cabinet Confidences Counsel (CCC) for the review and certification of Cabinet confidences contained in government records. PCO ATIP sent 52 consultations to PCO-CCC in the reporting period, down slightly from 56 in 2011-2012.

Regarding the 2 columns at part 6 of the Statistical Report, note that column 1 lists the number of responses received by the time taken to respond. Column 2 lists the number of responses received past deadline by the number of days past that deadline (in cases where the response was received past the deadline). Therefore, the 2 columns do not correlate horizontally. For example, if a consultation was given a deadline to respond of 30 days, but was returned in 35 days (5 days past that deadline), one request would be entered at row 3, column 1, and one request would be entered in row 1, column 2.

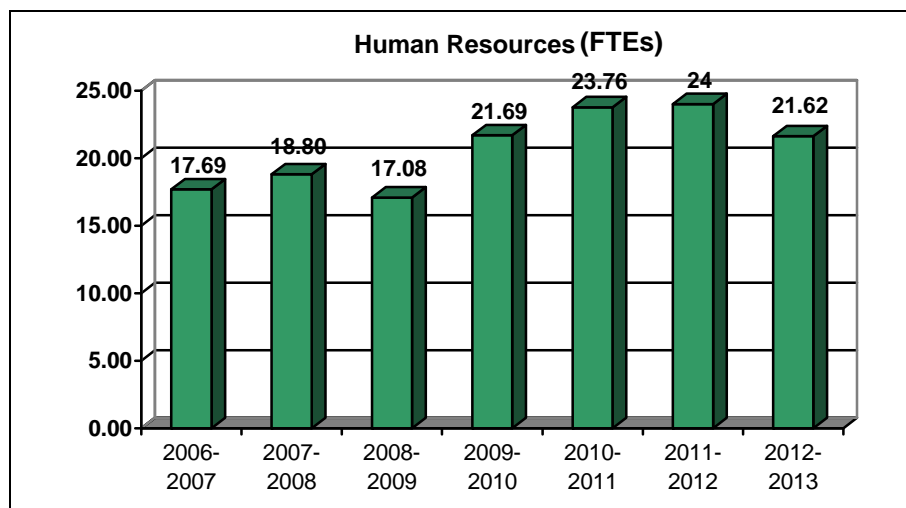
PART 7 – Resources related to the ATIA

7.1 Costs

Salary costs associated with administration of the ATIA were \$1,578,793.00 for 2012-2013, down from \$1,861,279.00 in 2011-2012. Overtime costs totalled \$11,068.00, up from \$10,346.00. Goods and services amounted to \$110,760.00, up from \$106,054.00. The sum of professional services contracts amounted to \$85,363.00 and other services \$25,397.00. Total costs were \$1,700,621.00, down from \$1,977,679.00 in 2011-2012. These costs do not include the resources expended by policy areas of PCO to meet the requirements of the ATIA.

7.2 Human resources

It remains a challenge to attract and retain ATIP personnel, given the shortage of qualified analysts across the federal government. PCO human resources capacity for the 2012-2013 reporting period was 21.62 employees out of 26 approved full time equivalents (FTEs), as shown in the chart below. This is a decrease in resources over the 24 FTEs of the previous year, and reflects the employment opportunities available to ATIP professionals across government and the current climate of restraint.



Note that the 2011-2012 Statistical Report on the ATIA did not permit the reporting of person-year utilization in fractions.

Appendices

Appendix A: Delegation order

Appendix B: 2012-2013 Statistical Report on the ATIA

Appendix C: Exemptions and exclusions

Appendix A: Delegation order

Access to Information Act

DELEGATION ORDER

The Prime Minister, as head of the Privy Council Office and pursuant to section 73 of the *Access to Information Act*^a, hereby designates the officers or employees holding the positions set out in the schedule hereto, and any persons acting in those positions, to exercise or perform the powers, duties and functions of the Prime Minister as the head of a government institution under the sections of the *Act* and the regulations opposite each position in the schedule.

This delegation order supercedes all previous delegation orders.

Loi sur l'accès à l'information

ARRÊTÉ DE DÉLÉGATION

Le Premier ministre, en sa qualité de responsable du Bureau du Conseil privé et conformément à l'article 73 de la *Loi sur l'accès à l'information*^a, délègue aux titulaires des postes énumérés en annexe, et à toutes autres personnes agissant dans ces postes de façon intérimaire, ses attributions à titre de responsable d'une institution fédérale aux termes des articles de la *Loi* et du règlement figurant en regard de chaque poste à l'annexe.

Le présent arrêté de délégation remplace et annule tout arrêté qui le précède.



Prime Minister / Premier ministre

June 13, 2008
Date

^a R.S. 1985, c. A-1 / L.R. 1985, ch. A-1

SCHEDULE / ANNEXE

Position / Poste	Sections of the Access to Information Act^a / Articles de la Loi sur l'accès à l'information^a	Sections of the Access to Information Regulations^b / Articles du Règlement sur l'accès à l'information^b
1. Clerk of the Privy Council and Secretary to the Cabinet. / <i>Greffier du Conseil privé et Secrétaire du Cabinet.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
2. Any senior management position within the Privy Council Office that reports directly to the position set out in paragraph 1 above. / <i>Tout poste de la haute gestion au sein du Bureau du Conseil privé, qui se rapporte directement au poste indiqué au paragraphe 1 ci-dessus.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
3. All Assistant Secretaries and Assistant Deputy Ministers within the Privy Council Office. / <i>Tous les Secrétaires adjoints et les Sous-ministres adjoints au sein du Bureau du Conseil privé.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
4. Any management position that is responsible for a unit within the Privy Council Office and that reports directly to a position covered by paragraph 2 above other than the Assistant Deputy Minister of Corporate Services Branch. / <i>Tout poste de gestionnaire qui est responsable pour une unité au sein du Bureau du Conseil privé et qui se rapporte directement à un poste envisagé au paragraphe 2 ci-dessus autre que le Sous-ministre adjoint de la Direction générale des services ministériels.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
5. Coordinator of Access to Information within the Privy Council Office. / <i>Coordonateur/trice de l'accès à l'information au sein du Bureau du Conseil privé.</i>	7; 8(1); 9; 10; 11(2); 11(3); 11(4); 11(5); 11(6); 12(2)(b); 12(3)(b); 13; 19; 20; 27(1); 27(4); 28(1)(b); 28(2); 28(4); 29(1); 33; 37(4); 43(1); 44(2).	6(1); 8.

^a R.S. 1985, c. A-1 / L.R. 1985, ch. A-1

^b SOR/83-507 / DORS/83-508

Appendix B: 2012-2013 Statistical Report on the ATIA



Statistical Report on the *Access to Information Act*

Name of institution: Privy Council Office

Reporting period: 2012-04-01 to 31-Mar-13

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

1.1 Number of Requests

	Number of Requests
Received during reporting period	780
Outstanding from previous reporting period	91
Total	871
Closed during reporting period	725
Carried over to next reporting period	146

1.2 Sources of requests

Source	Number of Requests
Media	441
Academia	18
Business (Private Sector)	134
Organization	51
Public	136
Total	780

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	11	6	17	0	0	0	35
Disclosed in part	3	102	62	89	29	18	4	307
All exempted	0	8	9	8	2	0	0	27
All excluded	0	6	3	16	19	0	0	44
No records exist	39	205	3	6	0	0	0	253
Request transferred	3	0	0	0	0	0	0	3
Request abandoned	32	11	0	8	0	0	5	56
Treated informally	0	0	0	0	0	0	0	0
Total	78	343	83	144	50	18	9	725

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	1	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	1	16(2)(b)	0	18(b)	4	20.2	0
13(1)(c)	4	16(2)(c)	4	18(c)	0	20.4	0
13(1)(d)	1	16(3)	0	18(d)	2	21(1)(a)	149
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	218
14(a)	2	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	11
14(b)	1	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	6
15(1) - I.A.*	119	16.1(1)(d)	0	18.1(1)(d)	0	22	0
15(1) - Def.*	0	16.2(1)	0	19(1)	209	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	1	23	51
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	3	24(1)	21
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)	17		
16(1)(b)	0	17	0	20(1)(d)	8		
16(1)(c)	2						
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)	7	69(1)(a)	5	69(1)(g) re (a)	14
68(b)	0	69(1)(b)	2	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	4	69(1)(g) re (c)	20
68.1	0	69(1)(d)	8	69(1)(g) re (d)	11
68.2(a)	0	69(1)(e)	55	69(1)(g) re (e)	30
68.2(b)	0	69(1)(f)	1	69(1)(g) re (f)	8
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	30	0	0
Disclosed in part	312	0	0
Total	342	0	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	1089	920	35
Disclosed in part	29105	17441	307
All exempted	1026	0	27
All excluded	3478	0	44
Request abandoned	1745	1425	56

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	34	801	1	119	0	0	0	0	0	0
Disclosed in part	244	4382	54	6838	4	1736	5	4485	0	0
All exempted	23	0	4	0	0	0	0	0	0	0
All excluded	36	0	5	0	3	0	0	0	0	0
Abandoned	53	40	1	3	2	1382	0	0	0	0
Total	390	5223	65	6960	9	3118	5	4485	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	21	1	29	0	51
Disclosed in part	112	33	244	1	390
All exempted	10	3	23	0	36
All excluded	39	1	30	0	70
Abandoned	5	15	32	31	83
Total	187	53	358	32	630

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
2	1	0	1	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	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	1	1
Total	0	2	2

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	4	0	20	0
Disclosed in part	103	16	85	16
All exempted	12	4	2	1
All excluded	2	17	18	1
No records exist	6	2	0	0
Request abandoned	4	0	9	5
Total	131	39	134	23

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	65	2	11	2
31 to 60 days	29	9	45	2
61 to 120 days	20	28	76	9
121 to 180 days	17	0	1	1
181 to 365 days	0	0	0	3
365 days or more	0	0	1	6
Total	131	39	134	23

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	524	\$2,620	21	\$105
Search	7	\$575	4	\$365
Production	2	\$269	3	\$240
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	2	\$269	3	\$240
Total	535	\$3,733	31	\$950

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	511	19890	2	25
Outstanding from the previous reporting period	42	1741	1	153
Total	553	21631	3	178
Closed during the reporting period	484	19617	2	25
Pending at the end of the reporting period	69	2014	1	153

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

Recommendation	Number of days required to complete consultation requests							
	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	Total
Disclose entirely	46	37	21	2	1	3	0	110
Disclose in part	67	109	112	32	3	5	1	329
Exempt entirely	5	4	3	2	1	0	0	15
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	18	3	2	0	1	1	0	25
Other	2	1	0	2	0	0	0	5
Total	138	154	138	38	6	9	1	484

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	1	0	0	0		1
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	1	0	1	0	0	0	0	2

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	10	11
16 to 30	19	8
31 to 60	4	4
61 to 120	14	13
121 to 180	4	4
181 to 365	1	0
More than 365	0	0
Total	52	40

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$1,578,793
Overtime		\$11,068
Goods and Services		\$110,760
• Professional services contracts	\$85,363	
• Other	\$25,397	
Total		\$1,700,621

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	17.66	2.00	19.66
Part-time and casual employees	0.98	0.00	0.98
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.98	0.00	0.98
Students	0.00	0.00	0.00
Total	19.62	2.00	21.62

Appendix C: Exemptions and exclusions

Exemptions invoked

The total numbers of requests for which specific exemptions were invoked during the 2012-2013 reporting period are as follows:

- 1 under s. 13(1)(a) – information obtained in confidence from the government of a foreign state or institution
- 1 under s. 13(1)(b) – information obtained in confidence from an international organization of states or an institution
- 4 under s. 13(1)(c) – information obtained in confidence from the government of a province or institution
- 1 under s. 13(1)(d) – information obtained in confidence from a municipal or regional government
- 2 under s. 14(a) – information expected to be injurious to the government’s federal-provincial affairs, specifically, federal-provincial consultations or deliberations
- 1 under s. 14(b) – information expected to be injurious to the government’s federal-provincial affairs, specifically, strategies or tactics adopted or to be adopted by the government relating to the conduct of federal-provincial affairs
- 119 under s. 15(1) – information related to international affairs
- 2 under s. 16(1)(c) – information related to law enforcement and investigations, including civil investigations and administrative investigations
- 4 under s. 16(2)(c) – information which could facilitate the commission of a crime such as the vulnerability or methods employed to protect particular buildings, structures, or systems
- 4 under s. 18(b) – information which could prejudice the competitive position of a government institution
- 2 under s. 18(d) – information materially injurious to the financial interests of a government institution or to the economic interests of Canada
- 209 under s. 19(1) – personal information
- 1 under s. 20(1)(a) - trade secrets of a third party
- 3 under s. 20(1)(b) – financial, commercial, scientific or technical information supplied to a government institution in confidence by a third party
- 15 under s. 20(1)(c) - information that could result in material financial loss or gain to a third party
- 12 under s. 20(1)(d) - information which could interfere with the negotiations of a third party
- 149 under s. 21(1)(a) – advice or recommendations developed by or for a government institution or minister
- 218 under s. 21(1)(b) – consultations or deliberations related to operations of government
- 11 under s. 21(1)(c) - positions or plans developed for negotiations by the Government of Canada
- 6 under s. 21(1)(d) - plans for the management of a government institution that have not yet been put into operation
- 51 under s. 23 – information subject to solicitor-client privilege
- 21 under s. 24(1) - information restricted by or pursuant to any provision set out in Schedule II of the ATIA

Exemptions not invoked

The following exemptions were not invoked by PCO during the 2012-2013 reporting period:

- s. 13(1)(e) – information obtained in confidence from an aboriginal government
- s. 15(1) – information related to international affairs and defence of Canada
- s. 15(1) – information which could compromise the prevention of subversive activities
- s. 16(1)(a)(i) – government records related to the detection, prevention or suppression of crime
- s. 16(1)(a)(ii) – government records related to the enforcement of any law of Canada or a province
- s. 16(1)(a)(iii) – government records related to activities suspected of constituting threats to the security of Canada
- s. 16(1)(b) – information relating to investigative techniques or plans for specific lawful investigations
- s. 16(1)(d) – information the disclosure of which could compromise the security of penal institutions
- s. 16(2)(a) – information which could facilitate the commission of a crime such as crime methods or techniques
- s. 16(2)(b) – information which could facilitate the commission of a crime such as technical information relating to weapons or potential weapons
- s. 16(3) – policing services of the RCMP for the provinces and the municipalities
- s. 16.1(1)(a) – records related to investigations by the Auditor General of Canada
- s. 16.1(1)(b) – records related to investigations by the Commissioner of Official Languages for Canada
- s. 16.1(1)(c) – records related to investigations by the Information Commissioner
- s. 16.1(1)(d) – records related to investigations by the Privacy Commissioner
- s. 16.2(1) – records related to investigations by the Commissioner of Lobbying
- s. 16.3 – records related to investigations under the *Canada Elections Act*
- s. 16.4(1)(a) – records related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner
- s. 16.4(1)(b) – records from a conciliator related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner
- s. 16.5 – records related to a disclosure under the *Public Servants Disclosure Protection Act*
- s. 17 – safety of individuals, including the identity of police informants and the victims of violence or acts of threats or intimidation
 - s. 18(a) – trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada
- s. 18(c) – scientific or technical information obtained through research by an officer or employee of a government institution
 - s. 18.1(1)(a) – records related to the economic interests of the Canada Post Corporation
 - s. 18.1(1)(b) – records related to the economic interests of Export Development Canada
 - s. 18.1(1)(c) – records related to the economic interests of the Public Sector Pension Investment Board
 - s. 18.1(1)(d) – records related to the economic interests of VIA Rail Canada Inc.
- s. 20(1)(b.1) – third party information related to emergency management plans
- s. 20.1 – third party investment information obtained by the Public Sector Pension Investment Board
- s. 20.2 – third party investment information obtained by the Canada Pension Plan Investment Board
- s. 20.4 – performance contracts with the National Arts Centre Corporation
- s. 22 - information relating to testing or auditing procedures or techniques
 - s. 22.1(1) – draft internal audits less than 15 years old
- s. 26 – records which will be published by a government institution within ninety days after the request is made

Exclusions cited

The total numbers of requests for which specific exclusions were cited during the 2012-2013 reporting period are as follows:

- 7 under s. 68(a) – published material
- 5 under s. 69(1)(a) – memoranda to Cabinet
- 2 under s. 69(1)(b) – discussion papers
- 4 under s. 69(1)(c) – agenda and records of Cabinet deliberations
- 8 under s. 69(1)(d) – records of communication between Ministers
- 55 under s. 69(1)(e) – records used to brief ministers of the Crown
- 1 under s. 69(1)(f) – draft legislation
- 14 under s. 69(1)(g) re (a) - records that contain information about records referred to in s. 69(1)(a)
- 20 under s. 69(1)(g) re (c) - records that contain information about records referred to in s. 69(1)(c)
- 11 under s. 69(1)(g) re (d) - records that contain information about records referred to in s. 69(1)(d)
- 30 under s. 69(1)(g) re (e) - records that contain information about records referred to in s. 69(1)(e)
- 8 under s. 69(1)(g) re (f) - records that contain information about records referred to in s. 69(1)(f)

Exclusions not cited

The following exclusions were not cited by PCO during the 2012-2013 reporting period:

- s. 68(b) – museum or library material
- s. 68(c) – material donated to Canadian museums or archives
- s. 68.1 – journalistic, creative or programming records of the Canadian Broadcasting Corporation
- s. 68.2(a) – administrative records of Atomic Energy of Canada Limited
- s. 68.2(b) - operational records of Atomic Energy of Canada Limited
- s. 69(1)(g) re (b) - records that contain information about records referred to in s. 69(1)(b)
- s. 69.1(1) – disclosure prohibited by a certificate under the *Canada Evidence Act*