



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes



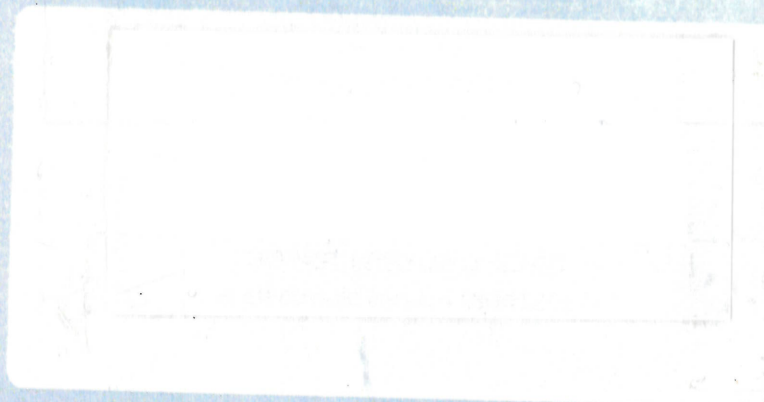
Annual Report

BROADCASTING
TELECOMMUNICATIONS



CRTC Access to Information

2008 / 2009



Canada



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Ottawa, Canada
K1A 0N2

June 22, 2009

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

Dear Minister:

In accordance with the provisions of Section 72 of the *Access to Information Act*, the Canadian Radio-television and Telecommunications Commission hereby submits its annual report for the year ending March 31, 2009 for referral to the Standing Committee on Justice and Human Rights.

Yours respectfully,

Robert A. Morin
Secretary General

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Report on the Access to Information Act

Introduction

The *Access to Information Act* gives Canadian citizens as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature. The *Act* complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

CRTC Mandate and Responsibilities

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

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

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

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

Objectives

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

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

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

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

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

Administration

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

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

Education and training

During 2008–09, two training sessions were offered to 15 employees, providing them with an overview of the *Access to Information Act* and a better understanding of their obligations and the process within the CRTC. Upon request, customized sessions were also given to divisional teams or individual branches or sectors.

Information holdings

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

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

Reading room

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

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

Requests under the *Access to Information Act*

During the reporting period from April 1, 2008 to March 31, 2009, the CRTC received a total of 58 new requests under the *Access to Information Act*. This represents an increase of 43 requests over last year. A total of 2 requests were carried forward from 2007-2008.

Of the 58 new requests, one was transferred to another federal institution, nine could not be processed and three were abandoned by the applicants.

The largest access client group was the public. Of the 58 requests received during the current period, 42 came from this group.

The substance of the requests covered a wide range of broadcasting and telecommunications matters processed by the CRTC as well as surveys, polls, economic and market studies on different aspect of the industries. A number of requests were also received seeking financial information filed in the context of Annual Returns. Requests were also received with respect to the administration of the National Do Not Call List.

During the period, there were no fees collected for reproduction, searching, and preparation costs. A total of 27 requesters wanted copies of the information requested, while two chose to examine the information and select specific copies.

Other requests

During the same period, the CRTC received 22 *Access to Information Act* consultation requests from other departments.

The ATIP Office also processed 3 informal requests that were not subject to the *Act*, as the information requested was already available for public viewing.

The ATIP Office moreover acted as a resource for CRTC officials and offered advice and guidance on the provisions of the legislation. The ATIP Office was consulted on issues relating to matters such as proactive disclosure on travel and hospitality, Round IV Management Accountability Framework assessments, information management issues, security of information, and information to be posted on the CRTC web site.

Disposition of completed requests

In 2008-2009, 47 requests were completed. The disposition of the completed requests was as follows:

- 13 were fully disclosed
- 16 were disclosed in part
- 2 were exempted in their entirety
- 1 was transferred
- 9 could not be processed
- 3 were abandoned by applicants; and
- 3 were treated informally

Completion time and extensions

The 47 requests completed in 2008-2009 were processed in the following time frames:

- 37 within 30 or fewer days
- 4 within 31 to 60 days; and
- 6 within 61 to 120 days

Of the 47 requests, 37 were completed within allowable time limits. Extension of the completion time for 10 requests was necessary due to an increase of 43 requests over the last reporting period, the departure of two employees, the completion of staffing actions and training of a new employee in the ATIP office and the amount of time consumed by page-by-page review of a large number of records.

Exemptions invoked

The CRTC invoked the following exemptions under the Act:

- 9 times under section 19, exempting records containing personal information
- 14 times under section 20, exempting records containing third-party business information
- 13 times under section 21, exempting records containing information relating to the internal decision-making processes of government;
- 5 times under section 23, exempting records related to solicitor-client privilege; and
- 4 times under section 24, exemption information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II of the Act

General disposition

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

Complaints, investigations and federal court cases

Four complaints which were filed in 2006-2007 with respect to the application of the exemptions have been carried forward to 2009-2010.

There were no court cases for 2008-2009.

Costs

During 2008-2009, the ATIP Office incurred an estimated \$37,423 in salary costs and \$7,798 in administrative costs to administer the *Access to Information Act*.

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

Statistical Report on the Access to Information Act

The report can be found at Appendix B.

Delegation Order

Pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, (the *Acts*) I designate the following employees and officers to perform the powers, duties and functions specified herein.

1. Review Committee

The Review Committee shall consist of one lawyer, designated by the Senior General Counsel, the Executive Director or Director General of the Office of Primary Interest (OPI), the employee responsible for the record and the Access to Information and Privacy (ATIP) Coordinator.

The purpose of the Committee is to advise the Secretary General or the Senior General Counsel in her absence, on any decisions to be made under these *Acts* and to give advice to any person designated in this Order, where that person so requests.

2. Responsibilities

Secretary General

Senior General Counsel

Executive Director, Broadcasting and Telecommunications

Associate Executive Director, Industry Analysis, Economics and Technology

Associate Executive Director, Broadcasting

Associate Executive Director, Telecommunications

In addition to any other powers, duties, or functions specified in this Order, each of the above has the following responsibilities with regard to his/her directorate:

- a) Ensure that all relevant material is provided for each request and to make preliminary determinations as to whether documents or portions thereof should be severed;
- b) disclose records; and
- c) with the exception of any documents mentioned in 3(c) and 3(d), to forward to the ATIP Coordinator any record or part of a record which he/she considers should be reviewed by the Review Committee before disclosure.

3. The Secretary General

I designate the Secretary General to exercise or perform the powers, duties or functions of the head of the institution under these *Acts*.

In addition to any other powers, duties or functions specified in this Order, the Secretary General has the following responsibilities:

- a) To waive any fee to be paid under the Acts;
- b) where proper, to cause a translation to be made of any document;
- c) where appropriate, to allow access to any document relating to the management of personnel or the administration of the CRTC;
- d) where appropriate, to allow access to any document containing information on internal auditing procedures; and
- e) to establish systems for access to documents and the administration of the Acts.

4. The Senior General Counsel

In the absence of the Secretary General, I designate the Senior General Counsel to exercise or perform the powers, duties or functions of the head of the institution under these *Acts*.


5. The ATIP Coordinator

In addition to any other powers, duties or functions specified in this Order, the Access to Information and Privacy Coordinator has the following responsibilities:

- a) to carry on the day-to-day administration of the Acts;
- b) to draft and sign correspondence and notices required by the Acts based on decisions taken by the appropriate authorities as specified in this Order;
- c) to release records which have been previously released by the appropriate authority as specified in this Order;

- d) to reject and return applications which do not meet the requirements and conditions of the Acts and regulations;
- e) to determine the method of access and the fees to be paid;
- f) where necessary, to contact third parties as required by the Acts, and to determine if those parties consent to disclosure
- g) where proper, to transfer a request to another government institution having a greater interest in a record; and
- h) where proper, in consultation with the appropriate Executive Director and/or with the Review Committee, to extend time limits

Date



Chairman

Chartre de signature – demandes d'accès à l'information
Signature du secrétaire général

Delegation of Signing Authority – Access to Information Requests
Secretary General's signature

Article/Section	Définition de l'article/ Definition of section
20	Renseignements de tiers/ Third party information
21	Avis, recommandations, délibérations/ Advice, recommendations
23	Secret professionnel des avocats/ Solicitor-client privilege
25	Prélèvement/ Severability
29	Communication suite à une recommandation du Commissaire à l'information/ Where the Information Commissioner recommends disclosure
69	Documents exclus (Conseil privé)/ Confidences of the Queen's Privy Council for Canada

Signature – Coordonnatrice AIPRP / ATIP Coordinator

8	Transfert à une autre institution/ Transfer of request
9	Prorogation du délai/ Extension of time limits
11	Frais de traitement/ Fees
19	Renseignements personnels/ Personal Information
27	Observations des tiers et décision/ Notice to third parties



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

Institution / Conseil de la radiodiffusion et des télécommunications canadiennes / Canadian Radio-television and Telecommunications Commission				Reporting period / Période visée par le rapport 2008-04-01 à/à 2009-31-03-31	
Source	Media / Médias 6	Academia / Secteur universitaire 2	Business / Secteur commercial 4	Organization / Organisme 4	Public 42

**I Requests under the Access to Information Act /
Demandes en vertu de la Loi sur l'accès à l'information**

Received during reporting period / Reçues pendant la période visée par le rapport	58
Outstanding from previous period / En suspens depuis la période antérieure	2
TOTAL	60
Completed during reporting period / Traitées pendant la période visée par le rapport	47
Carried forward / Reportées	13

**II Disposition of requests completed /
Disposition à l'égard des demandes traitées**

1. All disclosed / Communication totale	13	6. Unable to process / Traitement impossible	9
2. Disclosed in part / Communication partielle	16	7. Abandoned by applicant / Abandon de la demande	3
3. Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8. Treated informally / Traitement non officiel	3
4. Nothing disclosed (exempt) / Aucune communication (exemption)	2	TOTAL	47
5. Transferred / Transmission	1		

**III Exemptions invoked /
Exceptions invoquées**

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	0	S. Art. 21(1)(a)	9
(b)	0	(b)	0	(c)	0	(b)	4
(c)	0	(c)	0	(d)	0	(c)	0
(d)	0	(d)	0	S. Art. 19(1)	9	(d)	0
S. Art. 14	0	S. Art. 16(2)	0	S. Art. 20(1)(a)	0	S. Art. 22	0
S. Art. 15(1) International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	7	S. Art. 23	5
Défense / Défense	0	S. Art. 17	0	(c)	6	S. Art. 24	4
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	1	S. Art. 26	0

**IV Exclusions cited /
Exclusions citées**

S. Art. 68(a)	2	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	0
S. Art. 69(1)(a)	00	(f)	0
(b)		(g)	0

**V Completion time /
Délai de traitement**

30 days or under / 30 jours ou moins	37
31 to 60 days / De 31 à 60 jours	4
61 to 120 days / De 61 à 120 jours	6
121 days or over / 121 jours ou plus	0

**VI Extensions /
Prorogations des délais**

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	10
Consultation	0	0
Third party / Tiers	0	0
TOTAL	0	10

**VII Translations /
Traduction**

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

**VIII Method of access /
Méthode de consultation**

Copies given / Copies de l'original	27
Examination / Examen de l'original	0
Copies and examination / Copies et examen	2

**IX Fees /
Frais**

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	215.00	Preparation / Préparation	0
Reproduction	0	Computer processing / Traitement informatique	0
Searching / Recherche	0	TOTAL	215.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		0	\$ 0
Over \$25.00 / De plus de 25 \$		0	\$ 0

**X Costs /
Coûts**

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 37,423.72
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 7,798.60
TOTAL	\$ 45,222.32
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.56

