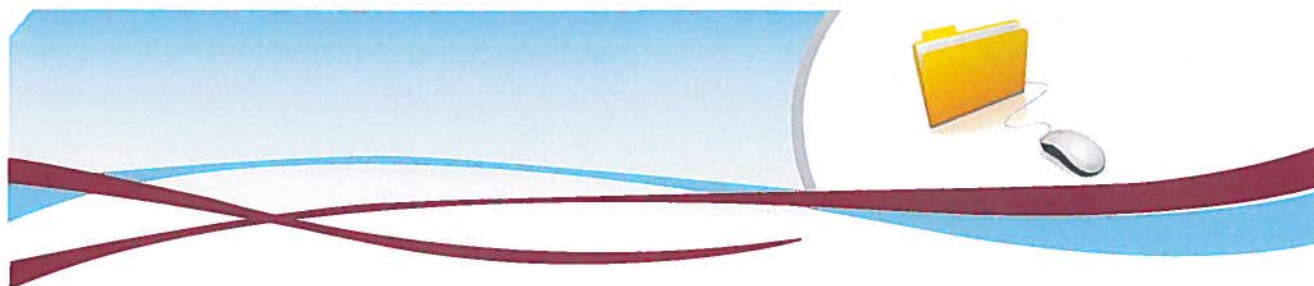




Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes



Annual Report

Access to Information
2013 / 2014



www.crtc.gc.ca

Canada 



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

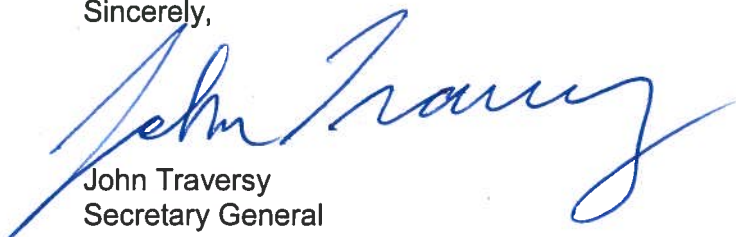
August 20, 2014

The Honourable Shelly Glover
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, 2014 for referral to the Standing Committee on Justice and Human Rights.

Sincerely,



John Traversy
Secretary General

Access to Information & Privacy Coordinator
CRTC
Les Terrasses de la Chaudière
1, Promenade du Portage
Central Building,
Hull, Quebec
(819) 997-4274

mailing address:
Ottawa, Ontario
K1A 0N2

or

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

Catalogue no. BC9-5/1-2014
ISSN 1922-0782 (Print)
ISSN 2291-8019 (Online)

Table of Contents

Introduction	4
CRTC Mandate and Responsibilities	4
Administration	5
Delegation Order.....	5
Requests under the <i>Access to Information Act</i>	5
Other requests	6
Disposition of completed ATI requests.....	6
Completion time and extensions.....	6
Exemptions invoked.....	7
General disposition	8
Complaints, investigations and federal court cases	8
Education and training	8
Policies and Procedures	8
Costs.....	9
Statistical Report on the <i>Access to Information Act</i>	9

Appendices:

[A. Delegation Order](#)

[B. Statistical Report](#)

Introduction

This report has been prepared pursuant to section 72 of the *Access to Information Act* (the *Act*) and tabled in Parliament in accordance with the *Act*.

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

CRTC Mandate and Responsibilities

The CRTC's legislative authority is derived from the following acts:

The Canadian Radio-television and Telecommunications Commission Act, 1985;
Bell Canada Act, 1987;
Broadcasting Act, 1991;
Telecommunications Act, 1993; and
An Act to Promote the Efficiency and Adaptability of the Canadian Economy by Regulating Certain Activities that Discourage Reliance on Electronic Means of Carrying out Commercial Activities, and to Amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act, and the Telecommunications Act, 2010.
Referred to as "Canada's Anti-Spam Legislation (CASL)" in this document, the majority of this Act came into force as of July 1, 2014.

The Canadian Radio-television and Telecommunications Commission (CRTC) is an administrative tribunal that is responsible for regulating and supervising Canada's broadcasting and telecommunications systems, based on policy objectives set out in the *Broadcasting Act* and the *Telecommunications Act*. The CRTC also has new responsibilities under Canada's Anti-Spam Legislation (CASL).

The CRTC reports to Parliament through the Minister of Canadian Heritage and Official Languages.

The CRTC fulfills its responsibilities through a number of interrelated activities, including:

- consulting and informing Canadians;
- deciding on mergers, acquisitions and changes of ownership;
- developing regulatory policies for Canada's communication system;
- approving tariffs and certain agreements for the telecommunications industry;
- issuing, renewing and amending licenses for broadcasting undertakings;
- administering and enforcing rules for the National Do Not Call List (National DNCL);
- resolving competitive disputes;
- monitoring, assessing and reporting on broadcasting and telecommunications industries;

- responding to public inquiries and complaints;
- facilitating industry co-regulation and self-regulation through consultations, committees and working groups; and,
- administering and enforcing applicable provisions of CASL.

Administration

The CRTC's Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Information Technologies Directorate. In 2013-2014, the ATIP Office had five full-time employees and one full-time employee engaged in ATI activities part-time.

The ATIP Office uses the AccessPro Case Management system and an imaging and electronic redaction software solution, AccessPro Redaction.

Delegation Order

Decision-making responsibility for the application of the various provisions of the *Access to Information Act* has been formally established and is outlined in the Delegation Order approved by the Chairman of the CRTC on June 10, 2013. A copy of the delegation order is in Appendix A of this Report.

Requests under the *Access to Information Act*

During the reporting period from April 1, 2013 to March 31, 2014, the CRTC received a total of 96 new requests under the *Act*. A total of six requests were carried forward from 2012-2013 and a total of 17 requests were carried forward to 2014-2015. Consequently, a total of 102 requests were processed during the year of which 85 were closed. In total, the CRTC processed 8240 pages in 2013-14.

No records existed that met the criteria established in 20 of the 85 requests processed. Nineteen additional requests were abandoned by the applicants.

The largest access client group was the media. Of the 96 requests received during the current period, 72 (75%) came from this group.

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

- complaints received at the Commission;
- contracts or consulting agreements;
- the coming into force of the Canadian Anti Spam-Legislation (CASL); and
- memorandums and presentations for senior management.

Requests were also received asking for financial information filed in the context of Annual Returns, research papers on various topics, information relating to policy issues and information on various types of expenses incurred within the Commission.

During the reporting period, \$725 was collected for searching and production costs. No fees were collected for photocopy costs.

Other requests

During the same period, the CRTC received 33 *Access to Information Act* consultation requests from other departments. One consultation request was carried forward from 2012-2013 and no request was carried forward to 2014-2015. Consequently, 34 consultation requests were processed during the year.

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

Disposition of completed ATI requests

In 2013-2014, 85 requests were completed. The disposition of the completed requests was as follows:

- 7 were fully disclosed;
- 39 were disclosed in part;
- 20 had no records that existed; and
- 19 were abandoned by applicants.

Completion time and extensions

The 85 requests completed in 2013-2014 were processed in the following time frames:

- 18 within 1 to 15 days;
- 22 within 16 to 30 days;
- 8 within 31 to 60 days;
- 34 within 61 to 120 days;
- 1 within 121 to 180 days;
- 2 within 181 to 365 days; and
- 0 in more than 365 days

Of the 85 requests, 81 were completed within allowable time limits. The completion time of three requests was affected by the need for third party consultations. The completion time for one request was prolonged due to the workload.

Exemptions invoked

The CRTC invoked the following exemptions under the *Act*:

- 1 time under section 13(1)(c), exempting information provided in confidence by a provincial government;
- 2 times under section 15(1), exempting information pertaining to International Affairs;
- 9 times under section 16(1)(b), exempting information relating to investigative techniques or plans for specific lawful investigations;
- 7 times under section 16(1)(c), exempting records pertaining to law enforcement;
- 1 time under section 16.1(1)(b), exempting records relating to investigations, examinations and audits conducted by the Commissioner of Official Languages for Canada;
- 2 times under section 18(a), exempting information relating to the economic interests of Canada – specifically, trade secrets or financial, commercial, scientific or technical information that belongs to Government of Canada;
- 4 times under section 18(d), exempting information relating to the economic interests of Canada – specifically information that could be materially injurious to the financial interests of the Government or its ability to manage the economy of Canada;
- 27 times under section 19(1), exempting records containing personal information;
- 2 times under section 20(1)(a), exempting records containing third party trade secrets;
- 18 times under section 20(1)(b), exempting records containing third party confidential business information;
- 1 time under section 20(1)(b.1), exempting records containing third party information, supplied in confidence to a government institution for the preparation, maintenance, testing or implementation by the government institution of emergency management plans;
- 12 times under section 20(1)(c), exempting records containing third-party business information the disclosure of which could prejudice the competitive position of a third party;
- 5 times under section 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 30 times under section 21(1)(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 20 times under section 21(1)(b), exempting records containing information relating to the internal decision-making processes of government, i.e., accounts of consultations or deliberations;
- 16 times under section 21(1)(c), exempting records containing information relating to negotiations carried on by the Government of Canada;
- 7 times under section 21(1)(d), exempting records containing plans relating to the management of personnel or the administration of a government institution that have not yet been put in operation;
- 1 time under section 22, exempting records containing testing procedures, tests and audits, if the disclosure would prejudice the use or results of particular tests or audits;

- 15 times under section 23, exempting records containing information that is subject to client-solicitor privilege;
- 5 times under section 24(1), exempting records containing information filed in confidence under the *Telecommunications Act*; and
- 1 time under section 26, refusal of access where information is published.

General disposition

Paragraph 68(a) of the *Act* was invoked in 10 instances. Paragraph 68(a) specifies that the *Act* does not apply to published material or material available for purchase by the public.

Paragraph 68(1) of the *Act* was invoked in two instances. Paragraph 68(1) specifies that the *Act* does not apply to information that is under the control of the Canadian Broadcasting Corporation that relates to its journalistic, creative or programming activities, other than information that relates to its general administration

Complaints, investigations and federal court cases

Twelve complaints were received during 2013-2014. Of these 12 complaints, nine were closed. These nine complaints all came from the same source but were later abandoned by the requester. They concerned the creation of documents that are not currently within the control of the CRTC.

Seven complaints have been carried forward to 2014-2015. Of these seven complaints, three were filed in 2010-2011, one was filed in 2011-2012 and three were filed in 2013-2014. All the files being carried forward are with respect to the application of exemptions.

Education and training

During 2013–2014, two training sessions were offered to 32 employees, providing them with an overview of the *Access to Information Act* and a better understanding of their obligations and the ATIP process within the CRTC.

Policies and Procedures

During 2013-2014, the ATIP Office initiated a review of its ATI process: by surveying other smaller ATIP offices, and consulting internally with the different sectors. The results of this review were carried forward into 2014-2015 and assisted in the implementation of a revised ATIP process at the CRTC.

During 2013-2014, the CRTC continued to post summaries of completed Access to Information requests on its website.

Costs

During 2013-2014, the ATIP Office incurred an estimated \$192,960 in salary costs and \$2,445 in administrative costs to administer both this *Act* and the *Privacy Act*.

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

Statistical Report on the *Access to Information Act*

The report can be found at Appendix B.

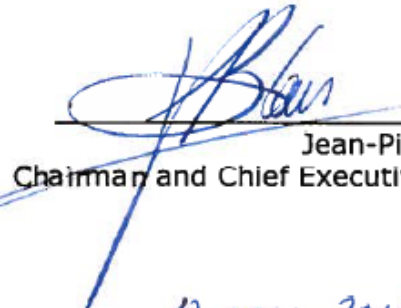


Appendix A: Delegation Order

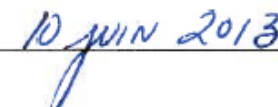
Access to Information Act Delegation Order

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

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



Jean-Pierre Blais
Chairman and Chief Executive Officer



10 juin 2013
Date

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

SCHEDULE

Access to Information Act Designation Order

Position	Sections of Access to Information Act
1. Secretary General	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(1), 13(2), 14, 15(1), 16(1), 16(2), 16(3), 17, 18, 18.1, 19, 20, 21, 22, 22.1, 23, 24(1), 25, 26, 27(1), 27(4), 28(1), 28(2), 28(4), 29, 33, 35(2), 37(1), 37(4), 43(1), 44(2), 52, 68, 68.1, 69, 71, 72.
2. ATIP Coordinator	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(2), 25, 26, 27(4), 29, 33, 37(4), 43(1), 44(2), 68, 68.1.



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

Ottawa, Canada
K1A 0N2

Appendix B: Statistical Report



Statistical Report on the Access to Information Act

Name of institution: CRTC

Reporting period: 2013-04-01 to 2014-03-31

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	96
Outstanding from previous reporting period	6
Total	102
Closed during reporting period	85
Carried over to next reporting period	17

1.2 Sources of requests

Source	Number of Requests
Media	72
Academia	1
Business (Private Sector)	7
Organization	1
Public	15
Total	96

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	3	4	0	0	0	0	0	7
Disclosed in part	0	10	8	18	1	2	0	39
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	4	8	0	8	0	0	0	20
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	11	0	0	8	0	0	0	19
Treated informally	0	0	0	0	0	0	0	0
Total	18	22	8	34	1	2	0	85

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)	2	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	1	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	4	21(1)(a)	30
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	20
14(a)	0	16.1(1)(b)	1	18.1(1)(b)	0	21(1)(c)	16
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	7
15(1) - I.A.*	2	16.1(1)(d)	0	18.1(1)(d)	0	22	1
15(1) - Def.*	0	16.2(1)	0	19(1)	27	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	2	23	15
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	18	24(1)	5
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	1	26	1
16(1)(a)(iii)	0	16.5	0	20(1)(c)	12		
16(1)(b)	9	17	0	20(1)(d)	5		
16(1)(c)	7						
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)	10	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	2	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	7	0	0
Disclosed in part	31	5	3
Total	38	5	3

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	140	140	7
Disclosed in part	7374	5347	39
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	726	0	19

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	6	34	1	106	0	0	0	0	0	0
Disclosed in part	30	482	3	376	2	375	4	4114	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	16	0	3	0	0	0	0	0	0	0
Total	52	516	7	482	2	375	4	4114	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	0	0	2	0	2
Disclosed in part	11	5	7	1	24
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Abandoned	0	3	0	0	3
Total	11	8	9	1	29

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
4	1	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	2	2
31 to 60 days	0	0	0
61 to 120 days	0	2	2
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	4	4

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	6	0	5	20
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	8	0	0	0
Request abandoned	2	0	0	7
Total	16	0	5	27

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	3	0	4	3
31 to 60 days	3	0	1	11
61 to 120 days	10	0	0	13
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	16	0	5	27

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	82	\$410	3	\$15
Search	4	\$725	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	1	\$27	3	\$529
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	87	\$1,162	6	\$544

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	33	470	0	0
Outstanding from the previous reporting period	1	0	0	0
Total	34	470	0	0
Closed during the reporting period	34	470	0	0
Pending at the end of the reporting period	0	0	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	than 365 days	
Disclose entirely	22	3	1	1	0	0	0	27
Disclose in part	3	1	0	0	0	0	0	4
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	1	1	0	0	0	0	2
Total	26	5	2	1	0	0	0	34

5.3 Recommendations and completion time for consultations received from other organizations

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	than 365 days	Total
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		\$192,961
Overtime		\$0
Goods and Services		\$2,445
• Professional services contracts	\$2,310	
• Other	\$135	
Total		\$195,406

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	5.00	1.00	6.00
Part-time and casual employees	0.00	1.00	1.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	0.00	1.00	1.00
Students	0.00	0.00	0.00
Total	5.00	3.00	8.00

Supplementary Statistical Report Appendix A

Previously released ATI package released informally

Institution	Number of informal releases of previously released ATI packages
Canadian Radio-television and Telecommunication Commission	20

Completed Privacy Impact Assessments (PIAs)

Institution	Number of Completed PIAs
Canadian Radio-television and Telecommunication Commission	1

Completion Time of Consultations on Cabinet Confidences under the ATIA - Requests with Legal Services

[illegible]

Completion Time of Consultations on Cabinet Confidences under the ATIA - Requests with Privy Council Office

[illegible]

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Legal Services

[illegible]

Completion Time of Consultations on Cabinet Confidences under the PA - Requests with Privy Council Office

[illegible]