



Canadian Radio-television and  
Telecommunications Commission

Conseil de la radiodiffusion et des  
télécommunications canadiennes

Canada

# Annual Report

Access to Information  
2014/2015

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- [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 under the control of a government institution. 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 regulates and supervises Canadian broadcasting and telecommunications in the public interest, as well as enhances the privacy and safety of Canadians.

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:

Regulatory Policy, Legislative Implementation and Regulation

- Developing regulatory policies for Canada's communication system
- Approving mergers, acquisitions and changes of ownership of broadcasting distribution undertakings

- Approving tariffs and agreements for certain telecommunications services
- Issuing, renewing and amending licenses for broadcasting distribution and programming undertakings
- Resolving competitive disputes

#### Outreach and Engagement with Stakeholders and Canadians

- Consulting and informing Canadians
- Responding to enquiries and complaints from Canadians
- Collaborating with domestic and international partners on issues
- Facilitating industry co-regulation and self-regulation through consultations, committees and working groups

#### Monitoring, Compliance and Enforcement

- Monitoring and reporting on the Canadian communication system
- Promoting and enforcing compliance with legislation, regulation and rules such as the Unsolicited Telecommunications Rules (UTRs) and the Canada's anti-spam legislation (CASL)

The CRTC undertakes its responsibilities with a focus on Canadians as citizens, creators and consumers. Canada's communication system continues to evolve in a complex and dynamic manner, and is of growing importance to the lives of Canadians.

## 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 2014-2015, the ATIP Office had 5 full-time employees and 1 part-time employee engaged in ATI activities.

The activities of the ATIP Office include:

- receiving and processing requests in accordance with the *Act*;
- promoting awareness of the *Act* within the Commission;
- preparing the annual report to Parliament, the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring commission compliance with the *Act*; and
- providing professional advice and guidance to senior management and all Commission staff on the *Act*.

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 August 7, 2014. 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, 2014 to March 31, 2015, the CRTC received a total of 33 new requests under the *Act*. A total of 16 requests were carried forward from 2013-2014 and a total of 7 requests were carried forward to 2015-2016. Consequently, a total of 49 requests were processed during the year of which 42 were closed. In total, the CRTC processed 25,753 pages in 2014-15. This represents a 212% increase in page volume from last reporting period. See Appendix B for the Statistical Report on the *Access to Information Act*.

No records existed that met the established criteria in 7 of the 42 requests processed. Three additional requests were abandoned by the applicants.

Of the requests that were received this reporting period, the largest access client group was the public. Of the 33 requests received during the current period, 9 (27%) came from this group. The remaining requests were from media, academia, businesses, and other organizations with 24 requests received.

The substance of the requests received covered a wide range of broadcasting, telecommunications and enforcement matters 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);
- memorandums and presentations for senior management; and
- Netflix.

Under the legislation, fees for application and reproduction of a record can be charged. During the reporting period a total of \$870 fees was collected that included \$170 for application fees and \$700 for search. No fees were collected for reproduction.

## **Other requests**

To assist other institutions in processing their requests, the ATIP Office reviews and provides recommendations on the disclosure of records that concern the Commission. During the reporting period, the ATIP Office received a total of 21 consultation requests from other federal institutions and other governments. Almost half of the consultations received were from 2 departments; Canadian Heritage (5 requests) and Industry Canada (5 requests).

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 2014-2015, 42 requests were completed. The disposition of the completed requests was as follows:

- 2 were fully disclosed;
- 28 were disclosed in part;
- 1 was all exempted;
- 1 was all excluded;
- 7 had no records that existed; and
- 3 were abandoned by applicants.

## **Completion time and extensions**

The 42 requests completed in 2014-2015 were processed in the following time frames:

- 3 within 1 to 15 days;
- 17 within 16 to 30 days;
- 0 within 31 to 60 days;
- 10 within 61 to 120 days;
- 0 within 121 to 180 days;
- 6 within 181 to 365 days; and
- 6 in more than 365 days

Of the 42 requests, 32 were completed within allowable time limits. The completion time of 2 requests was affected by the need for third party consultations. The completion time for 7 requests was prolonged due to workload and 1 due to an administrative error (the request was not properly entered in the system).

## Exemptions invoked

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

- 3 under section 16(1)(b), exempting information relating to investigative techniques or plans for specific lawful investigations;
- 1 under section 16(1)(c)ii, exempting information relating to the conduct of lawful investigation that would reveal the identity of a confidential source of information;
- 1 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;
- 22 under section 19(1), exempting records containing personal information;
- 1 under section 20(1)(a), exempting records containing third party trade secrets;
- 17 under section 20(1)(b), exempting records containing third party confidential business information;
- 10 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;
- 8 under section 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 11 under section 21(1)(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 11 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;
- 6 under section 21(1)(c), exempting records containing information relating to negotiations carried on by the Government of Canada;
- 3 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;
- 7 under section 23, exempting records containing information that is subject to client-solicitor privilege; and,
- 7 under section 24(1), exempting information filed in confidence under the *Telecommunications Act*.



## **General disposition**

Paragraph 68(a) of the *Act* was invoked in 5 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 not invoked. 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**

During the reporting period, 1 complaint was filed with the Office of the Information Commissioner of Canada against the CRTC.

Seven complaints were carried forward to 2014-2015. Of these 7 complaints, 3 were filed in 2010-2011, 1 was filed in 2011-2012 and 3 were filed in 2013-2014. Four complaints are awaiting findings from the Office of the Information Commissioner of Canada. All the files being carried forward are with respect to the application of exemptions or the length of extensions.

The CRTC was not involved in Federal Court cases during this reporting period.

## **Education and training**

To increase the knowledge and understanding of the *Access to Information Act* across the Commission, training and awareness sessions were delivered to the Commission employees. These sessions provided basic information on the purpose and provisions of the *Access to Information Act*, as well as the roles and responsibilities of the Commission employees and the ATIP Office. For sessions requested by sectors, information was tailored to meet the specific needs of the sector concerned.

During 2014–2015, 2 training sessions were offered to 50 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.

The intranet for the ATIP Office is a tool that is accessible to all employees which describes the ATIP Office's roles and responsibilities and provides information on the *Access to Information Act* and related Commission policies and procedures. Following the implementation of a new process for treating Access to Information requests, the ATIP Office has initiated a review of its policy documents on the intranet.

## **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.

Info Source is a series of publications containing information on the Government of Canada and on the government's data collection activities. Info Source is intended to help the public access government information and to exercise their rights under the *Privacy Act* and *Access to Information Act*.

Each year, the ATIP Office prepares updates on the CRTC's activities and information holdings for publication in Info Source which is published on the Commission's website. During 2014–2015, the Commission continued to revise its Info Source chapter based on the Strategic Outcomes and Program Alignment Architecture.

The CRTC's comprehensive website provides information on the Commission's policies, its organizational structure and the means to contact Commission officials. In accordance with the federal government's policy on proactive disclosure, the CRTC's website also allows access to travel and hospitality expenses, contracts and grants and contribution.

During 2014-2015, the CRTC continued to post summaries of completed Access to Information requests on its website.

## **Costs**

During 2014-2015, the ATIP Office incurred an estimated \$226,199 in salary costs and \$1,571 in administrative costs to administer this *Act*.

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

*[Faint, illegible signature]*

*[Signature]*  
Jean-Pierre Blais  
Chairman and Chief Executive Officer

*7 Aug 2014*  
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(2), 52(3), 68, 69, 71(1), 71(2), 72
2. ATIP Coordinator	7, 8(1), 9, 10, 11, 12(2), 12(3), 13(2), 19, 20, 25, 26, 27(1), 27(4), 28(1), 28(4), 29, 33, 37(4), 43(1), 44(2), 68

## **Appendix B: Statistical Report**