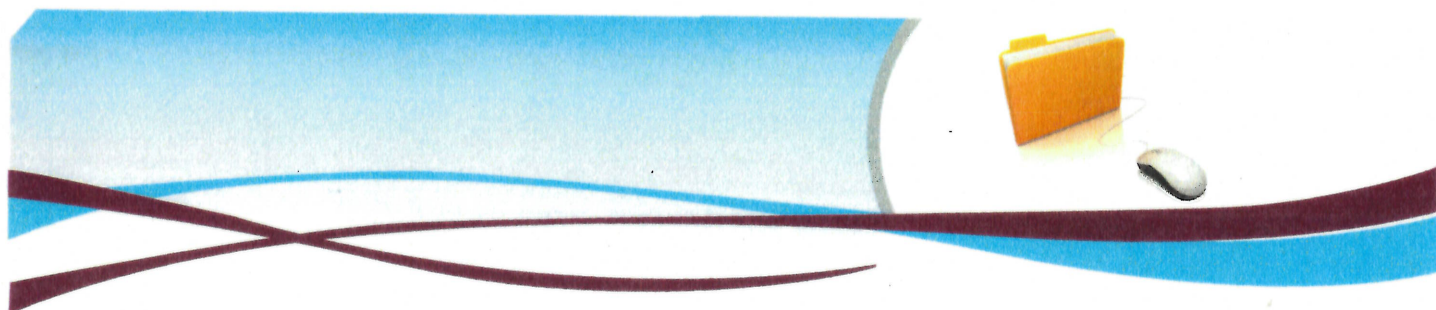




Canadian Radio-television and
Telecommunications Commission

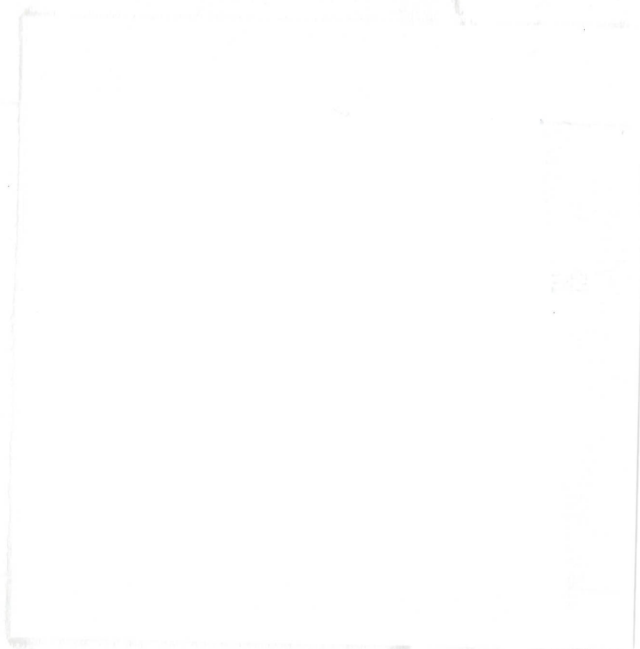
Conseil de la radiodiffusion et des
télécommunications canadiennes



Annual Report

Access to Information

2011 / 2012



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Canada



Conseil de la radiodiffusion et des
télécommunications canadiennes

Canadian Radio-television and
Telecommunications Commission

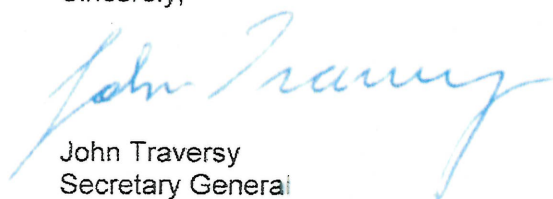
Ottawa, Canada
K1A 0N2

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, 2012 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

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Ottawa, Ontario
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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 will be 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 Canadian Radio-television and Telecommunications Commission is an independent, quasi-judicial organization that regulates and supervises the Canadian broadcasting and telecommunications systems, according to the policy objectives established in the *Broadcasting Act* of 1991 and the *Telecommunications Act* of 1993.

The CRTC exists under the authority of the *Canadian Radio-television and Telecommunications Commission Act* of 1985. Its mandate is governed by the *Broadcasting Act* and the *Telecommunications Act*. The *Broadcasting Act* seeks to ensure that Canadians have access to a wide variety of high-quality Canadian programming. The *Telecommunications Act* seeks to ensure that Canadians have access to reliable, high-quality telephone and telecommunications services at affordable prices.

The CRTC received an additional mandate under Canada's anti-spam legislation, which addresses, among other things, the sending of commercial electronic messages (e.g., spam), the unauthorized installation of computer programs (e.g., malware) and the unauthorized alteration of transmission data (e.g., network re-routing) without consent. The CRTC is preparing to investigate violations once the law comes into force.

The CRTC works diligently to ensure the communications sector is regulated fairly, effectively and efficiently, and in a manner that fosters increased reliance on market forces. It endeavours to keep its regulatory policies current by taking into account emerging technologies and market developments and consumer interests.

Objectives

The CRTC seeks to balance the needs of Canadians with the interests of the communications industry. Through its regulatory function, the CRTC addresses various economic, social and cultural issues related to the communications industry, including:

- fostering a healthy and competitive communications system that will enable Canadians to participate in, and benefit from, the digital economy
- ensuring that Canadians have access to a wide variety of Canadian-produced television and radio programming that reflects Canada's values, as well as its linguistic, cultural, and regional diversity

- ensuring that Canadians have access to reliable, affordable, and high-quality telecommunications services, and
- protecting Canadians from unsolicited communications and contributing to a more secure online environment for consumers and businesses.

Administration

The CRTC's Access to Information and Privacy (ATIP) Office is located within the Information Management section of the Information Management and Technologies Directorate. The ATIP Office currently has one full-time employee and three part-time employees. Their functions are shared between the fulfillment of the CRTC's obligations under *Privacy Act* and the *Access to Information Act* as well as the management of information policies at the CRTC.

The ATIP Office uses the AccessPro Case Management system and an imaging and electronic redaction software solution, AccessPro Redaction. Both systems are now fully functional and the ATIP staff is no longer redacting manually.

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 July 27, 2010. 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, 2011 to March 31, 2012, the CRTC received a total of 52 new requests under the *Act*. A total of 19 requests were carried forward from 2010-2011 and a total of 8 requests were carried forward to 2012-2013. Consequently, a total of 63 requests were processed during the year.

Of the 63 requests processed, two were transferred to other federal institutions, eight could not be processed (no records meeting the criteria established in the requests) and seven were abandoned by the applicants.

The largest access client group was the public. Of the 52 requests received during the current period, 35 (67%) 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:

- Billing practices for high speed access services;
- Complaints under Internet Traffic Management Practice Guidelines;

- Administration of the National Do Not Call List; and
- Administration of the Local Programming Improvement Fund (LPIF).

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

During the period, no fees were collected for photocopy, searching and preparation costs.

Other requests

During the same period, the CRTC received 18 *Access to Information Act* consultation requests from other departments.

The ATIP Office also processed 2 requests that were treated informally; the information requested was publicly available on the Internet.

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 requests

In 2011-2012, 63 requests were completed. The disposition of the completed requests was as follows:

- 11 were fully disclosed;
- 17 were disclosed in part;
- 3 were excluded in their entirety;
- 4 were exempted in their entirety;
- 2 were transferred;
- 17 could not be processed (no records exist);
- 7 were abandoned by applicants; and
- 2 were treated informally.

Completion time and extensions

The 63 requests completed in 2011-2012 were processed in the following time frames:

- 36 within 30 or fewer days
- 11 within 31 to 60 days
- 8 within 61 to 120 days
- 8 within 121 days or over

Of the 63 requests, 36 were completed within allowable time limits. The completion time of several requests was affected by numerous staff changes that occurred in the ATIP Office during the year. The completion time for 9 requests was prolonged and was necessary due to 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:

- 1 time under paragraph 16(1)(b), exempting records pertaining to investigative techniques;
- 4 times under paragraph 16(1)(c), exempting records pertaining to law enforcement;
- 15 times under subsection 19(1), exempting records containing personal information;
- 1 time under paragraph 20(1)(a), exempting records containing third-party trade secrets;
- 14 times under paragraph 20(1)(b), exempting records containing third-party confidential business information;
- 11 times under paragraph 20(1)(c), exempting records containing third-party business information the disclosure of which could prejudice the competitive position of a third party;
- 6 times under paragraph 20(1)(d), exempting records containing third-party business information that could interfere with contractual or other negotiations;
- 11 times under paragraph 21(1)(a), exempting records containing information relating to the internal decision-making processes of government, i.e., advice and recommendations;
- 12 times under paragraph 21(1)(b), exempting records containing information relating to the internal decision-making processes of government, i.e., accounts of consultations or deliberations;
- 4 times under paragraph 21(1)(c), exempting records containing information relating to negotiations carried on by the Government of Canada
- 2 times under paragraph 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; and
- 5 times under section 23, exempting records containing information that is subject to client-solicitor privilege.
- 3 times under section 24(1), exempting records containing information filed in confidence under the Telecommunications Act
- 1 time under section 26, exempting records containing information to be published within ninety days

General disposition

Paragraph 68(a) of the Act was invoked in five instances. 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 2012-2013. One complaint which was filed in 2009-2010 with respect to the application of the exemptions and one complaint filed in 2010-2011 concerning a "no records" response were carried forward to 2011-2012. The CRTC is awaiting findings from the Office of the Information Commissioner for these two complaints. Four complaints were received in 2011-2012, one of which is awaiting a finding from the Office of Information Commissioner. One complaint concerning a request that was late was resolved within the reporting period.

Of the seven remaining complaint files, the following applies:

- Four relate to requests for revenue and expenditure data submitted through the annual returns by Broadcasting entities – further evidence for the application of section 20 was requested, including justification of the basis for confidentiality under section 20(1)(b).
- One relates to the application of section 26 concerning information that will be published.
- One relates to the application of sections 19 and 21.
- One relates to the length of the extension that was taken.

There were no court cases for 2011-2012.

Education and training

During 2011-2012, two training sessions were offered to 23 employees, providing them with an overview of the Act and a better understanding of their obligations and the process within the CRTC. An orientation session was also given to 40 Commission staff on the ATIP process and roles & responsibilities as well as various Information Management (IM) considerations.

Policies and Procedures

During 2011-12, the CRTC began posting summaries of completed Access to Information requests on its website.

Costs

During 2011-2012, the ATIP Office incurred an estimated \$163,544 in salary costs and \$85,646 in administrative costs to administer the *Act*.

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



Konrad von Finckenstein, QC
Chairman of the CRTC

JUL 27 2010

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, 69, 71(1), 71(2), 72, 77
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, 77

Appendix B: Statistical Report



Statistical Report on the Access to Information Act

Name of institution: Canadian Radio-Television and Telecommunications Commi

Reporting period: 01/04/2011 to 31/03/2012

PART 1 – Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	52
Outstanding from previous reporting period	19
Total	71
Closed during reporting period	63
Carried over to next reporting period	8

1.2 Sources of requests

Source	Number of Requests
Media	4
Academia	4
Business (Private Sector)	8
Organization	1
Public	35
Total	52

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	2	3	6	0	0	0	0	11
Disclosed in part	0	3	2	5	3	4	0	17
All exempted	0	1	2	0	1	0	0	4
All excluded	1	2	0	0	0	0	0	3
No records exist	8	8	0	1	0	0	0	17
Request transferred	2	0	0	0	0	0	0	2
Request abandoned	1	5	0	1	0	0	0	7
Treated informally	0	0	1	1	0	0	0	2
Total	14	22	11	8	4	4	0	63

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	0	16(2)(a)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(b)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	0	16(3)	0	18(d)	0	21(1)(a)	11
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	12
14(a)	0	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	4
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	2
15(1) - I.A.*	0	16.1(1)(d)	0	18.1(1)(d)	0	22	1
15(1) - Def.*	0	16.2(1)	0	19(1)	15	22.1(1)	0
15(1) - S.A.*	0	16.3	0	20(1)(a)	1	23	5
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	14	24(1)	3
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	1
16(1)(a)(iii)	0	16.5	0	20(1)(c)	11		
16(1)(b)	1	17	0	20(1)(d)	6		
16(1)(c)	4						
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)	5	69(1)(a)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	0	69(1)(g) re (c)	0
68.1	0	69(1)(d)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	0	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	10	1	0
Disclosed in part	15	1	0
Total	25	2	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	216	216	11
Disclosed in part	3437	2936	17
All exempted	325	0	4
All excluded	0	0	3
Request abandoned	1258	0	7

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	10	106	1	110	0	0	0	0	0	0
Disclosed in part	9	431	6	1191	2	1314	0	0	0	0
All exempted	2	0	1	0	1	0	0	0	0	0
All excluded	3	0	0	0	0	0	0	0	0	0
Abandoned	4	0	2	0	1	0	0	0	0	0
Total	28	537	10	1301	4	1314	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	4	0	0	0	4
Disclosed in part	20	2	9	2	33
All exempted	1	0	1	0	2
All excluded	0	0	1	0	1
Abandoned	1	5	0	0	6
Total	26	7	11	2	46

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
21	9	0	3	9

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	6	5	11
16 to 30 days	4	2	6
31 to 60 days	1	0	1
61 to 120 days	3	1	4
121 to 180 days	1	2	3
181 to 365 days	1	1	2
More than 365 days	0	0	0
Total	16	11	27

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	1	0	1	0
Disclosed in part	5	0	6	7
All exempted	1	0	0	1
All excluded	0	0	0	0
No records exist	1	0	0	1
Request abandoned	1	0	1	0
Total	9	0	8	9

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	2	0	1	2
31 to 60 days	1	0	6	6
61 to 120 days	6	0	1	1
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	9	0	8	9

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	56	\$280	1	\$5
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	56	\$280	1	\$5

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	18	681	0	0
Outstanding from the previous reporting period	1	6	0	0
Total	19	687	0	0
Closed during the reporting period	18	565	0	0
Pending at the end of the reporting period	1	122	0	0

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	than 365 days	Total
Disclose entirely	11	3	0	0	0	0	0	14
Disclose in part	2	0	0	0	0	0	0	2
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	2	0	0	0	0	0	0	2
Total	15	3	0	0	0	0	0	18

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	than 365 days	
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	3	0
16 to 30	1	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	4	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		\$163,544
Overtime		\$0
Goods and Services		\$85,646
• Professional services contracts	\$75,646	
• Other	\$10,000	
Total		\$249,190

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	1.00	3.00	4.00
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	1.00	0.00	1.00
Students	0.00	0.00	0.00
Total	2.00	3.00	5.00