

Commission d'examen des plaintes concernant la police militaire du Canada

# Access to Information Act

**Annual Report** 

April 1, 2016 - March 31, 2017



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#### 1. Introduction

### Purpose of the Access to Information Act

The Access to Information Act (ATIA) provides a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The ATIA is intended to complement and not replace existing procedures for access to government information and is not intended to limit in any way access to the type of government information that is normally available to the general public.

The Annual Report to Parliament on the ATIA is prepared and tabled in Parliament in accordance with section 72 of the ATIA.

### **Military Police Complaints Commission of Canada**

#### The Mandate

The Military Police Complaints Commission of Canada (MPCC) provides independent civilian oversight of the Canadian Armed Forces (CAF) Military Police (MP) and carries out its quasi-judicial functions pursuant to the powers conferred under Part IV of the *National Defence Act*.

The MPCC reviews and investigates complaints concerning MP conduct and investigates allegations of interference in MP investigations. It reports its findings and makes recommendations directly to the MP and national defence leadership.

#### The Mission

The mission of the MPCC is to promote and ensure the highest standards of conduct of MP in the performance of policing duties, and to discourage interference in any MP investigation.

### 2. Application of the Access to Information Act

### **Institutional Organization of Activities**

### The Organization

The MPCC is a micro-agency consisting of 30 planned full-time equivalents with an ongoing annual budget of \$4.2M.

As Deputy Head, the Chairperson is supported by the General Counsel and the Chief of Staff (CoS), four part-time Governor-in-Council (GIC) appointed Commission Members, MPCC personnel and consultants.

### MPCC Access to Information and Privacy (ATIP) Program

The MPCC ATIP program provides services / products under the ATIA and *Privacy Act* (PA), but also provides services / products during the phases of large Public Interest Hearings (PIH) and investigations. Furthermore, the MPCC has developed an *Access to Information Framework – Plans and Strategies* encompassing documented processes and management accountability to strengthen the integrity of the ATIP program.

### **MPCC Access to Information and Privacy Coordinator and Personnel**

The ATIP Coordinator for the MPCC is the CoS who is supported by the ATIP Officer. The Senior Planning & Administrative Officer (SPAO) serves as back-up to the ATIP Officer. As such, ATIP requests are a shared responsibility between two delegated salaried employees, as well as the responsibility of the Offices of Primary Interest (i.e. Operations, Registrar, Finance, the Records and Information Management Officer, etc.). Each area performs these duties in addition to their regular workload.

The main activities of the ATIP officer are the following;

- Handles assigned cases, analyzes purpose/history of request, interprets legislation and determines information that may be disclosed, exempted and excluded;
- Provides advice and consultation to requesters and third party stakeholders and MPCC management and employees, responds to questions and concerns and ensures that they have a clear understanding of legislation and MPCC policies and procedures for handling requests and other ATIP related issues, including document security classification;
- Conducts research and consultations with other departments and third parties to prepare responses to requesters;
- Analyzes and provides recommendations in the preparation of exhibits for disclosure during a PIH in accordance with ATIP legislation, Open Court Principles and other related policies and procedures; and
- Prepares reports for MPCC management on ATIP requests, other ATIP related issues, including statistical reports and the Annual Reports for submission to Parliament and Info Source.

The MPCC does not have any regional offices.

### 3. Delegation

Pursuant to section 73 of the ATIA, the Chairperson appointed the CoS, the ATIP Officer and the SPAO with the duty to exercise certain powers and to perform duties and functions under the ATIA and Regulations. (**Appendix A** – *Access to Information Act* Delegation Order).

### 4. Access to Information Act Statistics

During this review period, the MPCC received 16 requests and closed 24 requests. Eight requests were carried into 2016-17. Of these requests, four were received from the public and 12 were from businesses. The MPCC received two informal requests.

Of the 24 closed requests, 11 (46%) requests were responded within 15 days, six (25%) requests were responded within 30 days and seven (29%) requests were responded within 120 days.

For additional information, please refer to **Appendix B**.

#### **Extensions**

Four extensions were used under Section 9 of the *Access to Information Act* due to the volume of records and three were used due to external consultations.

### **Consultations from Other Institutions**

The MPCC received and closed nine consultations received from other government departments within a 30 day timeframe.

### **Exemptions Invoked**

The MPCC invoked exemptions pursuant to section 16(1)(c), 16.5, 19(1) and 23.

### **Multi-Year Trends**

Due to the generally small numbers of requests, it is difficult to extrapolate trends. Although there was a 58% increase from 2014-15 to 2015-16, the number of requests received for 2016-17 was slightly lower when comparing to 2015-16.



### 5. Training

In addition to completing two mandatory online courses, 100% of MPCC employees received an awareness session. The session provided general information related to the ATIA and roles and responsibilities of institutions and employees.

### 6. Institutional Policies and Procedures

During the reporting period, the MPCC implemented a manual Tickler system (time limit reminder) to more efficiently respond to files within legislative deadlines. Procedures for processing Access to Information were updated and provided to staff during ATIP training sessions. The MPCC also began the process of acquiring ATIP-specific software to administer the ATIA.

### **Handling of Formal Requests**

The MPCC has adopted the following process to handle formal requests:

- 1. Receive and acknowledge receipt of the ATI request;
- 2. Create a file and register the request including capturing and updating the information in the Report on the ATIA:
- 3. Review the request and determine next steps;
- 4. Gather and review all documents including redacting the information if required;
- 5. Validate and approve the release of the information; and
- 6. Audits.

### 7. Complaints, Audits and Investigations

During the reporting period, no complaints were received by the Office of the Information Commissioner of Canada, no audits were conducted and no appeals concerning ATIA requests with the MPCC were filed in Federal Court during the reporting period.

### 8. Monitoring

All ATIP requests are monitored by the CoS / ATIP Coordinator throughout the year and information such as the statistics and time to process ATI requests are captured in an ATIP report. This monitoring occurs from the receipt to the closure of all ATIP requests.

Quarterly, the CoS / ATIP Coordinator submit the ATIP reports including all other ATIP activities (i.e. ATI Annual Report, PA Annual Report, ATI Statistical Report, PA Statistical Report, Info Source, Personal Information Bank etc.), to the Executive Committee as a standing agenda item. This Committee consists of the Chairperson (Deputy Head), CoS / ATIP Coordinator and the General Counsel. During the agenda item, the ATIP Officer is present and the report is tabled, discussed and approved.

### Appendix A



Commission d'examen des plaintes concernant la police militaire du Canada

### Access to Information Act and Privacy Act Delegation Order

Arrêté de délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

The Chairperson of the Military Police Complaints Commission of Canada, pursuant to section 73 of the Access to Information Act and section 73 of the Privacy Act, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the Chairperson as the head of Military Police Complaints Commission of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

En vertu de l'article 73 de la Loi sur l'accès à l'information et de l'article 73 de la Loi sur la protection des renseignements personnels, la présidente de la Commission d'examen des plaintes concernant la police militaire du Canada délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont le/la président(e) est, en qualité de responsable de Commission d'examen des plaintes concernant la police militaire du Canada, investi[e] par les dispositions de la Loi ou de son règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

La présidente de La Commission d'examen des plaintes concernant la police militaire du Canada

> Hilary McCormack Chairperson

Military Police Complaints Commission of Canada

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Signed in Ottawa, Ontario, Canada this 12th day of May, 2016 Signé à Ottawa, Ontario, Canada le 12ième jour de mai 2016

Canada

### Access to Information Act Delegation Order

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#### Access to Information Act

Provision	Description	Chairperson	Chief of Staff	Access to information and Privacy Officer	Senior Planning and Administrative Officer
4(2.1)	Responsibility of head of institution	•	•	•	•
7(a)	Notice where access requested	•	•	•	•
7(b)	Giving access to the record	•	•	•	•
8(1)	Transfer of request	•	•	•	•
9	Extension of time limits	•	•	•	•
10(1)(a)(b)	Where access is refused	•	•		
11(1), (3), (4), (5), (6)	Additional Fees	•	•	•	•
12(2)(b)	Language of Access	•	•	•	•
12(3)(b)	Access in an alternative format	•	•	•	•
Exemption Prov	isions of the Access t	to Information A	ct		
Provision	Description	Chairperson	Chief of Staff	Access to Information and Privacy Officer	Senior Planning and Administrative Officer
13	Exemption - Information obtained in	•	•		
	confidence		-		
14	Exemption – Federal-provincial affairs	•	•		8
	Exemption – Federal-provincial affairs Exemption – International affairs and defence	•	•		9
15	Exemption – Federal-provincial affairs Exemption – International affairs and defence Exemption – Law enforcement and investigations	•	•		2
14 15 16 16.5	Exemption – Federal-provincial affairs Exemption – International affairs and defence Exemption – Law enforcement and investigations Exemption – Public Servants Disclosure Protection Act	•	•		2
15	Exemption – Federal-provincial affairs Exemption – International affairs and defence Exemption – Law enforcement and investigations Exemption – Public Servants Disclosure	•	•		

	Economic interests of Canada				
19	Exemption – Personal Information	•	•		
20	Exemption – Third- party information	•	•		
21	Exemption – Operations of Government	•	•		
22	Exemption – Testing procedures, tests and audits	•	•	2	
22.1	Exemption – Internal Audits	•	•		
23	Exemption – Solicitor-client privilege	•	•	2	
24	Exemption – Statutory prohibitions	•	•		xi
Other Provisions	of the Access to Infe	ormation Act			
Provision	Description	Chairperson	Chief of Staff	Access to Information and Privacy Officer	Senior Planning and Administrative Officer
25	Severability	•	•	•	- A
26	Refusal of access where information to be published	•	•	•	•
27(1),(4)	Third party notification	•	•	•	•
28(1)(b), (2), (4)	Third party notification	•	•	•	•
29(1)	Notice of decision to disclose	•	•	•	•
33	Notice to Information Commissioner of notices to third parties	•			•
35(2)(b)	Right to make representations	•	•		
37(1)(b)	Findings and recommendations of information Commissioner	•		•	
37(4)	Access to be given to complainant	•	•	•	•
43(1)	Notice to third party of application to Federal Court for review	•	•	•	•
44(2)	Notice to requester of application for review by third party	•	•	•	•

52(2)	Special rules for hearings				
52(3)	Ex parte representations	•	•		
71(1)	Facilities for inspection of manuals				
71(2)	Exempt information may be excluded	3			
72	Annual report to Parliament				
Access to Infe	ormation Regulations				
Provision	Description	Chairperson	Chief of Staff	Access to Information and Privacy Officer	Senior Planning and Administrative Officer
6(1)	Transfer of request				
7(2)	Search and preparation fees				
7(3)	Production and programming fees	•			
8	Method of access			•	
8.1	Limitations In respect of format				

Dated, at the City of Ottawa this 12th day of May 2016.

Hilary C. McCormack Chairperson

Military Police Complaints Commission of Canada

# Statistical Report on the Access to Information Act

Name of institution:	MPCC_				
Reporting period:		2016-04-01	to	2017-03-31	
reporting period.		2010-04-01	ıo	2017-00-01	_

# **Part 1: Requests Under the Access to Information Act**

### 1.1 Number of requests

	Number of Requests
Received during reporting period	16
Outstanding from previous reporting period	8
Total	24
Closed during reporting period	24
Carried over to next reporting period	0

## 1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	12
Organization	0
Public	4
Decline to Identify	0
Total	16

## 1.3 Informal requests

	Completion Time								
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		
2	0	0	0	0	0	0	2		

**Note**: All requests previously recorded as "treated informally" will now be accounted for in this section only.

# Part 2: Requests Closed During the Reporting Period

# 2.1 Disposition and completion time

	Completion Time							
Disposition of 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
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	0	0	3	0	0	0	3
All exempted	0	1	0	4	0	0	0	5
All excluded	0	0	0	0	0	0	0	0
No records exist	7	4	0	0	0	0	0	11
Request transferred	1	0	0	0	0	0	0	1
Request abandoned	3	0	0	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	11	6	0	7	0	0	0	24

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

### 2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	1	0	0
Disclosed in part	1	2	0
Total	2	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	1	1	1
Disclosed in part	1069	248	3
All exempted	6916	0	5
All excluded	0	0	0
Request abandoned	0	0	3
Neither confirmed nor denied	0	0	0

# 2.5.2 Relevant pages processed and disclosed by size of requests

	Pag	han 100 ges essed	Pa	-500 ges essed	Pag	1000 ges essed	1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	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	1	1	0	0	0	0	0	0	0	0
Disclosed in part	1	29	0	0	0	0	2	219	0	0
All exempted	0	0	1	0	2	0	2	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	3	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	5	30	1	0	2	0	4	219	0	0

# 2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

### 2.6 Deemed refusals

# 2.6.1 Reasons for not meeting statutory deadline

Number of Paguests Clased		Principal Reason						
Number of Requests Closed Past the Statutory Deadline	Workload	External Consultation	Internal Consultation	Other				
7	4	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	0	0
31 to 60 days	0	1	1
61 to 120 days	0	6	6
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	7	7

## 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	9(1)(a) Interference	9(1)(b) Consultatio	9(1)(c)	
Where an Extension Was Taken	With Operations	Section 69	Other	Third-Party Notice
All disclosed	0	0	0	0
Disclosed in part	4	0	3	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	4	0	3	0

# 3.2 Length of extensions

	9(1)(a) Interference	9(1)(b) Consultation	9(1)(c)	
Length of Extensions	With Operations	Section 69	Other	Third-Party Notice
30 days or less	0	0	0	0
31 to 60 days	0	0	1	0
61 to 120 days	4	0	2	0
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	4	0	3	0

Part 4: Fees

	Fee Co	ellected	Fee Waived or Refunded		
Fee Type	Number of Requests	Amount	Number of Requests	Amount	
Application	24	\$120	0	\$0	
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	24	\$120	0	\$0	

# Part 5: Consultations Received From Other Institutions and Organizations

# 5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	9	925	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	9	925	0	0
Closed during the reporting period	9	925	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 of Canada institutions**

	N	Number of Days Required to Complete Consultation Requests							
Recommendation	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	2	1	0	0	0	0	0	3	
Disclose in part	3	3	0	0	0	0	0	6	
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	5	4	0	0	0	0	0	9	

# 5.3 Recommendations and completion time for consultations received from other organizations

	Number of Days Required to Complete Consultation Requests								
Recommendation	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	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

# 6.1 Requests with Legal Services

	100 F	r Than Pages essed		) Pages essed	501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

# **6.2 Requests with Privy Council Office**

	100 F	r Than Pages essed	101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

# Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

## **Part 8: Court Action**

Section 41	Section 42	Section 44	Total
0	0	0	0

# Part 9: Resources Related to the Access to Information Act

### 9.1 Costs

Expenditures	Amount	
Salaries	\$38,707	
Overtime		\$0
Goods and Services		\$1,526
<ul> <li>Professional services contracts</li> </ul>		
• Other		
Total	\$40,233	

### 9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.50
Part-time and casual employees	0.25
Regional staff	0.00
Consultants and agency personnel	0.05
Students	0.00
Total	0.80

Note: Enter values to two decimal places.