

Administration of the Access to Information Act

Annual Report 2011–2012 Library and Archives Canada



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Chapter I – Introduction

1.1 The Access to Information Act

The Access to Information Act (hereafter "the Act") provides Canadians, permanent residents, or any person or corporation present in Canada with a right of access to records under the control of federal institutions. The public's right of access to information is balanced against the legitimate need to protect sensitive information, and to permit effective functioning of government, while promoting transparency and accountability in government institutions.

The Act complements but does not replace other procedures for obtaining government information. It is not intended, in any way, to limit access to government information normally available to the public upon request.

This report to Parliament describes the administration of the Act by Library and Archives Canada (LAC) over the course of fiscal year 2011–2012, and is in compliance with section 72.

1.2 Overview of Library and Archives Canada

The Library and Archives Canada mandate is:

- To preserve the documentary heritage of Canada for the benefit of present and future generations;
- To serve as a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society;
- To facilitate cooperation among Canadian communities involved in the acquisition, preservation and diffusion of knowledge; and
- To serve as the continuing memory of the Government of Canada and its institutions.

Until the full implementation of the Directive on Recordkeeping, LAC is also the permanent repository of federal information resources of business value, including personnel records. These records are created in support of public policy, administration of government, and program delivery.

These records are stored in the National Capital Region, as well as in Regional Service Centres located in Ottawa, Winnipeg, Edmonton, Vancouver, Toronto, Montreal, Quebec City and Halifax.

Each year, LAC receives a high number of requests for access to records in its possession which have originated in other federal institutions in addition to requests for access to records which LAC itself has created. Many of these records contain personal and other sensitive information.

1.3 The Access to Information, Privacy and Document Delivery Services Division

The Deputy Head and Librarian and Archivist of Canada, the Chief Operating Officer (formerly the Assistant Deputy Minister, Programs and Services Sector), and the Director, Access to Information,

Privacy and Document Delivery Services Division (hereafter ATIP Division), each have a responsibility for exercising all sections under the Act.

The director of the ATIP Division is LAC's one point of coordination and authority accountable for all aspects of the administration of the *Access to Information Act* as it applies to the management of access to information under LAC's control. Currently, the director represents and advises LAC senior managers on access, liaises and maintains ongoing communication with his management team, and with other government institutions to develop and implement access to information policies, practices, guidelines, and procedures. Descriptions of LAC's information holdings are published in *Info Source* which is updated by LAC program areas.

The ATIP Division has 28.6 full-time equivalents, including 15 officers working on access requests in two sections with the following responsibilities:

Archival and Operational Records:

- Responds to consultations submitted by other federal institutions on the application of the Act as it relates to LAC's current operational records or issues;
- Processes formal and informal requests for access to LAC's current restricted operational records, and restricted archival records under LAC's control;
- Reviews restricted finding aids concerning restricted archival records transferred to LAC for permanent custody and severs information that remains restricted; and
- Approves letters of authorization for current employees of federal institutions to access restricted archival records under LAC's control; and Represents LAC in dealings with the Office of the Information Commissioner (OIC) of Canada regarding applications of the Act to LAC's current restricted operational and archival records.

Personnel Records:

- Processes formal and informal access requests for restricted personnel files and other related records on former Canadian Forces members and on former federal government employees;
- Represents LAC in dealings with the OIC on applications of the Act to restricted records described above.

1.4 Delegation of Authority

For the purposes of the Act, the Minister of Canadian Heritage and Official Languages delegates his powers, authorities and responsibilities to the Deputy Head and Librarian and Archivist of Canada. The Deputy Head is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures thereby ensuring that the Minister's responsibilities under the Act are met, and enabling appropriate processing and disclosure of information.

The Deputy Head delegates his powers, authorities and responsibilities to the Chief Operating Officer (formerly the Assistant Deputy Minister, Programs and Services Sector) and the Director, Access to Information, Privacy and Document Delivery Services Division. The ministerial delegation order instrument is appended to this report.

Chapter II – Performance

Part 1 - Requests under the Access to Information Act

1.1 Number of Requests

During the reporting period from April 1, 2011 to March 31, 2012, LAC received 821 new requests under the Act. This represented a 9.5% decrease in requests over 2010-2011. Requests had been increasing at an average rate of 26% a year for the four previous years.

LAC receives requests for four types of restricted federal records under its control (see following table for record types). As noted below, the types of records requested have remained roughly steady, with 52% to 66% being archival records created by other federal government institutions. Personnel records of former Canadian Forces members have varied between 27% and 47% of LAC's requests over the past five years. The last three years have seen an increase in requests to view the operational records of LAC itself.

The following table presents a comparison of the percentage distribution of requests for 2011–2012 and for the preceding four reporting periods (2007–2008 to 2010–2011):

	2011–2012	2010–2011	2009–2010	2008–2009	2007–2008
Record Type					
	57%	58%	52%	66%	65%
	Most requested:	Most requested:	Most requested:	Most requested:	Most requested:
Archival government records	1) Canadian Security and Intelligence Service; 2) Department of Foreign Affairs; 3) Department of National Defence; 4) Department of Indian Affairs and Northern Development; 5) Immigration and Citizenship; 6) Department of Justice; and Royal Commissions	1) Canadian Security and Intelligence Service; 2) Department of Foreign Affairs; 3) Department of National Defence; 4) Department of Indian Affairs and Northern Development; 5) Department of Finance; 6) Department of Energy, Mines and Resources	1) Canadian Security and Intelligence Service; 2) Department of National Defence; 3) Department of Foreign Affairs; 4) Department of Indian Affairs and Department of Northern Development; 5) Royal Canadian Mounted Police; 6) Citizenship and Immigration	1) Department of Foreign Affairs; 2) Royal Canadian Mounted Police; 3) Department of National Defence; 4) Canadian Security and Intelligence Service; 5) Department of Indian Affairs and Department of Northern Development; and 6) Health and Welfare	1) Canadian Security and Intelligence Service; 2) Department of National Defence; 3) Royal Canadian Mounted Police; 4) Department of Foreign Affairs; 5) Department of Indian Affairs and Department of Northern Development; 6) Department of Transport
Personnel records of	36%	38%	47%	27%	32%
former Canadian					
Forces					
members					
Current LAC	6%	4%	1%	6%	1%
operational	2,0	- , ,	- / 0	- / -	- / 0
records					
Personnel	0%	0%	0%	1%	1%
files of					
former civil					
servants					

A total of 833 formal requests were completed during the reporting period.

1.2 Sources of requests

An analysis was conducted in-house showing that the originators of the 821 new formal access requests received by LAC in 2011–2012 were:

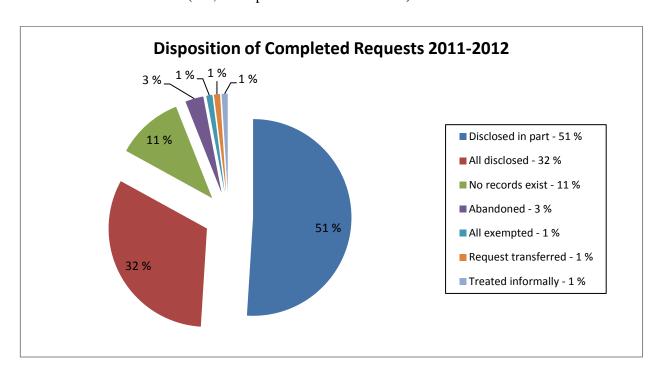
- 500 (61%) from the general public;
- 183 (22%) from academia;
- 64 (8%) from media;
- 49 (6%) from organizations; and
- 25 (3%) from businesses (Private Sector).

Part 2 – Requests closed during the reporting period

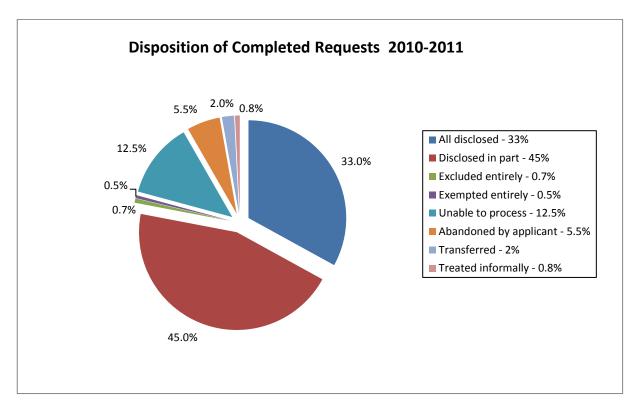
2.1 Disposition and completion time

In 2011–2012, LAC completed 833 formal requests under the Act. The disposition of requests is as follows:

- 428 disclosed in part (51%);
- 270 all disclosed (32%);
- 92 no records exist (11%);
- 28 abandoned (3%);
- 5 all exempted (1%);
- 5 transferred (1%);
- 5 treated informally (1%); and
- 0 all excluded (0%, not represented in chart below).



In comparison, LAC completed 887 formal requests in 2010–2011, with the following disposition:



During 2011–2012, LAC completed the following:

- 406 requests (49%) under the Act within 1 to 15 days of their receipt;
- 217 requests (26%) within 16 to 30 days of their receipt;
- 37 requests (5%) within 31 to 60 days;
- 79 requests (9%) within 61 to 120 days;
- 42 requests (5%) within 121 to 180 days;
- 35 requests (4%) within 181 to 365 days; and
- 17 requests (2%) required more than 365 days.

As required in 2010–2011, LAC had reported that requests were completed in the following manner:

- 683 requests (77%) within 1 to 30 days;
- 46 requests (5%) within 31 to 60 days;
- 48 requests (6%) within 61 to 120 days; and
- 110 requests (12%) required more than 121 days.

2.2 Exemptions

During 2011–2012, LAC invoked 668 exemptions under the Act, as follows:

Number of	Section	Description
Requests		

54	13(1)(a)	obtained in confidence from a foreign government
13	13(1)(b)	obtained in confidence from an international organization of states
6	13(1)(c)	obtained in confidence from a provincial government
13	13(1)(d)	obtained in confidence from a municipal or regional government
1	14(a)	federal-provincial consultations or deliberations
1	14(b)	federal-provincial affairs strategies or tactics
15	15(1) –I.A.	international affairs
71	15(1) – Def.	• defence
25	15(1) – S.A.	subversive activities
2	16(1)(a)(ii)	lawful investigations to enforce any Canadian or provincial law
3	16(1)(a)(iii)	• lawful investigations of activities constituting threats to Canada according to the Canadian Security Intelligence Service Act
12	16(1)(b)	lawful investigative techniques or plans
3	16(1)(c)	law enforcement
2	16(2)(a)	criminal methods or techniques
2	16(2)(b)	technical information on weapons or potential weapons
1	18(d)	financial interests of Library and Archives Canada
361	19(1)	personal information about an identifiable individual
6	20(1)(b)	• confidential financial, commercial, scientific or technical information of a third party (e.g. private companies)
16	20(1)(c)	• third parties' (private companies) information resulting in financial loss or gain or prejudicing the third parties' competitive positions
5	20(1)(d)	• expected to interfere with contractual or other negotiations of a third party
5	21(1)(a)	federal government advice or recommendations
3	21(1)(b)	federal government consultations or deliberations
5	21(1)(c)	federal government positions or plans for negotiations
5	21(1)(d)	• plans on administering a government institution or on managing personnel of a government institution which have not yet been put into operation.
1	22	• testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted
35	23	solicitor-client privilege
2	24(1)	statutory prohibitions against disclosure

Note: One request may invoke multiple sections of the Act (e.g., sections 13(1) (c) and 15(1) (c)). However, if the same exemption is used several times for the same request, it is only reported once.

Other potential exemptions which were not invoked during 2011–2012 include: 13(1)(e), 16(1)(a)(i),

16(1)(d), 16(2)(c), 16(3), 16.1(1)(a), 16.1(1)(b), 16.1(1)(c), 16.1(1)(d), 16.2(1), 16.3, 16.4(1)(a), 16.4(1)(b), 16.5, 17, 18(a), 18(b), 18(c), 18.1(1)(a), 18.1(1)(b), 18.1(1)(c), 18.1(1)(d), 20(1)(a), 20(1)(b.1), 20.1, 20.2, 20.4, 22.1(1) and 26.

In spite of a 6.1% decrease in completed requests in 2011–2012, LAC invoked more exemptions (an increase of 16%) in 2011–2012 for completed requests than in the previous reporting period.

The exemption most frequently invoked by LAC in 2011–2012 and in the preceding reporting periods (from 2007–2008 to 2010–2011) was section 19(1) of the Act (personal information about an identifiable individual). Some of the most frequently invoked exemptions in 2011–2012 and in the preceding reporting periods were section 13(1)(a) of the Act (information obtained in confidence from a foreign government), and section 23 (information that contains solicitor-client privilege).

2.3 Exclusions

The *Act* does not apply to certain materials. The following table presents a comparison of the exclusions LAC invoked in 2011–2012 and in 2010–2011:

Number of 1	requests	D
2011 –	2010 –	Description
2012	2011	
0	5	68(a) • Does not apply to published material or material available for purchase by the public
0	1	69(1)(a) • Does not apply to memoranda for presenting proposals or recommendations to the Queen's Privy Council for Canada
0	1	69(1)(b) • Does not apply to discussion papers that present background explanations, analyses of problems or policy options to the Queen's Privy Council for Canada for consideration by the Council in making decisions
0	1	69(1)(c) • Does not apply to the Queen's Privy Council for Canada agenda or records recording deliberations or decisions
1	0	69(1)(g) re (c) • Does not apply to records that contain information about the contents of the Queen's Privy Council for Canada agenda or records recording deliberations or decisions
1	0	69(1)(g) re (e) • Does not apply to records that contain information about the contents of any to records for briefing ministers of the Crown in matters that are before, or are proposed to be brought before the Queen's Privy Council for Canada or that are the subject of communications or discussions referred to in paragraph (d)

Other potential exclusions which LAC did not invoke during 2011–2012 and 2010–2011 include: 68(b), 68(c), 68.1, 68.2(a), 68.2(b), 69(1)(d), 69(1)(e), 69(1)(f), 69(1)(g) re (a), 69(1)(g) re (b), 69(1)(g) re (d), 69(1)(g) re (f), and 69.1(1).

2.4 Format of information released

For those requests in which the information was all disclosed or disclosed in part (i.e., 698 of the 833 completed requests) in 2011–2012, LAC released the information in the following formats:

- 474 requests (67.9%) in paper;
- 190 requests (27.2%) in electronic (CD-ROM), and
- 34 requests (4.9%) in other formats (examined on site at the 395 Wellington Street in Ottawa).

2.5 Complexity - Summary & Analysis

The 2011–2012 reporting period saw the continuation of a trend towards more pages being reviewed and released by LAC per request. As the custodian of Canadian government archives, LAC is unique in that more than half of the requests for access concern records which originated with other government departments and who must frequently be consulted to provide LAC with the appropriate recommendations. The number of pages sent for each consultation package has a direct impact on the length of time required by other government departments; this trend contributes directly to the number and length of time extensions requested by LAC, and the number of cases in which statutory deadlines are not met. Although LAC delivered nearly 95% of 2011–2012 records within the statutory deadline, the overwhelming reason (72%) for delay was the time taken by other departments.

2.5.1 Relevant pages processed and disclosed

LAC completed 428 requests in 2011–2012 for which 163,529 pages of information were processed and 141,483 pages were disclosed in part; 270 requests were completed for which 63,539 pages of information were processed and all disclosed; 28 requests were abandoned by the requesters (e.g. following a fee estimate) for which 7,132 pages of information were processed and were ready to be disclosed, and finally another 5 requests for which 2,337 pages had been reviewed but were not disclosed because the information was all exempted.

A total of 236,537 pages of information was processed by LAC for these requests in 2011–2012 compared to 205,282 pages in 2010–2011 (i.e., an increase of 13.2%). Three requests completed in 2011–2012 concerned 24,071 pages of restricted archival records from the following three Departments: 1) Energy, Mines and Resources, 2) National Defence, and 3) Foreign Affairs. One request completed in 2010–2011 concerned 4,397 pages of restricted archival records of the Department of National Defence.

2.5.2 Relevant pages processed and disclosed by size of requests

Of the 833 requests completed in 2011–2012, 442 that consisted of processing less than 100 pages for each request; a total of 9,446 pages were disclosed to the requesters. Another 170 requests were which consisted of 101 to 500 pages for each request; a total of 39,579 pages were disclosed to the requesters. Sixty-seven (67) requests were completed which consisted of 501 to 1,000 pages for each request; a total of 42,487 pages were disclosed to the requesters. Forty-seven (47) requests were completed that

consisted of 1001 to 5,000 pages for each request; a total of 61,263 pages were disclosed to the requesters. Finally, 5 requests were completed which consisted of more than 5,000 pages for each request; a total of 34,651 pages were disclosed to the requesters.

These figures do not include 102 requests that were treated informally, transferred or for which no records exist.

2.5.3 Other complexities

In 2011–2012, 163 requests completed by LAC required consultations with other federal institutions and third parties to determine the accessibility of requested information contained in LAC's current restricted operational records and restricted archival records that originated from federal institutions. Some of the archival records had designated classifications and had dealt with national security, international affairs and defence. A majority (80%) of the 163 requests resulted in disclosure of the material in part because exemptions under the Act were invoked. One (1%) of the 163 requests resulted in all of the requested information being exempted.

LAC assessed fees under the Act in 2011–2012 for 680 completed requests and over half of these requests, 417 requests, resulted in disclosure of the requested information in part. Another 247 requests resulted in all the requested information being disclosed to the requesters, and 16 requests were abandoned by the requesters.

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadlines

Of the 833 requests LAC completed in 2011–2012, only 46 requests (5.5%) were completed after the statutory deadline. The 5.5% are broken down according to the following factors:

- 33 requests (4%) due to external consultations;
- 9 requests (1%) due to the workload; and
- 4 requests (0.5%) due to internal consultations.

Of the 46 requests completed by LAC after the statutory deadline, 39 requests (4.7%) were completed after the deadline even though an extension of the statutory time limit had been taken, and only 7 requests (less than 1%) were completed for which no extension of time had been taken.

2.7 Requests for translation

There were no requests for translations from either English to French or from French to English in the 2011–2012 reporting year.

Part 3 - Extensions

3.1 Reasons for extensions and disposition of requests

LAC is responsible for restricted archival records originating from federal institutions that deal with national security, international affairs, and defence. Some materials are designated classified and require mandatory consultations for LAC to determine the accessibility of the requested information. In certain cases, an extension may be required to complete mandatory consultations and/or searches.

Section 9 of the Act permits the extension of the statutory time limits when consultations are necessary. In 2011–2012, 164 cases required extensions due to consultations, and another 24 required extensions for giving notice to third parties.

The Act also permits the extension of the statutory time limits, if the request is for a large volume of records, and processing within the original time limit would unreasonably interfere with the operations of the department. This extension was invoked in 2011–2012 for 35 cases. One of these requests concerned over 6,000 pages of restricted archival information and another consisted of over 5,000 pages.

3.2 Length of extensions

LAC required extensions of 30 days or less on 18 occasions (2%) to complete its requests in 2011–2012. This percentage is identical to the requests completed in 2010–2011. An increase of 4.8% over the last reporting period has been noticed for extensions of 31 days or more required by LAC to complete its requests in 2011-2012.

Part 4 - Fees

LAC collected fees of \$6,408 in 2011–2012; a decrease of \$1,211.70 over the last reporting period. This decrease is most likely due to fewer requests completed by LAC, and the increased popularity of electronic formats for released information, for which there is no charge.

In 2011–2012, LAC more accurately recorded the fees that were waived or refunded according to the Act. As a result, LAC waived or refunded fees in the amount of \$7,399 in comparison to \$20 in 2010– 2011.

Part 5 – Consultations received from other institutions and organizations.

5.1 Consultations received from other government institutions and organizations

LAC received 31 requests from other government institutions concerning LAC's current operational records or issues, compared to 32 consultations in 2010–2011. Only 20 consultations had been completed in 2009-2010.

5.2 Recommendations and completion time for consultations received from other government institutions

LAC completed 30 of the 31 consultation requests from other government institutions within 15 days of their receipt. The other request was completed within 31 to 60 days after its receipt with a recommendation to exempt some of the information under the Act. In 2010–2011, LAC completed all 32 consultation requests from other government institutions within 30 days.

5.3 Recommendations and completion time for consultations received from other organizations

As in 2010–2011, LAC did not receive any consultation requests in 2011–2012 from other organizations.

Part 6 – Completion time of consultations on Cabinet confidences

The Act does not apply to Cabinet confidences. LAC consulted the Privy Council Office in 2011–2012 for confirmation of cabinet confidences.

Part 7 – Resources related to the Access to Information Act

7.1 *Costs*

During 2011–2012, the total salary costs associated with administrating the Act increased over the last reporting period due to increments in annual rates of pay for the staff (\$1.763 million instead of \$1.651 million). However, the total costs for administrating the Act was less in 2011–2012 by \$82,000.

7.2 Human Resources

There was a decrease in the number of staff associated with administrating the Act in 2011–2012 compared to 2010–2011 due to a decrease in university co-op positions.

Part 8 – Other Requests

The Act is intended to complement and not to replace existing procedures for accessing government information. In line with this principle, in 2011–2012, LAC completed 7,075 informal requests compared to 8,395 similar requests in the 2010–2011 reporting period. This represents a decrease of 15.7%.

In 2011–2012, LAC reviewed 1,061,636 pages of restricted government information in response to informal requests, compared to 856,025 pages in 2010–2011. This represents an increase of 24%.

When LAC assumes custody, for permanent preservation and control, of archival records created by federal institutions, these are accompanied by indexes or lists that serve as, or can be used to create research tools called finding aids. Finding aids describe the contents and location of each file for

identification within LAC's archival holdings. Ninety-seven (97) finding aids were reviewed during the 2011–2012 reporting period in order to determine their level of accessibility. This represents a decrease of 52.4% over 2010–2011.

LAC ensures access to restricted archival records required to support government-wide decision-making and accountability by making them available to current employees of federal institutions. Employees are required to submit a departmental researcher authorization letter in order to consult their own institution's restricted archival records. Similarly, employees who want to consult restricted archival records from another federal institution are required to obtain a letter of authorization from that department. In 2011–2012, LAC approved 311 departmental researcher requests compared to 379 approved requests in the previous reporting period. This represents a decrease of 18%.

Part 9 – 2011–2012 Statistical Report on the Access to Information Act

A comprehensive statistical report on requests processed by LAC under the Act between April 1, 2011 and March 31, 2012 is appended to this report.

Chapter III - Miscellaneous

Part 1 – Education and Training

Four half-day general sessions on access to information awareness (2 in English and 2 in French) were provided in-house to 175 LAC employees on March 26, 2012 and on March 29, 2012. Among the subjects covered were employees' responsibilities in processing access requests, including time frames, duty to assist, and creating, handling and destroying information and records.

A representative of the division participated as an access to information panelist for two LAC orientation sessions for new employees (19 English and 30 French participants) on November 30, 2011 and on December 14, 2011.

The ATIP Division is in the process of developing orientation material on the *Access to Information Act* for posting on LAC's intranet site, intended for all LAC staff. Guides on roles and responsibilities for all of LAC Offices of Primary Interest (OPI) and key staff are also in development.

An orientation session was held on February 13, 2012 involving three representatives of the LAC ATIP Division and two representatives from the Office of the Information Commissioner (OIC) of Canada Investigation Unit. The OIC was apprised of LAC processes for treating formal access requests concerning personnel and military records and archival and operational records (i.e., list of completed formal access requests posted on the LAC website). The OIC was also apprised of the informal processes which concentrate on LAC's proactive review and release of restricted government records, and on reference or consultation services to the public.

Part 2 - Significant Changes to Organization, Programs, Operations or Policy

In the fourth quarter of 2011–2012, Library and Archives Canada functions were regrouped under a Chief Operating Officer model. The purpose of this change was to further integrate the appraisal, discovery and stewardship functions. Reporting to the Chief Operating Officer is the Director General, Services. Reporting to the latter is the Director, Access to Information, Privacy and Document Delivery Services.

Beginning in 2011–2012, resources in the ATIP Division have been dedicated to the pro-active review and opening of restricted records which are deemed likely candidates for access requests. Approximately 500,000 pages of archival records have been opened since June 2011 by the division through a block review process. The block review process consists of the systematic review of blocks, or series, of restricted government records in LAC's holdings using a risk-based approach to determine whether records can be opened for public access. This method involves identifying and examining representative parts of the record population, as opposed to the traditional page-by-page review of each document. The clients benefit from this process by having quicker access to records.

Part 3 – Overview of New or Revised Access to Information Act-related Policies and Procedures Implemented

In 2011–2012, LAC revised question and answer documents used to facilitate Service Canada staff responses to straightforward, factual calls answered on behalf of LAC, and to enhance users' understanding of services offered relative to Access to Information – a service they have provided since 2008. The document is revised each year to reflect the types of telephone calls Service Canada redirects to the ATIP Division.

Following the determination in 2011 that restricted Second World War military personnel service records were deemed archival, staff procedures were developed. The procedures cover the handling of requests for access to personal information contained in these records, while ensuring that the necessary privacy considerations are upheld.

LAC also worked with key federal government stakeholders (e.g., Department of National Defence, Department of Justice, Aboriginal Affairs and Northern Development Canada, Canadian Security Intelligence Service, etc.), to share best practices, continuous improvements, policies, processes, resource strategies, as well as effective handling of consultation packages of restricted archival records under LAC's control that have been requested under the Act. In particular, the ATIP Division continues to collaborate with the Canadian Security Intelligence Service to improve turnaround times for mandatory consultations.

LAC continued collaborating with Department of Foreign Affairs and International Trade (DFAIT) on its consultation processes. With the objective of reducing consultation packages sent to DFAIT and in benefiting clients as well as LAC and DFAIT, LAC worked with a third party to revise the process of reviewing requested restricted archival material under LAC's control.

Since July 2011, LAC has begun posting on its website summaries of access to information requests which have been completed since January 2011. LAC is developing an initiative to link scanned images of access to information requests to the summaries currently being posted on LAC's website. This will require, prior to posting, an additional review to identify and sever any information subject to copyright. This proactive initiative will also incorporate summaries of information released by the Division in its triage process of informal access requests.

Part 4 – Changes as a Result of Issues Raised by the Office of the Information Commissioner (OIC)

No changes to report during the 2011–2012 reporting period.

Part 5 - Changes as a Result of Issues Raised by Other Agents of Parliament

No changes to report during the 2011–2012 reporting period.

Part 6 - Complaints and Investigations

In 2011–2012, there were seven complaints on access to records in the custody of Library and Archives Canada that were closed by the Office of the Information Commissioner of Canada. Of these, two complaints were received at LAC in 2010–2011. Of the seven complaints closed in 2011–2012, three concerned delays in receiving records; two were resolved and one was not substantiated. One complaint was discontinued after the client reviewed material provided by LAC. The three remaining complaints concerned the improper application of section 23 or, in two cases, section 19(1) to applications for access to records. In all three cases the records were disclosed in part; after further provision of required documentation by the client in two cases, and after consultation with the parent department in the third case.

Additional copies of this report may be obtained from the:

Director, Access to Information, Privacy and Document Delivery Services Division

Library and Archives Canada 395 Wellington Street Ottawa, Ontario K1A 0N4

Annex A: Delegation Order – Access to Information Act

III-concensed ave						Functional Authorities	ios					Pleancid Signing Authorities and
and the second s	SFO	SFFO	Acct's Ope Officer	Director Accommodation &	Tenant Services Officer	Director DCO	Contracting Officer	Asseta Hgnt Officer	Compensation	ATP Officiar	Director HR	Department of the last of the
Area Of Responsibility	Department	Department	Department	Department	Dapartment	Department	Department	Department	Department	Department	Department	
1.0 Expenditure Initiation with Availability of Funds										,		Delegation of Financial Signing Authorities
	-	7		0	n	C						Every Officer of the Department appointed to a position tisted on the Department including those officially
2 Skin Pay	7											appointed on acting basis, is hereby granted financial signing authorities
4 Training and Development	7	-									٦	within the stated limits therein and in accordance with relevant statutes
5 Travel and Advance - Canada and Contriental USA	, ,	-										regulations and discovers.
.7 Relocation and Advance (Integrated Relocation Program)	-	_						-				Designation Order
.8 Standing advance	_	_										Every Officer of the Department appointed to a position, including those
10 Mamharthip Fass	2	5 8										powers to perform the duties and function of the Minister, as head of a
.11 Hospitality	o	c		n		0						government institution, pursuant to section 73 of the Access to Information
.12 Transfer payments	-	- F		Y								Act and section 73 of the Privacy Act.
13 Ex - Grana Payments	0 0											
1.15 Recognition Program	F	c									0	
 Commitment Authority - Availability of Funds (Section 32 FAA 	FAA)											
1 All Expenditures	F	F		70	7	-					7	
Goods (local purchase authority)	C	C		c		C	C				n,	
2 Temporary Help	77	7					-					
3 Services - Competitive (Amendment)	0			6								こてろく レデュ
5 Services - Non Competitive (Amendment)	c	c		С	n		c					Minister of Canadian Heritage
6 Purchase historical material, books and other publications	, 7	,					,					11 11
B Tenant services	70 .0	ç		-	٩	1	7					1111
9 Emergency Contracting	c	c		c		င	ဂ					11/2 2/1/
10 Call up against Standing Offer Agreements	T	79		c	c	c	_				c	11111
11 Contract & Amendments Hequiring Treasury Board Approval	-	-					-					
13 intra - Government Agreement	7											Change and Street of Caption
14 Federal Real Property Act	-	0		ъ								4
15 Write-off of Materiel and disposal of surplus material	7	C					c	c				Notes
O AURIORIY IS COMMITTEE CONTRACT DETICATION DATE Granges To Officer's Liveriority 4 FAA	o to officers (Sec	HOR SAFAA)						'n	2		1	The authorities extend to the full recourse halance evallable in the re-
5.0 Payment Authority (Section 33 FAA.)	-	ŀ			•			•	•		-	and that they are limited by policies and procedures prescribed in the Treasury Board
.1 All Expenditures	F	F	, F									(TB) regulations and directives, issued pursuant to the Financial Administration Act
0 Other Authorities												(FAA), and by Departmental directives promugated to Departmental manuals
1 Return of Receiver General Cheques	Ī	Ī	c									2. Signing authorities for Grants and Contributions are subject to the terms and
2 Submission to Treasury Board							-					conditions approved by the TB or the Minister in accordance with the authority
4 Dabt Write-off												Conguero to the minuter of the LD.
5 Waive or Reduce Interest or Administrative Charge	c	c										3. Spending Authority (Section 34 of the FAA) and payment authority (Section 33 of
6 Set-Off per Section 155 (1) FAA	c	c								20		the FAA) for a perficular payment, shall not be exercised by the same person
.0 Designation Order												 Individuals may not approve payments by which they may personally beneft
1 Section 73 of the Privacy Act										_		
.2 Section 73 of the Access to Information Act	7								4	-		 Anytime a delegated manager exercises expenditure initiation authority for a transaction, a functional position may exercise Section 32 and 34 authority with respect
Department = Applies to all budgets in the Department.	C = Conditional au	thority as set out in	C = Conditional authority as set out in Policies and Guidelines (Appendix B).	ilnes (Appendix B)								to that transaction.
	F = Full authority w	whin approved but	F = Full authority within approved budget and subject to authorities delegated to the	uthorities delegate	M To the							6. This instrument is to be read in conjunction with the Policies and Guidelines
Area = Apples to a manager with an approved proget for a		and appropriate and	And the party of the last		-							C. THE RESIDENCE IS NOT THE RESIDENCE IN STREET OF THE PARTY OF THE PA

Library and Archives Canada Administration of the *Access to Information Act* Annual Report 2011–2012 Bibliothèque et Archives Canada

DELEGATION OF FINANCIAL SIGNING AUTHORITIES AND DESIGNATION ORDER INSTRUMENT – POLICIES AND GUIDELINES

DELEGATION OF FINANCIAL SIGNING AUTHORITIES AND DESIGNATION ORDER INSTRUMENT POLICIES AND GUIDELINES

Approved by the Librarian and Archivist of Canada September, 2007

DELEGATION OF FINANCIAL SIGNING AUTHORITIES AND DESIGNATION ORDER INSTRUMENT – POLICIES AND GUIDELINES

Table U - Authority to Amend Delegation Instrument and Appendices

ELIGIBLE DOCUMENT	Authority
The delegation instrument (Delegation of Financial Signing Authority and Designation Order Instrument – Internal Version).	L&A - only when signed by the Minister SFO
Appendix B (Description of the Delegation of Signing Authorities and Designation Order Instrument - Policies and Guidelines)	L&A - Full authority, unless the change would result in a change to the delegation instrument that is outside the L&A's authority. SFO

SECTION 7.0 Designation Order

The purpose of this section is to establish the framework for managing the Access to Information and Privacy Act. The Minister responsible of Library and Archives Canada pursuant to Section 73 of the Privacy Act and Section 73 of the Access to Information Act, hereby designates the persons holding the positions set out below to exercise the powers to perform the duties and functions of the Minister, as head of a government institution, under the sections of the Act specified opposite each position.

Position	Privacy Act Section	Access to Information Section
Libratian and Archivist of Canada	All Sections	All Sections
Assistant Deputy Minister, Programs and Services	All Sections	All Sections
Director, Access to Information and Privacy Division	All Sections	All Sections
Manager, Access to Information and Privacy Division, PM-05 and AS-04	All Sections except 8(2)(j), 8(2)(m), 17(2)(b), 51, 77	All Sections except 12(2)(b), 12(3), 77
Senior Analyst, Access to Information and Privacy Division, PM-04	All Sections except 8(2), 17(2)(b), 51, 77	All Sections except 12(2)(b), 12(3), 77
Analyst, Access to Information and Privacy Division, PM-02	All Sections except 8(2), 17(2)(b), 51, 77	All Sections except 12(2)(b), 12(3), 77

DELEGATION OF FINANCIAL SIGNING AUTHORITIES AND DESIGNATION ORDER INSTRUMENT – POLICIES AND GUIDELINES

Section 7.2 - Section 73 of the Access to Information Act

The powers, duties and functions that may be delegated under section 73 of the Access to Information Act are set out below, in relation to its various sections and subsections.

Respond to request for access, give access or give notice
Transfer to institution with greater interest
Extension of time limits
Assess fees
Translate a record
Provide access in an Alternative Format
Apply exemption - Information obtained in confidence from other governments
Apply exemption - Federal-Provincial affairs
Apply exemption - International affairs and defence
Apply exemption - Law enforcement and investigation
Apply exemption - Safety of individuals
Apply exemption - Economic interests of Canada
Apply exemption - Personal information
Disclose personal information
Apply exemption - Third party information
Apply exemption - Testing procedures
Apply exemption - Solicitor/client privilege

Annex B: Statistical Report – Access to Information Act



Statistical Report on the Access to Information Act

Name of institution: Library and Archives Canada

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

PART 1 - Requests under the Access to Information Act

1.1 Number of Requests

	Number of Requests
Received during reporting period	821
Outstanding from previous reporting period	148
Total	969
Closed during reporting period	833
Carried over to next reporting period	136

1.2 Sources of requests

Source	Number of Requests
Media	64
Academia	183
Business (Private Sector)	25
Organization	49
Public	500
Total	821

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	148	85	13	20	1	1	2	270
Disclosed in part	164	98	20	57	40	34	15	428
All exempted	0	4	0	1	0	0	0	5
All excluded	0	0	0	0	0	0	0	0
No records exist	65	24	3	0	0	0	0	92
Request transferred	5	0	0	0	0	0	0	5
Request abandoned	19	6	1	1	1	0	0	28
Treated informally	5	0	0	0	0	0	0	5
Total	406	217	37	79	42	35	17	833

2.2 Exemptions

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	54	16(2)(a)	2	18(a)	0	20.1	0
13(1)(b)	13	16(2)(b)	2	18(b)	0	20.2	0
13(1)(c)	6	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	13	16(3)	0	18(d)	1	21(1)(a)	5
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	3
14(a)	1	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	5
14(b)	1	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	5
15(1) - I.A.*	15	16.1(1)(d)	0	18.1(1)(d)	0	22	1
15(1) - Def.*	71	16.2(1)	0	19(1)	361	22.1(1)	0
15(1) - S.A.*	25	16.3	0	20(1)(a)	0	23	35
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(b)	6	24(1)	2
16(1)(a)(ii)	2	16.4(1)(b)	0	20(1)(b.1)	0	26	0
16(1)(a)(iii)	3	16.5	0	20(1)(c)	16		'
16(1)(b)	12	17	0	20(1)(d)	5		
16(1)(c)	3		•		•	•	
16(1)(d)	0	* I.A.:	htemational /	Affairs Def.: Def	ence of Canad	a S.A.: Subversi	ive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	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)	1	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)	1	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	Рарег	E lectronic	Other formats
All disclosed	207	40	23
Disclosed in part	267	150	11
Total	474	190	34

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

D isposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	63,539	63,539	270
Disclosed in part	163,529	141,483	428
All exempted	2,337	0	5
All excluded	0	0	0
Request abandoned	7,132	7,132	28

2.5.2 Relevant pages processed and disclosed by size of requests

	Lessthan 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		Morethan 5000 pages processed	
Disposition	Mumber of requects	Page I disclosed	Number of requests	Page I disclosed	Mumber of Pages pr	Pager disclosed	Number of requests	Pager direleted	Number of requests	Page I direlored
All disclosed	178	4,384	61	15,426	18	12,901	12	24,728	1	6,100
Disclosed in part	238	5,062	106	23,493	46	29,003	35	61,263	3	22,662
Allexempted	2	0	1	0	2	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Abandoned	24	0	2	660	1	583	0	0	1	5,889
Total	442	9446	170	39579	67	42487	47	85991	5	34651

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	29	247	0	4	280
Disclosed in part	130	417	0	0	547
Allexempted	1	0	0	0	1
All excluded	0	0	0	0	0
Abandoned	3	16	0	2	21
Total	163	680	0	6	849

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests alread past	Principal Reason				
Number of requests closed past the statutory deadline	Workload	External consultation	Internal consultation	Other	
46	9	33	4	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	5	7	12
16 to 30 days	0	5	5
31 to 60 days	0	9	9
61 to 120 days	0	5	5
121 to 180 days	0	4	4
181 to 365 days	0	6	6
More than 365 days	2	3	5
Total	7	39	46

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	9(1)(a) Interference with	9(1 Consu	9(1)(c)	
extension was taken	operations	Section 69	Other	Third party notice
All disclosed	6	0	29	2
Disclosed in part	24	1	130	22
All exempted	0	0	1	0
All excluded	0	0	0	0
No records exist	3	0	0	0
Request abandoned	2	0	3	0
Total	35	1	163	24

3.2 Length of extensions

	9(1)(a) Interference with	9(1)(b) Consultation		9(1)(c)
Length of extensions	operations	Section 69	Other	Third party notice
30 days or less	8	0	10	0
31 to 60 days	10	0	39	6
61 to 120 days	12	0	41	10
121 to 180 days	3	1	48	6
181 to 365 days	2	0	24	2
365 days or more	0	0	1	0
Total	35	1	163	24

PART 4 - Fees

	Fee Co	ollected	Fee Waived or Refunded		
Fee Туре	Number of requests	Amount	Number of requests	Amount	
Application	829	\$4,145	4	\$20	
Search	5	\$209	0	\$0	
Production	0	\$0	0	\$0	
Programming	0	\$0	0	\$0	
Preparation	1	\$42	0	\$0	
Alternative form at	0	\$0	0	\$0	
Reproduction	21	\$2,012	664	\$7,379	
Total	856	\$6,408	668	\$7,399	

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	31	942	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	31	942	0	0
Closed during the reporting period	31	942	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

	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	than 365 days	Total
Disclose entirely	24	0	0	0	0	0	0	24
Disclose in part	4	0	1	0	0	0	0	5
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	0	0
Total	30	0	1	0	0	0	0	31

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	than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	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	1	0
181 to 365	0	0
More than 365	0	0
Total	1	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

E xpenditures	Amount		
Salaries	\$1,763,914		
Overtime	\$0		
Goods and Services	\$147,019		
Professional services contracts	\$25,003		
• Other \$122,016			
Total		\$1,910,933	

7.2 Human Resources

Resources	D edicated full-time to ATI a ctivities	Dedicated part-time to ATI activities	Total
Full-time employees	26.60	0.00	26.60
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.46	0.46
Consultants and agency personnel	0.21	0.00	0.21
Students	1.32	0.00	1.32
Total	28.13	0.46	28.59