

Annual Report on the *Access to Information Act*

2017–18



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

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26 June 2018

**Office of the Auditor General of Canada
2017–18 Annual Report on the *Access to Information Act***

To the Honourable Speakers of the House of Commons and the Senate:

In accordance with section 72 of the *Access to Information Act*, please find attached the Office of the Auditor General of Canada's 2017–18 Annual Report on the *Access to Information Act*.

Yours sincerely,

Michael Ferguson, CPA, CA
FCPA, FCA (New Brunswick)
Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6

Enclosure

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Introduction

When the *Federal Accountability Act* was enacted in 2006, amendments were made to the *Access to Information Act* and the *Privacy Act*, both of which came into force in 1983. The scope of application of these laws was expanded, and the Office of the Auditor General of Canada (OAG) became subject to the *Access to Information Act*.

The *Access to Information Act* gives Canadian citizens and permanent residents, and any person and corporation present in Canada, the right to access information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the Act requires the head of each government institution to prepare an annual report on the administration of the Act within the institution and to submit the report to Parliament.

This annual report on the administration of the *Access to Information Act* at the OAG describes how we administered our responsibilities under the Act during the 2017–18 fiscal year.

If you require more information or wish to make a request under the *Access to Information Act* or the *Privacy Act*, please direct your inquiries to the following:

Access to Information and Privacy Coordinator
Office of the Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6

Tel.: 613-952-0213 (ext. 6455)
Fax: 613-954-0441
Email: privacy@oag-bvg.gc.ca

Who we are

The Office of the Auditor General of Canada (OAG) audits federal government operations and provides Parliament with independent information, advice, and assurance regarding the federal government's stewardship of public funds. While the OAG may comment on policy implementation in an audit, it does not comment on policy itself.

We are in the business of legislative auditing. We conduct

- performance audits of federal departments and agencies;
- annual financial audits of the government's financial statements;
- special examinations and annual financial audits of Crown corporations; and
- audits of the governments of Nunavut, Yukon, and the Northwest Territories.

Since 1995, the OAG has also had a specific environmental and sustainable development mandate, which was established through amendments to the *Auditor General Act*.

The Auditor General of Canada is the designated head of the institution for the *Access to Information Act* as well as the *Privacy Act*. Pursuant to section 73 of both acts, the Auditor General has delegated full authority to the Access to Information and Privacy Coordinator (see page 3).

Access to Information and Privacy Office

The Access to Information and Privacy (ATIP) Coordinator is accountable for the development and implementation of effective policies, guidelines, systems, and procedures to ensure that the Office of the Auditor General of Canada (OAG) meets its responsibilities under the *Access to Information Act* and the *Privacy Act*.

The ATIP Office at the OAG consists of

- one full-time ATIP Coordinator;
- two full-time employees from the Legal Services group, who help the ATIP Office on a part-time, ad hoc basis; and
- one full-time legal counsel, who helps the ATIP Office on a part-time, ad hoc basis.

The main activities of the ATIP Coordinator include

- monitoring compliance with the acts, regulations, and relevant procedures and policies;
- processing requests under both acts;
- developing and maintaining policies, procedures, and guidelines to ensure that the OAG respects the acts;
- promoting awareness of the acts within the OAG to ensure that employees are aware of their responsibilities;
- preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- representing the OAG in dealings with the Treasury Board of Canada Secretariat, the information and privacy commissioners, and other government departments and agencies to determine how the acts apply to the OAG; and
- helping the OAG meet its commitments to ensure openness and transparency, through proactive and informal disclosure of information.



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DELEGATION ORDER

ACCESS TO INFORMATION ACT AND PRIVACY ACT

I, Michael Ferguson, Auditor General 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 as the head of Office of the Auditor General 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.

Schedule

Position	<i>Access to Information Act and Regulations</i>	<i>Privacy Act and Regulations</i>
Senior General Counsel	Full authority	Full authority
Access to Information and Privacy Coordinator	Full authority	Full authority

Dated at the City of Ottawa this 10 day of July 2015

Michael Ferguson, CPA, CA
FCA (New Brunswick)
Auditor General of Canada

240 rue Sparks Street, Ottawa, Ontario K1A 0G6

Highlights and accomplishments for the 2017–18 fiscal year

One hundred percent compliance

No formal *Access to Information Act* requests passed their legislative deadlines during the 2017–18 fiscal year. The Office of the Auditor General of Canada (OAG) is proud to have maintained 100 percent compliance with legislated deadlines.

Challenging *Access to Information Act* request

In the 2017–18 fiscal year, the OAG received a request for all records related to contracts that were issued between 1 January 2016 and 28 March 2017, the date that the request was received by the OAG. The OAG initially estimated that the request applied to approximately 980 contracts.

The request was ultimately abandoned. However, by the time that it was, employees had dedicated 2,716 hours to processing the request, costing a total of \$177,432.

Training

The OAG requires that all employees attend mandatory Access to Information and Privacy (ATIP) training, separate from other information sessions or other forms of training. This ATIP-specific training focuses on employee requirements when the OAG receives a request, as well as a significant training component related to personal information handling and the legislation, policies, directives, and best practices related to privacy in the Canadian public sector.

During the reporting period, two training sessions were given, with a total attendance of 198.

Administration of the *Access to Information Act*

Requests under the *Access to Information Act*

Received during the reporting period:	18
Outstanding from the previous period:	<u>1</u>
Total:	19

Sources of requests received

During the reporting period, 13 requests were submitted by members of the public, 4 requests were submitted by businesses, and 1 request was submitted by a member of the media.

Disposition of completed requests

The Office of the Auditor General of Canada (OAG) finalized 11 formal requests in the reporting period:

- 1 request was disclosed in part,
- 4 requests were withheld in their entirety due to exemptions,
- 3 requests could not be processed because no relevant records existed, and
- 3 requests were abandoned by the requester.

Exemptions invoked

Of the 5 requests in which exemptions were invoked,

- section 16.1(1)(a) was invoked in 2 requests, and
- section 16.5 was invoked in 3 requests.

Exclusions cited

The OAG did not invoke any exclusions for the reporting period.

Extension of time limits

Section 9 of the *Access to Information Act* provides for the extension of the statutory time limits if consultations are necessary, or if a large number of records have been requested and processing the request within the original time limit would unreasonably interfere with OAG operations.

Of the 5 requests responded to during the reporting period, 3 were extended for 30 days or less pursuant to section 9(1)(a).

Completion time

Of the 11 requests completed during the reporting period,

- 8 were completed by the original 30-day deadline, and
- 3 required up to an additional 30 days.

Method of access

Where the relevant documents were given in part, electronic copies were provided for 1 request.

Fees

The fees collected during the reporting period totalled \$35. The OAG complies with the Treasury Board's Interim Directive on the Administration of the Access to Information Act and does not charge search or production fees, and waives the application fee when requested. During the reporting period, the \$5 application fee was waived in two instances.

Costs

The costs directly associated with administration of the *Access to Information Act* for the reporting period are estimated to be \$266,286 for salaries and \$1,197 for goods and services, for a total of \$267,483. For more information on the cost of salaries, please see the Monitoring section of this report.

Complaints and investigations

The OAG received no new complaints in the reporting period. The OAG has not received any complaints since the 2011–12 fiscal year.

Institution-specific policies, guidelines, and procedures

The OAG did not revise policies, guidelines, or procedures—or implement new ones—during the 2017–18 fiscal year.

Monitoring

The OAG uses time-code (product-code) management software, essentially a digital “timesheet,” to track all audit and audit-service activities, including

- management of the Access to Information and Privacy (ATIP) Office,
- management of access to information cases (treatment of formal *Access to Information Act* requests and consultations),
- management of privacy cases (treatment of formal and informal *Privacy Act* requests), and
- privacy impact assessments.

Whenever employees or contractors of the OAG participate in any ATIP-related activity, they must track the time they spend on the activity by entering the number of hours or partial hours into the product-code management software. These records are monitored on a regular basis for human resource and financial purposes. Any employee with access to the OAG network can use the OAG’s INTRANet (internal Internet) to view this data.

As reflected in part 9.2 of the Appendix, the OAG dedicated 1.75 person-years to ATIP-related activities.

Appendix—Statistical Report on the Access to Information Act



Government
of Canada

Gouvernement
du Canada

Statistical Report on the Access to Information Act

Name of institution: Office of the Auditor General of Canada

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	18
Outstanding from previous reporting period	1
Total	19
Closed during reporting period	11
Carried over to next reporting period	8

1.2 Sources of requests

Source	Number of Requests
Media	1
Academia	0
Business (private sector)	4
Organization	0
Public	13
Decline to Identify	0
Total	18

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
0	0	0	0	0	0	0	0

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

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	0	0	0	0	0	0	0	0
Disclosed in part	0	0	1	0	0	0	0	1
All exempted	0	2	2	0	0	0	0	4
All excluded	0	0	0	0	0	0	0	0
No records exist	1	2	0	0	0	0	0	3
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	1	2	0	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	2	6	3	0	0	0	0	11

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)	2	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)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
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	3	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	0						
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	0	0	0
Disclosed in part	0	1	0
Total	0	1	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	0	0	0
Disclosed in part	10	7	1
All exempted	803	0	4
All excluded	0	0	0
Request abandoned	318068	0	3
Neither confirmed nor denied	0	0	0

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	1	7	0	0	0	0	0	0	0	0
All exempted	1	0	2	0	1	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	2	0	0	0	0	0	0	0	1	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	4	7	2	0	1	0	0	0	1	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	3	3
Neither confirmed nor	0	0	0	0	0
Total	0	0	0	3	3

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
0	0	0	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	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	1	0	0	0
All exempted	2	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	3	0	0	0

3.2 Length of extensions

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

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	7	\$35	2	\$10
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	7	\$35	2	\$10

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	63	788	0	0
Outstanding from the previous reporting period	1	6	0	0
Total	64	794	0	0
Closed during the reporting period	59	716	0	0
Pending at the end of the reporting period	5	78	0	0

5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
Disclose entirely	32	17	5	0	0	0	0	54
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	5	0	0	0	0	0	5
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	32	22	5	0	0	0	0	59

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	More 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

6.1 Requests with Legal Services

Number of Days	Fewer 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
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

Number of Days	Fewer 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
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		\$266,286
Overtime		\$0
Goods and Services		\$1,197
• Professional services contracts	\$0	
• Other	\$1,197	
Total		\$267,483

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	1.25
Part-time and casual employees	0.25
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.25
Total	1.75

Note: Enter values to two decimal places.