Office of the Information Commissioner of Canada

2019-20

Departmental Plan

Original signed by

The Honourable David Lametti, P.C., M.P. Minister of Justice and Attorney General of Canada

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 $\ensuremath{\mathbb{C}}$ Minister of Public Services and Procurement Canada 2019

Cat. No. IP1-7E-PDF ISSN 2371-865X

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Commissioner's message

The 2019–20 Department Plan for the Office of the Information Commissioner of Canada sets out an ambitious set of activities for my second full year as Information Commissioner.

Building on solid results in 2018–19, these plans include continuing to improve my office's approach to managing investigations and further lowering turnaround times for closing files, in order to reduce the size of the inventory of complaints.

Implementing the amendments to the *Access to Information Act* contained in Bill C-58, continuing to make my office's operations more transparent and collaborating with institutions to help them better meet their obligations under the Act are also key priorities for the year.



And, while I have every confidence in my team to do their utmost to carry out these plans, the ongoing and troublesome question of resources limits how much can be achieved, despite best efforts.

The financial instability my office operates under—going from year to year having to prepare time-consuming requests for temporary funds just to have enough staff to keep up with demand—makes it impossible to plan over the long term and maintain momentum. This stopgap approach also results in higher costs to taxpayers and increases the risk that my office will not be able to deliver its planned results.

Let me be clear that I steadfastly support, and am taking, any and all measures I can to improve my office's operations, but there is only so much revising processes and streamlining can do.

In 2019–20, I will be sparing no effort to finally secure adequate, stable and sustainable resources for the work my office is obliged under the Act to carry out. Indeed, I have engaged a new deputy commissioner who will be dedicated to solving the resourcing problem as part of a larger strategic and transformational approach. However, any satisfactory solution requires the interest, commitment and action of the government.

In just one year, my team and I have taken many steps to ensure the organization can better deliver on my mandate. Now, it is time for the government to step up and provide sufficient, permanent funding. With it, my office will be able to make a full and vigorous contribution to ensuring government transparency and deliver results for Canadians. The time for waiting is over.

Plans at a glance and operating context

2019–20 marks the second full year of Information Commissioner Caroline Maynard's term.

The Office of the Information Commissioner (OIC) is on track to begin the year with 3,146 complaints in its inventory, after receiving an expected 2,032 new files and closing 2,372 (20 percent more than in 2017–18). This positions the OIC to continue to achieve notable results; however, it remains challenged by inadequate permanent funding to allow it to seamlessly move from year to year with a consistent complement of investigators.

At the same time, the measures in Bill C-58, which proposes to amend the *Access to Information Act*, will have a significant impact on operations. While the OIC has been preparing for the Bill's passage since it was tabled in 2017, it has only been able to go so far in that direction without knowing the final form of the bill and whether or when it will become law.

Nonetheless, by building on the solid year of process and organizational improvements in 2018–19, the OIC will focus on delivering on four priorities set by the Information Commissioner such that it can meet its core responsibility of ensuring government transparency.

Address the inventory of complaints. The OIC will be enhancing its approach to handling and resolving files, including placing greater emphasis on initial communications with complainants and better managing investigations from start to finish.

The OIC will be innovating for efficiency in investigations. For example, it will expand the benefits of the online complaint form (which itself is being improved) by making it possible for complainants to upload documents with it. Electronic-only investigations will follow, based on a successful pilot project in 2018–19.

Prepare to implement Bill C-58. At the time of writing (late February 2019), Bill C-58 had not yet been passed by Parliament. The OIC's preparations for the coming into force of the amendments will include finalizing any necessary organizational or procedural changes, and securing funding to operationalize them.

The OIC will also publish guidance for institutions and complainants on new processes and requirements under the amended Act, and launch a new secure platform to facilitate document submission by complainants and institutions in certain circumstances.

Ensure transparency of operations. The OIC will continue in 2019–20 to publish guidance material on the OIC's new website to clearly communicate investigative procedures and the Information Commissioner's interpretations of the Act. The OIC will begin using simplified reports, featuring clear language, to communicate investigations results to complainants and institutions. These will feature a streamlined set of disposition categories to be launched in April 2019.

Collaborate with institutions. In 2019–20, the Information Commissioner and senior officials will continue to hold regular meetings with deputy ministers, assistant deputy ministers, directors general and access coordinators. The goal of these meetings is to hold institutions to account for meeting their obligations under the *Access to Information Act*, and to identify barriers and best practices. The Information Commissioner will continue to request details about the concrete actions institutions have taken in the months following her meetings.

Other planned activities

The OIC will continue to focus on information technology security in 2019–20 and prepare for an audit the subsequent year on information and physical security.

In response to high demand for access professionals throughout the public service and the upcoming retirement of a number of long-time managers, the OIC will sharpen its focus on succession planning, and on enhancing training and development opportunities to ensure the OIC has the right people in the right positions at the right time.

The Human Resources team will explore new tools to facilitate employee arrivals and departures, interviews and reference checks, and to keep the Information Management group up-to-date on employee security clearances.

For more information on the OIC's plans, priorities and planned results, see the "Planned results" section of this report.

Planned results: what we want to achieve this year and beyond

Core Responsibility

Government transparency

Description

The Information Commissioner is the first level of independent review of government decisions relating to requests for access to information under the control of government institutions. The *Access to Information Act* requires the Commissioner to investigate all the complaints she receives. The second level of independent review is performed by the Federal Court.

Planning highlights

In 2019–20, the Information Commissioner will pursue activities under four priorities to meet the OIC's core responsibility: government transparency.

Address the inventory of complaints. The OIC was on track to begin 2019–20 with 3,146 complaints in its inventory. To continue to close these complaints as promptly as possible and to keep up with new files as they come in, the OIC will be enhancing its approach to handling and resolving files.

This will include placing greater emphasis on initial communications with complainants, to verify expectations and timelines, and on early resolution of as many files as possible. A new team will be charged with this work as the first step in better managing investigations from start to finish.

The OIC will build on structure and process improvements rolled out in 2018–19, including having smaller, more focused investigative teams with dedicated support from Legal Services. Teams will also take a portfolio approach to institutions, with a single point of contact for inventory management.

The OIC will be innovating for efficiency in investigations. This includes expanding the benefits of the online complaint form (which itself is being improved) by making it possible for complainants to upload documents with it. This electronic-first approach will then extend to investigations, based on a successful pilot project in 2018–19. The OIC will also be developing an application to allow institutions to submit required notices about certain types of time extensions to the OIC electronically.

Finally, the OIC has requested \$3 million in temporary funding under Budget 2019 to augment its investigative team for 2019–20, and without which it will be difficult for the OIC to meet its targets.

With these various measures in place, the OIC plans to close 2,332 files in 2019–20, and to meet or exceed its targets in terms of turnaround times for investigations. These results will contribute directly to government transparency and—since complaints have in the past included those on topics such as residential schools and First Nations, gender and transgender issues, gender-based analysis-plus, women, Indigenous women, discrimination and harassment—to advancing inclusiveness in Canada.

Prepare to implement Bill C-58. At the time of writing (late February 2019), the Bill, which amends the *Access to Information Act*, had not yet been passed by Parliament.

The 2019–20 fiscal year will see the OIC prepare to implement the measures the Bill contains, once it comes into force. This will include finalizing organizational and procedural changes to operationalize the amendments.

The OIC will publish guidance for institutions and complainants on new processes and requirements under the amended Act. Plans also include launching a new secure platform through which investigators, institutions and complainants can communicate and submit required documents when institutions apply to the Information Commissioner for permission to decline to process access to information requests, as the amended Act would allow.

The OIC will continue to respond to requests from the House and Senate for the Information Commissioner's advice and expertise on the Bill.

Ensure transparency of operations. The OIC will continue to publish guidance material on the OIC's new website to clearly communicate investigative procedures and the positions the Information Commissioner has taken in past investigations on important and/or recurring matters.

The OIC will begin using simplified reports, featuring clear language, to communicate investigations results to complainants and institutions. These will feature a streamlined set of disposition categories to be launched in April 2019 that is consistent in approach and terminology with those of the Office of the Privacy Commissioner.

These various measures will result in more consistent and authoritative resolution of matters for complainants and clear guidance for institutions.

The Information Commissioner has submitted a proposal to chair a panel on the declassification of records during the May 2019 Open Government Partnership summit in Ottawa.

Together, these planned activities will move the OIC forward as a model of the culture change needed in government as it seeks to meet its open government commitments.

Collaborate with institutions. In 2019–20, the Information Commissioner and senior officials will continue to hold regular meetings with deputy ministers, assistant deputy ministers, directors general and access coordinators. The goal of these meetings is to hold institutions to account for fulfilling their access obligations, and to identify barriers and best practices. The Information Commissioner will continue to request details about the concrete actions institutions have taken in the months following her meetings.

The Information Commissioner will host semi-annual gatherings of the federal access community. At these sessions she will share important messages about complying with the Act and solicit direct feedback on the challenges access officials face and gather best practices.

In June 2019, the Information Commissioner will present the second Information Commissioner's Award to coordinators for leadership and hard work in collaborating and facilitating discussions between the OIC and their institutions.

Working with institutions will also include supporting their efforts to professionalize the access function, and thus enhance the access system overall. The Information Commissioner will continue to stress to the Treasury Board of Canada Secretariat the need for regular and ongoing training for not only access practitioners but also employees on their obligations under the Act.

Planned results

Expected Results	Result Indicators	Target	Date to achieve target	2015–16 Actual results	2016–17 Actual results	2017–18 Actual results
Canadians receive timely resolution of complaints about how federal institutions process	Median turnaround time for administrative cases*	90 days	March 31, 2020	48 days	36 days	39 days
access to information requests	Median turnaround time for refusal cases*	9 months (270 days)	March 31, 2020	163 days	70 days	203 days
Institutions meet their obligations under the Access to Information Act and adopt measures to	Percentage of recommendations from investigations of complaints that are adopted	95 percent	March 31, 2020	99 percent	99 percent	99 percent
address institutional and systemic issues affecting access to information	Percentage of recommendations from systemic investigations that are adopted	80 percent	March 31, 2020	Parks Canada accepted all recommendations resulting from the one systemic investigation completed.	There were no systemic investigations completed.	The President of the Treasury Board accepted all recommendations resulting from the one systemic investigation completed.

^{*} Measured from the date a file is assigned to an investigator.

Budgetary financial resources (dollars)

			2021–22 Planned spending
8,828,677	8,828,677	8,828,677	8,828,677

Human resources (full-time equivalents)

		2021–22 Planned full-time equivalents
71	71	71

Financial, human resources and performance information for the OIC's Program Inventory is available in the GC InfoBase.¹

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. These services are: Management and Oversight Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Management Services; Materiel Management Services; and Acquisition Management Services.

Budgetary financial resources (dollars)

			2021–22 Planned spending
2,637,136	2,637,136	2,637,136	2,637,136

Human resources (full-time equivalents)

		2021–22 Planned full-time equivalents
22	22	22

Planning highlights

The OIC's Corporate Services team plays a crucial supporting role to the organization as it delivers on the Information Commissioner's mandate and meets her priorities.

In 2019–20, the team—headed by a new deputy commissioner—will be active in securing a commitment from the government for additional permanent funding for the OIC to help meet the Commissioner's priorities.

In addition, the OIC will be seeking to finalize the details of temporary funding requested for 2019–20 under Budget 2019 to allow the OIC to continue its complaint inventory reduction strategy for another year. Without these funds, the inventory will grow, making it harder to resolve matters as the files age and compromising requesters' right to timely access.

Reducing the inventory will also put the OIC in a better position to make a smooth transition when Bill C-58 comes into effect. When the Bill was tabled in June 2017, the then President of the Treasury Board announced ongoing additional funding for the OIC. Securing those resources is important such that the OIC can operationalize the amendments quickly and seamlessly.

The OIC's IM/IT Unit will continue to explore and develop innovative solutions to improve investigation processes, and facilitate communication with and document submission by requesters and institutions. These measures will help the OIC reduce the inventory and investigate new complaints more quickly, and ensure new processes required due to Bill C-58 are designed "electronic-first" and with efficiency in mind.

During the year, IM/IT staff will also be active in the area of network and information security, a priority for the OIC, since it holds so much information belonging to other organizations. In 2019–20, the OIC will complete the Threat Risk Assessment and Threat Vulnerability Assessment initiated in 2018–19 and prepare for an audit of information management and physical security in 2020–21.

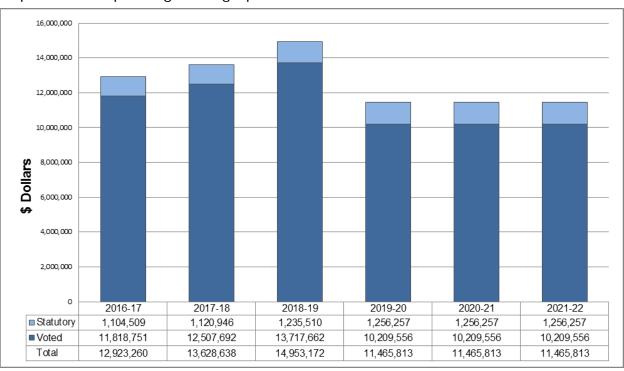
In response to the high demand for access professionals throughout the public service and the upcoming retirement of a number of long-time managers, the OIC will sharpen its focus in 2019–20 on succession planning, and on enhancing training and development opportunities.

The Human Resources team will also be turning to electronic tools in 2019–20 to help ensure the OIC has the right people in the right positions to deliver on the Information Commissioner's mandate. This includes streamlining the employee arrival and departure processes, and providing Information Management staff with up-to-date security clearance information for all staff to facilitate file access. The OIC will also test a video-based interview and reference check tool to both provide more flexibility during the hiring process and increase efficiency.

Spending and human resources

Planned spending

Departmental spending trend graph



Budgetary planning summary for Core Responsibilities and Internal Services (dollars)

Core Responsibilities and Internal Services	2016–17 Expenditures	2017–18 Expenditures	2018–19 Forecast spending	Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
Government transparency	9,459,683	9,906,179	11,513,942	8,828,677	8,828,677	8,828,677	8,828,677
Subtotal	9,459,683	9,906,179	11,513,942	8,828,677	8,828,677	8,828,677	8,828,677
Internal Services	3,463,577	3,722,459	3,439,230	2,637,136	2,637,136	2,637,136	2,637,136
Total	12,923,260	13,628,638	14,953,172	11,465,813	11,465,813	11,465,813	11,465,813

The OIC received one-time funding for 2016–17 and 2017–18 to reduce the inventory of complaints. The figures in the above chart for those years include these funds.

For 2018–19, the OIC expects to spend \$14.95 million to fulfill its mandate and achieve its planned results. This includes the \$2.88 million the OIC received for the year through Budget 2018. The OIC is also devoting these funds to inventory reduction.

For 2019–20 and beyond, the OIC expects to spend \$11.47 million annually, assuming permanent funding remains constant. Additional temporary funding requested for 2019–20 has yet to be secured and, consequently, is not included in the figures above.

The OIC remains challenged by inadequate permanent funding to allow it to seamlessly move from year to year with a consistent complement of investigators. With sufficient funding, the OIC would be able to ensure its resources are used in the most strategic and responsible manner to improve service delivery and ensure investigations and other activities aimed at enhancing government transparency have the most impact.

Planned human resources

Human resources planning summary for Core Responsibilities and Internal Services (full-time equivalents)

Core Responsibilities and Internal Services	2016–17 Actual full-time equivalents	Actual	Forecast	Planned	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
Government transparency	61	61	71	71	71	71
Subtotal	61	61	71	71	71	71
Internal Services	22	22	22	22	22	22
Total	83	83	93	93	93	93

The OIC's planned full-time resources have remained at 93 since 2013–14, with staff receiving only minimal salary increases under their collective agreements. The OIC has had to absorb the majority of these costs and often has had to fill any gaps in its staff complement with consultants. With sufficient ongoing funding, the OIC could hire more full-time equivalents, which is a better use of resources and would facilitate succession and retention planning.

Estimates by vote

Information on the OIC's organizational appropriations is available in the 2019–20 Main Estimates.²

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the OIC's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management. The forecast and planned spending amounts presented in other sections of the Departmental Plan are prepared on an expenditure basis; as a result, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the OIC's website.³

Future-Oriented Condensed Statement of Operations for the year ending March 31, 2020 (dollars)

Financial information	2018–19 Forecast results	2019–20 Planned results	Difference (2019–20 Planned results minus 2018–19 Forecast results)
Total expenses	16,869,880	13,488,970	3,380,910
Total revenues	0	0	0
Net cost of operations before government funding and transfers	16,869,880	13,488,970	3,380,910

The variance between the forecast results for 2018–19 and planned results for 2019–20 is mainly due to the OIC's having received \$2.88 million through Budget 2018 to reduce the inventory of complaints.

Additional information

Corporate information

Organizational profile

Appropriate minister: Minister of Justice and Attorney General of Canada

Commissioner: Caroline Maynard, Information Commissioner of Canada

Ministerial portfolio: Department of Justice Canada

Enabling instrument: Access to Information Act (RSC, 1985, C-1)⁴

Year of incorporation/commencement: 1983

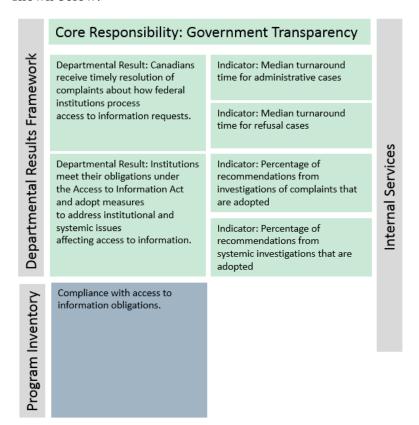
Other: For administrative purposes, the Minister of Justice is responsible for submitting the organization's Departmental Plan and Departmental Results Report.

Raison d'être, mandate and role: who we are and what we do

"Raison d'être, mandate and role: who we are and what we do" is available on the OIC's website.⁵

Reporting framework

The OIC's Departmental Results Framework and Program Inventory of record for 2019–20 are shown below.



Supporting information on the Program Inventory

Supporting information on planned expenditures, human resources, and results related to the OIC's Program Inventory is available in the GC InfoBase.⁶

Supplementary information tables

The following supplementary information tables are available on the OIC's website⁷:

- Departmental Sustainable Development Strategy
- ▶ Gender-based analysis plus

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the Report on Federal Tax Expenditures. This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are the responsibility of the Minister of Finance.

Organizational contact information

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Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Core Responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a Core Responsibility are reflected in one or more related Departmental Results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of an appropriated department over a three-year period. Departmental Plans are tabled in Parliament each spring.

Departmental Result (résultat ministériel)

Any change that the department seeks to influence. A Departmental Result is often outside departments' immediate control, but it should be influenced by Program-level outcomes.

Departmental Result Indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a Departmental Result.

Departmental Results Framework (cadre ministériel des résultats)

The department's Core Responsibilities, Departmental Results and Departmental Result Indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on the actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

evaluation (évaluation)

In the Government of Canada, the systematic and neutral collection and analysis of evidence to judge merit, worth or value. Evaluation informs decision making, improvements, innovation and accountability. Evaluations typically focus on programs, policies and priorities and examine questions related to relevance, effectiveness and efficiency. Depending on user needs, however, evaluations can also examine other units, themes and issues, including alternatives to existing interventions. Evaluations generally employ social science research methods.

experimentation (expérimentation)

Activities that seek to explore, test and compare the effects and impacts of policies, interventions and approaches, to inform evidence-based decision-making, by learning what works and what does not.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to help identify the potential impacts of policies, Programs and services on diverse groups of women, men and gender-diverse people. The "plus" acknowledges that GBA goes beyond sex and gender differences. We all have multiple identity factors that intersect to make us who we are; GBA+ considers many other identity factors, such as race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2019–20 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative where two or more departments are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, Program, policy or initiative respecting expected results.

Performance Information Profile (profil de l'information sur le rendement)

The document that identifies the performance information for each Program from the Program Inventory.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

priority (priorité)

A plan or project that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Departmental Results.

Program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

Program Inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's Core Responsibilities and Results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, Program or initiative. Results are not within the control of a single organization, policy, Program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

sunset program (programme temporisé)

A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (cible)

A measurable performance or success level that an organization, Program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- 1. GC InfoBase, https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start
- 2. 2018-19 Main Estimates, https://www.canada.ca/en/treasury-board-secretariat/services/plannedgovernment-spending/government-expenditure-plan-main-estimates.html
- 3. Future-Oriented Financial Statements, http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_fofs-evif.aspx
- Access to Information Act, https://laws-lois.justice.gc.ca/eng/acts/A-1/ 4.
- "Raison d'être, mandate and role," http://www.oic-ci.gc.ca/eng/PM-DP_2018-19_5.aspx 5.
- GC InfoBase, https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start 6.
- 7. Departmental Sustainable Development Strategy and Gender-based analysis plus, http://www.oicci.gc.ca/eng/abu-ans_cor-inf-inf-cor_int-aud-ver-int-rpp.aspx
- 8. Report on Federal Tax Expenditures, http://www.fin.gc.ca/purl/taxexp-eng.asp