



Government of Canada / Gouvernement du Canada  
Privy Council Office / Bureau du Conseil privé

# 2019 – 2020

ANNUAL REPORT TO  
**PARLIAMENT**  
ON THE ACCESS TO INFORMATION ACT

**PRIVY COUNCIL OFFICE**  
APRIL 1, 2019 TO MARCH 31, 2020



## Annual Report to Parliament on the Access to Information Act 2019-2020 Privy Council Office

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## Annual Report to Parliament on the Access to Information Act 2019-2020 Privy Council Office

### Introduction

The Privy Council Office (PCO) reports directly to the Prime Minister and is headed by the Clerk of the Privy Council and Secretary to the Cabinet. PCO is both the Cabinet secretariat and the Prime Minister's source of public service advice across the entire spectrum of policy questions and operational issues facing the Government. As the hub of non-partisan, public service support to the Prime Minister, Cabinet and its decision making structures, PCO ensures that the Government and Canadians are served by the highest quality public service.

PCO also provides support to the Prime Minister, as well to the Deputy Prime Minister and Minister of Intergovernmental Affairs, the Leader of the Government in the House of Commons, and the President of the Queen's Privy Council.

PCO has three main roles:

**PM and Ministers of the portfolio** - To deliver analysis, advice and support to the Prime Minister and Ministers of the Portfolio in: setting and implementing the Government's agenda; establishing the institutions, mandates and accountabilities of government; forming and leading the Cabinet; conducting intergovernmental and international relations; safeguarding national security; and communicating with Canadians. This includes:

- Bringing together non-partisan advice, analysis and information from across the Public Service;
- Consulting and collaborating with international and domestic partners inside and outside of government (including provincial and territorial governments);
- Supporting and advising on the development and implementation of the Government's Parliamentary and legislative programs; and
- Advising on Canada's Westminster style of government, on government structure and organization, and on Governor in Council appointments.

**Secretariat to the Cabinet** - To act as secretariat to the Cabinet and its committees in: conducting its deliberations; formulating its recommendations; and making and implementing decisions. This includes:

- Managing the Cabinet's decision-making system;
- Coordinating departments' policy and legislative proposals to Cabinet, with supporting policy analysis; and
- Preparing Orders in Council and other statutory instruments to give effect to Government decisions.

**Public Service leadership** - To lead and renew the Public Service in: advising the government; implementing its agenda; and delivering services and results to Canadians. This includes:

- Managing the recruitment and appointment process for senior positions in federal departments and agencies;
- Guiding policy on people management issues and Public Service Renewal; and
- Building the capacity of the Public Service to meet emerging challenges and changing responsibilities of government.

This is the 37<sup>th</sup> *Annual Report to Parliament* on the administration of the Access to Information Act (ATIA) by PCO, submitted as required by section 94 of the ATIA and section 20 of the *Service Fees Act*. This report covers the reporting period of April 1, 2019 to March 31, 2020.

Additional copies of this report may be obtained from the:

Access to Information and Privacy Division  
Privy Council Office  
11 Metcalfe Street  
Ottawa, Ontario K1A 0A3

## Highlights

- a) Privy Council Office (PCO) has maintained a high level of performance in access to information. In the 2019-2020 reporting period, PCO received 489 requests and closed 530, down from 578 requests received over the 2018-2019 reporting period. In 2019-2020, 112,341 relevant pages were processed, which represents a 68% decrease in the pages reviewed from last year and a 51% decrease in the amount reviewed in 2017-2018. The decreased page volume does not account for proactive disclosure of briefing note titles, transition material and committee binders.

## Access to Information and Privacy (ATIP) division – organizational structure

The ATIA provides a right of access to information in records under the control of government institutions. The ATIA is not a substitute for other access mechanisms, but it is intended to complement other informal procedures that allow public access to government information. The ATIA stipulates that government information should be available to the public, necessary exceptions to the right of access should be limited and specific, and decisions made by government institutions about the disclosure of information should be reviewed by a body independent of government.

The PCO ATIP division is the focal point for access to information and privacy within PCO. It is responsible for managing requests for departmental or personal information,

ensuring corporate understanding and compliance with the ATIA and the *Privacy Act* (PA), and fostering corporate awareness of access and privacy rights and responsibilities. On matters of access and privacy, the PCO ATIP division also acts as a primary liaison with the Office of the Information Commissioner (OIC), the Office of the Privacy Commissioner (OPC), Treasury Board of Canada Secretariat (TBS), and partner departments.

The PCO ATIP division has a personnel complement of approximately 30.75 full-time equivalents (FTEs) that are organized into two areas of responsibility. The two areas of responsibility are organized as follows:

### **1) ATIP Operations (24.75 FTEs)**

- Processes access to information and privacy requests;
- Oversees the collection and release of personal and/or business information;
- Provides expertise in access to information and privacy policy;
- Researches trends and best practices in access to information and privacy;
- Develops and delivers ATIP training programs; and
- Proactively discloses and publishes briefing note titles, transition material and Question Period Cards.

### **2) Client Services (6 FTEs)**

- Organizes training and develops promotional products;
- Coordinates responses to parliamentary questions and petitions on behalf of PCO; and
- Provides database administration.

## **Monitoring compliance**

In order to meet the legislative deadlines for access to information requests, the timelines of individual requests are strictly monitored. Regular meetings and various reports are used to ensure all requests are on track to meet the deadlines. Given our delegation orders (described in the next section), the PCO ATIP division works very closely with our Offices of Primary Interest (OPIs) to ensure tasking and signoff timelines are respected.

## Privy Council Office delegation orders

The Minister heading each government institution is responsible for the implementation of the ATIA within his or her institution. The Prime Minister, as the Head of the Privy Council Office and pursuant to s.95(1) of the ATIA, is responsible for the implementation of the ATIA within PCO. Through the PCO delegation order, the Prime Minister has designated the Executive Director, ATIP, as the individual within PCO to perform the powers, duties, functions, or administrative tasks pertaining to the ATIA. PCO Secretariats, or OPIs, holders of the information identified in an access request, approve the release of information to requesters and the application of exemptions or exclusions and supporting rationales. This shared delegation of authority for the disposition of information is exercised diligently within PCO, and recorded formally at appropriate stages in the process. PCO delegation orders, which were in effect in 2019-2020, are attached at Appendix A.

## Activities and accomplishments

### Key operational statistics

<b>ACCESS TO INFORMATION REQUESTS</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
REQUESTS RECEIVED	<b>879</b>	<b>792</b>	<b>578</b>	<b>489</b>
REQUESTS COMPLETED	<b>827</b>	<b>769</b>	<b>632</b>	<b>530</b>
REQUESTS COMPLETED ON-TIME (%)	<b>99.6%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
OIC GRADE	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b> <i>(projected)</i>
TOTAL PAGES RELEVANT PROCESSED	<b>128,448</b>	<b>231,738</b>	<b>347,593</b>	<b>112,341</b>

PCO received an “F” on performance rating by OIC for the 2006-2007 fiscal year. Since then, PCO has steadily improved its performance. With the resources available and the training given, PCO has been diligent in responding on time.

## Summary of key issues and actions taken on complaints or audits

Over the last few fiscal years, PCO has continued to make progress on complaints by working with the OIC to resolve them. The PCO ATIP division meets regularly with officials from the OIC to discuss complaints and manage the workload to allow progress on the complaints, while maintaining appropriate focus on active requests to meet legislated due dates.

## Education and training activities

Within the PCO ATIP division, meetings are held on a weekly basis to ensure all requests meet the legislated due dates, as well as to review legislated extensions and discuss any new processes. PCO provides information on ATIP requirements and best practices through learning products, special events in the branch and/or the department, as well as on the intranet.

In 2019-2020, PCO provided ATIP training or awareness sessions to 125 employees through 16 training events during the reporting year. These sessions consisted of an overview of ATIP to internal secretariats to deliver insight on the ATIP process and the application of exemptions. In the Fall of 2019-2020 and in partnership with the Treasury Board Secretariat and Library and Archives Canada, PCO ATIP also delivered several training sessions to the Prime Minister's Office and other Ministers' offices to give guidance on a possible transition of government prior to the 2019 election.

PCO senior officials were provided with a summary of the access and privacy statistics on performance and compliance to promote understanding of access and privacy responsibilities. The Executive Director of ATIP maintained regular contact with senior staff in the department, and ATIP senior staff met with senior officials in PCO Secretariats to clarify the roles and enhance working relationships. Throughout the 2019-2020 reporting period, PCO ATIP analysts liaised with clients to explain the five-stage request timeline and their working role, as well as train on processes such as the search for records.

PCO personnel have access to key information on access and privacy. This information is readily available as instructional ATIP handouts, an email box for questions, takeaway learning tools, as well as comprehensive and educational electronic content on PCO's intranet.

## Information-related policies, guidelines, procedures and initiatives

### a) Posting of completed Access to Information requests

As part of the Open Government Initiative, PCO provides monthly summaries of completed access to information requests online (<http://open.canada.ca/en/access-to-information>). This information includes a summary of request text, disposition, and number of pages disclosed. Summaries are available from June 2018 onward with direct links for requesting a copy of records. The public can also submit informal requests for completed files by mail or via the generic email on the PCO website (<https://www.canada.ca/en/privy-council.html>). Records are provided in the form that they were released under the ATIA including format, language(s) and any exemptions or exclusions that were applied.

As reported in the Statistical report, PCO released a total of 768 previously released ATI packages informally between April 1, 2019 and March 31, 2020.



## **b) Transitioning to an electronic office**

As part of the Beyond 2020 plan, which advocates for green government operations, PCO began the process of transforming into a paperless office. In 2016-2017, we introduced electronic tasking and notification of releases. These two processes alone have proven to be very successful and have greatly reduced the number of pages printed on a daily basis. In 2018-2019, PCO was part of the first wave of institutions brought on by TBS to accept requests through the online portal.

Towards the end of 2019-2020, the PCO ATIP division officially became a paperless office; with help from PCO Information Technology Operations division, the PCO ATIP division initiated the entire five-stage process electronically. Despite the challenges and the limitations that internal secretariats may face, this new process provided security benefits, as it allows digital signatures. As the PCO ATIP division became a paperless office, efficiency has increased significantly.

## **Other activities**

### **a) Reading room**

In compliance with subsection 12(1) of the ATIA, the PCO ATIP division also provides a reading room where the public may examine requested departmental records, manuals, and publications related to access to information. The reading room is located on the first floor of the Hope Building at 63 Sparks Street, Ottawa, Ontario. This secure location allows for an appropriate separation from office activities and provides requesters with a suitable environment to review documents. ATIP analysts can reserve the space in advance to ensure that it is available to requesters. In 2019-2020, no individual made use of this means of access to information.

### **b) Proactive disclosure**

In compliance with mandatory proactive disclosure requirements for government organizations, the PCO website (<https://www.canada.ca/en/privy-council.html>) continued to make available information concerning PCO travel and hospitality expenses, reclassification of positions, contracts over \$10,000, grant and contribution awards, briefing note titles for the Prime Minister, Ministers, and the Clerk, transition material for Ministers and the Prime Minister, as well as Question Period Cards.

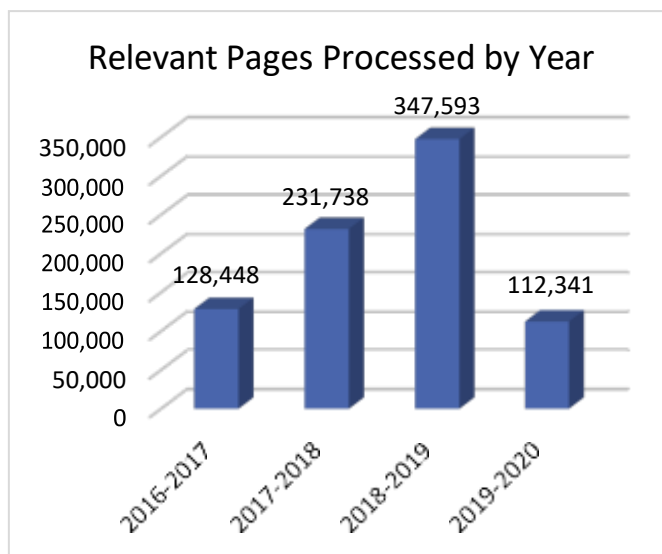
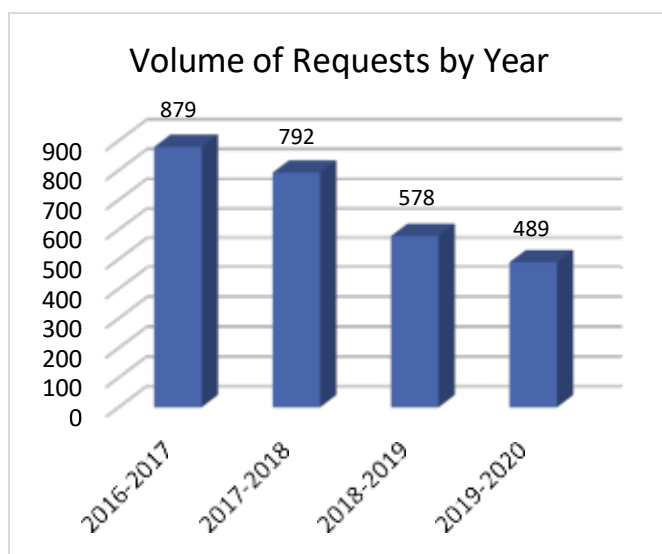
## Interpretation of the Statistical report

The 2019-2020 Statistical report on the ATIA can be found at Appendix B.

### PART 1 – Requests under the Access to Information Act (ATIA)

#### 1.1 Requests

Between April 1, 2019 and March 31, 2020, PCO received 489 requests for information under the ATIA. The number of requests and the number of pages processed has decreased from the two previous fiscal years. There was a greater number of requests with a large volume of pages reviewed and determined to be not relevant, and therefore excluded from this statistic. As seen in the graphs below, the 530 requests closed during the reporting period consisted of 112,341 relevant pages processed, compared to 347,593 pages processed in 2018-2019 and 231,738 pages processed in 2017-2018.



A total of 184 requests were carried over to the 2020-2021 reporting period, while 225 requests were carried into 2019-2020.

#### 1.2 Sources of requests

The sources of access to information requests, in descending order by volume, were media, public, organization, academia and business. The breakdown of the requests received during 2019-2020 is as follows:

- 207 or 42% – media;
- 116 or 24% – public;
- 87 or 18% – organization, including from Parliament (members of the House of Commons or Senate);
- 57 or 12% – academia; and
- 22 or 4% – business (private sector).

For this reporting period, the largest source of requests was the media at 42% of requests, as it is consistent with previous reporting periods. Media accounted for 10% more of the requests in 2018-2019 than in 2019-2020. The requests from academia decreased by 14%, while requests from organizations increased by 26%. The business sector, which includes law firms, saw a decline from 51 requests in 2018-2019 to 22 in 2019-2020. Requests from the public increased by twenty-four (24) to 116 in 2019-2020, accounting for 24% in 2019-2020, compared to 16% in 2018-2019.

### **1.3 Informal requests**

In 2019-2020, 768 informal requests were completed, compared to 378 in 2018-2019. This represents an increase of 103%. Most informal requests (51%) were completed between 0 to 60 days. Many informal requests were completed in 1 to 15 days, representing 22% of all requests. Sixteen (16) percent of requests were completed between 61 to 120 days. Another 31% of the requests were completed between 121 to 365 days. Finally, 5% of the requests were completed in 365 days or more. The PCO ATIP division has continued to improve the number of informal requests completed through its transition to a paperless office.

### **1.4 Types of information requested**

The subject matter varies by year and is often linked to current events. Broad types of information requested from PCO include:

- Both current and historic national security and intelligence records;
- Information related to foreign affairs, such as discussions between the Prime Minister and foreign leaders;
- Travel and related expense claims for the Prime Minister and the Prime Minister's Office;
- Lists of briefing notes and correspondence to the Prime Minister, the Clerk of the Privy Council, the Deputy Prime Minister, the Leader of the House of Commons and the President of the Queen's Privy Council for various time periods; and
- Records regarding contracts and staffing.

## **PART 2 – Decline to act on vexatious, made in bad faith or abuse of right requests**

During the 2019-2020 reporting, PCO ATIP did not decline to act on an access request under the *Access to Information Act* that was found vexatious, made in bad faith or an abuse of the right of access.

## **PART 3 – Requests closed during the reporting period**

### **3.1 Disposition and completion time**

In 2019-2020, PCO ATIP division completed 530 requests. The breakdown of the disposition of requests is as follows:

- 341 (64.3%) were disclosed in part;
- 80 (15.1%) yielded no records;
- 50 (9.4%) were abandoned;
- 27 (5.1%) were all disclosed;
- 19 (3.6%) were all exempted;
- 7 (1.3%) were all excluded;
- 6 (1.1%) were transferred;
- 0 (0%) were neither confirmed nor denied; and
- 0 (0%) were declined with the approval of the Information Commissioner.

As these figures demonstrate, 368 or 69.4% of all requests were fully or partially disclosed, a decline of 1.6% from 2018-2019. The percentage of requests for which no records were disclosed (either exempted or excluded) decreased by 2% to 5% of requests completed in 2019-2020. Approximately 15% of requests in 2019-2020 did not produce responsive records, which is consistent with 2018-2019. Six (6) or 1.1% of requests were transferred from PCO to another institution in 2019-2020, which is an increase from 2018-2019, where no requests were transferred. A greater proportion of requests were abandoned in 2019-2020, up by 4.4% from 2018-2019.

In terms of completion times, 228 or 43% of requests sent to PCO were completed within 30 days in 2019-2020, up from 37% in 2018-2019. Fifty-seven (57) or 11% of requests were completed within 31 to 60 days, and 89 (17%) requests were completed between 61 to 120 days. Approximately 15% of requests (78) took 121 to 180 days to complete. Forty-nine (49) or 9% of all requests were completed between 181 to 365 days. Twenty-nine (29) or 5.5% of all requests were completed in more than 365 days. The complex, sensitive and multi-jurisdictional nature of PCO records is a factor in the time required to complete requests.

### **3.2 Exemptions**

While PCO endeavours to release information as much as possible, there are instances where information is protected under the ATIA.

Totals for the six (6) most commonly used exemptions were, in order:

- 315 under subsection 19(1) – personal information;
- 188 under paragraph 21(1)(b) – consultations or deliberations related to operations of government;
- 186 under subsection 15(1) – information related to international affairs and defence of Canada;

- 125 under subsection 16(2) – information related to the security of facilities, computer systems, and communications systems;
- 112 under paragraph 21(1)(a) – information related to advice or recommendations developed by or for a government institution or a minister of the Crown; and
- 112 under section 23 – information subject to solicitor-client privilege.

The use of these exemptions is consistent with the role of PCO and the content of the records it controls, both of which involve confidential consultations, deliberations and advice provided to the Government on issues of national and international scope.

### **3.3 Exclusions**

The ATIA does not apply to certain information described by section 68 of the ATIA (published material) or to confidences of the Queen's Privy Council pursuant to section 69. The application of exclusions under subsection 69(1) reflects the role of PCO in providing advice and information to the Prime Minister as well as to Cabinet and its decision-making structures.

Totals for the six (6) most commonly used exclusions were, in order:

- 53 under paragraph 69(1)(g) re (c) – information relating to the agenda or deliberations of Council;
- 41 under paragraph 69(1)(g) re (a) – information relating to memoranda to Council;
- 24 under paragraph 69(1)(g) re (e) – information relating to briefings for Council;
- 17 under subsection 68(a) – information relating to published material or material available for purchase by the public;
- 16 under paragraph 69(1)(e) – briefings for Council; and
- 16 under paragraph 69(1)(g) re (d) - information relating to communications between Ministers.

### **3.4 Format of information released**

Of the requests for which records existed and were disclosed in whole or in part, 334 requests were released in electronic form. Another 34 requests were released on paper, down from 62 in 2018-2019. Requesters have the option of receiving the response by mail or by picking it up in person. Nearly all replies were sent to the requester by mail.

### **3.5 Complexity**

#### **3.5.1 Relevant pages processed and disclosed**

A total of 112,341 relevant pages were processed by PCO in 2019-2020, a decrease of 235,252 pages from 2018-2019, and a decrease of 119,397 pages from 2017-2018. For requests, which were "all disclosed", or "disclosed in part", 69,655 pages were disclosed, compared to 91,985 in 2018-2019 and 88,682 in 2017-2018. Although the

number of relevant pages processed decreased, in 2019-2020 PCO processed more informal requests. In compliance with changes made to the ATIA in 2019-2020, PCO now proactively discloses briefing note titles, transition material for the Prime Minister and Ministers, reference numbers of memoranda received by Ministers, Deputy Heads, and Question Period notes, which are not captured in the relevant pages processed but require a significant amount of resources.

### **3.5.2 Relevant pages processed and disclosed by size of request**

Only 4% of requests, or 19 out of 444, required the processing of less than 100 pages, down from 46% of requests in 2018-2019. A total of 101 requests involved the processing of 101-500 pages, and 30 requests involved the processing of between 501-1000 pages. Twenty-eight (28) requests involved the processing of between 1001-5000 pages in 2019-2020. These requests account for 31,297 pages disclosed, representing 45% of pages disclosed this fiscal year. In addition, only two (2) requests required processing over 5,000 pages in 2019-2020, of which one request was abandoned, and for another 4,830 pages were released.

Note that the number of pages processed is not an accurate gauge of the time required to process an access to information file. A request of many pages may involve basic records that require relatively little time to review, while small requests of a few pages could contain a complex combination of high-level content from several departments, requiring in-depth analysis and consultation.

### **3.5.3 Other complexities**

Consultations were the primary "other complexity" for 172 (32%) of the 530 requests completed in 2019-2020. Legal advice sought for assessment of s. 23 of the ATIA was the second largest "other complexity", applying to 55 (10%) of requests. As this report requires that requests be counted only once, in the complexity column that best applies, this table does not represent the total number of requests for which an "other complexity" was applicable, as several files required both consultation and legal advice. Also, note that the PCO does not charge any other fees other than the \$5 application fee.

## **3.6 Closed Requests**

### **3.6.1 Number of requests closed within legislated timelines**

In this reporting period, 530 requests were closed within the legislated timeline.

### **3.7 Deemed Refusals**

#### **3.7.1 Reasons for not meeting legislated timelines**

In 2019-2020, no access to information requests were completed past the deadline, or in “deemed refusal”.

#### **3.7.2 Requests closed beyond legislated timelines (including any extensions taken)**

In 2019-2020, no access to information requests with extensions were completed past the deadline.

### **3.8 Requests for translation**

Pursuant to subsection 12(2) of the ATIA, which states that “where access to a record or a part thereof is to be given under this Part and the person to whom access is to be given requests that access be given in a particular official language, a copy of the record or part thereof shall be given to the person in that language, (a) if the record or part thereof already exists under the control of a government institution in that language; or (b) within a reasonable period of time, if the head of the government institution has the control of the records considers it to be in the public interest to cause a translation to be prepared,” no translations were requested during the reporting period.

## **PART 4 – Extensions**

### **4.1 Reasons for extensions and disposition of requests**

Subsection 9(1) of the ATIA sets out circumstances under which the initial 30-day time limit for response may be extended. Extensions may be taken for the following reasons:

- if the request is for a large number of records or requires a search through a large number of records, and meeting the original time limit would unreasonably interfere with the operations of the institution;
- if consultations are necessary with other government institutions, other governments or informally with third parties, and it cannot be completed within 30 days; and/or
- if notice is to be given to a third party (pursuant to subsection 27(1)) of the pending release of information or trade secrets of that third party.

In 2019-2020, PCO took 504 extensions in total. Two-hundred and forty-one (241) or 48% extensions were under paragraph 9(1)(a) for interference with operations due to the volume of records, versus 302 the previous year. Third-party notifications required 64 extensions under paragraph 9(1)(c), more than the 51 extensions for the same reason for the previous fiscal year.

Consultations were another significant driver of extensions during the reporting year. A total of 70 extensions for consultations on Confidences of the Queen's Privy Council, and 129 extensions to consult other institutions (199 extensions combined) were taken under paragraph 9(1)(b). Extensions for consultations were down from the 228 extensions taken in 2018-2019.

Consultations remain inherent to processing the often complex, interdepartmental records under the control of PCO. When PCO sends a consultation request to another federal institution, it first contacts the department to obtain an estimated response time. These efforts provide requesters with a more accurate estimate of when they will receive a response. Contacting the institution being consulted to mutually determine how long the consultation will take is considered a best practice by the OIC.

#### **4.2 Length of extensions**

Of the six timeframes shown at 4.2 of the Statistical report, 30 days or less was the most common extension, accounting for 38% (192) of all extensions in 2019-2020. The second most employed extension was 61 to 120 days, accounting for 24% (121) of all extensions. The 31 to 60 days timeframe was the third most used extension at 21% (107). Reporting requires that separate extensions are recorded under each column. As such, one request may be reflected in more than one column if an extension was required under more than one paragraph of the ATIA. These statistics can be considered representative of PCO's consultative requirements and the department's heavy workload. PCO remains committed to the responsible use of extensions under the ATIA, consistent with operational demands.

### **PART 5 – Fees**

In accordance with the Interim Directive on the Administration of the ATIA, issued on May 5, 2016, and the changes to the ATIA that came into force on June 21, 2019, PCO waives all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations.

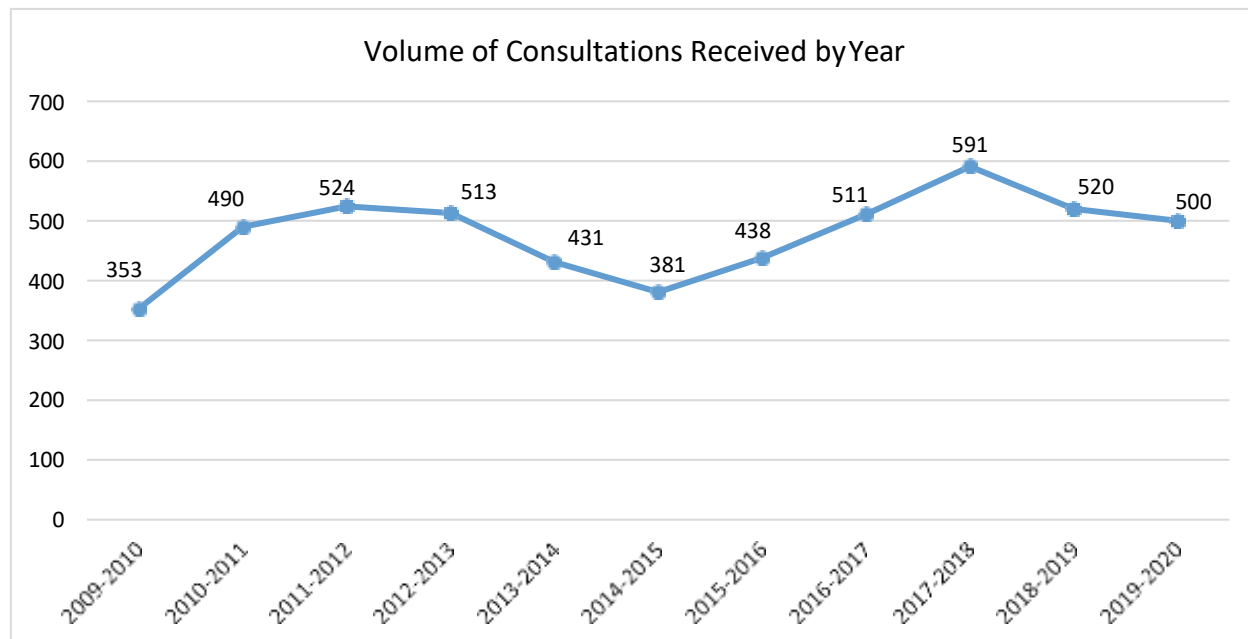
The fees collected during the reporting period totaled at \$2,305 on 461 requests, down from \$2,700 in 2018-2019 and \$3,750 in 2017-2018. In 2019-2020, PCO waived 24 requests with an amount totaling \$120 and transferred-out 3 requests at \$15.



## PART 6 – Consultations received from other institutions and organizations

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

PCO received 500 consultations from other government institutions and organizations during the reporting year.



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

Consultations continue to account for a significant portion of the workload and make demands on both PCO ATIP resources and on the PCO records authorities who provide consultative guidance. In 2019-2020, PCO responded to 68% (344) of the consultations received from other Government of Canada institutions in 30 days or less. This is a 7% increase from 2018-2019. Nineteen percent of consultations (94) were responded to in 31 to 60 days. PCO recognizes that a prompt rate of response to consulting institutions contributes to more timely service to the public at the broader government level. The majority of recommendations given by PCO in response to these consultations were to disclose the records, in either full or in part.

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

A total of six consultation requests from a third-party organization were completed by PCO during 2019-2020. Five were completed in 30 days or less, and another one was completed in 31 to 60 days.

## **PART 7 – Completion time of consultations on Cabinet confidences**

### **7.1 Requests with legal services**

Note that in regard to ATIP, PCO consults only with the Office of the Counsel to the Clerk of the Privy Council (PCO Cabinet Confidence Legal Unit (CCLU)). Therefore, no data appears in the table entitled “Completion Time of Consultations on Cabinet Confidences - Requests with Legal Services.”

### **7.2 Requests with Privy Council Office**

PCO ATIP sent 77 consultations to PCO CCLU in the reporting period, up from 68 in 2018-2019. This number does not reflect the total number of consultations sent to PCO CCLU in 2019-2020; to be counted for the purposes of the report, both the consultation and request must be completed during the reporting period. This figure would exclude consultations with PCO CCLU completed during the reporting period, and if the request was not completed, it will be carried forward into the next reporting fiscal year.

## **PART 8 – Complaints and investigations**

### **8.1 Complaints**

In the 2019-2020 reporting period, 70 complaints were submitted to the OIC. These complaints were made on requests received in the 2019-2020 fiscal year, as well as previous fiscal years. This is an increase from the 66 complaints that were received in the 2018-2019 reporting period.

In the 2019-2020 reporting period, complaints related to a range of issues, including the exemptions invoked or exclusions cited on records, and extensions taken to complete consultations and meet PCO operational requirements.

### **8.2 Breakdown of complaints by source:**

The breakdown of complaints by source received in 2019-2020 is as follows:

- 45 or 64% – Academia;
- 12 or 17% - Media;
- 8 or 11% – Public;
- 4 or 6%– Lawyer;
- 1 or 1.4% - Business;
- 0 or 0% - Organizations; and
- 0 or 0% - Parliament (members of the House of Commons or Senate).

Of these complaints, 8% (6) were discontinued, 10% (7) resolved and 37% (26) were well-founded. In addition, PCO did not receive reports of finding recommendations or orders by the Information Commissioner.

## PART 9 – Court action

In 2019-2020, no court actions involving PCO were initiated by the OIC concerning the ATIA. In 2018-2019, there was one ongoing court action from 2015-2016. This court action was completed during the current fiscal year.

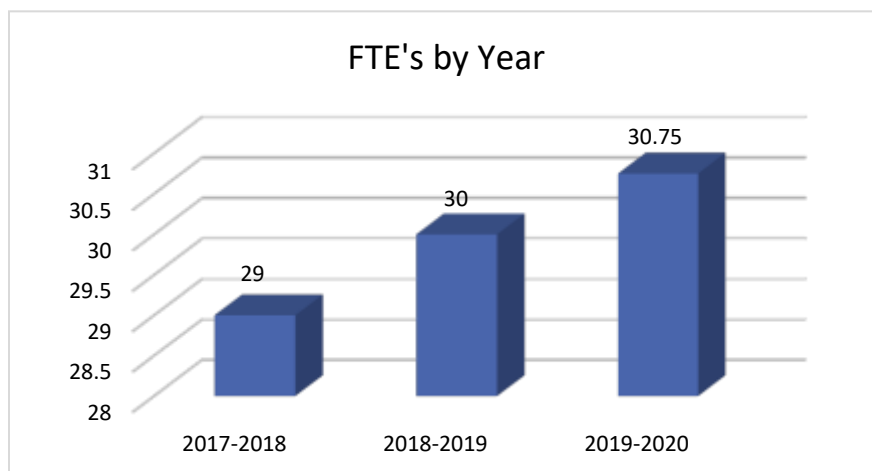
## PART 10 – Resources related to the Access to Information Act

### 10.1 Costs

Salary costs associated with administration of the ATIA were \$2,203,390 for 2019-2020, up from \$1,861,757 in 2018-2019. Overtime costs totaled \$32,082 for 2019-2020 up from \$11,248 in 2018-2019. Goods and services amounted to \$92,516. This amount is down from \$267,204 from 2018-2019. Total costs were \$2,327,988, up from \$2,104,209 in 2018-2019.

### 10.2 Human resources

It remains a challenge to attract and retain ATIP personnel, given the shortage of qualified analysts across the federal government. Currently, PCO uses various staffing methods to fill vacancies, including working with other departments to staff from pools of qualified candidates as well as running our own staffing processes. PCO offers a supportive work environment and growth opportunities for staff in an effort to retain qualified ATIP personnel. Moreover, the Professional Developmental Program launched in the 2017-2018 fiscal year boosts the retention of employees by encouraging them to learn and grow within the team, progressing from the PM-01 level to the PM-04 level. Taken with the successful hiring of students, the program will contribute to the recruitment and professional development of qualified analysts within the PCO ATIP team for years to come.



PCO human resources capacity for the 2019-2020 reporting period was 30.75 full-time equivalent (FTE) employees as shown in the chart above. This is a minor increase in resources over the 30 FTEs of the previous year.

## **PART 11 – Impact of COVID-19**

Since mid-March, COVID-19 has affected PCO ATIP's ability to task secretariats for relevant information and to respond to requests in a timely manner. Like most other institutions, a large percentage of PCO employees have been working from home since the beginning of the pandemic. One of the main challenges with working remotely is dealing with classified information at the Secret level or above. Most employees working from home do not have access to secure networks. Consequently, PCO ATIP is unable to reliably task secretariats for any information that is stored on a secure network. Further complicating the matter is that PCO is largely an aggregator of information; a great deal of the information we hold originates from, or is of interest to, other institutions. Even if the ATIP office was able to receive the relevant information from the secretariats, consultations with other institutions would likely be required, and only a limited number of institutions were able to process consultation requests.

PCO ATIP has adapted new procedures to transform into a more paperless office so we can function remotely. PCO implemented GCdocs in 2019 and we have used this repository to transfer and submit information electronically. This has allowed us to continue with approvals for files that had been previously tasked.


## **Appendices**

**Appendix A: Delegation orders**

**Appendix B: 2019-2020 Statistical report on the *Access to Information Act***

**Appendix C: Exemptions and exclusions**

## Appendix A: Delegation orders

<p style="text-align: center;"><b><u>Access to Information Act</u></b></p> <p style="text-align: center;"><b>DELEGATION ORDER</b></p> <p>The Prime Minister, as head of the Privy Council Office and pursuant to section 73 of the <u>Access to Information Act</u><sup>a</sup>, hereby designates the officers or employees holding the positions set out in the schedule hereto, and any persons acting in those positions, to exercise or perform the powers, duties and functions of the Prime Minister as the head of a government institution under the sections of the <i>Act</i> and the regulations opposite each position in the schedule.</p> <p>This delegation order supercedes all previous delegation orders.</p>	<p style="text-align: center;"><b><u>Loi sur l'accès à l'information</u></b></p> <p style="text-align: center;"><b>ARRÊTÉ DE DÉLÉGATION</b></p> <p>Le Premier ministre, en sa qualité de responsable du Bureau du Conseil privé et conformément à l'article 73 de la <u>Loi sur l'accès à l'information</u><sup>a</sup>, délègue aux titulaires des postes énumérés en annexe, et à toutes autres personnes agissant dans ces postes de façon intérimaire, ses attributions à titre de responsable d'une institution fédérale aux termes des articles de la <i>Loi</i> et du règlement figurant en regard de chaque poste à l'annexe.</p> <p>Le présent arrêté de délégation remplace et annule tout arrêté qui le précède.</p>
 _____ Prime Minister / Premier ministre DEC 23 2015	 _____ Date
<p><sup>a</sup> R.S. 1985, c. A-1 / L.R. 1985, ch. A-1</p>	

**SCHEDULE / ANNEXE**

<b>Position / Poste</b>	<b>Sections of the Access to Information Act* / Articles de la Loi sur l'accès à l'information*</b>	<b>Sections of the Access to Information Regulations<sup>b</sup> / Articles du Règlement sur l'accès à l'information<sup>b</sup></b>
1. Clerk of the Privy Council and Secretary to the Cabinet. / <i>Greffier du Conseil privé et Secrétaire du Cabinet.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
2. Any senior management position within the Privy Council Office that reports directly to the position set out in paragraph 1 above. / <i>Tout poste de la haute gestion au sein du Bureau du Conseil privé, qui se rapporte directement au poste indiqué au paragraphe 1 ci-dessus.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
3. All Assistant Secretaries and Assistant Deputy Ministers within the Privy Council Office. / <i>Tous les Secrétaires adjoints et les Sous-ministres adjoints au sein du Bureau du Conseil privé.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
4. Any management position that is responsible for a unit within the Privy Council Office and that reports directly to a position covered by paragraph 2 above other than the Assistant Deputy Minister of Corporate Services Branch. / <i>Tout poste de gestionnaire qui est responsable pour une unité au sein du Bureau du Conseil privé et qui se rapporte directement à un poste envisagé au paragraphe 2 ci-dessus autre que le Sous-ministre adjoint de la Direction générale des services ministériels.</i>	Full delegation. / <i>Délégation entière.</i>	Full delegation. / <i>Délégation entière.</i>
5. Coordinator of Access to Information within the Privy Council Office. / <i>Coordonateur/trice de l'accès à l'information au sein du Bureau du Conseil privé.</i>	7; 6(1); 9; 10; 11(2); 11(3); 11(4); 11(5); 11(6); 12(2)(b); 12(3)(b); 13; 19; 20; 27(1); 27(4); 28(1)(b); 28(2); 28(4); 29(1); 33; 37(4); 43(1); 44(2).	6(1); 8.

\* R.S. 1985, c. A-1 / L.R. 1985, ch. A-1  
<sup>b</sup> SOR/83-507 / DORS/83-508

## Appendix B: 2019-2020 Statistical report on the Access to Information Act



### Statistical Report on the Access to Information Act

Name of Institution: Privy Council Office

Reporting period: 2019-04-01 to 2020-03-31

#### Section 1: Requests Under the Access to Information Act

##### 1.1 Number of requests

	Number of Requests
Received during reporting period	489
Outstanding from previous reporting period	225
<b>Total</b>	<b>714</b>
Closed during reporting period	530
Carried over to next reporting period	184

##### 1.2 Sources of requests

Source	Number of Requests
Media	207
Academia	57
Business (private sector)	22
Organization	87
Public	116
Decline to Identify	0
<b>Total</b>	<b>489</b>

##### 1.3 Informal 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		
171	82	136	126	117	98	38	768	

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

#### Section 2: Decline to act on vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
<b>Total</b>	<b>0</b>
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

#### Section 3: Requests Closed During the Reporting Period

##### 3.1 Disposition and completion time

Disposition of 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
All disclosed	1	11	11	4	0	0	0	27
Disclosed in part	6	84	39	80	71	44	17	341
All exempted	0	1	3	2	1	1	11	19
All excluded	0	1	1	0	2	3	0	7
No records exist	14	61	3	2	0	0	0	80
Request transferred	6	0	0	0	0	0	0	6
Request abandoned	32	11	0	1	4	1	1	50
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0
<b>Total</b>	<b>59</b>	<b>169</b>	<b>57</b>	<b>89</b>	<b>78</b>	<b>49</b>	<b>29</b>	<b>530</b>



### 3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	50	16(2)	125	18(a)	1	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	18	20.2	0
13(1)(c)	2	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	2	16(2)(c)	0	18(d)	0	21(1)(a)	112
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	188
14	89	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	15
14(a)	0	16.1(1)(b)	1	18.1(1)(c)	0	21(1)(d)	4
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	3
15(1)	186	16.1(1)(d)	0	19(1)	315	22.1(1)	2
15(1) - I.A.*	0	16.2(1)	1	20(1)(a)	4	23	112
15(1) - Def.*	0	16.3	0	20(1)(b)	78	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	30
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	67	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	18		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	5				
16(1)(c)	0	17	0				
16(1)(d)	0						

\* I.A.: International Affairs    Def.: Defence of Canada    S.A.: Subversive Activities

### 3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	17	59(1)	6	59(1)(g) re (a)	41
68(b)	0	59(1)(a)	8	59(1)(g) re (b)	0
68(c)	0	59(1)(b)	0	59(1)(g) re (c)	53
68.1	0	59(1)(c)	10	59(1)(g) re (d)	16
68.2(a)	0	59(1)(d)	12	59(1)(g) re (e)	24
68.2(b)	0	59(1)(e)	16	59(1)(g) re (f)	12
		59(1)(f)	0	59.1(1)	0

### 3.4 Format of Information released

Paper	Electronic	Other
34	334	0

### 3.5 Complexity

#### 3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
112341	69655	444

#### 3.5.2 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	19	258	6	1343	0	0	2	3229	0	0
Disclosed in part	207	4858	81	13743	29	13232	23	28068	1	4830
All exempted	8	0	10	94	0	0	1	0	0	0
All excluded	4	0	2	0	0	0	1	0	0	0
Request abandoned	45	0	2	0	1	0	1	0	1	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>283</b>	<b>5116</b>	<b>101</b>	<b>15180</b>	<b>30</b>	<b>13232</b>	<b>28</b>	<b>31297</b>	<b>2</b>	<b>4830</b>

### 3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	2	0	0	0	2
Disclosed in part	162	0	52	0	214
All exempted	5	0	2	0	7
All excluded	0	0	0	0	0
Request abandoned	3	0	1	0	4
Neither confirmed nor denied	0	0	0	0	0
<b>Total</b>	<b>172</b>	<b>0</b>	<b>55</b>	<b>0</b>	<b>227</b>

### 3.6 Closed requests

#### 3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	530
Percentage of requests closed within legislated timelines (%)	100

### 3.7 Deemed refusals

#### 3.7.1 Reasons for not meeting legislated timelines

Number of Requests Closed Past the Legislated Timelines	Principal Reason			
	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

#### 3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Section 4: Extensions

### 4.1 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)(e) Third-Party Notice
		Section 68	Other	
All disclosed	12	0	4	1
Disclosed in part	201	63	99	62
All exempted	11	2	16	0
All excluded	4	3	2	0
No records exist	5	0	3	0
Request abandoned	8	2	5	1
<b>Total</b>	<b>241</b>	<b>70</b>	<b>129</b>	<b>64</b>

### 4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(e) Third-Party Notice
		Section 68	Other	
30 days or less	162	2	17	11
31 to 60 days	53	2	31	21
61 to 120 days	22	41	42	16
121 to 180 days	1	12	9	3
181 to 365 days	3	10	11	6
365 days or more	0	3	19	7
<b>Total</b>	<b>241</b>	<b>70</b>	<b>129</b>	<b>64</b>

## Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	461	\$2,305	24	\$120
Other fees	3	\$15	0	\$0
<b>Total</b>	<b>464</b>	<b>\$2,320</b>	<b>24</b>	<b>\$120</b>

## Section 6: Consultations Received From Other Institutions and Organizations

### 6.1 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	492	34198	8	54
Outstanding from the previous reporting period	101	39331	0	0
<b>Total</b>	<b>593</b>	<b>73529</b>	<b>8</b>	<b>54</b>
Closed during the reporting period	506	23960	6	47
Carried over to next reporting period	87	49569	2	7

### 6.2 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	99	41	8	1	0	0	0	149
Disclose in part	76	111	82	28	9	10	13	329
Exempt entirely	5	3	4	1	1	0	1	15
Exclude entirely	4	0	0	0	0	0	0	4
Consult other Institution	0	0	0	0	0	0	0	0
Other	3	2	0	0	0	1	3	9
<b>Total</b>	<b>187</b>	<b>157</b>	<b>94</b>	<b>30</b>	<b>10</b>	<b>11</b>	<b>17</b>	<b>506</b>

### 6.3 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	1	1	0	0	0	0	0	2
Disclose in part	1	2	1	0	0	0	0	4
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
<b>Total</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>

### Section 7: Completion Time of Consultations on Cabinet Confidences

#### 7.1 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 Request	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### 7.2 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 Request	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	8	157	1	107	0	0	0	0	0	0
16 to 30	2	15	1	81	0	0	0	0	0	0
31 to 60	2	88	1	79	0	0	0	0	0	0
61 to 120	26	493	6	538	0	0	0	0	0	0
121 to 180	15	440	2	144	0	0	0	0	0	0
181 to 365	8	202	3	294	1	0	1	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>61</b>	<b>1395</b>	<b>14</b>	<b>1243</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Section 8: Complaints and investigations**

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the information Commissioner	Section 37 Reports of finding containing orders issued by the information Commissioner
70	6	11	2	0	0

**Section 9: Court Action**

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

**Section 10: Resources Related to the *Access to Information Act***

10.1 Costs

Expenditures		Amount
Salaries		\$2,203,390
Overtime		\$32,082
Goods and Services		\$92,516
• Professional services contracts	\$0	
• Other	\$92,516	
<b>Total</b>		<b>\$2,327,988</b>

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	25.00
Part-time and casual employees	0.75
Regional staff	0.00
Consultants and agency personnel	0.00
Students	5.00
<b>Total</b>	<b>30.75</b>

Note: Enter values to two decimal places.

## Appendix C: Exemptions and exclusions

### Exemptions and exclusions

The total numbers of requests for which specific exemptions were invoked during the 2019-2020 reporting period are as follows:

- 50 under paragraph 13(1)(a)** - information obtained in confidence from the government of a foreign state or institution
- 2 under paragraph 13(1)(c)** – information obtained in confidence from the government of a province or institution
- 2 under paragraph 13(1)(d)** – information obtained in confidence from a municipal or regional government
- 89 under section 14** – information related to federal-provincial affairs
- 186 under subsection 15(1)** – information related to international affairs
- 125 under subsection 16(2)** – information related to security methods
- 1 under paragraph 16.1(1)(b)** – records related to investigations by the Commissioner of Official Languages for Canada
- 1 under subsection 16.2(1)** – information related to an investigation conducted by or under the authority of the Commissioner of Lobbying.
- 5 under section 16.6** – records related to the National Security and Intelligence Committee
- 1 under paragraph 18(a)** – trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada.
- 315 under paragraph 18(b)** – information which could prejudice the competitive position of a government institution.
- 315 under subsection 19(1)** – personal information.
- 3 under paragraph 20(1)(a)** – trade secrets of a third party.
- 78 under paragraph 20(1)(b)** – financial, commercial, scientific or technical information supplied to a government institution in confidence by a third party.
- 67 under paragraph 20(1)(c)** – information that could result in material financial loss or gain to a third party.
- 18 under paragraph 20(1)(d)** – information which could interfere with the negotiations of a third party.
- 112 under paragraph 21(1)(a)** – advice or recommendations developed by or for a government institution or minister
- 188 under paragraph 21(1)(b)** – consultations or deliberations related to operations of government
- 4 under paragraph 21(1)(c)** – positions or plans developed for negotiations by the Government of Canada
- 3 under section 22** – information relating to testing or auditing procedures or techniques
- 2 under subsection 22.1(1)** – information containing a draft report of an internal audit of a government institution
- 112 under section 23** – information subject to solicitor-client privilege
- 30 under subsection 24(1)** – information restricted by or pursuant to any provision set out in Schedule II of the ATIA

## **Exemptions not invoked**

The following exemptions were not invoked by PCO during the 2019-2020 reporting period:

**Paragraph 13(1)(b)** – information obtained in confidence from an international organization of states or an institution

**Paragraph 13(1)(e)** – information obtained in confidence from an aboriginal government

**Subsection 14(a)** - information on federal-provincial consultations or deliberations

**Subsection 14(b)** - information on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs.

**Subsection 15(1) I.A.** – information relating to communications and the conduct of international affairs

**Subsection 15(1) Def.** – information related to communications and the defence of Canada

**Subsection 15(1) S.A.** – information that could compromise the prevention of subversive activities

**Subparagraph 16(1)(a)(i)** – information obtained on the detection, prevention or suppression of crime.

**Subparagraph 16(1)(a)(ii)** – government records related to the enforcement of any law of Canada or a province

**Subparagraph 16(1)(a)(iii)** – government records related to activities suspected of constituting threats to the security of Canada

**Paragraph 16(1)(b)** – information relating to investigative techniques or plans for specific lawful investigations

**Paragraph 16(1)(c)** – information on the enforcement of any law of Canada or a province or the conduct of lawful investigations

**Paragraph 16(1)(d)** – information the disclosure of which could compromise the security of penal institutions

**Paragraph 16(2)(a)** – information which could facilitate the commission of a crime such as crime methods or techniques

**Paragraph 16(2)(b)** – information which could facilitate the commission of a crime such as technical information relating to weapons or potential weapons

**Paragraph 16(2)(c)** - information which could facilitate the commission of a crime such as the vulnerability or methods employed to protect particular buildings, structures, or systems

**Subsection 16(3)** – policing services of the RCMP for the provinces and the municipalities

**Paragraph 16.1(1)(a)** – records related to investigations by the Auditor General of Canada

**Paragraph 16.1(1)(b)**- records related to investigations by the Commissioner of Official Languages for Canada

**Paragraph 16.1(1)(c)** - records related to investigations by the Information Commissioner

**Section 16.6** – records related to the National Security and Intelligence Committee

**Paragraph 16.1(1)(d)** – records related to investigations by the Privacy Commissioner

**Section 16.3** – records related to investigations under the *Canada Elections Act* (Chief Electoral Officer)

**Section 16.31** – records related to investigations under the *Canada Elections Act* (Director of Public Prosecutions)

**Paragraph 16.4(1)(a)** – records related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner

**Paragraph 16.4(1)(b)** – records from a conciliator related to investigations under the *Public Servants Disclosure Protection Act* for the Public Sector Integrity Commissioner

**Section 16.5** – records related to a disclosure under the *Public Servants Disclosure Protection Act*

**Section 17** - safety of individuals, including the identity of police informants and the victims of violence or acts of threats or intimidation

**Paragraph 18(c)** – scientific or technical information obtained through research by an officer or employee of a government institution

**Paragraph 18(d)** - information materially injurious to the financial interests of a government institution or to the economic interests of Canada

**Paragraph 18.1(1)(a)** – records related to the economic interests of the Canada Post Corporation

**Paragraph 18.1(1)(b)** - records related to the economic interests of Export Development Canada

**Paragraph 18.1(1)(c)** – records related to the economic interests of the Public Sector Pension Investment Board

**Paragraph 18.1(1)(d)** – records related to the economic interests of VIA Rail Canada Inc.

**Paragraph 20(1)(b.1)** – third party information related to emergency management plans

**Section 20.1** – third party investment information obtained by the Public Sector Pension Investment Board

**Section 20.2** – third party investment information obtained by the Canada Pension Plan Investment Board

**Section 20.4** – performance contracts with the National Arts Centre Corporation

**Section 23.1** – records related to patents or trademark privilege

**Section 26** - records which will be published by a government institution within ninety days after the request is made

### **Exclusions cited**

The total numbers of requests for which specific exclusions were cited during the 2019-2020 reporting period are as follows:

**17 under paragraph 68(a)** – published material

**6 under subsection 69(1)** – confidences of the Queen's Privy Council for Canada

**8 under paragraph 69(1)(a)** – memoranda to Cabinet

**10 under paragraph 69(1)(c)** – agenda and records of Cabinet deliberations

**12 under paragraph 69(1)(d)** – records of communication between Ministers

**16 under paragraph 69(1)(e)** – records used to brief ministers of the Crown

**41 under paragraph 69(1)(g) re (a)** – records that contain information about records referred to in paragraph 69(1)(a)



**53 under paragraph 69(1)(g) re (c)** – records that contain information about records referred to in paragraph 69(1)(c)

**16 under paragraph 69(1)(g) re (d)** – records that contain information about records referred to in paragraph 69(1)(d)

**25 under paragraph 69(1)(g) re (e)** – records that contain information about records referred to in paragraph 69(1)(e)

**12 under paragraph 69(1)(g) re (f)** – records that contain information about records referred to in paragraph 69(1)(f)

### **Exclusions not cited**

The following exclusions were not cited by PCO during the 2019-2020 reporting period:

**Paragraph 68(b)** – museum or library material

**Paragraph 68(c)** – material donated to Canadian museums or archives

**Section 68.1** – journalistic, creative or programming records of the Canadian Broadcasting Corporation

**Paragraph 68.2(a)** – administrative records of Atomic Energy of Canada Limited

**Paragraph 68.2(b)** – operational records of Atomic Energy of Canada Limited

**Paragraph 69(1)(b)** – discussion papers

**Paragraph 69(1)(g) re (b)** – records that contain information about records referred to in paragraph 69(1)(b)

**Subsection 69.1(1)** – disclosure prohibited by a certificate under the Canada Evidence Act