

Annual Report on the *Access to Information Act*

2019–20



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

© Her Majesty the Queen in Right of Canada, as represented by the Auditor General of Canada, 2020.

Cat. No. FA1-28E-PDF

ISSN 2561-8555



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

20 October 2020

**Office of the Auditor General of Canada
2019–20 Annual Report on the *Access to Information Act***

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

In accordance with section 94(1) of the *Access to Information Act* and section 20 of the *Service Fees Act*, please find attached the Office of the Auditor General of Canada's 2019–20 Annual Report on the *Access to Information Act*.

Yours sincerely,

Karen Hogan, CPA, CA
Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6

Enclosure

Table of Contents

Introduction 1

Who we are 1

Access to Information and Privacy team 2

Performance 4

Administration of the *Access to Information Act* 5

Appendix—Statistical Report on the *Access to Information Act* 9

Introduction

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

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

Section 94(1) of the act requires the head of each government institution to prepare an annual report on the administration of the act within the institution and to submit the report to Parliament. In addition, section 20 of the *Service Fees Act* requires institutions to report on any legislative fees processed during the reporting period.

This annual report on the *Access to Information Act* at the OAG describes how we administered our responsibilities under the act during the 2019–20 fiscal year.

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

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

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

Who we are

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

We are in the business of legislative auditing. We conduct

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

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

The Auditor General of Canada is the designated head of the institution for the *Access to Information Act*. Pursuant to section 95 of the act, the Auditor General delegated full authority to the Access to Information and Privacy (ATIP) Coordinator.

Access to Information and Privacy team

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

For the reporting period, the ATIP team at the OAG consisted of

- 1 full-time ATIP Coordinator
- 1 full-time Public Disclosure of Information and Privacy Protection Manager, who performed ATIP duties as required
- 1 full-time employee from the Legal Services group, who helped the ATIP team on a part-time, ad hoc basis
- 1 full-time Legal Counsel, who managed the ATIP team in addition to fulfilling normal duties as OAG Legal Counsel

The main activities of the ATIP Coordinator included

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



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

DELEGATION ORDER

ACCESS TO INFORMATION ACT AND PRIVACY ACT

I, Michael Ferguson, Auditor General of Canada, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions as the head of Office of the Auditor General of Canada, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

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

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

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

Performance

During the reporting period, the OAG received and completed 10 formal requests.

Extensions and completion time of closed requests

The OAG invoked extensions in processing 3 requests: 2 extensions of less than 30 days, and 1 extension of less than 90 days, which included a mandatory extension to consult with third parties.

No formal *Access to Information Act* requests exceeded their legislative deadlines during the reporting period. The OAG is proud to have maintained 100% compliance with legislative deadlines.

Trends

The OAG continues to receive a low overall number of requests. However, the majority of the requests are complex or voluminous or are seeking personal information.

Consultations received from other government departments are commonly related to ongoing audits, and while the OAG is required to withhold audit information pursuant to section 16.1(1)(a) of the *Access to Information Act*, consulting departments cannot invoke the same exemption. Therefore, the OAG cannot recommend doing so. If the records refer to an ongoing audit, the OAG typically recommends an exemption pursuant to section 22 of the act if disclosure of the records could prejudice the outcome of the audit. The OAG responded to 56 consultations during the reporting period and recommended exemptions in 4 cases.

Training

The OAG requires that all employees complete mandatory ATIP training, offered by the Canada School of Public Service as an online, self-paced course.

All OAG employees had either completed or enrolled in the mandatory training by 1 April 2020, and new employees are required to complete the training within 3 months of the start date of their employment.

During the reporting period, 517 employees completed this training.

Impact of COVID-19 measures

The OAG reminds employees of the importance of performing proper information management regularly and requires that information with corporate value is saved in central data systems. These systems are accessible remotely.

The OAG required that all employees work from home as of 16 March 2020, granting access to the office only in exceptional circumstances. Because of this measure, the OAG is unable to conduct searches for physical records. However, the OAG considers the contents of notebooks or printed material that is also available digitally to be transitory. Therefore, the OAG is still able to conduct thorough searches for records in response to *Access to Information Act* requests, and measures taken to restrict employee access to OAG offices have not affected the ability to respond to these requests.

Administration of the *Access to Information Act*

Requests under the *Access to Information Act*

Received during the reporting period:	10
Outstanding from the previous period:	<u>0</u>
Total:	10

Sources of requests received

During the reporting period, 7 requests were submitted by members of the public, 2 requests were submitted by businesses, and 1 request came from an organization.

Disposition of completed requests

The OAG finalized 10 formal requests in the reporting period:

- 1 request was disclosed in its entirety
- 4 requests were disclosed in part
- 3 requests were withheld in their entirety because of exemptions
- 2 requests could not be processed because no relevant records existed

Exemptions invoked

Of the 4 requests in which exemptions were invoked,

- section 16.1(1)(a) was invoked in 4 requests
- section 16(2) was invoked in 1 request
- section 19(1) was invoked in 2 requests
- section 20(1)(b) was invoked in 1 request
- section 20(1)(c) was invoked in 1 request
- section 20(1)(d) was invoked in 1 request
- section 21(1)(b) was invoked in 1 request
- section 21(1)(d) was invoked in 1 request
- section 22 was invoked in 1 request
- section 23 was invoked in 1 request

Exclusions cited

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

Completion time

Of the 10 requests completed during the reporting period,

- 7 were completed within 30 days
- 2 required 30 or fewer additional days
- 1 required 61 to 120 additional days

Extension of time limits

Section 9 of the act provides for the extension of the statutory time limits if consultations are necessary, or if a large number of records have been requested and processing the request within the original time limit would unreasonably interfere with OAG operations. Of the 10 requests completed during the reporting period,

- 3 were extended for up to 30 days pursuant to section 9(1)(a)
- 1 was extended for 60 days pursuant to section 9(1)(c)

Method of access

Electronic copies of records were provided for all 5 requests resulting in disclosure, in their entirety or in part.

Access to Information Act fees for the purposes of the Service Fees Act

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution.

With respect to fees collected under the *Access to Information Act* during the reporting period, the information below is reported in accordance with the requirements of section 20 of the *Service Fees Act*:

- Enabling authority: *Access to Information Act*
- Fee amount: \$5 application fee*
- Total revenue: \$0
- Fees waived: \$50

* In accordance with the Interim Directive on the Administration of the *Access to Information Act*, issued on 5 May 2016, and the changes to the *Access to Information Act* that came into force on 21 June 2019, the OAG 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, unless a waiver is requested.

Operational costs

The costs directly associated with the administration of the *Access to Information Act* for the reporting period are estimated to be \$176,650 for salaries and \$100 for goods and services, for a total of \$176,750. For more information on the cost of salaries, please see “Monitoring compliance” below.

Summary of key complaints and the actions taken

The OAG received 3 complaints during the reporting period. All 3 complaints have been carried over into the next reporting period:

- Two complaints are related to the same request: 1 complaint alleged that records were missing or had been destroyed or altered to obstruct the requester's right of access, and 1 complaint was regarding improper application of exemptions.
- One complaint was related to missing records.

At the time of the tabling of this report, 2 of these complaints have been closed. Summaries for these complaints will be included in the report for the next reporting period.

Institution-specific policies, guidelines, and procedures

The OAG did not revise policies, guidelines, or procedures related to the *Access to Information Act*—or implement new ones—during the reporting period.

The OAG did not conduct any internal audits during the reporting period.

Monitoring compliance

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

- management of the ATIP team
- management of Access to Information cases (treatment of formal *Access to Information Act* requests and consultations)
- management of privacy cases (treatment of formal and informal *Privacy Act* requests)
- privacy impact assessments

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

Senior officials, up to and including the Auditor General, are advised about compliance with legislative, policy, and regulatory obligations, as requested or required.

As reflected in part 10.2 of the Appendix and described in the introduction of this report, the OAG dedicated 1.25 person-years to ATIP-related activities.

Appendix—Statistical Report on the *Access to Information Act*



Statistical Report on the *Access to Information Act*

Name of institution: Office of the Auditor General of Canada

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	10
Outstanding from previous reporting period	0
Total	10
Closed during reporting period	10
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	0
Academia	0
Business (private sector)	2
Organization	1
Public	7
Decline to Identify	0
Total	10

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	
3	0	1	0	0	0	0	4

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
Total	0
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							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	0	1	0	0	0	0	0	1
Disclosed in part	0	1	2	1	0	0	0	4
All exempted	3	0	0	0	0	0	0	3
All excluded	0	0	0	0	0	0	0	0
No records exist	0	2	0	0	0	0	0	2
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
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
Total	3	4	2	1	0	0	0	10

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	1	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	1
14	0	16.1(1)(a)	4	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	1
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	1
15(1)	0	16.1(1)(d)	0	19(1)	2	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	1
15(1) - Def.*	0	16.3	0	20(1)(b)	1	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	0	24(1)	0
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	1	26	0
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	1		
16(1)(a)(iii)	0	16.5	0				
16(1)(b)	0	16.6	0				
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)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
0	5	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
1782	715	8

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	1	24	0	0	0	0	0	0	0	0
Disclosed in part	1	30	3	661	0	0	0	0	0	0
All exempted	3	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	5	54	3	661	0	0	0	0	0	0

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	1	0	1
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	1	0	1

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	10
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
Total	0	0	0

3.8 Requests for translation

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

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)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	3	0	0	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	3	0	0	1

4.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	3	0	0	0
31 to 60 days	0	0	0	1
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	3	0	0	1

Section 5: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Requests	Amount	Requests	Amount
Application	0	\$0	10	\$50
Other fees	0	\$0	0	\$0
Total	0	\$0	10	\$50

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	54	8176	0	0
Outstanding from the previous reporting period	2	36	0	0
Total	56	8212	0	0
Closed during the reporting period	56	8212	0	0
Carried over to next reporting period	0	0	0	0

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	0	50	0	0	0	0	0	50
Disclose in part	2	4	0	0	0	0	0	6
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	2	54	0	0	0	0	0	56

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	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

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
365	0	0	0	0	0	0	0	0	0	0

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	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
365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

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
3	0	3	0	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		\$176,650
Overtime		\$0
Goods and Services		\$100
• Professional services contracts	\$0	
• Other	\$100	
Total		\$176,750

10.2 Human Resources

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

Note: Enter values to two decimal places.

