Access to Information Act

RCMP External Review Committee

Annual Report 2018-19

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Report on Access to Information Act 2018-19

1. Introduction

The Access to Information Act gives the public a broad right of access to information contained in federal government records, subject to certain limited and specific exceptions.

Section 72 of the *Access to Information Act* requires that the head of every government institution prepare an annual report to be tabled in Parliament regarding the administration of the *Act* by that institution during the financial year. This report describes how the RCMP External Review Committee (ERC) administered the *Access to Information Act* throughout financial year 2018-19.

Mandate of the RCMP External Review Committee

Established in 1986 under Part II of the *Royal Canadian Mounted Police Act*, the RCMP External Review Committee (ERC) contributes to fair and equitable labour relations and accountability within the RCMP through its independent and impartial review of appeal case files. The ERC issues findings and recommendations to the Commissioner of the RCMP for final decisions to be made in appeals regarding critically important matters (e.g. appeals of decisions in harassment complaints and of decisions to dismiss or demote an RCMP member for misconduct, to stop a member's pay and allowances when a member is suspended from duty or to discharge a member for medical or performance reasons). The RCMP is required to refer appeal case files to the ERC for its review, findings and recommendations pursuant to the *Royal Canadian Mounted Police Act* and the *Royal Canadian Mounted Police Regulations*. The ERC reports directly to Parliament through the Minister of Public Safety and Emergency Preparedness.

2. ERC's Organizational Structure To Fulfill Its *Access To Information Act* Responsibilities

Given the small size of the ERC (less than 15 FTEs) and the small number of requests it receives, all access to information functions are performed by the Executive Director and the Director of Corporate Services. The ERC has no regional offices. The ERC processes requests as follows:

- the requested information is identified;
- the requests are examined to determine if they should be transferred to another government institution with a "greater interest":
- possible exemptions are considered;
- a copy of the non-exempt information is prepared and forwarded to the requester with a transmittal letter; and,
- the requests and all related documentation are filed in the ERC's Access to Information and Privacy (ATIP) registry.

The ERC relies on existing Treasury Board guidelines regarding access to information.

Public Reading Room

The Access to Information Act requires that institutions maintain a reading room where the public can review records that have been disclosed by the ERC over the past three years. Records are available for review at no charge. Photocopying costs are applied at \$0.20 per page. The ERC's public reading room is located at 60 Queen Street, Room 600, in Ottawa and is open from 10:00 a.m. to 3:00 p.m., Monday to Friday. Individuals who wish to review records must schedule an appointment with the ERC by contacting the generic email at erc.corporateandhrservices-servicesgenerauxetrh.cee@canada.ca or reception number at 613-998-2134.

3. Delegation Order

The Minister of Public Safety and Emergency Preparedness Canada, pursuant to section 73 of the *Access to Information Act*, designates the Chair, the Executive Director and the ATIP coordinator of the ERC to exercise the powers and perform the duties of the Minister as the head of a government institution (the RCMP External Review Committee) under certain sections of the *Act*. Responsibilities associated with the administration of the *Access to Information Act* include notifying applicants of extensions and transferring requests to other institutions (see Annex A, Delegation Order).

4. Highlights of the Statistical Report, 2018-19

During fiscal year 2018-19, the ERC received and completed four requests under the *Access to Information Act* in the reporting period. The disposition of these four requests was:

_
0
0
0
0
1
3
0
0
4

Disposition of Requests

One request came from the media, however no records existed on the information requested. Three requests related to records that did not belong to the ERC. These requests were transferred to the departments with control of those records. Completion time for the four requests was between one to 15 days.

Source of Requests

Of the four requests received during the reporting period, one request was from the media, and three were received from the public.

Consultations from Other Institutions

During the reporting period, the ERC received seven consultations regarding formal requests received by other government organizations and institutions. In all but one request, the ERC did not object to the disclosure of any part of the requested information under the *Access to Information Act*. The completion time for five of the consultations was between 1 and 15 days, between 16 to 30 days for one consultation, and for one consultation within 120 days.

Informal Processes

Whenever possible, information is provided informally to the public by ERC employees. Additionally, the ERC's website serves as a valuable source of information on the ERC program, including annual reports to Parliament and financial information. Given the sensitivity of much of the information in the RCMP internal files that are referred to the ERC, there are few opportunities to disclose other program information informally.

There were no informal releases made during the reporting period.

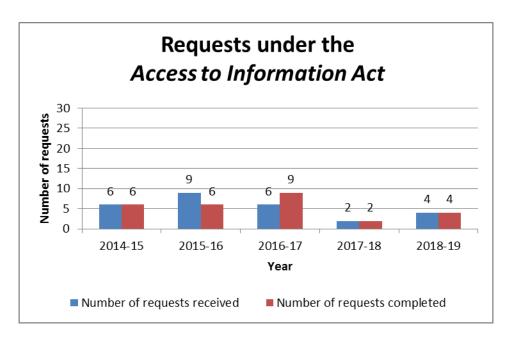
Other Consultations

There were no consultations on Cabinet Confidences under the Access to Information Act.

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by the ERC between April 1, 2018 and March 31, 2019.

Multi-Year Trends

Evaluation of multi-year trends is difficult given the very small number of requests received each year by the ERC. The number and kinds of requests and consultations dealt with by the ERC in 2018-19 were lower than the last few years. An average of 5.4 requests per year were received and completed over the past five years (see Figure).



5. Reporting on Access to Information 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*, 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: \$5Total revenue: \$0Fees waived: \$5

Cost of operating the program: \$6,000.

6. Training and Awareness

No formal ATI training was provided to ERC staff during the reporting period. Some ERC legal counsel have legal training in ATIP matters as the assessment of some requests may require legal analysis or advice.

Information about the ATI program and activities is routinely circulated to ERC staff in the course of normal operations.

7. Policies, Guidelines, Procedures and Initiatives

The ERC did not implement any new or revised access to information-related policies, guidelines, procedures or initiatives during the reporting period.

8. Summary of Key Issues and Actions taken on Complaints or Audits

The ERC received no complaints during the reporting period from the Office of the Information Commissioner regarding access to information files and no audits or investigations were concluded.

There were no applications/appeals to the Federal Court in respect of access to information files received by the ERC for fiscal year 2018-19.

9. Monitoring Compliance

Monitoring of the time to process access to information requests during the reporting period was carried out on a case-by-case basis. Time to process requests is also discussed in the responsible management committee when required.

Delegation Order - Access to Information Act and Access to Information Regulations Arrêté de délégation en vertu de la Loi sur l'accès à l'information et du Règlement sur l'accès à l'information Royal Canadian Mounted Police External Review Committee / Comité externe d'examen de la Gendarmerie royale du Canada

The Minister of Public Safety and Emergency Preparedness, pursuant to section 73 of the *Access to Information Act**, hereby designates the persons holding the positions set out below, or acting in those positions, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution, that is, the **Royal Canadian Mounted Police External Review Committee**, under the section of the *Act* set out opposite each position.

En vertu de l'article 73 de la *Loi sur l'accès à l'information**, le ministre de la Sécurité publique et de la Protection civile délègue aux titulaires des postes sous mentionnés, ou aux personnes qui occupent ces postes à titre intérimaire, les pouvoirs et les fonctions dont il est, en qualité de responsable d'une institution fédérale, c'est-àdire le *Comité externe d'examen de la Gendarmerie royale du Canada*, investi conformément à l'article de la *Loi* mentionné à l'égard de chaque poste.

Access to Section /	Information Act / Loi sur l'accès à l'information Article	Chair / Président	Executive Director / Directeur exécutif	ATIP Coordinator / Coordonnateur de l'AIPRP
4(2.1)	Responsibility of government institutions / Responsable de l'institution fédérale	•	•	•
7(a)	Notice where access requested / Aviser l'auteur de la demande d'accès	•	•	•
7(b)	Giving access to record / Autoriser l'accès à un document	•	•	•
8(1)	Transfer of request to another government institution /	•	•	•
,	Transmission de la demande à une autre institution			
9	Extension of time limits / Prorogation du délai	•	•	•
11(2)(3) (4)(5)(6)	Additional Fees / Frais supplémentaires	•	•	•
12(2)(b)	Language of access / Version de la communication	•	•	•
12(3)(b)	Access to record in alternative format / Communication sur support de substitution	•	•	•
13	Exemption – Information obtained in confidence / Exception – Renseignements obtenus à titre confidentiel	•	•	
14	Exemption – Federal-provincial affairs / Exception – Affaires fédéro-provinciales	•	•	
15	Exemption – International affairs and defence / Exception – Affaires internationales et défense	•	•	
16	Exemption – Law enforcement and investigations / Exception – Application de la loi et enquêtes	•	•	
16.5	Exemption – Public Servants Disclosure Protection Act / Exception – Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles	•	•	
17	Exemption – Safety of individuals / Exception – Sécurité des personnes	•	•	

Access to Section /	Information Act / Loi sur l'accès à l'information Article	Chair / Président	Executive Director / Directeur exécutif	ATIP Coordinator / Coordonnateur de l'AIPRP
18	Exemption – Economic interests of Canada /	•	•	
18.1	Exception – Intérêts économiques du Canada Exemption – Economic interest of the Canada Post Corporation, Export Development Canada, the Public Sector pension Investment Board and VIA Rail Canada Inc. / Exceptions – Intérêts économiques de la Société canadienne des postes, d'Exportation et développement Canada, de l'Office d'investissement des régimes de pensions du secteur public et de VIA Rail Canada Inc.	•	•	
19	Exemption – Personal information / Exception – Renseignements personnels	•	•	
20	Exemption – Third-party information / Exception – Renseignements de tiers	•	•	
21	Exemption – Operations of Government / Exception – Activités du gouvernement	•	•	
22	Exemption – Testing procedures, tests and audits / Exception – Examens et vérifications	•	•	
22.1	Exemption – Audit working papers and draft audit reports / Exception – Documents de travail relatifs à la vérification et ébauche des rapports de vérification	•	•	
23	Exemption – Solicitor-client privilege / Exception – Secret professionnel des avocats	•	•	
24	Exception – Statutory prohibitions / Exception – Interdictions fondées sur d'autres lois	•	•	
25	Severability / Prélèvements	•	•	•
26	Exemption – Information to be published / Exception – Renseignements devant être publiés	•	•	
27(1), (4)	Third-party notification / Avis aux tiers	•	•	•
28(1)(b), (2), (4)	Representations of third party and decision / Observations des tiers et décision	•	•	•
29(1)	Where the Information Commissioner recommends disclosure / Recommandation du Commissaire à l'information	•	•	•
33	Advising Information Commissioner of third-party involvement / Avis au Commissaire à l'information de la participation d'un tiers	•	•	•
35(2)(b)	Right to make representations / Droit de présenter des observations	•	•	•
37(4)	Access to be given to complainant / Communication accordée au plaignant	•	•	•
43(1)	Notice to third party (application to Federal Court for review) / Avis au tiers (demande de révision par la Cour fédérale)	•	•	•
44(2)	Notice to person who requested record (application to Federal Court by third party) / Avis à la personne qui a fait la demande (demande de révision par la Cour fédérale présentée par un tiers)	•	•	•
52(2)(b)	Special rules for hearings / Règles spéciales (auditions)	•	•	
52(3)	Ex parte representations / Présentation d'arguments en l'absence d'une partie	•	•	
71(1)	Facilities for inspection of manuals / Installations de consultation des manuels	•	•	

	to Information Act / Loi sur l'accès à l'information / Article	Chair / Président	Executive Director / Directeur exécutif	ATIP Coordinator / Coordonnateur de l'AIPRP
72	Report to Parliament / Rapports au Parlement	•	•	
6(1)	Transfer of request / Transmission de la demande	•	•	•
7(2)	Search and preparation fees / Frais liés à la recherche et à la préparation	•	•	•
7(3)	Production and programming fees / Frais liés à la production et aux programmes	•	•	•
8	Providing access to record(s) / Donner accès aux documents	•	•	•
8.1	Limitations in respect of format / Restrictions applicables au support	•	•	
Access	to Information Regulations / Règlements sur l'accès à l'information			
	/ Article			
6(1)	Transfer of request / Transmission de la demande	•	•	•
7(2)	Search and preparation fees / Frais liés à la recherche et à la préparation	•	•	•
7(3)	Production and programming fees / Frais liés à la production et aux programmes	•	•	•
8	Providing access to record(s) / Donner accès aux documents	•	•	•
8.1	Limitations in respect of format / Restrictions applicables au support	•	•	

Dated at the City of Ottawa,

Daté en la ville d'Ottawa,

this _4_day of May, 2017

ce _4_jour de mai 2017

_____original signed by_____ Hon. Ralph Goodale, P.C., M.P. / L'hon. Ralph Goodale, C.P., député

Statistical Report on the Access to Information Act

Name of institution: RCMP External Review Committee

Reporting period: 2018-04-01 to 2019-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	4
Outstanding from previous reporting period	0
rotar	4
Closed during reporting period	4
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	1
Academia	0
Business (private sector)	0
Organization	0
Public	3
Decline to Identify	0
Total	4

1.3 Informal requests

Completion Time								
1 to 15								
0	0	0	0	0	0	0	0	

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



Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

	Completion Time							
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days		181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
No records exist	1	0	0	0	0	0	0	1
Request transferred	3	0	0	0	0	0	0	3
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	4	0	0	0	0	0	0	4

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	0	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	0		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0			_	
16(1)(b)	0			_			
16(1)(c)	0						
16(1)(d)	0	* I.A.: In:	ternational Affa	airs Def.: Defence	e of Canada	S.A.: Subversive A	ctivities

^{*} I.A.: International Affairs

Def.: Defence of Canad

S.A.: Subversive Activities

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
-		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	0	0	0
Disclosed in part	0	0	0
Total	0	0	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	0	0	0
All exempted	0	0	0
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor			
denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

		nan 100 rocessed	101-500 501-1000 1001-5000 More That Pages Processed Pages Processed Pages Processed							
Disposition	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0	0	0
All exempted	0	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	0	0	0	0	0	0	0	0	0	0

2.5.3 Other complexities

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

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past		Principal Reason						
the Statutory Deadline		External	Internal					
the Statutory Deading	Workload	Consultation	Consultation	Other				
0	0	0	0	0				

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

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

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

	9(1)(a)	9(1 Consu	9(1)(c)		
Disposition of Requests Where an Extension Was Taken	Interference With Operations	Section 69	Other	Third-Party Notice	
All disclosed	0	0	0	0	
Disclosed in part	0	0	0	0	
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	0	0	0	0	

3.2 Length of extensions

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

Part 4: Fees

	Fee Co	llected	Fee Waived or Refunded		
Fee Type	Number of Requests	Amount	Number of Requests	Amount	
Application	0	\$0	1	\$5	
Search	0	\$0	0	\$0	
Production	0	\$0	0	\$0	
Programming	0	\$0	0	\$0	
Preparation	0	\$0	0	\$0	
Alternative format	0	\$0	0	\$0	
Reproduction	0	\$0	0	\$0	
Total	0	\$0	1	\$5	

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	6	184	1	1
Outstanding from the previous reporting period	0	0	0	0
Total	6	184	1	1
Closed during the reporting period	6	184	1	1
Pending at the end of the reporting period	0	0	0	0

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

	Numb	er of Da	ys Requi	red to Co	omplete (Consulta	tion Req	uests
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	4	1	0	0	0	0	0	5
Disclose in part	0	0	0	1	0	0	0	1
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	4	1	0	1	0	0	0	6

5.3 Recommendations and completion time for consultations received from other organizations

	Numb	er of Da	ys Requi	red to Co	omplete	Consulta		uests
							More	
	4 4 . 45	16 to	31 to	61 to	121 to	181 to	Than	
	1 to 15	30	60 Dave	120 Dave	180	365 Dave	365 Dave	Total
Recommendation	Days	Days	Days	Days	Days	Days	Days	Total
Disclose entirely	1	0	0	0	0	0	0	1
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	1	0	0	0	0	0	0	1

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

		han 100 rocessed) Pages essed	501-1000 Pages Processed		0 1001-5000 essed Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

		han 100 rocessed	101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 32 Section 35		Total	
0	0	0	0	

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the Access to Information Act

9.1 Costs

Expenditures	Amount		
Salaries		\$6,000	
Overtime		\$0	
Goods and Services		\$0	
Professional services contracts	\$0		
Other	\$0		
Total		\$6,000	

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.05
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.05

Note: Enter values to two decimal places.