



Annual Report to Parliament on the Administration of the *Access to Information Act* *April 1, 2018 to March 31, 2019*

ATSSC·SCDATA

Service Excellence / L'excellence en service

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Introduction

The Administrative Tribunals Support Service of Canada (ATSSC) is pleased to present to Parliament its annual report on the administration of the *Access to Information Act* (the *Act*) for fiscal year April 1, 2018 to March 31, 2019.

Section 72 of the *Act* requires the head of every federal government institution to prepare and table an annual report to Parliament on the administration of the *Act* during the fiscal year. This report provides an overview of the activities of the ATSSC in implementing the *Act*.

The purpose of the *Access to Information Act* is to provide a right of access to information in records under the control of a government institution. It maintains that government information should be available to the public that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The *Act* is intended to complement and not replace existing procedures for access to records and is not intended to limit in any way access to the information that is normally available to the public.

The ATSSC is fully committed to both the spirit and the intent of the *Act* to foster a culture of openness and transparency within the organization.

About the ATSSC

The Administrative Tribunals Support Service of Canada (ATSSC) was established with the coming into force on November 1, 2014, of the *Administrative Tribunals Support Service of Canada Act*. The ATSSC is responsible for providing support services and facilities to 11 federal administrative tribunals by way of a single, integrated organization.

These services include the specialized services required to support the mandate of each tribunal (e.g., registry, research and analysis, legal and other mandate or case activities), as well as internal services (e.g., human resources, financial services, information management and technology, accommodation, security, planning and communications). Through these specialized services, the ATSSC supports improving access to justice for Canadians.

The administrative tribunals supported by the ATSSC include:

- the Canada Agricultural Review Tribunal;
- the Canada Industrial Relations Board;
- the Canadian Cultural Property Export Review Board;
- the Canadian Human Rights Tribunal;
- the Canadian International Trade Tribunal;
- the Competition Tribunal;
- the Federal Public Sector Labour Relations and Employment Board;
- the Public Servants Disclosure Protection Tribunal;
- the Social Security Tribunal of Canada;
- the Specific Claims Tribunal Canada; and
- the Transportation Appeal Tribunal of Canada.

The ATSSC also supports the National Joint Council, the forum for co-development, consultation and information sharing between the government as employer and public service bargaining agents.

The Minister of Justice and Attorney General of Canada is responsible for the ATSSC.

The Access to Information and Privacy Office

The Access to Information and Privacy (ATIP) Office is responsible for administering the *Access to Information Act* (the *Act*) on behalf of the ATSSC. Its mandate is to ensure compliance with the legislation, regulations and government policy and to create organizational standards and directives relating to the *Act*. Responsibility for the powers, duties and functions for the administration of the *Act* has been formally established and is outlined in the Delegation Order signed by the Chief Administrator. The Director, Planning and Communications and the ATIP Manager have been delegated authorities as described in the Delegation Order included in Appendix A.

Within the ATSSC's organizational structure, the ATIP Office reports to the Planning and Communications Unit which is under the direction of the Chief Administrator. Oversight of the ATIP Office is administered by the Director, Planning and Communications. The ATIP Office consists of the manager and one analyst dedicated to access to information and privacy activities.

The ATIP Office receives, coordinates and processes requests in accordance with the *Act*, promotes awareness of the *Act* within the organization, fulfills reporting responsibilities relating to the *Act*. The ATIP office also provides expert advice and guidance to senior management and ATSSC staff on matters relating to the *Act*.

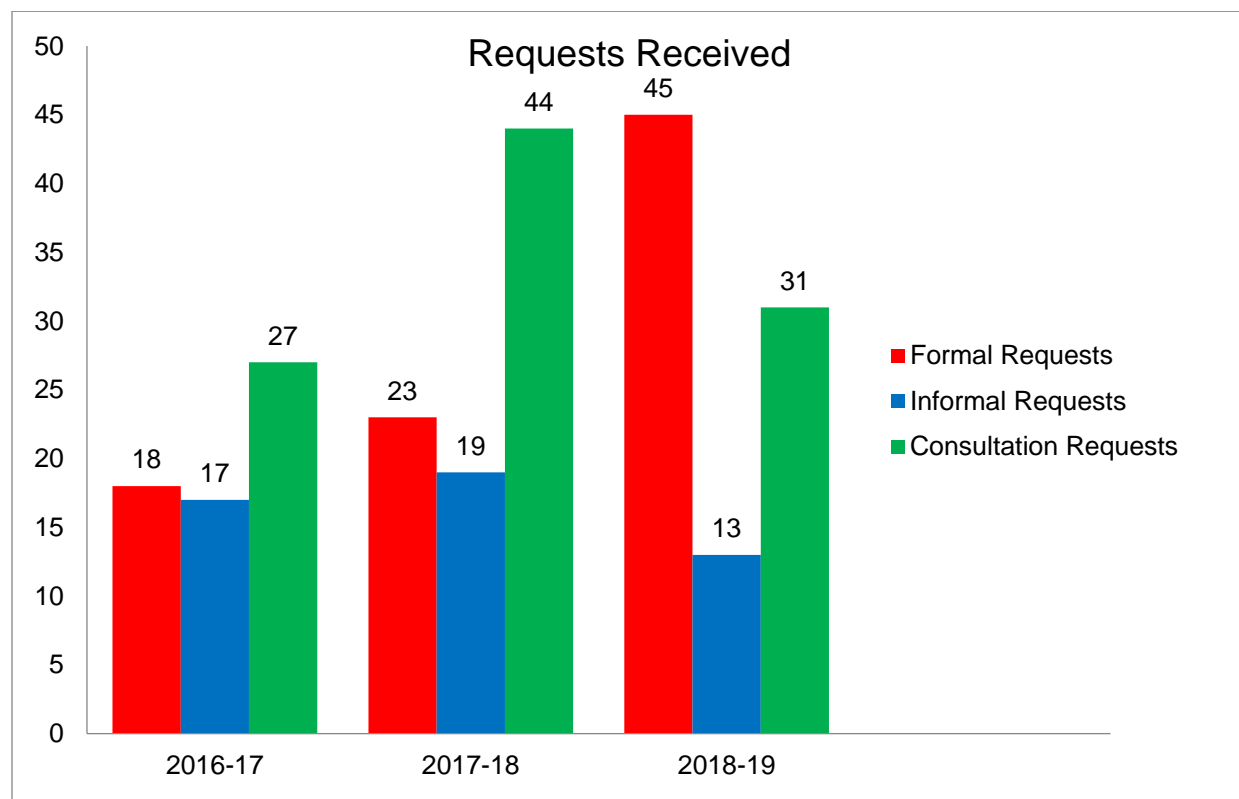
ATSSC Statistical Overview

The ATSSC received a total of 45 formal requests under the *Act*. With eight requests carried over from last fiscal year, 44 of the 53 active requests were completed. Nine requests were carried forward into the new fiscal year.

In addition to the formal requests, the ATSSC received 31 consultations from other federal institutions and other organizations as well as 13 informal requests. A copy of the Statistical Report is included in Appendix B.

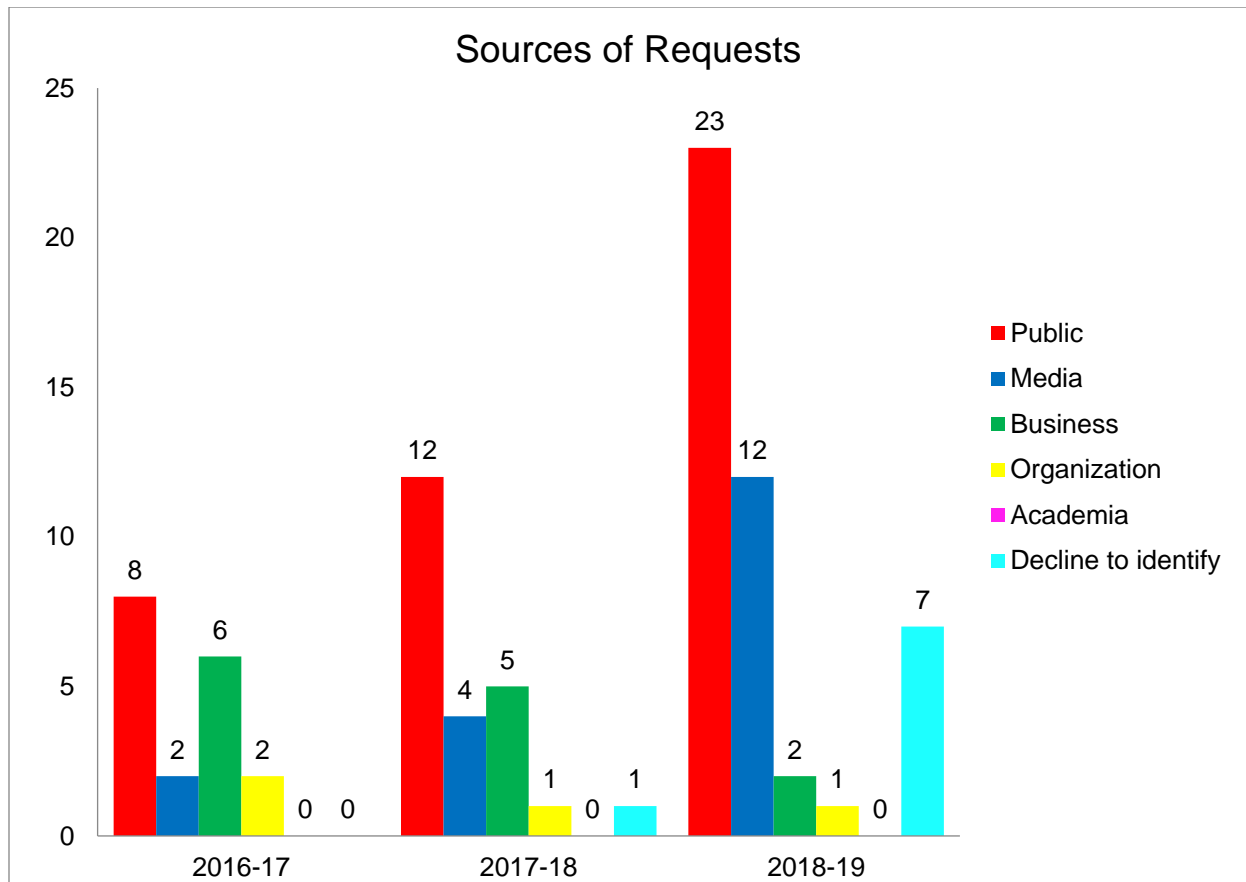
In the last three reporting periods, the statistics indicate increases of 150% for formal requests and 15% for consultation requests received. The ATSSC also noted a 24% decrease for informal requests.

The overall volume of requests has increased by 44% from 62 requests in 2016-17 to 89 requests in this reporting period.



Sources of Requests

Of the 44 requests that were received this reporting period, 23 requests were submitted by the general public and 12 requests were submitted by the media. Requests were also received from businesses (two) and organizations (one). Seven applicants declined to identify.



Disposition of Completed Requests

During this reporting period, the ATSSC completed 44 requests under the *Act*, five of which resulted in a full release. The information sought was released in part in 13 cases and withheld entirely in four cases. No records existed in 14 cases. The remaining eight requests were transferred (two) and abandoned (six).

Exemptions Invoked

The *Access to Information Act* sets out specific exceptions to the right of access known as exemptions. Each exemption is intended to protect information relating to a particular public or private interest and form the only basis for refusing access to government information under the *Access to Information Act*. Of the 44 requests completed, exemptions to withhold information were invoked in 19 cases. The most frequently applied exemption, as was the case in the previous reporting year, was subsection 19(1) (records containing personal information) that was invoked in 18 cases.

Statistics relating to the application of three new exemptions added to the *Access to Information Act* follow:

| Access to Information Act | |
|---|--------------------|
| Section | Number of requests |
| 16.31 Investigation under the Elections Act | 0 |
| 16.6 National Security and Intelligence Committee | 0 |
| 23.1 Patent or Trademark privilege | 0 |

Extensions and Completion Time

Requests can be extended beyond the 30-day statutory time frame in three circumstances:

- the request is for a large number of records or necessitates a search through a large number of records (paragraph 9(1)(a) of the *Act*);
- consultations are necessary (paragraph 9(1)(b) of the *Act*); or
- the request requires giving notice to a third party (paragraph 9(1)(c) of the *Act*).

During this reporting period, an extension under paragraph 9(1)(a) of the *Act* was taken in eight cases because the request was for a large number of records or meeting the original time limit would have unreasonably interfered with the operations of the ATSSC. In six cases, an extension was taken under paragraph 9(1)(b) as consultations were required within the ATSSC and with other institutions. Additionally, an extension under paragraph 9(1)(c) was taken in two cases as consultations with third parties were required.

The ATSSC responded to 12 requests within one to 15 days, 11 requests within 16 to 30 days, and eight requests within 31 to 60 days. Nine requests required 61 to 120 days to complete, one required 121 to 180 days and three requests required 181 to 365 days to complete. Of the 44 requests completed during this reporting period, 38 were completed within the statutory time frame.

Consultations

Along with processing requests received under the *Act*, the ATIP Office provides recommendations to other institutions regarding the release of records that concern the ATSSC. In addition to the four consultation requests carried over from the previous reporting period, the ATSSC received 31 consultation requests from other federal institutions and other organizations. Of the 35 requests completed, the ATSSC recommended full disclosure of the records in 29 cases and a partial release in five cases. In one case, the consultation request was abandoned by the consulting institution.

Fees

In accordance with section 20 of the *Service Fees Act*, the ATSSC must report annually to Parliament on the fees collected by the institution. The *Access to Information Act* and Regulations set out the fees which may be collected for the purposes of processing requests.

As per the *Interim Directive on the Administration of the Access to Information Act*, issued on May 5, 2016, the ATSSC waives all fees prescribed by the *Act* and Regulations, other than the \$5 application fee in paragraph 7(1)(a) of the Regulations. No requests necessitated a fee waiver during this reporting period.

During the reporting period, of the 45 requests received, the ATSSC collected the \$5 application fee in 13 cases. This represents a total revenue of \$65. Additionally, application fees were waived for 32 requests. The total operating cost for the ATSSC's ATIP Office during this fiscal year was \$141,916.

Training Activities

To increase the knowledge and understanding of the *Act* across the ATSSC, training and awareness sessions were delivered by the ATIP Office. These sessions provided general information on the purpose and provisions of the *Act*, as well as the roles and responsibilities of employees and the ATIP Office.

Ongoing briefings occurred on an ad-hoc basis with our liaison officers. The liaison officers assist the ATIP Office in producing the requested records and providing insight into the subject matter of the requests.

During the reporting period, the ATIP Office delivered one awareness session and one open-house event to ATSSC employees. Approximately 50 individuals participated in these information activities which represents approximately ten percent of ATSSC employees.

Policies, Guidelines and Procedures

The ATSSC is guided by the Treasury Board of Canada Secretariat (TBS) suite of access to information policy and guidance instruments. During this reporting period, the ATSSC did not implement any new or revised institution-specific policies, guidelines or procedures.

Complaints

This reporting period, no complaints were filed with the Office of the Information Commissioner of Canada (OIC) against the ATSSC regarding the processing of access to information requests.

The OIC completed its investigation into one existing complaint against the ATSSC. In this case, the complainant alleged that the ATSSC failed to provide all responsive records. The OIC's finding concluded that the complaint was well-founded. At the end of the fiscal year, three complaints were ongoing.

Monitoring

The monitoring of access to information requests was conducted through the case management system containing all relevant and necessary information to ensure compliance with the legislated requirements and reporting obligations. The system was updated as new requests were received or the status of a file was changed. Weekly meetings between the ATIP Manager and the ATIP analyst as well as meetings between the ATIP Manager and the Director, Planning and Communications to discuss workload and priorities also assisted the ATSSC in meeting its statutory obligations.