



Treasury Board of Canada
Secrétariat

Secrétariat du Conseil du Trésor
du Canada

Canada

Annual Report on the Access to Information Act 2019 to 2020



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Table of contents

1. Introduction.....	1
2. Mandate of the Treasury Board of Canada Secretariat.....	1
3. Organizational Structure	2
4. Delegation Order	3
5. Performance 2019 to 2020	3
6. Other requests	5
7. Disposition of completed requests	7
8. Completion time and extensions.....	8
9. Exemptions invoked	10
10. Exclusions invoked	10
11. Impact to ATIP operations as a result of the COVID-19 pandemic	11
12. Reporting on Access to Information fees for the purposes of the <i>Service Fees Act</i>	12
13. Costs	12
14. Training and Awareness	12
15. Policies, Guidelines, Procedures and Initiatives	13
16. Summary of Key Issues and Actions taken on Complaints or Audits	14
17. Monitoring Compliance.....	15
18. Information about programs and information holdings	15
Appendix A: Statistical Report on the <i>Access to Information Act</i>	17
2019–2020 Supplemental Statistical Report – Requests affected by COVID-19 measures	29
Appendix B: Delegation Order	31
Endnotes	32

1. Introduction

The *Access to Information Act* (Revised Statutes of Canada, Chapter A-1, 1985) was proclaimed on July 1, 1983.

The *Access to Information Act*ⁱ gives Canadian citizens, permanent residents, and all individuals and corporations present in Canada the right of access to records under the control of a government institution subject to the Act. The Act complements, but does not replace, other means of obtaining government information.

Section 94 of the *Access to Information Act* requires that the head of every government institution prepare, for submission to Parliament, an annual report on the administration of the Act within the institution during each financial year.

Section 20 of the *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by institutions.

This report is prepared and tabled in Parliament in accordance with section 94 of the *Access to Information Act* and section 20 of the *Service Fees Act*. It covers the period from April 1, 2019 to March 31, 2020.

2. Mandate of the Treasury Board of Canada Secretariat

As the administrative arm of the Treasury Board, the Secretariat has a dual mandate: to support the Treasury Board as a committee of ministers and to fulfill the statutory responsibilities of a central government agency. The Treasury Board's mandate is derived from the *Financial Administration Act*.

To fulfill its mandate, the Secretariat organizes its business and resources around 4 core responsibilities:

- ▶ Spending Oversight
- ▶ Administrative Leadership
- ▶ Employer
- ▶ Regulatory Oversight

The Secretariat is tasked with providing advice and support to Treasury Board ministers in their role of ensuring value-for-money, as well as providing oversight of the financial management functions in departments and agencies.

The Secretariat makes recommendations and provides advice to the Treasury Board on policies, directives, regulations, and program expenditure proposals with respect to the management of the government's resources. Its responsibilities for the general management of the government affect initiatives, issues, and activities that cut across all policy sectors managed by federal departments and organizational entities (as reported in the Main Estimates). The Secretariat is also responsible for the comptrollership function of government.

Within the Secretariat, the Comptroller General of Canada provides government-wide leadership, direction, oversight and capacity building for financial management, internal audit and the management of assets and acquired services. The Chief Human Resources Officer provides government-wide leadership on people management through policies, programs and strategic engagements, and by centrally managing labour relations, compensation, pensions and benefits, and contributing to the management of executives. The Chief Information Officer provides government-wide leadership, direction, oversight and capacity building for information management, information technology, government security (including identity management), access to information, privacy, and internal and external service delivery.

3. Organizational Structure

The Access to Information and Privacy (ATIP) office is part of the Ministerial Services Division of the Secretariat's Strategic Communications and Ministerial Affairs Sector. This office is responsible for implementing and managing programs and services relating to the Secretariat's administration of the *Access to Information Act* and the *Privacy Act*, as well as providing advice to Secretariat employees as they fulfill their obligations under both acts.

In fiscal year 2019 to 2020, the ATIP office team was comprised of 20 employees, all of whom are dedicated to processing access and privacy requests, as well as related functions. The team consisted of a director supported by 3 managers and 16 advisors at various levels. Additionally, three part-time university students provided administrative and analytical functions throughout the year. A consultant was hired near the end of the fiscal year to assist with the backlog of older complex operational files. There were two categories of responsibility, which included the following key activities:

Operations (13 officers, 1 consultant and 3 part-time students)

- ▶ Received and coordinated the processing of ATIP requests using a Case Management system via an intake unit
- ▶ Processed access to information and privacy requests
- ▶ Carried out consultations with government organizations or third parties
- ▶ Provided advice and review of proactive disclosures and guidance on C-58 requirements



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- ▶ Responded to calls and informal requests for information
 - ▶ Provided training and expertise on access to information to internal clients
 - ▶ Acted as the point of contact to resolve formal complaints by oversight bodies
 - ▶ Maintained dialogue with sectors and other federal government institutions
 - ▶ Prepared the Secretariat's annual reports to Parliament on the administration of the Acts

ATIP Policy and Processes (6 officers)

- ▶ Provided expertise on privacy policy to internal clients
- ▶ Produced privacy awareness and training program material
- ▶ Coordinated and reviewed updates to the Secretariat's Info Source chapter
- ▶ Oversaw day-to-day issues management
- ▶ Provided advice and review of proactive disclosures and guidance on C-58 requirements
- ▶ Developed procedures to optimize operations performance

Section 96 of the *Access to Information Act* allows government institutions to provide services related to access to information to another government institution that is presided over by the same minister. In fiscal year 2019 to 2020, the ATIP office did not provide any such services.

4. Delegation Order

Delegation orders set out what powers, duties and functions for the administration of the *Access to Information Act* have been delegated by the head of the institution, and to whom.

The President has delegated most of the responsibilities set out in the *Access to Information Act* to the following Secretariat officials: the Secretary of the Treasury Board, the Assistant Secretary of Strategic Communications and Ministerial Affairs, the Senior Director of Ministerial Services, and the Director of ATIP.

A copy of the approved Secretariat Delegation Order can be found in [Appendix B](#).

5. Performance 2019 to 2020

Statistical reporting on the administration of the *Access to Information Act* and the *Privacy Act* has been in place since 1983. The statistical reports prepared by government institutions provide aggregate data on the application of the *Access to Information Act* and *Privacy Act* legislation. This information is made public on an annual basis in a [Statistical Information Bulletin](#)ⁱⁱ and is included with the annual reports on access to information and privacy tabled in Parliament by each institution.



The Secretariat's statistical report on the *Access to Information Act* for fiscal year 2019 to 2020 is provided in [Appendix A](#).

Table 1 presents an overview of fiscal year 2019 to 2020 statistics on the Secretariat's processing of access to information requests in relation to statistics for the 3 previous years.

Table 1. Overview of ATI requests in fiscal year 2019 to 2020

Fiscal year	Requests received	Requests completed	Requests carried forward	Number of pages processed*	Number of pages released	Requests processed over 100 pages**	On-time compliance rate***
2019 to 2020	380	420	154	15,039,174	21,533	16,966 (74)	90.7%
2018 to 2019	564	518	196****	46,241	33,125	28,140 (77)	97%
2017 to 2018	574	557	150	75,958	49,753	44,975 (116)	93%
2016 to 2017	534	523	133	57,046	32,085	26,922 (82)	96%

* This figure includes all submitted and processed pages, not only pages directly relevant to the request.

** These figures represent the total number of pages for all requests in excess of 100 pages and the number of requests with more than 100 pages.

*** Rates include all extensions taken in accordance with sub-paragraphs 9(1)(a), (b) and (c) of the *Access to Information Act*.

**** Two of the 196 carried forward from last fiscal year were closed as informal requests during this reporting period and account for the difference in reported numbers.

In the reporting period from April 1, 2019 to March 31, 2020, the Secretariat received a total of 380 new requests under the *Access to Information Act*. This represents a decrease of 184 requests (33%) from last year's total of 564. In addition to the new requests, 196 incomplete requests were carried forward from fiscal year 2018 to 2019.

The Secretariat successfully completed 420 requests during the 2019 to 2020 reporting period. Although this represents 23% less compared to the previous reporting period, it corresponds to the 33% decrease in new requests. In light of the decrease in receipt of requests, the ATIP office was able to close 96 requests of the 196 carried forward.

The Secretariat reviewed 15,039,174 pages responsive to requests, a significant increase from last year. This significant increase in pages reviewed is due to the collection of relevant documents in response to three ATIP requests pertaining to audits conducted within the office of the Comptroller General of Canada. These pages were exempted from disclosure pursuant to Section 22.1 – Internal Audits.



Of the 380 requests received during the 2019 to 2020 reporting period, 210 (55%) were from the media, 73 (19%) were from the public, 47 (12%) were from businesses, 26 (7%) were from individuals who declined to identify themselves, 15 (4%) were from academia and 9 (2%) were from organizations.

Of the 420 requests completed, 67 requests (16%) were requests for which the Secretariat had no records and 30 requests (7%) were abandoned by the applicant. Compared to the previous year where we experienced a 44% decrease in the receipt of misdirected requests, during this fiscal year 2019 to 2020, the Treasury Board Secretariat did not receive any misdirected requests that required to be transferred. In our opinion, this continues to be attributed to more institutions participating in the ATIP Online Request service.

Of the remaining 323 requests completed, a total of 302 requests (93%) were fully or partially disclosed. Records were sought and provided on paper in 16 cases and in electronic format in 286 cases. The ATIP office continues to strive to increase the number of requests being provided in electronic format.

A total of 74 requests involved the review and processing of more than 100 pages (3 fewer than the previous year) and resulted in a total of 16,966 pages processed. Processing of large files takes significantly longer given complexity and volume.

The number of requests carried forward within the Treasury Board of Canada Secretariat has decreased from 196 requests in fiscal year 2018 to 2019 to 154 requests in fiscal year 2019 to 2020. Last fiscal year 2018 to 2019 witnessed the largest number of requests carried forward relative to the previous reporting periods and this fiscal year.

The ATIP office was successful in achieving a 90.7% on-time compliance rate despite significant staff turnover experienced throughout the year. While the ATIP office partially addressed vacancies over the course of the reporting period, continuous staffing activities continue to be a significant operational challenge for the Secretariat.

6. Other requests

During the reporting period, the Secretariat received 381 access to information consultation requests from other federal institutions involving Secretariat records or issues, which is an increase of 80 requests (36%) from the previous year. A significant portion of this increase, 22 requests (8%), was a result of the Privy Council Office's archival review process prior to transferring documents to Library and Archives Canada.



The Secretariat was asked to review a total of 12,042 pages of information as part of these consultations, which is an increase of 39.7% from last year's total of 8,616 pages.

The ATIP office processed 213 informal requests (not subject to the *Access to Information Act*) compared to last year's total of 232. Informal requests are processed as part of the Secretariat's broader objective of providing Canadians with relevant information on an informal and timely basis, and in the spirit of transparency and open government. In fiscal year 2019 to 2020, a total of 24,465 pages were released informally compared to 22,151 pages the previous year, representing an increase of 9.5%.

C58:

The royal assent of Bill C-58 on June 21, 2019 introduced new proactive publication requirements for institutions within the *Access to Information Act*. In order to ensure that the Secretariat is compliant with these new requirements, the ATIP office established the C-58 Implementation Team to be responsible for leading the publication of certain requirements, conducting ATIP reviews prior to publications, establishing publication procedures, and developing training and outreach programs to advise Treasury Board Secretariat officials of their responsibilities.

During the reporting period, the ATIP office published, within legislated deadlines, Monthly List of Briefing Titles addressed to the President of the Treasury Board, the Minister of Digital Government, the Secretary of the Treasury Board, the Comptroller General of Canada, the Chief Human Resources Officer of Canada, the Chief Information Officer of Canada and the Deputy Minister for Public Service Accessibility. The Secretariat had been proactively publishing briefing notes for the President and the Secretary since March of 2017.

In support of the President of the Treasury Board and the Minister of Digital Government, the ATIP office was also responsible for leading and publishing the package of briefing materials prepared for their appointment of November 20, 2019. Additionally, the ATIP office also published the Question Period Notes for each minister within the two legislated deadlines prescribed in the *Access to Information Act*.

While there were no publications for Parliamentary Committee appearance binders during the 2019 to 2020 fiscal year, three proactive publication requests were received and partially processed by the ATIP office during the reporting period with legislated deadlines in the following fiscal year.



In addition to its leadership role for the above publication requirements, the ATIP office also conducted 277 reviews for proactive publication requests relating to Travel and Hospitality for compliance with the *Access to Information Act* and the *Privacy Act* throughout fiscal year 2019 to 2020.

Throughout fiscal year 2019 to 2020, the ATIP office invested significant efforts and provided training to over 320 Secretariat officials with respect to the new proactive publication requirements of the *Access to Information Act*. In addition to promoting maximum openness and transparency in the development of materials subject to proactive disclosure requirements, the ATIP office also developed, in collaboration with Secretariat officials, procedures and guidance to ensure that proactive publication materials adhere to the requirements of the *Official Languages Act*, the *Standard on Web Accessibility*ⁱⁱⁱ and the *Content Style Guide*^{iv}.

Within the context of its training and outreach mandate, the C-58 Implementation Team developed and coordinated an interdepartmental working group with the objective of promoting procedures, guidance, and training materials developed within the Secretariat amongst other institutions.

As in previous years and on over 275 occasions, the ATIP office, acted as a source of expertise for Secretariat officials by providing advice and guidance on the provisions set out in the legislation. The office was further consulted on the collection and disclosure of data on a wide range of subjects, including the review of proactive disclosures of travel and hospitality expense entries on the Open Government website as well as on audit reports to be published.

Throughout the year, the ATIP office continued to receive frequent enquiries from the general public seeking guidance on how to obtain information under the *Access to Information Act* and the *Privacy Act*, and where to forward their requests. Many of these enquiries were redirected to other federal government institutions, and occasionally, to provincial Freedom of Information and Privacy offices.

7. Disposition of completed requests

In fiscal year 2019 to 2020, a total of 420 requests were completed, with information disclosed in accordance with the provisions of the legislation. Table 2 provides an overview of the disposition of the completed requests.

Table 2. Disposition of completed ATI requests in fiscal year 2019 to 2020

Number of requests*	Disposition
91 (22%)	fully disclosed
211 (50%)	partially disclosed
16 (3%)	excluded in entirety
5 (1%)	exempted in entirety
0 (0%)	transferred to another institution
67 (16%)	no records exist
30 (7%)	abandoned by applicant
0 (0%)	neither confirmed nor denied

* Percentages may not add to 100 due to rounding.

A notable proportion of the requests that fell within the Secretariat's mandate were only partially disclosed due to the nature of the Secretariat's business, which involves a significant number of Cabinet confidences and sensitive advice and recommendations to the President of the Treasury Board. Given that the President is responsible for ensuring compliance with the *Access to Information Act* and the *Privacy Act* government-wide, the Secretariat often receives requests that fall within the mandates of other federal departments. Such requests are registered, reviewed and either transferred to the appropriate organization upon their acceptance or closed/abandoned after advising the requester of the appropriate organization. However, during fiscal year 2019 to 2020, the Secretariat did not receive any requests that required to be transferred to another federal department.

8. Completion time and extensions

The legislation sets timelines for responding to access to information requests and allows for extensions when the response requires the review of a large amount of information or consultations with other organizations.

Table 3 provides the response times for the 420 access to information requests that the Secretariat completed in fiscal year 2019 to 2020.



Table 3. Completion time and extensions for ATI requests in fiscal year 2019 to 2020

Number of requests*	Completion time
33 (8%)	1 to 15 days
101 (24%)	16 to 30 days
51 (12%)	31 to 60 days
131 (31%)	61 to 120 days
71 (17%)	121 to 180 days
21 (5%)	181 to 365 days
12 (3%)	more than 365 days

* Percentages have been rounded.

The Secretariat received a number of requests that did not require consultation with other federal institutions, and therefore were able to address these requests within either the first 15 days of receipt or within the legislated 30 days. Requests that were processed after 30 days required consultations with other federal organizations or the Secretariat's Legal Services Division in order to confirm Cabinet confidences. During the reporting period, the Secretariat sought extensions in 309 instances (74%) mainly to consult with other government institutions, legal services, or third parties, but in some cases because the original time limit unreasonably interfered with operations. Overall, of the 420 requests, 381 (90.7%) were completed within the prescribed time limits, including all extensions, which were taken in accordance with sub-paragraphs 9(1)(a), (b) and (c) of the *Access to Information Act*.

This year, the access to information requests received by the Secretariat were often complex and pertained to briefing materials prepared for the President and the Secretary of the Treasury Board, open government initiatives, security, changes proposed to the *Access to Information Act*, statistical information on the Government of Canada's management of human resources and on the Pay Modernization initiative.

Several critical factors contributed to the Secretariat's on-time response rate of 90.7%: weekly statistical performance reports, strong case file management, information sessions with Secretariat officials and sector contacts, and a streamlined process for confirmation of Cabinet confidences and delegation orders. Considering the small decrease in requests received, the office had the opportunity to close out 96 complicated and or voluminous files carried forward from previous years.

9. Exemptions invoked

The *Access to Information Act* allows, and in some instances requires, that information relating to the internal decision-making processes of government, national security, law enforcement or trade secrets be exempted and not released.

In fiscal year 2019 to 2020, the Secretariat invoked a total of 574 exemptions as per specific sections of the *Access to Information Act*. The breakdown of the exemptions is as follows:

- ▶ Section 13: Exempting records obtained in confidence from other levels of government (6)
- ▶ Section 14: Exempting records expected to be injurious to federal-provincial relations (9)
- ▶ Section 15: Exempting records expected to be injurious to the Government of Canada in the conduct of international affairs, and subversive activities and the defence of Canada (27)
- ▶ Section 16: Exempting records containing law enforcement and security information (50)
- ▶ Section 18: Exempting records expected to prejudice the economic interests of Canada (12)
- ▶ Section 19: Exempting records containing personal information (90)
- ▶ Section 20: Exempting records containing third-party business information (55)
- ▶ Section 21: Exempting records containing information related to the internal decision-making processes of government (276)
- ▶ Section 22: Exempting records containing test procedures, tests and audits (6)
- ▶ Section 23: Exempting records related to solicitor-client privilege (37)
- ▶ Section 24: Exempting records where there are statutory prohibitions against disclosure (4)
- ▶ Section 26: Exempting records where information is to be published within 90 days (0)

10. Exclusions invoked

The *Access to Information Act* does not apply to information that is already publicly available, such as government publications and material in libraries and museums. It also excludes material such as Cabinet confidences. Consistent with the Act, exclusions were invoked 274 times:

- ▶ Section 68(a) for information that could be found in the public domain (2)
- ▶ Section 69 for confidences of the Queen's Privy Council for Canada (272)

A large number of Secretariat documents are classified as Cabinet confidences due to the fact that the Secretariat provides administrative support to the Treasury Board, which is a Cabinet committee.



11. Impact to ATIP operations as a result of the COVID-19 pandemic

In response to the exceptional mitigation measures implemented to minimize the effects of COVID-19, the Treasury Board of Canada Secretariat activated its business continuity plan on March 16, 2020 which prioritized limited network capacity to officials identified as performing critical services. Non-critical services, including ATIP, were provided with limited access to the departmental network which had a significant impact on the ability of the ATIP office to meet its obligations under the *Access to Information Act*.

During the period of March 16, 2020 to March 31, 2020, the ATIP office closed 8 requests of which 4 (50%) exceeded legislated deadlines. Prior to the COVID-19 pandemic, from April 1, 2019 to March 13, 2020, the ATIP office closed 413 requests of which 35 (8.5%) exceeded legislated deadlines.

Exacerbating the operational impacts described above and resulting from limited access to the network, the ATIP office was required to simultaneously update its procedures to reflect a new digital environment in order to ensure continuity of operations. The ATIP office engaged with sector officials to advise and establish best practices in completing ATIP searches remotely. Concurrently, the ATIP office also modernized internal procedures to reflect the digital environment and ensure requests are processed efficiently and within legislated deadlines to the extent possible.

Furthermore, consistent with COVID-19 ATIP Implementation notice issued by the Information and Privacy Policy Division of TBS and effective March 20, 2020, the ATIP office engaged with applicants to advise of potential processing delays and to propose options designed to facilitate the provision of records within legislated deadlines.

During the period of March 16, 2020 to March 31, 2020, the ATIP office provided privacy advice and guidance to TBS program officials in the development of two critical initiatives for reporting employee status information: the TBS Employee Status Reporting Application (by the TBS Human Resources Division) and the COVID-19 Tracking System (by the Office of the Chief Human Resources Officer). The two electronic reporting tools were developed in support of the federal government's efforts to ensure the health and safety of public service employees. The Employee Status Reporting application is an internal tool used to collect departmental data to understand the impacts of COVID-19 on TBS's workforce and business continuity plan. The COVID-19 Tracking system is a government-wide tool used to collect departments and agencies' organizational data at the aggregate level to understand how COVID-19 is affecting employees and operational abilities across government. On behalf of TBS program officials, the ATIP office informed the Office of the Privacy Commissioner about these two COVID-related initiatives.

12. 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: \$5

Total revenue: \$1,200

Fees waived: In accordance with the Interim Directive on the Administration of the Access to Information Act, issued on May 5, 2016, and the changes to the Access to Information Act that came into force on June 21, 2019, the Treasury Board of Canada Secretariat waived all fees prescribed by the Act and Regulations, other than the \$5 application fee set out in paragraph 7(1)(a) of the Regulations. Furthermore, the Secretariat also waived \$685 in applications fees set out in paragraph 7(1)(a) of the Regulations.

Cost of operating the program: \$930,684

13. Costs

During fiscal year 2019 to 2020, the ATIP office incurred \$846,832 in salary costs and \$83,852 in other administrative costs (consultants, software licences, office equipment and supplies, training) to administer the *Access to Information Act*.

These costs do not include resources expended by the Secretariat's program areas to meet the requirements of the Act.

14. Training and Awareness

During the 2019 to 2020 fiscal year, the ATIP office continued to expand on its outreach activities and provided several training sessions to departmental employees. Twenty-nine separate sessions were provided to 489 employees on Privacy, Access legislation and on C-58 implementation. Some of these sessions were adapted to the specific needs of divisional teams and sectors within the Secretariat. The ATIP office also engaged with its sector liaison officer network to coordinate larger sector-wide ATIP training sessions and collaborated with the Corporate Services Sector to include privacy training as part of the mandatory introductory training program for new employees. Furthermore, the ATIP office provided two separate training sessions to 50 TBS volunteers for the Government of Canada Workplace Charitable Campaign.



Again, this year, in support of Right to Know Week, the ATIP office held an open-door session to showcase its services, promote sound information management practices, and answer questions about the access to information process at TBS.

In addition, to mark Data Privacy Day, the ATIP office promoted the importance of sound privacy management practices and the shared responsibility of employees for safeguarding personal information in their day-to-day activities. The ATIP office co-lead the coordination of a privacy kiosk with colleagues in the Office of the Chief Information Officer, where employees were engaged in challenging their knowledge of privacy practices.

15. Policies, Guidelines, Procedures and Initiatives

During the 2019 to 2020 reporting period, the ATIP office regularly developed and maintained internal procedures and guidelines within its operational unit and with stakeholders in the institution. These initiatives were in keeping with a continued approach to streamlining its operational processes and to ensure that Treasury Board ATIP policies are respected and implemented.

The ATIP office's privacy policy unit continued to provide ongoing support to Secretariat programs on open government initiatives, including increased engagement with Canadians and with industry stakeholders.

Over the course of the fiscal year, there has been a notable increase in internal requests from TBS program officials for privacy-related advice and guidance. The upward trend can be attributed to the number of new and forward-looking program initiatives involving the potential collection, use and disclosure of personal information, the growing interest in the use of cloud technologies, and the increase in government-wide employee engagement and public outreach activities. This year, the ATIP office continued to support TBS program officials in ensuring compliance with privacy legislation and policy requirements by developing new tools for TBS's internal Privacy Management Framework.

In September 2017, the ATIP office approached the Secretariat's Internal Audit and Evaluation Bureau to undertake a department-wide privacy audit and evaluation in order to assess the soundness and effectiveness of privacy practices at the Secretariat. The ATIP office developed a Management Response Action Plan and has since actioned many of the recommendations as per the audit. Over the course of the reporting period, internal capacity was expanded with the hiring of two new program analysts to support the increasing workload specific to *Privacy Activities*.

Finally, in order to ensure continued compliance with the acts and related policies, the ATIP office disseminated a variety of tools and checklists and held face-to-face meetings with program officials to ensure compliance with relevant policy and legislative requirements.

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

Requesters are entitled to file a complaint with the Office of the Information Commissioner of Canada regarding the processing of their requests.

Clients of the Secretariat filed 16 new complaints with the Information Commissioner in fiscal year 2019 to 2020.

Type of complaints	Number of complaints
Time limits	2
Delay: Deemed Refusal	1
Refusal: exemptions	2
Refusal: exclusion	2
Refusal: missing records	6
Miscellaneous	3
Total	16

The reasons for the new complaints were as follows:

- ▶ Three complaints pertained to time limits (extensions taken or time taken to respond to requests).
- ▶ Ten complaints related to the refusal of records (invoking exemption and/or exclusion of information and allegations of missing records).
- ▶ Of the 16 complaint investigations received in the 2019 to 2020 fiscal year, 5 were closed within the same reporting period: 3 were resolved, 1 was well founded, and 1 was not-well founded. The remaining 11 complaints were still under investigation at the end of the reporting period.



Closed complaints by the Office of Information Commissioner in fiscal year 2019 to 2020.

Disposition of complaints	Number of findings	Type of Complaint
Not well-founded	7	Miscellaneous: 1 No Records: 1 Exemptions\Exclusions: 5
Discontinued	3	Exemptions/Exclusions: 2 Time Extension: 1
Well Founded	4	Delay: 1 Exemptions/Exclusions: 1 Time Extension: 2
Resolved	3	Processing: 3
Total	17	

The Office of the Information Commissioner issued findings on a total of 17 complaint investigations during the reporting period.

The nature of most of these complaints and their findings were related to the refusal of records (invoking exemption and/or exclusion of information, allegations of missing records), delay and time extensions taken.

There were no new court cases in fiscal year 2019 to 2020. There have been no court cases against the Secretariat in relation to the *Access to Information Act* or the *Privacy Act* since 2004.

17. Monitoring Compliance

The ATIP office distributes weekly compliance statistics that are shared with the program areas and senior management for all access to information requests.

18. Information about programs and information holdings

TBS publishes an inventory of its information holdings, as well as relevant details about personal information under their control.

The primary purpose of this publication containing information about, and collected by, the Government of Canada, is to assist individuals in exercising their rights under the *Access to Information Act* and the *Privacy Act*. It also supports the federal government's commitment to facilitate access to information regarding its activities. All these [publications](#)^v are available to the public on the Internet, free of charge.



A description of the Secretariat's functions, programs, activities and related information holdings can be found in [Treasury Board Secretariat - Sources of Federal Government and Employee Information \(Info Source\)](#)^{vi}.

As part of the annual update of the TBS Sources of Federal Government and Employee Information (formerly called Info Source), the ATIP office updated its publication on TBS information holdings based on feedback provided by program sectors during their last annual review. In the coming year, the ATIP office will be working with programs throughout the Secretariat to update the publication to reflect the current Departmental Results Framework structure.



Appendix A: Statistical Report on the *Access to Information Act*

Name of institution: Treasury Board of Canada Secretariat

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	380
Outstanding from previous reporting period	194
Total	574
Closed during reporting period	420
Carried over to next reporting period	154

1.2 Sources of requests

Source	Number of requests
Media	210
Academia	15
Business (private sector)	47
Organization	9
Public	73
Decline to Identify	26
Total	380

1.3 Informal 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
110	54	29	12	1	6	1	213

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	4	24	21	33	6	1	2	91
Disclosed in part	2	12	20	92	58	18	9	211
All exempted	0	4	0	1	0	0	0	5
All excluded	0	0	3	5	7	0	1	16
No records exist	9	53	5	0	0	0	0	67
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	18	8	2	0	0	2	0	30
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	33	101	51	131	71	21	12	420



3.2 Exemptions

Section	Number of requests
13(1)(a)	1
13(1)(b)	0
13(1)(c)	5
13(1)(d)	0
13(1)(e)	0
14	4
14(a)	5
14(b)	0
15(1)	4
15(1) - International Affairs	13
15(1) - Defence of Canada	10
15(1) - Subversive Activities	0
16(1)(a)(i)	0
16(1)(a)(ii)	0
16(1)(a)(iii)	0
16(1)(b)	0
16(1)(c)	2
16(1)(d)	1
16(2)	12
16(2)(a)	0
16(2)(b)	0
16(2)(c)	35
16(3)	0
16.1(1)(a)	0
16.1(1)(b)	0
16.1(1)(c)	0
16.1(1)(d)	0
16.2(1)	0
16.3	0
16.4(1)(a)	0

Section	Number of requests
16.4(1)(b)	0
16.5	0
17	0
18(a)	1
18(b)	9
18(c)	0
18(d)	2
18.1(1)(a)	0
18.1(1)(b)	0
18.1(1)(c)	0
18.1(1)(d)	0
19(1)	90
20(1)(a)	0
20(1)(b)	28
20(1)(b.1)	0
20(1)(c)	22
20(1)(d)	5
20.1	0
20.2	0
20.4	0
21(1)(a)	108
21(1)(b)	121
21(1)(c)	28
21(1)(d)	19
22	1
22.1(1)	5
23	37
24(1)	4
26	0



3.3 Exclusions

Section	Number of requests
68(a)	1
68(b)	0
68(c)	0
68.1	1
68.2(a)	0
68.2(b)	0
69(1)	1
69(1)(a)	21
69(1)(b)	1
69(1)(c)	9
69(1)(d)	8
69(1)(e)	17
69(1)(f)	1
69(1)(g) re (a)	80
69(1)(g) re (b)	0
69(1)(g) re (c)	73
69(1)(g) re (d)	22
69(1)(g) re (e)	26
69(1)(g) re (f)	13
69.1(1)	0

3.4 Format of information released

Disposition	Paper	Electronic	Other formats
Total	16	285	1

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of pages processed	Number of pages disclosed	Number of requests
15039174	21533	353

Note: The high volume of pages processed is due to the processing of three requests for voluminous audit files. Records for those three requests were not disclosed pursuant to Section 22.1 – Internal Audits



3.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages processed		101 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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	83	1464	5	1005	0	0	3	5385	0	0
Disclosed in part	155	3075	46	6281	4	1518	6	2705	0	0
All exempted	1	0	0	0	1	0	0	0	3	0
All excluded	12	0	3	0	1	0	0	0	0	0
Request abandoned	28	28	1	0	0	0	1	72	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	279	4567	55	7286	6	1518	0	8162	3	0

3.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	467	0	2	0	48
Disclosed in part	147	0	2	0	149
All exempted	1	0	0	0	1
All excluded	16	0	1	0	17
Request abandoned	2	0	0	0	2
Neither confirmed nor denied	0	0	0	0	0
Total	212	0	5	0	217



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	381
Percentage of requests closed within legislated timelines (%)	90.7

3.7 Deemed refusals

3.7.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal reason			
	Workload	External consultation	Internal consultation	Other
39	15	20	0	4

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

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	2	9	11
16 to 30 days	1	3	4
31 to 60 days	0	2	2
61 to 120 days	2	3	5
121 to 180 days	0	4	4
181 to 365 days	0	8	8
More than 365 days	1	4	5
Total	6	33	39

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	21	3	36	3
Disclosed in part	26	73	119	4
All exempted	1	0	1	0
All excluded	1	15	3	0
No records exist	0	0	0	0
Request abandoned	0	2	1	0
Total	49	93	160	7

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	0	1	10	0
31 to 60 days	8	4	11	1
61 to 120 days	37	26	61	5
121 to 180 days	4	47	48	1
181 to 365 days	0	11	18	0
365 days or more	0	4	12	0
Total	49	93	160	7

Section 5: Fees

Fee type	Fee collected		Fee waived or refunded	
	Number of requests	Amount	Number of requests	Amount
Application	240	\$1,200	137	\$685
Other fees	0	\$0	0	\$0
Total	240	\$1,200	137	\$685



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	381	12276	0	0
Outstanding from the previous reporting period	50	1564	0	0
Total	431	13840	0	0
Closed during the reporting period	385	12233	0	0
Pending at the end of the reporting period	46	1607	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	37	94	86	42	0	3	0	262
Disclose in part	4	25	46	15	1	0	0	91
Exempt entirely	1	0	0	0	0	0	0	1
Exclude entirely	1	3	0	0	0	0	0	4
Consult other institution	1	0	0	0	0	0	0	1
Other	5	0	8	11	0	1	1	26
Total	49	122	140	68	1	4	1	385

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	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	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 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	1	44	0	0	0	0	0	0	0	0
31 to 60	4	13	0	0	0	0	0	0	0	0
61 to 120	23	301	1	204	0	0	0	0	0	0
121 to 180	40	673	4	630	0	0	0	0	0	0
181 to 365	10	305	1	179	2	1517	1	1477	0	0
More than 365	4	64	5	1422	1	933	1	1274	0	0
Total	82	1400	11	2435	3	2450	2	2751	0	0



7.2 Requests with Privy Council Office

Number of days	Fewer than 100 pages processed		101 to 500 pages processed		501 to 1,000 pages processed		1,001 to 5,000 pages processed		More than 5,000 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
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

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
16	3	9	14	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	\$846,832
Overtime	\$0
Goods and Services	\$83,852
Professional services contracts	\$28,118
Other	\$55,734
Total	\$930,684

10.2 Human Resources

Resources	Person years dedicated to <i>Access to Information Activities</i>
Full-time employees	13.00
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.65
Students	3.00
Total	16.65



2019–2020 Supplemental Statistical Report – Requests affected by COVID-19 measures

In addition to completing the forms for the statistical reports on the *Access to Information Act* and the *Privacy Act* for 2019 to 2020, institutions are asked to complete this supplemental report to help identify the impact of COVID-19 measures on institutional performance for 2019 to 2020 and going forward. The data requirements are set out in the tables below.

Supplemental Statistical Report on the *Access to Information Act*

The following table reports the total number of formal requests received during two periods: 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 1 – Requests Received

	Number of requests
Received from 2019-04-01 to 2020-03-13	375
Received from 2020-03-14 to 2020-03-31	5
Total	380

The following table reports the total number of requests closed within the legislated timelines and the number of closed requests that were deemed refusals during two periods: 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 2 – Requests Closed

	Number of requests closed within the legislated timelines	Number of requests closed past the legislated timelines
Received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting periods	381	39
Received from 2020-03-14 to 2020-03-31	0	0
Total	381	39

The following table reports the total number of requests carried over during two periods: 2019-04-01 to 2020-03-13 and 2020-03-14 to 2020-03-31.

Table 3 – Requests Carried Over

	Number of requests
Requests received from 2019-04-01 to 2020-03-13 and outstanding from previous reporting period that were carried over to the 2020-2021 reporting period	149
Requests received from 2020-03-14 to 2020-03-31 that were carried over to the 2020 to 2021 reporting period	5
Total	154



Appendix B: Delegation Order

I, undersigned, President of the Treasury Board, pursuant to section 95 of the *Access to Information Act*, hereby designate the ATIP advisors, the Access to Information and Privacy Team Leader, the Access to Information and Privacy Manager, the Access to Information and Privacy Director, the Senior Director of Ministerial Services, the Assistant Secretary, Strategic Communications and Ministerial Affairs, and the Secretary, or persons occupying those positions on an acting basis, to exercise signing authorities or perform any of the President's powers, duties or functions as head of institution that are specified in the attached Schedule A. This designation replaces all previous delegation orders.

Original signed by

The Honourable Jean-Yves Duclos
President of the Treasury Board
Date: 2019-12-13

Schedule A - Sections of the *Access to Information Act* to be delegated

Position	Powers, Duties or Functions
Secretary	Full authority
Assistant Secretary, Strategic Communications and Ministerial Affairs	Full authority
Senior Director, Ministerial Services	Full authority except: Paragraph: 35(2)(b) Subsection: 37(1)
Director, Access to Information and Privacy	Full authority except: Paragraph: 35(2)(b) Subsection: 37(1)
Manager, Access to Information and Privacy	Sections: 7, 9, 19, 23
Team Leader, Access to Information and Privacy	Paragraph: 7(a) Section: 9
Access to Information and Privacy Officers	Paragraph: 7(a)

Endnotes

- i. *Access to Information Act*, <http://laws-lois.justice.gc.ca/eng/acts/A-1/FullText.html>
- ii. Statistical Information Bulletin, <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/statistics-atip.html>
- iii. *Standard on Web Accessibility*, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=23601>
- iv. *Content Style Guide*, <https://www.canada.ca/en/treasury-board-secretariat/services/government-communications/canada-content-style-guide.html>
- v. Information about programs and information holdings, <http://www.infosource.gc.ca/index-eng.asp>
- vi. Treasury Board Secretariat - Sources of Federal Government and Employee Information (Info Source), <https://www.canada.ca/en/treasury-board-secretariat/corporate/transparency/treasury-board-secretariat-sources-federal-government-employee-information-info-source.html>

