



**ANNUAL
REPORT 2016
TO PARLIAMENT
VIA RAIL CANADA**

ADMINISTRATION OF THE
ACCESS TO INFORMATION ACT

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1. INTRODUCTION

According to the *Federal Accountability Act* effective September 1, 2007, VIA Rail Canada Inc. ("VIA Rail") is subject to the legal requirements of the *Access to Information Act* ("ATIA").

The ATIA provides a right of access to records under the control of VIA Rail in accordance with the following principles: 1) government information should be available to the public, 2) necessary exceptions to the right of access should be specific and limited, and 3) decisions on the disclosure of government information may be reviewed independently by the courts.

This annual report is tabled in Parliament according to section 72 of the ATIA and covers the period from April 1, 2016 to March 31, 2017.

2. INSTITUTION

VIA Rail operates Canada's national passenger rail service on behalf of the Government of Canada. An independent Crown corporation established in 1977, VIA Rail provides a safe, cost-effective and environmentally responsible service from coast to coast in both official languages. The Corporation operates close to 494 train departures weekly on a 12,500 kilometers network, connecting over 400 Canadian communities. With approximately 2,700 active employees, VIA Rail carried 3.97 million passengers in 2016.

VIA Rail's Services

Inter-city Travel (The Corridor)

In the densely populated Corridor between Québec City, QC and Windsor, ON, more than 390 trains per week provide downtown-to-downtown travel between major urban centres, suburban centres and communities. These trains carry more than 90 percent of the Corporation's total ridership.

Long-distance Travel and Tourism

In Western and Eastern Canada, VIA Rail's trains attract travellers from around the world and support Canada's tourism industry. The *Canadian*, VIA Rail's Western transcontinental train, provides service between Vancouver and Toronto. In Eastern Canada, The *Ocean* runs between Montreal and Halifax.

Mandatory Services

VIA Rail provides a passenger service in several rural and remote regions of Canada. Mandated by the Government of Canada to meet essential

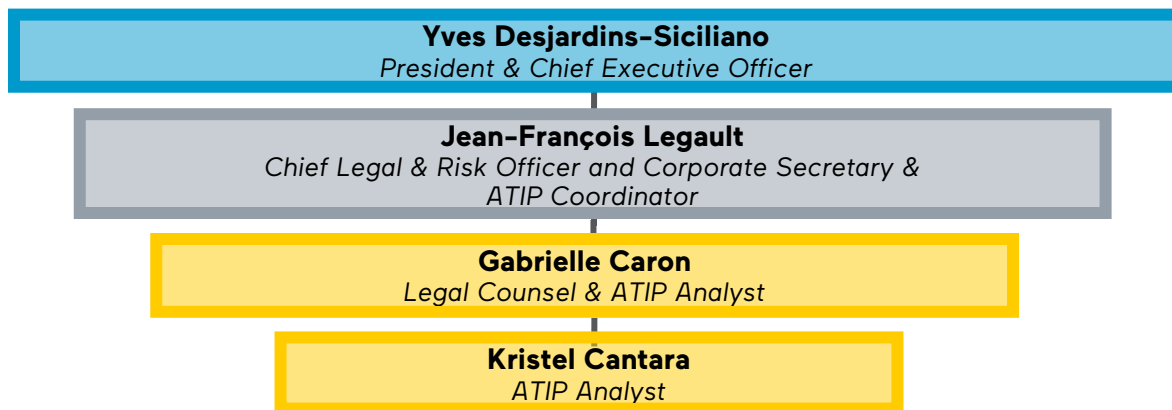
transportation needs, these trains serve many communities where alternative, year-round transportation is limited or unavailable.

3. VIA RAIL'S ACCESS TO INFORMATION AND PRIVACY ("ATIP") UNIT

VIA Rail's ATIP unit was created in 2007. Since June 1, 2010, ATIP falls under the responsibility of VIA Rail's ATIP Coordinator, who is also the Corporation's Chief Legal & Risk Officer and Corporate Secretary.

This person is responsible for interpreting and applying the statutory and policy requirements as they relate to the public's right of access to VIA Rail's records under the *ATIA* and to personal information under the *Privacy Act*. In more complex cases, the Coordinator makes recommendations to senior management on the disclosure of information. The Coordinator's area of responsibility includes administering the process by which access to information and personal information requests are received and responded to, in compliance with the applicable statutory and policy requirements. It is to be noted that significant parts of these responsibilities are likely to be exercised by or in collaboration with the ATIP Analysts.

The organizational structure of VIA Rail's ATIP unit effective from April 1st, 2016 to March 31, 2017, is as follows:



4. DELEGATION ORDER

Pursuant to section 73 of the *ATIA*, VIA Rail's President and Chief Executive Officer has delegated the totality of his functions as they relate to the administration of the *ATIA* within VIA Rail, to the Corporation's ATIP Coordinator and ATIP Analysts.

The delegation order is attached as Appendix 1.

5. INTERPRETATION OF THE STATISTICAL REPORT

The completed statistical report for 2016 is attached as Appendix 2.

Requests:

VIA Rail received thirty-nine (39) access to information requests and ten (10) consultations from other government institutions between April 1, 2016 and March 31, 2017. Of these thirty-nine (39) formal requests, fifteen (15) requests are being carried forward into the next reporting period.

Only one (1) request was carried over from the previous reporting period (April 1, 2015 to March 31, 2016). Said request was closed during this reporting period.

Types of requests:

Of the thirty-nine (39) access to information requests received during this reporting period, 13% originated from the media, 10% from academia, 15% from businesses (private sector), 8% from organizations, 51% from the public and 3% from individuals who refused to identify.

Completion time:

VIA Rail's completion time for requests closed during this reporting period is thirty-nine (39) days, compared with the legislative requirement of 30 days.

Informal requests:

Only one (1) informal request was received during the reporting period. Said request was processed in less than thirty (30) days.

Fees:

In 2016, net fees of \$85 were collected. VIA Rail waived fees in the amount of \$40 representing the \$5 applicable fee required to process each individual access to information request that was not processed or for which the information was protected.

Costs:

The total costs incurred by the ATIP unit regarding access to information were \$101,095. This amount includes \$66,560 in salary, \$33,735 in consultation fees and \$800 for expenditures related to the standard operations of the service. In 2015, the global costs related to access to information were lower

and totaled \$76,630. This may be partly explained by the abundance of complex files handled in 2016.

Human resources:

As for human resources, it has been estimated that 1.35 FTE (full time employee) was dedicated to access to information activities.

MULTI-YEAR TRENDS

		2014-2015	2015-2016	2016-2017
Number of requests by completion time	1 to 15 days	10	6	3
	16 to 30 days	22	18	11
	31 to 60 days	11	12	9
	61 to 120 days	16	2	2
	121 to 180 days	12	5	0
	181 to 365 days	4	2	0

		2014-2015	2015-2016	2016-2017
Number of requests by exemption	s. 14a)	1	0	0
	s. 15a) A.S.	0	4	0
	s.16(1)a)(i)	0	4	0
	s. 16(1)a)(ii)	0	0	1
	s. 16(1)b)	0	4	0
	s. 16(1)c)	0	4	0
	s. 16(2)a)	0	2	0
	s. 16(2)b)	9	0	0
	s. 16(2)c)	0	0	2
	s. 17	0	4	1
	s. 18a)	0	0	3
	s. 18b)	0	7	3
	s. 18d)	0	0	1
	s. 18.1(1)d)	10	20	8
	s. 19(1)	26	12	9
	s. 20(1)a)	3	0	0
	s. 20(1)b)	24	11	2
	s. 20(1)b.1)	4	0	0
	s. 20(1)c)	18	3	3
	s. 20 (1)d)	3	3	3
	s. 21(1)a)	4	3	1
	s. 21(1)b)	3	4	2
	s. 21(1)c)	0	0	2
	s. 23	8	8	1
s.24(1)	0	4	0	

6. EDUCATIONAL AND TRAINING ACTIVITIES

In order to meet the legal requirements of the *ATIA*, VIA Rail produces an access to information report, which is included as part of every VIA Rail annual report as well as the quarterly reports.

7. POLICIES, GUIDELINES AND PROCEDURES

VIA Rail did not implement or review any policies, guidelines or procedures related to access to information during this reporting period.

8. PROACTIVE DISCLOSURE

VIA Rail periodically publishes access to information request summaries on its website as well as on the Government of Canada's portal (open.canada.ca) in accordance with the *Directive on the administration of the ATIA* of the Treasury Board Secretariat of Canada.

9. COMPLAINTS

Two (2) complaints were closed between April 1, 2016 and March 31, 2017.

OIC File 3215-01288

This complaint was filed with the Office of the Information Commissioner in December 2015 and was closed in November 2016. The complainant alleged that VIA Rail had improperly applied exemptions, so as to unjustifiably deny access to records, or portions thereof, requested under the *ATIA*. The complaint was deemed well founded and VIA Rail released the requested information.

OIC File 32156-00042

This complaint was filed with the Office of the Information Commissioner of Canada in April 2016 and was closed in December 2016. The complainant alleged that VIA Rail had improperly applied exemptions, so as to unjustifiably deny access to records, or portions thereof, requested under the *ATIA*. The complaint was deemed not well founded.

Ongoing files

There are currently eight (8) ongoing complaints at the Office of the Information Commissioner of Canada. These complaints are being carried over into the next reporting period.

10. FOLLOW-UP ON APPLICATION OF PROCESSING TIME

VIA Rail analyzes each request as soon as they are received in order to determine the time required for their processing, based on discussions with appropriate information holders, the necessity for consultations with third parties, etc.

Since 2017, requests are processed with the additional assistance of a computer software allowing the ATIP analysts to more effectively process the requests.

APPENDIX 1 – DELEGATION OF AUTHORITY



DELEGATION OF AUTHORITY

DÉLÉGATION DE POUVOIRS

*ACCESS TO INFORMATION ACT
AND PRIVACY ACT*

*LOI SUR L'ACCÈS À L'INFORMATION
ET LOI SUR LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS*

I, the undersigned, President, pursuant to Section 73 of the *Access to Information Act* and Section 73 of the *Privacy Act*, hereby authorize officers and employees of VIA Rail occupying positions identified within the attached appendix to exercise signing authorities or perform any of the President's powers, duties or functions specified therein.

Je, soussigné, Président, conformément à l'article 73 de la *Loi sur l'accès à l'information* et à l'article 73 de la *Loi sur la protection des renseignements*, autorise par la présente les agents et les employés de VIA Rail occupant les postes identifiés dans l'annexe ci-jointe à assumer au nom du Président les pouvoirs de signature ainsi que les attributions, fonctions et pouvoirs qui y sont spécifiés.

Signed at Montreal this June 5, 2017.

Signé à Montréal, ce 5 juin 2017.

A handwritten signature in black ink, appearing to read 'Gilles Duceppe', written in a cursive style.

President and Chief Executive Officer
Président et chef de la direction

**VIA Rail
Delegation of Authority
Under the Access to Information Act**

Subject	Access to Information Act Section	Position / Title	
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts
Notice where access requested	7	●	●
Transfer of request	8(1)	●	●
Extension of Time Limits	9(1)	●	●
Notice of extension to Commissioner	9(2)	●	●
Notice where access refused	10(1)&(2)	●	●
Payment of additional fees	11(2)	●	●
Payment of fees from a machine readable record	11(3)	●	●
Deposit	11(4)	●	●
Notice of fee payment	11(5)	●	●
Waiver or refund of fees	11(6)	●	●
Translation	12(2)	●	●
Access to record in alternate format	12(3)	●	●
Refuse access - Information obtained in confidence from another government	13(1)	●	●
Grant access – information obtained in confidence from another government when disclosure authorized	13(2)	●	●
Refuse access - federal-provincial affairs	14	●	●
Refuse access - international affairs, defence	15(1)	●	●
Refuse access - law enforcement and investigation	16(1)	●	●
Refuse access - security information	16(2)	●	●
Refuse access - policing services for provinces or municipalities	16(3)	●	●
Refuse access - safety of individuals	17	●	●
Refuse access - economic interests of Canada	18	●	●
Refuse access – personal information	19(1)	●	●
Disclose personal information	19(2)	●	●
Refuse access - third party information	20(1)	●	●
Disclose testing methods	20(2)&(3)	●	●
Disclose third party information – if supplier consents	20(5)	●	●
Disclose in public interest	20(6)	●	●
Refuse access - advice etc.	21	●	●
Testing procedure - tests and audits	22	●	●
Refuse access - solicitor-client privilege	23	●	●
Refuse access – Statutory prohibitions against disclosure	24(1)	●	●
Disclose information - Severability	25	●	●
Refuse access - information to be published	26	●	●

**VIA Rail
Delegation of Authority
Under the *Access to Information Act***

Subject	Access to Information Act Section	Position / Title	
		Jean-François Legault Head, Legal Services (ATIP Coordinator)	Gabrielle Caron et Kristel Cantara ATIP Analysts
Notice to third parties	27(1)	●	●
Extension of time limit	27(4)	●	●
Representation of third party and decision	28(1)	●	●
Representation to be made in writing	28(2)	●	●
Disclosure of record	28(4)	●	●
Disclosure on Commissioner's recommendation	29(1)	●	●
Action to take in response to the notice of intention to investigate	32	●	●
Notice to third party	33	●	●
Right to make representations	35(2)	●	●
Findings and recommendations of the Information Commissioner	37(1)(b)	●	●
Access given to complainant	37(4)	●	●
Notice to third parties of court action	43(1)	●	●
Notice to person who requested record	44(2)	●	●
Special rules for hearings	52(2)	●	●
Ex parte representations	52(3)	●	●
Excluded information – Confidences of the Queen's Privacy Council for Canada	69	●	●
Manuals may be inspected by public	71(2)	●	●

APPENDIX 2 – STATISTICAL REPORT



Statistical Report on the Access to Information Act

Name of institution: VIA Rail Canada Inc.

Reporting period: 2016-04-01 to 2017-03-31

Part 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	39
Outstanding from previous reporting period	1
Total	40
Closed during reporting period	25
Carried over to next reporting period	15

1.2 Sources of requests

Source	Number of Requests
Media	5
Academia	4
Business (private sector)	6
Organization	3
Public	20
Decline to Identify	1
Total	39

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	
0	1	0	0	0	0	0	1

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

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	2	2	0	0	0	0	4
Disclosed in part	0	4	5	2	0	0	0	11
All exempted	2	1	1	0	0	0	0	4
All excluded	0	0	0	0	0	0	0	0
No records exist	1	2	0	0	0	0	0	3
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	2	1	0	0	0	0	3
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	3	11	9	2	0	0	0	25

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)	3	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	3	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	2	18(d)	1	21(1)(a)	1
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	2
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	2
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)	8	22	0
15(1)	0	16.1(1)(d)	0	19(1)	9	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)	2	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)	3		
16(1)(a)(ii)	1	16.5	0	20(1)(d)	3		
16(1)(a)(iii)	0	17	1				
16(1)(b)	0						
16(1)(c)	0						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada 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	4	0
Disclosed in part	1	10	0
Total	1	14	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	28	28	4
Disclosed in part	2413	2413	11
All exempted	3162	0	4
All excluded	0	0	0
Request abandoned	0	0	3
Neither confirmed nor denied	0	0	0

2.5.2 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	4	28	0	0	0	0	0	0	0	0
Disclosed in part	7	226	3	468	0	0	1	1719	0	0
All exempted	3	0	0	0	0	0	1	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	3	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	17	254	3	468	0	0	2	1719	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	3	0	0	0	3
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	3	0	0	0	3

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
4	4	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	2	2	4
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	2	2	4

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

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	1	0
Disclosed in part	3	0	2	1
All exempted	1	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	4	0	3	1

3.2 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	2	0	3	1
31 to 60 days	0	0	0	0
61 to 120 days	2	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	4	0	3	1

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	17	\$85	8	\$40
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	17	\$85	8	\$40

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	10	240	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	10	240	0	0
Closed during the reporting period	10	240	0	0
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

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	5	1	0	0	0	0	0	6
Disclose in part	0	2	0	2	0	0	0	4
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	5	3	0	2	0	0	0	10

5.3 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

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 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 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

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 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 35	Section 37	Total
2	5	2	9

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		\$66,560
Overtime		\$0
Goods and Services		\$34,535
• Professional services contracts	\$33,735	
• Other	\$800	
Total		\$101,095

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	1.35
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	1.35

Note: Enter values to two decimal places.