



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Annual Report to Parliament
on the
Access to Information Act

April 1, 2016 to March 31, 2017

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INTRODUCTION

The Office of the Correctional Investigator is pleased to submit to Parliament its Annual Report on the administration of the *Access to Information Act (ATIA)* for the fiscal year commencing on April 1, 2016 and ending March 31, 2017. This report is submitted in accordance with section 72 of the *Act*. This report is tabled in Parliament by the Minister of Public Safety and Emergency Preparedness.

The *Access to Information Act* took effect on July 1, 1983. The *ATIA* gives Canadian citizens, permanent residents and any person and corporation present in Canada a right of access to information contained in government records, subject to certain specific and limited exceptions.

OUR MANDATE

The Office of the Correctional Investigator is mandated by Part III of the *Corrections and Conditional Release Act* as an Ombudsman for federal offenders. The primary function of the Office is to investigate and bring resolution to individual offender complaints. The Office as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

OUR MISSION

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial and timely investigation of individual and systemic concerns. While an independent organization, the Office of the Correctional Investigator is part of the Public Safety and Emergency Preparedness Portfolio.

ACCESS TO INFORMATION ACTIVITIES

The Minister of Public Safety and Emergency Preparedness is the designated head of the institution for the *Access to Information Act*. The Correctional Investigator has been delegated full authority under the *Access to Information Act* by the Minister. Full authority under the *Act* has also been delegated to the Access to Information and Privacy Coordinator. The delegation of authority to administer the *Act* was confirmed by the Minister of Public Safety and Emergency Preparedness on November 30, 2015 (see Appendix B).

While the responsibilities of the ATIP Coordinator are assigned to the Director of Corporate Services and Planning, the actual processing of requests and any associated activities are generally carried out by a consultant. Given the limited number of requests, it is felt that this is the most cost effective utilization of resources and delivery of these activities.

The ATIP Coordinator is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the responsibilities under the *Access to Information Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Act*.

The main activities of the ATIP Coordinator include:

- Processing requests under the *Act*;
- Developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected;
- Promoting awareness of the *Act* to ensure the OCI's responsiveness to the obligations imposed on the government;
- Monitoring the OCI's compliance with the *Act*, regulations and relevant procedures and policies;
- Preparing annual reports to Parliament and other statutory reports, as well as other material that may be required by central agencies;
- Representing the OCI in dealings with the Treasury Board Secretariat, the Information Commissioner and other government agencies regarding the application of the *Act* as they relate to the OCI; and

- Supporting the OCI in meeting its commitments in relation to greater openness and transparency through proactive disclosure of information and the disclosure of information through informal avenues.

During the Reporting Period:

Twenty-one (21) requests were received and one (1) was outstanding from the previous reporting period for a total of twenty-two (22) requests. Nineteen (19) of these requests were disclosed in part, none were released in their entirety, one (1) was exempted in its entirety, none were abandoned, two were transferred and none were carried forward to the next reporting period. All but two (2) requests were processed within the legislative time frame. Extensions were needed for sixteen (16) of the requests. There were no significant issues surrounding these twenty-two (22) requests.

Monitoring, by the ATIP Coordinator, of the time required to process these access requests was completed in preparing the historical trend analysis in this report.

Two (2) formal training sessions were provided during the reporting period, one was a general awareness session and the other was a session on understanding the nuance between a general request and a specific one and the impacts that has on the retrieval of records. Approximately 90% of staff attended the training. All training material is provided to staff, in both official languages, following the session so that those who did not attend have access to it. Moreover, advice, guidance and recommendations were provided by the consultant on an as required basis to Management and staff.

There were no new OCI-specific access related procedures, policies or guidelines implemented.

The OCI received two complaints during the reporting period. The complaints were both found to be “resolved”.

For 2016-17, the costs directly associated with the administration of the *Access to Information Act* are estimated at \$25,965.

Staff	\$4,607
Consultant fees	\$21,358

The associated employee resources for 2016-17 are estimated at 0.50 FTE for administering the *Access to Information Act*.

HISTORICAL TREND ANALYSIS

Over a five year period, from 2012-13 to 2016-17, the OCI received an average of fourteen (14) requests annually; the lowest number of requests received in a reporting period was eight (8) and the highest number of requests received in a reporting period was twenty-one (21). Over the last five years the OCI has maintained a 78.87% completion rate of requests processed between 1-60 days. The average completion time within 30 days was 53% of all requests; and, the average completion time between 30 and 60 days was 26% of all requests.

The Source of the Requests was most often the Public with an average of eight (8) requests followed by the Media with an average of four (4) requests. With regards to the number of pages processed, an average of four thousand and ninety-two (4,092) was recorded; the highest number of pages processed in a reporting period was six thousand one hundred and twenty-two (6,122); the lowest number of pages processed in a reporting period was two thousand two hundred and forty-one (2,241).

The most frequently used exemptions were:

- 19(1): 44%
- 16(1)(d): 16%
- 21(1)(b): 6%
- 23: 6%

A total of thirty-five (35) extensions for consultations were recorded for an average of seven (7) extensions per reporting period; the highest number of extensions in one reporting period was fifteen (15); the lowest number of extensions in one reporting period was four (4).

A total of thirty-seven (37) consultations were received from other government organizations for an average of seven (7) consultations per reporting period.

This baseline data will continue to be used in future years to assess trends, inform ongoing improvement in the processing of ATI requests and implementing corrective measures where necessary.

RAISING THE BAR ON ACCESS FOR FAMILIES

The Office of the Correctional Investigator released a special report on August 2, 2016 entitled, "*In the Dark: An Investigation of Death in Custody Information Sharing and Disclosure Practices in Federal Corrections.*" This investigation examined CSC's information sharing and disclosure practices with family members following a death in custody. The investigation found that families often face a difficult and protracted process to access information following the death of a family member in federal custody.

As part of this investigation, the Office reviewed seven National Board of Investigation Reports processed by CSC's ATIP Branch for the families of offenders who died in custody between 2013 and 2015. The Office's ATIP analyst reviewed the redacted and unredacted reports through both an Access to Information and Privacy lens to examine the exemptions that were applied and the consistency of the information that was released. The analysis found that the processing of the reports was not done consistently and was not transparent. Of biggest concern was the consistent redaction of information in which possible errors, shortfalls or policy non-compliance were noted in the original report. The practice of exempting errors, shortfalls and policy non-compliance leaves little room for public scrutiny, accountability or in fact legal recourse.

There were also numerous instances where redactions within a section of the report completely change the context of the information that is provided. For example, in one NBOI, CSC exempted all information about how the inmate had threatened to kill himself and that these threats had not been shared amongst CSC staff or documented as is required by policy. However, CSC released information that the Psychologist stated that the inmate had denied any suicidal ideation. The redactions in this case lead the reader to believe that the offender was not suicidal and that CSC staff were compliant with law and policy, when in fact this was not the case. It seems especially disingenuous to apply exemptions that change the context or meaning of the information being released.

The investigation concluded that the Service does not presumptively, proactively or fully disclose or share information with families of a deceased inmate. While there is no specific legal requirement for CSC to share any information, there are principles embedded in the legislation (*CCRA*, *CCRR*, the *ATI* and *Privacy Acts*) and reinforced in CSC's own *Mission and Value Statements* that could inform a more compassionate, open and transparent approach. Rather than leaving families in the dark, sharing factual and relevant information regarding the circumstances and events immediately preceding the incident as well as treatment, diagnostic and intervention plans would go a long way to providing families with some important context to situate the incident and help them better cope with their family member's unexpected (or unexplained) death.

A total of nine recommendations were provided to the service as a result of this report, including;

In the interest of transparency and openness, investigative reports (Mortality Reviews and National Board of Investigations) in their entirety should be presumptively and routinely shared, in a timely manner, with next of kin.

I recommend that the Commissioner of Corrections routinely consider releasing information to families of deceased inmates under public interest disclosure provisions of the *Privacy Act*.

CSC agreed with many of the recommendations and has taken steps to better communicate with the families of the deceased. They have agreed to do more to facilitate the disclosure process including training staff so that they are better equipped to provide assistance and support when sharing information with next of kin and they have also created a dedicated team to review NBOIs to ensure consistency and transparency.

APPENDIX A

Statistical Report



Statistical Report on the *Access to Information Act*

Name of institution: Office of the Correctional Investigator

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	21
Outstanding from previous reporting period	1
Total	22
Closed during reporting period	22
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	2
Academia	0
Business (private sector)	3
Organization	2
Public	14
Decline to Identify	0
Total	21

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	
12	0	1	0	1	0	0	14

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	0	0	0	0	0	0	0
Disclosed in part	1	4	9	4	0	1	0	19
All exempted	1	0	0	0	0	0	0	1
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	2	0	0	0	0	0	0	2
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	4	4	9	4	0	1	0	22

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)	1	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	1	16(2)(c)	4	18(d)	0	21(1)(a)	2
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	5
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)	1
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)	17	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	0	23	3
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)	2		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	1				
16(1)(b)	1						
16(1)(c)	4						
16(1)(d)	8						

* 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	0	0
Disclosed in part	19	0	0
Total	19	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	6767	6122	19
All exempted	0	0	1
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

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	0	0	0	0	0	0	0	0	0	0
Disclosed in part	11	264	6	1139	0	0	2	4719	0	0
All exempted	1	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	12	264	6	1139	0	0	2	4719	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	17	0	0	0	17
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	17	0	0	0	17

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
2	1	1	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	1	1
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	1	1
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	2	2

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	0	0
Disclosed in part	2	0	13	1
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	2	0	13	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	10	0
31 to 60 days	0	0	3	1
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	2	0	13	1

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	11	\$55	10	\$50
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	11	\$55	10	\$50

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	4	20	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	4	20	0	0
Closed during the reporting period	4	20	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	4	0	0	0	0	0	0	4
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	4	0	0	0	0	0	0	4

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
1	1	0	2

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		\$4,607
Overtime		\$0
Goods and Services		\$21,358
• Professional services contracts	\$21,358	
• Other	\$0	
Total		\$25,965

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.25
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.25
Students	0.00
Total	0.50

Note: Enter values to two decimal places.

APPENDIX B

Delegation Order

Access to Information Act Delegation Order

Arrêté sur la délégation en vertu de la
Loi sur l'accès à l'information

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 in the schedule hereto to exercise the powers and perform the duties and functions of the Minister as head of a government institution, that is, the Office of the Correctional Investigator, under the sections of the Act set out in the schedule 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 mentionnés à l'annexe ci-après les attributions dont il est, en qualité de responsable d'une institution fédérale, c'est à dire, Bureau de l'enquêteur correctionnel, investi par les articles de la Loi mentionnés en regard de chaque poste.

Schedule

Annexe

Position

Sections of the Access to Information Act and
Regulations

Poste

Articles de la Loi sur l'accès à l'information et
Règlement

Correctional Investigator
Enquêteur correctionnel

Full Authority
Autorité absolue

Executive Director and General Counsel
Directeur exécutif et avocat général

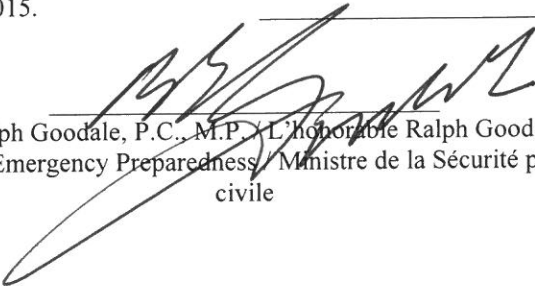
Full Authority
Autorité absolue

Access to Information and Privacy Coordinator
Coordonnateur, accès à l'information et protection
des renseignements personnels

Full Authority
Autorité absolue

Dated at the City of Ottawa this 30th day of
Nov., 2015.

Daté en la ville d'Ottawa ce ____ ième jour de
____, 2015


The Honourable Ralph Goodale, P.C., M.P. / L'honorable Ralph Goodale, C.P., député
Minister of Public Safety and Emergency Preparedness / Ministre de la Sécurité publique et de la Protection
civile